

Previous Participation Reviews A Peek Behind The Curtain

November 2020

Sec. 2306.057. COMPLIANCE ASSESSMENT REQUIRED FOR PROJECT APPROVAL BY BOARD.

(a) Before the board approves any project application submitted under this chapter, the department, through the division with responsibility for compliance matters, shall:

Provide to the board a written report regarding the results of the assessments

- •The written report must be included in the appropriate project file for board and department review
- •The board shall fully document and disclose any instances in which the board approves a project application despite any noncompliance associated with the project, applicant, or affiliate
- •In assessing the compliance of the project, applicant, or affiliate, the board shall consider any relevant compliance information in the department's database created under Section 2306.081, including compliance information provided to the department by the Texas State Affordable Housing Corporation

This training is focused on multifamily applications and multifamily ownership transfers

Pre-Request or Pre-Review to determine your status ahead of submitting an application is not allowable

Compliance Status is not static Monitoring is an ongoing activity:

- (1) Complaints
- (2) Monitoring Reviews
 - (3) Physical Inspections

TDHCA does not complete out of state requests

Key Terms

EARAC

Executive Award and Review Advisory Committee

Corrective Action Period

- 30 days for Annual Owner's Compliance Report (AOCR)
- All other Issues of Noncompliance 90 days with the option to extend to an additional 90 days (for good cause only)

Actively Monitored Development

 A Development that within the last three years has been monitored by the Department, either through a Uniform Physical Condition Standards (UPCS) inspection, an Onsite or Desk Monitoring Review, an Affirmative Marketing Plan Review, or a Written Policy and Procedures Review

Uniform Previous Participation Form for Multifamily and Ownership Transfers

https://www.tdhca.state.tx.us/pmcomp/forms.htm

UNIFORM PREVIOUS PARTICIPATION - PROGRAMS COVERED UNDER 10 TAC §1.301 This form is used for multifamily awards and ownership transfers Submit a separate completed form for each member involved (i.e. organizations, entities, natural persons, etc. that has or will have a controlling interest or oversight) when applying for a TDHCA multifamily award or other assistance (including approval requests for wnership transfers). The form does NOT require signatures and can be completed by anyone. Provide the contact information for the person designated to address questions from TDHCA staff regarding this Form Applicant Legal Name: Enter the applicant/entities legal name for the new application or proposed transfer Person/Role: Enter the person's name and title/role OR contact name for organization Fmail Address: Enter the person or contact person's email address City/State Home Address: Enter the person or contact person's City and State of Home address Identify all TDHCA rental developments that the member has owned or controlled at any time. a. Place an "X" in the box, if there is NO prior TDHCA multifamily rental experience. TDHCA ID #: Enter the property number assigned by the TDHCA Compliance Monitoring & Tracking system Property Name: Enter the Development name (as identified in TDHCA Compliance Monitoring and Tracking System). Enter the name of the city where the Development is physically located. Enter the Program acronym that the Development operates under. If layered, identify all programs. BOND: Multifamily Mortgage Revenue Bonds HTF: Housing Trust Fund multifamily HOME: HOME Multifamily Development Program NSP: Neighborhood Stabilization Program HTC: Housing Tax Credit TCAP: Tax Credit Assistance Program HTCEX: Housing Tax Credit Exchange Program Control began: Identify the date that participation began. Identify the date that participation ended. Identify all Community Affairs and Single Family programs that the applicant/entity has participated in within the last three (3) years. a. Place an "X" in the box, if there is NO prior TDHCA Community Affairs or Single Family program experience. Community Affairs: Place an "X" next to the program(s) that the member has participated in within the last 3 years. CEAP: Comprehensive Energy Assistance Program HHSP: Homeless Housing & Services Program CSBG: Community Services Block Program LIHEAP: Low Income Home Energy Assistance Program DOE: Department of Energy Program WAP: Weatherization Assistance Program ESG: Emergency Solutions Grant Program HOME: Place an "X" next to the program(s) that the member has participated in within the last 3 years. PWD: Persons with Disabilities Program CFDC: Contract for Deed Conversion DR: Disaster Relief Program SFD: Single Family Development Program HBA: Homebuyer Assistance Program TBRA: Tenant Based Rental Assistance Program HRA: Homeowner Rehabilitation Assistance Program HTF/OCI: Place an "X" next to the program(s) that the member has participated in within the last 3 years. AYBR: Amy Young Barrier Removal Program CFDC: Contract for Deed Conversion Program Bootstrap: Texas Bootstrap Program Self-Help: Colonia Self Help Centers Program Other: Identify the TDHCA Program Name if no other matches applied. NSP: Place an "X" in the box if Neighborhood Stabilization Program experience February 2016

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Uniform Previous Participation Form for Multifamily and Ownership Transfers

2.	Identify all Community Affairs and Single Family programs that the applicant/entity has participated in within the last three (3) years.														
	a. Place an "X" in the box, if there is NO prior TDHCA Community Affairs or Single Family program experience.														
	Community Affairs: Place an "X" next to the program(s) that the member has participated in within the last 3 years.														
	CEAP: Comprehensive Energy Assistance Program HHSP: Homeless Housing & Services Program														
	CSBG: Community Services Block Program LIHEAP: Low Income Home Energy Assistance Program DOE: Department of Energy Program WAP: Weatherization Assistance Program														
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	HOME: Place an "X" next to the program(s) that the member has participated in within the last 3 years.														
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AYBR: Amy Young Barrier Removal Program CFDC: Contract for Deed Conversion Program															
	Bootstrap: Texas Bootstrap Program Self-Help: Colonia Self Help Centers Program														
		: Identify the TDHCA Program Na													
	NSP:	Place an "X" in the box if Neight	orhood S	Stabilizat	ion Progi	am expe	rience.								
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	TDHC/	ID# Enter the property p										1			
	Prop 2.	. Identify all Community Affairs (CA) and Si		departmen	it programs	that you ha	ave particip	ated in with	in the last th	ree(3) years	by).			
1	Prop	placing an "X" next to the program name.													
	Prog	By selecting this box I certify to no	t participati	ng in a TDU	CA CA or Sin	glo Family E	Program in th	ho last 2 year	rc			s.			
	1	by selecting this box i certify to no	rt participati	ing in a TDIN	CA CA OI SIII	gie raililly r	Togrammu	le last 5 year	3.						
			CEAP		DOE		HHSP		WAP						
		Community Affairs:	CSBG		ESG		LIHEAP		VVAF						
			CFDC		HBA		PWD		TBRA						
		HOME:	DR		HRA		SFD		. =						
	Cont—	HTF/OCI:	AYBR		Bootstrap		CFDC		Self-Help						
	Cont	Other:							NSP						

Uniform Previous Participation Form for Multifamily and Ownership Transfers Form submitted to program area or Asset Management Division for transfers

Form is sent to the Compliance Division

Compliance Administrator reviews, begins the assessment and completes the written report for the Board's Review

Uniform Previous
Participation Form for
Multifamily and Ownership
Transfers

Compliance Monitoring and Tracking System (CMTS) Database

Discloses four TDHCA rental developments that the member has owned or controlled

Database identifies five rental developments that the member has owner or controlled



Compliance
Administrator will
contact for clarification
via email

Ensure a good contact person and email address is identified on the form

Items not taken into consideration during assessment:

Events of Noncompliance corrected within their Corrective Action Period

Events of Noncompliance that have been corrected for over three (3) years

Events of Noncompliance with a date prior to applicant's date of control, if corrected

Casualty loss if the restoration period has not expired

Items not taken into consideration during assessment:

Uncorrected Events of Noncompliance with an out of compliance date prior to the applicant's date of control and the Applicant has had control for less than one year, or the Event is still within the corrective action timeframe approved by the Department's Enforcement Committee

Failure to provide Fair Housing Disclosure Notice

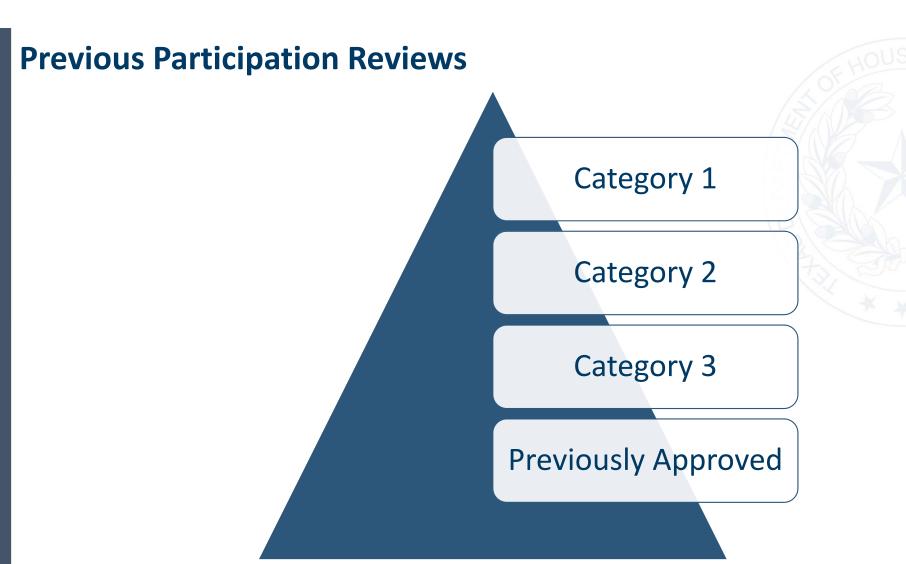
Ineligible households if the household resided in the unit prior to an allocation of Department resources and Federal Regulations prevent the Owner from correcting the issue

Items not taken into consideration during assessment:

Events of Noncompliance that the Applicant believes can never be corrected and the Department agrees in writing that such item should not be considered

Events of failure to respond within the Corrective Action Period which have been fully corrected prior to January 1, 2019, will not be taken into consideration under Subsection (e)(2)(C) and (e)(3)(C) of this Section

Events of Noncompliance precluded from consideration by Tex. Gov't Code §2306.6719(e)



The Actively Monitored
Developments in the
Combined Portfolio have no
issues that are currently
uncorrected

The Actively Monitored
Developments in the
Combined Portfolio
responded during the
Corrective Action Period to
all Monitoring Events

The Application does not meet any of the criteria of Category 2 or 3

Compliance History Approved

Does not necessarily mean that your property is "uber" compliant

Properties that have lots of noncompliance that is getting cleaned up in CA period- may get a courtesy call

Recommend an open records request is completed prior to committing to a partnership to determine the "real" compliance track record



The review resulted in five (5) events of noncompliance:

- 1. Noncompliance related to Affirmative Marketing requirements
- Program Unit not leased to Low-Income household/Household income above income limit upon initial occupancy: affecting unit 222
- 3. Failure to collect data required by §10.612(b)(1) and/or §10.612(b)(2): affecting unit 514
- 4. Failure to provide Tenant Income Certification and documentation: affecting unit 514
- Gross rent exceeds the highest rent allowed under the LURA or other deed restriction: affecting units 821 and 824

332	411	513	514	611
613	714	715	716	728
811	813	814	821	824
916	923	934	937	1011
1018	1026	1028	1031	1113
1117	1135	1226	1417	1436
1538				

Additional tips and links for future reference:

- Join Our Email List: The Department recommends signing up for the Email list to receive updates regarding
 important compliance rule and form changes. Sign up at the "Join our Email List" link in the left column of
 the TDHCA homepage at http://www.tdhca.state.bx.us/.
- Compliance Monitoring Rules: These rules change periodically and you are responsible for staying apprised
 of any and all updates. The rules are published on the Secretary of State website at:
 <a href="http://texreg.sos.state.tx.us/public/readtacSext.ViewTAC?tac.view=S&ti=108pt=1&ch=108st=1=&c
- Compliance Forms are available at: http://www.tdhca.state.tx.us/pmcomp/forms.htm
- Income and Rent Limits are published at least annually a http://www.tdhca.state.tx.us/pmcomp/irl/index.htm
- Frequently asked questions and answers are available of http://www.tdhca.state.tx.us/pmcomp/compFags.htm
- Ownership transfer: If you are contemplating a sale, transfer, or exchange of the Development or the structure of the owning entity, you are required to receive pre-approval from TDHCA. Procedures are

			Issue Corrected?	Corrected During CAP?					
ssues of Nonc	ompliance								
		Score							
ID	Total Units 252	Last Audit Date	Yes	Yes					
	BIN # With NC NC I	ate Correcte	Yes	Yes	Event Score				
d	ng of UPCS violation		Yes	Yes					
aministrative reporti			Yes	Yes					
		/2012 07/10/20 /2011 06/14/20		165	0				
		/2011 06/14/20 5/2013 09/27/20			0				
		7/2014 08/27/20		Yes	0				
	provide Annual Eligibility Certifica		165	165					
atture to maintain or			Yes	Yes					
		/2011 06/06/20	Yes	Yes	0				
		/2011 09/16/20 /2011 09/28/20			- 0				
			Low-Income househ	old	0				
	ove income limit upon initial occupa		Yes	Yes					
		/2016 05/01/20			0				
		2019 07/20/20		Yes	0				
ow-income units occi	upied by nonqualified full-time stud	mts/Program unit occu	onqualified full-time	students					
	TX0	/2012 10/22/20			0				
evelopment failed to	meet additional state required rent	and occupancy restrict	Yes	Yes					
	824 01/01	/2020 08/06/20	20		0				
	821 01/01	/2020 08/06/20			0				
Ioncompliance with s	ocial service requirements		Yes	Yes					
	All Bins 05/19	/2011 06/24/20	ll Yes	Yes	0				
					-				
	3434		1						
tonaay, September 28,	2020		Yes	Yes	0,72				
donday, September 28,	2020		Yes	Yes	of				

There are uncorrected Events of Noncompliance but the number number of Actively Monitored Developmen

The Applicant is required to have a Single Audit and a relevant issue was identified in the Single Audit (e.g. Notes to the Financial Statements), or the required Single Audit is past due Noncompliance

6

No Events of Noncompliance

7

No Events of Noncompliance

8

Noncomplianc

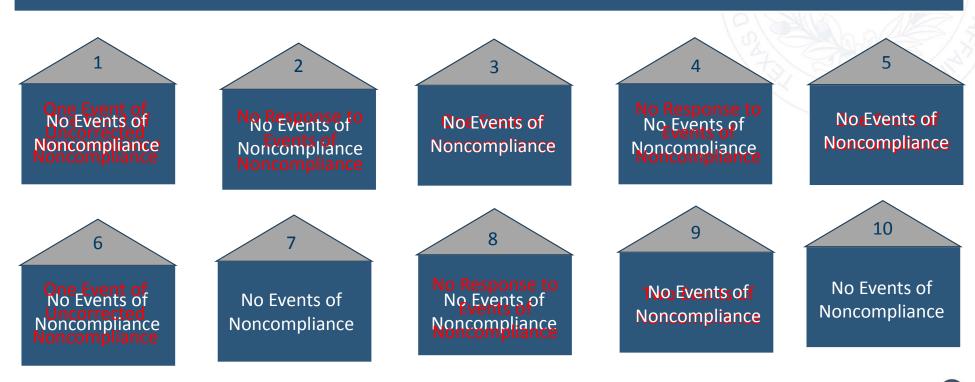
TEXAS Department of Housing and Community Affairs Audit Certification Form (ACF)

Super Circular Subpart F, Audit Requirements, will apply to audits of the fiscal years that begin on or after 12/26/14.

Entity*:				Fiscal Year End (FYE):		
indicate any DBe	s or affliation	MJ		, , ,	mm/dd/yy	'
T			unding Check appr			
or more wit	h continuin	50,000 or more in state awards or g compliance requirements, or a or	have an outs tanding combination thereof	loan balance associated wi for the fiscal year reference	ith a state resource of \$750,000 ed above. We will have our	, I
Single Audi	or Program	m Specific Audit completed and				
we did no		50,000 or more in state awards or l	have an outstanding	han balance associated wi	ids a state resource of \$750,000	or more
with contin	ring complis	ance requirements, or a combinati	ion thereof for the i	fiscal year referenced abov	re. A Single Audit or a Progra	
Specific Au	dit is not req	quised for this fiscal year. (Fill out I	Federal and State	Funds Schedulesbelo	w)	
			Funding Check ap			
		50,000 or more in federal awards of continuing compliance requirement				
our Single	ludit or Pro	rogram Specific Audit completed a	and will submit the	sadit report to the Fed	leral Audit Clearinghou	is e
at https:/	/harvest	ter.census.gov/facweb/ as ited fiscal year.	nd notify the D	epartment of the up	plo ad within nine (9) month	16
		750,000 or more in federal awards	or have an outstand	ling loan balance associated	d with a federal of \$750,000 or	more
with contin	ing complis	iance requirements, or a combination	ion thereof for the i	fiscal year referenced above	re. A Single Audit or a Progra	
Specific Au	dit is not mo	ouised for this fiscal year. (Fill out)	Federal and State	Funds Schedules beto	w)	
		(Must be filled out if Single				
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Federal Gra	ntor	Pass-through P Grantor	Program Name & C Number	Contract N	iumber Expendit	tures
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Category 2 Applications will not be recommended for denial May be awarded with conditions Will be contacted and informed of status

Within the three years immediately preceding the date of Application, any Person subject to previous participation review failed to respond during the Corrective Action Period to a Monitoring Event and the number of times is equal to or greater than 25% of the number of Actively Monitored Developments in the Combined Portfolio



Any Development Controlled by the Applicant has been the subject of an agreed final order entered by the Board and the terms have been violated

Any Person subject to previous participation review failed to meet the terms and conditions of a prior condition of approval imposed by the EARAC, the Governing Board, voluntary compliance agreement, or court order

Payment of principal or interest on a loan due to the Department is past due beyond any grace period provided for in the applicable documents for any Development currently Controlled by the Applicant or that was Controlled by the Applicant at the time the payment was due and a repayment plan has not been executed with the Department, or an executed repayment plan has been violated

The Department has requested and not been provided evidence that the Owner has maintained required insurance on any collateral for any loan held by the Department related to any Development Controlled by the Applicant

The Department has requested and not been provided evidence that property taxes have been paid or satisfactory evidence of a tax exemption on any collateral for any loan held by the Department related to any Development Controlled by the Applicant

Fees or other amounts owed to the Department by any Person subject to previous participation review are 30 days or more past due and a repayment plan has not been executed with the Department, or an executed repayment plan has been violated

Any Person subject to previous participation review or the proposed incoming owner is currently debarred by the Department or currently on the federal debarred and suspended listing

Despite past condition(s) agreed upon by any Person subject to previous participation review to improve their compliance operations, three or more new Events of Noncompliance have since been identified by the Department, and have not been resolved during the corrective action period

Any Person subject to previous participation review has or had Control of a TDHCA funded Development that has gone through a foreclosure

Applications may be recommended for approval, approval with conditions or denial

Will be notified of status

Previously Approved- NEW

If EARAC or the Board previously approved the compliance history of an Applicant, with or without conditions (including approvals resulting from a Dispute under §1.303(g) of this Subchapter (relating to EARAC)) such conditions have not been violated, and no new Events of Noncompliance have occurred since the last approval, the compliance history will be deemed acceptable without further review or discussion and recommended as approved or approved with the same prior conditions

Previously Approved- NEW

Treated like a Category 1

Could be approved with existing conditions, but no new conditions

	PPR Results Summary																
PPI	R Name:	SAMPLE APTS			PPR No.	300	00000			Category:	3						
If Category 2 or 3 - Reason(s)					\$1.301(e)(3)(A) The number of uncorrected Events of Noncomplus the number of corrected Events of Noncompliance that were not c during the Corrective Action Peat least three and equal or excethe number of properties in the Combined Portfolio;	vents of corrected riod total red 50% of		\$1.301(e)(3)(B) The number of Evicurrently uncorrected total 10% of properties in the Combined Portfobeen uploaded to CMTS or if the rand evidence of corrective action day period referenced in Subsective viewed and the Category deterrappropriate;	that are er of has cted e seven will be	of Development in the s Combined Portfolio has id been the subject of a final even order entered by the							
				SAMPLE													
	Appli	Date Contacted:			Date Response Due: SAM	IPLE											
		Associated Deve		.		· · · · · · · · · · · · · · · · · · ·											
		Associated Devi	Hopments					Compliance						FALS NO Iss	ues	FAFS NO Issues	
Program	TDHCA ID	Property #	Property Name	# of Events	Event Description	Corrected? (Y or N)	Was any type of response submitted within CAP?	Event Description	Corrected? (Y or N)	Was any type of response submitted within CAP?	Subject to final order	Terms Violated	Past Due Loan	No evidence of Insurance	No evidence of current taxes	Past Due Fees	
					Event 1 Failure to provide pre-onsite		n/a	Event 2 Noncompliance with tenant		n/a							
HTF	100000	123456	Apartment Phase I	3	documentation	Y	Pre-19	selection reqs in §10.610	Y	Pre-19	Yes	YES					
					Event 3 Noncompliance with lease requirements in §10.613	Y	n/a Pre-19										
НТЕ	100001	7891230	Apartment Phase II	5	Failure to provide pre-onsite documentation Event 3 Noncompliance with tenant selection regs in \$10.610	Y	n/a Pre-19 n/a Pre-19	Event 2 HH income above limit upon occ/Unit not leased to Li HH Event 4 Noncompliance with lease requirements in §10.613	Y	n/a Pre-19 n/a Pre-19	Yes	YES					
					Noncompliance with tenant selection regs in §10.610	N	Y										
					Event 1 Failure to provide pre-onsite		n/a	Event 2 HH income above limit occ/Unit		n/a							
					documentation Event 3	Y	Pre-19	not leased to LI HH ('16 onsite) Event 4	Y	Pre-19	l						
					Units occupied by nonqualified full-time students	Y	n/a Pre-19	Low-income units used on a transient basis	Υ	n/a Pre-19	1						
HTF	100002	123159357	Apartments Phase III	8	Event 5			Event 6			Yes	YES					
					Noncompliance with tenant selection regs in §10.610	Y	n/a Pre-19	Noncompliance with lease requirements in §10.613	Y	n/a Pre-19							
					Event 7 HH income above limit/Unit not leased to LI HH ('19 Onsite)	N	Y	Event 8 Failure to provide Tenant Income Certification & Doc	N	Y	1						
нтс	100003	98764555	Apartments Phase IV	1	Event 1 Failure to resolve final	Y	n/a	Certification & Doc									
HTC	100004	1254893	Apartments Phase V	0	construction deficiencies		Pre-19										
	5	Total # of Projects	_	17	Total Events		Total Uncorr	ected o response provided to Dept during CA	P								

First Opportunity To Respond (there are two!)

The Control form can be found on the Departments website on the Compliance Forms page, under Program Forms (labeled 2019 Control Form):

Completed by the requesting entity

An organization of the Development Owner, as needed, to reflect the feed of the Development Owner, as needed, to reflect the feed of the Development Owner, as needed, to reflect the feed of the Development Owner, for example, if there are three Control Parties, the form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if there are three Control Parties, not form the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development Owner, for example, if the Development O

Donot make any modification

representing all parties with an ownership interest in the Development and their percentage of ownership interests. Only Persons listed in the original Application to TDHCA, or added through a subsequent TDHCA approved Ownership Transfer, are included on Attachment A. Multiple Persons are affiliated with the Development Owner. These Persons desire to identify for the Texas Department of Housing and Community Affairs (the "Department") which Persons Control the Development Owner for the purposes described herein.

In consideration of the premises herein expressed and for certain other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed,

['Control Party/Parties 1'] and

['Control Party/Parties 2']', representing all parties with Control in Attachment A, each intending to be legally bound, do hereby agree as follows:

- Capitalized terms used but not defined in this Assignment and Acceptance shall have the meanings given them in the rules of the Department.
- Except as disclosed on the organizational chart at Attachment A hereto, which is incorporated herein by reference for all purposes, there is no other Person who exercises Control over the Development Owner.
- 3) Control Party 1 assigns to Control Party 2, and Control Party 2 accepts such assignment for Control Party 2 to exercise sole and unfettered authority and responsibility for ensuring that the Development Owner complies with each and all

Submitted for final execution by the Department

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ers for any other matters not covered or subsumed hereby nor seven the matters not covered or subsumed hereby nor seven the matters.

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rol Party 1. This Assignment and Acceptance agreement does not yet objection of the proceedings to enforce or exclusively within Travis County other parties in the ownership structure, or Control Party 1, in not proceedings if appropriate under 0 TAG 22, 400, relating to

and Control Party 2 acknowledge and agree that the existence of tt and Acceptance has been disclosed to any investor in the wher, and approved by such investor.

Parties hereby represents and warrants to each other and to the tithey are duly organized and existing entities, formed under the estunder which they are filled and are duly qualified to do business in in-which they are required to be so qualified. All Controlling parties ding with the State of Texas.

1 and Control Party 2 represent and warrant to each other and the Department that the execution, delivery, and performance of this Agreement has been duly authorized by all necessary corporate and other actions on their behalf ignment and acceptance for and on behalf of

State of Texas, except as federal law

gal proceedings to enforce or construe any aspect of this exclusively within Travis County, Texas.

Acceptance shall not become effective until and unless it is Department.

____(Control Party 1

Its duly authorized officer or representative

ect

erties

¹ Note: if there is more than one Control Party 2 (i.e. two parties seek to be identified herein as "Control Party 2") then a second signature acknowledgement must be added to the last page, and any and all parties represented so "Control Party 2" hereby acknowledge their joint and several responsibility and liability for the obligations of Control Party 2 persessed herein.

Preparing The Response

Submit a written explanation on the compliance history

- Outline any extenuating circumstances
- What created the noncompliance
- Why was it not corrected during the Corrective Action Period
- Is additional staff training needed
- Are the right people in the right positions
- Is there enough staff to handle the work load
- Evidence that changes are or have been made to move toward future compliance
- Propose conditions

Review of the Response

The Compliance
Division reviews the responses

Category 2- either award with conditions or no conditions

Category 3- approve with or without conditions, or recommend denial

10TAC, Chapter 1, Subchapter C, Rule §1.303(e)

Household income above income limit upon initial occupancy



§1.303(e)(1): Applicant/Owner is required to ensure that each Person subject to previous participation review for the Combined Portfolio will correct all applicable issues of non-compliance identified by the previous participation review on or before a specified date and provide the Department with evidence of such correction within 30 calendar days of that date

§1.303(e)(9) Owner or Sub recipient is required to ensure that agreed upon persons attend and/or review the trainings listed in (A), (B), (C) and/or (D) of this Paragraph (only for Applications made and reviewed under §1.301 of this Subchapter) and/or (E) for applications made and reviewed under §1.302 of this Subchapter and provide TDHCA with certification of attendance or completion no later than a given date

10TAC, Chapter 1, Subchapter C, Rule §1.303(e)

One (1) Event of Noncompliance with unresponsiveness

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§1.303(e)(7) Owner agrees to establish an email distribution group in CMTS, to be kept in place until no later than a given date, and include agreed upon employee positions and/or designated Applicant members

10TAC, Chapter 1, Subchapter C, Rule §1.303(e)

Varying Events of
Noncompliance indicating
concerning movement towards
a Category 3 or denial



§1.303(e)(2) Owner is required to have qualified personnel or a qualified third party perform a one-time review of an agreed upon percentage of files and complete the recommended actions of the reviewer on or before a specified deadline for an agreed upon list of Developments. Evidence of reviews and corrections must be submitted to the Department upon request

§1.303(e)(6) Owner agrees to replace the existing management company, consultant, or management personnel, with another of its choosing

§1.303(e)(11) Owner is required to have qualified personnel or a qualified third party perform Uniform Physical Condition Standards inspections of 5% of their Units on a quarterly basis for a period of one year, and promptly repair any deficiencies. Different Units must be selected every quarter.

Evidence of inspections and corrections must be submitted to the Department upon request

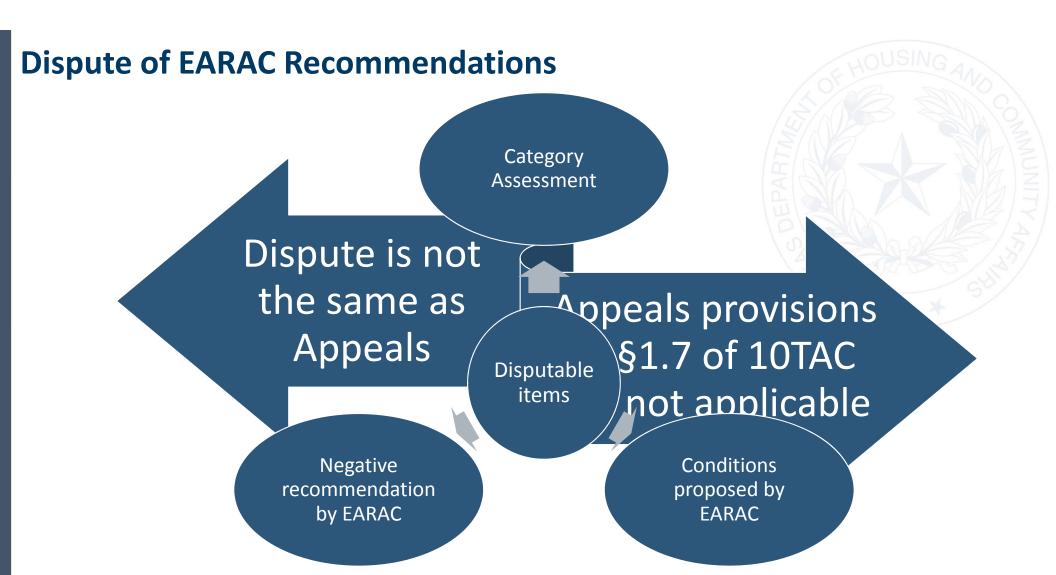
Failure To Meet Conditions

The Executive Director may grant one extension to a deadline specified in a condition

Up to six months, if requested prior to the deadline

Any subsequent extension must be approved by the Board

If any condition is not met as determined by the evidence submitted, the Applicant may be referred to the Enforcement Committee for debarment



Dispute of EARAC Recommendations



- No later than the seventh calendar day after notice of the recommendation of denial or award with conditions has been provided
- Must include any materials that the Applicant wishes EARAC and/or the Board to consider

Applicant may request to meet with EARAC

- EARAC not obligated to meet with the Applicant
- EARAC not required to consider a Dispute prior to making its recommendation to the Board

Dispute of EARAC Recommendations

Dispute will be included on the Board agenda if received at least seven calendar days prior to the required posting date of that agenda

§2306.057(c)"The board shall fully document and disclose any instances in which the board approves a project application despite any noncompliance associated with the project, applicant, or affiliate."

Prepare to convince the Board that despite the record there is some reason the deal should be approved

For competitive funding, there is probably another application that will fulfill the same public purpose

Dispute of EARAC Recommendations



Previously Approved Category



Remain Compliant

Treated as Category 1



New events of noncompliance

Back to Square One

Recommendation could be denial

Contact Information



Patricia Murphy Director of Compliance

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Jo En Taylor Compliance Administrator

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Wendy Quackenbush Director of Compliance Monitoring

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Cody Campbell Manager of Physical Inspections

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Thank You

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