



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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December 4, 2025

Writer's direct phone # (512) 475-4065
Email: shay.erickson@tdhca.texas.gov

South Congress IVP II Apartments
Austin, TX
ronk@hacanet.org; themartingale@rpmliving.com

RE: The Martingale

Dear PFC Operator:

The Texas Department of Housing and Community Affairs (Department) received documentation on April 20, 2025, addressing the noncompliance identified during the review of the Audit Report submitted by Murphy HTC, LLC on December 13, 2024. Corrective action was due on April 20, 2025.

The documentation submitted was sufficient to correct the noncompliance related to **Household above the income limit** affecting unit 2216, and **Failure to comply with the Public Facility Corporation Regulatory Agreement** affecting units 1214, 1313, 1323, 1418, 1435, 2115, 2315, and 2404. Please see the attached Finding Report for details.

If you have any questions, please contact Shay Erickson toll free in Texas at (800) 643-8204, directly at (512) 475-4065, or email: shay.erickson@tdhca.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shay Erickson".

Shay Erickson
PFC Compliance Monitor

CC: investorrelations@virtusre.com; victoria.casarez@rpmliving.com;
suzannes@hacanet.org; themartingale@rpmliving.com; michaelgerber@hacanet.org;
info@hacanet.org; mshah@virtusre.com; cdavis@virtusre.com; patricia@murphyhtc.com



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

DETAIL FINDINGS AND CORRECTIVE ACTION

PFC PROGRAM

Corrective Action Response

PFC User: Jackie Rios

Property Name: The Martingale

Address: 8100 South Congress Ave. Austin, TX 78745

RA Date: October 31, 2019

Audit Report Date: 12/13/2024

Program: PFC

Corrective Action Due Date: 4/20/2025

PROGRAM: PFC

PROPERTY FINDINGS

Unit # 2216

Finding

Household above the income limit.

Noncompliance Date

10/18/2023

Correction Date: 4/20/2025

Reason

A two person household moved in on 10/18/2022 according to the lease contract in the file. However, the household's income was not verified or documented at move-in. In 2023, there is an application and income verifications for one household member, but nothing is in the file to indicate if the second adult is living in the unit or what their income may be at annual income recertification. In addition, the Auditor noted that there was insufficient documentation of tip income and assets were not verified at annual income recertification.

Corrective Action

The owner may complete a retroactive income certification that completely and clearly documents the sources of income/assets for both household members that were in place at the time of the initial certification and apply income limits that were in effect on the initial move-in date. Submit a copy of the application(s), income/asset verifications and a new Income Certification form that clearly documents all sources of income/assets at the time of move-in. Or the owner has the option to complete a new current certification using current income/assets sources and current income limits. The status of the second household member needs to be documented if they are still living in the unit or when the member vacated the unit. Submit a copy of the application(s), income/asset verifications and a new Income Certification form that clearly documents all current sources of income/assets. If the household has moved out or is not income eligible, occupy the unit or another comparable unit on the property with a new income eligible household. Submit copies of the application(s), income/asset verifications, an Income Certification, lease contract and applicable lease addendums to the Department for review.

Unit # 1214

Finding
Noncompliance Date

Failure to comply with the Public Facility Corporation Regulatory Agreement
5/1/2022

Correction Date: 4/20/2025

Reason

In accordance with Section 3(c) of the Regulatory Agreement, the following items are acceptable to determine income eligibility: (1) pay stubs for the most recent four-week period; (2) income tax returns for the most recent two tax years; (3) conduct a consumer credit search; (4) obtain an income verification from the applicant's current employer; (5) obtain an income verification from the Social Security Administration; or (6) if the applicant is unemployed, does not have income tax returns or is otherwise unable to provide other forms of verification as required above, obtain another form of independent verification.

Department is unable to establish eligibility. The tenant file submitted to the Department for unit 1214 does not contain any acceptable forms of income verification documentation. The Auditor reported household income could not be determined.

Corrective Action

To correct, submit for Department review the income from the time of initial occupancy, and an updated Income Certification, if needed. If unable to verify income from the time of initial occupancy, the household may be certified under current circumstances using current income limits. If verifying under current circumstances, please provide the following for Department review: application, verification of income/assets, and executed Income Certification. If the household remains ineligible, when the unit becomes available lease to a qualified household and submit the following for Department review: application, verification of income/assets and, executed Income Certification and the lease contract.

Unit # 1313

Finding
Noncompliance Date

Failure to comply with the Public Facility Corporation Regulatory Agreement
4/5/2022

Correction Date: 4/20/2025

Reason

In accordance with Section 3(c) of the Regulatory Agreement, the following items are acceptable to determine income eligibility: (1) pay stubs for the most recent four-week period; (2) income tax returns for the most recent two tax years; (3) conduct a consumer credit search; (4) obtain an income verification from the applicant's current employer; (5) obtain an income verification from the Social Security Administration; or (6) if the applicant is unemployed, does not have income tax returns or is otherwise unable to provide other forms of verification as required above, obtain another form of independent verification.

Department is unable to establish eligibility. The tenant file submitted to the Department for unit 1313 does not contain any acceptable forms of income verification documentation. The Auditor reported household income could not be determined.

Corrective Action

To correct, submit for Department review the income from the time of initial occupancy, and an updated Income Certification, if needed. If unable to verify income from the time of initial occupancy, the household may be certified under current circumstances using current income limits. If verifying under current circumstances, please provide the following for Department review: application, verification of income/assets, and executed Income Certification. If the household remains ineligible, when the unit becomes available lease to a qualified household and submit the following for Department review: application, verification of income/assets and, executed Income Certification and the lease contract.

Unit # 1323

Finding

Failure to comply with the Public Facility Corporation Regulatory Agreement

Noncompliance Date

7/5/2023

Correction Date: 4/20/2025

Reason

In accordance with Section 3(c) of the Regulatory Agreement, the following items are acceptable to determine income eligibility: (1) pay stubs for the most recent four-week period; (2) income tax returns for the most recent two tax years; (3) conduct a consumer credit search; (4) obtain an income verification from the applicant's current employer; (5) obtain an income verification from the Social Security Administration; or (6) if the applicant is unemployed, does not have income tax returns or is otherwise unable to provide other forms of verification as required above, obtain another form of independent verification.

Department is unable to establish eligibility. The tenant file submitted to the Department for unit 1323 does not contain any acceptable forms of income verification documentation. The Auditor reported household income could not be determined.

Corrective Action

To correct, submit for Department review the income from the time of initial occupancy, and an updated Income Certification, if needed. If unable to verify income from the time of initial occupancy, the household may be certified under current circumstances using current income limits. If verifying under current circumstances, please provide the following for Department review: application, verification of income/assets, and executed Income Certification. If the household remains ineligible, when the unit becomes available lease to a qualified household and submit the following for Department review: application, verification of income/assets and, executed Income Certification and the lease contract.

Unit # 1418

Finding

Failure to comply with the Public Facility Corporation Regulatory Agreement

Noncompliance Date

5/18/2022

Correction Date: 4/20/2025

Reason

In accordance with Section 3(c) of the Regulatory Agreement, the following items are acceptable to determine income eligibility: (1) pay stubs for the most recent four-week period; (2) income tax returns for the most recent two tax years; (3) conduct a consumer credit search; (4) obtain an income verification from the applicant's current employer; (5) obtain an income verification from the Social Security Administration; or (6) if the applicant is unemployed, does not have income tax returns or is otherwise unable to provide other forms of verification as required above, obtain another form of independent verification.

Department is unable to establish eligibility. The tenant file submitted to the Department for unit 1418 does not contain any acceptable forms of income verification documentation. The Auditor reported household income could not be determined.

Corrective Action

To correct, submit for Department review the income from the time of initial occupancy, and an updated Income Certification, if needed. If unable to verify income from the time of initial occupancy, the household may be certified under current circumstances using current income limits. If verifying under current circumstances, please provide the following for Department review: application, verification of income/assets, and executed Income Certification. If the household remains ineligible, when the unit becomes available lease to a qualified household and submit the following for Department review: application, verification of income/assets and, executed Income Certification and the lease contract.

Unit # 1435

Finding

Noncompliance Date

Reason

Failure to comply with the Public Facility Corporation Regulatory Agreement

7/20/2022

Correction Date: 4/30/2025

In accordance with Section 3(c) of the Regulatory Agreement, the following items are acceptable to determine income eligibility: (1) pay stubs for the most recent four-week period; (2) income tax returns for the most recent two tax years; (3) conduct a consumer credit search; (4) obtain an income verification from the applicant's current employer; (5) obtain an income verification from the Social Security Administration; or (6) if the applicant is unemployed, does not have income tax returns or is otherwise unable to provide other forms of verification as required above, obtain another form of independent verification.

Department is unable to establish eligibility. The tenant file submitted to the Department for unit 1435 does not contain any acceptable forms of income verification documentation. The Auditor reported household income could not be determined.

Corrective Action

To correct, submit for Department review the income from the time of initial occupancy, and an updated Income Certification, if needed. If unable to verify income from the time of initial occupancy, the household may be certified under current circumstances using current income limits. If verifying under current circumstances, please provide the following for Department review: application, verification of income/assets, and executed Income Certification. If the household remains ineligible, when the unit becomes available lease to a qualified household and submit the following for Department review: application, verification of income/assets and, executed Income Certification and the lease contract.

Unit # 2115

Finding

Noncompliance Date

Reason

Failure to comply with the Public Facility Corporation Regulatory Agreement

4/1/2023

Correction Date:

In accordance with Section 3(c) of the Regulatory Agreement, the following items are acceptable to determine income eligibility: (1) pay stubs for the most recent four-week period; (2) income tax returns for the most recent two tax years; (3) conduct a consumer credit search; (4) obtain an income verification from the applicant's current employer; (5) obtain an income verification from the Social Security Administration; or (6) if the applicant is unemployed, does not have income tax returns or is otherwise unable to provide other forms of verification as required above, obtain another form of independent verification.

Department is unable to establish eligibility. The tenant file submitted to the Department for unit 2115 does not contain any acceptable forms of income verification documentation. The Auditor reported household income could not be determined.

Corrective Action

To correct, submit for Department review the income from the time of initial occupancy, and an updated Income Certification, if needed. If unable to verify income from the time of initial occupancy, the household may be certified under current circumstances using current income limits. If verifying under current circumstances, please provide the following for Department review: application, verification of income/assets, and executed Income Certification. If the household remains ineligible, when the unit becomes available lease to a qualified household and submit the following for Department review: application, verification of income/assets and, executed Income Certification and the lease contract.

Unit # 2315

Finding

Failure to comply with the Public Facility Corporation Regulatory Agreement

Noncompliance Date

11/15/2022

Correction Date: 4/20/2025

Reason

In accordance with Section 3(c) of the Regulatory Agreement, the following items are acceptable to determine income eligibility: (1) pay stubs for the most recent four-week period; (2) income tax returns for the most recent two tax years; (3) conduct a consumer credit search; (4) obtain an income verification from the applicant's current employer; (5) obtain an income verification from the Social Security Administration; or (6) if the applicant is unemployed, does not have income tax returns or is otherwise unable to provide other forms of verification as required above, obtain another form of independent verification.

Department is unable to establish eligibility. The tenant file submitted to the Department for unit 2315 does not contain any acceptable forms of income verification documentation. The Auditor reported household income could not be determined.

Corrective Action

To correct, submit for Department review the income from the time of initial occupancy, and an updated Income Certification, if needed. If unable to verify income from the time of initial occupancy, the household may be certified under current circumstances using current income limits. If verifying under current circumstances, please provide the following for Department review: application, verification of income/assets, and executed Income Certification. If the household remains ineligible, when the unit becomes available lease to a qualified household and submit the following for Department review: application, verification of income/assets and, executed Income Certification and the lease contract.

Unit # 2404

Finding

Failure to comply with the Public Facility Corporation Regulatory Agreement

Noncompliance Date

2/25/2023

Correction Date: 4/20/2025

Reason

In accordance with Section 3(c) of the Regulatory Agreement, the following items are acceptable to determine income eligibility: (1) pay stubs for the most recent four-week period; (2) income tax returns for the most recent two tax years; (3) conduct a consumer credit search; (4) obtain an income verification from the applicant's current employer; (5) obtain an income verification from the Social Security Administration; or (6) if the applicant is unemployed, does not have income tax returns or is otherwise unable to provide other forms of verification as required above, obtain another form of independent verification.

Department is unable to establish eligibility. The tenant file submitted to the Department for unit 2404 does not contain any acceptable forms of income verification documentation. The Auditor reported household income could not be determined.

Corrective Action

To correct, submit for Department review the income from the time of initial occupancy, and an updated Income Certification, if needed. If unable to verify income from the time of initial occupancy, the household may be certified under current circumstances using current income limits. If verifying under current circumstances, please provide the following for Department review: application, verification of income/assets, and executed Income Certification. If the household remains ineligible, when the unit becomes available lease to a qualified household and submit the following for Department review: application, verification of income/assets and, executed Income Certification and the lease contract.