

**Grantee: State of Texas - TDHCA**

**Grant: B-11-DN-48-0001**

**October 1, 2012 thru December 31, 2012 Performance Report**

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**Grant Number:**

B-11-DN-48-0001

**Obligation Date:****Award Date:****Grantee Name:**

State of Texas - TDHCA

**Contract End Date:**

03/07/2014

**Review by HUD:**

Reviewed and Approved

**Grant Amount:**

\$7,284,978.00

**Grant Status:**

Active

**QPR Contact:**

No QPR Contact Found

**Estimated PI/RL Funds:**

\$0.00

**Total Budget:**

\$7,284,978.00

## Disasters:

### Declaration Number

No Disasters Found

## Narratives

### Summary of Distribution and Uses of NSP Funds:

This document is a substantial amendment to the Action Plan for FFY 2010 submitted by the State of Texas. The Action Plan is the annual update to the Consolidated Plan for FFY 2010 through 20152014. This amendment outlines the expected distribution and use of \$7,284,978.00 through the Neighborhood Stabilization Program (NSP), which the U.S. Department of Housing and Urban Development (HUD) is providing to the State of Texas. This allocation of funds is provided under Section 1497 of the Wall Street Reform and Consumer Protection Act of 2010 (Pub. L. 111-203, approved July 21, 2010) (Dodd-Frank Act).

The Texas Department of Housing and Community Affairs (TDHCA or Department) issued a competitive Notice of Funds Availability pursuant to which it has awarded funding to eligible subgrantees, LifeWorks in Austin and Community Development Corporation of Brownsville in Brownsville.

The census tracts where awards will be used are 48453000801 in Travis County, Texas and 48061014100 in Cameron County, Texas. The allocation of funds total \$6,556,480.20 in project funds and \$728,497.80 in administrative funds to assist approximately 75 households.

#### AREAS OF GREATEST NEED

The Federal Register Notice (Docket No.FR-5321-N-03), specifies that funds be used in the areas of greatest need. Need is determined by the HUD Foreclosure Need website located at <http://www.huduser.org/nspgis/nsp.html>

Texas has identified census tracts with a score of 16 or greater as being the census tracts with the HUD-estimated greatest need. Eligible applicants within these census tracts will be able to apply for NSP3 funding.

#### ELIGIBLE ENTITIES AND USES OF FUNDS

Eligible applicants for rental properties are nonprofit organizations as described in Section 501 (c)(3) or (c)(4) of the Internal Revenue Code who are required by federal rules to follow 24 CFR Part 84. Eligible applicants for homebuyer properties are units of general local government (including public housing authorities) who will follow are required by federal rules to follow 24 CFR Part 85, nonprofit organizations as described in Section 501(c)(3) or (c)(4) of the Internal Revenue Code who are required by federal rules to follow 24 CFR Part 84, and Housing Finance Corporations authorized under the provisions of the Texas Housing Finance Corporation Act, Texas Government Code, Chapter 394.

In accordance with NSP guidelines, activities under NSP3 may include the establishment of financing mechanisms for purchase and redevelopment of foreclosed homes and residential properties, purchase and rehabilitation of homes and residential properties that have been abandoned or foreclosed, and the redevelopment of demolished or vacant properties.

#### SELECTION CRITERIA AND PRIORITIES

The State of Texas (State) has established the priorities and scoring that will be used in the application review process and are described below. While the criteria are important to demonstrate a successful proposal, the scoring structure is also designed to ensure that the State complies with the requirements of the HUD Notice designed to prioritize areas of greatest need, meets applicable CDBG regulations, meets Department priorities, and efficiently and effectively expends the funds. Each applicanti





xi) Tiebreaker: In the event that two or more Applications receive the same priority based upon the scoring and are both practicable and economically feasible, the Department will utilize the factors in this section, in the order they are presented, to determine which Development will receive a preference in consideration for an awarded of funds.

(1) Applications involving any Rehabilitation or Reconstruction of existing Units will win this first tier tie b

### **Summary of Distribution and Uses of NSP Funds:**

reaker over Applications involving solely New Construction or Adaptive Reuse.

(2) The Application with the least amount of Texas NSP funds per Texas NSP restricted unit will win this second tier tie breaker.

xii) Department Priorities: The Federal NSP3 NOFA contains a requirement that at least 25% of the awarded funds be spent on housing for households at or below AMFI. The Department will fund the highest scoring, complete application that meets this requirement even if other applications scored higher. This determination will be made in the sole discretion of the Department.

### **How Fund Use Addresses Market Conditions:**

#### **MARKET ANALYSIS**

Each applicant will be required to demonstrate how their proposal addresses their local needs and how, if applicable, it coordinates with their community consolidated plan. In addition, multi-family properties will go through an underwriting process to ensure that the area market can support the proposed rental project.

### **Ensuring Continued Affordability:**

The Texas NSP will adopt the HOME program standards for continued affordability for rental housing at 24 CFR 92.252 and homeownership at 24 CFR 92.254. The Texas NSP will follow the Single Family Mortgage limits under Section 203(b) of the National Housing Act which are allowable under HOME program standards. The ability of TDHCA to enforce this requirement for the full affordability period will be secured with a recapture provision in the loan documents.

### **Definition of Blighted Structure:**

The Texas NSP will use local code to determine the definition of a blighted structure except that moral blight is not eligible. If there is no local definition, blighted structure shall mean that a structure exhibits objectively determinable signs of deterioration sufficient to constitute, in the Departments sole and reasonable judgment a likely threat to human health, safety, or the public welfare.

### **Definition of Affordable Rents:**

The Texas NSP will adopt the HOME program standards for affordable rents at 24 CFR 92.252(a), (b), (c), (d), (e), (f) and (j).

### **Housing Rehabilitation/New Construction Standards:**

#### **Single Family Housing**

i) All housing that is constructed or rehabilitated with NSP3 funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. In the absence of a local code for new construction or rehabilitation, the housing must meet the International Residential Code and the National Electrical Code, as applicable. In addition, housing that is rehabilitated with NSP3 funds must meet all applicable energy efficiency standards established by §2306.187 of the Texas Government Code, and energy standards as verified by RESCHECK.

ii) If a Texas NSP3 assisted single-family or duplex is newly constructed and reconstructed, the applicant must also ensure compliance with the universal design features in new construction, established by §2306.514 of the Texas Government Code, and as implemented by TDHCA.

iii) All NSP3 assisted properties must meet all applicable State and local housing quality standards and code requirements, which at a minimum must address Universal Physical Condition Standards (UPCS) or the housing quality standards (HQS) in 24 CFR §982.40, but only if HQS is required for another funding source. If there are no such standards or code requirements, the housing must meet Universal Physical Condition Assessment guidelines, unless HQS is required for another fund source. When NSP3 funds are used for rehabilitation the entire unit must be brought up to the applicable property standards, pursuant to 24 CFR §92.251(a)(1).

iv) All NSP3 assisted ownership units must pass inspection by a licensed Texas Real Estate Commission inspector prior to occupation.

#### **Multifamily Rental Housing**

i) Housing that is constructed, reconstructed or rehabilitated with NSP funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. When NSP funds are used for rehabilitation, the entire unit development must be brought up to the applicable property standards, pursuant to 24 CFR §92.251(a) (1). In the absence of a local code for new construction, reconstruction, or rehabilitation, NSP-assisted new construction, reconstruction or rehabilitation must meet, as applicable, International Residential Code and the National Electrical Code. In addition, housing that is rehabilitated with NSP3 funds must meet all applicable energy efficiency standards established by §2306.187 of the Texas Government Code, and energy standards as verified by RESCHECK.

ii) To avoid duplicative inspections when Federal Housing Administration (FHA) financing is involved in an NSP-assisted property, a participating jurisdiction may rely on a Minimum Property Standards (MPS) inspection performed by a qualified person. Gut rehabilitation, reconstruction or new construction of residential buildings up to three stories must be designed to meet the standard for Energy Star Qualified New Homes. All gut rehabilitation, reconstruction or new construction of mid-or high-rise multifamily housing must be designed to meet American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2004, Appendix G plus 20



percent. Other rehabilitation must meet these standards to t

### **Housing Rehabilitation/New Construction Standards:**

extent applicable to the rehabilitation work undertaken.

iii) Multifamily Housing must meet the accessibility requirements at 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and covered multifamily dwellings, as defined at 24 CFR §100.201, must also meet the design and construction requirements at 24 CFR §100.205, which implement the Fair Housing Act (42 U.S.C. 3601&ndash;3619) and the Fair Housing Act Design Manual produced by HUD. Additionally, pursuant to the current Qualified Allocation Plan as of the date of the application QAP 10 TAC §50.9(h)(4)(H), Developments involving New Construction (excluding New Construction of nonresidential buildings) where some Units are two-stories and are normally exempt from Fair Housing accessibility requirements, a minimum of 20% of each Unit type (i.e. one bedroom, two bedroom, three bedroom) must provide an accessible entry level and all common-use facilities in compliance with the Fair Housing Guidelines, and include a minimum of one bedroom and one bathroom or powder room at the entry level. A certification will be required after the Development is completed from an inspector, architect, or accessibility specialist. For rehabilitation developments, the scope, specifications and costs associated with complying with accessibility requirements must be identified in the Property Condition Assessment.

iv) A single-site development of over 16 units must have all the development amenities listed in 10 TAC §49.4(14) or as defined in the threshold requirements of the Qualified Allocation Plan, current as of the date of application. If a development is requesting a waiver of any threshold amenity the waiver request must be included in the application. Requests will be evaluated using the criteria outlined in 10 TAC§49.4(14).

v) All NSP3 assisted properties must meet all applicable State and local housing quality standards and code requirements, which at a minimum must address Universal Physical Condition Standards (UPCS) or the housing quality standards (HQS) in 24 CFR §982.40, but only if HQS is required for another funding source. If there are no such standards or code requirements, the housing must meet Universal Physical Condition Standards, unless HQS is required for another fund source. When NSP3 funds are used for rehabilitation the entire unit must be brought up to the applicable property standards, pursuant to 24 CFR §92.251(a)() (1).

vi) The TDHCA Real Estate Analysis Rules current as of the date of the application, will apply, except that if the Rules and the Federal or Texas NSP guidelines conflict, the provisions described in the HUD notice or described herein will govern.

vii) Any Development proposing New Construction or Reconstruction and located within the one-hundred (100) year floodplain as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps must develop the site so that all finished ground floor elevations are at least one foot above the flood plain and parking and drive areas are no lower than six inches below the floodplain, subject to more stringent local requirements. If no FEMA Flood Insurance Rate Maps are available for the proposed Development, flood zone documentation must be provided from the local government with jurisdiction.

### **Housing Rehabilitation/New Construction Standards:**

tion identifying the one-hundred (100) year floodplain. No buildings or roads that are part of a Development proposing Rehabilitation (excluding Reconstruction) with the exception of Developments with existing and ongoing federal funding assistance from HUD or TRDO-USDA, will be permitted in the one-hundred (100) year floodplain unless they already meet the requirements established in this subsection for New Construction, or if the Unit of General Local Government has undertaken mitigation efforts and can establish that the property is no longer within the one-hundred (100) year floodplain.

viii) All applications with multifamily housing units intended to serve persons with disabilities must adhere to the Department's Integrated Housing Rule at 10 TAC §1.15.

ix) Multifamily properties will be restricted under a Land Use Restriction Agreement (LURA), or other such instrument as determined by the Department for these terms. Among other restrictions, the LURA may require the owner of the property to continue to accept subsidies which may be offered by the federal government, prohibit the owner from exercising an option to prepay a federally insured loan, impose tenant income-based occupancy and rental restrictions, or impose any of these and other restrictions as deemed necessary at the sole discretion of the Department in order to preserve the property as affordable housing on a case-by-case basis.

#### **Additional Requirements (Single and Multifamily Housing)**

i) NSP assisted new construction or rehabilitation will comply with federal lead-based paint requirements including lead screening in housing built before 1978 in accordance with 24 CFR §Part 92.355 and 24 CFR Part 35, subparts A, B, J, K, M, and R. Lead-based paint requirements, for Multifamily properties must be discussed in the Property Condition Assessment.

### **Vicinity Hiring:**

NSP3 subgrantees, shall, to the maximum extent feasible, provide for the hiring of employees who reside in the vicinity, of projects funded this section or contract with small business that are owned and operated by persons residing in the vicinity of such projects. For the purposes of administering this requirement, HUD has adopted the Section 3 applicability thresholds for community development assistance at 24 CFR §135.3 (a)()(3)(ii). The NSP3 local hiring requirement does not replace the responsibilities of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C §1701u), and implementing regulations at 24 CFR Part 135, except to the extent the obligations may be in direct conflict. Vicinity is defined as the census tract where the project is located. Small business means a business that meets the criteria set forth in section 3(a) of the Small Business Act. See 42 U.S.C. §5302(a)(23). All applicants will be required to have a vicinity preference plan in order to meet threshold scoring criteria.



**Procedures for Preferences for Affordable Rental Dev.:**

The Texas NSP3 Selection Criteria and Priorities includes a preference for Affordable Rental Development through the scoring structure.

**Grantee Contact Information:**

Texas Department of Housing and Community Affairs  
 221 E. 11th Street  
 Austin, TX 78701

Marni Holloway  
 Texas NSP Director  
 Office: 512-475-3726  
 Fax: 512-472-1672  
 marni.holloway@tdhca.state.tx.us

Overall	This Report Period	To Date
<b>Total Projected Budget from All Sources</b>	N/A	\$7,284,978.00
<b>Total Budget</b>	\$7,284,978.00	\$7,284,978.00
<b>Total Obligated</b>	\$0.00	\$728,497.80
<b>Total Funds Drawdown</b>	\$0.00	\$0.00
<b>Program Funds Drawdown</b>	\$0.00	\$0.00
<b>Program Income Drawdown</b>	\$0.00	\$0.00
<b>Program Income Received</b>	\$0.00	\$0.00
<b>Total Funds Expended</b>	\$0.00	\$0.00
<b>Match Contributed</b>	\$0.00	\$0.00

**Progress Toward Required Numeric Targets**

Requirement	Required	To Date
<b>Overall Benefit Percentage (Projected)</b>		0.00%
<b>Overall Benefit Percentage (Actual)</b>		0.00%
<b>Minimum Non-Federal Match</b>	\$0.00	\$0.00
<b>Limit on Public Services</b>	\$1,092,746.70	\$0.00
<b>Limit on Admin/Planning</b>	\$728,497.80	\$0.00
<b>Limit on State Admin</b>	\$0.00	\$0.00

**Progress Toward Activity Type Targets**

Activity Type	Target	Actual
<b>Administration</b>	\$728,497.80	\$728,497.80

**Progress Toward National Objective Targets**

National Objective	Target	Actual
<b>NSP Only - LH - 25% Set-Aside</b>	\$1,821,244.50	\$6,556,480.20

**Overall Progress Narrative:**



TDHCA previously accepted applications for available NSP3 funds between December 5, 2011, and January 6, 2012. At that time, one application met the threshold score for award. A draft Neighborhood Stabilization Program 3 Substantial Amendment #4 was presented to the TDHCA Governing Board and posted for public comment in the fourth quarter of 2012.

TDHCA NSP has continued to work with award recipients of Texas NSP 3 funds to execute Environmental Clearance, perform due diligence, and complete the underwriting process.

The Works at Pleasant Valley, which is not currently contracted, has received an initial underwriting review. This project as proposed consists of a 3 building, 45 unit multifamily development with a request of approximately \$3.6 million in NSP funds. Staff is currently awaiting Developer execution of the loan commitment in order to award funding.

## Project Summary

Project #, Project Title	This Report Period	To Date	
	Program Funds Drawdown	Project Funds Budgeted	Program Funds Drawdown
2, Acquisition and New Construction	\$0.00	\$6,556,480.20	\$0.00
3, Program Administration	\$0.00	\$728,497.80	\$0.00



## Activities

**Grantee Activity Number:** 7711000000

**Activity Title:** Project Administration

**Activity Category:**

Administration

**Project Number:**

3

**Projected Start Date:**

03/07/2011

**Benefit Type:**

( )

**National Objective:**

N/A

**Activity Status:**

Under Way

**Project Title:**

Program Administration

**Projected End Date:**

03/07/2014

**Completed Activity Actual End Date:**

**Responsible Organization:**

TDHCA Only

Overall	Oct 1 thru Dec 31, 2012	To Date
<b>Total Projected Budget from All Sources</b>	N/A	\$728,497.80
<b>Total Budget</b>	\$728,497.80	\$728,497.80
<b>Total Obligated</b>	\$0.00	\$728,497.80
<b>Total Funds Drawdown</b>	\$0.00	\$0.00
<b>Program Funds Drawdown</b>	\$0.00	\$0.00
<b>Program Income Drawdown</b>	\$0.00	\$0.00
<b>Program Income Received</b>	\$0.00	\$0.00
<b>Total Funds Expended</b>	\$0.00	\$0.00
TDHCA Only	\$0.00	\$0.00
<b>Match Contributed</b>	\$0.00	\$0.00

**Activity Description:**

Administration of the NSP3 funds according to all applicable regulations and requirements.

**Location Description:**

Administrative activities will be carried out, and records retained at 221 East 11th Street, Austin, TX 78701

**Activity Progress Narrative:**

During previous quarters, TDHCA accepted and evaluated applications against the published NSP3 NOFA scoring criteria. Two Applicants received awards at the TDHCA Governing Board meeting on June 30, 2011. The proposed projects were reviewed and evaluated for compliance with TDHCA underwriting guidelines prior to execution of Developer Agreements. During this process, it was determined that one of the two projects would not move forward, as the conditional purchase price for the property exceeded the valuation provided by appraisal and the seller was unwilling to reduce the price to meet requirements.

A fourth Substantial Amendment describing the expected impact of NSP3 funds was presented to the Board and posted for public comment on December 13, 2012. The Works at Pleasant Valley, which is not currently contracted, has received an initial underwriting review. This project as proposed consists of a 3 building, 45 unit multifamily development with a request of approximately \$3.6 million in NSP funds. Staff is currently awaiting Developer execution of the loan commitment in order to award funding.





## Accomplishments Performance Measures

No Accomplishments Performance Measures found.

## Beneficiaries Performance Measures

No Beneficiaries Performance Measures found.

## Activity Locations

Address	City	County	State	Zip	Status / Accept
			Texas	-	Not Validated / N

## Other Funding Sources Budgeted - Detail

No Other Match Funding Sources Found

Other Funding Sources	Amount
No Other Funding Sources Found	
Total Other Funding Sources	

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**Grantee Activity Number:** 77110000105

**Activity Title:** CDC Brownsville - New Construction

**Activity Category:**

Construction of new housing

**Project Number:**

2

**Projected Start Date:**

12/01/2012

**Benefit Type:**

Direct ( HouseHold )

**National Objective:**

NSP Only - LH - 25% Set-Aside

**Activity Status:**

Planned

**Project Title:**

Acquisition and New Construction

**Projected End Date:**

09/30/2013

**Completed Activity Actual End Date:**

**Responsible Organization:**

Community Development Corporation of Brownsville

<b>Overall</b>	<b>Oct 1 thru Dec 31, 2012</b>	<b>To Date</b>
<b>Total Projected Budget from All Sources</b>	N/A	\$2,930,818.20
<b>Total Budget</b>	\$2,930,818.20	\$2,930,818.20
<b>Total Obligated</b>	\$0.00	\$0.00
<b>Total Funds Drawdown</b>	\$0.00	\$0.00
<b>Program Funds Drawdown</b>	\$0.00	\$0.00
<b>Program Income Drawdown</b>	\$0.00	\$0.00
<b>Program Income Received</b>	\$0.00	\$0.00
<b>Total Funds Expended</b>	\$0.00	\$0.00
Community Development Corporation of Brownsville	\$0.00	\$0.00
<b>Match Contributed</b>	\$0.00	\$0.00

**Activity Description:**

New Construction of 30 single-family homes that will be rented to households at or below 50% AMI. The construction will meet or exceed the Single Family Housing standards in the Housing Rehabilitation/New Construction Standards of this Action Plan.

**Location Description:**

The El Naranjal subdivision is located in Census Tract 48061014100, in Cameron County, Texas. All units will be located within the subdivision.

**Activity Progress Narrative:**

In previous quarters, Community Development Corporation of Brownsville worked to complete due diligence requirements, prior to underwriting review. After some minor complications, CDCB is continuing to work to restructure their deal in order to ensure maximum benefit and feasibility throughout the entire affordability period. The current proposal involves reducing the unit count, as well as eliminating rental properties in favor of homebuyer units. As TDHCA and CDCB remain committed to this process, it is anticipated that underwriting will commence in future quarters, and the project will proceed.

**Accomplishments Performance Measures**

**No Accomplishments Performance Measures found.**



## Beneficiaries Performance Measures

No Beneficiaries Performance Measures found.

## Activity Locations

No Activity Locations found.

## Other Funding Sources Budgeted - Detail

No Other Match Funding Sources Found

### Other Funding Sources

Amount

No Other Funding Sources Found

Total Other Funding Sources

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**Grantee Activity Number:** 77110000507

**Activity Title:** LifeWorks - New Construction

**Activity Category:**

Construction of new housing

**Project Number:**

2

**Projected Start Date:**

12/01/2012

**Benefit Type:**

Direct ( HouseHold )

**National Objective:**

NSP Only - LH - 25% Set-Aside

**Activity Status:**

Planned

**Project Title:**

Acquisition and New Construction

**Projected End Date:**

09/30/2013

**Completed Activity Actual End Date:**

**Responsible Organization:**

LifeWorks

<b>Overall</b>	<b>Oct 1 thru Dec 31, 2012</b>	<b>To Date</b>
<b>Total Projected Budget from All Sources</b>	N/A	\$3,625,662.00
<b>Total Budget</b>	\$3,625,662.00	\$3,625,662.00
<b>Total Obligated</b>	\$0.00	\$0.00
<b>Total Funds Drawdown</b>	\$0.00	\$0.00
<b>Program Funds Drawdown</b>	\$0.00	\$0.00
<b>Program Income Drawdown</b>	\$0.00	\$0.00
<b>Program Income Received</b>	\$0.00	\$0.00
<b>Total Funds Expended</b>	\$0.00	\$0.00
LifeWorks	\$0.00	\$0.00
<b>Match Contributed</b>	\$0.00	\$0.00

**Activity Description:**

New Construction of a multifamily property consisting of 45 rental units that will benefit households at or below 50% AMI. The construction will meet or exceed the Multifamily Rental Housing Standards in the Housing Rehabilitation/New Construction Standards of this Action Plan.

**Location Description:**

835 N. Pleasant Valley Road, Austin, Texas.

**Activity Progress Narrative:**

The Works at Pleasant Valley, which is not currently contracted, has received an initial underwriting review. This project as proposed consists of a 3 building, 45 unit multifamily development with a request of approximately \$3.6 million in NSP funds. Staff is currently awaiting Developer execution of the loan commitment in order to award funding.

It is anticipated that loan closing will occur and construction activities shall commence toward the beginning of the first quarter of 2013.

**Accomplishments Performance Measures**

**No Accomplishments Performance Measures found.**



## Beneficiaries Performance Measures

No Beneficiaries Performance Measures found.

## Activity Locations

No Activity Locations found.

## Other Funding Sources Budgeted - Detail

No Other Match Funding Sources Found

### Other Funding Sources

Amount

No Other Funding Sources Found

Total Other Funding Sources

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## Monitoring, Audit, and Technical Assistance

Event Type	This Report Period	To Date
Monitoring, Audits, and Technical Assistance	0	0
Monitoring Visits	0	49
Audit Visits	0	0
Technical Assistance Visits	0	0
Monitoring/Technical Assistance Visits	0	0
Report/Letter Issued	0	0

