

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
GOVERNING BOARD MEETING**

**A G E N D A
10:00 AM
April 14, 2022**

**John H. Reagan Building, JHR 140
1400 Congress Ave
Austin, Texas 78701**

CALL TO ORDER

ROLL CALL

Leo Vasquez, Chair

CERTIFICATION OF QUORUM

Pledge of Allegiance - I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Texas Allegiance - Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

Resolution Recognizing May as Community Action Month

Resolution recognizing May as National Mobility Awareness Month

CONSENT AGENDA

Items on the Consent Agenda may be removed at the request of any Board member and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion or approval at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Chapter 551 of the Tex. Gov't Code, Texas Open Meetings Act. Action may be taken on any item on this agenda, regardless of how designated.

ITEM 1: APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

EXECUTIVE

- a) Presentation, discussion, and possible action on Board meeting minutes summary for March 10, 2022

Beau Eccles
Board
Secretary

ASSET MANAGEMENT

- b) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application

Rosalio Banuelos
Director of Asset
Management

17405 Bridge at Cameron

Austin

19094 Laurel Vista

Beaumont

BOND FINANCE

- c) Presentation, discussion, and possible action on Inducement Resolution No. 22-018 for Multifamily Housing Revenue Bonds regarding authorization for filing applications for private activity bond authority

Teresa Morales
Director of
Multifamily Bonds

This will be an open, public meeting conducted under Tex. Gov't Code, chapter 551, without COVID-19 emergency waivers. There will not be a remote online or telephone option for public participation. The meeting, however, will be streamed online for public viewing. Masks will be available for members of the public who wish to attend this public meeting.

- d) Presentation, discussion, and possible action on Resolution No. 22-019 regarding the annual approval of the Department's Interest Rate Swap Policy
- e) Presentation, discussion, and possible action on Resolution No. 22-020 regarding the annual approval of the Department's Investment Policy

Heather Hodnett
Manager of Single
Family Finance

RULES

- f) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.1 Reasonable Accommodation Requests to the Department, an order adopting new §1.1 Reasonable Accommodation Requests to the Department, and an order directing their publication for adoption in the Texas Register
- g) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.2 Department Complaint System to the Department, an order adopting new §1.2 Department Complaint Process, and an order directing their publication for adoption in the Texas Register
- h) Presentation, discussion, and possible action on the statutory four-year rule review ordering readoption of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.4, Protest Procedures for Contractors, and directing its publication for readoption in the Texas Register
- i) Presentation, discussion, and possible action on the statutory four-year rule review ordering readoption of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.6, Historically Underutilized Businesses, and directing its publication for readoption in the Texas Register
- j) Presentation, discussion, and possible action on the statutory four-year rule review ordering readoption for 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.12, Negotiated Rulemaking, and directing its publication for readoption in the Texas Register
- k) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.13 Contested Case Hearing Procedures, an order adopting new §1.13 Contested Case Hearing Procedures, and directing their publication for adoption in the Texas Register
- l) Presentation, discussion, and possible action on the statutory four-year rule review ordering readoption of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.17, Alternative Dispute Resolution, and directing its publication for readoption in the Texas Register
- m) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.19 Reallocation of Financial Assistance, an order adopting new §1.19 Reallocation of Financial Assistance, and an order directing their publication for adoption in the Texas Register
- n) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22 Providing Contact Information to the Department, an order adopting new §1.22 Providing Contact Information to the Department, and an order directing their publication for adoption in the Texas Register

Brooke Boston
Deputy Director of
Programs

COMMUNITY AFFAIRS

- o) Presentation, discussion, and possible action on release of the draft 2023 Low Income Home Energy Assistance Program State Plan for public comment

Michael De Young
Director of Community
Affairs

FINANCIAL ADMINISTRATION

- p) Presentation, discussion, and possible action to adopt a resolution regarding designating signature authority and superseding previous resolutions

Joe Guevara
Director of Financial
Administration

CONSENT AGENDA REPORT ITEMS

ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

- a) Media Analysis and Outreach Report (February 2022)
- b) Report on TDHCA One-Time or Temporary Allocations – Pandemic Response and Other Initiatives
- c) Report on the Department’s 2nd Quarter Investment Report relating to funds held under Bond Trust Indentures
- d) Report on the Department’s 2nd Quarter Investment Report in accordance with the Public Funds Investment Act

Michael Lyttle
Director of
External Affairs
Brooke Boston
Deputy Director
of Programs
Heather Hodnett
Manager of Single
Family Finance
Joe Guevara
Director of Financial
Administration

ACTION ITEMS

Executive Session: the Chair may call an Executive Session at this point in the agenda in accordance with the below-cited provisions¹

Leo Vasquez
Chair

ITEM 3: EXECUTIVE

Executive Director’s Report

Bobby Wilkinson
Executive Director, TDHCA

ITEM 4: CDBG CARES

Presentation, discussion, and possible action on the Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act Community Resiliency Program Awards

Rudy Bentancourt
Director of CDBG CARES

ITEM 5: BOND FINANCE

- a) Presentation, discussion, and possible action on Resolution No. 22-021 authorizing the filing of one or more applications for reservation with the Texas Bond Review Board with respect to qualified mortgage bonds, authorizing state debt application, and containing other provisions relating to the subject
- b) Presentation, discussion, and possible action on Resolution No. 22-022 authorizing the issuance, sale and delivery of Texas Department of Housing and Community Affairs Single Family Mortgage Revenue Bonds, 2022 Series A, approving the form and substance of related documents, authorizing the execution of documents and instruments necessary or convenient to carry out the purposes of this resolution, and containing other provisions relating to the subject

Heather Hodnett
Manager of Single
Family Finance

ITEM 6: HOME-ARP

Presentation, discussion and possible action for approval of the HOME American Rescue Plan Allocation Plan as modified from the March 10, 2022, Board approval for submission to the U.S. Department of Housing and Urban Development

Naomi Cantu
Director of HOME-ARP

ITEM 7: MULTIFAMILY FINANCE

- a) Presentation, discussion, and possible action regarding an award from the Multifamily Direct Loan (MFDL) 2021-3 Notice of Funding Availability (NOFA), as amended
- b) Presentation, discussion, and possible action on a request for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events for The Commons at St. Anthony’s (#20042) in Amarillo

Cody Campbell
Director of Multifamily
Programs

¹ Note: the Chair is not restricted by this item, and may call for an Executive Session at any time during the posted meeting.

- c) Presentation, discussion, and possible action on a request for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events for Lockwood South Apartments (#20077) in Houston
- d) Presentation, discussion, and possible action on a request for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events for Connect South Apartments (#20082) in Houston
- e) Presentation, discussion, and possible action on a request for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events for Houston 150 Bayou Apartments (#21038) in Houston
- f) Presentation, discussion, and possible action on staff determinations regarding Application disclosure under 10 TAC §11.101(a)(2) related to Undesirable Site Features for Cole Creek Estates (#22018) in Houston
- g) Presentation, discussion, and possible action on staff determinations regarding Application disclosure under 10 TAC §11.101(a)(2) related to Undesirable Site Features for Malcom's Point Scholar House Apartments (#22021) in Dallas
- h) Presentation, discussion, and possible action on staff determinations regarding Application disclosure under 10 TAC §11.101(a)(2) related to Undesirable Site Features for Kirkwood Crossing Apartments (#22023) in Houston
- i) Presentation, discussion, and possible action on staff determinations regarding Application disclosure under 10 TAC §11.101(a)(2) related to Undesirable Site Features for Heritage Estates at Edmonds (#22218) in Lewisville
- j) Presentation, discussion, and possible action regarding a waiver of 10 TAC §11.205(4) for The Warehouse Lofts at 707 (#22295)
- k) Presentation, discussion, and possible action on a timely submitted appeal related to a requested Limited Review of Weber Lofts in Corpus Christi (#22249)

PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS

The Board may go into Executive Session Pursuant to Tex. Gov't Code §551.074 for the purposes of discussing personnel matters including to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

Pursuant to Tex. Gov't Code §551.071(1) to seek the advice of its attorney about pending or contemplated litigation or a settlement offer;

Pursuant to Tex. Gov't Code §551.071(2) for the purpose of seeking the advice of its attorney about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Tex. Gov't Code Chapter 551; including seeking legal advice in connection with a posted agenda item;

Pursuant to Tex. Gov't Code §551.072 to deliberate the possible purchase, sale, exchange, or lease of real estate because it would have a material detrimental effect on the Department's ability to negotiate with a third person; and/or

Pursuant to Tex. Gov't Code §2306.039(c) the Department's internal auditor, fraud prevention coordinator or ethics advisor may meet in an executive session of the Board to discuss issues related to fraud, waste or abuse.

OPEN SESSION

If there is an Executive Session, the Board will reconvene in Open Session. Except as specifically authorized by applicable law, the Board may not take any actions in Executive Session.

ADJOURN

To access this agenda and details on each agenda item in the board book, please visit our website at www.tdhca.state.tx.us or contact Michael Lyttle, 512-475-4542, TDHCA, 221 East 11th Street, Austin, Texas 78701, and request the information. If you would like to follow actions taken by the Governing Board during this meeting, please follow TDHCA account (@tdhca) on Twitter.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Nancy Dennis, at 512-475-3959 or Relay Texas at 1-800-735-2989, at least five days before the meeting so that appropriate arrangements can be made. Non-English speaking individuals who require interpreters for this meeting should contact Kathleen Vale Castillo, 512-475-4144, at least five days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Kathleen Vale Castillo, al siguiente número 512-475-4144 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.