#### Texas Department of Housing and Community Affairs



#### **Governing Board**

#### **Board Action Request**

File #: 489 Agenda Date: 2/6/2024 Agenda #:

Presentation, discussion, and possible action regarding a Material Amendment of the Housing Tax Credit Application of HTC #23029 Plainview Lofts

#### **RECOMMENDED ACTION**

**WHEREAS**, the Board in 2023 awarded 9% housing tax credits for the new construction of Plainview Lofts, an Elderly Development of one-story buildings in Plainview, Hale County, proposed to consist of a community building, 11 duplexes, and three fourplexes, containing 34 units on a 3.809 acre site;

**WHEREAS**, the general contractor after the tax credit award was unable to obtain subcontractor bids conforming to the estimated cost of construction, and as a result, the Development is financially infeasible as originally proposed;

WHEREAS, the applicant proposes to reestablish financial feasibility under the originally proposed financing by eliminating the 866-square-foot community building that comprises all of the originally proposed conditioned Common Area and providing all of the originally proposed Net Rentable Area (NRA) in the same number, sizes, floorplans, and unit mix in four fourplexes and three sixplexes instead of 11 duplexes and three fourplexes;

**WHEREAS**, the proposed changes in the site plan and residential buildings and elimination of the community building that included a kitchen, community room/area, community dining room/area and 412 square feet of community porches and patios, are material alterations of the development described as follows in Tex. Gov't Code §2306.6712(d),

- a significant modification of the site plan;
- a reduction of 3% or more in the square footage of the common areas; and
- a significant modification of the architectural design of the Development;

**WHEREAS**, other than eliminating the community building, the proposed changes neither "would materially alter the development in a negative manner" [Tex. Gov't Code §2306.6712(c) (1)] nor "would have adversely affected the selection of the application in the application round" [Tex. Gov't Code §2306.6712(c)(2)]; and

WHEREAS, although eliminating all of the indoor, conditioned Common Area "would materially alter the development in a negative manner" [Tex. Gov't Code §2306.6712(c)(1)], eliminating this area does not affect the required features of the Development and does not fall under Tex. Gov't Code §2306.6712(c)(2) "would have adversely affected the selection of the application in the application round";

#### NOW, therefore, it is hereby

**RESOLVED**, that the requested Material Amendment of the Application for Plainview Lofts is approved as presented to this meeting, conditioned on the Development continuing to meet all

requirements relating to accessibility, and the Executive Director and his designees are each authorized, directed, and empowered to take all necessary action to effectuate the foregoing,.

#### **BACKGROUND**

Plainview Lofts in Plainview, Hale County, received a 9% HTC award in 2023 for the new construction of 34 multifamily units for elderly tenants in 14 one-story buildings composed of three duplexes and 11 fourplexes on a 3.809 acre site. Each unit had an attached one-car garage. The site contained an outdoor community area with a fire pit, pergola, two bag-toss courts, and two benches. The development had a community building with a leasing office, community room, community dining room and kitchen, altogether being 814 square feet of conditioned Common Area. In addition, the community building contained storage space for a leasing office and maintenance/mechanical room space, together amounting to another 52 square feet of conditioned space. In all, the community building was 866 square feet of conditioned space plus covered and open porches and patios totaling 412 square feet.

The amendment proposes a reduction of more than three percent in the square footage of the Common Area [Tex. Gov't Code §2306.6712(d)(4)] in that the community building will be eliminated. All of the Development's conditioned Common Area constitutes 852 square feet of the community building. The remaining interior and exterior area of the community building is the 52 square feet of conditioned maintenance area, equipment room and storage area, and 412 square feet of outdoor porches and patios, as described above. The decrease in Common Area will be 100%.

Elimination of the community building will be accompanied by reducing the number of residential buildings to seven buildings instead of the originally proposed 14 buildings by constructing four fourplexes and three sixplexes instead of the originally proposed three duplexes and 11 fourplexes. All units will have the same floorplans and NRAs as originally proposed, and each unit will retain a one-car garage as originally proposed. The amended development will have the same number of open parking spaces as were present in the original development proposal. There will also be the same number of accessible garages, van accessible garages, accessible open parking spaces, and van accessible open parking spaces as in the original proposal, although additional accessible parking may be determined to be required as part of the accessibility review of the new site plans. A fire pit and its contiguous amenities will be relocated from the original site plan in the amended site plan, and a dog park and putting green will be additions to the new site plan. The site plan will be reconfigured significantly to accommodate all residential buildings and all additional or relocated amenities in the amended site plan.

In reviewing the proposed amendment, staff considered each of the seven material alterations defined by Tex. Gov't Code §2306.6712(d). Staff also considered the two determinations of Tex. Gov't Code §2306.6712(c) that empowers the Board to reject the amendment, rescind the allocation and reallocate the credits to other applicants on the waiting list if the Board determines that the amendment (1) would materially alter the development in a negative manner or (2) would have adversely affected the selection of the application in the application round. Staff observed that the amendment materially alters the development in a negative manner by eliminating 100% of the conditioned Common Area, conditioned maintenance and

storage areas, and the porch and patios attached to these conditioned areas. However, the Department has approved awards to many developments that did not have community buildings. Although certain areas associated with the community building are features that can score Threshold points, the application reflects an excess of such points, even without these areas. Therefore, eliminating the community building does not affect the score of the application and would not have affected its selection for award of tax credits.

In staff's judgment, the circumstances that created the need for the changes proposed in this amendment request were unforeseeable [Tex. Gov't Code §2306.6712(e)] and unpreventable [Tex. Gov't Code §2306.6712(e)(1)]. Staff found that the Development Owner has complied with the amendment requirements under 10 TAC §10.405(a), and staff considers the proposed changes to be acceptable under the Rules.

Staff recommends approval of the amendment request as presented herein, conditioned upon the Development continuing to meet all applicable accessibility requirements.



December 14, 2023

Mr. Rene Ruiz Asset Manager (Regions 1 & 7) Texas Department of Housing and Community Affairs 221 East 11<sup>th</sup> Street Austin, TX 78701

Via: rene.ruiz@tdhca.state.tx.us

Re: Plainview Lofts, TDHCA #23029, Plainview, TX REVISED

Dear Mr. Ruiz:

Please accept this formal request for a material amendment to the above reference development to adjust the common area square footage, modify the building types with associated site plan modification, and a change in ownership, developer, and guarantor.

#### **Background**

To close the substantial gap associated with increased construction costs the development owner seeks a two-prong strategy to deliver the housing tax credit units. The first is the removal of the community building and the second is moving from duplexes and fourplexes to fourplexes and sixplexes. Additionally, the investor has requested the modifications to the organizational structure.

#### SECTION 1

#### **Changes Requested**

- 1) Reduce the common area area in excess of 3%.
- 2) Modify the building design.
- 3) Add additional parties as Owners, Developers, and Guarantors.

#### **Reasons the Change is Necessary**

- 1) After the tax credit award, the General Contractor was not able to obtain subcontractor bids to meet the previously established estimate for construction.
- 2) The Tax Credit Investor has requested an addition to the list of Owners, Developers, and Guarantors.

#### **Good Cause for the Change**

The increases in construction materials and labor in the Texas panhandle continues to climb. After the tax credit award, the General Contractor was not able to obtain subcontractor bids to meet the previously established estimate for construction. These increases have created a gap that precludes financial viability for the development. The cost savings gained by reducing the 14 residential buildings and 1 community building to 7 residential buildings fixes the gap. The square footages and architectural style of the units is not changing; the units are sharing more common walls. The interior Common Area at application was a modest 814 square feet of conditioned space and 412 square feet

of patio and covered porch. The majority of the common area amenities were and remain outside and unconditioned to synergize with the adjacent country club and golf course. These amenities include: bag toss, a fire pit, a pergola covered seating area all facing west and overlooking the golf course. We have added a second outdoor amenity space and will include a putting green with the revised site plan and associated additional greenspace. Leasing will occur in a model residential unit until the development is fully leased. The owner has another housing tax credit development in Plainview, Conrad Lofts, that can be utilized as a full time management office as necessary. The reduction of exterior walls and more shared internal walls is a good solution to securing a construction contract that is within budget.

Another good cause for the change is that stormwater management is enhanced with the reduction in impervious cover.

The change of organizational structure is non-material and does not create any previous participation or credit limit problems.

#### **Explanation of Foreseeable or Preventable Nature**

- 1) The multifamily market in Texas is struggling due to the larger economic reset, Federal policies, and high inflation. At application the development owner did their best to project adequate construction costs. The sharp increase in costs was not foreseeable or preventable.
- 2) The Applicant had no knowledge or way to predict the investor's Owner, Developer, or Guarantor change requirement.

#### **SECTION 2**

The building configuration summary is shown below.

		Duplex	Fourplex	Sixplex	Total
Application	Buildings	11	3	0	14
Applic	Units	22	12	0	34
Amendment	Buildings	0	4	3	7
Amen	Units	0	16	18	34

#### **Unit Type and Count Exhibit**

• Tab 23 Building Unit Configuration

#### **Design Documents**

- Site Plan at Application and as requested for the Amendment
- Architectural Plans

#### **Organizational Documents**

- Owner, Developer, and Guarantor Organizational Charts from Application and as proposed in this Amendment Request
- Previous Participation for the new parties
- Credit Limit Certifications for the new parties

The requested change, as represented, does not affect the scoring of the Application because the units are the same, only common walls have been added. The reduction of conditioned Common Area does not materially alter the Development in a negative manner because the outdoor amenities have increased with another conversation area and putting green. As required, the Development Owner has submitted the \$2,500 material amendment fee. Thank you for marshalling the amendment request through the system. This amendment is paramount to the feasibility for Plainview Lofts. Please feel free to contact me if you have any additional questions.

Sincerely,

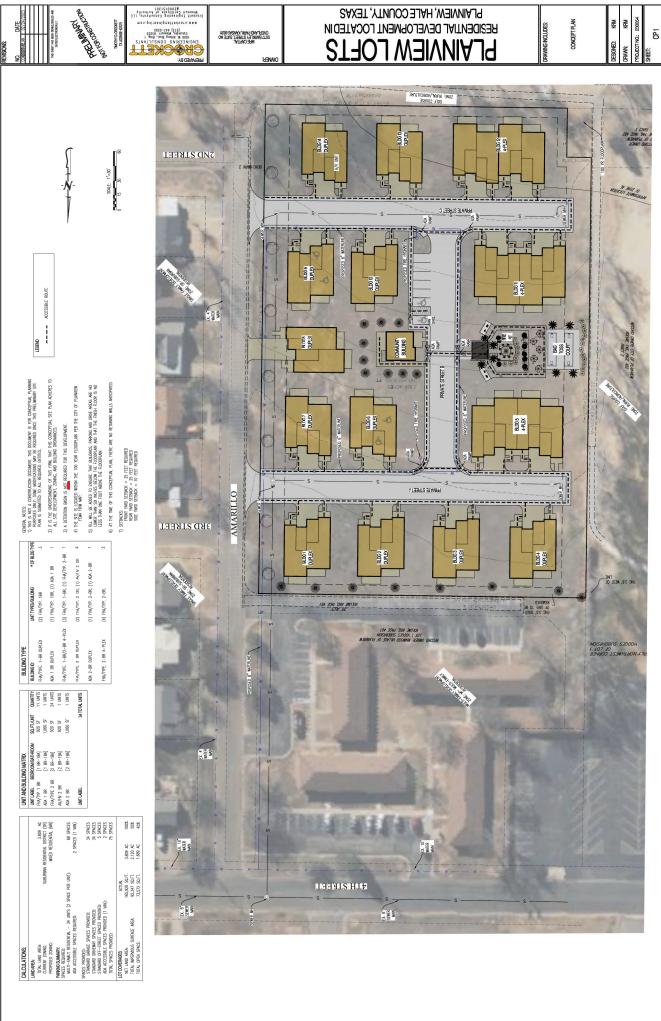
Sallie Burchett, AICP Consultant to the Project As Amended- 2

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31,560

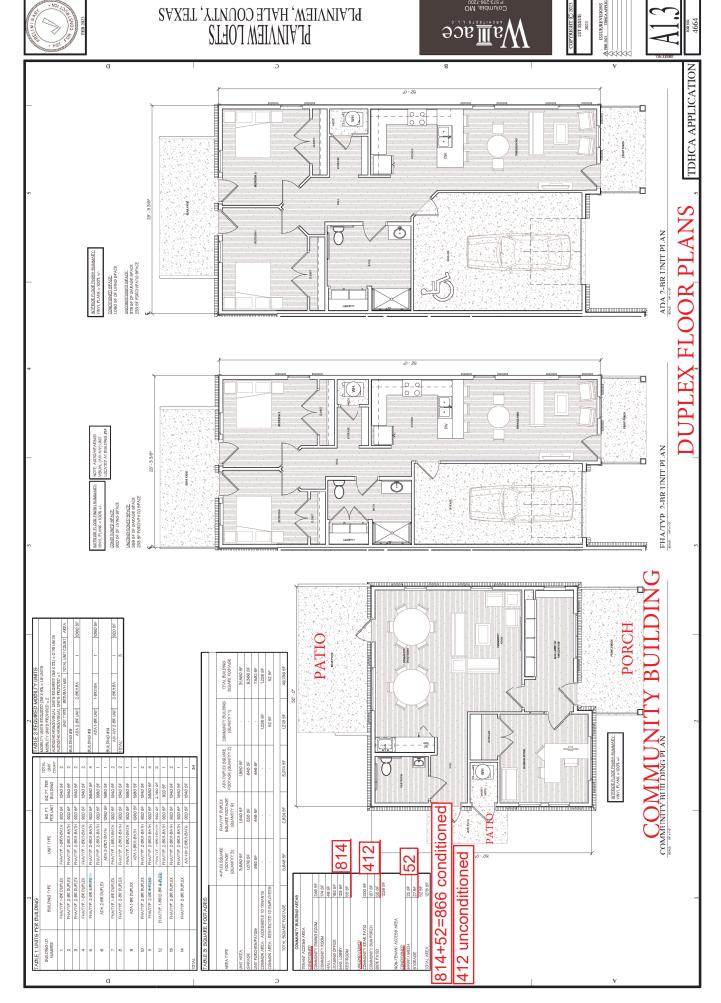
If a revised form is submitted, date of submission: 11/28/2023



RESIDENTIAL DEVELOPMENT LOCATEDIN

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# AT APPLICATION



Columbia, MO 0027-362-578 9

# As Amended

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		FHA 2-8R / 1-BATH	920 SF	9	4,500 Si
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9	TYPE 'E'	ADA HBR / 1-BATH MOBILITY UNIT	1080 SF	-	1,060 SF
		FHA2-BR/1-BATH	920 SF	2	1.840 SF
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PLAINVIEW, HALE COUNTY, TEXAS





Columbia, MO P 573-256-7200 Ma<u>III</u>ace

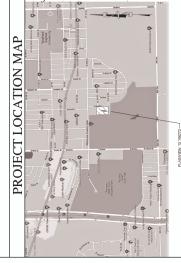




PLAINVIEW LOFTS

# PLAINVIEW, HALE COUNTY, TEXAS

ARCHITECT'S JOB NO. 4664 **TDHCA NO. 23029** 



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	INDEX TO DRAWINGS

Sheet		Sheet Issue	Current	Curre
Number	Sheet Name	Date	Revision Date	
0 - COVER				
0:0	COVER SHEET	OCT 2023	0CT 2025	TDHCA
1 - CROCKET	- CROCKETT ENGINEERING CONSULTANTS			
F-	CONCEPT PLAN	OCT 2023	OCT 2023	TDHCA
2 - ARCHITE	- ARCHITECTURAL SITE PLAN			
A91.0	ARCHITECTURAL BITE PLAN	OCT 2023	OCT 2023	TDHCA
3 - APPLICATION	NOU			
41.0	BUILDING TYPES "A!, "8" & "C" PROPOSED BUILDING PLANS	OCT 2023	OCT 2023	TDHCA
A1.1	BUILDING TYPES "D"& "E" PROPOSED BUILDING PLANS	OCT 2023	OCT 2025	TDHCA
A1.2	BUILDING TYPE "F" PROPOSED BUILDING PLAN	OCT 2023	OCT 2025	TDHCA
41.3	PROPOSED 1-BR UNIT PLANS	OCT 2023	OCT 2025	TDHCA
41.4	PROPOSED 2-BR UNT PLANS	OCT 2023	OCT 2023	TDHCA
A3.0	BUILDING TYPES "A". "B". "C". "D" & "E" EXTERIOR ELEVATIONS	OCT 2023	OCT 2023	TDHCA
A3.1	BUILDING TYPE "F" EXTERIOR ELEVATIONS	OCT 2023	OCT 2023	TDHCA
A3.2	SAMPLE RENDERING	OCT 2023	OCT 2023	TDHCA

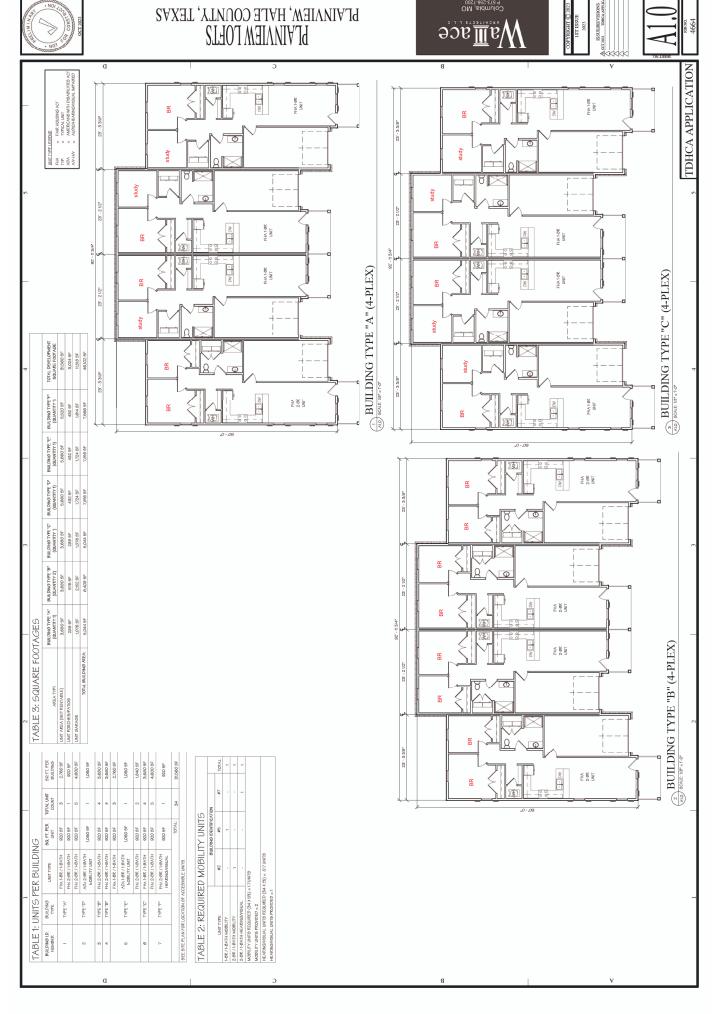
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	TOTAL NUMBER OF BUILDINGS		3	5 TOTAL NRA P		9,200	1,060 8		19,320	920 8	1,060 €	00.000	Decile				
	TOTAL NUMB!			TOTAL NUMBER OF UNITS PER UNIT TYPE		10	-		23	-	-	i	ŧ				
		į.	14						9	-		0					
	6-PLEX	ф	£			10	-		2	,	,	9					
NOTTA:		.a.	#2	BUILDING		,	,		9	,	-	0					
BUILDING IDENTIFICATION		ņ	#6	NUMBER OF UNITS PER BUILDING						4			,		,	4	
BUILDII	4-PLEX	.8.	#4	NUMBER 0		,	1		4	,	,	4					
	4-4	3.	10 20 20						4			4					
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	TIN	R U	19 A YT	ЯИ		920 SF	1060 SF		920 SF	920 SF	1,060 SF	NG TYPE:					
			JMB THR			-	-		-		-	BUILD					
			EDE NMB			-			2	2	2	NITS PE					
	73	1gV	ИЩГ	ın	(ff) 1-BR UNITS 32%	FHA 1-BK	ADA 1-BR	(25) 2-BR UNITS 69%	FHA 2-BK	HEARING/MSUAL 2-BR	ADA 2-BR	TOTAL NUMBER OF UNITS PER BUILDING TYPE:					

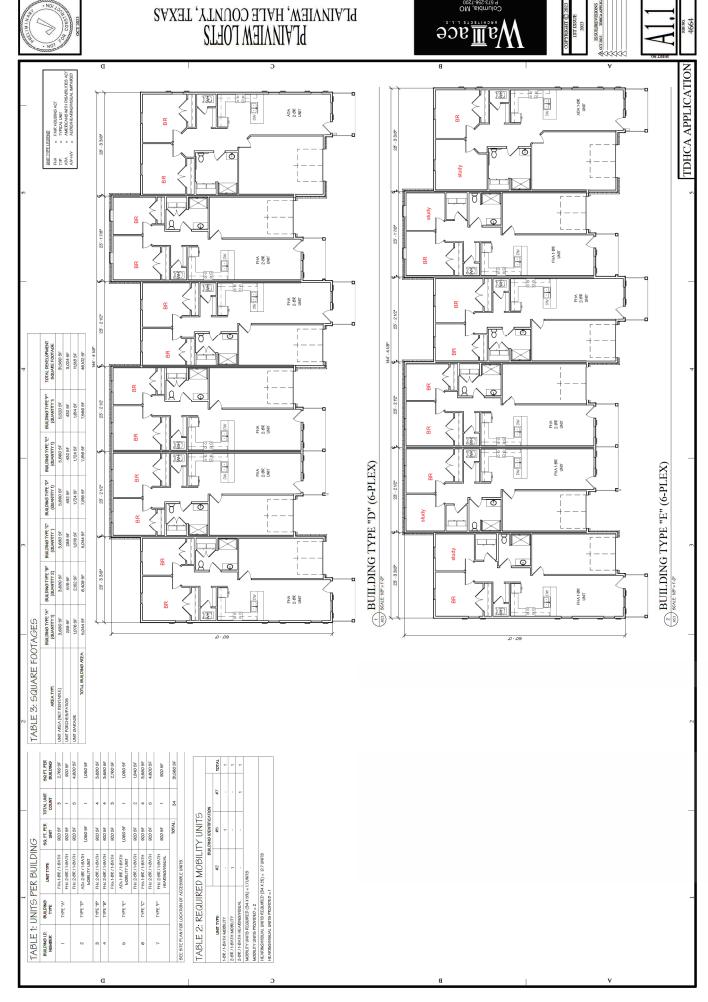
Total Total
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# PROJECT INFORMATION

	THE GLIBBLE
	SHEDAIA
	SITE ZONING: ZONING DISTRICT MR MIXED RESIDENTIAL (SEE CIVIL.)
	SITE SIZE: 3.509 +/- ACRES
	SITE DENSITY: [GEE COVIL)
	NO. OF PARKING SPACES (FEE GIVIL)
	CODES/REGULATIONS
	BLDG, & RELATED CODES 2015 BC FAMILY; 2016 IRC; 2015 IRC
	ELECTRICAL CODE: 2014 VEC
	FIRE CODE: 2015 FC
Э	ACCESSIBILITY CODE: 2010 ADA, TA9 (TEXAS ACCESSIBILITY STANDARDS)
	STATE REQUIREMENTS: TOHON STATE POLICIES AND GUIDELINES
	MISC.: APPLICABLE FEDERAL, 91ATE & LOCAL CODES, LAWS AND ORDINANCES
	BUILDING CODE DATA
	USE GROUP; 4-PLEX & 6-PLEX(IRC)
	CONSTRUCTION TYPE, VØ UNPROTECTED COMBUSTIBLE
	EXTERIOR WALL CONSTRUCTION 144RRATED EXTERIOR WALLS
	OTHER CONSTRUCTION: 2-HR RATED UNIT SEPARATION WALLS, 1-HR A 2-HR ROOFICEILING & PLOORICEILING; UNRATED UNIT
	INTERIOR WALLS
	TOTAL ALLOW, AREA, 7,000 SF PER FLOOR -R-2;
	9,000 SF PER FLOOR - B
	TOTAL ACTUAL AREA LESS THAN 7,000 SF PER FLOOR - R-2;



Columbia, MO P 573-256-7200



### PLAINVIEW, HALE COUNTY, TEXAS M̃<u>≡</u>sce TDHCA APPLICATION FHA 2-BR UNIT PHA 2-BR UNIT · PHA 2-5K UNIT PHA 2-BK UNIT . Ma FHA 2-BR UNIT BUILDING TYPE "F" (6-PLEX) FHA 2-BK UNIT TABLE 3: SQUARE FOOTAGES AREA T'PE UNIT AREA (NET RENTABL2) UNIT PORCHES/PATIOS UNIT GARAGE 3,680 sF 3,680 SF 2,760 SF 1,060 SF 1,080 5F 920 SF TABLE 2: REQUIRED MOBILITY UNITS TABLE 1: UNITS PER BUILDING TYPE "D"

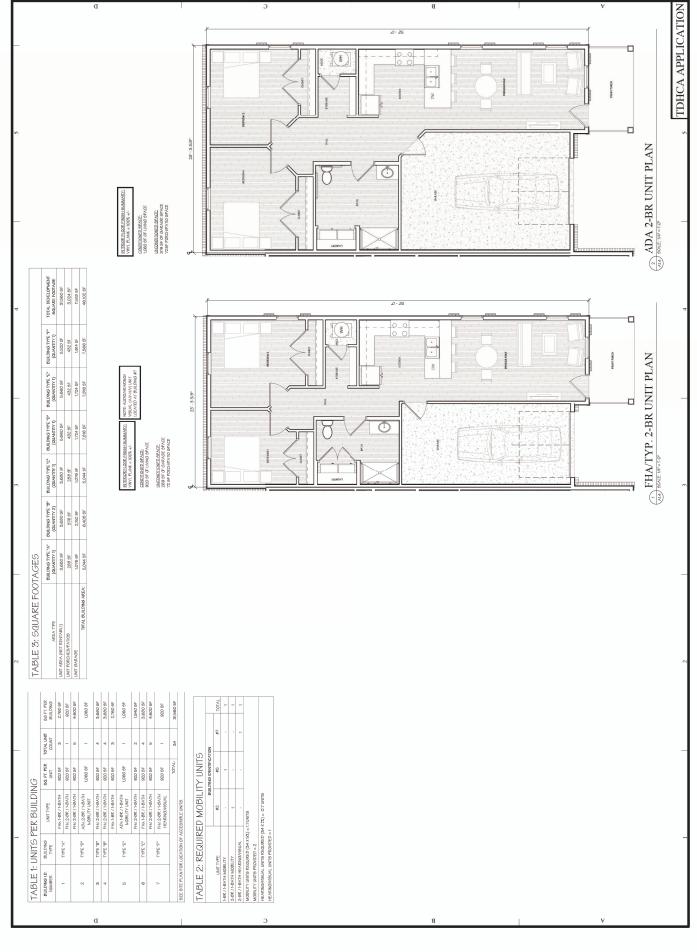
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# TDHCA APPLICATION ADA 1-BR UNIT PLAN \* FHA/TYP. 1-BR UNIT PLAN 23' - 3 3/8" TABLE 3: SQUARE FOOTAGES AREA T'PE UNIT AREA (NET RENTABLE) UNIT PORCHES/PATIOS UNIT GARAGE 3,690 SF 3,690 SF 2,760 SF 1,080 SF 1,080 5F 920 SF TABLE 2: REQUIRED MOBILITY UNITS TABLE 1: UNITS PER BUILDING TYPE "D"

PLAINVIEW, HALE COUNTY, TEXAS

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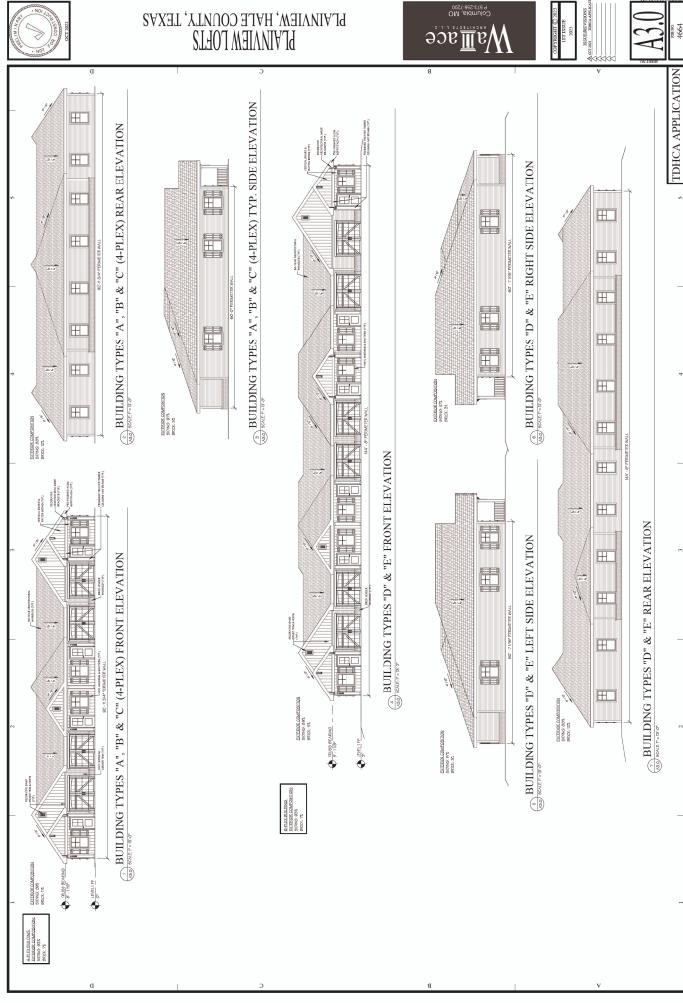
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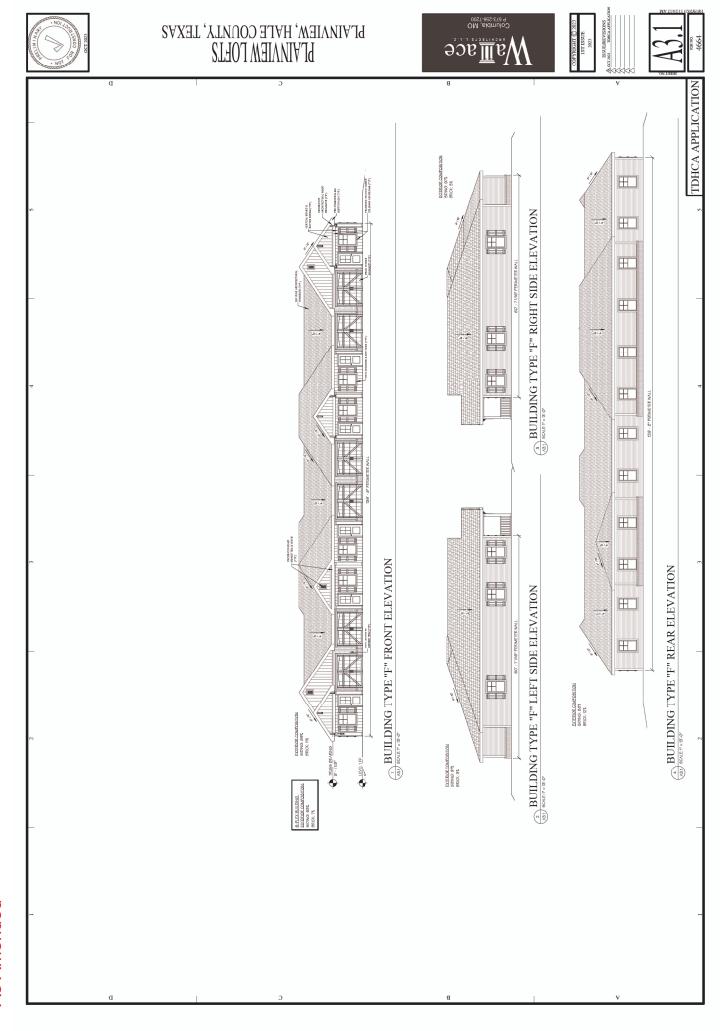
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4-PLEX RENDERING (6-PLEX SIM.)



TDHCA APPLICATION