

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

**A G E N D A
10:00 AM
October 13, 2022**

**Capitol Extension, Hearing Room E2.030
1100 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.

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 the Board meeting minutes summary for September 1, 2022

Beau Eccles
Board
Secretary

COMMUNITY AFFAIRS

- b) Presentation, discussion, and possible action on the Section 8 Program 2023 Streamlined Annual Public Housing Agency Plan for the Housing Choice Voucher Program.

Michael De Young
Director of Community
Affairs

ASSET MANAGEMENT

- c) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application for Avanti Legacy Valor Heights (HTC #20177)

Rosalio Banuelos
Director of Asset
Management

RULES

- d) Presentation, discussion, and possible action on an order proposing amendments to 10 TAC Chapter 6, Community Affairs Programs, Subchapter B Community Services Block Grant, §6.201 Background and Definitions; §6.206 Strategic Plan, Community Assessment, and Community Action Plan; §6.207 Subrecipient Requirements; Subchapter C Comprehensive Energy Assistance Program, §6.304 Deobligation and Reobligation of CEAP Funds; §6.307 Subrecipient Requirements for Customer

Michael De Young
Director of Community
Affairs

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.

Eligibility Criteria, Provision of Services, and Establishing Priority for Eligible Households; §6.308 Allowable Subrecipient Administrative and Program Services Costs; §6.309 Types of Assistance and Benefit Levels; §6.310 Crisis Assistance Component; §6.311 Utility Assistance Component; §6.312 Payments to Subcontractors and Vendors; Subchapter D Weatherization Assistance Program, §6.402 Purpose and Goals; §6.403 Definitions; §6.406 Subrecipient Requirements for Establishing Household Eligibility and Priority Criteria; §6.407 Program Requirements; §6.408 Department of Energy Weatherization Requirements; §6.414 Eligibility for Multifamily Dwelling Units and Shelters; §6.416 Whole House Assessment; §6.417 Blower Door Standards; and directing that they be published for public comment in the *Texas Register*

BOND FINANCE

- e) Presentation, discussion, and possible action on Resolution No. 23-001 authorizing request to the Texas Bond Review Board for annual waiver of Single Family Mortgage Revenue Bond set-aside requirements; authorizing the execution of documents and instruments relating thereto; making certain findings and determinations in connection therewith; and containing other provisions relating to the subject
- f) Presentation, discussion, and possible action on Resolution No. 23-002 approving Assignment Agreement relating to Private Activity Bond Authority, and containing other provisions relating to the subject

Heather Hodnett
Manager of Single
Family Finance

MULTIFAMILY FINANCE

- g) Presentation, discussion, and possible action on multiple requests for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events for Applications awarded in the 2020 and 2021 competitive 9% tax credit rounds

Cody Campbell
Director of Multifamily
Programs

20200	Lofts at Temple Medical District	Temple
21130	Sun Pointe	El Paso

CONSENT AGENDA REPORT ITEMS

ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

- a) Media Analysis and Outreach Report, August 2022
- b) Report on TDHCA One-Time or Temporary Allocations – Pandemic Response and Other Initiatives
- c) Report on the Department’s Swap Portfolio and recent activities with respect thereto

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

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: ACTION AGENDA REPORT ITEMS

Report on the status of Coppertree Village in Houston

Wendy Quackenbush
Director of Multifamily
Compliance

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

ITEM 5: COMMUNITY AFFAIRS

- a) Presentation, discussion, and possible action authorizing staff to submit a Registration of Interest, and subsequent Application if applicable, to the U. S. Department of Housing and Urban Development to receive an allocation of Stability Vouchers funded by the Consolidated Appropriations Act, 2021, and to take other actions as needed to implement, if awarded, a Stability Voucher Program
- b) Presentation, discussion, and possible action on a recommendation to the Governor to select an Eligible Entity to administer the Community Services Block Grant Program in Lubbock County (the service area previously served by City of Lubbock)

Spencer Duran
Director Section 811
Program

Michael De Young
Director of Community
Affairs

ITEM 6: RULES

- a) Presentation, discussion, and possible action on adoption of amendments to 10 TAC §10.601 Compliance Monitoring Objectives and Applicability; §10.602 Notice to Owners and Corrective Action Periods; §10.604 Options for Review; §10.607 Reporting Requirements; §10.608 Record Keeping Requirements; §10.609 Notices to the Department; §10.610 Written Policies and Procedures; §10.611 Determination, Documentation and Certification of Annual Income; §10.612 Tenant File Requirements; §10.613 Lease Requirements; §10.614 Utility Allowances; §10.615 Elections under IRC §42(g) and Additional Income and Rent Restrictions for HTC, Exchange, and TCAP Developments; §10.616 Household Unit Transfer Requirements for All Programs; §10.618 Onsite Monitoring; §10.619 Monitoring for Social Services; §10.621 Property Condition Standards; §10.622 Special Rules Regarding Rents and Rent Limits Violations; §10.623 Monitoring Procedures for Housing Tax Credit Properties After the Compliance Period; §10.624 Compliance Requirements for Developments with 811 PRA Units; and Figure §10.625; and directing that they be published for adoption in the *Texas Register*
- b) Presentation, discussion, and possible action on the proposed repeal of 10 TAC Chapter 13, the Multifamily Direct Loan Rule, proposed new 10 TAC Chapter 13, Multifamily Direct Loan Rule, and directing their publication for public comment in the *Texas Register*
- c) Presentation, discussion, and possible action on the proposed amendment to specific sections of 10 TAC Chapter 10 Subchapter E, Post Award and Asset Management Requirements, and directing its publication for public comment in the *Texas Register*

Wendy Quackenbush
Director of Multifamily
Compliance

Cody Campbell
Director of Multifamily
Programs

Rosalio Banuelos
Director of Asset
Management

ITEM 7: ASSET MANAGEMENT

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application for Houston 150 Bayou (HTC #21038)

Rosalio Banuelos
Director of Asset
Management

ITEM 8: HOMEOWNER ASSISTANCE FUND

Presentation, discussion and possible action authorizing amendments to the Notice of Funding Availability for HAF Subrecipient Activities, approving submittal of a Plan Amendment to Treasury to shift funds among Subrecipient funding categories, and approving a second round of contract awards to Subrecipients contingent on Treasury approval

Brooke Boston
Deputy Director
of Programs

ITEM 9: SINGLE FAMILY & HOMELESS PROGRAMS

- a) Presentation, discussion, and possible action on Program Year 2022 Emergency Solutions Grants Program Awards
- b) Presentation, discussion, and possible action to authorize the issuance of the 2023 HOME Investment Partnerships Program Single Family General Set-Aside Notice of Funding Availability and publication of the NOFA in the *Texas Register*

Abigail Versyp
Director of Single Family
and Homeless Programs

- c) Presentation, discussion, and possible action to authorize the issuance of the 2023 HOME Investment Partnerships Program Single Family Contract for Deed Set-Aside Notice of Funding Availability and publication of the NOFA in the *Texas Register*
- d) Presentation, discussion, and possible action to authorize the issuance of the 2023 HOME Investment Partnerships Program Single Family Persons with Disabilities Set-Aside Notice of Funding Availability and publication of the NOFA in the *Texas Register*

ITEM 10: MULTIFAMILY BOND FINANCE

- a) Presentation, discussion, and possible action on Inducement Resolution No. 23-003 for Multifamily Housing Revenue Bonds regarding authorization for filing applications for private activity bond authority
- b) Presentation, discussion, and possible action regarding the Issuance of Multifamily Housing Revenue Bonds (Palladium Oak Grove) Series 2022 Resolution No. 23-004, and a Determination Notice of Housing Tax Credits.

Teresa Morales
Director of
Multifamily Bond

ITEM 11: MULTIFAMILY FINANCE

Presentation, discussion, and possible action regarding awards from the Multifamily Direct Loan (MFDL) 2022-1 Notice of Funding Availability (NOFA)

Cody Campbell
Director of Multifamily
Programs

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 Danielle Leath, 512-475-4606, 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 Danielle Leath, al siguiente número 512-475-4606 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.