

## **NuRock Companies**

4925 Greenville Avenue, Suite 1305 Dallas, Texas 75206 Phone 972-573-3400 RECEIVED

MAR 3 1 2015

TDHCA Multifamily Finance Dept.

March 27, 2015

Ms. Kathryn Saar Competitive Tax Credit Program Administrator Texas Department of Housing and Community Affairs 221 East 11<sup>th</sup> Street Austin, Texas 78701-2410 Via Federal Express – 7732 4345 4390

RE: Challenge for

Place of Grace, TDHCA # 15110 (the "Challenged Application")

Dear Ms. Saar:

In accordance with Section 11.10 of the Qualified Allocation Plan ("QAP"), Daniel Allgeier on behalf of Beaumont Housing Partners, Ltd. submits a challenge to the Place of Grace application # 15110 along with the required fee of \$500. My contact information is:

Daniel Allgeier
Vice President
NuRock Companies
4925 Greenville Ave., Suite 1305
Dallas, Texas 75206
(972) 573-3400 ext. 1001
dallgeier@nurock.com

This is a Site Challenge as defined in Section 11.10 related to both Undesirable Site Features and Undesirable Neighborhood Characteristics. These are the specific site features and undesirable neighborhood characteristics of the proposed site for application #15110.

## **CRIME**

The Development Site is located in an Urban area and the rate of Part I violent crimes is greater than 18 per 1,000 persons (annually) for the immediately surrounding area, "Immediately surrounding area" for the purposes of this provision is defined as the census tract within which the Development Site is located, ... Sources such as the written statement from the local police department or data from neighborhoodscout.com may be used to document compliance with this provision." (Chapter 10 Subchapter 10 Subchapt

The Challenged Application is in an Urban area. A Neighborhood Scout report prepared March 24, 2015 for the address 3985 Sarah St., the apartments immediately to the east of the property owned by the applicant and the nearest available address is provided as Exhibit A. The

boundaries of this report are the census tract and this report shows the rate of Part I violent crimes for the neighborhood to be 21.43 annual crimes per 1,000 residents or over the allowed 18 per 1,000. 97% of the neighborhoods in the nation are safer. This site has this Undesirable Neighborhood Characteristic as shown from a source suggested by TDHCA's rules. The Applicant had the responsibility of reporting this Undesirable Neighborhood Characteristic to the Department with the application and since they did not do so the application should be terminated.

## **NEARBY INDUSTRY**

... located within 500 feet of heavy industrial or dangerous uses such as manufacturing plants, fuel storage facilities (excluding gas stations), refinery blast zones, etc.; - (Chapter 10 Subchapter  $B \ 10.101(a)(3)(C)$  of the Uniform Multifamily Rules)

There are two heavy industrial manufacturing facilities located within 500 feet of this site. They are shown on an aerial photo labeled Exhibit B in relationship to the site with 500 feet delineated and in close-up on other aerial photos labeled Exhibits C, D and E showing contact information for the locations and product and supplies stored on site. One, Kilgore Industrial and Ranger Bolt manufactures tanks, pressure vessels and other equipment for the oil industry at this location. The second, LoneStar Rigging provides wire, hoists and lifting equipment for the oil industry. Specific information about products is found on Exhibit F and at their respective web pages <a href="http://kilgoreindustrial.com/">http://lonestarrigging.com/</a>.

#### ENVIRONMENTAL FACTORS

... exposure to Environmental Factors that may adversely affect the health and safety of the residents and which cannot be adequately mitigated. (Chapter 10 Subchapter B  $\S10.101(a)(3)(J)$  of the Uniform Multifamily Rules)

Located 2,500 feet directly south of the site are the City of Beaumont's land fill and a wastewater treatment plant as shown on Exhibit G. The landfill's location is verified from the City's webpage <a href="http://www.cityofbeaumont.com/water\_solid\_waste.htm">http://www.cityofbeaumont.com/water\_solid\_waste.htm</a>. The wastewater treatment plant's location is 4955 Lafin Road, Beaumont according to Manta and Google maps. The prevailing winds in the area are from the south as can be seen on the Prevailing Wind Rose for Beaumont from the Texas Commission on Environmental Quality – Exhibit H.

Landfills produce gases when materials decompose which have strong, pungent odors and adverse health effects. The following is from EPA Landfill Methane Outreach Program found at <a href="http://www.epa.gov/lmop/faq/landfill-gas.html">http://www.epa.gov/lmop/faq/landfill-gas.html</a>. The underlined highlighting is added by the Challenger.

# "What components make up landfill gas?

By volume, LFG is about 50 percent methane and 50 percent carbon dioxide and water vapor. It also contains small amounts of nitrogen, oxygen, and hydrogen, less than 1 percent nonmethane organic compounds (NMOCs), and trace amounts of inorganic compounds. Some of these compounds have strong, pungent odors (for example, hydrogen sulfide). NMOCs consist of certain hazardous air pollutants (HAPs) and volatile organic compounds (VOCs), which can

react with sunlight to form ground—level ozone (smog) if uncontrolled. Nearly 30 organic hazardous air pollutants have been identified in uncontrolled LFG, including benzene, toluene, ethyl benzene, and vinyl chloride. Exposure to these pollutants can lead to adverse health effects. Thermal treatment of NMOCs (including HAPs and VOCs) and methane through flaring or combustion in an engine, turbine, boiler, or other device greatly reduces the emission of these compounds."

The following description of the wastewater treatment plant is found on the City's webpage:

#### "Sewer Treatment Plant

The Sewer Treatment Plant consists of a forty seven million gallon per day (47 MGD) trickling filters wastewater treatment plant and a six-hundred acre constructed wetlands system which provide adequate treatment of wastewater before discharging into the receiving stream. The Cattail Marsh wetlands system located next to Tyrrell Park, is undergoing rehabilitation. The wastewater effluent must meet stringent regulations required by the Texas Commission on Environmental Quality and the USEPA."

Wastewater treatment plants can also have odors. The control of odor from wastewater treatment facilities is such an issue that the Texas Commission on Environmental Quality is generating rules and procedures including possibly establishing buffer zones around WWT facilities and has established a system to determine if an odor nuisance exists based on citizen complaints.

The inevitable odor and adverse health effects from these facilities will affect the livability of this property.

#### ADDITIONAL INFORMATION

The following information is important if TDHCA staff completes further review as outlined in the rules.

- (i) The site is within the area reported by neighborhood scout and is included in the primary market area provided in application #15110 and is the same census tract. The issues associated with the crime are north of the natural neighborhood boundary of Highway 287 as south of the highway is industrial or otherwise undeveloped because of proximity to the wastewater plant and land fill or is in the floodplain.
- (ii) There is blight in the neighborhood including boarded up windows observed on February 3, 2015 by the challenger at the Maple Housing of Beaumont within one mile of the site and some single family homes. Many retail establishments have bars on windows and doors.
- (iv) There is a sexually oriented business called Plantation Gentlemen's Club located 1,710 feet away. Zummo Meat Company's processing plant is at 3705 St. James Blvd or 2,500 feet from the site. There are fuel storage tanks, not associated with gas stations nearby, the aforementioned wastewater treatment and land fill 2,550 feet and major refineries 2.8 miles away, all shown on Exhibit I.

(v) Exhibit J shows the existing affordable rental housing. In addition to these are single family homes owned by the Beaumont Housing Authority and leased to Section 8 voucher holders in the neighborhood. Housing tax credit units within

One-mile—

The Woodlands #00056 - 140 units with 35 market rate units Washington Manor #01415 - 150 units with no market rate units Gateway Village Seniors #02174 - 116 units with 6 market rate units (this is specifically for seniors like the challenged application) Sunlight Manor #07189 - 120 units with no market rate units Grace Lake Townhomes #09183 - 128 units with 16 market rate units #09183 - 128 units with 16 market rate units

Sunnyside #95145 - 144 units with 44 market rate units There are 597 affordable housing tax credit units within one mile and 697 units within two miles.

Because of these Undesirable Site and Neighborhood Characteristics this is an ineligible site. Additionally, the Challenged Application had the responsibility to provide a disclosure of these site characteristics particularly the high rate of violent crime along with an appropriate Undesirable Neighborhood Characteristics Fee with the pre-application or application which they did not do. As a result the Challenged Application should be terminated.

Daniel Allgeier

Sincerely,

Vice President, Nakock Companies

dallgeier@nurock.com

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Homes for Sale Here

**FIND HOMES** 

This is a cool resource

Takes rey neighbornosdi. and matches it up to a like neighborhood atsewhere, Lo In Sacramento Loan also search by characteristics I choose. lika 9300x-160k, elder homes, low crime funky/artsy, walkable, etc. It pulled up 4 resighborhoods in El Cerdto and

neighborhoods in Pleasant

Valley and 3 in Sacramento in the top ten. This site is

Hill, Santa Rosa, Castro

SO cool:

Evelyn M.

Enterprise-grade data-for-every neighborhood and city in the U.S. My Places My Searches Buy or Sell a Home Get crime, school & real estate reports for any address: Find neighborhoods that best match your criteria Enter any address, city or state SCOUT NOW Try our Advanced Search Home > TX > Beaumont Real Estate > West Oakland SHARE: REPORT DATE AS OF TUESDAY, MARCH 24, 2015 Save this place Property Address: 3985 Sarah Street, Beaumont, TX 77705 Send to a friend

See Homes for Sale Here POPULAR REAL ESTATE NEAR BEAUMONT, TX (WEST OAKLAND) Beaumont, TX (Calder Terrace) Beaumont, TX (Elizabeth) Beaumont, TX (Gladys Ave / Dowlen R Beaumont, TX (N Major Dr / Tolivar Rc Beaumont, TX (Phelan Blvd / N Major Beaumont, TX (Walden) Nederland, TX (N 27th St / Helena Ave Nederland, TX (S Twin City Hwy / Ned Port Arthur, TX (Memorial Blvd / U.S. Port Neches, TX (Nall St / Goodwin Av

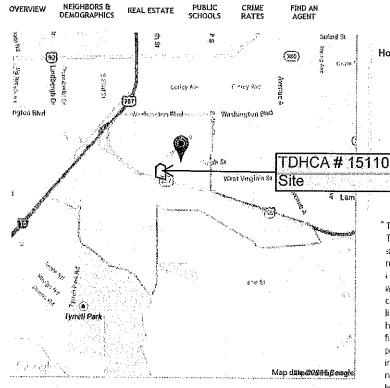
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## ABOUT THIS NEIGHBORHOOD

3985 Sarah Street, Beaumont, TX 77705 is found within the neighborhood we call the West Oakland neighborhood of Beaumont.

The description below refers to the neighborhood by that name. Please note this while reading your neighborhood description.

#### **REAL ESTATE PRICES AND OVERVIEW**

West Oakland median real estate price is \$68,184, which is less expensive than 88.6% of Texas neighborhoods and 93.7% of all U.S. neighborhoods.

The average rental price in West Oakland is currently \$432, based on NeighborhoodScout's exclusive analysis. Rents here are currently lower in price than 93.4% of Texas neighborhoods.

West Oakland is a suburban neighborhood (based on population density) located in Beaumont, Texas.

**EXHIBIT A** 

West Oakland real estate is primarily made up of medium sized (three or four bedroom) to small (studio to two bedroom) single-family homes and apartment complexes/high-rise apartments. Most of the residential real estate is occupied by a mixture of owners and renters. Many of the residences in the West Oakland neighborhood are older, well-established, built between 1940 and 1969. A number of residences were also built between 1970 and 1999.

Home and apartment vacancy rates are 8.6% in West Oakland. NeighborhoodScout analysis shows that this rate is lower than 53.7% of the neighborhoods in the nation, approximately near the middle range for vacancies.

## **NOTABLE & UNIQUE NEIGHBORHOOD CHARACTERISTICS**

Many things matter about a neighborhood, but the first thing most people notice is the way a neighborhood looks and its particular character. For example, one might notice whether the buildings all date from a certain time period or whether shop signs are in multiple languages. This particular neighborhood in Beaumont, the West Oakland neighborhood, has some outstanding things about the way it looks and its way of life that are worth highlighting.

#### **NOTABLE & UNIQUE: PEOPLE**

The West Oakland neighborhood has a greater percentage of children living in poverty (64.5%) than found in 96.4% of all U.S. neighborhoods. Children living in poverty is one of the challenges facing America, and the world, and in this neighborhood in particular, the problem can be considered acute.

#### THE NEIGHBORS

#### THE NEIGHBORS: INCOME

There are two complementary measures for understanding the income of a neighborhood's residents: the average and the extremes. While a neighborhood may be relatively wealthy overall, it is equally important to understand the rate of people - particularly children - who are living at or below the federal poverty line, which is extremely low income. Some neighborhoods with a lower average income may actually have a lower childhood poverty rate than another with a higher average income, and this helps us understand the conditions and character of a neighborhood.

The neighbors in the West Oakland neighborhood in Beaumont are low income, making it among the lowest income neighborhoods in America. NeighborhoodScout's research shows that this neighborhood has an income lower than 89.5% of U.S. neighborhoods. With 64.5% of the children here below the federal poverty line, this neighborhood has a higher rate of childhood poverty than 96.4% of U.S. neighborhoods.

#### THE NEIGHBORS: OCCUPATIONS

A neighborhood is far different if it is dominated by entisted military personnel rather than people who earn their living by farming. It is also different if most of the neighbors are clerical support or managers. What is wonderful is the shear diversity of neighborhoods, allowing you to find the type that fits your lifestyle and aspirations.

In the West Oakland neighborhood, 40.3% of the working population is employed in sales and service jobs, from major sales accounts, to working in fast food restaurants. The second most important occupational group in this neighborhood is executive, management, and professional occupations, with 30.3% of the residents employed. Other residents here are employed in manufacturing and laborer occupations (15.7%), and 13.8% in clerical, assistant, and tech support occupations.

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value instantly. Free
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Public Marriage Records

#### THE NEIGHBORS: ETHNICITY / ANCESTRY

Culture is the shared learned behavior of peoples. Undeniably, different ethnicities and ancestries have different cultural traditions, and as a result, neighborhoods with concentrations of residents of one or another ethnicities or ancestries will express those cultures. It is what makes the North End in Boston so fun to visit for the Italian restaurants, bakeries, culture, and charm, and similarly, why people enjoy visiting Chinatown in San Francisco.

In the West Oakland neighborhood in Beaumont, TX, residents most commonly identify their ethnicity or ancestry as Sub-Saharan African (1.8%). There are also a number of people of African ancestry (1.8%), and residents who report Mexican roots (1.5%).

#### THE NEIGHBORS: LANGUAGES

The most common language spoken in the West Oakland neighborhood is English, spoken by 95.5% of households. Some people also speak Spanish (4.0%).

#### **GETTING TO WORK**

How you get to work - car, bus, train or other means - and how much of your day it takes to do so is a large quality of life and financial issue. Especially with gasoline prices rising and expected to continue doing so, the length and means of one's commute can be a financial burden. Some neighborhoods are physically located so that many residents have to drive in their own car, others are set up so many walk to work, or can take a train, bus, or bike. The greatest number of commuters in West Oakland neighborhood spend between 15 and 30 minutes commuting one-way to work (49.3% of working residents), which is shorter than the time spent commuting to work for most Americans.

Here most residents (81.1%) drive alone in a private automobile to get to work. In addition, quite a number also carpool with coworkers, friends, or neighbors to get to work (5.8%). In a neighborhood like this, as in most of the nation, many residents find owning a car useful for getting to work.

#### Beaumont, TX (West Oakland)

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## Len Vilicic

From: Customer Service < customerservice@neighborhoodscout.com>

**Sent:** Thursday, March 26, 2015 10:57 AM

To: Len Vilicic

Subject: RE: Customer Service

Hello,

Thank you for your inquiry.

The crime stats on our site are for the 2013 calendar year. We use 2013 data because the 2014 data are still in a preliminary, non-final state. The 2013 data is final and non-preliminary.

Sometimes a city law enforcement agency will post preliminary data to its website which would not match our data. Other times, cities only show year-to-date crimes, which by their nature, are only for a partial year. For example only January - September. Also, our data are for the city overall, not just for a single law enforcement agency in the city. FBI reporting is agency-focused and only shows crimes by agency. Similarly, individual city agencies will almost always show only the crimes from their single agency, not from all agencies that have law enforcement responsibility in the city. Our analysis includes all crimes reported by every agency in a city, and is therefore much more comprehensive.

More information is available on our website: http://www.neighborhoodscout.com/neighborhoods/crime-rates/

Please let me know if you have any other questions.

Thank you for your business,

Emilv

The NeighborhoodScout Team

From: no-reply@neighborhoodscout.com [mailto:no-reply@neighborhoodscout.com]

**Sent:** Thursday, March 26, 2015 11:35 AM

**To:** Customer Service **Subject:** Customer Service

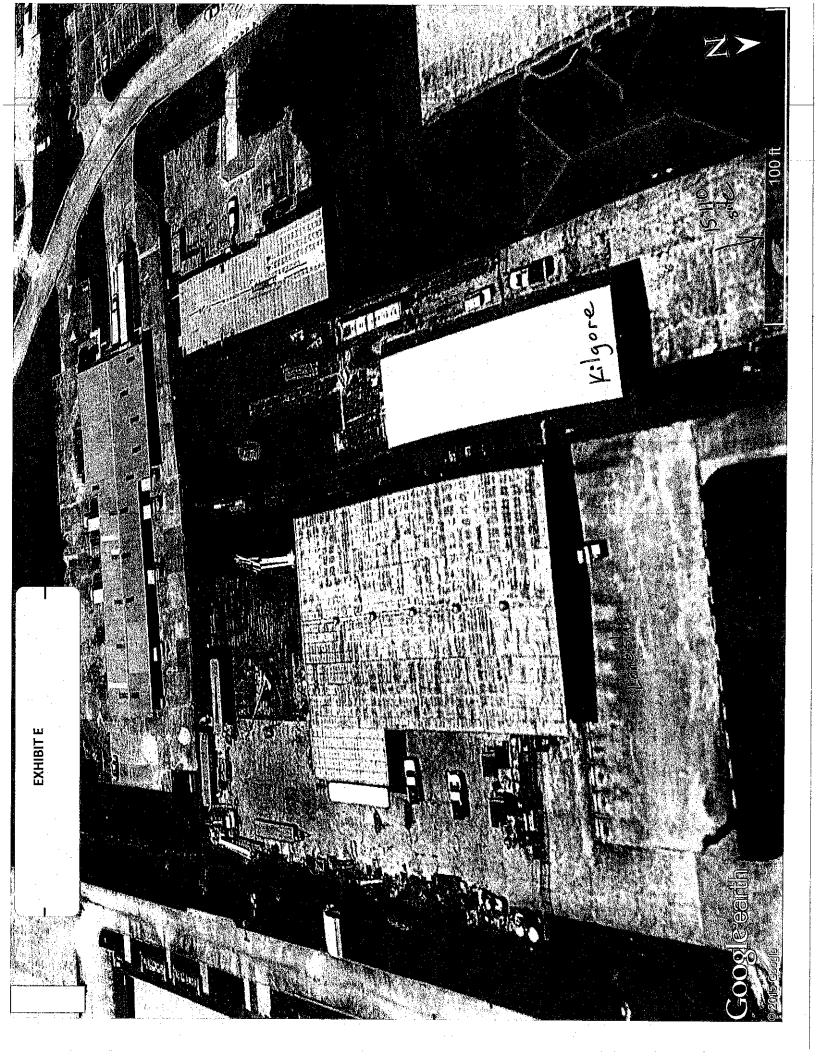
I am researching the address 3985 Sarah Street, Beaumont, TX 77705, and the crime data for the neighborhood shows 53 violent crimes, for a rate of 21.43 per 1,000. Can you tell me the time frame that this data represents? Thank you.

Ein fil 73 6 0 by Search Reset 3 Print

Census Tract 482450022.00

Beaumont, Texas

Kilgore Industrial **EXHIBIT C** Google earth



(http://search.startnow.com)



+1 409 291 8528

(http://tilgoresideotilsi.com//

**EXHIBIT F** 

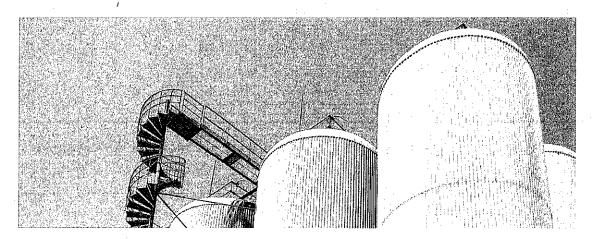
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Services (http://kilgoreindustrial.com/services/)

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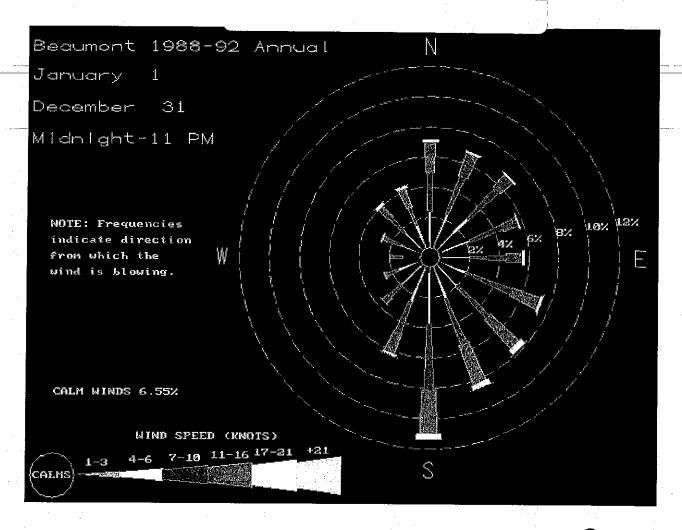
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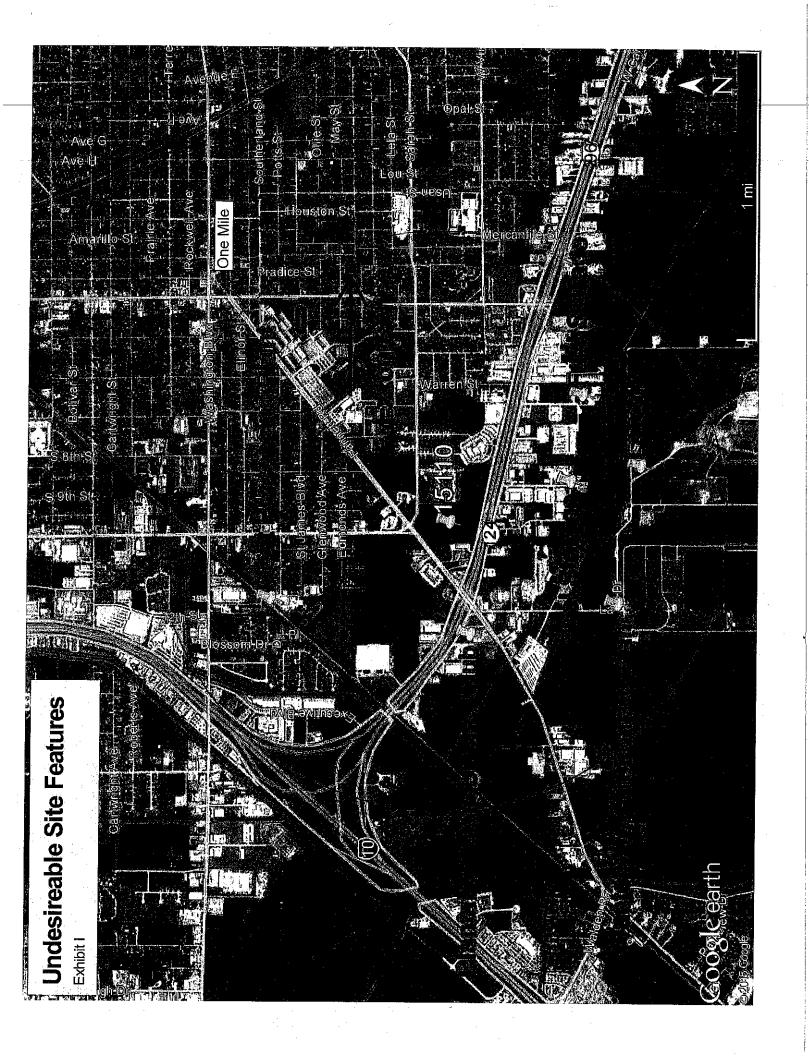
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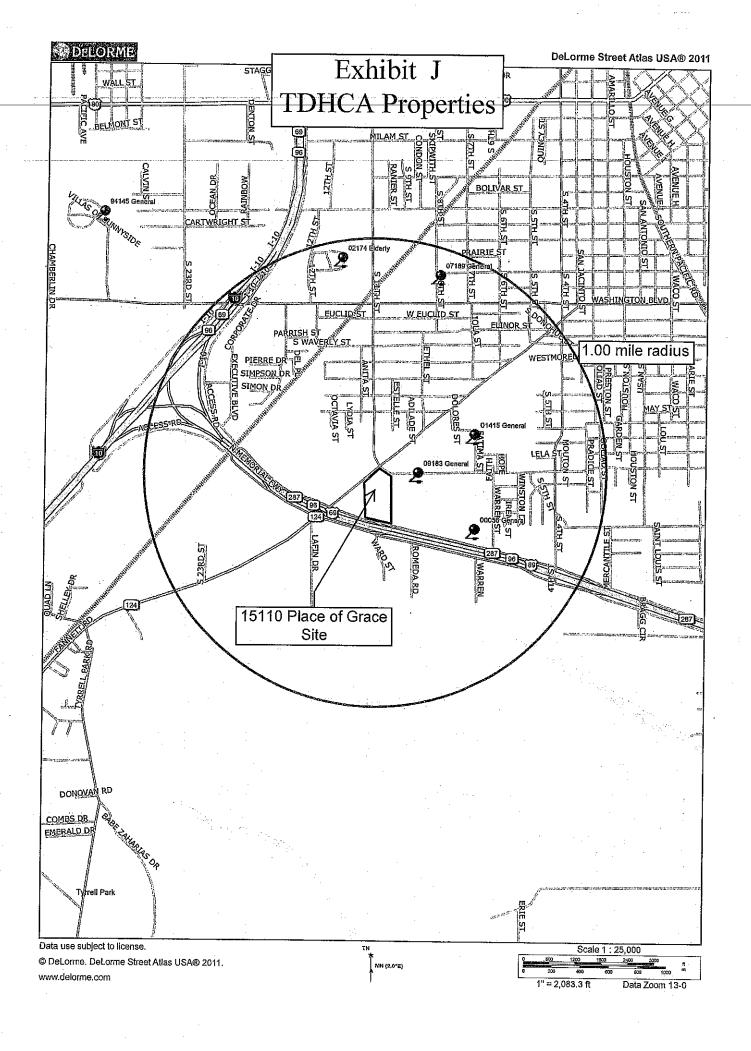
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# MULTIFAMILY DOCUMENT & PAYMENT RECEIPT

TDHCA | Deliver to: 221 E. 11th St., Austin, TX 78701 | Mail to: PO Box 13941, Austin, TX 78711-3941 (This receipt does not attest to the sufficiency of documentation to fulfill Program requirements.)

Contact: Dan Allgeier  TDHCA Application Number  TDHCA Data Handstamp  MAR 31 2015  Meditarily Planes by  Select Program of Documents/Payments Submitted (note: HTC = Housing Tax Credits)  3 9% HTC (Competitive)    Ware Request	Development. hertage h		Owner. Beaumont Housing Fai	
MAR 3 1 2015   TORCA   Modelmulty Feature Degr.   Select Program of Documents/Payments Submitted (note: HTC = Housing Tax Credity)   x 9% HTC (Competitive)   4% HTC - Tax Exempt Bond Issuer.   HOME   HOME   Pre-Application   Market Study   Phase I ESA   Site Design & Dev. Feasibility Report   Application   Appraisal   PCA/CNA   Primary Market Area Map   Waiver Request   Community Revitalization Plan   Community Input   X Others, Challenge &   Describe Payment   Check Amount:   \$500   HTC Application Fee:   X   = \$   S   Check Number:   2044   (full app only)   # of Units   Per unit fee   App. Fee   Check Number:   Describe any special circumstances:   Site Challenge of #15110 - Place of Grace   NOTE: Housing Tax Credit Program Applicants that are CHOOs or Qualified Nonprofit Organizations and requesting a fee reduction, must attach a copy of their CHOO certificate or evidence of 501(c) (3) or (4) status to this receipt.   3/28/2015   January   Januar				
Select Program of Documents/Payments Submitted (note: HTC = Housing Tax Credits)	TDHCA Appl	ication Number	MAR 3 1 2015	
Indicate All Documents Submitted   Pre-Application   Market Study   Phase I ESA   Site Design & Dev. Feasibility Report   Application   Appraisal   PCA/CNA   Primary Market Area Map   Waiver Request   Community Revitalization Plan   Community Input   X Othes, Challenge & Describe Payment	Select Progr	ram of Documents/Payments Subm		
Pre-Application   Market Study   Phase I ESA   Site Design & Dev. Feasibility Report	x 9% HTC (Competitive)	4% HTC - Tax Exempt Bond Issuer:		НОМЕ
Application Appraisal PCA/CNA Primary Market Area Map  Waiver Request Community Revitalization Plan Community Input x Others, Challenge & Describe Payment  Check Amount: \$500 HTC Application Fee: X = \$ .  Check Number: 2044 (full app only) # of Units Per unit fee App. Fee  Check Amount: Non-Profit or CHDO  Check Number: Non-Profit or CHDO  Chec	• •	Indicate All Docume	ents Submitted	
Waiver Request   Community Revitalization Plan   Community Input   x Others, Challenge   Describe Payment				port
Check Amount: \$500 HTC Application Fee: X = \$ - Check Number: 2044 (full app only) # of Units Per unit fee App. Fee  Check Number: NP Discounted Fee  Check Number: NP Discounted Fee  Describe any special circumstances: Site Challenge of #15110 - Place of Grace  NOTE: Housing Tax Credit Program Applicants that are CHDOs or Qualified Nonprofit Organizations and requesting a fee reduction, must attach a dopy of their CHDO certificate or evidence of 501(c)(3) or (4) status to this receipt.  3/28/2015 Date Applicant Signature  X Check this box to request a copy of the staff-initialed receipt.  Attach Check Here  CHECK DATE: 03-28-15  AUSTRIANS OF TORSON	Application	Appraisal [JPCA/CNA		
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# MULTIFAMILY DOCUMENT & PAYMENT RECEIPT

TDHCA | Deliver to: 221 E. 11th St., Austin, TX 78701 | Mail to: PO Box 13941, Austin, TX 78711-3941 (This receipt does not attest to the sufficiency of documentation to fulfill Program requirements.)

Development:	Heritage Heights		Owner: Beaumont Housing Partners, Ltd				
Contact: Dan A	Allgeier	Email: dallgeier@nurock.com Tel: 972-				972-573-3400	
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