



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.texas.gov

Greg Abbott
GOVERNOR

BOARD MEMBERS

Leo Vasquez, *Chair*
Kenny Marchant, *Vice Chair*
Cindy Conroy, Member
Anna Maria Farias, Member
Holland Harper, Member
Ajay Thomas, Member

March 7, 2025

*Writer's direct phone # (512) 475-3907
Email: Christina.Thompson@tdhca.texas.gov*

RPM Living
Austin, Texas
greg.johnson@rpmliving.com

RE: Legends Lake Creek

RPM Living:

The Texas Department of Housing and Community Affairs (Department) has reviewed the Public Facility Corporation (PFC) Audit Report submitted by Premier Compliance Consulting on January 22, 2025. This review was performed as required by Section 303.042 (c) of Chapter 303, the Texas Administrative Code Chapter 10, Subchapter I, and the Regulatory Agreement/Deed Restriction for Legends at Lake Creek Apartments.

Events of noncompliance have been identified and corrective action is required. The attached Findings Report details the event(s) of noncompliance and the required corrective action. This notice begins the corrective action period. Please supply all requested documentation no later than **May 6, 2025**, the last day of the corrective action period.

If clarification is necessary to complete the corrective action, contact us as soon as possible. If it is not possible to provide the requested documentation by the corrective action period, correct as much as you can and submit a corrective action plan detailing how and when the remaining issue(s) of noncompliance will be corrected.

The Department recommends submitting a cover letter explaining the documentation submitted to address each event of noncompliance. Submit corrective action to pfc.monitoring@tdhca.texas.gov.



If you have any questions about this monitoring report, please contact Christina Thompson toll free in Texas at (800) 643-8204, directly at (512) 475-3907, or email: christina.thompson@tdhca.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'CT' with a long horizontal flourish extending to the right.

Christina Thompson
PFC Monitor

CC: yvette@premiercomplianceconsulting.com

Audit Report

Legends Lake Creek

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

- Section 3(f) of the Development's Regulatory Agreement states, each lease or rental agreement pertaining to a Low-Income Unit shall contain a provision to the effect that the Development has relied on the Income Certification and supporting information supplied by the Low Income Household in determining qualification for occupancy of the Low Income Unit and that any material misstatement in such certification (whether or not intentional) may be cause for immediate termination of such lease or rental agreement. Each lease or rental agreement shall also disclose that the tenant's income is subject to annual certification. The file sample revealed one (1) lease that did not contain the language as required per the Regulatory Agreement.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

DETAIL FINDINGS AND CORRECTIVE ACTION
PFC PROGRAM

PFC User: RPM Living
Property Name: Legends Lake Creek
Address: 10015 Lake Creek Pkwy, Austin, TX 78729
RA Date: 5/25/2023

Audit Report Date: 1/22/2025
Program: PFC

Corrective Action Due Date: 5/6/2025

Audit Report Review Date: 3/3/2025

PROGRAM: PFC

PROPERTY FINDINGS

Finding	Failure to comply with the Public Facility Corporation Regulatory Agreement	Correction Date:
Noncompliance Date	12/31/2023	
Reason	The Development's Regulatory Agreement requires one hundred twenty-five (125) units be reserved by households earning at or below 80% AMI. The Development currently only has one hundred eight (98) units reserved at 80% AMI.	
Corrective Action	As units become available, lease units to households' with 80% AMI until the occupancy requirements of the Regulatory Agreement have been met. The owner may also survey existing market rate households and certify them if their income is at or below 80% AMI. In either scenario, submit for department review a copy of the household file application, verification of income and assets, executed Income Certification, lease agreement and rent roll showing at least one hundred twenty-five (125) units are restricted.	
Unit # 612		
Finding	Household above the income limit	Correction Date:
Noncompliance Date	7/30/2024	
Reason	Annualizing the average of income for all household members results in the household's income exceeds the applicable 60% AMI income limit of \$75,600.	
Corrective Action	To correct, designate unit 612 to a 80% AMI unit since their income exceeds the 80% AMI limit and lease the next available unit of comparable or smaller size to a household that income qualifies at the 60% AMI limit. Owner may survey existing vacant non-program units to replace unit 612 and reserve as a 60% AMI unit to be occupied with a household that income qualifies at 60% AMI. Submit documentation to the Department that the unit is vacant and a statement that it is reserved to be occupied by a Low-Income Household. Or if the household's circumstances have changed, the owner may certify them under current circumstances using current income limits. If verifying under current circumstances, submit a copy of the household file, application, verification of income and assets, executed Income Certification and lease agreement.	

Unit # 731

Finding

Noncompliance Date

Household above the income limit

5/10/2024

Correction Date:

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) 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.

Auditor reports income eligibility of the tenant cannot be determined as the Development did not screen or verify the tenant's income at initial occupancy. Tenant file does not contain any income verification documents.

Corrective Action

The owner may complete a retroactive income certification that completely and clearly documents the sources of income/assets for all 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 to the Department 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. Submit to the Department 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 # 825

Finding

Noncompliance Date

Household above the income limit

5/31/2024

Correction Date:

Reason

Annualizing the average of the most recent paystubs for the household resulted in the household's annual gross income of \$59,699.64, which exceeds 140% of the 30% AMI applicable income limit \$52,920.

Corrective Action

To correct, designate unit 825 to a 60% AMI unit since their income exceeds 140% of the 30% AMI applicable income limit and lease the next available unit of comparable or smaller size to a household that income qualifies at the 30% AMI limit. Owner may survey existing vacant non-program units to replace unit 825 and reserve as a 30% AMI unit to be occupied with a household that income qualifies at 30% AMI. Submit documentation to the Department that the unit is vacant and a statement that it is reserved to be occupied by a Low-Income Household. Or if the household's circumstances have changed, the owner may certify them under current circumstances using current income limits. If verifying under current circumstances, submit a copy of the household file, application, verification of income and assets, executed Income Certification and lease agreement.