



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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November 5, 2025

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

PFC Operator
Nitya Capital
Houston, Texas
awu@nityacapital.com; nnagpal@nityacapital.com

RE: The Establishment

Dear PFC Operator:

The Texas Department of Housing and Community Affairs (Department) received documentation on September 2, 2025, addressing the noncompliance identified during the review of the Audit Report submitted by Auxano Development, LLC on June 2, 2025. Corrective action was due on August 30, 2025.

The documentation submitted was sufficient to correct the noncompliance related to **Failure to comply with §10.1104(a)**, which requires the Auditor's file sample to include at least 20% of Restricted Units, but no more than 50 files. Please see attached Finding Report for details.

The next Audit report is due June 1, 2026.

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: awu@nityacapital.com; nnagpal@nityacapital.com; dsalzman@auroxinc.com;
estmgr@auroxinc.com; kmassay@sh130mmd.com; tim@txwhf.org;
darren.smith@auxanocompliance.com



Audit Report The Establishment

The Texas Department of Housing and Community Affairs provides the following Technical Assistance:

- Development is required to obtain, complete and maintain on file Income Certifications from each Low-Income Household, including (i) the Income Certification provided as Exhibit D, attached hereto and incorporated herein, dated prior to the initial occupancy of such Low-Income Household in the Project that occupied the unit. To achieve and maintain compliance, ensure that Income Certifications are completed and maintained in accordance with the Regulatory Agreement.
- Each lease for a Low Income Unit must include a provision stating that the Operator based the tenant's eligibility on the Income Certification and supporting information provided by the tenant and that any material misrepresentation is found, may cause for immediate termination of the lease or rental agreement. The lease must also disclose that the tenant's income will be reviewed annually. To achieve and maintain compliance, ensure that each lease includes the required provisions and disclosures as specified in the Regulatory Agreement.
- 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) an income verification from the applicant's current employer; (4) an income verification from the Social Security Administration; or (5) if applicant is unemployed, does not have tax returns or is otherwise unable to provide other forms of verification as required, another form of independent verification as would be satisfactory. Ensure that documentation used to determine income eligibility is consistent with the requirements of the Regulatory Agreement to maintain compliance.
- Annual Income Certifications as described in Section 3(c) of the Development's Regulatory Agreement, must be obtained on the anniversary of such Low-Income Household's occupancy of the unit, and in no event less than once in every 12-month period following each Low-Income Household's occupancy of a unit. Ensure that annual Income Certifications are completed timely and no less than every twelve (12) months to maintain compliance.
- Annual household income must be at or below the applicable income limits specified in the Regulatory Agreement. To achieve and maintain compliance, ensure that household income does not exceed these limits.
- Annual income also includes all income derived from assets as identified and calculated in accordance with 24 CFR § 5.609(a). All income and asset sources must be properly verified and documented to ensure full compliance. Moving forward, failure to verify and document assets will result in a finding of noncompliance. Households with assets valued at \$51,600 or less may utilize the Asset Certification of Net Family Assets form found on the Department's website here <https://www.tdhca.texas.gov/compliance-forms> or a comparable form.



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DETAIL FINDINGS AND CORRECTIVE ACTION REPORT

PFC ID: A25-057-0007
PFC User: Nitya Capital
Property Name: The Establishment
Address: 2235 Winrock Blvd.
Houston, TX 77057

Regulatory Agreement Date: 5/31/2023
Audit Report Received Date: 6/2/2025
Corrective Action Due Date: 8/30/2025

Audit Report Review Date: 6/27/2025

PROGRAM: PFC

PROPERTY FINDINGS

Finding: Failure to comply with §10.1104(a).				
Unit #	Non-Compliance Date	Reason	Corrective Action	Correction Date
Property Wide	6/2/2025	Audit requirements under TAC §10.1104(a) require the file sample size used by the Auditor must contain at least twenty percent (20%) of the total number of Restricted Units for the Development but no more than a total of fifty (50) household files. The total number of Restricted Units for the Development is one hundred fifty-seven (157) and requires a sample size of thirty-two (32) household files. Audit report contained no sample size	Engage an Auditor to complete the file review in accordance with §10.1104(a), which requires that the file sample include at least twenty percent (20%) of the total number of Restricted Units, not to exceed fifty (50) total household files. The sample must primarily consist of new move-ins and include at least a ten percent (10%) sample of households that completed a recertification. Submit to the Department for review an updated Tab-9 of the audit workbook for at least twenty-eight (28) new move-in files and at least four (4) renewal files from year 2024.	Corrected Date: 9/2/2025