

24018

Bailey at Stassney

**Request for Administrative
Deficiency**



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Austin, TX 78704

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foundcom.org



April 24, 2024

Request for Administrative Deficiency on Bailey at Stassney #24018

Bobby Wilkinson, bobby.wilkinson@tdhca.state.tx.us
Executive Director

Cody Campbell, Cody.Campbell@tdhca.texas.gov
Texas Department of Housing and Community Affairs
221 E 11th St # 400,
Austin, TX 78701

Applicant contact Ariana Brendle, abrendle@nationalcore.org
National Community Renaissance of Texas, Inc
9692 Haven Avenue, Suite 100
Rancho Cucamonga, CA 91730

Dear TDHCA:

Please accept this third party Request for Administrative Deficiency against application 24018 demonstrating that the Bailey at Stassney application does not qualify for Supportive Housing points. The application is deficient in many significant ways to qualify as Supportive Housing.

The Applicant or General Partner must provide evidence of a history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses, and

the application provides no evidence of fundraising by the Applicant, whose sole member was not registered with the Texas Secretary of State until 2022. Moreover, the Applicant checked the box for all services, which means all must be provided regularly and frequently, primarily on-site, which is not possible given the budget and design of the development. And the financial projections, which show rents of more than \$2 per square foot, more than \$1,200/month, demonstrate that this development will not house the Targeted Populations checked in the application.

Supportive housing for special needs Texans is in very short supply, and very difficult to develop and operate successfully. TDHCA awards additional points and underwriting advantages to supportive housing, but the definition of Supportive Housing sets a high bar for applicants claiming these points.

Foundation Communities is a leading provider of supportive housing, with ten supportive housing communities, and through this experience understands the importance of serving a specialized target population. Housing must be combined with appropriate, specialized onsite services and community amenities that are designed, funded, and staffed for success in the long run.

Issue #1 The Applicant or General Partner has not provided any evidence of successful fundraising

The Applicant (Bailey at Stassney LP) is controlled by a general partner (Bailey at Stassney GP LLC) that is wholly owned by National Community Renaissance of Texas, Inc. To satisfy the QAP, one of these entities must show evidence of fundraising track record sufficient to address unanticipated operating losses.

Attached are the organizational documents for National Community Renaissance of Texas, Inc. Until 2022, that entity was known as Southern California Housing Development Corporation of San Diego. In August 2022 the name of the entity was changed to National Community Renaissance of Texas, Inc. through a certificate of amendment filed with the California Secretary of State and a registration of the foreign entity was filed with the Texas Secretary of State.

A public information report filed with the Texas Secretary of State in 2023 indicates that no other entity owns an interest of 10 percent or more of this entity, meaning there is no parent corporation.

The application is devoid of any mention of financial strength or fundraising success by National Community Renaissance of Texas, Inc. The application instead states only the following, “The owner entity for this project—National Community Renaissance of Texas, Inc. (NCRT) is an affiliate of National CORE and was founded in 2003 to extend the work of National CORE into Texas.” Without explaining the affiliation, the application then provides evidence of National CORE’s fundraising success and financial strength.

The Supportive Housing definition states clearly that an Applicant or General Partner must have secured sufficient funds to maintain the Supportive Housing Development's operations throughout the entire Affordability Period and must provide evidence of a history of fundraising activities deemed to be sufficient to address any unanticipated operating losses. The definition does not contemplate that Affiliates can be used to satisfy this requirement, and even if it could be construed somehow to cover Affiliates, there is no evidence in the Secretary of State filings that National CORE and NCRT are affiliates.

Moreover, the definition requires "a fully executed guaranty agreement where the Applicant *or its Affiliate* assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period." This rule does contemplate Affiliates, and offers an opportunity by the Applicant to provide a guaranty from an organization that has a balance sheet and fundraising success such as National CORE and demonstrate that it is an affiliate of the Applicant. Instead, the application includes a guaranty agreement from National Community Renaissance of Texas, Inc., an entity that has only existed since 2022 and for which the Application provides no evidence of financial strength or successful fundraising history.

The newly formed Texas entity that serves as guarantor is a shell corporation with no assets disclosed in the Application, and its guaranty is meaningless. The Application does not satisfy the Supportive Housing definition requirements that the Applicant or General Partner must have secured sufficient funds to maintain operations and provide evidence of a history of successful fundraising sufficient to address any unanticipated operating deficits

Issue #2 The target population is not clearly identified as required of Supportive Housing

Supportive housing in the QAP is designed as housing that has a clear **TARGET** population. The building must be **INTENDED** for that population and offer services that are **SPECIALIZED**.

Here is the definition:

(125) Supportive Housing--A residential rental Development and Target Population meeting the requirements of subparagraphs (A) - (EF) of this paragraph:

(A) Be intended for and targeting occupancy for households in need of specialized and specific non- medical services in order to maintain housing or transition into independent living;

The Bailey at Stassney project does not have a specific target population. The application narrative says they will serve "Austin's most housing-fragile", which is general.

The application narrative states clearly that the project will serve everyone: "will target **individuals and small families**". These are two very different supportive housing populations.

The application narrative goes on to list all the populations from the supportive housing definition which goes against the whole concept of *targeted, intentional and specialized developments*.

The application does not disclose that 26 of these units will be for the highest acuity, chronic homeless single adults thru coordinated entry, which is the nature of the with vouchers from the Housing Authority (the letter from HACA doesn't make this clear in the application but it is in the details of the HACA program – see attached).

But in addition to this chronic, single homeless population they also intend to provide housing for small families with children. Combining these two distinct populations is unwise and not targeted. A single building with interior corridors that is over 100 units can be a great home for single chronic homeless individuals and other single adults at risk. However, putting children living in close quarters with this same population is unsuitable. Supportive housing for families and children should be designed with space and services that are very different from single homeless adults. Families with children need different amenities like playgrounds, childcare, and learning centers, none of which are present in these proposals.

Because Bailey at Stassney is designed with 52 one bedroom apartments mixed together on the same hallways with 52 efficiency or SRO units, the developer has a design that mixes two different target populations in one dense and large building, therefore the community does not have a clear target population. One bedroom units must allow two person households under fair housing and occupancy standards. And two person household can include a child, therefore applicants with children cannot be denied.

The concept of mixing supportive housing for single chronic homeless together with vulnerable, at-risk families with children in a large interior corridor building without any social service space is unheard of in Texas, and it violates the requirements of the QAP for supportive housing design. The Department should not invest in new construction of supportive housing that has vulnerable children living in close quarters with single, chronic homeless adults in large interior buildings because this violates the Supportive Housing definition that is targeted and specialized.

Issue #3 The design is flawed and inadequate to meet the requirements of Supportive Housing

Supportive housing as defined in the QAP must be **DESIGNED** as housing that has a clear target population, and yet this application has not designed ANY spaces for the provision of required support services. No social work offices, food pantry, private meeting rooms, large community gathering spaces, TV/library/game rooms, health service space, pet areas, laundry facilities, bike storage or other typical common areas found in supportive housing. In order to

successfully help people who have been homeless, developments must be designed to include social service space and common amenities onsite.

These building plans are generic without any service spaces, therefore they serve a general population, not a supportive housing population. The only common spaces at Bailey at Stassney are: Manager and Assistant Manager offices (250 s.f. total), Reception/Leasing area (564 sf) adjacent to a Gathering Area (563 sf), and a Fitness Area (560sf).

The most astounding deficiency is that the building has no secure, staffed front entry area, which is an essential, basic component of every supportive housing community serving single homeless individuals in the country. The application says the building is “designed with comfort and safety in mind for those who have experienced long-term trauma, violence, and homelessness. The building will feature secured and separated entries.” But the only ‘secured and separated entries’ shown by the architects are the apartment front doors. A single entry door to the building will never effectively be secure unless it is monitored. Formerly homeless residents will invite numerous guests to the building, and the management will be out of control.

Remarkably the application narrative says they will have common spaces, but these are left out of the architectural drawings. Their narrative says, “community spaces include ... meeting rooms, support service staff offices, laundry, business center, and a secure/controlled-access reception area.” They recognize a need for these spaces, but NONE of these elements are in the architectural plans.

The property sits on a very small site, and in order to get 104 units (to score max points), the architect has eliminated almost all the necessary common areas that are expected in supportive housing with small units for single residents. Adding any of these community and services spaces later will cause a major problem because the site is so small and constrained. The applicant will need a material amendment to add space. They may have the intention of reducing the unit count later from 104 to fit everything in (they must have 104 units to score points to win the competition).

This lack of common area space and social service delivery space violates numerous specific provisions in the QAP:

- 1) First, the project certifies that they will have 10 points for “Common Amenities”, however based on the architectural plans it is not clear how they can achieve these points with the limited common areas they are proposing.
- 2) Second: Supportive housing with efficiency units must meet this definition in the QAP for an SRO:

*Single Room Occupancy (SRO)--An Efficiency Unit that meets all the requirements of a Unit except that it may, but is not required, to be rented on a month to month basis to facilitate Transitional Housing. Buildings with SRO Units have **extensive living areas in common** and are required to be*

*Supportive Housing and include the provision for substantial supports from the Development Owner or its agent **on site***

The applicant is building SRO units that are Efficiency Units - small and designed for one person, therefore they must include **extensive** living areas in common and they do not. The services must be onsite. The limited common areas shown in the architect plans are minimal.

3) The applicant is claiming 10 points for services, plus 1 point to make space available on a regularly scheduled basis. However there is no social service space onsite for regular use by a visiting social service provider. This additional one point should be denied.

4) The rules for Resident Supportive Services must benefit the “Target Population” and “there must be adequate space for the intended services” and “unless otherwise specified, must be provided on-site or transportation to those off-site services identified on the list must be provided”.

Again there is no space on site where a case manager can meet with a resident with any privacy and not in the person’s apartment which is an unsafe practice. There are no spaces for a food pantry program, visiting nurse to meet, or large community events and meals. For families with children there are no amenities, playgrounds or other recreational or other spaces for children on the property.

5) Mandatory Development Amenities in the QAP exempt supportive housing from laundry connections in units, as well as ovens in all units, however the rules state that “access must be provided to a comparable amenity in a Common Area”. There are no laundry facilities anywhere in the building. One oven in the community lounge cannot serve 104 residences.

6) The QAP section on Cost of Development Per Square Foot says “If the proposed Development is a Supportive Housing Development, the NRA **will** include Common Area up to 75 square feet per Unit, of which at least 50 square feet **will** be conditioned.” The common area conditioned space is under 20 square feet per unit and violates this rule.

7) The QAP rules require supportive housing to provide space to other service providers, but because there is no space available in the building for this to be possible.

*(A) The Applicant certifies that the Development will contact local nonprofit and governmental providers of services that would support the health and well-being of the Department's residents, **and will make Development community space available to them on a regularly-scheduled basis to provide outreach services and education to the tenants.***

The application narrative talks about trauma informed design which is important but missing in the plans. Their only specific example is “natural light and warm, tranquil finishes”. They have left out all the social service spaces, adequate community gathering spaces, pet amenities, and most importantly a secured front entry and lobby that is monitored. If residents have no common areas to gather or space for onsite services, then they are isolated to their rooms. Most residents will have therapy animals, but no consideration of amenities is provided. And secure front entry that is staffed provides a feeling of safety that is paramount for individuals that have been on the street and experienced trauma and now are in recovery.

Issue #4 Services are unclear and not onsite as required

The applicant certifies that supportive services will meet the minimum requirements provided in clauses (i) –(iv) of §11.1(d)(125)(D) of the Qualified Allocation Plan.

(D) Supportive services must meet the minimum requirements provided in clauses (i) - (iv) of this subparagraph:

*(i) regularly and frequently offered to all residents, **primarily on-site**;*

(ii) easily accessible and offered at times that residents are able to use them;

The services cannot be provided primarily onsite because the building does not have any space for services, nor offices for staff. No meeting rooms or private session space. The Gathering Area is not big enough for more than a dozen people at any time and offers no privacy.

The applicant has written a service strategy narrative that says they will wait to develop a customized plan. The narrative has many generalities and no specifics about the specialized services they will provide specifically on site.

No description of the specialized services is provided for the 26 **high acuity, chronic homeless individuals** that will come with the housing authority vouchers. This number of high need residents in one location would call for 24/7 staff presence, but that is not included in their narrative or budget.

The only specific thing they say is that they will have two service staff: “both an on-site Residential Services Coordinator (RSC) providing general services to all residents, as well as a specialized Permanent Supportive Housing Case Manager to oversee the delivery of social and supportive services to those with the highest level of need.” The building design does not have any space for these staff to actually be on site, nor meet privately with residents. A budget for these two staff of \$100,000 is not realistic to hire full time social workers with benefits and taxes included.

Issue #5 The financial assumptions are not realistic.

Many elements of the applicant's pro forma are not realistic and demonstrate their lack of understanding of supportive housing and a clear target population.

- The application is proposing that residents sign up and pay for their own utilities. This is not realistic for chronic homeless to sign up for their own utilities. Every supportive housing community for single homeless individuals I have seen in the United States is 'all bills paid'
- The rents included in the rent schedule are unrealistic. Max rents at supportive housing developments are not feasible and 60% rents over \$1,200 are even more unrealistic. Foundation Communities typically discounts rent significantly under max and maintains rent restrictions at 30%, 40% and 50% levels (not 60%), which is more appropriate for supportive housing target populations.
- Payroll for management and maintenance is half of typical supportive housing designed for homeless adults. Compared to properties in the TDHCA database this line item is short by \$200,000.
- The operating budget includes \$100,000 for social services as an operating expense. First, this budget for the two service positions referenced in the narrative is too low. Second, the building design does not have any space for these staff to actually be on site, nor meet privately with residents. Third, including services as an operating expense violates the underwriting rules, which require that "The Applicant demonstrates a history of providing comparable supportive services and expenses at existing affiliated properties within the local area."

The applicant has submitted two supportive housing applications (24018 and 24019) and BOTH rely on the City of Austin (Austin Housing Finance) to put \$11.5 million into each project in order to be feasible. This is an unrealistic assumption because AHFC does not have that level of funding available in their competition for funds, nor have they set aside this level of funding for supportive housing. The applicant has applied to AHFC for these funds and included evidence they have applied, but nothing in the application speaks to how realistic it will be to receive an award. This should be researched by the Department before committing tax credits because the projects are entirely infeasible without this huge gap funding from the City.

In summary, the Bailey at Stassney application claims to be Supportive Housing so they can win credits, but the lack of fundraising track record, unclear target population, absence of essential social service and community spaces, inadequate specialized services, and unrealistic financial projections fail the QAP requirements and will result in a failed development.

Sincerely,



Walter Moreau,
Executive Director



REQUEST FOR PROPOSAL

HACA-24-P-0256

DEVELOPER/OWNER

Mainstream

PROJECT BASED VOUCHERS

Date Issued: February 1, 2024

Please deliver completed bid packets to:

https://ha.internationalprocurement.com/requests.html?company_id=10217

DUE DATE: February 26, 2024 at 11:59/CST

PROJECT DETAILS

1. Eligibility Requirements

HACA will accept proposals for newly constructed, rehabilitated, or existing housing

HACA may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an agreement to enter into a housing assistance payments contract that is executed prior to the start of construction. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of HACA selection, the unit substantially complies with Housing Quality Standards.

A housing unit is considered newly constructed or rehabilitated units if developed in accordance with the PBV requirements found at 24 CFR Part 983 Subpart D, that will execute an Agreement to enter into a Housing Assistance Payment Contract (AHAP) and start construction within 24 months of the award announcement.

To be eligible for project-based Section 8 rental assistance from HACA, the following criteria must be met:

- Projects must be permanent housing. Emergency, temporary or transitional housing are not eligible for project-based rental assistance.
- If it involves rehabilitation or an existing rental property, the project must meet HUD's housing quality standards (HQS) before a Housing Assistance Contract is executed.
- The units must be either independent units or non-independent living units that are Single Room Occupancy (SRO) units as defined by HUD (24 CFR §982.4).
- Tenants must have a lease with a minimum term of one year.
- The rents that are charged must meet the HACA rent reasonableness test.
- Tenants must meet HACA's Housing Choice Voucher and Mainstream voucher eligibility criteria.
- Tenants must be at least 18 years old or have been legally emancipated.
- Tenants must be households experiencing homelessness, identified through Austin/Travis County's Coordinated Entry System.
- The Project Based vouchers must be paired with services to create new Permanent Supportive Housing units that are in compliance with the Continuum of Care (CoC) Written Standards for Program Delivery, and are listed in the CoC's Housing Inventory Count (HIC)(see Scope of Work Sections A.3-A.4 for descriptions of these policies, principles and approaches).
- HUD prohibits the use of project-based Section 8 Housing Choice Vouchers for the following activities: shared housing; medical, mental or similar public/private institutions; nursing homes or facilities providing continuous care; psychiatric, medical or nursing facilities; board and care or intermediate care facilities; manufactured housing; or coop housing.

2. Environmental Review

Projects receiving Project-Based Section 8 Housing Choice Vouchers will require an environmental review under HUD's environmental review rules at 24 C.F.R. Part 58. A PHA, an owner, or its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities until an environmental review is completed.

3. Fair Housing and Equal Opportunity

The applicant shall comply with applicable Federal and State laws, executive orders and regulations pertaining to fair housing and equal housing opportunity, including without limitation, Title VI of the Civil

JAN 25 1999

Bill Jones
BILL JONES, Secretary of State

ARTICLES OF INCORPORATION

OF

SOUTHERN CALIFORNIA HOUSING DEVELOPMENT CORPORATION OF SAN DIEGO

I.

The name of this corporation is: SOUTHERN CALIFORNIA HOUSING DEVELOPMENT CORPORATION OF SAN DIEGO.

II.

A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.

B. The specific purpose of this corporation is to lessen the burdens of government by assisting governments within the State of California provide affordable housing.

III.

The name and address in the State of California of this corporation's initial agent for service of process is:

Jeffrey S. Burum
8265 Aspen Avenue, Suite 100
Rancho Cucamonga, California 91730

IV.

A. This corporation is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

B. Notwithstanding any other provision of these articles, this corporation shall not carry on any other activities not permitted to be carried on (i) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (ii) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.


C. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of or in opposition to any candidate for public office.

V.

A. The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net earnings or assets of this corporation shall inure to the benefit of (or be distributable to) any director or officer of this corporation or other private person, except that this corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its charitable purposes.


B. Upon the dissolution or winding up of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Dated: December 29, 1998.



Jeffrey S. Burum, Incorporator

I hereby declare that I am the person who executed the foregoing Articles of Incorporation, and that this instrument is my act and deed.



Jeffrey S. Burum, Incorporator



For Office Use Only

-FILED-

File No.: BA20220660638

Date Filed: 8/9/2022

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

The undersigned certify that:

1. They are the president and secretary, respectively, of SOUTHERN CALIFORNIA HOUSING DEVELOPMENT CORPORATION OF SAN DIEGO, a California nonprofit public benefit corporation, with California Entity Number 2131647.

2. Article I of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is National Community Renaissance of Texas, Inc.

3. Article II is amended in its entirety to read as follows:

- A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for Charitable purposes.
- B. The specific purpose of this corporation is to lessen the burdens of government by assisting governments to provide affordable housing.
- C. In addition to the purposes of the corporation as set forth in paragraph II.B, the purposes of this corporation shall include owning property to sell or rent without profit to provide decent housing that is affordable to low-income or moderate-income persons satisfying the corporation's eligibility requirements, and other related activities. Nothing in this paragraph shall allow this corporation to carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

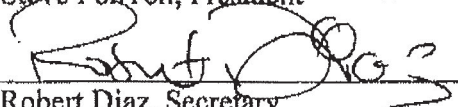
4. The foregoing amendment was duly approved by the board of directors

5. The corporation has no members.


We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Dated: August 1, 2022.


Steve Postell, President


Robert Diaz, Secretary

B0939-3568 08/09/2022 5:00 PM Received by California Secretary of State

Form 302 Secretary of State P.O. Box 13697 Austin, TX 78711-3697 FAX: 512/463-5709 Filing Fee: \$25	 Application for Registration For a Nonprofit Corporation	Filed in the Office of the Secretary of State of Texas Filing #: 804704497 08/26/2022 Document #: 1173294230002 Image Generated Electronically for Web Filing
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1. The foreign entity is a nonprofit corporation. The name of the entity is :

National Community Renaissance of Texas, Inc.

2. The entity name is not available in Texas. The assumed name under which the entity will qualify and transact business in Texas is:

3. Its federal employer identification number is: **311759773**

☐ Federal employer identification number information is not available at this time.

4. It is organized under the laws of: **CALIFORNIA, USA**
 and the date of its formation in that jurisdiction is: **1/25/1999**

5. As of the date of filing, the undersigned certifies that the foreign corporation currently exists as a valid corporation under the laws of the jurisdiction of its formation.

6. The purpose or purposes of the foreign entity that it proposes to pursue in the transaction of business in Texas are set forth below. The entity also certifies that it is authorized to pursue such stated purpose or purposes in the state or country under which it is organized.

Lessen the burdens of government by assisting the government to provide affordable housing. In addition to the specific purposes of the corporation as set forth above, the purposes of this Corporation shall include owning property to sell or rent without profit to provide decent housing that is affordable to low-income or moderate-income persons satisfying the corporation's eligibility requirements, and other related activities. Nothing in this paragraph shall allow this corporation to carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

7. The date on which the foreign entity intends to transact business in Texas, or the date on which the foreign entity first transacted business in Texas is: **09/01/2022**

8. The principal office address of the entity is:

9421 HAVEN AVE., Rancho Cucamonga, CA, USA 91730

☒ 9A. The initial registered agent is an organization by the name of:

Corporation Service Company dba CSC Lawyers Incorporating Service

OR

☐9B. The initial registered agent is an individual resident of the state whose name is:

☐9C. The business address of the registered agent and the registered office address is:

211 E 7th St. Suite 620 Austin TX 78701-3136

Consent of Registered Agent

☐A. A copy of the consent of Registered Agent is attached.

OR

☒B. The consent of the registered agent is maintained by the entity.

10. The entity hereby appoints the Secretary of State of Texas as its agent for service of process under the circumstances set forth in section 5.251 of the Texas Business Organizations Code.

11. The name and address of each person on the board of directors is:

Director 1:	<u>Estella Martinez</u>
Address:	<u>625 Wilson Road Humble TX, USA 77338</u>
Director 2:	<u>Laura Kurtz Kuhns</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>
Director 3:	<u>Tony Mize</u>
Address:	<u>625 Wilson Road Humble TX, USA 77338</u>
Director 4:	<u>Jeffrey Burum</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>
Director 5:	<u>Veronica Cooper</u>
Address:	<u>625 Wilson Road Humble TX, USA 77338</u>

12. The name, address, and officer title of each officer or managerial official are:

Officer 1: (Individual Name)	<u>Steve PonTell</u>	Title:	<u>CEO</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>		
Officer 2: (Individual Name)	<u>Michael Finn</u>	Title:	<u>CFO</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>		
Officer 3: (Individual Name)	<u>Robert Diaz</u>	Title:	<u>Secretary</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>		

13. ☐The foreign nonprofit corporation has members.

OR

☒The foreign nonprofit corporation has no members.

Supplemental Provisions / Information

[The attached addendum, if any, is incorporated herein by reference.]

Effectiveness of Filing

☒ A. This document becomes effective when the document is filed by the secretary of state.

OR

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

EXECUTION

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: August 26, 2022

Robert Diaz

Signature and title of authorized person on behalf of the foreign entity

FILING OFFICE COPY



Comptroller of Public Accounts FORM 05-102 (Rev.9-11/30)

Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC) and Financial Institutions

This report MUST be signed and filed to satisfy franchise tax requirements

■ Tcode 13196 Franchise

■ Taxpayer number

■ Report year

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at (800) 252-1381 or (512) 463-4600.

3 2 0 8 6 0 5 7 6 1 2

2 0 2 3

Taxpayer name NATIONAL COMMUNITY RENAISSANCE OF TEXAS, INC.				
Mailing address 9692 HAVEN AVE STE 100				Secretary of State (SOS) file number or Comptroller file number 0804704497
City RANCHO CUCAMONGA	State CA	ZIP Code 91730	Plus 4	

○ Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office 9692 HAVEN AVE STE 100, RANCHO CUCAMONGA, CA 91730
Principal place of business

Please sign below!

Officer, director and manager information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or managers change throughout the year.



3208605761223

SECTION A Name, title and mailing address of each officer, director or manager.

Name JEFFREY BURUM	Title CEO	Director <input type="radio"/> YES	Term expiration m m d d y y
Mailing address 9692 HAVEN AVE STE 100	City RANCHO CUCAMONGA	State CA	ZIP Code 91730
Name MICHAEL RUANE	Title PRESIDENT	Director <input type="radio"/> YES	Term expiration m m d d y y
Mailing address 9692 HAVEN AVE STE 100	City RANCHO CUCAMONGA	State CA	ZIP Code 91730
Name ROBERT DIAZ	Title SECRETARY	Director <input type="radio"/> YES	Term expiration m m d d y y
Mailing address 9692 HAVEN AVE STE 100	City RANCHO CUCAMONGA	State CA	ZIP Code 91730

SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership

SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of 10 percent or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
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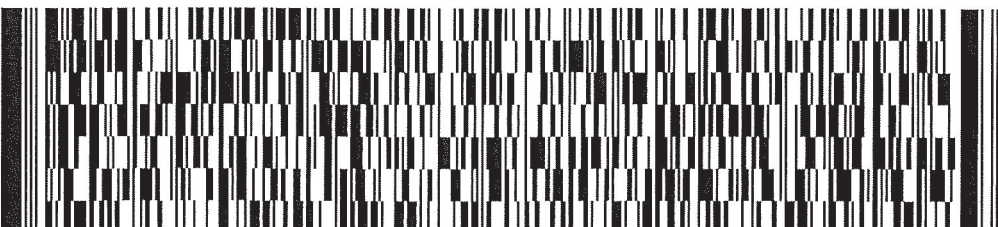
Registered agent and registered office currently on file. (see instructions if you need to make changes)			
Agent: CORPORATION SERVICE COMPANY DBA CSC LAWY		○ Blacken circle if you need forms to change the registered agent or registered office information.	
Office: 211 E 7TH ST. SUITE 620	City: AUSTIN	State: TX	ZIP Code: 78701

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company.

sign here Taylor Lawson	Title Electronic	Date 09-25-2023	Area code and phone number (800) 927 - 9801
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Texas Comptroller Official Use Only



VE/DE	<input type="radio"/>	PIR IND	<input type="radio"/>
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Comptroller of Public Accounts
FORM 05-102 (Rev. 9-11/30)

Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC) and Financial Institutions

This report MUST be signed and filed to satisfy franchise tax requirements

■ Tcode 13196 Franchise

■ Taxpayer number

■ Report year

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at (800) 252-1381 or (512) 463-4600.

3 2 0 8 6 0 5 7 6 1 2

2 0 2 3

Taxpayer name NATIONAL COMMUNITY RENAISSANCE OF TEXAS, INC.			
Mailing address 9692 HAVEN AVE STE 100			Secretary of State (SOS) file number or Comptroller file number
City RANCHO CUCAMONGA	State CA	ZIP Code 91730	Plus 4 0804704497

☐ Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office 9692 HAVEN AVE STE 100, RANCHO CUCAMONGA, CA 91730
Principal place of business

Please sign below!

Officer, director and manager information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or managers change throughout the year.



SECTION A Name, title and mailing address of each officer, director or manager.

Name D. ANTHONY MIZE	Title DIRECTOR	Director <input checked="" type="radio"/> YES	Term expiration m m d d y y <input type="text"/>
Mailing address 9692 HAVEN AVE STE 100	City RANCHO CUCAMONGA	State CA	ZIP Code 91730
Name LAURA KURTZ KUHNZ	Title DIRECTOR	Director <input checked="" type="radio"/> YES	Term expiration m m d d y y <input type="text"/>
Mailing address 9692 HAVEN AVE STE 100	City RANCHO CUCAMONGA	State CA	ZIP Code 91730
Name	Title	Director <input type="radio"/> YES	Term expiration m m d d y y <input type="text"/>
Mailing address	City	State	ZIP Code

SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership

SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of 10 percent or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
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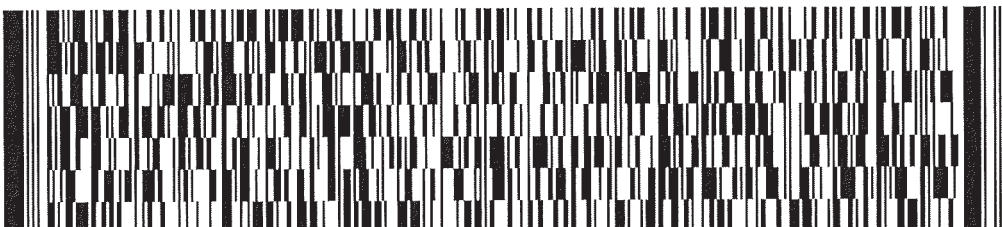
Registered agent and registered office currently on file. (see instructions if you need to make changes)			
Agent: CORPORATION SERVICE COMPANY DBA CSC LAWY	<input type="radio"/> Blacken circle if you need forms to change the registered agent or registered office information.		
Office: 211 E 7TH ST. SUITE 620	City: AUSTIN	State: TX	ZIP Code: 78701

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company.

sign here Taylor Lawson	Title Electronic	Date 09-25-2023	Area code and phone number (800) 927 - 9801
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Texas Comptroller Official Use Only



VE/DE <input type="radio"/>	PIR IND <input type="radio"/>
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24018

Bailey at Stassney

Deficiency Response



May 29, 2024

Joshua Goldberger
Specialist, Multifamily Finance
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

Via: Serve-U ftp upload site

Re: Deficiency Response #24018 Bailey at Stassney - Austin, TX

Dear Mr. Goldberger:

Please see the following response and associated attachments regarding the deficiency for HTC application #24018, Bailey at Stassney, dated May 21, 2024.

Background

The Application¹ for Bailey at Stassney is backed by the non-profit affordable housing enterprise known colloquially as “National CORE.” The three main entities in the Application are linked together through their history, leadership and organizational relationship which makes them Affiliates for the purpose of the QAP:

- (1) National Community Renaissance of Texas, Inc. (“**NCRT**”), which serves as the sole member of the General Partner, Developer, and Guarantor, as identified in the organizational charts at Tab 37,
- (2), National Community Renaissance of California (“**NCRC**”), which will serve as the property manager, as identified in the Development Team at Tab 42, and
- (3) Hope Through Housing Foundation (“**HTHF**”), which will provide the supportive services to the residents, as identified in the Development Narrative at Tab 17.

The boards of directors of NCRT, NCRC and HTHF are all chaired by founder Jeffrey Burum. Three key individuals, Michael Ruane, Robert Diaz, and Michael Finn, serve as officers for all three entities. This commonality in Principals makes NCRT, NCRC, and HTHF Affiliates for purposes of the QAP.

As National CORE organizations, NCRT, NCRC, and HTHF have access to all the requisite financial support of the National CORE enterprise. NCRC, the original and largest organization, has a long history of supporting its affiliates financially. For example, NCRC recently allocated

¹ Capitalized terms used but not defined in this letter shall have the meanings given them in the 2024 QAP.

Mr. Goldberger
May 29, 2024

\$11M to NCRT for the purpose of acquiring an existing apartment community in Texas, as documented in the NCRC Board Resolution dated March 28, 2024, attached hereto as Exhibit A.

In addition to financial support, the relationship among the entities includes access to National CORE personnel having hundreds of collective years of experience in affordable housing development and service.

Deficiency Question

Your deficiency stated the following: *Please clarify how the Application meets Supportive Housing standards as defined in §11.1(d)(125).*

#24018 Bailey at Stassney meets the 2024 QAP Supportive Housing requirements and definition. For each subsection under §11.1(d)(125), an explanation is provided for how the Application qualifies as Supportive Housing.

(125) Supportive Housing--A residential rental Development and Target Population meeting the requirements of subparagraphs (A) - (F) of this paragraph:

(A) Be intended for and targeting occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living:

As documented under Tab 17 within the submitted Application, the Applicant has certified and confirmed that the Development is intended for and targets occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living. When specifying which types of households the Development will serve, the Application specifically states to “check all that apply.” See Exhibit B.

As listed in a narrative provided to the Housing Authority of the City of Austin for rental assistance vouchers, tenants will be referred to the Development from the Austin Coordinated Assessment. This is a community-wide database tool that allows individuals in need of housing and services to apply for assistance at any service provider and then be into one waiting list. Many different types of people, with various and individual needs, are registered in this database. They enter the Coordinated Assessment through service providers that specialize in a variety of populations in need – teens and young adults existing foster care or women with children or veterans, for example – and place the residents based upon their expertise in the type of housing and services the residents require. There is not a “one size fits all” for services. Rather than exclude some potential residents, the Applicant has followed the instructions in the Application to identify any household that may apply and will rely on the Coordinated Assessment system to make those referrals.

This approach is consistent with Supportive Housing Applications submitted to the Department in 2020, 2022 and 2023 (Applications 20002 Armadillo Lofts, 22274 Cady Lofts, and 23011 The Sasha). Information from these applications is also included in Exhibit B.

(B) Be owned and operated by an Applicant or General Partner that must:

(i) have supportive services provided by the Applicant, an Affiliate of the Applicant or a Third Party provider if the service provider is able to demonstrate a record of providing substantive services similar to those proposed in the Application in residential settings for at least three years prior to the beginning of the Application Acceptance Period, or Application Acceptance Date for Multifamily Direct Loan.

Tab 37, Organization Charts, shows that the General Partner of the Applicant is Bailey at Stassney GP LLC, which is controlled by NCRT, as noted above. Tab 42 lists the Supportive Services Provider as HTHF, which is an Affiliate of NCRT for purposes of the QAP, as noted above. These items are included in Exhibit C.

Founded in 1998, HTHF's experience far exceeds that required by the QAP. Its mission, clearly stated on its website, is to break the cycle of generational poverty by providing programs and services that empower individuals and change communities. HTHF works in more than 80 affordable housing communities and regions throughout California, Florida, and Texas.

With specific regard to Supportive Housing, HTHF strives to foster stability and independence for formerly homeless residents and special populations by delivering a best practices approach to empowering vulnerable populations, focusing on the individual, honoring personal choice, and applying proven models for recovery, resiliency, and overall well-being for residents living within Permanent Supportive Housing (PSH). In its 2022 Impact Report, HTHF reported providing case management to the residents of more than 456 apartment homes and has far more than the three years of experience required in the QAP. See the Development Narrative at Tab 17.

(ii) secure sufficient funds necessary to maintain the Supportive Housing

In the supporting documentation of Tab 17, Michael Ruane, on behalf of NCRT, signed a guaranty agreement, committing to funding any operating deficits of the Project. In addition to signing the guaranty agreement, Michael Ruane signed the Tab 1, Application Certification which clearly "affirms that they have read and understand, as applicable, Title 10, Texas Administrative Code, Chapters 1, 10, 11, 12 and 13." The certification also states "Specifically, the undersigned understands the requirements under 10 TAC §11.101 of the Qualified Application Plan, Site and Development Requirements and Restrictions . . ." We believe this certification explicitly implies that the Applicant agrees to follow the rules in the QAP, including the one listed above to secure sufficient funds necessary to maintain the Supportive Housing. As guarantor for the Development, NCRT will also provide financial guarantees to any equity or lender intuitions involved in the transaction.

(iii) provide evidence of a history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses;

As noted in the Development Narrative at Tab 17:

In 2023, HTHF had a \$7.4M organizational operating budget which was comprised of \$2.8M in philanthropic dollars from special events, grants, and individual donations, as well as \$3.2M in governmental grants/supportive services program fees. In addition to HTHF's established philanthropic endeavors, we have built a strong footprint in our communities, gaining support from local businesses, service providers, government, churches, and other nonprofit organizations. We have a dedicated board of directors that actively contributes their time, talent, and treasure to the success of the organization. HTHF has over \$5.7M in total assets with strong balances in both cash and investments. These funds are sufficient to maintain the service operations for the project for the duration of the affordability period.

Exhibit D provides excerpts from these organizations' tax returns – IRS Form 990 – that also clearly demonstrates fundraising capabilities.

(iv) provide a fully executed guaranty agreement whereby the Applicant or its Affiliate assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period; and

A fully executed guaranty agreement was included in Tab 17 and signed by Michael Ruane in his capacity as President of NCRT, and NCRT's access to resources was previously addressed above.

(v) have Tenant Selection Criteria that fully comply with §10.802 of this title (regarding Written Policies and Procedures), which require a process for evaluation of prospective residents against a clear set of credit, criminal conviction, and prior eviction history that may disqualify a potential resident.

Tenant Selection Criteria are not required to be submitted in the application. However, for our application the Housing Authority of The City of Austin we wrote an extensive plan for selecting tenants that fully complies with §10.802. It is attached as Exhibit E.

(C) Where supportive services are tailored for members of a household with specific Needs, such as:

- (i) homeless or persons at-risk of homelessness;*
- (ii) persons with physical, intellectual, or developmental disabilities;*
- (iii) youth aging out of foster care;*
- (iv) persons eligible to receive primarily non-medical home or community-based services;*
- (v) persons transitioning out of institutionalized care;*
- (vi) persons unable to secure permanent housing elsewhere due to specific, nonmedical,*

or other high barriers to access and maintain housing;
(vii) Persons with Special Housing Needs including households where one or more individuals have alcohol or drug addictions, Violence Against Women Act Protections. (domestic violence, dating violence, sexual assault, and stalking), HIV/AIDS, or is a veteran with a disability; or
(viii) other target populations that are served by a federal or state housing program in need of the type and frequency of supportive services characterized herein, as represented in the Application and determined by the Department on a case-by case basis;

The Applicant has stated or implied in numerous places that the Development is Supportive Housing, will serve individuals in need of supportive services and that its service provider, HTHF, has extensive experience in this arena. These include: The Application Cover, Tabs 1, 2, 7, 8, 11, 17, 18, 26, 31, 35, 40, 42 and 48.

To reiterate, the Development will provide supportive services for tenants with specific needs that fall under (i)- (viii) of this subsection, depending on who is referred to the Development through Austin's Coordinated Assessment system as well as any tenant who applied directly to the Development for housing. Predicting exactly who will apply and what their specific needs will be two years in the future is not possible. However, we can confidently state that the Development will serve individuals who are: homeless or at-risk of homelessness; people with physical, intellectual, or developmental disabilities; youth aging out of foster care; people eligible to receive primarily non-medical home or community-based services; people transitioning out of institutionalized care; people unable to secure permanent housing elsewhere due to high barriers; people with Special Housing Needs including households where one or more individuals have alcohol or drug addictions, people who qualify under the Violence Against Women Act Protections, people living with HIV/AIDS, or people who are veterans with a disability. In fact, we have secured 26 vouchers specifically to assist us in serving these populations. Of these, 16 are specifically for Veterans. Exhibit E also demonstrates the populations that HTHF serves at two similar developments in the National CORE portfolio.

The above-mentioned list of members of a household with specific needs are intentionally marked under Tab 17 in the Application because our supportive services will be applicable and intended for persons with *any* of the specifically mentioned needs.

This approach is consistent with other successful applications from 2020, 2021 and 2022.

(D) Supportive services must meet the minimum requirements provided in clauses (i) - (iv) of this subparagraph

- (i) regularly and frequently offered to all residents, primarily on-site;*
- (ii) easily accessible and offered at times that residents are able to use them;*
- (iii) must include readily available resident services or service coordination that either aid in addressing debilitating conditions, or assist residents in securing the skills, assets, and connections needed for independent living; and*
- (iv) a resident may not be required to access supportive services in order to qualify*

for or maintain tenancy in a rent restricted Unit that the household otherwise qualifies for; and

Tab 17 of the Application and the Services Plan in the application to the Austin Housing Authority for vouchers demonstrates that the Development meets all the minimum requirements stated in (i) – (iv) of this subsection. The Development will have staff **on-site** who are dedicated to service provision. This is over and above the property management and facility management teams. There will be a services coordinator who will help arrange services both from Development staff and local area service providers **as well as a** dedicated case manager assigned to provide on-site supportive services to tenants.

These services will be regularly and frequently provided, easily accessible and offered at times that residents are able to use them. Once again, this approach to the Application is consistent with awarded applicants from 2020, 2021 and 2022. Until the Development is built, and the tenant population is in residence, we cannot determine what the exact needs will be. However, another development owned by an affiliate of National CORE, where HTHF provides services, offers services that include:

- Case Management 8-5 pm, Monday through Friday as well as weekend check ins. Case management can be anything from helping a tenant obtain a new id to teaching a tenant on how to access a new bus route or maintain an apartment to accessing benefits such as TANF or Social Security. The purpose is to provide **individualized and specific** service.
- Move in kits for all new move ins.
- Furniture for PSH residents.
- On site food/ essential pantry access.
- Breakfast events paired with wellness/ health education with community partners.

We have compiled excerpts from two HUD Annual Performance reports into Exhibit E. The reports are required by the Continuum of Care/Coordinated Assessment systems and are from the Homeless Management Information System which is the system used to track services for a particular project and geographic area. To participate in such a system, one must be a service provider. There is no way to participate and *not* serve individuals who have experienced homelessness. The reports are for two similar developments operated by the National CORE/HTHF team. Reports for any other supportive housing developments in the National CORE portfolio are available, if desired. These demonstrate that services are provided and the populations served.

(E) Supportive Housing Developments must meet the criteria of either clause (i) or (ii) of this subparagraph

(i) not financed, except for construction financing, or a deferred-forgivable or deferred-payable construction-to-permanent Direct Loan from the Department, with any debt containing foreclosure provisions or debt that contains scheduled or periodic repayment provisions.

Mr. Goldberger
May 29, 2024

OR

(ii) financed with debt that meets feasibility requirements under Subchapter D of this chapter without exemptions and must also be supported by project-based rental or project-based operating subsidies for 25% of the Units evidenced by an executed agreement with an unaffiliated or governmental third party able to make that commitment, and meet all of the criteria in subclauses (I) - (VI) of this clause: . . .

As shown in the Application, the Development meets clause (i) of this subsection. Tab 31, Sources and Uses shows the sources, which include no permanent senior debt that contains foreclosure provisions or scheduled or periodic repayment provisions. Further, Tab 26 and Tab 27 reflect that there is no debt payment projected. Please see Exhibit F. This also is consistent with Applications from previous funding rounds.

(F) Supportive housing Units included in an otherwise non-Supportive Housing Development do not meet the requirements of this definition.

All 104 units proposed in the Application are Supportive Housing Units intended for occupancy by tenants with barriers to housing. Once again, Michael Ruane has certified on behalf of the Application and **under penalty of perjury**, that his statements in the Application are true AND that he understands and will follow the program rules.

Additional Information

We understand your deficiency request is the result of an RFAD presented to the Department on April 24, 2024. We would like to take a moment to address some of the additional claims asserted in that document. These are quoted in blue with a response beneath each quoted item.

Issue #3 The design is flawed and inadequate to meet the requirements of Supportive Housing

We understand and agree with the concept that the housing provided needs to be **designed** to meet the requirements of the QAP and the population to be served. However, few, if any, 9% LIHTC Applicants have a **design** set of drawings available at the time of Application. According to the American Institute of Architects, the 5 phases of a design project are Schematic Design, Design Development, Construction Documents, Bidding, and Construction Administration. Any experienced developer knows that a set of plans provided to TDHCA for 9% Housing Tax Credits are only advanced through Schematic Design, if they are in fact even that far along. It is not feasible to truly **design** a development in the roughly 6 weeks between pre application and full application. The Design Development phase is when a developer and architectural team would decide on items such as where the secure entry will be, exactly what common area uses are appropriate where they may be permanently located. The many amendments TDHCA processes each year due to design changes is likely the best evidence of this.

Mr. Goldberger
May 29, 2024

The plans in the Application meet TDHCA requirements. No additional submittals should be required. However, we would be happy to submit a more detailed plan if warranted.

Issue #4 Services are unclear and not onsite as required

We have described the services to be provided in more detail above. We are unclear as to what evidence the RFAD can find in a schematic set of drawings that proves that services will not be provided on-site. Moreover, a licensed social worker with extensive experience in providing services here in Austin assisted the Applicant with the services budget and confirmed that the budget was adequate to pay for a social worker.

Issue #5 The financial assumptions are not realistic.

The financial assumptions meet the requirements of the QAP and TDHCA Application process. "Realistic" is not a defined term in the QAP.

We believe that the Bailey at Stassney meets the requirements of the 2024 QAP's definition of Supportive Housing to the letter. Further we find the claims in the RFAD to be the spurious articulations of a disgruntled competitor rather than genuine flaws with the Application. We would be happy to provide any clarification or additional information as necessary should you disagree. Thank you for your consideration.

Sincerely,



Sarah Andre
Consultant to the Project

Exhibits:

- Exhibit A – NCRC Board Resolution
- Exhibit B – Pages from Tab 17 of Application & Prior Similar Supportive Housing Applications
- Exhibit C – Evidence from Application of Affiliate Status
- Exhibit D – Evidence of Fundraising – 990 and Donor List
- Exhibit E - Tenant Selection Criteria and Services Evidence
- Exhibit F – Finance Tabs from Application

CC: Cody Campbell

Exhibit A

NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA
a California Nonprofit Public Benefit Corporation

Resolutions of the Executive Committee of the Board of Directors

March 28, 2024

[REDACTED] **PROJECT**

Granting of Authority Regarding Use of Bond Proceeds

WHEREAS, National Community Renaissance of California (the “**Corporation**”) recognizes and strives to meet the diverse needs for housing, social, education and other services of the community at large, and especially low-income residents;

WHEREAS, the Corporation is committed to effectively serving the housing needs of low-income residents by providing safe, decent and affordable housing for persons of very low, low and moderate-income levels;

WHEREAS, the Corporation understands that National Community Renaissance of Texas, Inc., a California nonprofit public benefit corporation (“**NCRT**”) intends to create/form a limited liability company and/or a new limited partnership in which NCRT, or an affiliate thereof, will serve as the managing member and/or general partner respectively (collectively, the “**Project Partnership**”) for the purpose of acquiring an existing affordable housing apartment development located at [REDACTED], Texas [REDACTED] and situated on approximately [REDACTED] gross acres (together, the development and land are referred to herein as the “**Project**”);

WHEREAS, the Corporation also understands that NCRT intends to acquire, directly or through the Project Partnership, the Project from [REDACTED] for the purchase price of [REDACTED]; and

WHEREAS, the Committee has been presented with a proposal to utilize bond proceeds in an amount not to exceed eleven million dollars (\$11,000,00), through an intercompany loan to NCRT and/or the Project Partnership, to cover acquisition-related expenses relating to the Project, with the interest rate not exceed the prime rate and other terms of the loan/arrangement to be determined at a later date (the “**Intercompany Loan**”).

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Committee hereby approves and authorizes the Corporation to utilize bond proceeds to make the Intercompany Loan;

RESOLVED FURTHER, that the Committee hereby approves and authorizes, Michael Ruane, acting in his capacity as President, Michael Finn, acting in his capacity as the Chief Financial Officer, and Robert Diaz, acting in his capacities as Executive Vice President and General Counsel, each an “**Authorized Representative**” and each acting individually on behalf of the Corporation, to enter into, execute, and deliver any and all agreements, applications, filings, instruments, certificates, and other documents, including, without limitation, partnership agreements, loan agreements, evidence of liens or other encumbrances related thereto, deeds of trust and/or escrow instructions, each as management may deem necessary or appropriate to carry into effect the full purposes and intent of the above resolutions;

RESOLVED FURTHER, that each Authorized Representative, or their designee, is hereby authorized and directed to do and perform any and all such other acts as any Authorized Representative shall deem necessary or advisable to carryout the purposes and intent of the foregoing resolutions so long as the Authorized Representative deems such differing terms to be not materially less advantageous than those described in the foregoing resolutions;

RESOLVED FURTHER, that any Authorized Representative, or their designee, is hereby authorized and directed to submit evidence of these resolutions to any interested third party in any format required by such third party and/or with any such similar language such third party may request so long as such required format or language does not include authorizations or approvals substantially different than what has been authorized and/or approved herein; and

RESOLVED FURTHER, that these resolutions shall take effect immediately upon their passage.

GENERAL AUTHORIZATIONS

In support of all of the above resolutions, BE IT:

RESOLVED FURTHER, that the execution of any such agreements, applications, instruments, certificates, and other documents (as noted in any and/or all of the above resolutions) by the Corporation's Authorized Representatives, or their designees, shall evidence conclusively the approval thereof by the Corporation;

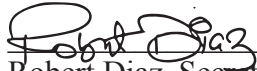
RESOLVED FURTHER, that all acts, actions, or agreements undertaken prior to the adoption of these resolutions by the Corporation or any of its representatives in connection with matters of the type set forth in the foregoing resolutions are hereby ratified, confirmed, adopted, and approved by the Corporation as the acts and deeds of the Corporation; and

RESOLVED FURTHER, that the foregoing resolutions are intended to be and may be relied upon by any person or entity involved in any one or more of the actions comprising the above-described transactions.

CERTIFICATE OF THE SECRETARY

The undersigned, Secretary of National Community Renaissance of California, a California nonprofit public benefit corporation (the “**Corporation**”), does hereby certify and declare that the foregoing is a full, true and correct copy of the resolutions duly passed and adopted by the Executive Committee of the Board of Directors of the Corporation at a meeting of said Executive Committee duly and regularly called, noticed and held, and at which a quorum of the Executive Committee was present, on March 28, 2024; that there is no provision in the Articles of Incorporation or the Bylaws of the Corporation limiting the powers of the Executive Committee to pass the foregoing resolutions and that such resolutions are in conformity with the provisions of the Articles of Incorporation and the Bylaws of the Corporation; and that said resolutions have not been amended, modified, repealed or rescinded since the date of adoption and are in full force and effect as of the date hereof.

DATE: March 28, 2024



Robert Diaz, Secretary
National Community Renaissance of California

Exhibit B

Development Narrative

1. The proposed Development is: *(Check all that apply)*

New Construction

and/or:

4% or 9% HTC Adaptive Reuse: select New Construction here and Adaptive Reuse in next box. MFDL:
select New Construction or Rehab here and Adaptive Reuse in the next.

NOTE: If "Adaptive Reuse", review 10 TAC §11.1(d)(1) to ensure compliance.

Previous TDHCA #

na

If Acquisition/Rehab or Rehab, original construction year:

If Reconstruction:

Units Demolished

Units Reconstructed

If Additional Phase:

Development Name:

Application Number

2. The Target Population will be:

Supportive Housing

NOTE: If "Elderly Development", review 10 TAC §11.1(d)(47) to ensure compliance.

If Elderly is selected (10 TAC §11.1(d)(47)):

- ☐ Development meets the requirements of the Housing for Older Persons Act under the Fair Housing Act.
- ☐ Development receives federal funding that has a requirement for a preference or limitation for elderly persons or households, but must accept qualified households with children.
Selection is based on funding from (Include citation)
- ☐ Development will receive other funding that has a requirement for a preference or limitation with regard to the population(s) served. If so, please explain in the box below.

Certification for Supportive Housing Applications

If Supportive Housing is selected (10 TAC §11.1(d)(125)), the Applicant or General Partner confirms that:

- ☒ The proposed Development is intended for and targets occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living.
- ☒ Supportive services are tailored for members of a household with specific non-medical needs (select all that apply):
 - ☒ Homeless or Persons at-risk of homelessness
 - ☒ Persons with physical, intellectual, and/or developmental disabilities
 - ☒ Youth aging out of foster care
 - ☒ Persons eligible to receive primarily non-medical home or community-based services
 - ☒ Persons transitioning out of institutionalized care
 - ☒ Persons unable to secure permanent housing elsewhere due to high barriers
 - ☒ Persons with Special Housing Needs (alcohol or drug addictions, VAWA protections, HIV/AIDS, Veterans with Disabilities)
 - ☐ Other target populations that are served by a federal or state housing program (provide documentation behind this Tab)

Describe:

- ☒ Services will be provided by the Applicant or an Affiliate of the Applicant.
- ☐ Services will be provided by a Third Party provider and evidence that the provider has at least a three-year record of providing substantive services similar to those proposed in the subject Application in residential settings is provided behind this Tab.
- ☒ Supportive services will meet the minimum requirements provided in clauses (i)–(iv) of §11.1(d)(125)(D) of the Qualified Allocation Plan.

- ☒ Documentation that the Applicant or General Partner has secured or will secure sufficient funds necessary to maintain the Supportive Housing Development's operations throughout the entire Affordability Period is included behind this Tab.
- ☒ Evidence of the Applicant's or General Partner's history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses is included behind this Tab.
- ☒ Behind this tab, the Applicant or General Partner provides a fully executed guaranty agreement whereby the Applicant or its Affiliate assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period.
- ☒ Development will comply with the Tenant Selection Criteria requirements at §11.1(d)(125)(B)(v)
- ☒ Development financing meets all requirements of 10 TAC §11.1(d)(125)(E)(i)
- ☒ Development financing meets the requirements of 10 TAC §11.1(d)(125)(E)(ii) and Development will include:
 - ☐ Evidence of project-based rental or operating subsidies for a minimum of 25% of Units;
 - ☐ Documentation of how resident feedback has been incorporated into Development design;
 - ☐ Evidence that the Development is located less than ½ mile from regularly-scheduled public transportation, including evening and weekend service;
 - ☐ Evidence that at least 10% of the Units in the proposed Development meet the 2010 ADA standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" 79 Federal Register 29671 for persons with mobility impairments;
 - ☐ Multiple systems will be in place for residents to provide feedback to Development staff;
 - ☐ The Development will have a comprehensive written eviction prevention policy that includes an appeal process; and
 - ☐ The Development will have a comprehensive written services plan that describes the available services, identifying whether they are provided directly or through referral linkages, by whom, and in what location and during what days and hours. A copy of the services plan will be readily accessible to residents.

3. Staff Determinations or Waivers Previously Approved

- ☐ If a determination under 10 TAC §11.1(l) was made prior to Application submission, provide a copy of such determination behind this tab. If a waiver was previously approved by the Board, provide a copy of the Board write-up behind this tab.

4. Narrative

- ☒ The Development will not provide continual or frequent nursing, medical or psychiatric services to the residents.
- ☒ The Development does not violate the general public use requirement of Treasury Regulation §1.42-9 regarding units for use by the general public.
 - ☐ The Development does violate TR 1.42-9 and the Application includes a private letter ruling (PLR).
 - ☐ Development financing includes a funding source that specifically allows for the intended Target Population. A copy of that funding sources' authority to target the intended population is included behind this tab.
- ☒ Development does not violate the Department's Integrated Housing Rule under 10 TAC §1.15 regarding restricting occupancy to persons with disabilities or in combination with other populations with special needs.

Briefly describe the proposed Development, including any relevant information not already identified above. If Adaptive Reuse, or Scattered Site, or if any of the three main boxes above are not checked, include detailed information below.

The proposed development is a new construction Supportive Housing development in Austin. There will be 104 units in one 5-story elevator-served building. The unit mix includes 52 efficiency units and 52 one bedroom units. The community space will be located within the building. The site is made up of three adjacent parcels which will be replatted into one parcel. A portion of the site is in the floodplain. No buildings or parking will be built in the floodplain. There are vacant structures on the site that will be demolished. A complete narrative providing extensive detail on the supportive housing element of this development is attached.

If a revised form is submitted, date of submission:

5. Funding Request:

Complete the table below to describe this Application's funding request. If applying for Multifamily Direct Loan funds, please select only one type of loan. ****NOTE: For Tax-Exempt Bond Developments, pursuant to §11.201(2), if at the time of Application submission, other Department funding (i.e. MFDL or HOME-ARP) is over-subscribed, the submitted Application CANNOT include a request for such funds.****

Department Funds applying for with this Application	Source of Funds	Requested Amount	If funds will be in the form of a Direct Loan or Private Activity Bonds by the Department, the terms will be:		
			Interest Rate (%)	Amortization (Years)	Permanent Term (Years)
Choose a Dropdown			2.00%		
Choose a Dropdown					
HOME-ARP Nonprofit Operating Cost and/or Capacity Building Assistance	\$	-			
HOME-ARP Capitalized Operating Cost Assistance	\$	-			
Housing Tax Credits	\$	2,000,000			
Private Activity Bonds (TDHCA Issuer Only)					
CHDO Operating Expenses Grant					

6. Set-Aside (For Competitive HTC (10 TAC §11.5) and/or Multifamily Direct Loan (10 TAC §13.4(a)) Applications Only)

Identify any and all set-asides the application will be applying under with an "x".

Set-Asides cannot be added or dropped from pre-application to full Application for Competitive HTC Applications.

High-Quality Pre-Kindergarten

☐ Application elects to provide a High-Quality Pre-Kindergarten (HQ Pre-K)

Competitive HTC									Multifamily Direct Loan	
Select Set-Aside if applicable									Enter NOFA and Set-Aside	
At-Risk			Nonprofit			USDA			Enter NOFA	Enter Set-Aside
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Selections for At-Risk and USDA are independent of each other. Only select both if both apply.									HOME ARP	
									Enter NOFA	Enter Set-Aside

7. Previously Awarded State and Federal Funding

Has this site/activity previously applied for TDHCA funds?

No

Has this site/activity previously received TDHCA funds?

No

If "Yes" Enter Project Number:

na

and TDHCA funding source (4%, 9%, MFDL, et

Has this site/activity previously received non-TDHCA federal funding?

No

If yes, source:

Will this site/activity receive non-TDHCA federal funding for costs described in this Application?

No

8. Qualified Low Income Housing Development Election (HTC Applications only)

Pursuant to §42(g)(1)(A) - (C), the term "qualified low income housing development" means any project for residential rental property, if the Development meets one of the requirements below, whichever is elected by the taxpayer. Once an election is made, it is irrevocable. Select only one:

☐ At least 20% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 50% or less of the area median gross income, adjusted for family size.

☒ At least 40% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 60% or less of the median gross income, adjusted for family size.

☐ Applicant elects to use the Average Income for the Development.

9. For Rehabilitation (excluding Reconstruction) and Adaptive Reuse Tax-Exempt Bond Developments that do not include a request for Direct Loan or where the Department is not the bond issuer, a Scope and Cost Review is not required. However, the application must include a Scope of Work Narrative as described in §11.306(k) of the QAP. (note: Rehabilitation Developments funded by the national Housing Trust Fund are required to meet the Multifamily Minimum Rehabilitation Standards approved by HUD, as posted on the Department's website at <https://www.tdhca.state.tx.us/multifamily/home/index.htm>, in addition to the Department's rules and NOFA requirements.)

If a revised form is submitted, date of submission:

DEVELOPMENT NARRATIVE - THE BAILEY AT STASSNEY – AUSTIN, TX

Overview

The Bailey at Stassney is a proposed new construction development with 104 units of Supportive Housing that will provide high-quality housing paired with voluntary, wrap-around services for Austin's most housing-fragile. The General Partner and its affiliate entity, National Community Renaissance (National CORE) are well positioned to make this development a reality. For more than 30 years, National CORE has been a thought leader and pioneer in developing sustainable models that leverage community resources in a unique combination of quality developments paired with life-enhancing social services. Headquartered in Rancho Cucamonga (California) and with experienced staff based in California, Texas and Florida, National CORE was established in 1992 as a 501(c)(3) nonprofit public benefit corporation, to assist local governments by providing affordable housing.

Partnering with local governments and housing authorities, National CORE has grown to be the nation's third largest nonprofit affordable housing developer, serving more than 30,000 residents in nearly 10,000 units in over 100 developments. The owner entity for this project - National Community Renaissance of Texas, Inc. (NCRT) is an affiliate of National CORE and was founded in 2003 to extend the work of National CORE into Texas. NCRT will be the manager of the General Partner as well as the majority Developer for this project. NCRT will harness the experience of National CORE to bring outstanding supportive housing to the Texas market.

National CORE aims to build foundations in challenged neighborhoods to improve social service and educational needs as well as provide a range of community development gaps that are essential to long-term personal and community growth. Unlike traditional community redevelopment concepts, which focus mainly on physical infrastructure and some economic development, National CORE mainly focuses on the long-term transformational impact on people and neighborhoods. CORE has built a reputation for taking on the toughest projects under the toughest of circumstances, while working closely with local governments, the business community, residents, neighbors, and other stakeholders.

Supportive Housing Development Experience

National CORE has developed, owns, operates, and manages 12 special needs and PSH (Permanent Supportive Housing) apartment home communities, encompassing a total of 199 units. These communities are integrated with supportive housing homes for people experiencing homelessness. Additionally, National CORE has agreements in place with several cities to create 491 additional PSH units in the development pipeline. The special needs residents include seniors, children, youth aging out of foster care, adults, and families with and without severe mental illness. For example, National CORE has apartment homes funded with Mental Health Service Act resources in collaboration with the Corporation for Supportive Housing and 3rd party full-service providers to build a system where access is easier, services are more effective, out-of-home and institutional care are reduced, and stigma toward those with mental illness or serious emotional disturbance no longer exists.

About the Community:

Bailey at Stassney will be a five-story, elevator-served building that will be designed with comfort and safety in mind for those who have experienced long-term trauma, violence, and homelessness. The building will feature secured and separated entries. The design is trauma-informed and guided by CORE's extensive experience with the individuals and families they serve. Durability and long-term ownership

will be key goals in mind with the selection of finishes and surfaces.

Features of Bailey at Stassney include:

- 104 apartment units - 52 studios and 52 one bedroom units.
- Community spaces include an indoor resident lounge, meeting rooms, support service staff offices, laundry, business center, and a secure/controlled-access reception area.
- Trauma informed design appropriate for the target population featuring natural light and warm, tranquil finishes.
- Supportive services provided by the Hope Through Housing Foundation – including counseling, advocacy, case management, peer support, life skills, parenting support, education enhancement and disability services.

Target Population:

Bailey at Stassney will target individuals and small families in need of specialized and specific non-medical services in order to maintain housing. The property will serve persons transitioning out of homelessness, persons at-risk of homelessness, persons with physical, intellectual, and/or developmental disabilities, youth aging out of foster care, persons unable to secure permanent housing elsewhere due to various barriers, and persons with special housing needs including Violence Against Women Act Protections (domestic violence, dating violence, sexual assault, and stalking).

Location:

Bailey at Stassney is in an area with good access to general services, including high frequency transit, and contiguous sidewalk access. A grocery store is literally the nearest neighbor on the west side of the site. As the maps and documentation in Tab 10 of the tax credit application indicate, the area is amenity rich. The nearest bus stop is across the street from the site and provides transit along Stassney every 15 minutes. The Number 311 route provides access to nearby grocery stores, a pharmacy, health care services, everyday retail, schools, and major employers.

Service Provider Track Record and Supportive Services:

The Hope Through Housing Foundation (Hope Through Housing) will be the supportive service provider for Bailey at Stassney. In 1992, the Hope Through Housing Foundation was established to empower residents of National CORE's multifamily communities. Hope Through Housing is a 32-year-old non-profit dedicated to breaking the cycle of generational poverty by implementing programs that empower individuals and change communities. Hope Through Housing's goal is to deliver services and support to low-income residents aimed at Building Bright Futures, creating Pathways to Economic Empowerment, and building Connections to Care for seniors. Hope Through Housing aims to deliver and coordinate community services for residents that are designed to help them stabilize their lives, pursue new economic and social opportunities, and achieve better quality of life not only through affordable housing but through social connections, services, and systems that help residents and communities thrive.

In 2022, Hope Through Housing provided direct services to thousands of residents. Some of the key achievements include:

- 572 youth enrolled in afterschool, teen and mentoring programs
- 720 residents received economic mobility coaching and/or financial education
- 796 residents received assistance applying for health and financial benefits and entitlements
- Thousands of residents received assistance applying for and receiving emergency rental assistance – totaling \$7.6 million in debt relief
- 5,160 residents participated in health and wellness activities
- 949 wellness checks provided to seniors and families
- 2,000 backpacks and school supplies distributed to children.

Hope Through Housing's service philosophy is rooted in a strength-based approach that encourages and supports choice, empowerment and focusing on assets of the individual – a model that has proven successful in recovery, fostering resiliency and the promotion of wellness. All programming is designed with the influence of a set of core best practices working with vulnerable populations. Hope Through Housing focuses on four primary goals:

(1) Preparing At-Risk Youth for Future Self-Sufficiency by improving educational and social outcomes for disadvantaged children and teens. Offered to residents and the greater community, our youth programming encourages family engagement in children's education, promotes social-emotional competence, and youth academic success. Through a combination of preschool, after-school and teen programming, Hope Through Housing serves elementary through high school students incorporating role modeling with homework help, character development, exercise, nutrition education, and career exposure.

(2) Creating Economic Mobility for Families by improving financial and social well-being. Hope Through Housing helps residents make the most of limited income, increase earning potential and employment status and begin regular habits of saving and building assets through financial literacy, benefits access, workforce development, and homeownership education. Training topics often include banking basics, money management, credit, savings, and first-time homeownership. Demonstrated outcomes including increased income, decreased debt, improved credit scores, increased savings, and first-time homeownership.

(3) Building Senior Health and Wellness and empowering seniors to age in place with dignity. Focused on our senior residents, Hope Through Housing promotes independent living for aging and disabled adults through services that address basic needs, physical and mental health, and social connectedness. Resource connections include healthcare access, nutritional food sufficiency programs, rental and housing assistance, utility assistance, transportation, financial literacy, benefits access, and safety education.

(4) Fostering and stabilizing the lives of the formerly homeless and special populations by empowering vulnerable populations, focusing on the individual, honoring personal choice, and applying proven models for recovery, resiliency and overall well-being for residents living within Permanent Supportive Housing.

Service Strategy for Bailey at Stassney:

Hope Through Housing has a strong model and lengthy track-record for delivering a customized

mix of services to meet the needs of a diverse population of low-income families living within affordable housing and surrounding neighborhoods. By building relationships and assessing the individual needs of residents within each property, Hope Through Housing will craft a unique property service plan that outlines the needs and planned services to help residents improve their well-being and independence. To provide top-tier quality to our residents, Hope Through Housing delivers services through a combination of direct programming, contracted services with local experts, and strategic partnerships with an extensive network of nonprofits, governmental entities, and businesses. Hope Through Housing relies on a dedicated team of professional services coordinators who are each responsible for providing a rich mix of health and social service resource coordination and activities within a given portfolio of properties.

Using this approach, Hope Through Housing staff will maintain a unique and comprehensive written services plan for Bailey at Stassney that is made available to all tenants. The plan will describe the available services and identify whether each service is provided directly by Hope Through Housing or through other local providers and describe where the services are provided as well as on what days and times.

The Hope Through Housing Foundation will be the lead service coordinator for Bailey at Stassney. Hope Through Housing will have both an on-site Residential Services Coordinator (RSC) providing general services to all residents, as well as a specialized Permanent Supportive Housing Case Manager to oversee the delivery of social and supportive services to those with the highest level of need.

The RSC will be responsible for implementing resident surveying and feedback within the coordination of onsite services for all residents. The RSC will also work with any partnering providers to identify resident service needs; leverage efforts across entities and assist with referrals for residents; coordinate schedules, program the community service/service space, manage volunteers and personnel for any third-party services providers; organize recreational and community building activities, educational activities, and support groups; and maintain statistics on participation in activities. The RSC will act as a liaison between the partnering providers and the property management staff ongoing to ensure all residents are receiving the supports, they require to be successful and actively participate in the ongoing coordination meetings. In addition, Hope Through Housing will be dynamic and responsive based on the review of data for basic service needs, barriers, and resident suggestions ongoing collected via resident voluntary surveying to ensure a thriving supportive environment.

3-Tiered Approach:

Hope Through Housing will provide services under all tiers below where we strive to ensure consistent, top-quality services are provided to PSH and special populations on each of our properties.

Service Intervention Tiers*	Description
Tier 1: On-site activities & resources	Hope Through Housing Coordinators take charge of building a sense of “community” by reducing resident's tendency to isolate and encourage networking among residents/use of natural supports. On site resources like social events, food banks, basic resource information and themed events are organized long term for all residents on site.

Tier 2: Short Term or “as-needed” Case Management Services	This tier includes all activities in Tier 1 with the enhanced element of 1:1 case management support that is accessed on an “as-needed” basis that <u>will last as long as needed</u> . This can include such things as assistance with reinstating benefits, development of a budget (including savings goal planning), housing retention planning (mitigating tenancy issues) and support with connecting with outside services requiring follow up. <u>Note:</u> this may be with a resident who has ceased a relationship with a previous provider due to personal choice; HTHF will step in support them and help them reengage when appropriate with past provider or another provider that meets their needs.
Tier 3: Intensive Case Management/Permanent Supportive Housing	The Hope Through Housing Case Management Team will provide an array of supportive services to i residents at our contracted sites. The assigned Case Manager customizes the supports provided to the individual’s needs and creates an Individualized Service Plan (ISP). The ISP is shaped by HUD’s core areas of focus which include: 1) housing, 2) benefits/income and 3) additional self-determination f goals. These self-determination goals may include therapy, development of a support network, and/or going to school, for example. For residents accessing this level of support, the case managers maintain client charts according to agency policy and in compliance with HUD and other reporting mandates.

Financial Capability and Fundraising:

National Community Renaissance of Texas, Inc. and National CORE have robust financial statements and significant capacity to raise funds for their developments. For 2023, National CORE’s un audited financial statements show has assets in excess of \$664 Million with cash and cash equivalents of more than \$28 Million. Audited Statements for 2021, showed cash and cash equivalents of more than \$23 Million for National Core alone. When adding Housing affiliates, that figure jumped to more than \$41 Million.

HTHF has an established base of funding partners and a successful track record of securing a diverse pool of funds. HTHF works to actively expand its roster of funders each year through a combination of private and public grants and donations from private foundations, corporations, and individuals. HTHF's experienced philanthropy team works to pursue new partners and opportunities from different industries, regions, and sectors to expand the depth of our programming each year.

In 2023, HTHF had a \$7.4M organizational operating budget which was comprised of \$2.8M in philanthropic dollars from special events, grants, and individual donations, as well as \$3.2M in governmental grants/supportive services program fees. In addition to HTHF’s established philanthropic endeavors, we have built a strong footprint in our communities, gaining support from local businesses, service providers, government, churches, and other nonprofit organizations. We have a dedicated board of directors that actively contributes their time, talent, and treasure to the success of the organization. HTHF has over \$5.7M in total assets with strong balances in both cash and investments. These funds are sufficient to maintain the service operations for the project for the duration of the affordability period.

Based on the income streams mentioned above, the General Partner and its partners have the financial capacity to infuse additional capital to ensure that operating expenses, debt service and/or

cash flow, and supportive services are fully funded for Bailey at Stassney throughout the Affordability Period.

Organizational Structure and Project Team:

National Community Renaissance of Texas, Inc. (NCRT) is a 501(c)(3) nonprofit organization that will serve as majority owner and manager of the General Partner of the Applicant and Owner – Bailey at Stassney LP. NCRT is an affiliate of National Community Renaissance (National CORE) which will provide property management to the site. The Hope Through Housing Foundation is the sister non-profit and supportive service provider to National Community Renaissance. NCRT has partnered with Diva Imaging LLC, a local Austin developer of affordable and mixed-income housing to serve as the HUB Partner and Co-Developer.

There will be an MOU between the Owner, Bailey at Stassney LP and Hope Through Housing for Service Provision. Similarly, Bailey at Stassney LP and National CORE will enter into a contract for property management.

GUARANTY AGREEMENT

This Guaranty Agreement is made and entered into on February 21st 2024 by National Community Renaissance of Texas, Inc. a CA non-profit corporation ("**Guarantor**"), to and for the benefit of Bailey at Stassney LP ("**Owner**").

Recitals:

A. Guarantor is an Affiliate (as such term is defined in the 2024 Qualified Allocation Plan of the Texas Department of Housing and Community Affairs, 10 TAC §11.1 et. seq.) of the Owner.

B. Owner proposes to develop Bailey at Stassney in Austin, Texas (the "**Development**") as a supportive housing property.

C. Owner is applying for tax credit funding (the "**Funding**") from the Texas Department of Housing and Community Affairs ("**TDHCA**") for construction of the Development. Receipt of the Funding would require Owner to maintain affordability and services at the Development for a certain period of time (the "**Affordability Period**").

D. Guarantor has agreed to provide Owner with funds as necessary to pay any operating deficits experienced by Owner during the Affordability Period.

Agreement:

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Guarantor hereby agrees as follows:

1. Guarantor unconditionally and absolutely guarantees the full and prompt payment to Owner of all amounts necessary to pay any operating deficits experienced by the Development (the "**Guaranty Obligation**").

2. With respect to the Guaranty Obligation, Guarantor waives diligence, presentment, protest, notice of dishonor, demand for payment, extension of time of payment, notice of acceptance of the Guaranty, non-payment at maturity and indulgences and notices of every kind, and consents to any and all forbearances and extensions of the time of payment; it being the intention hereof that Guarantor shall remain liable for the Guaranty Obligation during the Affordability Period.

3. Guarantor agrees that in the event this Guaranty is placed in the hands of an attorney for enforcement, Guarantor will reimburse Owner for all expenses incurred, including reasonable attorneys' fees.

4. Guarantor agrees that this Guaranty shall inure to the benefit of and may be enforced by Owner, and its permitted successors, and shall be binding upon and enforceable against Guarantor and Guarantor's successors and assigns. If the Funding is received, TDHCA shall be a third party beneficiary of this Guaranty, with rights of enforcement.

5. This Guaranty shall continue in full force and effect until termination of the Affordability Period.

6. This Guaranty shall be governed by the laws of the State of Texas and venue for any judicial proceedings with respect to this Guaranty shall lie in Travis County, Texas.

GUARANTOR:

National Community Renaissance of
Texas, Inc.

By: 

Name: Michael Ruane

Title: President

Armadillo Studios

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Tab 31

Sources and Uses



Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Financing Participants	Funding Description	Construction Period		Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
Debt										
TDHCA	<u>MF Direct Loan Const. to Perm. (Repayable)</u>		\$0			\$ -	0.00%	30	0	
TDHCA	<u>MF Direct Loan Const. Only (Repayable)</u>		\$0	0.00%						
TDHCA	<u>Multifamily Direct Loan (Soft Repayable)</u>		\$2,000,000	0.00%	2	\$ 2,000,000	0.00%	0	35	1
TDHCA	<u>Mortgage Revenue Bond</u>		\$0	0.00%		\$ -	0.00%	0	0	1
City of Austin	Local Government Loan		\$3,850,000	0.00%	3	\$ 3,850,000	0.00%	0	40	2
Bank of America	Conventional Loan		\$14,500,000	4.75%	1					
Third Party Equity										
Bank of America	<u>HTC</u> \$ 1,500,000	\$ 1,469,853				\$ 14,698,530				0.98
Grant										
City of Austin Fee Waivers	<u>\$11.9(d)(2)LPS Contribution</u>	\$ 93,531				\$ 93,531				
Deferred Developer Fee										
Foundation Communities, Inc.						\$ 750,000				
Other										
City of Austin Fee Waivers	<u>Direct Loan Match</u>	\$ 150,000				\$ 150,000				
Foundation Communities, Inc.	Owner Contribution	\$ 386,516				\$ 907,839				
C12 Capital Mgmt Donation	Charitable Funds	\$ 2,550,000				\$ 2,550,000				
	Total Sources of Funds	\$ 24,999,900				\$ 24,999,900				
	Total Uses of Funds					\$ 24,999,900				

<p>INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.</p> <p>Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments).</p> <p>For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).</p> <p>See attached Financing Narrative</p>	
<p>Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.</p> <p><i>Replacement reserves of \$250 per unit per year are included in the operating budget.</i></p>	
<p>Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments).</p> <p>No operating subsidies or project based assistance anticipated.</p>	
<p>By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.</p>	

	Bank of America, Senior Vice President	Valerie A. Williams	February 24, 2020
Signature, Authorized Representative, Construction or Permanent Lender		Printed Name	Date

Telephone: 214-209-3219

Email address: valerie.a.williams@bofa.com

If a revised form is submitted, date of submission: _____

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ARMADILLO STUDIOS

Tab 31 – Financing Narrative

CONSTRUCTION SOURCES/USES

- **Construction Loan - \$14,500,000** -The construction loan from Bank of America, N.A. will carry an interest rate of LIBOR Daily Floating Rate plus 220 bps, floating with a floor of 4.75% and will require interest-only payments during the construction period. Construction loan interest, assuming the loan is fully drawn for 12 months, will be approximately \$688,750. The term sheet confirming the rates and terms of the construction loan is included in the application. The construction loan is expected to close in the first quarter of 2021.
- **Investor Equity - \$1,469,853** - Equity will be advanced from Bank of America, N.A. in the estimated amount of \$14,698,530 with 10% of this amount disbursed during the construction phase. The exact amount may be adjusted based on adjusters to be defined in the partnership agreement. The syndication proceeds are to be based on \$0.98 per dollar of tax credits and a projected tax credit allocation of \$1,500,000. This equity letter of intent is enclosed in the application. Closing with the investor is expected in the first quarter of 2021.
- **Austin Housing Finance Corporation - \$3,850,000** - Foundation Communities has applied for \$3,850,000 in funding from the Austin Housing Finance Corporation (City of Austin). The source of the funds is to be determined based on sources available but is expected to be general obligation bond funding administered through the City's Rental Housing Developer Assistance program that is not Federal. Please find attached proof of application. The funds will be used for predevelopment expenses and hard costs. The funding will likely be passed-through Foundation Communities as a permanent cash flow loan to the partnership, which is an allowable source of debt in this Supportive Housing project because it is originally sourced from local government non-federal funds. Key dates are included in the application verification letter. Closing is expected in the third quarter of 2020.
- **TDHCA MFDL - \$2,000,000** - Foundation Communities is simultaneously applying for \$2,000,000 in TDHCA Multifamily Direct Loan funding under the Supportive Housing/Soft Repayment Set-Aside as part of this HTC application. The funds will be used for hard costs. Foundation Communities is applying for these funds as a deferred forgivable loan, but is including with the application a waiver request which, if approved, would allow FC to access these funds as a deferred repayable loan.
- **Charitable Acquisition Funds - \$2,550,000** – Foundation Communities received a charitable donation in the amount of \$2,550,000 from C12 Management Company, Ltd ("C12"), which was used towards the acquisition costs of the property in December 2019. As shown on the settlement statement, C12 provided \$2,550,000, which was

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ARMADILLO STUDIOS

passed-through Foundation Communities as the majority of funds contributing the \$2,600,000 loan made from Foundation Communities to affiliate entity FC Austin Eleven Housing Corporation at the time of acquisition. The \$50,000 making up the difference in the \$2,600,000 cash flow loan made by Foundation Communities is part of the total \$386,516 Owner Contribution amount referenced below. Charitable funds passed through an affiliate as a cash flow loan is an allowable source of debt on Supportive Housing projects. This pass-through loan will be assigned to the partnership at or prior to construction loan closing.

- **City of Austin Fee Waivers - \$243,531** - The City of Austin is making a commitment of Development Funding by a Local Political Subdivision in the form of reduced permit fees. The total amount of waived City fees estimated for the project is \$243,531. \$150,000 in waived fees will be used to meet the 7.5% MFDL MATCH requirements. Please see attached commitment letter from the City of Austin detailing their commitment to the fee waivers.
- **Owner Equity - \$386,516** - Foundation Communities, Inc. is committing \$386,516 as an Owner's Cash Contribution to bridge capital fundraising during the construction period. This contribution represents less than 5% of total development costs. Please see attached commitment letter from Foundation Communities, Inc. During construction, Foundation Communities uses its internal funds to cover draws on the sponsor loan while capital fundraising efforts are underway.

PERMANENT SOURCES/USES

- **Investor Equity - \$14,698,530** - The total equity available from Bank of America, N.A. as a permanent source of funding will be \$14,698,530.
- **Austin Housing Finance Corporation - \$3,850,000** - The AHFC loan in the amount of \$3,850,000 will be a permanent source of funding. Terms of the loan from AHFC will be for a minimum of 40 years at zero percent interest. The funding will likely be passed-through Foundation Communities as a permanent cash flow loan to the partnership, which is an allowable source of debt in this Supportive Housing project because it is originally sourced from local government non-federal funds.
- **Charitable Acquisition Funds - \$2,550,000** – This funding will remain in the project permanently.
- **TDHCA MFDL - \$2,000,000** - TDHCA's Multifamily Direct Loan will be used as a permanent source of funding. The term of the loan will be for 35 years at zero percent interest. Foundation Communities is applying for these funds as a deferred forgivable loan, but is including with the application a waiver request which, if approved, would allow FC to access these funds as a deferred repayable loan.
- **Commitment of Development Funding from the City of Austin - \$243,531.** The City of Austin fee waivers will be used as a permanent source of funding, of which \$150,000 is contributing to the MFDL Direct Loan Match.

TDHCA #20002
ARMADILLO STUDIOS

- **Owner Equity - \$907,839** - Foundation Communities, Inc. is making a permanent commitment of \$907,839 as an Owner's Cash Contribution to Armadillo Studios and a bridge for fundraising. As a mission based nonprofit, it is very customary for Foundation Communities, Inc. to close our tax credit partnership with a sponsor loan to bridge fundraising. As private funds are raised, Foundation Communities is reimbursed. Foundation Communities has a long track record of successful capital fundraising for similar projects. This contribution represents less than 5% of total development costs.
- **Deferred Developer Fee - \$750,000** - In addition, the developer will defer \$750,000 of the developer fee which will be paid back through cash flow within the first 10 years.

2022 HTC Full Application

Part 4 Tab 31

Financing Narrative and
Summary of Sources and Uses

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.		
Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).		
Citibank will be providing the construction and permanent financing in the form of a conventional loan. The construction loan will be in the amount of \$12,000,000 at an interest rate of 4.50%. The permanent loan will be in the amount of \$2,300,000 at an interest rate of 5.20%. The loan will be amortized over a 35 year period and will carry a 15 year term. NEF is providing the equity for the project at a rate of \$0.89, for a total equity contribution of \$14,665,351 with \$3,666,338 coming in during construction. It's currently estimated tht \$612,423 in developer fee will be deferred. The City of Austin has provided funding in the form of a fee waiver which has already been taken into account in the Development Cost Schedule. Additionally, the City of Austin is providing a soft loan in the amount of \$3,400,000, at a rate of 1.00% which will be non-amortizing and carry a 40 year term.		
Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.		
<i>\$840,376 in operating reserves and \$100,000 in rent-up reserves are being required. \$300 is being required in replacement reserves.</i>		
Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.		
The project will have a firm commitment for 25% PBV's from the Housing Authority of the City of Austin.		
By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.		

Signature, Authorized Representative, Construction or Permanent Lender		Printed Name	Date
Telephone: _____			
Email address: _____			
If a revised form is submitted, date of submission: _____			

Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Bond Financing for Tax Exempt Bond Developments (Include amount of bonds actually used, not bond reservation amount. Bonds do not add into total sources)

[illegible]

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

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\$840,376 in operating reserves and \$100,000 in rent-up reserves are being required. \$300 is being required in replacement reserves.

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The project has a firm commitment for 25% PBV's from the Housing Authority of the City of Austin.

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.

Catherine Lee
Signature, Authorized Representative, Construction or Permanent Lender

Catherine Lee
Printed Name

2/28/22
Date

Telephone: 713 752 5052

Email address: CARMC.C.LEE@CITY.AUTX

If a revised form is submitted, date of submission: _____

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

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The project has a firm commitment for 25% PBV's from the Housing Authority of the City of Austin.

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.

Signature, Authorized Representative, Construction or Permanent Lender Jason Alarida Printed Name 2/27/22 Date

Telephone: 972.741.0700

Email address: jalarida@celine.org

If a revised form is submitted, date of submission: _____

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Funding request is \$1,946,000.
Given that the syndicator's interest is 99.99%, the Application most strongly supports \$1,946,000 as the credits under consideration i.e.:
 $\$17,123,088 / 0.88 / 0.9999 / 10 \text{ years} = \$1,946,000$

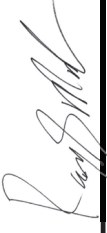
Debt											
Financing Participants		Funding Description	Construction Period			Lien Position	Permanent Period				Lien Position
			Loan/Equity Amount	Term (Mos)	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	
City of Austin		Forgiveable Loan	\$7,975,000	24	0.00%	2	\$ 7,975,000	0.00%	N/A	40	1
Chase Bank		Construction Loan	\$12,000,000	24	7.50%	1					
Third Party Equity											
National Equity Fund		HTC \$ 1,938,336	\$ 3,424,617				\$ 17,123,088			0.88	N/A
Grant											
City of Austin - Fee Waivers		\$11.9(d)(2)LPS Contribution	\$ 150,000				\$ 150,000				
Deferred Developer Fee											
JSA/SAFE			\$ 1,740,681				\$ 42,210				
Other											
		Direct Loan Match									
Total Sources of Funds			\$ 25,290,298				\$ 25,290,298				
Total Uses of Funds							\$ 25,290,298				

15 Year Rental Housing Operating Pro Forma (All Programs)

The pro forma should be based on the operating income and expense information for the base year (first year of stabilized occupancy using today's best estimates of market rents, restricted rents, rental income and expenses), and principal and interest debt service. The Department uses an annual growth rate of 2% for income and 3% for expenses. **The exception is HOME-ARP Capitalized Operating Cost Assistance (COCA) requests that increase at 3% annually.** Written explanation for any deviations from these growth rates or for assumptions other than straight-line growth made during the proforma period should be attached to this exhibit.

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 10	YEAR 15
INCOME							
POTENTIAL GROSS ANNUAL RENTAL INCOME	\$835,680	\$852,394	\$869,441	\$886,830	\$904,567	\$998,715	\$1,102,662
Secondary Income	\$ 3,600	\$ 3,672	\$ 3,745	\$ 3,820	\$ 3,897	\$ 4,302	\$ 4,750
POTENTIAL GROSS ANNUAL INCOME	\$839,280	\$856,066	\$873,187	\$890,651	\$908,464	\$1,003,017	\$1,107,412
Provision for Vacancy & Collection Loss	(\$62,946)	(\$64,205)	(\$65,489)	(\$66,799)	(\$68,135)	(\$75,226)	(\$83,056)
Rental Concessions	\$0						
HOME-ARP COCA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EFFECTIVE GROSS ANNUAL INCOME	\$776,334	\$791,861	\$807,698	\$823,852	\$840,329	\$927,791	\$1,024,356
EXPENSES							
General & Administrative Expenses	\$29,445	\$30,328	\$31,238	\$32,175	\$33,141	\$38,419	\$44,538
Management Fee	\$ 34,400	\$ 35,088	\$ 35,790	\$ 36,506	\$ 37,236	\$ 41,111	\$ 45,390
Payroll, Payroll Tax & Employee Benefits	\$ 185,250	\$ 190,808	\$ 196,532	\$ 202,428	\$ 208,501	\$ 241,709	\$ 280,207
Repairs & Maintenance	\$ 66,100	\$ 68,083	\$ 70,125	\$ 72,229	\$ 74,396	\$ 86,246	\$ 99,982
Electric & Gas Utilities	\$ 31,357	\$ 32,298	\$ 33,267	\$ 34,265	\$ 35,293	\$ 40,914	\$ 47,430
Water, Sewer & Trash Utilities	\$ 37,188	\$ 38,304	\$ 39,453	\$ 40,636	\$ 41,855	\$ 48,522	\$ 56,250
Annual Property Insurance Premiums	\$ 35,100	\$ 36,153	\$ 37,238	\$ 38,355	\$ 39,505	\$ 45,798	\$ 53,092
Property Tax	\$ 45,000	\$ 46,350	\$ 47,741	\$ 49,173	\$ 50,648	\$ 58,715	\$ 68,067
Reserve for Replacements	\$ 15,000	\$ 15,450	\$ 15,914	\$ 16,391	\$ 16,883	\$ 19,572	\$ 22,689
Other Expenses	\$ 102,400	\$ 105,472	\$ 108,636	\$ 111,895	\$ 115,252	\$ 133,609	\$ 154,889
TOTAL ANNUAL EXPENSES	\$581,240	\$598,333	\$615,932	\$634,052	\$652,709	\$754,613	\$872,535
NET OPERATING INCOME	\$195,094	\$193,527	\$191,766	\$189,799	\$187,620	\$173,178	\$151,822
DEBT SERVICE							
First Deed of Trust Annual Loan Payment	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Second Deed of Trust Annual Loan Payment							
Third Deed of Trust Annual Loan Payment							
Other Annual Required Payment							
Other Annual Required Payment							
ANNUAL NET CASH FLOW	\$195,094	\$193,527	\$191,766	\$189,799	\$187,620	\$173,178	\$151,822
CUMULATIVE NET CASH FLOW	\$195,094	\$388,621	\$580,387	\$770,187	\$957,807	\$1,859,801	\$2,672,299
Debt Coverage Ratio	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Other (Describe)							
Other (Describe)							

By signing below I (we) are certifying that the above 15 Year pro forma, is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on the bank's current underwriting parameters and consistent with the loan terms indicated in the term sheet and preliminarily considered feasible pending further diligence review. The debt service for each year maintains no less than a 1.15 debt coverage ratio. (Signature required for Tax-Exempt Bond Applications and if using this pro forma for points under §11.9(e)(1) relating to Financial Feasibility for Competitive HTC Applications)


**Signature, Authorized Representative,
Construction or Permanent Lender**

Ray Miller
Printed Name
2/24/2023
Date

Phone: 281-297-7853
Email: ray.miller@amegybank.com

Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule):

Tax Exempt Bond Developments ONLY. Amount listed here does not add into total sources.

Name of Bond Issuer		Certificate of Reservation Amount											
Debt													
Financing Participants	Funding Description	Construction Period			Lien Position	Permanent Period				Lien Position			
		Loan/Equity Amount	Term (Mos)	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)		Syndication Rate		
City of Austin	Forgiveable Loan	\$7,975,000	24	0.00%	2	\$	7,975,000	0.00%	N/A	40		1	
Amegy	Construction Loan	\$12,000,000	24	7.50%	1								
Third Party Equity													
National Equity Fund	HTC	\$	1,946,000	\$	3,424,617			\$	17,123,088			0.88	N/A
Grant													
City of Austin - Fee Waivers	§11.9(d)(2)LPS Contribution	\$		150,000				\$	150,000				
Deferred Developer Fee													
JSA/SAFE		\$		1,740,681				\$	42,210				
Other													
	Direct Loan Match												

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

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The sources and uses are as stated. The City of Austin loan is a loan from a local government is a deferred-forgivable construction-to-permanent loan, with no foreclosure provisions or scheduled or periodic repayment provisions, and a maturity date after the end of the Affordability Period. The Qualified Allocation Plan allows this type of permanent debt on a supportive housing transaction.

Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.

Replacement reserves are assumed at \$300 per unit per year, which is industry standard for supportive housing developments.

Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

This development has received a commitment from the Housing Authority of the City of Austin for 25 Housing Choice Vouchers. Evidence of that commitment is included in Tab 35.

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.



Signature, Authorized Representative, Construction, Equity Provider and Permanent Lender

Ray Miller

Printed Name

8/29/23

Date

Telephone: 281-297-7853

Email address: ray.miller@amegybank.com

If a revised form is submitted, date of submission:

8/29/2023

8/29/2023

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Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Tax Exempt Bond Developments ONLY. Amount listed here does not add into total sources.

Name of Bond Issuer		Certificate of Reservation Amount									
Debt											
Financing Participants	Funding Description	Construction Period			Lien Position	Permanent Period			Lien Position		
		Loan/Equity Amount	Term (Mos)	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amortization		Term (Yrs)	Syndication Rate
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Grant											
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JSA/SAFE		\$		1,740,681				\$	42,210		
Other											
	Direct Loan Match										

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

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By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.

 , Austin Housing Finance Corporation

Signature, Authorized Representative, Construction, Equity Provider and Permanent Lender

Telephone: 512-919-4774

Email address: ellis.morgan@austintexas.gov

Ellis Morgan

Printed Name

8/31/23


Date


If a revised form is submitted, date of submission:

8/29/2023

8/29/2023

1:49 PM

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.	
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Signature, Authorized Representative, Construction, Equity Provider and Permanent Lender	Jason Aldridge
Telephone: 972-741-5150	2/24/2023
Email address: jaldridge@nefinc.org	Date
If a revised form is submitted, date of submission: _____	

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Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.	
Replacement reserves are assumed at \$300 per unit per year, which is industry standard for supportive housing developments.	
Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.	
This development has received a commitment from the Housing Authority of the City of Austin for 25 Housing Choice Vouchers. Evidence of that commitment is included in Tab 35.	
By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.	
	Julia Spann
Signature, Authorized Representative, Construction, Equity Provider and Permanent Lender	Printed Name
Telephone: 512-927-4741	2/27/2023
Email address: jspann@safeaustin.org	Date

If a revised form is submitted, date of submission:

Exhibit C

Owner and Developer Organization Charts

Applicants should note that subsequent changes to the Development Ownership structure presented in this section post award will require the written consent of the Department.

Pursuant to §11.204(12)(A) of the QAP, submit three separate charts. One showing the complete organizational structure of each of the following entities: Development Owner, Developer, and Guarantor.

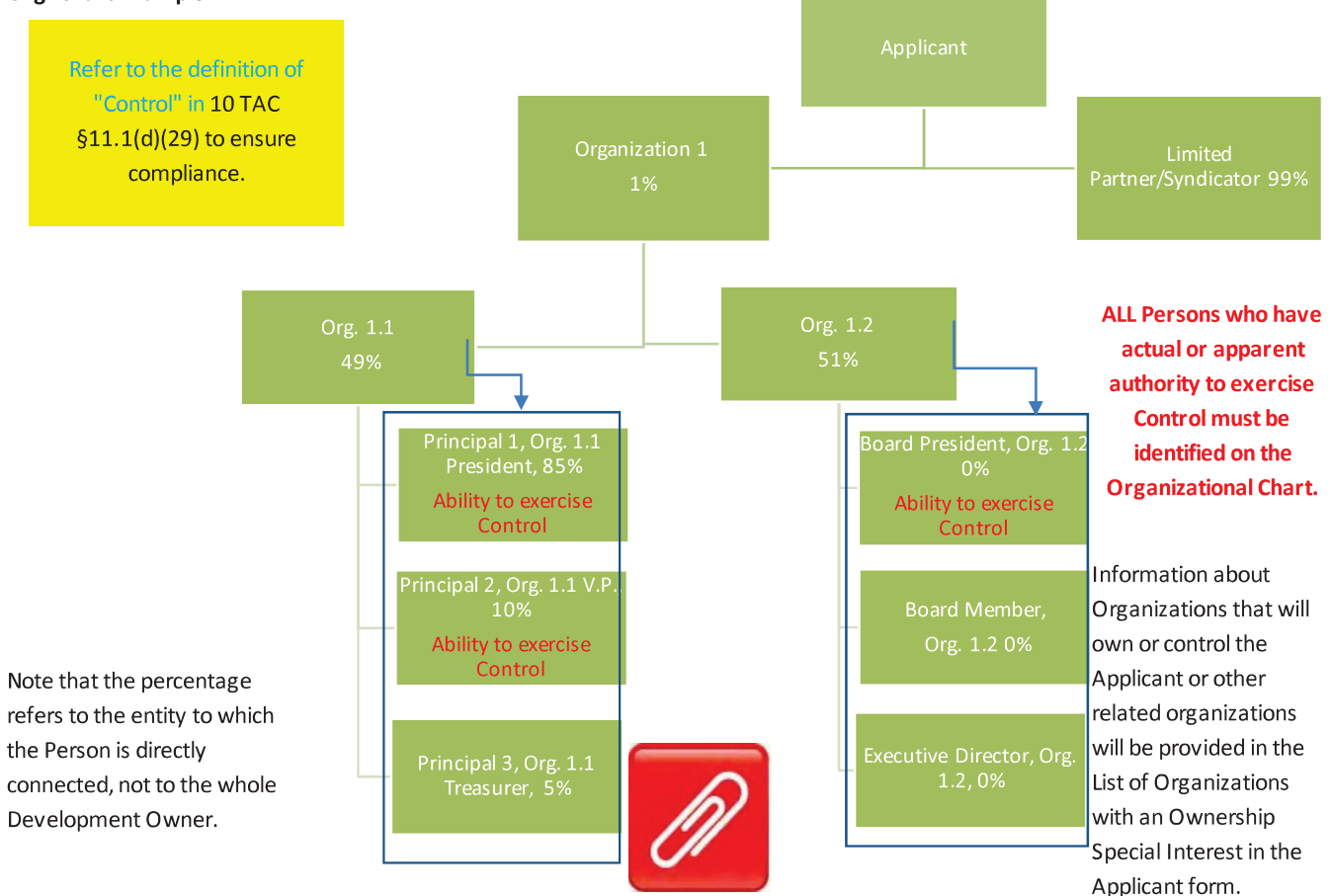
The organization charts must include:

- ☒ The names and ownership percentages of all Persons having an ownership interest in the Development Owner, Developer, and/or Guarantor.
- ☒ Nonprofit entities, public housing authorities, publicly traded corporations, individual board members and executive directors must be included in Organization charts.
- ☒ Any and all trusts must list all beneficiaries that have the legal ability to control or direct activities of the trust and are not just financial beneficiaries.

In the case of:

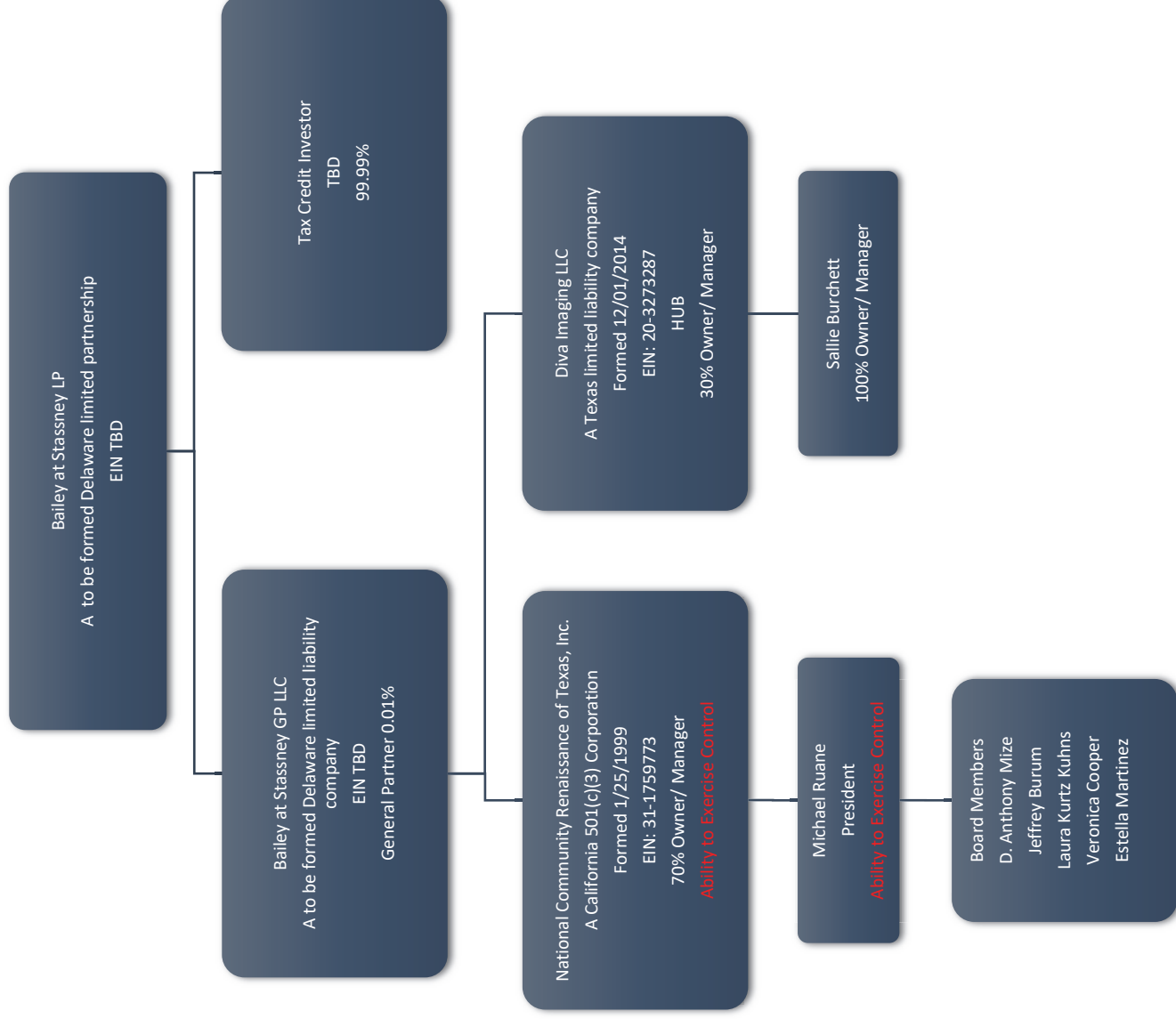
- (A) Partnerships - Principals include all general Partners and Special LPs (any LP that is not the Syndicator is a "Special LP");
- (B) Corporations - Principals include the executive director and all members of the board (shown with "0%" ownership as applicable). For to-be formed instrumentalities of PHAs, where the executive director and board remain to be determined, include the PHA, itself, and its members;
- (C) Limited liability companies - Principals include all the managing members and all other members.

Org. Chart Example:

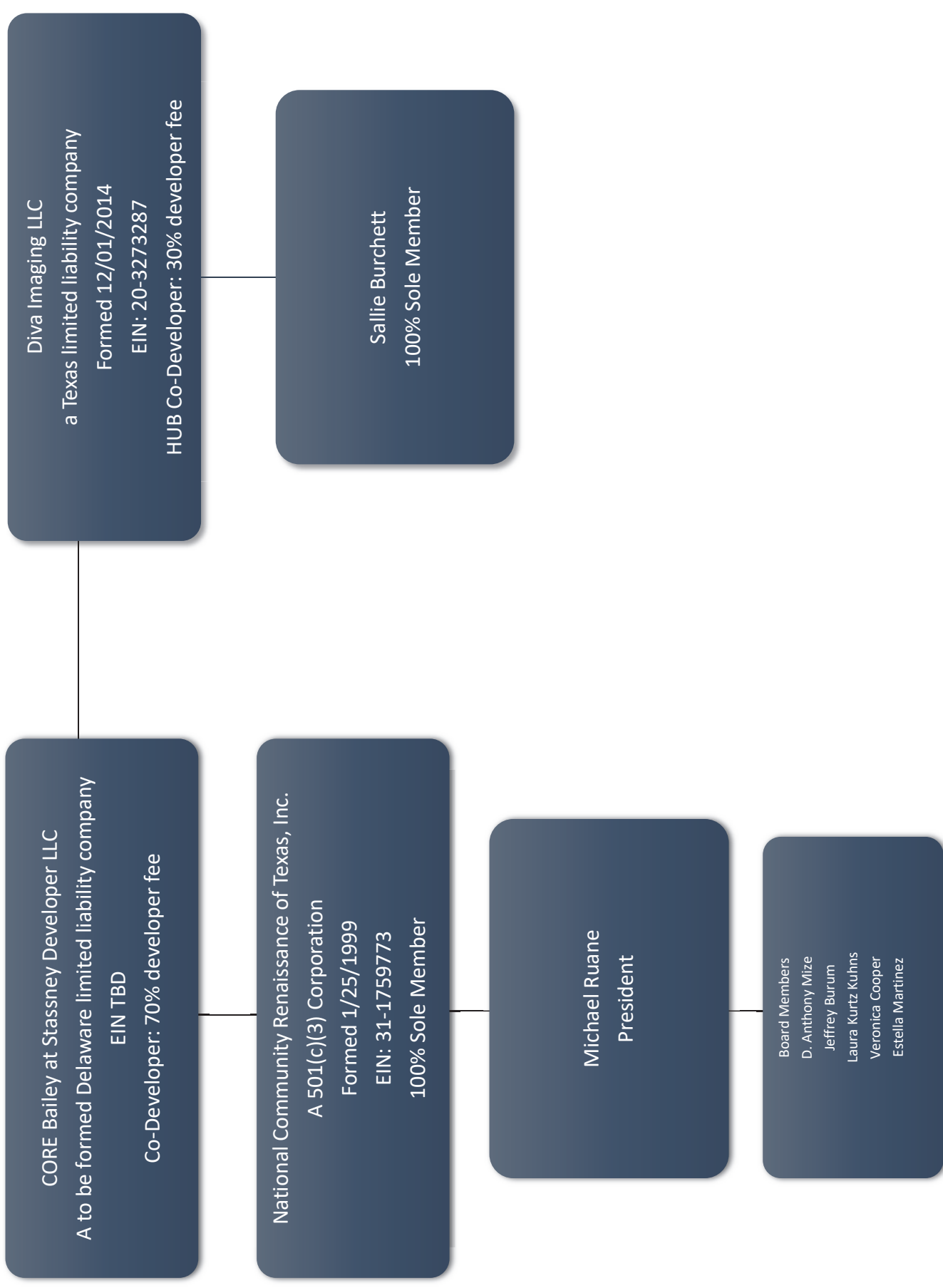


If a revised chart is submitted, include the date of submission!

Bailey at Stassney Ownership Organizational Structure



Bailey at Stassney Developer Organizational Structure



Bailey at Stassney Guarantor Organizational Structure

National Community Renaissance of Texas, Inc.

A 501(c)(3) Corporation

Formed 1/25/1999

EIN: 31-1759773

100% Sole Member

Development Team Members

The requested information on all known Development Team members must be provided. In addition to the categories listed below, the "Other" category should be used to list all known Development Team members that are included in the "Development Cost Schedule." If the team member that will be utilized is not yet known, indicate "TBD." If it is anticipated that the Development Team category will not be utilized, indicate "N/A."

** If there is a direct or indirect, financial, or other interest with Applicant or other team members, provide an attachment behind this form in the Application that explains the relationship(s). Tin is required!*

Developer:

CORE Bailey at Stassney Developer	Ariana Brendle	(410) 227-9540
	Contact Name	Phone
abrendle@nationalcore.org	tbd	20-8433042
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> No		Tin required!
This is a direct or indirect, financial, or other interest with Applicant or other team members*		<input type="checkbox"/> Yes

Housing General Contractor:

TBD	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> 0		
This is a direct or indirect, financial, or other interest with Applicant or other team members*		<input type="checkbox"/> 0

Infrastructure General Contractor:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> 0		
This is a direct or indirect, financial, or other interest with Applicant or other team members*		<input type="checkbox"/> 0

Cost Estimator:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> 0		
This is a direct or indirect, financial, or other interest with Applicant or other team members*		<input type="checkbox"/> 0

Architect:

FK Architecture	Edward H. Hunton	(407)629-0595
	Contact Name	Phone
TedH@fuglebergkoch.com	tbd	27-2795328
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> No		
This is a direct or indirect, financial, or other interest with Applicant or other team members*		<input type="checkbox"/> No

Engineer:

na	0	() -
Contact Name		Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		0

Civil Engineer:

Kimley Horn	Meghan McPherson	(737) 787-7120
Contact Name		Phone
Megan.McPherson@kimley-horn.com	tbd	56-0885615
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		No

Market Analyst:

Novogradac	Rebecca Arthur	(913) 312-4615
Contact Name		Phone
rebecca.arthur@novoco.com	tbd	94-3108253
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		No

Appraiser:

na	0	() -
Contact Name		Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		0

Attorney:

Locke Lord	Cynthia Bast	(512) 305-4707
Contact Name		Phone
cbast@lockelord.com	tbd	74-1164324
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		No

Accountant:

TBD	0	() -
Contact Name		Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		0

Property Manager:

National CORE	Ariana Brendle	(410) 227-9540
	Contact Name	Phone
abrendle@nationalcore.org	tbd	20-8433042
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		Yes

Originator of Underwriter:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		0

Bond Issuer:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		0

Syndicator:

Hudson Housing Capital	Josh Lappen	(212) 532-3553
	Contact Name	Phone
josh.lappen@hudsonhousing.com	tbd	54-1884498
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		No

Supportive Services Provider:

Hope Through Housing Foundation	Ariana Brendle	(410) 227-9540
	Contact Name	Phone
abrendle@nationalcore.org	tbd	33-0802554
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		Yes

Supportive Services Provider:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		0

Title Company

Chicago Title	Jackye Mees	(972) 419-4760
	Contact Name	Phone
jmees@coatsrose.com	tbd	27-3335167
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		No

Application Consultant:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		0

ESA Provider:

Progea	Charlie Summers	(214) 217-4330
	Contact Name	Phone
csummers@progeaglobal.com	tbd	75-2803389
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		No

Scope and Cost Review (formerly PCA) Provider:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		0

Preservation Consultant:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		0

Other: Please specify

Diva Imaging LLC Co Developer	Sallie Burchett	(512) 473-2527
	Contact Name	Phone
sallie.burchett@divaimaging.com	tbd	20-3273287
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	Yes	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		No

Explanation of Relationships

National Community Renaissance of California (National CORE) is serving in the role of property manager. Two sister entities, also nonprofit organizations are also on the development team. National Community Renaissance of Texas, Inc. is a co-developer, and a member of the General Partner. Hope Through Housing Foundation is the service provider. The organizations share some board members and executive management team members.

efile Public Visual Render | ObjectID: 202332829349301428 - Submission: 2023-10-09 | TIN: 33-0521215

Form 990

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)
Do not enter social security numbers on this form as it may be made public.
Go to www.irs.gov/Form990 for instructions and the latest information.

OMB No. 1545-0047

2022

Open to Public Inspection

A For the 2022 calendar year, or tax year beginning 01-01-2022 , and ending 12-31-2022

B Check if applicable:
☒ Address change
☐ Name change
☐ Initial return
☐ Final return/terminated
☐ Amended return
☐ Application pending

C Name of organization
NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA
Doing business as
Number and street (or P.O. box if mail is not delivered to street address) Room/suite
9692 HAVEN AVENUE SUITE 100
City or town, state or province, country, and ZIP or foreign postal code
RANCHO CUCAMONGA, CA 91730
F Name and address of principal officer:
MICHAEL FINN
9692 HAVEN AVENUE SUITE 100
RANCHO CUCAMONGA, CA 91730

D Employer identification number
33-0521215
E Telephone number
(909) 483-2444
G Gross receipts \$ 101,565,310

I Tax-exempt status:
☒ 501(c)(3) ☐ 501(c) () (insert no.) ☐ 4947(a)(1) or ☐ 527
J Website: WWW.NATIONALCORE.ORG

H(a) Is this a group return for subordinates? ☐ Yes ☒ No
H(b) Are all subordinates included? ☐ Yes ☐ No
If "No," attach a list. See instructions.
H(c) Group exemption number

K Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other

L Year of formation: 1992
M State of legal domicile: CA

Part I Summary

Activities & Governance

1 Briefly describe the organization's mission or most significant activities:
PROVIDING AFFORDABLE RENTAL HOUSING THAT EMPOWERS LOW-INCOME RESIDENTS AND CHANGES COMMUNITIES.

2 Check this box ☐

3 Number of voting members of the governing body (Part VI, line 1a)

4 Number of independent voting members of the governing body (Part VI, line 1b)

5 Total number of individuals employed in calendar year 2022 (Part V, line 2a)

6 Total number of volunteers (estimate if necessary)

7a Total unrelated business revenue from Part VIII, column (C), line 12

7b Net unrelated business taxable income from Form 990-T, Part I, line 11

Revenue

8 Contributions and grants (Part VIII, line 1h)

9 Program service revenue (Part VIII, line 2g)

10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)

11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)

12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)

Prior Year

Current Year

Expenses

13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)

14 Benefits paid to or for members (Part IX, column (A), line 4)

15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)

16a Professional fundraising fees (Part IX, column (A), line 11e)

b Total fundraising expenses (Part IX, column (D), line 25) 260,245

17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)

18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)

19 Revenue less expenses. Subtract line 18 from line 12

Beginning of Current Year

End of Year

Net Assets or Fund Balances

20 Total assets (Part X, line 16)

21 Total liabilities (Part X, line 26)

22 Net assets or fund balances. Subtract line 21 from line 20

192,617,949

319,298,469

96,452,672

239,347,338

96,165,277

79,951,131

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has knowledge.

Form 990 Department of the Treasury Internal Revenue Service	Return of Organization Exempt From Income Tax Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundation). Do not enter social security numbers on this form as it may be made public. ▶ Go to www.irs.gov/Form990 for instructions and the latest information.	OMB No. 1545-0047 2021 Open to Public Inspection
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A For the 2021 calendar year, or tax year beginning 01-01-2022, and ending 12-31-2022			
B Check if applicable: <input checked="" type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Final return/terminated <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	C Name of organization HOPE THROUGH HOUSING FOUNDATION Doing business as Number and street (or P.O. box if mail is not delivered to street address) Room/suite 9692 HAVEN AVENUE SUITE 100 City or town, state or province, country, and ZIP or foreign postal code RANCHO CUCAMONGA, CA 91730	D Employer identification number 33-0802554	E Telephone number (909) 483-2444
F Name and address of principal officer: MICHAEL FINN 9692 HAVEN AVENUE SUITE 100 RANCHO CUCAMONGA, CA 91730		G Gross receipts \$ 8,379,878 H(a) Is this a group return for subordinates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No H(b) Are all subordinates included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "No," attach a list. See instructions. H(c) Group exemption number ▶	
I Tax-exempt status: <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> 501(c) () ◀(insert no.) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527			
J Website: ▶ WWW.HTHF.ORG			
K Form of organization: <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other ▶		L Year of formation: 1998	M State of legal domicile: CA

Part I Summary			
Activities & Governance	1 Briefly describe the organization's mission or most significant activities: PROVIDING SOCIAL SERVICE PROGRAMS THAT EMPOWER LOW-INCOME RESIDENTS AND CHANGE COMMUNITIES.		
	2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.		
	3 Number of voting members of the governing body (Part VI, line 1a)	3	7
	4 Number of independent voting members of the governing body (Part VI, line 1b)	4	7
	5 Total number of individuals employed in calendar year 2021 (Part V, line 2a)	5	0
	6 Total number of volunteers (estimate if necessary)	6	320
	7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0
	7b Net unrelated business taxable income from Form 990-T, Part I, line 11	7b	0
Revenue	8 Contributions and grants (Part VIII, line 1h) !	Prior Year	Current Year
	9 Program service revenue (Part VIII, line 2g)	3,160,921	5,383,622
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	2,029,278	2,545,777
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	3,207	16,621
	12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	-10,113	-7,483
		5,183,293	7,938,537
Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1–3)	0	0
	14 Benefits paid to or for members (Part IX, column (A), line 4)	0	0
	15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	1,968,241	2,744,847
	16a Professional fundraising fees (Part IX, column (A), line 11e)	0	0
	b Total fundraising expenses (Part IX, column (D), line 25) ▶170,341		
	17 Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)	2,638,594	3,107,336
	18 Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)	4,606,835	5,852,183
	19 Revenue less expenses. Subtract line 18 from line 12	576,458	2,086,354
Net Assets or Fund Balances		Beginning of Current Year	End of Year
	20 Total assets (Part X, line 16)	3,787,690	5,649,377
	21 Total liabilities (Part X, line 26)	872,428	647,761
	22 Net assets or fund balances. Subtract line 21 from line 20	2,915,262	5,001,616

Part II Signature Block					
Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.					
Sign Here	Signature of officer LINDA API CHIEF FINANCIAL OFFICER Type or print name and title	2023-09-27 Date			
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN P01086641
	Firm's name ▶ NOVOGRADAC & COMPANY LLP			Firm's EIN ▶ 94-3108253	
	Firm's address ▶ 2033 N MAIN ST SUITE 400 WALNUT CREEK, CA 94596			Phone no. (925) 949-4300	
May the IRS discuss this return with the preparer shown above? (see instructions) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					

Part III Statement of Program Service AccomplishmentsCheck if Schedule O contains a response or note to any line in this Part III ☒**1** Briefly describe the organization's mission:

THE MISSION OF HOPE THROUGH HOUSING FOUNDATION IS TO BREAK THE CYCLE OF GENERATIONAL POVERTY BY ADVOCATING FOR POLICIES AND IMPLEMENTING PROGRAMS THAT EMPOWER RESIDENTS AND CHANGE COMMUNITIES. TOGETHER, WE TRANSFORM LIVES AND COMMUNITIES.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 4,646,527 including grants of \$) (Revenue \$ 2,538,294)

AS A NATIONAL NON-PROFIT, HOPE THROUGH HOUSING FOUNDATION ADDRESSES GAPS IN LOW INCOME COMMUNITIES BY PROVIDING PLACE-BASED SERVICES. TARGETING LOW-INCOME INDIVIDUALS, FAMILIES AND SENIORS AT 30 TO 80 PERCENT OF AREA MEDIAN INCOME, OUR PROGRAMS INCLUDE ON-SITE PRESCHOOLS, AFTER-SCHOOL PROGRAMMING, FINANCIAL EDUCATION, DEBT REDUCTION AND REPAIR, A PATHWAY TO HOMEOWNERSHIP, SENIOR WELLNESS AND CASE MANAGEMENT WITHIN NATIONAL CORE'S 80+ AFFORDABLE APARTMENT COMMUNITIES ACROSS SEVERAL STATES. WE BELIEVE THAT THE MOST EFFECTIVE WAY TO LIFT PEOPLE OUT OF POVERTY AND STRENGTHEN COMMUNITIES IS BY BUILDING HUMAN CAPACITY. OUR PROGRAMS ARE DESIGNED TO HELP INDIVIDUALS FIND THEIR OWN WAY - OFFERING RESOURCES AND THE EXPERTISE OF HIGHLY QUALIFIED PARTNERS. OUR GOAL ACROSS ALL OF THESE PROGRAMS IS TO DIRECT, LEVERAGE, AND SUPPORT COMMUNITY DEVELOPMENT ACTIVITIES AND RESOURCES ACROSS A VARIETY OF PARTNERS, RESULTING IN TARGETED NEIGHBORHOOD TRANSFORMATION AROUND AFFORDABLE HOUSING SITES. HOPE THROUGH HOUSING WORKS IN TANDEM WITH NATIONAL CORE'S AFFORDABLE, WORKFORCE AND SENIOR HOUSING DEVELOPMENTS, COMPRISING MORE THAN 8,000 UNITS ACROSS FOUR STATES.

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.)
(Expenses \$ including grants of \$) (Revenue \$)

4e Total program service expenses 4,646,527

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)
(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization failed to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ►	(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) 2022	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grant.") . . .	2,590,892	2,434,125	2,681,613	2,814,560	5,103,365	15,624,555
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge..						
4 Total. Add lines 1 through 3	2,590,892	2,434,125	2,681,613	2,814,560	5,103,365	15,624,555
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f) . . .						
6 Public support. Subtract line 5 from line 4.						15,624,555

Section B. Total Support

Calendar year (or fiscal year beginning in) ►	(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) 2022	(f) Total
7 Amounts from line 4. . .	2,590,892	2,434,125	2,681,613	2,814,560	5,103,365	15,624,555
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	1,372	2,348	2,289	3,207	16,621	25,837
9 Net income from unrelated business activities, whether or not the business is regularly carried on. . .						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.) . .	209,597	219,332	240,106	281,399	306,894	1,257,328
11 Total support. Add lines 7 through 10						16,907,720
12 Gross receipts from related activities, etc. (see instructions)					12	
13 First 5 years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here						<input type="checkbox"/>

Section C. Computation of Public Support Percentage

14 Public support percentage for 2022 (line 6, column (f) divided by line 11, column (f))	14	92.410 %
15 Public support percentage for 2020 Schedule A, Part II, line 14	15	91.450 %
16a 33 1/3% support test—2022. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization		<input checked="" type="checkbox"/>
b 33 1/3% support test—2021. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
17a 10%-facts-and-circumstances test—2022. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
b 10%-facts-and-circumstances test—2021. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization		<input type="checkbox"/>
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions		<input type="checkbox"/>



A Legacy of Hope

**20
23** **IMPACT
REPORT**



HOPE through HOUSING®
FOUNDATION

Circle of Hope Donors

PRESIDENT'S CIRCLE

The Burum Family Foundation
Bank of America
Citizens Business Bank
The Colonies-Pacific, LLC
Equity in Orange County Initiative
Fontana Foundation of Hope
Andy & Blenda Wright
John P. Previti Memorial Foundation
Life Science Cares
San Manuel Band of Mission Indians
Sisters of Charity of the Incarnate Word

CHAMPION OF HOPE

Amazon
Dan Moore Electric
Dignity Health Glendale Memorial Hospital
Edgewater Capital Lending
Gauthier Construction, Inc.
Kaiser Permanente
Mark Harris Plumbing
Larry Van Noy & Mary Kwolek
US Bank
Wells Fargo
John Zeiler

WARRIOR OF HOPE

ADEI Drilling
Advanced Environmental Landscape Design & Consulting
Art Pratt Foundation
Aviso Legal Group LLP
Bank of America - Inland Empire
Bank of the West
Bighorn Golf Club Charities
CAM Services
Circle City Roofing
Comerica Bank
Diversified Pacific
Escondido Community Foundation
Fire N Ice

FM Heating & Air Conditioning
Richard Greever
Greystone Servicing Corporation, Inc.
Hillside Community Church
Hudson Housing Capital
IMAC Construction
Irene W. & Guy L. Anderson Children's Foundation
JP Morgan Chase
Kenyon Plastering
Larson LLP
Mark Christopher Chevrolet
Matrix Construction Services
Ontario International Airport
PNC Bank
Southern California Gas Company
Spectrum
The Crebs Family Foundation
Vasquez Flooring
Webb Family Enterprises

HERO OF HOPE

Albus & Associates Inc.
Art Deck Professional Waterproofing
Bay Sheet Metal
Brightline West
Dorrie Bryan
Cathay Bank
Century Housing
Cigna
City of Fontana
City of Ontario
CPP Housing
CTBC Bank Corp.
EmpireWorks
First 5 San Bernardino
First Citizens Bank
Frost Brown Todd LLP
Golden State Bank
Hardy Window Co. Inc.
Hy-Lang Electric
Impact Networking
Inland Empire Health Plan
Mallory Wealth Management
Michael & Lynne Kennedy
KFA, LLP
Kimball, Tirey & St. John LLP
Klein Hornig, LLP
Judy Lee - JC Horizon
Fiona Ma
Lesli McCollum
Gooch Ph.D.
Tony & Annabel Mize

Murrieta Development Company, Inc.
Novogradac & Company
Pacific Premier Bank Foundation
RAP Foundation
Resource Computer Solutions
RMP Supply
RRM Design Group
Mike & Jayne Ruane
Sciortino Design
Seamless Flooring
Serve U Property Solution
Sierra West Finish
Silverwood Landscape
Stater Bros.
Studio E. Architects
Sun Run
Symons Fire Protection
The Mark Company
United Paving Co.
Walmart
Andrew Watt
Webb Family Enterprises
Ashley Wright
Yardi Systems, Inc.

GUARDIAN OF HOPE

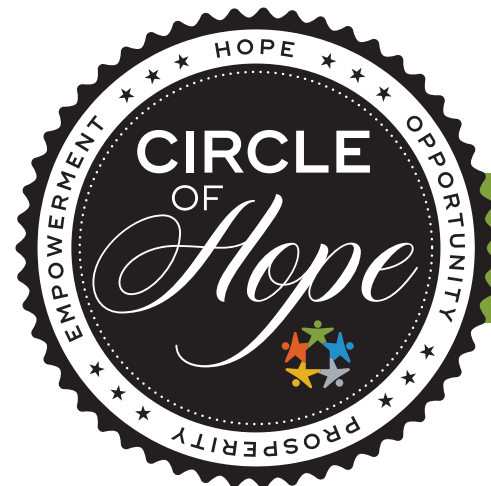
2020 Plumbing & Heating Inc.
AC Martin, Inc.
Advance Iron Works
Advantage Painting Solutions
Altec Testing & Engineering
Lucy Bender
Adrianna Bluhm
Boudreau Pipeline Corporation
Greg & Jacqui Bradbard
John Bremond
Burrtec Waste Industries, Inc.
Capital One
Chaffey College
Chalifoux Brast Thompson Potocki
City of Rancho Cucamonga
Claremontcounselor.com
Clifton Larson Allen LLP.
Gavin Clingham
Coastline Steel
Sonja Coffee
Conor Commercial Construction
Robert & Orsola Diaz
Doty Bros.
Ferguson Supply
Fifth Third Bank
Foshay Electric
Glynn's Contracting

Gray Electrical Consulting & Engineering
Gubb and Barshay
Lesley Hampton
Home Masters
International
IMA Corp
Inland SoCal United Way
Interior Logic Group
Jem Unlimited Iron, Inc.
J Ginger Masonry, LP
JI International
Jim & Robin Sheridan Family Trust
Chris & Melissa Killian
Jonathan Krellwitz
LINC Housing Corporation
Janet Loli
Loma Linda University Health Care
Daniel Lorraine
Lowndes Law Firm
Mama's Oil Factory
Dennis Michael, Mayor of Rancho Cucamonga
Nora Mendez
Metrics Mechanical Engineering
Modern Support Services
National CORE
North Hills Church
Oasis Medical Inc.
Barry & Jennifer Oglesby
Onyx Architects, Inc.
OPR Communications
Paragon Construction
Pepe's Towing
Perkins Painting & Custom Coatings
Professional Diversified Flooring
Professional Pest Management
Pub Construction
Raymond James
Rob Clark Construction
Brenda Rodriguez
Royal Countertops
Safelite Group
San Bernardino County Board of Supervisors, Dawn Rowe
Second Avenue Saloon & Sports Bar
John & Cathy Seymour

FRIEND OF HOPE

Barbara Amaya
Angel Jewelers
Benthale, McKibbin, & McKnight
Bigge Crane & Rigging Co.
Rick Bishop
BMP Solutions

Bumstead Bicycles
Burke, Williams & Sorenson, LLP
Ariana Brendle
Cats Excavating
Chaffey Federal Credit Union
City of Montclair
Alyssa Cotter
Matthew Curless
Heather Dickerson
Mondi Dorrough
Trevor Duran
Tracy Elefante
Britni Ellis
Enhance Wellness & Aesthetics
Michael & Erin Finn
Jillian Fowler
Fusco
Rada Garcia
Gemini Plastic Surgery
Hacienda Pipeline Company, Inc.
Travis Doane Haskin
Bernard Hauser
Ryan Hutchison
Hunsaker & Associates
Olen Jones
Bruce Karatz
Todd Kemp
Yessenia Kennedy
Oliver & Juanita King
Thomas Kulinski, Jr
Inette Libolt
Nefertiti Long
Marina Sash & Lock
Lisa Medina
Newmeyer & Dillion LLP
Robert Noeth
Novelty Printing
Richard Martinez
Engie Mikhaeil Guirguis
Rubin Minjarez
Network for Good
Ontario Elks Lodge
Lakira Patton
Premier IE
Jesse Rayo Gomez
Angel Rogers
San Antonio Regional Hospital
Kristine Scott
David & Pamela Shiba
Sparrow Lily Realty
Suzanne Sproul
John Taylor
Omar Tenorio
Towne Avenue Real Estate
UBS Financial
Cecilia Vest
Thomas Wright



Jonathan Zackula
 Sherwin Williams Paint Company
 Sierra Aviation Group
 Silvercreek Modular
 Silverline Construction, Inc.
 Source Solar, Inc.
 Sterling Bank & Trust
 SVA Architects, Inc.
 Synergy Medical Aesthetics, Inc.
 Target - High Desert
 Tokio Marine HCC-Surety Group
 Toni Seymour
 Tripac Online
 Jonas Ulrich
 United Paving
 Vaccinate 58
 Jill Van Balen
 Vent Care Services Inc.
 Victoria Gardens
 Wall Craft
 WASH Multifamily Laundry Systems
 Alexa Washburn
 Western General Painting, Inc.

AMBASSADOR OF HOPE

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 Bent Law
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 Juanita Braunwalder
 Nicole Butler
 Martin Cerecero
 Dominic Chavez
 Rhonda Ciminesi
 Patrick E. Clancy
 Lorna Contreras
 Elizabeth Cruz
 Heather Darst
 Designworks Architectural Signage & Graphics
 Destiny Church Ministries
 Sunni Dill
 Mark Dixon
 Silas Docarmo
 Lauren Eady
 Pamela Easter
 Danielle Edwards
 Joseph Fabela
 Joey Fabela
 Zeinab Fakih
 Joan Feser
 Edwin Andress
 Figueroa Vidal
 LaDonna Foringer
 Richard Forsberg
 Frontstream

Shelley Gagnet
 April Galash
 Wayne Gan
 Corina Garay
 Gabriel Mateo Garcia
 Nora Garcia
 Goldstar Asphalt Products
 Ricardo Gomez
 David Gomez Macias
 Bibiana Grajales
 Eric Grimes
 Irene Hernandez
 Chuck Isbell
 Natashka Jones
 Rhonda Keliipio
 Lorraine Kindred
 Timothy Kohut
 Landscape Development
 Iraida Lebron
 Pat Leffard
 Luana Lemus
 Kristina Lightfoot
 Daisy Macias
 Jose Manzo
 Virgil Marcos
 Javany Martinez
 Llenifer Martinez
 Massage Envy - Upland
 Cynthia Mejia
 Mike Roos and Company
 Stephanie Morris
 Erik Muniz
 Jared Nelson
 Imaobong Ntia
 Victoria Ostermann
 Gary & Sue Ovitt
 Miguel Palafox
 Richard Parslow
 Heather Parsons
 Randi Prewett
 Jessica Puerto
 Freddy Pulido
 Michelle Ramirez
 Everett Clinton Reid
 Resource Environmental, Inc
 Traies Roe
 Jana Salazar
 Jamari Simmons
 Myra Solis
 Sheridan Solis
 Suyapa Sosa
 Donna Southard
 Stanley Steamer
 Maxine Tatum
 Tim Toland
 UIA
 James Vale
 JoAnne Venter
 Michael Wright

MEMBER OF HOPE

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 Patrick Adams
 Meredith Allen
 Joseph Alvarez
 Janay Arnold
 Nemo Arriaga
 Allan Arzu
 Alberto Avila
 Alexander Ballesteros
 Susan Barajas
 Meghan Barnett
 Melody Barrett
 Claudia Becerril
 Belfor Property Restoration
 Alajandra Benavente
 Elizabeth Blaszkiewicz
 Austin Bolechowski
 Arik Boles
 Sandra Bowers
 Brandon Brooks
 Spencer Brown
 Bruster's Ice Cream
 Stephen Carlson
 Jesus Caseres
 Marlenne Chavez
 Rita Clemons
 Ben Clymer
 Eric Cobarrubio
 Elishia Cordova
 Willie Couch
 Peter Cruz
 Margery Davidson
 Robert DeAcevedo
 Anthony Decker
 Heidi Denault
 Sharon Diaz
 Driven Academics, Inc.
 Don Eddy
 Cynthia Edwards
 Byrd Edwards Jr.
 Tiffany Endo
 Erik Estrada
 Kristin Fields
 Tamera Finnie
 Brenda Flores
 Jesse Flores
 Jennifer Freeman
 Natalie Gabrielson
 AJ Galka
 Bill Garcia
 Jaime Garcia
 Gerber Concrete Services
 Rosamaria Gomez-Amaro
 Alejandrina Gonzalez
 Fidel Gonzalez
 Jose Gonzalez
 Rex Gutierrez
 Shannon Hammock
 Craig Hardwick
 Robert Hargett
 Alana L. Harper

Tonya Hatch
 Peggi Hazlett
 Yasser Hernandez-Gonzalez
 Antionette Hewitt
 Gabriela Hoffman
 Elizabeth Holguin
 Danielle Howard
 Andrew Hudson
 Elizabeth Hurst
 Charles Isbell
 Paige Jodoin
 Maria Joyce
 Michael Kane
 Justin Kendrick
 Tairen Kessee
 Patricia Kick
 Susan Killian
 Katricia Kilpatrick
 Patti Kingston
 KJ Carpet Wholesale
 Yannina Lakhani
 Tina Ledford
 Roman Lemus
 Filemon Llamas
 Michelle Lonetto
 Carlos Lopez
 Lynda Luke-Primas
 William J. Marlar
 Tom Martin
 Matthew Masley
 Robert Murray McBride
 Thomas McCormick
 Dana McDaniel
 Darlene McDonald
 Ryan McGuire
 Joey McMurray
 Murry Mead
 William Miller
 Katrina Miller
 Olixel Mora
 Jose Arturo Moreno, Jr Jr.
 Christopher Mota
 Rondee Mullenau
 Pilar Ndounna
 Dianna Noeth
 Karla Norman
 Rebecca Norman
 John Nusstein
 Javier Ocegueda
 Kameron Oneal

Alvaro Osornio
 Christopher Paez
 Stephanie Palm
 Stephanie Parks Joseph
 Servando Pena
 Alan Perez
 Annakena Perez
 Ron Peterson
 Tony Petropulos
 Phillip Hawkey Consulting
 Joe Potocki
 Matthew Daniel
 Pyrdeck, Jr.
 Adolfo Ramirez
 Naomi Ramirez
 Angel Rice
 Wilfredo Rivera
 Sydell Robles
 Elaine Rodriguez
 Maribel Rodriguez
 Guadalupe Rodriguez
 Salt Oasis
 Karen Scott
 Sherri Sensenbach
 John Sharkey
 Robin Shepherd
 Melody Sitt
 Brett Smith
 Chase Snider
 Rachal Sosa
 Jonathan Stalvey
 Mei Stanford
 Jeremy Stinson
 Nicole Stowell
 Randall Street
 Ellen Tatum
 Scot Taylor
 The Purple Easel
 Mr. Beez Pest Control, Inc
 Pablo Torres
 Dixie Torres
 Celine Tuazon
 Lisa Turin
 Luis Vasquez
 Leonel Vasquez
 Jose Vazquez
 Tayari Venahle
 Daniel Webster
 Renee Weiser
 Darlene Williams
 Dennis and Connie Winn



Bailey at Stassney

Tenant Selection Plan

400 and 404 West Stassney Lane, Austin, TX 78745

PROJECT OVERVIEW

Bailey at Stassney is a new construction development that will be located at 400 and 404 West Stassney Lane, Austin, TX 78745 in South Austin. The target population under the Texas Department of Housing's Guidelines will be "Supportive Housing." This location is in Census Tract 48453002444 and the West Congress Neighborhood. It meets the following of the City's preference criteria for a Resolution of Support:

1. The development is located in a Displacement Risk area, according to the Project Connect Displacement Risk Maps.
2. The development is located within 0.5 miles of the Project Connect first phase project, according to Exhibit A of Austin City Council Resolution No. 20230601-072.

Bailey at Stassney will be located near numerous amenities. The site is located just 92 feet away from a transit stop and is within a quarter mile of a high frequency bus route. Within a one-and-a-half-mile radius, the site also has access to different grocery stores, its zoned elementary, five parks, and a public library. There will be a total of 104 units in a configuration of all efficiency units along with amenities commensurate with other 9% LIHTC developments. The unit mix is provided in the summary table.

NOTICE

Please take notice that the Community for which this Plan has been drafted has multiple State, County, City and other affordable housing funding programs ("Affordable Housing Programs") associated with its financing and operations. Accordingly, each and all of such Affordable Housing Programs have extensive tenant selection criteria that will be used to screen and select tenants at the Community. The specific details of each and every Affordable Housing Program, or its statutes, rules and regulations, cannot be set forth in this Plan; therefore, applicants are hereby informed that this Plan presents only a general outline of the tenant selection criteria and process and should not be read, interpreted, or relied upon as having set forth the entire criteria or process that an applicant must meet or undertake in order to become a qualified tenant at the Community. Applicants may be asked for additional information and be required to verify factual assertions that are not found in this Plan; but are associated with one or more of the Affordable Housing Programs related to the Community. This document is not



intended to be an exhaustive, all inclusive, selection plan that addresses every criterion or process by which an applicant or tenant may be selected. PSH Applicants will have to meet the criteria for all Affordable Housing Program eligibility and be verified to be low income, homeless, households earning 30% or less of the then currently applicable area median income ("AMI") for Travis County.

INTRODUCTION

This Tenant Selection Plan (this "Plan") outlines the general tenant selection criteria and general application procedures that will be followed in selecting tenants for the apartment community described below. Management is responsible for implementing these procedures.

COMMUNITY DESCRIPTION

17) Target Population

Supportive Housing (COC)

18) Summary of Rental Units by MFI Level

Income Level	Efficiency	One Bedroom	Two Bedroom	Three Bedroom Unit	Four (+) Bedroom	Total
Up to 20% MFI						0
Up to 30% MFI	21					21
Up to 40% MFI						0
Up to 50% MFI	63					63
Up to 60% MFI	20					20
Up to 70% MFI						0
Up to 80% MFI						0
Up to 120% MFI						0
No Restrictions						0
Total Units	104	0	0	0	0	104

FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS NON-DISCRIMINATION

It is the policy of Bailey at Stassney to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted. Bailey at Stassney will not discriminate on the basis of race, color, sex, religion, age, disability, national origin, marital status, sexual orientation, ancestry, source of income, medical condition, or any other arbitrary basis in the leasing, rental, or other disposition of housing or related facilities, or in the use or occupancy thereof. In addition, Bailey at Stassney will not:

- Deny to any applicant the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to his/her needs;
- Provide housing which is different from that provided others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services; or



- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

Bailey at Stassney shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine. Screening criteria will be applied in a manner consistent with all applicable laws, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines, and TDHCA's rules.

SECTION 504 OF THE REHABILITATION ACT OF 1973

It is the policy of Bailey at Stassney to assure that qualified individuals with handicaps or disabilities are not discriminated against on the basis of their handicap or disability. Bailey at Stassney also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at Bailey at Stassney . In order to comply with Section 8.27 of Section 504 of the Rehabilitation Act of 1973, landlords must first lease vacant accessible units to current occupants requiring the accessibility features of the vacant unit and occupying a unit not having such features. If no such occupant exists, the unit would be leased to an eligible qualified applicant on the waiting list who requires the accessibility features of the vacant unit. When offering an accessible unit to an applicant not having handicaps requiring the accessibility features of the unit, the landlord must require the applicant to agree to move to a non-accessible unit when available.

PSH TENANT SELECTION

The target PSH residents will be drawn from the Coordinated Entry System ("CES") (ECHO) in Travis County, which provides a collaborative county-wide platform for housing and service delivery to homeless individuals. Information entered into HMIS will assist in generating referrals through the CES to National CORE. When vacancies become available to be filled by CES eligible individuals, the County will forward appropriate referrals to National CORE's property management team for Bailey at Stassney . The Case Manager ("CM") will receive the referral and begin the engagement process and assist in determining resident eligibility, with services leading up to lease signing and move in.

REASONABLE MODIFICATIONS

Bailey at Stassney will allow reasonable modifications to individual units or common areas when requested by applicants and residents with disabilities. If considered reasonable by Bailey at Stassney , these modifications will be made at the property's expense. If deemed to be unreasonable, an active dialogue will be opened between Bailey at Stassney and the disabled applicant or resident to find a mutually agreeable solution.

REASONABLE ACCOMMODATIONS

Bailey at Stassney will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, Bailey at Stassney will make reasonable accommodation for individuals with handicaps or disabilities (applicants or residents). Bailey at Stassney will make reasonable adjustments to rules, policies, and services in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common area of dwelling, or to participate in or have access to other activities conducted or sponsored by Bailey at Stassney . In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals with disabilities, Bailey at Stassney are not required to:

- Make structural alterations that require the removal or altering of a load-bearing structural member;
- Provide support services that are not already part of its housing programs;



- Take any action that would result in a fundamental alteration in the nature of the program or service;
- Take any action that would result in an undue financial and administrative burden on Bailey at Stassney, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

INFORMATION REGARDING DISABILITIES

Bailey at Stassney ensures that any questions related to disability information on the application for housing have to do with program eligibility and allowable medical or disability deductions for housing applicants who wish to take advantage of those deductions. It is not required that any information regarding a possible disability be revealed other than for program eligibility requirements.

AUXILIARY AIDS TO ENSURE EFFECTIVE COMMUNICATION

Bailey at Stassney will seek to effectively communicate with applicants, residents, and members of the public who are individuals with disabilities. The use of auxiliary aides will be implemented when necessary. Bailey at Stassney asks for 7 days' notice in order to make any service, meeting, interview, appointment, or any business accessible. Requests for auxiliary aids may include visual alarms, tactile signs, visual doorbells, readers, interpreters, large print or Braille applications, leases, and other information/communications, recordings of such information, and a community room television that provides closed-captioning service.

ASSISTANCE ANIMALS

Bailey at Stassney will allow assistive animals which are defined as animals that work, provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support to alleviate identified symptoms or effects of a person's disability. These animals, often referred to as assistive, service, support, or therapy animals perform many disability-related services, including but not limited to guiding individuals who are blind, alerting individuals who are deaf, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. No pet deposit is required for assistive animals. Appropriate rules of conduct will be provided for assistive animals. If an accommodation for assistive animals causes a financial and/or administrative burden on Bailey at Stassney or becomes a danger to the safety of the other residents or staff, the assistive animal will be denied.

PETS

Bailey at Stassney will be in acceptance of pets onsite, as long as they meet and follow Rules and Regulations set forth in the lease. Each resident adding a pet must sign and comply with all rules list on the "Pet Addendum". Each pet must be approved by the Landlord before residing onsite.

ACCESSIBLE ROUTE

For mobility-impaired persons, Bailey at Stassney is an accessible facility on an accessible route.

EQUAL ACCESS

Bailey at Stassney will provide assistance in a confidential manner and setting to ensure equal access to a resident's documents. An individual with disabilities is responsible for providing her/his own transportation to and from the location where all documents are kept. Documents that the resident would like to review may be examined during regular business hours. Please contact the management office to make arrangements to examine any documents.



MITIGATING CIRCUMSTANCES

Section 504 and Fair Housing regulations state that consideration for mitigating circumstances shall be given to all persons applying for occupancy. If an applicant feels there is a mitigating circumstance or reasonable accommodation to be considered for determining occupancy, they should contact Bailey at Stassney immediately to schedule a meeting.

PRIVACY POLICY PERSONAL INFORMATION

It is the policy of Bailey at Stassney to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by Bailey at Stassney . Unless required by Federal or state law or required under any Affordable Housing Program rules or guidelines for compliance with audits or certifications, neither Bailey at Stassney nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure.

DETERMINING ELIGIBILITY FOR ASSISTANCE

This privacy policy in no way limits Bailey at Stassney ability to collect such information as it may need to determine eligibility and income, compute rent, or determine an applicant's suitability for tenancy.

INFORMATION ON DISABILITIES

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on disability will be treated in a confidential manner.

OCCUPANCY STANDARDS

Occupancy Standards is the minimum and maximum number of occupants residing in a unit. When applying to Bailey at Stassney , the appropriately sized unit must be in the unit configuration within the development. Units are assigned according to household size and composition. Below are Bailey at Stassney's occupancy standards:

Bedroom Size	Minimum	Maximum
1	1	3
2	2	5
3	3	7

VERIFICATION : FINANCIAL

All income will be verified in writing by the income source indicated on the income certification form.

All assets, including bank accounts, will be verified in writing. Upon initial occupancy, tenant's income cannot exceed the area median for household size as published annually by the U. S. Department of Housing and Urban Development (HUD) and Low Income Housing Tax Credits (LIHTC). Third-party income verification will be required from all sources, including but not limited to:

- Employment, self-employment
- Savings and checking
- Pension
- Disability



- Asset verification, property, home, stocks, bonds, annuities, IRA, etc.
- Government assistance, A.F.D.C., General Relief, etc.
- Social Security
- Child Support/Alimony
- Non-Tuition Financial Aid

Income calculations are based on the household's annual gross (anticipated) income for the following 12 months. Annual gross income includes income from any and all assets. Criminal record checks will be conducted on all adult members (18 years or older or emancipated minor) in the households who have satisfied the income requirements, credit report and program requirements. This process will also apply for attendant care providers that will be occupying the unit. Credit checks will be requested by the management Agent from all applicants 18 years or older. At the request of an applicant, a reasonable accommodation request will be considered. In addition, with the approval of the applicant, the referring case manager will be given an opportunity to appeal any application denial based on information obtained from criminal record checks. However, all applicants will have to demonstrate that they meet program requirements.

Income

The annual gross income of the applicant(s) must be equal to or less than the income limit established by the applicable program's administrative rules for the appropriate household size. The Community may have multiple affordable housing funding programs (i.e. the IRS Tax Credit program) that will apply to the income eligibility of a household. All applicants shall be required to provide all income verification documentation for each and every applicable housing program being enforced at the Community. Income limits are available for review at the Community.

In addition to all other affordable housing program requirements, Owner shall cooperate with County and provide such further information as may be required by County for purposes of verifying a tenant's status as an Eligible Tenant. Owner shall use its best efforts to verify that the income provided by an applicant is accurate by taking the following steps as a part of the verification process:

- obtain the income tax filed by the applicant for the previous year;
- obtain three (3) pay stubs for the most recent pay periods;
- obtain a written verification of income and employment from the applicant's current employer;
- Obtain an income verification form from the Social Security Administration, Department of Social Services, and/or Employment
- Development Department if the applicant receives assistance from any of said agencies;

if an applicant is unemployed or did not file a tax return for the previous calendar year, obtain other evidence and/or verification of such applicant's income as is satisfactory to County; and Such other information as may be requested by the County.

Your monthly gross income must equal or exceed the following for this community (Non-PSH Units):

1.5 times the monthly rent

2 times the monthly rent

3 times the monthly rent

CRIMINAL CONVICTIONS

Bailey at Stassney will deny admission to any member of the household that is subject to a lifetime registration



requirement under a state sex offender registration program. In accordance with Federal law, Bailey at Stassney is establishing this standard to prohibit admission to this federally- assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admission screening process, Bailey at Stassney will perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided. Pursuant to 24 C.F.R. & 5.856 and 5.905, O/A Criminal background checks must be performed in the State in which the housing is located and for the state where the applicant and the members of the applicant's may have resided to determine if an applicant or a member of an applicant's household is subject to lifetime sex offender registration program.

Applicants who fall into the following categories will be rejected:

- Current addiction to or engagement in the illegal use of a controlled substance. (NON- PSH UNIT ONLY)
- Any household containing a member(s) who was evicted in the last five years from housing for drug-related criminal activity. Exception: If the evicted household member has successfully completed approved supervised drug rehabilitation or the circumstances leading to the eviction no longer exist (e.g. the household member no longer resides with the applicant household). (NON-PSH UNIT ONLY)
- Any household member that is subject to a state sex offender lifetime requirement.
- Applicants who fall into categories may be rejected. In addition, if other persons that will be living in the unit fall into these categories, the applicant may be rejected.
- Felony Criminal convictions that involved physical violence to persons or property, or endangered the health and safety of other persons within the last three years
- Felony Criminal convictions in connection with the manufacture or distribution of a controlled substance within the last three-year years;

RECOMMENDATIONS FOR ADMISSION OR REJECTION

If at any point in the screening process (including landlord references, home visit, criminal background check, or verification of ability to comply with lease terms), it becomes clear to Bailey at Stassney that an applicant will not meet the screening criteria, the file will be sent to the appropriate Supervisor for review. The first step in this review is a determination of the file's completeness. If any information is missing or the case for rejection or acceptance is not compelling, the file will be returned to the staff for further work.

REJECTION PROCEDURES

Written Notification

Each rejected applicant will be promptly notified in writing of the reason(s) for rejection. This notice will advise the applicant that he/she may, within 14 days of receipt of the notice (excluding weekends and designated federal holidays), respond in writing or request to meet with Management to discuss the notice. This does not include rejection for applicant being over-income limits.

Review of Rejected Applications

The applicant will have 14 days (excluding weekends and designated federal holidays) to respond in writing or request a meeting to discuss the rejection. Any meeting with the applicant or review of the applicant's written response will be conducted by a member of Management's staff who did not participate in the decision to reject the applicant. If the applicant appeals the rejection, the applicant will be given a final written decision from Management within five (5) days (excluding weekends and designated federal holidays) of the applicant's written



response or meeting. If the decision is reversed, the applicant will be offered a suitable vacant unit. If no such unit is available, the applicant will be offered the next appropriate unit.

WAIT LIST MANAGEMENT CREATION OF WAITING LIST (s)(PSH UNITS) (ECHO)

Vacancies that arise after the property is initially occupied will be filled by the supportive service provider (County) completing a vacancy request form and submitting it to the regional CES. There will be not be a site-based wait list. Under the CES system, Bailey at Stassney is required to retire any initial applications not selected for tenancy and refer to the CES system for future applicant referrals. Subsequent to initial lease- up, the applicant list will be eliminated. Applications submitted for initial lease-up, which have not been denied, will already have been incorporated into the CES, which functions as the wait list for this and other potential housing opportunities.

Vacancies that arise after the property is initially occupied will be filled by the supportive service provider(County) completing a vacancy request form and submitting it to the regional CES. For purposes of determining whether the wait list is “closed” or “opened,” the wait list shall be considered as “closed.” All applicants shall be pulled through CES and no site-specific wait list shall be in place that requires opening or closing or additional marketing efforts. When units become available, applications of households of the approximate size and income level will be processed in chronological order as referred from the CES Client Prioritization List. Any available unit will be prioritized for first applicant, as listed in chronological order, who meets the requirements of the available unit. Upon completion of initial lease-up, the wait list shall not usually be opened up for general marketing, as due to the nature of the property, applicants are required to apply to the property only through a referral from a qualified services provider. After initial lease-up, this plan will not require broad mass-marketing in order to fill vacancies. Rather, the waitlist will be serviced and maintained through a referral process from qualifying services agencies through the CES.

CONTACTING PERSONS ON WAITILIST

Contacting Persons on the Waiting List(s) (NON-PSH UNITS)

Applicants on the Waiting List will be contacted as follows:

When a unit becomes or will become available, Management will immediately select the next applicant who meets applicable preference criteria or whose name is chronologically at the top of the appropriate Waiting List. Management will contact the selected applicant utilizing the following procedure: (i.e. certified mail, regular mail, telephone or other). Applicants, who respond timely and accept the offered unit, will be contacted to schedule an interview. This represents the beginning of the screening process. Those applicants’ who do not respond timely or who do not accept the offered unit will be processed in the manner indicated below:

If Management does not receive a response within 5 days, the applicant will forfeit the opportunity to apply for the offered unit and will be removed from the applicable waiting list.

If Management receives a timely response but the applicant rejects the first offered unit, the applicant will remain at the top of the applicable Waiting List. When a second unit becomes available, Management will again attempt to contact the applicant and will explain that if the applicant does not respond within 14 days or fails to accept the second unit, the applicant's name will be removed from the applicable Waiting List.



ANNUAL RECERTIFICATION PROCESS

The Community will conduct a recertification of family income and composition on an annual basis. Management will inform residents, through required written notices, about their responsibility annually to provide information about the family's income, which is necessary to properly complete an accurate recertification.

SECURITY DEPOSIT

All Non- PSH (Permanent Supportive Housing) residents must pay a security deposit equal to one month of rent. The Security Deposit is due at move in. Landlord may at any time use any part/portion or all of the deposit to remedy Resident's defaults in the payment of rent, of tenancy, including but not limited to painting, carpet cleaning and window treatment cleaning, or to repair or replace personal property belonging to the landlord. Terms are outlined in the Lease.

Deposits for Permanent Supportive Housing residents will be equal to \$500. Application fees for Non- PSH units will be valued at the amount of \$19.99 and are subject to change at the request of company performing the services. PSH residents will not be required to pay application fees.

ANNUAL UNIT INSPECTIONS AFTER MOVE-IN

In addition to the unit inspection at move-in, there will also be an annual inspection for repairs and monitoring of housekeeping habits. If a resident is written up for poor housekeeping habits, s/he must clean their unit within ten (10) days for a re-inspection. If a resident has three (3) unsatisfactory inspections, s/he will be required to move out of Bailey at Stassney .

ELIGIBILITY UNDER THE STUDENT RULE

On 11-30-05 Congress enacted Public Law 109-115, which included in Title III, Section 327, appropriations for HUD regarding eligibility of students for assisted housing under Project Based Voucher. Owners are required to determine a student's eligibility for Project Based Voucher assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Project Based Voucher), and at the time of an interim recertification if one of the household composition changes reported is that a household member is enrolled as a student. Bailey at Stassney will use the following HUD guidelines as indicated in Chapter 3 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1. Students Who are NOT Eligible for Project Based Voucher Assistance



According to Section 327(a) of the law, Project Based Voucher assistance shall not be provided to any individual who:

- Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
- Is under the age of 24;
- Is not married;
- Is not a veteran of the United States Military;
- Does not have a dependent child;
- Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving Project Based Voucher assistance as of November 30, 2005);
- Is not living with his or her parents who are receiving Project Based Voucher assistance; and
- Is not individually eligible to receive Project Based Voucher assistance and has parents (the parents individually or jointly) who are not income eligible to receive Project Based Voucher assistance.

POLICY FOR UNIT TRANSFERS

Requests from Residents

Once an applicant has become a resident, a transfer of units may be warranted. There are one bedroom unit sizes at this property. If a resident has an increase in household size or has a medical/health condition that warrants a larger unit or a unit that has special design features for a person with disabilities, a transfer may be requested. On occasion there may be other requests for transfers that Bailey at Stassney will consider on a case-by-case basis. All transfer requests must be made in writing and must state the reason for the request. The request will then be forwarded to Bailey at Stassney manager/owner for final approval. Service Provider must approve any transfers for units designated at PSH. If transfer is approved, client may move to another PSH unit of the same size (one-bedroom). Children that join the household after the start of a lease term will not cause a household to be in violation of the lease.

Requirement by Owner

On occasion an owner may require a resident to transfer to a smaller unit size. This may occur when the household composition decreases, and the household no longer qualifies for the unit size in which they are dwelling. If a unit of appropriate size is not available, Bailey at Stassney will not evict the household and will not increase the household's rent to the market rent. However, if an appropriately sized unit is available and the household refuses to move, the household may stay in their current unit and pay market rent. Bailey at Stassney may evict the household if the household fails to pay the market rent in accordance with the lease.

Acceptable Reasons for Transfers

Current residents may qualify for a unit transfer for one of the following conditions:

- Medical/health conditions, including inability to use stairs, or the need for a live-in attendant;
- Household size increases or decreases, or composition changes;
- There is a need for a unit with special design features for a person with disabilities.

LIVE-IN AIDE

A Live in Aide is a person who resides with an elderly or disabled(s) who:



- Is determined essential to the care and well-being of the person(s);
- Is not obligated for the financial support of the person(s); and

Would not be living in the unit except to provide the necessary supportive services. The household must provide to the landlord documentation that the live-in-aide is essential to the care and wellbeing of the resident. A relative may be a live-in-aide qualifies for occupancy only so long as the tenant needs support services and will not qualify for continued occupancy as a remaining household member. Verification of criminal activity, drug abuse, as well as prior landlord history will be verified.



Onsite Staff and Supportive Services

Communication

Onsite staff will be in constant communication with Service Provider to discuss any updates regarding PSH residents. When faced with disciplinary issues, health and safety concerns, Reasonable Accommodations/Modifications, and rent collection issues, on site staff will consult with Service Provider on a plan of action before legal action is taken. A meeting will be scheduled for Property Management and the Service Provider to meet, and a plan will be put in place by both organizations to try and rectify issues at hand. Meetings between Service Provider and onsite staff will be held on a consistent basis to make sure needs of the residents are being addressed and communicated to all parties involved. Meetings will be mandatory for both organizations and will not be limited to only tenant discussions. During these meeting community events will also be discussed and any other pending property items. During the initial meeting, future meeting dates will be discussed, and calendar invites will be sent out shortly after. A designated person will be assigned to take minute notes and held responsible to distribute to all parties involved. In the event of staffing changes, email correspondence will be required, and a plan to re-staff will be needed.

Steps in Communication Include:

- Management reaching out to Service Provider to discuss any issues that arise
- Management and Service Provider will come up with a plan and the steps to try and rectify the issue
- Management and Service Provider will both meet with resident to discuss issues and go over necessary documents

The Property will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, Bailey at Stassney will make reasonable accommodation for individuals with handicaps or disabilities (applicants or residents). Bailey at Stassney will make reasonable adjustments to rules, policies, and services in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common area of dwelling, or to participate in or have access to other activities conducted or sponsored by Bailey at Stassney . Office staff and Service Provider will distribute Reasonable Accommodation forms to resident. Resident will be informed of Reasonable Accommodation process Once complete; staff will inform resident of final decision.

This plan will follow the following protocols listed in the Supportive Service Agreement:

- Communication Protocols

Supportive services staff and property management staff will work together to promote the success, stability and retention of residents in existing housing, to support the principles of the Housing First model of housing and to facilitate the implementation of reasonable accommodation policies consistent with Fair Housing regulations and other applicable laws and regulations. Accordingly, the following communication protocols will be implemented and are subject to revision at the request of any of the parties:

- Property Management and Services Provider(s) will each designate a single point of contact as the representative for communication.



Parties shall establish a regular schedule of communication that involves monthly or more frequent direct meetings among designated representatives after the project has reached stabilized occupancy.

Parties shall establish a regular schedule of communication that involves weekly direct meetings among designated representatives during the lease-up period. Examples of topics of meetings include but are not limited to the following:

- Rent roll
- Existing and projected vacancies
- Move-ins being scheduled
- Processing of applicants and interface with the Coordinated Entry System
- Notices of evictions and late rent paying tenants
- Compliance with regulatory agreements and other governance documents for the project
- Concerns about behavior and conduct of residents that would be detrimental to their continued tenancy
- Incidents of damage, crime and safety concerns on the property
- Requests from residents for services not currently being provided
- Participation of residents in supportive services
- Maintenance and appearance issues of the property
- Additional topics as may be determined by the development sponsor to be necessary and relevant Tenant Data

It is the policy of Bailey at Stassney Apartments to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by Bailey at Stassney . Unless required by Federal or state law or required under any Affordable Housing Program rules or guidelines for compliance with audits or certifications, neither Bailey at Stassney nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure. Upon signing the residential lease, each resident will be presented with a tenant release form by Management. This release form will give approval for Management to disclose tenant specifics regarding rent collections, behavior issues, plan of action, and legal arisings. These items will be discussed in scheduled meetings between Management and the Service Provider. Meetings will be held in person, conference call, or video call.

Any resident updates/concerns will be shared during regularly scheduled meetings between Property Management and Service Provider. Property Management will be the main point of contact for obtaining resident signatures. If at any time the resident is not cooperating with providing a signature, the service provider will be engaged in the process Screening PSH Units- Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of "housing readiness. Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services. Property Management will follow the U.S. Department of Housing and Urban Development description of the housing First Model:

"Core components of Housing First" means all of the following:

- Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services.
- Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of "housing readiness."
- Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of crisis response systems frequented by vulnerable people experiencing homelessness.
- Supportive services that emphasize engagement and problem solving over therapeutic goals and service



plans that are highly tenant-driven without predetermined goals.

- Participation in services or program compliance is not a condition of permanent housing tenancy.
- Tenants have a lease and all the rights and responsibilities of tenancy, as outlined in Texas' Civil, Health and Safety, and Government codes.
- The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.

In communities with coordinated assessment and entry systems, incentives for funding promote tenant selection plans for supportive housing that prioritize eligible tenants based on criteria other than "first-come-first-serve," including, but not limited to, the duration or chronicity of homelessness, vulnerability to early mortality, or high utilization of crisis services. Prioritization may include triage tools, developed through local data, to identify high-cost, high-need homeless residents.

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: No

Funding Criteria: Not Based on Funding Source

As of 10/1/2017, HUD CoC grantees are now required to submit APR through the Sage HMIS Reporting Repository. You can find instructions for generating the report and submitting to Sage at the Clarity Help Center.

Q4a. Project Identifiers in HMIS													
Organization Name	Organization ID	Project Name	Project ID	HMIS Project Type	RRH Subtype	Coordinated Entry Access Point	Affiliated with a residential project	Project IDs of affiliations	CoC Number	Geocode	Victim Service Provider	Total Active Clients	Total Active Households
Hope Through Housing Foundation	481	Pomona Veterans Park	5605	3		0			CA-600	062850	0	31	27

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: No

Funding Criteria: Not Based on Funding Source

Q5a. Report Validations Table

Program Applicability: All Projects

Category	Count of Clients for DQ	Count of Clients
Total number of persons served	31	31
Number of adults (age 18 or over)	30	30
Number of children (under age 18)	1	1
Number of persons with unknown age	0	0
Number of leavers	2	2
Number of adult leavers	2	2
Number of adult and head of household leavers	2	2
Number of stayers	29	29
Number of adult stayers	28	28
Number of veterans	27	27
Number of chronically homeless persons	16	16
Number of youth under age 25	2	2
Number of parenting youth under age 25 with children	0	0
Number of adult heads of household	27	27
Number of child and unknown-age heads of household	0	0
Heads of households and adult stayers in the project 365 days or more	24	24

Q6a. Data Quality: Personally Identifiable Information

Program Applicability: All Projects

Data Element	Client Doesn't Know/Prefer Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Name (3.01)	0	0	0	0	0.00%
Social Security Number (3.02)	1	0	0	1	3.23%
Date of Birth (3.03)	0	0	1	1	3.23%
Race/Ethnicity (3.04)	0	0		0	0.00%
Gender (3.06)	0	0		0	0.00%
Overall Score				1	3.23%

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: No

Funding Criteria: Not Based on Funding Source

Q13a1. Physical and Mental Health Conditions at Start

Program Applicability: All Projects

	Total Persons	Without Children	Adults in HH with Children & Adults	Children in HH with Children & Adults	With Only Children	Unknown Household Type
Mental Health Disorder	25	25	0	0	0	0
Alcohol Use Disorder	1	1	0	0	0	0
Drug Use Disorder	0	0	0	0	0	0
Both Alcohol and Drug Use Disorders	0	0	0	0	0	0
Chronic Health Condition	2	2	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	0	0	0	0	0	0
Physical Disability	15	15	0	0	0	0



HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: No

Funding Criteria: Not Based on Funding Source

Q25a. Number of Veterans

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	Unknown Household Type
Chronically Homeless Veteran	14	14	0	0
Non-Chronically Homeless Veteran	13	13	0	0
Not a Veteran	3	3	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0
Data Not Collected	0	0	0	0
Total	30	30	0	0

Q25b. Number of Veteran Households

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	Unknown Household Type
Chronically Homeless Veteran	14	14	0	0
Non-Chronically Homeless Veteran	13	13	0	0
Not a Veteran	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0
Data Not Collected	0	0	0	0
Total	27	27	0	0

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024
Agency cat. filter: Program CoC
Enrollment CoC Filter: Yes
Funding Criteria: Not Based on Funding Source

As of 10/1/2017, HUD CoC grantees are now required to submit APR through the Sage HMIS Reporting Repository. You can find instructions for generating the report and submitting to Sage at the Clarity Help Center.

Q4a. Project Identifiers in HMIS

Organization Name	Organization ID	Project Name	Project ID	HMIS Project Type	RRH Subtype	Coordinated Entry Access Point	Affiliated with a residential project	Project IDs of affiliations	CoC Number	Geocode	Victim Service Provider	Total Active Clients	Total Active Households
Hope Through Housing Foundation (HTHF)	172	HTHF - PSH - CHRIP	1157	3		0			CA-601	063210	0	12	9



HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: Yes

Funding Criteria: Not Based on Funding Source

Q5a. Report Validations Table

Program Applicability: All Projects

Category	Count of Clients for DQ	Count of Clients
Total number of persons served	12	12
Number of adults (age 18 or over)	9	9
Number of children (under age 18)	3	3
Number of persons with unknown age	0	0
Number of leavers	6	6
Number of adult leavers	3	3
Number of adult and head of household leavers	3	3
Number of stayers	6	6
Number of adult stayers	6	6
Number of veterans	0	0
Number of chronically homeless persons	4	4
Number of youth under age 25	3	3
Number of parenting youth under age 25 with children	2	2
Number of adult heads of household	9	9
Number of child and unknown-age heads of household	0	0
Heads of households and adult stayers in the project 365 days or more	1	1

Q6a. Data Quality: Personally Identifiable Information

Program Applicability: All Projects

Data Element	Client Doesn't Know/Prefer Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Name (3.01)	0	0	0	0	0.00%
Social Security Number (3.02)	0	0	0	0	0.00%
Date of Birth (3.03)	0	0	0	0	0.00%
Race/Ethnicity (3.04)	0	0		0	0.00%
Gender (3.06)	0	0		0	0.00%
Overall Score				0	0.00%

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: Yes

Funding Criteria: Not Based on Funding Source

Q13a1. Physical and Mental Health Conditions at Start

Program Applicability: All Projects

	Total Persons	Without Children	Adults in HH with Children & Adults	Children in HH with Children & Adults	With Only Children	Unknown Household Type
Mental Health Disorder	5	4	1	0	0	0
Alcohol Use Disorder	0	0	0	0	0	0
Drug Use Disorder	2	1	1	0	0	0
Both Alcohol and Drug Use Disorders	1	1	0	0	0	0
Chronic Health Condition	3	3	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	1	1	0	0	0	0
Physical Disability	3	3	0	0	0	0

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: Yes

Funding Criteria: Not Based on Funding Source

Q14a. History of Domestic Violence, Sexual Assault, Dating Violence, Stalking, or Human Trafficking

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Yes	2	1	1	0	0
No	5	4	1	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	2	2	0	0	0
Total	9	7	2	0	0

Q14b. Most recent experience of domestic violence, sexual assault, dating violence, stalking, or human trafficking

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Within the past three months	0	0	0	0	0
Three to six months ago	0	0	0	0	0
Six months to one year	0	0	0	0	0
One year ago, or more	1	0	1	0	0
Client Doesn't Know/Prefers Not to Answer	1	1	0	0	0
Data Not Collected	0	0	0	0	0
Total	2	1	1	0	0

Q15. Living Situation

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for habitation	5	5	0	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	0	0	0	0	0
Safe Haven	0	0	0	0	0
Subtotal	5	5	0	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: Yes

Funding Criteria: Not Based on Funding Source

Q26b. Number of Chronically Homeless Persons by Household

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless	4	4	0	0	0
Not Chronically Homeless	6	2	4	0	0
Client Doesn't Know/Prefers Not to Answer	1	1	0	0	0
Data Not Collected	1	0	1	0	0
Total	12	7	5	0	0

Q26c. Gender of Chronically Homeless Persons

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Woman	1	1	0	0	0
Man	3	3	0	0	0
Culturally Specific Identity	0	0	0	0	0
Transgender	0	0	0	0	0
Non-Binary	0	0	0	0	0
Questioning	0	0	0	0	0
Different Identity	0	0	0	0	0
Woman/Man	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0
Woman/Transgender	0	0	0	0	0
Woman/Non-Binary	0	0	0	0	0
Woman/Questioning	0	0	0	0	0
Woman/Different Identity	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0
Man/Transgender	0	0	0	0	0
Man/Non-Binary	0	0	0	0	0
Man/Questioning	0	0	0	0	0
Man/Different Identity	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0

Exhibit F

ANNUAL OPERATING EXPENSES				
General & Administrative Expenses				
Accounting	\$	10,000		
Advertising	\$	3,000		
Legal fees	\$	10,000		
Leased equipment	\$	15,000		
Postage & office supplies	\$	4,200		
Telephone	\$	4,800		
Other		<i>nank fees, subscriptions, training</i>	\$	8,000
Other		<i>describe</i>	\$	
Total General & Administrative Expenses:			\$	55,000
Management Fee:	Percent of Effective Gross Income:		5.00%	\$ 53,151
Payroll, Payroll Tax & Employee Benefits				
Management	\$	89,000		
Maintenance	\$	43,000		
Other		<i>payroll taxes and benefits</i>	\$	52,800
Other		<i>describe</i>	\$	
Total Payroll, Payroll Tax & Employee Benefits:			\$	184,800
Repairs & Maintenance				
Elevator	\$	10,000		
Exterminating	\$	8,000		
Grounds	\$	10,000		
Make-ready	\$	15,000		
Repairs	\$	25,000		
Pool	\$			
Other		<i>Contract Services</i>	\$	22,000
Other		<i>describe</i>	\$	
Total Repairs & Maintenance:			\$	90,000
Utilities (Enter Only Property Paid Expense)				
Electric		<i>Portfolio Averages - common area only</i>	\$	15,100
Natural gas			\$	
Trash		<i>Trash</i>	\$	10,100
Water/Sewer		<i>Portfolio Averages - common area only</i>	\$	16,400
Other			\$	
Other			\$	
Total Utilities:			\$	41,600
Annual Property Insurance:	Rate per net rentable square foot:		\$ 2.15	\$ 100,000
Property Taxes:				
Published Capitalization Rate:		10.00%	Source:	Not Published - Travis CAD
Annual Property Taxes	\$	104,000		
Payments in Lieu of Taxes	\$			
Total Property Taxes:			\$	104,000
Reserve for Replacements:	Annual reserves per unit:		\$ 300	\$ 31,200
Other Expenses				
Cable TV	\$			
Supportive Services (Staffing/Contracted Services)	\$	100,000		
TDHCA Compliance fees (\$40/HTC unit)	\$	4,160		
TDHCA Direct Loan Compliance Fees (\$34/MDL unit)	\$			
TDHCA Bond Compliance Fees (TDHCA as Bond Issuer Only - \$25/unit)	\$			
Bond Trustee Fees (ALL Tax-Exempt Bond Developments; entry or explanation required)	\$			Enter explanation here
Issuer Ongoing Compliance Fees (entry or explanation required)	\$			Enter explanation here
Security	\$			Enter explanation here
Other	\$			Enter explanation here
Other	\$			Enter explanation here
Total Other Expenses:			\$	104,160
TOTAL ANNUAL EXPENSES			Expense per unit: \$ 7345	\$ 763,911
			Expense to Income Ratio: 71.86%	
NET OPERATING INCOME (before debt service)				\$ 299,103
Annual Debt Service				
	\$			Enter explanation here
<i>Debt Payment</i>	\$			Enter explanation here
<i>Direct loan proposed debt service</i>	\$			Enter explanation here
<i>Local Bond Issuer Admin Fee (entry or explanation required)</i>	\$			Enter explanation here
<i>TDHCA Bond-Issuer Admin Fee (0.10%)</i>	\$			Enter explanation here
TOTAL ANNUAL DEBT SERVICE			Debt Coverage Ratio: 0.000	\$ -
NET CASH FLOW				\$ 299,103

If a revised form is submitted, date of submission:

15 Year Rental Housing Operating Pro Forma (All Programs)

The pro forma should be based on the operating income and expense information for the base year (first year of stabilized occupancy using today's best estimates of market rents, restricted rents, rental income and expenses), and principal and interest debt service. The Department uses an annual growth rate of 2% for income and 3% for expenses. *The exception is HOME-ARP Capitalized Operating Cost Assistance (COCA) requests that increase at 3% annually.* Written explanation for any deviations from these growth rates or for assumptions other than straight-line growth made during the proforma period should be attached to this exhibit.

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 10	YEAR 15
INCOME							
INCOME	\$1,111,764	\$1,133,999	\$1,156,679	\$1,179,813	\$1,203,409	\$1,328,661	\$1,466,949
Secondary Income	\$ 37,440	\$ 38,189	\$ 38,953	\$ 39,732	\$ 40,526	\$ 44,744	\$ 49,401
POTENTIAL GROSS ANNUAL INCOME	\$1,149,204	\$1,172,188	\$1,195,632	\$1,219,544	\$1,243,935	\$1,373,405	\$1,516,350
Provision for Vacancy & Collection Loss	(\$86,190)	(\$87,914)	(\$89,672)	(\$91,466)	(\$93,295)	(\$103,005)	(\$113,726)
Rental Concessions	\$0						
HOME-ARP COCA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EFFECTIVE GROSS ANNUAL INCOME	\$1,063,014	\$1,084,274	\$1,105,959	\$1,128,079	\$1,150,640	\$1,270,400	\$1,402,624
EXPENSES							
General & Administrative Expenses	\$55,000	\$56,650	\$58,350	\$60,100	\$61,903	\$71,763	\$83,192
Management Fee	\$ 53,151	\$ 54,214	\$ 55,298	\$ 56,404	\$ 57,532	\$ 63,520	\$ 70,131
Payroll, Payroll Tax & Employee Benefits	\$184,800	\$190,344	\$196,054	\$201,936	\$207,994	\$241,122	\$279,527
Repairs & Maintenance	\$ 90,000	\$ 92,700	\$ 95,481	\$ 98,345	\$101,296	\$117,430	\$136,133
Electric & Gas Utilities	\$15,100	\$15,553	\$16,020	\$16,500	\$16,995	\$19,702	\$22,840
Water, Sewer & Trash Utilities	\$ 26,500	\$ 27,295	\$ 28,114	\$ 28,957	\$ 29,826	\$ 34,576	\$ 40,084
Annual Property Insurance Premiums	\$100,000	\$103,000	\$106,090	\$109,273	\$112,551	\$130,477	\$151,259
Property Tax	\$104,000	\$107,120	\$110,334	\$113,644	\$117,053	\$135,696	\$157,309
Reserve for Replacements	\$ 31,200	\$ 32,136	\$ 33,100	\$ 34,093	\$ 35,116	\$ 40,709	\$ 47,193
Other Expenses	\$104,160	\$107,285	\$110,503	\$113,818	\$117,233	\$135,905	\$157,551
TOTAL ANNUAL EXPENSES	\$763,911	\$786,296	\$809,343	\$833,071	\$857,499	\$990,901	\$1,145,219
NET OPERATING INCOME	\$299,103	\$297,977	\$296,616	\$295,008	\$293,142	\$279,499	\$257,405
DEBT SERVICE							
First Deed of Trust Annual Loan Payment							
Second Deed of Trust Annual Loan Payment							
Third Deed of Trust Annual Loan Payment							
Other Annual Required Payment							
ANNUAL NET CASH FLOW	\$299,103	\$297,977	\$296,616	\$295,008	\$293,142	\$279,499	\$257,405
CUMULATIVE NET CASH FLOW	\$299,103	\$597,080	\$893,697	\$1,188,705	\$1,481,846	\$2,913,448	\$4,255,708
Debt Coverage Ratio	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Other (Describe)							
Other (Describe)							

By signing below I (we) are certifying that the above 15 Year pro forma, is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on the bank's current underwriting parameters and consistent with the loan terms indicated in the term sheet and preliminarily considered feasible pending further diligence review. The debt service for each year maintains no less than a 1.15 debt coverage ratio. (Signature required for Tax-Exempt Bond Applications and if using this pro forma for points under \$11.9(e)(1) relating to Financial Feasibility for Competitive HTC Applications)

Signature, Authorized Representative, Construction or	Printed Name	Phone:
		Email:

Signature, Authorized Representative, Syndicator	Date

Signature, Authorized Representative, Syndicator	Printed Name	Date

If a revised form is submitted, date of submission:

2/22/24

Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Tax Exempt Bond Developments ONLY. Amount listed here does not add into total sources.

Name of Bond Issuer	Certificate of Reservation Amount

Debt

Financing Participants	Funding Description	Construction Period			Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Term (Mos)	Interest Rate		Loan/Equity Amount	Interest Rate (%)	Amort - ization (Yrs)	Term (Yrs)	Syndication Rate	
Key Bank		\$15,000,000	24	7.00%	1	\$ -					
AHFC - City of Austin		\$11,500,000	24	0.00%	2	\$ 11,500,000	0.00%	na	45		1

Third Party Equity

Hudson	HTC	\$ 2,000,000	\$ 2,519,748			\$ 16,798,320				0.84	

Grant

	\$11.9(d)(2)LPS Contribution										
COA ROS		\$ 500				\$ 500					

Deferred Developer Fee

NCRT/Diva		\$ 187,431				\$ 908,859					2

Other

	Direct Loan Match										

Total Sources of Funds	\$ 29,207,679					\$ 29,207,679					
Total Uses of Funds						\$ 29,207,679					

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).

The sources and uses are as stated. The City of Austin loan is a loan from a local government is a deferred-forgivable construction-to-permanent loan, with no foreclosure provisions or scheduled or periodic repayment provisions, and a maturity date after the end of the Affordability Period. This is a supportive housing transaction and the QAP allows for this type of loan. The deferred developer fee amount can be repaid from cash flow in less than 15 years. Hudson will provide equity in the amount shown above at a rate of .84 per \$1 of tax credits. The project qualifies for SMART housing and will receive fee waivers as a result these are shown as both a cost and a source in the amount of \$500.

Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.

Replacement reserves are \$300 per unit as shown in the operating expense worksheet. This is new construction and there are no existing reserves.

Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Rents are calculated at max tax rent per AMFI level less Utility Allowances. There are no subsidies associated with the development. Operating costs are estimated using the developer's portfolio of supportive housing properties.

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.

Signature, Authorized Representative, Construction, Equity Provider and Permanent Lender

Printed Name

Date

Telephone:

Email address:

If a revised form is submitted, date of submission:

2/28/24

5:31 PM

24019

Bailey at Berkman

**Request for Administrative
Deficiency**



3000 S IH 35, Ste 300
Austin, TX 78704

tel: 512-447-2026
fax: 512-447-0288

foundcom.org



April 24, 2024

Request for Administrative Deficiency on Bailey at Berkman #24019

Bobby Wilkinson, bobby.wilkinson@tdhca.state.tx.us
Executive Director

Cody Campbell, Cody.Campbell@tdhca.texas.gov
Texas Department of Housing and Community Affairs
221 E 11th St # 400,
Austin, TX 78701

Applicant contact Ariana Brendle, abrendle@nationalcore.org
National Community Renaissance of Texas, Inc
9692 Haven Avenue, Suite 100
Rancho Cucamonga, CA 91730

Dear TDHCA:

Please accept this third party Request for Administrative Deficiency against application 24019 demonstrating that the Bailey at Berkman application does not qualify for Supportive Housing points. The application is deficient in many significant ways to qualify as Supportive Housing.

The Applicant or General Partner must provide evidence of a history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses, and the application provides no evidence of fundraising by the Applicant, whose

sole member was not registered with the Texas Secretary of State until 2022. Moreover, the Applicant checked the box for all services, which means all must be provided regularly and frequently, primarily on-site, which is not possible given the budget and design of the development. And the financial projections, which show rents of more than \$2 per square foot, more than \$1,200/month for a 450 square foot unit, demonstrate that this development will not house the Targeted Populations checked in the application.

Supportive housing for special needs Texans is in very short supply, and very difficult to develop and operate successfully. TDHCA awards additional points and underwriting advantages to supportive housing, but the definition of Supportive Housing sets a high bar for applicants claiming these points.

Foundation Communities is a leading provider of supportive housing, with ten supportive housing communities, and through this experience understands the importance of serving a specialized target population. Housing must be combined with appropriate, specialized onsite services and community amenities that are designed, funded, and staffed for success in the long run.

Issue #1 The Applicant or General Partner has not provided any evidence of successful fundraising

The Applicant (Bailey at Berkman LP) is controlled by a general partner (Bailey at Berkman GP LLC) that is wholly owned by National Community Renaissance of Texas, Inc. To satisfy the QAP, one of these entities must show evidence of fundraising track record sufficient to address unanticipated operating losses.

Attached are the organizational documents for National Community Renaissance of Texas, Inc. Until 2022, that entity was known as Southern California Housing Development Corporation of San Diego. In August 2022 the name of the entity was changed to National Community Renaissance of Texas, Inc. through a certificate of amendment filed with the California Secretary of State and a registration of the foreign entity was filed with the Texas Secretary of State.

A public information report filed with the Texas Secretary of State in 2023 indicates that no other entity owns an interest of 10 percent or more of this entity, meaning there is no parent corporation.

The application is devoid of any mention of financial strength or fundraising success by National Community Renaissance of Texas, Inc. The application instead states only the following, "The owner entity for this project—National Community Renaissance of Texas, Inc. (NCRT) is an affiliate of National CORE and was founded in 2003 to extend the work of National CORE into Texas." Without explaining the affiliation, the application then provides evidence of National CORE's fundraising success and financial strength.

The Supportive Housing definition states clearly that an Applicant or General Partner must have secured sufficient funds to maintain the Supportive Housing Development's operations throughout the entire Affordability Period and must provide evidence of a history of fundraising activities deemed to be sufficient to address any unanticipated operating losses. The definition does not contemplate that Affiliates can be used to satisfy this requirement, and even if it could be construed somehow to cover Affiliates, there is no evidence in the Secretary of State filings that National CORE and NCRT are affiliates.

Moreover, the definition requires "a fully executed guaranty agreement where the Applicant *or its Affiliate* assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period." This rule does contemplate Affiliates, and offers an opportunity by the Applicant to provide a guaranty from an organization that has a balance sheet and fundraising success such as National CORE and demonstrate that it is an affiliate of the Applicant. Instead, the application includes a guaranty agreement from National Community Renaissance of Texas, Inc., an entity that has only existed since 2022 and for which the Application provides no evidence of financial strength or successful fundraising history.

The newly formed Texas entity that serves as guarantor is a shell corporation with no assets disclosed in the Application, and its guaranty is meaningless. The Application does not satisfy the Supportive Housing definition requirements that the Applicant or General Partner must have secured sufficient funds to maintain operations and provide evidence of a history of successful fundraising sufficient to address any unanticipated operating deficits

Issue #2 The target population is not clearly identified as required of Supportive Housing

Supportive housing in the QAP is designed as housing that has a clear **TARGET** population. The building must be **INTENDED** for that population and offer services that are **SPECIALIZED**.

Here is the definition:

(125) Supportive Housing--A residential rental Development and Target Population meeting the requirements of subparagraphs (A) - (EF) of this paragraph:

(A) Be intended for and targeting occupancy for households in need of specialized and specific non- medical services in order to maintain housing or transition into independent living;

The Bailey at Berkman project does not have a specific target population. The application narrative says they will serve "Austin's most housing-fragile", which is general.

The application narrative states clearly that the project will serve everyone: “will target **individuals and small families**”. These are two very different supportive housing populations. The application narrative goes on to list all the populations from the supportive housing definition which goes against the whole concept of *targeted, intentional and specialized developments*.

The application does not disclose that 26 of these units will be for the highest acuity, chronic homeless single adults thru coordinated entry, which is the nature of the with vouchers from the Housing Authority (the letter from HACA doesn't make this clear in the application but it is in the details of the HACA program – see attached).

But in addition to this chronic, single homeless population they also intend to provide housing for small families with children. Combining these two distinct populations is unwise and not targeted. A single building with interior corridors that is over 100 units can be a great home for single chronic homeless individuals and other single adults at risk. However, putting children living in close quarters with this same population is unsuitable. Supportive housing for families and children should be designed with space and services that are very different from single homeless adults. Families with children need different amenities like playgrounds, childcare, and learning centers, none of which are present in these proposals.

The concept of mixing supportive housing for single chronic homeless together with vulnerable, at-risk families with children in a large interior corridor building without any social service space is unheard of in Texas, and it violates the requirements of the QAP for supportive housing design. The Department should not invest in new construction of supportive housing that has vulnerable children living in close quarters with single, chronic homeless adults in large interior buildings because this violates the Supportive Housing definition that is targeted and specialized.

Issue #3 The design is flawed and inadequate to meet the requirements of Supportive Housing

Supportive housing as defined in the QAP must be **DESIGNED** as housing that has a clear target population, and yet this application has not designed ANY spaces for the provision of required support services. No social work offices, food pantry, private meeting rooms, large community gathering spaces, TV/library/game rooms, health service space, pet areas, laundry facilities, bike storage or other typical common areas found in supportive housing. In order to successfully help people who have been homeless, developments must be designed to include social service space and common amenities onsite.

These building plans are generic without any service spaces, therefore they serve a general population, not a supportive housing population. The only common space at

Bailey at Berkman is a fitness room (413 sf), clubhouse/waiting area (796 sf), and one shared office for the manager and assistant (285 sf). A total of less than 1,500 square feet for all management and common activities.

The most astounding deficiency is that the building has no secure, staffed front entry area, which is an essential, basic component of every supportive housing community serving single homeless individuals in the country. The application says the building is “designed with comfort and safety in mind for those who have experienced long-term trauma, violence, and homelessness. The building will feature secured and separated entries.” But the only ‘secured and separated entries’ shown by the architects are the apartment front doors. A single entry door to the building will never effectively be secure unless it is monitored. Formerly homeless residents will invite numerous guests to the building, and the management will be out of control.

Remarkably the application narrative says they will have common spaces, but these are left out of the architectural drawings. Their narrative says, “community spaces include ... meeting rooms, support service staff offices, laundry, business center, and a secure/controlled-access reception area.” They recognize a need for these spaces, but NONE of these elements are in the architectural plans.

The property sits on a very small site, and in order to get 104 units (to score max points), the architect has eliminated almost all the necessary common areas that are expected in supportive housing with small units for single residents. Adding any of these community and services spaces later will cause a major problem because the site is so small and constrained. The applicant will need a material amendment to add space. They may have the intention of reducing the unit count later from 104 to fit everything in (they must have 104 units to score points to win the competition).

This lack of common area space and social service delivery space violates numerous specific provisions in the QAP:

- 1) First, the project certifies that they will have 10 points for “Common Amenities”, however based on the architectural plans it is not clear how they can achieve these points with the limited common areas they are proposing.
- 2) Second: Supportive housing with efficiency units must meet this definition in the QAP for an SRO:

*Single Room Occupancy (SRO)--An Efficiency Unit that meets all the requirements of a Unit except that it may, but is not required, to be rented on a month to month basis to facilitate Transitional Housing. Buildings with SRO Units have **extensive living areas in common** and are required to be Supportive Housing and include the provision for substantial supports from the Development Owner or its agent **on site***

The applicant is building SRO units that are Efficiency Units - small and designed for one person, therefore they must include **extensive** living areas in common and they

do not. The services must be onsite. The limited common areas shown in the architect plans are minimal.

3) The applicant is claiming 10 points for services, plus 1 point to make space available on a regularly scheduled basis. However there is no social service space onsite for regular use by a visiting social service provider. This additional one point should be denied.

4) The rules for Resident Supportive Services must benefit the “Target Population” and “there must be adequate space for the intended services” and “unless otherwise specified, must be provided on-site or transportation to those off-site services identified on the list must be provided”.

Again there is no space on site where a case manager can meet with a resident with any privacy and not in the person’s apartment which is an unsafe practice. There are no spaces for a food pantry program, visiting nurse to meet, or large community events and meals. For families with children there are no amenities, playgrounds or other recreational or other spaces for children on the property.

5) Mandatory Development Amenities in the QAP exempt supportive housing from laundry connections in units, as well as ovens in all units, however the rules state that “access must be provided to a comparable amenity in a Common Area”. There are no laundry facilities anywhere in the building. One oven in the community lounge cannot serve 104 residences.

6) The QAP section on Cost of Development Per Square Foot says “If the proposed Development is a Supportive Housing Development, the NRA **will** include Common Area up to 75 square feet per Unit, of which at least 50 square feet **will** be conditioned.” The common area conditioned space is under 20 square feet per unit and violates this rule.

7) The QAP rules require supportive housing to provide space to other service providers, but because there is no space available in the building for this to be possible.

*(A) The Applicant certifies that the Development will contact local nonprofit and governmental providers of services that would support the health and well-being of the Department's residents, and will make **Development community space available to them on a regularly-scheduled basis to provide outreach services and education to the tenants.***

The application narrative talks about trauma informed design which is important but missing in the plans. Their only specific example is “natural light and warm, tranquil finishes”. They have left out all the social service spaces, adequate community gathering spaces, pet amenities, and most importantly a secured front entry and lobby that is

monitored. If residents have no common areas to gather or space for onsite services, then they are isolated to their rooms. Most residents will have therapy animals, but no consideration of amenities is provided. And secure front entry that is staffed provides a feeling of safety that is paramount for individuals that have been on the street and experienced trauma and now are in recovery.

Issue #4 Services are unclear and not onsite as required

The applicant certifies that supportive services will meet the minimum requirements provided in clauses (i) –(iv) of §11.1(d)(125)(D) of the Qualified Allocation Plan.

(D) Supportive services must meet the minimum requirements provided in clauses (i) - (iv) of this subparagraph:

*(i) regularly and frequently offered to all residents, **primarily on-site**;*

(ii) easily accessible and offered at times that residents are able to use them;

The services cannot be provided primarily onsite because the building does not have any space for services, nor offices for staff. No meeting rooms or private session space. The Gathering Area is not big enough for more than a dozen people at any time and offers no privacy.

The applicant has written a service strategy narrative that says they will wait to develop a customized plan. The narrative has many generalities and no specifics about the specialized services they will provide specifically on site.

No description of the specialized services is provided for the 26 **high acuity, chronic homeless individuals** that will come with the housing authority vouchers. This number of high need residents in one location would call for 24/7 staff presence, but that is not included in their narrative or budget.

The only specific thing they say is that they will have two service staff: “both an on-site Residential Services Coordinator (RSC) providing general services to all residents, as well as a specialized Permanent Supportive Housing Case Manager to oversee the delivery of social and supportive services to those with the highest level of need.” The building design does not have any space for these staff to actually be on site, nor meet privately with residents. A budget for these two staff of \$100,000 is not realistic to hire full time social workers with benefits and taxes included.

Issue #5 The financial assumptions are not realistic.

Many elements of the applicant’s pro forma are not realistic and demonstrate their lack of understanding of supportive housing and a clear target population.

- The application is proposing that residents sign up and pay for their own utilities. This is not realistic for chronic homeless to sign up for their own utilities. Every supportive housing community for single homeless individuals I have seen in the United States is 'all bills paid'
- The rents included in the rent schedule are unrealistic. Max rents at supportive housing developments are not feasible and 60% rents over \$1,200 are even more unrealistic. Foundation Communities typically discounts rent significantly under max and maintains rent restrictions at 30%, 40% and 50% levels (not 60%), which is more appropriate for supportive housing target populations.
- Payroll for management and maintenance is half of typical supportive housing designed for homeless adults. Compared to properties in the TDHCA database this line item is short by \$200,000.
- The operating budget includes \$100,000 for social services as an operating expense. First, this budget for the two service positions referenced in the narrative is too low. Second, the building design does not have any space for these staff to actually be on site, nor meet privately with residents. Third, including services as an operating expense violates the underwriting rules, which require that "The Applicant demonstrates a history of providing comparable supportive services and expenses at existing affiliated properties within the local area."

The applicant has submitted two supportive housing applications (24018 and 24019) and BOTH rely on the City of Austin (Austin Housing Finance) to put \$11.5 million into each project in order to be feasible. This is an unrealistic assumption because AHFC does not have that level of funding available in their competition for funds, nor have they set aside this level of funding for supportive housing. The applicant has applied to AHFC for these funds and included evidence they have applied, but nothing in the application speaks to how realistic it will be to receive an award. This should be researched by the Department before committing tax credits because the projects are entirely infeasible without this huge gap funding from the City.

In summary, the Bailey at Berkman application claims to be Supportive Housing so they can win credits, but the lack of fundraising track record, unclear target population, absence of essential social service and community spaces, inadequate specialized services, and unrealistic financial projections fail the QAP requirements and will result in a failed development.

Sincerely,



Walter Moreau,
Executive Director

JAN 25 1999

Bill Jones
BILL JONES, Secretary of State

ARTICLES OF INCORPORATION

OF

SOUTHERN CALIFORNIA HOUSING DEVELOPMENT CORPORATION OF SAN DIEGO

I.

The name of this corporation is: SOUTHERN CALIFORNIA HOUSING DEVELOPMENT CORPORATION OF SAN DIEGO.

II.

A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.

B. The specific purpose of this corporation is to lessen the burdens of government by assisting governments within the State of California provide affordable housing.

III.

The name and address in the State of California of this corporation's initial agent for service of process is:

Jeffrey S. Burum
8265 Aspen Avenue, Suite 100
Rancho Cucamonga, California 91730

IV.

A. This corporation is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

B. Notwithstanding any other provision of these articles, this corporation shall not carry on any other activities not permitted to be carried on (i) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (ii) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.


C. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of or in opposition to any candidate for public office.

V.

A. The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net earnings or assets of this corporation shall inure to the benefit of (or be distributable to) any director or officer of this corporation or other private person, except that this corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its charitable purposes.


B. Upon the dissolution or winding up of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Dated: December 29, 1998.



Jeffrey S. Burum, Incorporator

I hereby declare that I am the person who executed the foregoing Articles of Incorporation, and that this instrument is my act and deed.



Jeffrey S. Burum, Incorporator



For Office Use Only

-FILED-

File No.: BA20220660638

Date Filed: 8/9/2022

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

The undersigned certify that:

1. They are the president and secretary, respectively, of SOUTHERN CALIFORNIA HOUSING DEVELOPMENT CORPORATION OF SAN DIEGO, a California nonprofit public benefit corporation, with California Entity Number 2131647.

2. Article I of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is National Community Renaissance of Texas, Inc.

3. Article II is amended in its entirety to read as follows:

- A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for Charitable purposes.
- B. The specific purpose of this corporation is to lessen the burdens of government by assisting governments to provide affordable housing.
- C. In addition to the purposes of the corporation as set forth in paragraph II.B, the purposes of this corporation shall include owning property to sell or rent without profit to provide decent housing that is affordable to low-income or moderate-income persons satisfying the corporation's eligibility requirements, and other related activities. Nothing in this paragraph shall allow this corporation to carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

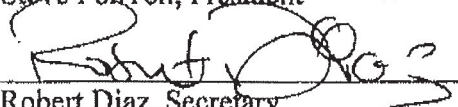
4. The foregoing amendment was duly approved by the board of directors

5. The corporation has no members.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Dated: August 1, 2022.


Steve Postell, President


Robert Diaz, Secretary

B0939-3568 08/09/2022 5:00 PM Received by California Secretary of State

Form 302 Secretary of State P.O. Box 13697 Austin, TX 78711-3697 FAX: 512/463-5709 Filing Fee: \$25	 Application for Registration For a Nonprofit Corporation	Filed in the Office of the Secretary of State of Texas Filing #: 804704497 08/26/2022 Document #: 1173294230002 Image Generated Electronically for Web Filing
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1. The foreign entity is a nonprofit corporation. The name of the entity is :

National Community Renaissance of Texas, Inc.

2. The entity name is not available in Texas. The assumed name under which the entity will qualify and transact business in Texas is:

3. Its federal employer identification number is: **311759773**

☐ Federal employer identification number information is not available at this time.

4. It is organized under the laws of: **CALIFORNIA, USA**
 and the date of its formation in that jurisdiction is: **1/25/1999**

5. As of the date of filing, the undersigned certifies that the foreign corporation currently exists as a valid corporation under the laws of the jurisdiction of its formation.

6. The purpose or purposes of the foreign entity that it proposes to pursue in the transaction of business in Texas are set forth below. The entity also certifies that it is authorized to pursue such stated purpose or purposes in the state or country under which it is organized.

Lessen the burdens of government by assisting the government to provide affordable housing. In addition to the specific purposes of the corporation as set forth above, the purposes of this Corporation shall include owning property to sell or rent without profit to provide decent housing that is affordable to low-income or moderate-income persons satisfying the corporation's eligibility requirements, and other related activities. Nothing in this paragraph shall allow this corporation to carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

7. The date on which the foreign entity intends to transact business in Texas, or the date on which the foreign entity first transacted business in Texas is: **09/01/2022**

8. The principal office address of the entity is:
9421 HAVEN AVE., Rancho Cucamonga, CA, USA 91730

☒ 9A. The initial registered agent is an organization by the name of:

Corporation Service Company dba CSC Lawyers Incorporating Service

OR

☐9B. The initial registered agent is an individual resident of the state whose name is:

☐9C. The business address of the registered agent and the registered office address is:

211 E 7th St. Suite 620 Austin TX 78701-3136

Consent of Registered Agent

☐A. A copy of the consent of Registered Agent is attached.

OR

☒B. The consent of the registered agent is maintained by the entity.

10. The entity hereby appoints the Secretary of State of Texas as its agent for service of process under the circumstances set forth in section 5.251 of the Texas Business Organizations Code.

11. The name and address of each person on the board of directors is:

Director 1:	<u>Estella Martinez</u>
Address:	<u>625 Wilson Road Humble TX, USA 77338</u>
Director 2:	<u>Laura Kurtz Kuhns</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>
Director 3:	<u>Tony Mize</u>
Address:	<u>625 Wilson Road Humble TX, USA 77338</u>
Director 4:	<u>Jeffrey Burum</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>
Director 5:	<u>Veronica Cooper</u>
Address:	<u>625 Wilson Road Humble TX, USA 77338</u>

12. The name, address, and officer title of each officer or managerial official are:

Officer 1: (Individual Name)	<u>Steve PonTell</u>	Title:	<u>CEO</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>		
Officer 2: (Individual Name)	<u>Michael Finn</u>	Title:	<u>CFO</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>		
Officer 3: (Individual Name)	<u>Robert Diaz</u>	Title:	<u>Secretary</u>
Address:	<u>9421 Haven Ave. Rancho Cucamonga CA, USA 91730</u>		

13. ☐The foreign nonprofit corporation has members.

OR

☒The foreign nonprofit corporation has no members.

Supplemental Provisions / Information

[The attached addendum, if any, is incorporated herein by reference.]

Effectiveness of Filing

☒ A. This document becomes effective when the document is filed by the secretary of state.

OR

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

EXECUTION

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: August 26, 2022

Robert Diaz

Signature and title of authorized person on behalf of the foreign entity

FILING OFFICE COPY



Comptroller of Public Accounts FORM 05-102 (Rev.9-11/30)

Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC) and Financial Institutions

This report MUST be signed and filed to satisfy franchise tax requirements

■ Tcode 13196 Franchise

■ Taxpayer number

■ Report year

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at (800) 252-1381 or (512) 463-4600.

3 2 0 8 6 0 5 7 6 1 2

2 0 2 3

Taxpayer name NATIONAL COMMUNITY RENAISSANCE OF TEXAS, INC.				Secretary of State (SOS) file number or Comptroller file number 0804704497	
Mailing address 9692 HAVEN AVE STE 100					
City RANCHO CUCAMONGA	State CA	ZIP Code 91730	Plus 4		

○ Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office
9692 HAVEN AVE STE 100, RANCHO CUCAMONGA, CA 91730

Principal place of business

Please sign below!

Officer, director and manager information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or managers change throughout the year.



3208605761223

SECTION A Name, title and mailing address of each officer, director or manager.

Name JEFFREY BURUM	Title CEO	Director <input type="radio"/> YES	Term expiration m m d d y y
Mailing address 9692 HAVEN AVE STE 100	City RANCHO CUCAMONGA	State CA	ZIP Code 91730
Name MICHAEL RUANE	Title PRESIDENT	Director <input type="radio"/> YES	Term expiration m m d d y y
Mailing address 9692 HAVEN AVE STE 100	City RANCHO CUCAMONGA	State CA	ZIP Code 91730
Name ROBERT DIAZ	Title SECRETARY	Director <input type="radio"/> YES	Term expiration m m d d y y
Mailing address 9692 HAVEN AVE STE 100	City RANCHO CUCAMONGA	State CA	ZIP Code 91730

SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership

SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of 10 percent or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
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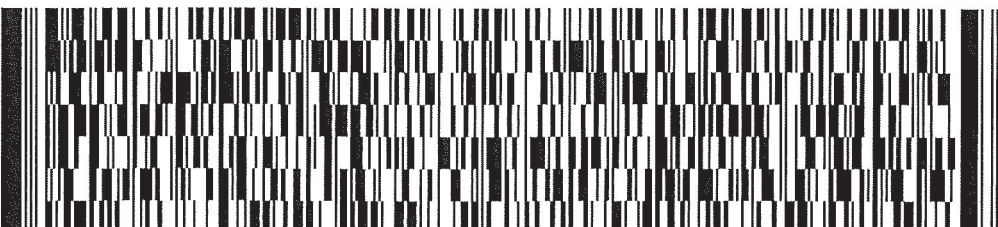
Registered agent and registered office currently on file. (see instructions if you need to make changes)		○ Blacken circle if you need forms to change the registered agent or registered office information.	
Agent: CORPORATION SERVICE COMPANY DBA CSC LAWY			
Office: 211 E 7TH ST. SUITE 620	City: AUSTIN	State: TX	ZIP Code: 78701

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company.

sign here Taylor Lawson	Title Electronic	Date 09-25-2023	Area code and phone number (800) 927 - 9801
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Texas Comptroller Official Use Only



VE/DE	<input type="radio"/>	PIR IND	<input type="radio"/>
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Comptroller of Public Accounts
FORM 05-102 (Rev. 9-11/30)

Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC) and Financial Institutions

This report MUST be signed and filed to satisfy franchise tax requirements

Tcode 13196 Franchise

Taxpayer number

3 2 0 8 6 0 5 7 6 1 2

Report year

2 0 2 3

You have certain rights under Chapter 552 and 559, Government Code, to review, request, and correct information we have on file about you. Contact us at (800) 252-1381 or (512) 463-4600.

Taxpayer name

NATIONAL COMMUNITY RENAISSANCE OF TEXAS, INC.

Mailing address

9692 HAVEN AVE STE 100

Secretary of State (SOS) file number or Comptroller file number

City

RANCHO CUCAMONGA

State

CA

ZIP Code

91730

Plus 4

0804704497

Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office

9692 HAVEN AVE STE 100, RANCHO CUCAMONGA, CA 91730

Principal place of business

Please sign below!

Officer, director and manager information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or managers change throughout the year.



SECTION A Name, title and mailing address of each officer, director or manager.

Name	Title	Director	Term expiration
D. ANTHONY MIZE	DIRECTOR	<input checked="" type="radio"/> YES	m m d d y y
Mailing address	City	State	ZIP Code
9692 HAVEN AVE STE 100	RANCHO CUCAMONGA	CA	91730
Name	Title	Director	Term expiration
LAURA KURTZ KUHNZ	DIRECTOR	<input checked="" type="radio"/> YES	m m d d y y
Mailing address	City	State	ZIP Code
9692 HAVEN AVE STE 100	RANCHO CUCAMONGA	CA	91730
Name	Title	Director	Term expiration
		<input type="radio"/> YES	m m d d y y
Mailing address	City	State	ZIP Code

SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership

SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of 10 percent or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
---	--------------------	-------------------------------	-------------------------

Registered agent and registered office currently on file. (see instructions if you need to make changes)

Agent: CORPORATION SERVICE COMPANY DBA CSC LAWY

Blacken circle if you need forms to change the registered agent or registered office information.

Office: 211 E 7TH ST. SUITE 620

City

AUSTIN

State

TX

ZIP Code

78701

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company.

sign here

Taylor Lawson

Title

Electronic

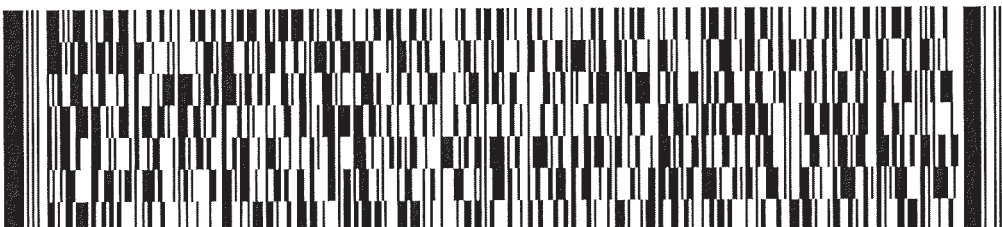
Date

09-25-2023

Area code and phone number

(800) 927 - 9801

Texas Comptroller Official Use Only



VE/DE	<input type="radio"/>	PIR IND	<input type="radio"/>
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REQUEST FOR PROPOSAL

HACA-24-P-0256

DEVELOPER/OWNER

Mainstream

PROJECT BASED VOUCHERS

Date Issued: February 1, 2024

Please deliver completed bid packets to:

https://ha.internationalprocurement.com/requests.html?company_id=10217

DUE DATE: February 26, 2024 at 11:59/CST

PROJECT DETAILS

1. Eligibility Requirements

HACA will accept proposals for newly constructed, rehabilitated, or existing housing

HACA may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an agreement to enter into a housing assistance payments contract that is executed prior to the start of construction. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of HACA selection, the unit substantially complies with Housing Quality Standards.

A housing unit is considered newly constructed or rehabilitated units if developed in accordance with the PBV requirements found at 24 CFR Part 983 Subpart D, that will execute an Agreement to enter into a Housing Assistance Payment Contract (AHAP) and start construction within 24 months of the award announcement.

To be eligible for project-based Section 8 rental assistance from HACA, the following criteria must be met:

- Projects must be permanent housing. Emergency, temporary or transitional housing are not eligible for project-based rental assistance.
- If it involves rehabilitation or an existing rental property, the project must meet HUD's housing quality standards (HQS) before a Housing Assistance Contract is executed.
- The units must be either independent units or non-independent living units that are Single Room Occupancy (SRO) units as defined by HUD (24 CFR §982.4).
- Tenants must have a lease with a minimum term of one year.
- The rents that are charged must meet the HACA rent reasonableness test.
- Tenants must meet HACA's Housing Choice Voucher and Mainstream voucher eligibility criteria.
- Tenants must be at least 18 years old or have been legally emancipated.
- Tenants must be households experiencing homelessness, identified through Austin/Travis County's Coordinated Entry System.
- The Project Based vouchers must be paired with services to create new Permanent Supportive Housing units that are in compliance with the Continuum of Care (CoC) Written Standards for Program Delivery, and are listed in the CoC's Housing Inventory Count (HIC)(see Scope of Work Sections A.3-A.4 for descriptions of these policies, principles and approaches).
- HUD prohibits the use of project-based Section 8 Housing Choice Vouchers for the following activities: shared housing; medical, mental or similar public/private institutions; nursing homes or facilities providing continuous care; psychiatric, medical or nursing facilities; board and care or intermediate care facilities; manufactured housing; or coop housing.

2. Environmental Review

Projects receiving Project-Based Section 8 Housing Choice Vouchers will require an environmental review under HUD's environmental review rules at 24 C.F.R. Part 58. A PHA, an owner, or its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities until an environmental review is completed.

3. Fair Housing and Equal Opportunity

The applicant shall comply with applicable Federal and State laws, executive orders and regulations pertaining to fair housing and equal housing opportunity, including without limitation, Title VI of the Civil

24019

Bailey at Berkman

Deficiency Response



May 29, 2024

Joshua Goldberger
Specialist, Multifamily Finance
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

Via: Serve-U ftp upload site

Re: Deficiency Response #24019 Bailey at Berkman - Austin, TX

Dear Mr. Goldberger:

Please see the following response and associated attachments regarding the deficiency for HTC application #24019, Bailey at Berkman, dated May 21, 2024.

Background

The Application¹ for Bailey at Berkman is backed by the non-profit affordable housing enterprise known colloquially as “National CORE.” The three main entities in the Application are linked together through their history, leadership and organizational relationship which makes them Affiliates for the purpose of the QAP:

- (1) National Community Renaissance of Texas, Inc. (“NCRT”), which serves as the sole member of the General Partner, Developer, and Guarantor, as identified in the organizational charts at Tab 37,
- (2), National Community Renaissance of California (“NCRC”), which will serve as the property manager, as identified in the Development Team at Tab 42, and
- (3) Hope Through Housing Foundation (“HTHF”), which will provide the supportive services to the residents, as identified in the Development Narrative at Tab 17.

The boards of directors of NCRT, NCRC and HTHF are all chaired by founder Jeffrey Burum. Three key individuals, Michael Ruane, Robert Diaz, and Michael Finn, serve as officers for all three entities. This commonality in Principals makes NCRT, NCRC, and HTHF Affiliates for purposes of the QAP.

As National CORE organizations, NCRT, NCRC, and HTHF have access to all the requisite financial support of the National CORE enterprise. NCRC, the original and largest organization, has a long history of supporting its affiliates financially. For example, NCRC recently allocated

¹ Capitalized terms used but not defined in this letter shall have the meanings given them in the 2024 QAP.

Mr. Goldberger
May 29, 2024

\$11M to NCRT for the purpose of acquiring an existing apartment community in Texas, as documented in the NCRC Board Resolution dated March 28, 2024, attached hereto as Exhibit A.

In addition to financial support, the relationship among the entities includes access to National CORE personnel having hundreds of collective years of experience in affordable housing development and service.

Deficiency Question

Your deficiency stated the following: *Please clarify how the Application meets Supportive Housing standards as defined in §11.1(d)(125).*

#24019 Bailey at Berkman meets the 2024 QAP Supportive Housing requirements and definition. For each subsection under §11.1(d)(125), an explanation is provided for how the Application qualifies as Supportive Housing.

(125) Supportive Housing--A residential rental Development and Target Population meeting the requirements of subparagraphs (A) - (F) of this paragraph:

(A) Be intended for and targeting occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living:

As documented under Tab 17 within the submitted Application, the Applicant has certified and confirmed that the Development is intended for and targets occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living. When specifying which types of households the Development will serve, the Application specifically states to “check all that apply.” See Exhibit B.

As listed in a narrative provided to the Housing Authority of the City of Austin for rental assistance vouchers, tenants will be referred to the Development from the Austin Coordinated Assessment. This is a community-wide database tool that allows individuals in need of housing and services to apply for assistance at any service provider and then be into one waiting list. Many different types of people, with various and individual needs, are registered in this database. They enter the Coordinated Assessment through service providers that specialize in a variety of populations in need – teens and young adults existing foster care or women with children or veterans, for example – and place the residents based upon their expertise in the type of housing and services the residents require. There is not a “one size fits all” for services. Rather than exclude some potential residents, the Applicant has followed the instructions in the Application to identify any household that may apply and will rely on the Coordinated Assessment system to make those referrals.

This approach is consistent with Supportive Housing Applications submitted to the Department in 2020, 2022 and 2023 (Applications 20002 Armadillo Lofts, 22274 Cady Lofts, and 23011 The Sasha). Information from these applications is also included in Exhibit B.

(B) Be owned and operated by an Applicant or General Partner that must:

(i) have supportive services provided by the Applicant, an Affiliate of the Applicant or a Third Party provider if the service provider is able to demonstrate a record of providing substantive services similar to those proposed in the Application in residential settings for at least three years prior to the beginning of the Application Acceptance Period, or Application Acceptance Date for Multifamily Direct Loan.

Tab 37, Organization Charts, shows that the General Partner of the Applicant is Bailey at Berkman GP LLC, which is controlled by NCRT, as noted above. Tab 42 lists the Supportive Services Provider as HTHF, which is an Affiliate of NCRT for purposes of the QAP, as noted above. These items are included in Exhibit C.

Founded in 1998, HTHF's experience far exceeds that required by the QAP. Its mission, clearly stated on its website, is to break the cycle of generational poverty by providing programs and services that empower individuals and change communities. HTHF works in more than 80 affordable housing communities and regions throughout California, Florida, and Texas.

With specific regard to Supportive Housing, HTHF strives to foster stability and independence for formerly homeless residents and special populations by delivering a best practices approach to empowering vulnerable populations, focusing on the individual, honoring personal choice, and applying proven models for recovery, resiliency, and overall well-being for residents living within Permanent Supportive Housing (PSH). In its 2022 Impact Report, HTHF reported providing case management to the residents of more than 456 apartment homes and has far more than the three years of experience required in the QAP. See the Development Narrative at Tab 17.

(ii) secure sufficient funds necessary to maintain the Supportive Housing

In the supporting documentation of Tab 17, Michael Ruane, on behalf of NCRT, signed a guaranty agreement, committing to funding any operating deficits of the Project. In addition to signing the guaranty agreement, Michael Ruane signed the Tab 1, Application Certification which clearly "affirms that they have read and understand, as applicable, Title 10, Texas Administrative Code, Chapters 1, 10, 11, 12 and 13." The certification also states "Specifically, the undersigned understands the requirements under 10 TAC §11.101 of the Qualified Application Plan, Site and Development Requirements and Restrictions . . ." We believe this certification explicitly implies that the Applicant agrees to follow the rules in the QAP, including the one listed above to secure sufficient funds necessary to maintain the Supportive Housing. As guarantor for the Development, NCRT will also provide financial guarantees to any equity or lender intuitions involved in the transaction.

(iii) provide evidence of a history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses;

As noted in the Development Narrative at Tab 17:

In 2023, HTHF had a \$7.4M organizational operating budget which was comprised of \$2.8M in philanthropic dollars from special events, grants, and individual donations, as well as \$3.2M in governmental grants/supportive services program fees. In addition to HTHF's established philanthropic endeavors, we have built a strong footprint in our communities, gaining support from local businesses, service providers, government, churches, and other nonprofit organizations. We have a dedicated board of directors that actively contributes their time, talent, and treasure to the success of the organization. HTHF has over \$5.7M in total assets with strong balances in both cash and investments. These funds are sufficient to maintain the service operations for the project for the duration of the affordability period.

Exhibit D provides excerpts from these organizations' tax returns – IRS Form 990 – that also clearly demonstrates fundraising capabilities.

(iv) provide a fully executed guaranty agreement whereby the Applicant or its Affiliate assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period; and

A fully executed guaranty agreement was included in Tab 17 and signed by Michael Ruane in his capacity as President of NCRT, and NCRT's access to resources was previously addressed above.

(v) have Tenant Selection Criteria that fully comply with §10.802 of this title (regarding Written Policies and Procedures), which require a process for evaluation of prospective residents against a clear set of credit, criminal conviction, and prior eviction history that may disqualify a potential resident.

Tenant Selection Criteria are not required to be submitted in the application. However, for our application the Housing Authority of The City of Austin we wrote an extensive plan for selecting tenants that fully complies with §10.802. It is attached as Exhibit E.

(C) Where supportive services are tailored for members of a household with specific Needs, such as:

- (i) homeless or persons at-risk of homelessness;*
- (ii) persons with physical, intellectual, or developmental disabilities;*
- (iii) youth aging out of foster care;*
- (iv) persons eligible to receive primarily non-medical home or community-based services;*
- (v) persons transitioning out of institutionalized care;*
- (vi) persons unable to secure permanent housing elsewhere due to specific, nonmedical,*

or other high barriers to access and maintain housing;
(vii) Persons with Special Housing Needs including households where one or more individuals have alcohol or drug addictions, Violence Against Women Act Protections. (domestic violence, dating violence, sexual assault, and stalking), HIV/AIDS, or is a veteran with a disability; or
(viii) other target populations that are served by a federal or state housing program in need of the type and frequency of supportive services characterized herein, as represented in the Application and determined by the Department on a case-by case basis;

The Applicant has stated or implied in numerous places that the Development is Supportive Housing, will serve individuals in need of supportive services and that its service provider, HTHF, has extensive experience in this arena. These include: The Application Cover, Tabs 1, 2, 7, 8, 11, 17, 18, 26, 31, 35, 40, 42 and 48.

To reiterate, the Development will provide supportive services for tenants with specific needs that fall under (i)- (viii) of this subsection, depending on who is referred to the Development through Austin's Coordinated Assessment system as well as any tenant who applied directly to the Development for housing. Predicting exactly who will apply and what their specific needs will be two years in the future is not possible. However, we can confidently state that the Development will serve individuals who are: homeless or at-risk of homelessness; people with physical, intellectual, or developmental disabilities; youth aging out of foster care; people eligible to receive primarily non-medical home or community-based services; people transitioning out of institutionalized care; people unable to secure permanent housing elsewhere due to high barriers; people with Special Housing Needs including households where one or more individuals have alcohol or drug addictions, people who qualify under the Violence Against Women Act Protections, people living with HIV/AIDS, or people who are veterans with a disability. In fact, we have secured 26 vouchers specifically to assist us in serving these populations. Of these, 16 are specifically for Veterans. Exhibit E also demonstrates the populations that HTHF serves at two similar developments in the National CORE portfolio.

The above-mentioned list of members of a household with specific needs are intentionally marked under Tab 17 in the Application because our supportive services will be applicable and intended for persons with *any* of the specifically mentioned needs.

This approach is consistent with other successful applications from 2020, 2021 and 2022.

(D) Supportive services must meet the minimum requirements provided in clauses (i) - (iv) of this subparagraph

- (i) regularly and frequently offered to all residents, primarily on-site;*
- (ii) easily accessible and offered at times that residents are able to use them;*
- (iii) must include readily available resident services or service coordination that either aid in addressing debilitating conditions, or assist residents in securing the skills, assets, and connections needed for independent living; and*
- (iv) a resident may not be required to access supportive services in order to qualify*

for or maintain tenancy in a rent restricted Unit that the household otherwise qualifies for; and

Tab 17 of the Application and the Services Plan in the application to the Austin Housing Authority for vouchers demonstrates that the Development meets all the minimum requirements stated in (i) – (iv) of this subsection. The Development will have staff **on-site** who are dedicated to service provision. This is over and above the property management and facility management teams. There will be a services coordinator who will help arrange services both from Development staff and local area service providers **as well as a** dedicated case manager assigned to provide on-site supportive services to tenants.

These services will be regularly and frequently provided, easily accessible and offered at times that residents are able to use them. Once again, this approach to the Application is consistent with awarded applicants from 2020, 2021 and 2022. Until the Development is built, and the tenant population is in residence, we cannot determine what the exact needs will be. However, another development owned by an affiliate of National CORE, where HTHF provides services, offers services that include:

- Case Management 8-5 pm, Monday through Friday as well as weekend check ins. Case management can be anything from helping a tenant obtain a new id to teaching a tenant on how to access a new bus route or maintain an apartment to accessing benefits such as TANF or Social Security. The purpose is to provide **individualized and specific** service.
- Move in kits for all new move ins.
- Furniture for PSH residents.
- On site food/ essential pantry access.
- Breakfast events paired with wellness/ health education with community partners.

We have compiled excerpts from two HUD Annual Performance reports into Exhibit E. The reports are required by the Continuum of Care/Coordinated Assessment systems and are from the Homeless Management Information System which is the system used to track services for a particular project and geographic area. To participate in such a system, one must be a service provider. There is no way to participate and *not* serve individuals who have experienced homelessness. The reports are for two similar developments operated by the National CORE/HTHF team. Reports for any other supportive housing developments in the National CORE portfolio are available, if desired. These demonstrate that services are provided and the populations served.

(E) Supportive Housing Developments must meet the criteria of either clause (i) or (ii) of this subparagraph

(i) not financed, except for construction financing, or a deferred-forgivable or deferred-payable construction-to-permanent Direct Loan from the Department, with any debt containing foreclosure provisions or debt that contains scheduled or periodic repayment provisions.

Mr. Goldberger
May 29, 2024

OR

(ii) financed with debt that meets feasibility requirements under Subchapter D of this chapter without exemptions and must also be supported by project-based rental or project-based operating subsidies for 25% of the Units evidenced by an executed agreement with an unaffiliated or governmental third party able to make that commitment, and meet all of the criteria in subclauses (I) - (VI) of this clause: . . .

As shown in the Application, the Development meets clause (i) of this subsection. Tab 31, Sources and Uses shows the sources, which include no permanent senior debt that contains foreclosure provisions or scheduled or periodic repayment provisions. Further, Tab 26 and Tab 27 reflect that there is no debt payment projected. Please see Exhibit F. This also is consistent with Applications from previous funding rounds.

(F) Supportive housing Units included in an otherwise non-Supportive Housing Development do not meet the requirements of this definition.

All 104 units proposed in the Application are Supportive Housing Units intended for occupancy by tenants with barriers to housing. Once again, Michael Ruane has certified on behalf of the Application and **under penalty of perjury**, that his statements in the Application are true AND that he understands and will follow the program rules.

Additional Information

We understand your deficiency request is the result of an RFAD presented to the Department on April 24, 2024. We would like to take a moment to address some of the additional claims asserted in that document. These are quoted in blue with a response beneath each quoted item.

Issue #3 The design is flawed and inadequate to meet the requirements of Supportive Housing

We understand and agree with the concept that the housing provided needs to be **designed** to meet the requirements of the QAP and the population to be served. However, few, if any, 9% LIHTC Applicants have a **design** set of drawings available at the time of Application. According to the American Institute of Architects, the 5 phases of a design project are Schematic Design, Design Development, Construction Documents, Bidding, and Construction Administration. Any experienced developer knows that a set of plans provided to TDHCA for 9% Housing Tax Credits are only advanced through Schematic Design, if they are in fact even that far along. It is not feasible to truly **design** a development in the roughly 6 weeks between pre application and full application. The Design Development phase is when a developer and architectural team would decide on items such as where the secure entry will be, exactly what common area uses are appropriate where they may be permanently located. The many amendments TDHCA processes each year due to design changes is likely the best evidence of this.

Mr. Goldberger
May 29, 2024

The plans in the Application meet TDHCA requirements. No additional submittals should be required. However, we would be happy to submit a more detailed plan if warranted.

Issue #4 Services are unclear and not onsite as required

We have described the services to be provided in more detail above. We are unclear as to what evidence the RFAD can find in a schematic set of drawings that proves that services will not be provided on-site. Moreover, a licensed social worker with extensive experience in providing services here in Austin assisted the Applicant with the services budget and confirmed that the budget was adequate to pay for a social worker.

Issue #5 The financial assumptions are not realistic.

The financial assumptions meet the requirements of the QAP and TDHCA Application process. "Realistic" is not a defined term in the QAP.

We believe that the Bailey at Berkman meets the requirements of the 2024 QAP's definition of Supportive Housing to the letter. Further we find the claims in the RFAD to be the spurious articulations of a disgruntled competitor rather than genuine flaws with the Application. We would be happy to provide any clarification or additional information as necessary should you disagree. Thank you for your consideration.

Sincerely,



Sarah Andre
Consultant to the Project

Exhibits:

- Exhibit A – NCRC Board Resolution
- Exhibit B – Pages from Tab 17 of Application & Prior Similar Supportive Housing Applications
- Exhibit C – Evidence from Application of Affiliate Status
- Exhibit D – Evidence of Fundraising – 990 and Donor List
- Exhibit E - Tenant Selection Criteria and Services Evidence
- Exhibit F – Finance Tabs from Application

CC: Cody Campbell

Exhibit A

NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA
a California Nonprofit Public Benefit Corporation

Resolutions of the Executive Committee of the Board of Directors

March 28, 2024

[REDACTED] **PROJECT**

Granting of Authority Regarding Use of Bond Proceeds

WHEREAS, National Community Renaissance of California (the “**Corporation**”) recognizes and strives to meet the diverse needs for housing, social, education and other services of the community at large, and especially low-income residents;

WHEREAS, the Corporation is committed to effectively serving the housing needs of low-income residents by providing safe, decent and affordable housing for persons of very low, low and moderate-income levels;

WHEREAS, the Corporation understands that National Community Renaissance of Texas, Inc., a California nonprofit public benefit corporation (“**NCRT**”) intends to create/form a limited liability company and/or a new limited partnership in which NCRT, or an affiliate thereof, will serve as the managing member and/or general partner respectively (collectively, the “**Project Partnership**”) for the purpose of acquiring an existing affordable housing apartment development located at [REDACTED], Texas [REDACTED] and situated on approximately [REDACTED] gross acres (together, the development and land are referred to herein as the “**Project**”);

WHEREAS, the Corporation also understands that NCRT intends to acquire, directly or through the Project Partnership, the Project from [REDACTED] for the purchase price of [REDACTED]; and

WHEREAS, the Committee has been presented with a proposal to utilize bond proceeds in an amount not to exceed eleven million dollars (\$11,000,00), through an intercompany loan to NCRT and/or the Project Partnership, to cover acquisition-related expenses relating to the Project, with the interest rate not exceed the prime rate and other terms of the loan/arrangement to be determined at a later date (the “**Intercompany Loan**”).

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Committee hereby approves and authorizes the Corporation to utilize bond proceeds to make the Intercompany Loan;

RESOLVED FURTHER, that the Committee hereby approves and authorizes, Michael Ruane, acting in his capacity as President, Michael Finn, acting in his capacity as the Chief Financial Officer, and Robert Diaz, acting in his capacities as Executive Vice President and General Counsel, each an “**Authorized Representative**” and each acting individually on behalf of the Corporation, to enter into, execute, and deliver any and all agreements, applications, filings, instruments, certificates, and other documents, including, without limitation, partnership agreements, loan agreements, evidence of liens or other encumbrances related thereto, deeds of trust and/or escrow instructions, each as management may deem necessary or appropriate to carry into effect the full purposes and intent of the above resolutions;

RESOLVED FURTHER, that each Authorized Representative, or their designee, is hereby authorized and directed to do and perform any and all such other acts as any Authorized Representative shall deem necessary or advisable to carryout the purposes and intent of the foregoing resolutions so long as the Authorized Representative deems such differing terms to be not materially less advantageous than those described in the foregoing resolutions;

RESOLVED FURTHER, that any Authorized Representative, or their designee, is hereby authorized and directed to submit evidence of these resolutions to any interested third party in any format required by such third party and/or with any such similar language such third party may request so long as such required format or language does not include authorizations or approvals substantially different than what has been authorized and/or approved herein; and

RESOLVED FURTHER, that these resolutions shall take effect immediately upon their passage.

GENERAL AUTHORIZATIONS

In support of all of the above resolutions, BE IT:

RESOLVED FURTHER, that the execution of any such agreements, applications, instruments, certificates, and other documents (as noted in any and/or all of the above resolutions) by the Corporation's Authorized Representatives, or their designees, shall evidence conclusively the approval thereof by the Corporation;

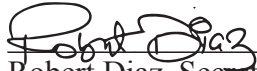
RESOLVED FURTHER, that all acts, actions, or agreements undertaken prior to the adoption of these resolutions by the Corporation or any of its representatives in connection with matters of the type set forth in the foregoing resolutions are hereby ratified, confirmed, adopted, and approved by the Corporation as the acts and deeds of the Corporation; and

RESOLVED FURTHER, that the foregoing resolutions are intended to be and may be relied upon by any person or entity involved in any one or more of the actions comprising the above-described transactions.

CERTIFICATE OF THE SECRETARY

The undersigned, Secretary of National Community Renaissance of California, a California nonprofit public benefit corporation (the “**Corporation**”), does hereby certify and declare that the foregoing is a full, true and correct copy of the resolutions duly passed and adopted by the Executive Committee of the Board of Directors of the Corporation at a meeting of said Executive Committee duly and regularly called, noticed and held, and at which a quorum of the Executive Committee was present, on March 28, 2024; that there is no provision in the Articles of Incorporation or the Bylaws of the Corporation limiting the powers of the Executive Committee to pass the foregoing resolutions and that such resolutions are in conformity with the provisions of the Articles of Incorporation and the Bylaws of the Corporation; and that said resolutions have not been amended, modified, repealed or rescinded since the date of adoption and are in full force and effect as of the date hereof.

DATE: March 28, 2024



Robert Diaz, Secretary
National Community Renaissance of California

Exhibit B

Development Narrative

1. The proposed Development is: (Check all that apply)

New Construction

and/or:

4% or 9% HTC Adaptive Reuse: select New Construction here and Adaptive Reuse in next box. MFDL: select New Construction or Rehab here and Adaptive Reuse in the next.

NOTE: If "Adaptive Reuse", review 10 TAC §11.1(d)(1) to ensure compliance.

Previous TDHCA #

na

If Acquisition/Rehab or Rehab, original construction year:

If Reconstruction:

Units Demolished

Units Reconstructed

If Additional Phase:

Development Name:

Application Number

2. The Target Population will be:

Supportive Housing

NOTE: If "Elderly Development", review 10 TAC §11.1(d)(47) to ensure compliance.

If Elderly is selected (10 TAC §11.1(d)(47)):

- ☐ Development meets the requirements of the Housing for Older Persons Act under the Fair Housing Act.
- ☐ Development receives federal funding that has a requirement for a preference or limitation for elderly persons or households, but must accept qualified households with children.
Selection is based on funding from (Include citation)
- ☐ Development will receive other funding that has a requirement for a preference or limitation with regard to the population(s) served. If so, please explain in the box below.

Certification for Supportive Housing Applications

If Supportive Housing is selected (10 TAC §11.1(d)(125)), the Applicant or General Partner confirms that:

- ☒ The proposed Development is intended for and targets occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living.
- ☒ Supportive services are tailored for members of a household with specific non-medical needs (select all that apply):
 - ☒ Homeless or Persons at-risk of homelessness
 - ☒ Persons with physical, intellectual, and/or developmental disabilities
 - ☒ Youth aging out of foster care
 - ☒ Persons eligible to receive primarily non-medical home or community-based services
 - ☒ Persons transitioning out of institutionalized care
 - ☒ Persons unable to secure permanent housing elsewhere due to high barriers
 - ☒ Persons with Special Housing Needs (alcohol or drug addictions, VAWA protections, HIV/AIDS, Veterans with Disabilities)
 - ☐ Other target populations that are served by a federal or state housing program (provide documentation behind this Tab)

Describe:

- ☒ Services will be provided by the Applicant or an Affiliate of the Applicant.
- ☐ Services will be provided by a Third Party provider and evidence that the provider has at least a three-year record of providing substantive services similar to those proposed in the subject Application in residential settings is provided behind this Tab.
- ☒ Supportive services will meet the minimum requirements provided in clauses (i)–(iv) of §11.1(d)(125)(D) of the Qualified Allocation Plan.

- ☒ Documentation that the Applicant or General Partner has secured or will secure sufficient funds necessary to maintain the Supportive Housing Development's operations throughout the entire Affordability Period is included behind this Tab.
- ☒ Evidence of the Applicant's or General Partner's history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses is included behind this Tab.
- ☒ Behind this tab, the Applicant or General Partner provides a fully executed guaranty agreement whereby the Applicant or its Affiliate assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period.
- ☒ Development will comply with the Tenant Selection Criteria requirements at §11.1(d)(125)(B)(v)
- ☒ Development financing meets all requirements of 10 TAC §11.1(d)(125)(E)(i)
- ☒ Development financing meets the requirements of 10 TAC §11.1(d)(125)(E)(ii) and Development will include:
 - ☐ Evidence of project-based rental or operating subsidies for a minimum of 25% of Units;
 - ☐ Documentation of how resident feedback has been incorporated into Development design;
 - ☐ Evidence that the Development is located less than ½ mile from regularly-scheduled public transportation, including evening and weekend service;
 - ☐ Evidence that at least 10% of the Units in the proposed Development meet the 2010 ADA standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" 79 Federal Register 29671 for persons with mobility impairments;
 - ☐ Multiple systems will be in place for residents to provide feedback to Development staff;
 - ☐ The Development will have a comprehensive written eviction prevention policy that includes an appeal process; and
 - ☐ The Development will have a comprehensive written services plan that describes the available services, identifying whether they are provided directly or through referral linkages, by whom, and in what location and during what days and hours. A copy of the services plan will be readily accessible to residents.

3. Staff Determinations or Waivers Previously Approved

- ☐ If a determination under 10 TAC §11.1(l) was made prior to Application submission, provide a copy of such determination behind this tab. If a waiver was previously approved by the Board, provide a copy of the Board write-up behind this tab.

4. Narrative

- ☒ The Development will not provide continual or frequent nursing, medical or psychiatric services to the residents.
- ☒ The Development does not violate the general public use requirement of Treasury Regulation §1.42-9 regarding units for use by the general public.
 - ☐ The Development does violate TR 1.42-9 and the Application includes a private letter ruling (PLR).
 - ☐ Development financing includes a funding source that specifically allows for the intended Target Population. A copy of that funding sources' authority to target the intended population is included behind this tab.
- ☒ Development does not violate the Department's Integrated Housing Rule under 10 TAC §1.15 regarding restricting occupancy to persons with disabilities or in combination with other populations with special needs.

Briefly describe the proposed Development, including any relevant information not already identified above. If Adaptive Reuse, or Scattered Site, or if any of the three main boxes above are not checked, include detailed information below.

The proposed development is a new construction Supportive Housing development in Austin. There will be 104 units in one 4-story elevator-served building. The unit mix includes 104 efficiency units. The community space will be located within the building. The site currently has a vacant house on it that will be demolished. The site is currently being rezoned by the land seller. The development will qualify for Austin's Affordability Unlocked program which will allow for an exemption from any parking requirements as well as various exemptions to the zoning requirements. We will only have soft (non forecloseable) debt on the project and will secure all funds necessary to maintain the Supportive Housing Development's operations throughout the affordability period. More information on the Applicant and its supportive services partner are attached behind this tab.

If a revised form is submitted, date of submission: _____

5. Funding Request:

Complete the table below to describe this Application's funding request. If applying for Multifamily Direct Loan funds, please select only one type of loan. ****NOTE: For Tax-Exempt Bond Developments, pursuant to §11.201(2), if at the time of Application submission, other Department funding (i.e. MFDL or HOME-ARP) is over-subscribed, the submitted Application CANNOT include a request for such funds.****

Department Funds applying for with this Application	Source of Funds	Requested Amount	If funds will be in the form of a Direct Loan or Private Activity Bonds by the Department, the terms will be:		
			Interest Rate (%)	Amortization (Years)	Permanent Term (Years)
Choose a Dropdown			2.00%		
Choose a Dropdown					
HOME-ARP Nonprofit Operating Cost and/or Capacity Building Assistance	\$	-			
HOME-ARP Capitalized Operating Cost Assistance	\$	-			
Housing Tax Credits	\$	2,000,000			
Private Activity Bonds (TDHCA Issuer Only)					
CHDO Operating Expenses Grant					

6. Set-Aside (For Competitive HTC (10 TAC §11.5) and/or Multifamily Direct Loan (10 TAC §13.4(a)) Applications Only)

Identify any and all set-asides the application will be applying under with an "x".

Set-Asides cannot be added or dropped from pre-application to full Application for Competitive HTC Applications.

High-Quality Pre-Kindergarten

☐ Application elects to provide a High-Quality Pre-Kindergarten (HQ Pre-K)

Competitive HTC				Multifamily Direct Loan	
Select Set-Aside if applicable				Enter NOFA and Set-Aside	
At-Risk		Nonprofit		Enter NOFA	Enter Set-Aside
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Selections for At-Risk and USDA are independent of each other. Only select both if both apply.				HOME ARP	
				Enter NOFA	Enter Set-Aside

7. Previously Awarded State and Federal Funding

Has this site/activity previously applied for TDHCA funds?

No

Has this site/activity previously received TDHCA funds?

No

If "Yes" Enter Project Number:

na

and TDHCA funding source (4%, 9%, MFDL, et

Has this site/activity previously received non-TDHCA federal funding?

No

If yes, source:

Will this site/activity receive non-TDHCA federal funding for costs described in this Application?

No

8. Qualified Low Income Housing Development Election (HTC Applications only)

Pursuant to §42(g)(1)(A) - (C), the term "qualified low income housing development" means any project for residential rental property, if the Development meets one of the requirements below, whichever is elected by the taxpayer. Once an election is made, it is irrevocable. Select only one:

☐ At least 20% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 50% or less of the area median gross income, adjusted for family size.

☒ At least 40% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 60% or less of the median gross income, adjusted for family size.

☐ Applicant elects to use the Average Income for the Development.

9. For Rehabilitation (excluding Reconstruction) and Adaptive Reuse Tax-Exempt Bond Developments that do not include a request for Direct Loan or where the Department is not the bond issuer, a Scope and Cost Review is not required. However, the application must include a Scope of Work Narrative as described in §11.306(k) of the QAP. (note: Rehabilitation Developments funded by the national Housing Trust Fund are required to meet the Multifamily Minimum Rehabilitation Standards approved by HUD, as posted on the Department's website at <https://www.tdhca.state.tx.us/multifamily/home/index.htm>, in addition to the Department's rules and NOFA requirements.)

If a revised form is submitted, date of submission:

DEVELOPMENT NARRATIVE - THE BAILEY AT BERKMAN – AUSTIN, TX

Overview

The Bailey at Berkman is a proposed new construction development with 104 units of Supportive Housing that will provide high-quality housing paired with voluntary, wrap-around services for Austin's most housing-fragile. The General Partner and its affiliate entity, National Community Renaissance (National CORE) are well positioned to make this development a reality. For more than 30 years, National CORE has been a thought leader and pioneer in developing sustainable models that leverage community resources in a unique combination of quality developments paired with life-enhancing social services. Headquartered in Rancho Cucamonga (California) and with experienced staff based in California, Texas and Florida, National CORE was established in 1992 as a 501(c)(3) nonprofit public benefit corporation, to assist local governments by providing affordable housing.

Partnering with local governments and housing authorities, National CORE has grown to be the nation's third largest nonprofit affordable housing developer, serving more than 30,000 residents in nearly 10,000 units in over 100 developments. The owner entity for this project - National Community Renaissance of Texas, Inc. (NCRT) is an affiliate of National CORE and was founded in 2003 to extend the work of National CORE into Texas. NCRT will be the manager of the General Partner as well as the majority Developer for this project. NCRT will harness the experience of National CORE to bring outstanding supportive housing to the Texas market.

National CORE aims to build foundations in challenged neighborhoods to improve social service and educational needs as well as provide a range of community development gaps that are essential to long-term personal and community growth. Unlike traditional community redevelopment concepts, which focus mainly on physical infrastructure and some economic development, National CORE mainly focuses on the long-term transformational impact on people and neighborhoods. CORE has built a reputation for taking on the toughest projects under the toughest of circumstances, while working closely with local governments, the business community, residents, neighbors, and other stakeholders.

Supportive Housing Development Experience

National CORE has developed, owns, operates, and manages 12 special needs and PSH (Permanent Supportive Housing) apartment home communities, encompassing a total of 199 units. These communities are integrated with supportive housing homes for people experiencing homelessness. Additionally, National CORE has agreements in place with several cities to create 491 additional PSH units in the development pipeline. The special needs residents include seniors, children, youth aging out of foster care, adults, and families with and without severe mental illness. For example, National CORE has apartment homes funded with Mental Health Service Act resources in collaboration with the Corporation for Supportive Housing and 3rd party full-service providers to build a system where access is easier, services are more effective, out-of-home and institutional care are reduced, and stigma toward those with mental illness or serious emotional disturbance no longer exists.

About the Community:

Bailey at Berkman will be a four-story, wood-frame, elevator-served building that will be designed with comfort and safety in mind for those who have experienced long-term trauma, violence, and homelessness. The building will feature secured and separated entries. The design is trauma-informed and guided by CORE's extensive experience with the individuals and families they serve. Durability and

long-term ownership will be key goals in mind with the selection of finishes and surfaces.

Features of The Bailey at Berkman include:

- 104 efficiency apartment units
- Community spaces include an indoor resident lounge, meeting rooms, support service staff offices, laundry, business center, and a secure/controlled-access reception area.
- Trauma informed design appropriate for the target population featuring natural light and warm, tranquil finishes.
- Supportive services provided by the Hope Through Housing Foundation – including counseling, advocacy, case management, peer support, life skills, parenting support, education enhancement and disability services.

Target Population:

Bailey at Berkman will target individuals and small families in need of specialized and specific non-medical services in order to maintain housing. The property will serve persons transitioning out of homelessness, persons at-risk of homelessness, persons with physical, intellectual, and/or developmental disabilities, youth aging out of foster care, persons unable to secure permanent housing elsewhere due to various barriers, and persons with special housing needs including Violence Against Women Act Protections (domestic violence, dating violence, sexual assault, and stalking).

Location:

The Bailey at Berkman is in an area with good access to general services, including high frequency transit, bike lanes and contiguous sidewalk access. As the enclosed maps indicate, transit along Berkman provides access to nearby grocery stores, a pharmacy, health care services, everyday retail, schools, and major job centers, including Downtown Austin.

Service Provider Track Record and Supportive Services:

The Hope Through Housing Foundation (Hope Through Housing) will be the supportive service provider for Bailey at Berkman. In 1992, the Hope Through Housing Foundation was established to empower residents of National CORE's multifamily communities. Hope Through Housing is a 32-year-old non-profit dedicated to breaking the cycle of generational poverty by implementing programs that empower individuals and change communities. Hope Through Housing's goal is to deliver services and support to low-income residents aimed at Building Bright Futures, creating Pathways to Economic Empowerment, and building Connections to Care for seniors. Hope Through Housing aims to deliver and coordinate community services for residents that are designed to help them stabilize their lives, pursue new economic and social opportunities, and achieve better quality of life not only through affordable housing but through social connections, services, and systems that help residents and communities thrive.

In 2022, Hope Through Housing provided direct services to thousands of residents. Some of the key achievements include:

- 572 youth enrolled in afterschool, teen and mentoring programs

- 720 residents received economic mobility coaching and/or financial education
- 796 residents received assistance applying for health and financial benefits and entitlements
- Thousands of residents received assistance applying for and receiving emergency rental assistance – totaling \$7.6 million in debt relief
- 5,160 residents participated in health and wellness activities
- 949 wellness checks provided to seniors and families
- 2,000 backpacks and school supplies distributed to children.

Hope Through Housing's service philosophy is rooted in a strength-based approach that encourages and supports choice, empowerment and focusing on assets of the individual – a model that has proven successful in recovery, fostering resiliency and the promotion of wellness. All programming is designed with the influence of a set of core best practices working with vulnerable populations. Hope Through Housing focuses on four primary goals:

(1) Preparing At-Risk Youth for Future Self-Sufficiency by improving educational and social outcomes for disadvantaged children and teens. Offered to residents and the greater community, our youth programming encourages family engagement in children's education, promotes social-emotional competence, and youth academic success. Through a combination of preschool, after-school and teen programming, Hope Through Housing serves elementary through high school students incorporating role modeling with homework help, character development, exercise, nutrition education, and career exposure.

(2) Creating Economic Mobility for Families by improving financial and social well-being. Hope Through Housing helps residents make the most of limited income, increase earning potential and employment status and begin regular habits of saving and building assets through financial literacy, benefits access, workforce development, and homeownership education. Training topics often include banking basics, money management, credit, savings, and first-time homeownership. Demonstrated outcomes including increased income, decreased debt, improved credit scores, increased savings, and first-time homeownership.

(3) Building Senior Health and Wellness and empowering seniors to age in place with dignity. Focused on our senior residents, Hope Through Housing promotes independent living for aging and disabled adults through services that address basic needs, physical and mental health, and social connectedness. Resource connections include healthcare access, nutritional food sufficiency programs, rental and housing assistance, utility assistance, transportation, financial literacy, benefits access, and safety education.

(4) Fostering and stabilizing the lives of the formerly homeless and special populations by empowering vulnerable populations, focusing on the individual, honoring personal choice, and applying proven models for recovery, resiliency and overall well-being for residents living within Permanent Supportive Housing.

Service Strategy for Bailey at Berkman:

Hope Through Housing has a strong model and lengthy track-record for delivering a customized mix of services to meet the needs of a diverse population of low-income families living within affordable

housing and surrounding neighborhoods. By building relationships and assessing the individual needs of residents within each property, Hope Through Housing will craft a unique property service plan that outlines the needs and planned services to help residents improve their well-being and independence. To provide top-tier quality to our residents, Hope Through Housing delivers services through a combination of direct programming, contracted services with local experts, and strategic partnerships with an extensive network of nonprofits, governmental entities, and businesses. Hope Through Housing relies on a dedicated team of professional services coordinators who are each responsible for providing a rich mix of health and social service resource coordination and activities within a given portfolio of properties.

Using this approach, Hope Through Housing staff will maintain a unique and comprehensive written services plan for Bailey at Berkman that is made available to all tenants. The plan will describe the available services and identify whether each service is provided directly by Hope Through Housing or through other local providers and describe where the services are provided as well as on what days and times.

The Hope Through Housing Foundation will be the lead service coordinator for Bailey at Berkman. Hope Through Housing will have both an on-site Residential Services Coordinator (RSC) providing general services to all residents, **as well as a specialized Permanent Supportive Housing Case Manager to oversee the delivery of social and supportive services to those with the highest level of need.**

The RSC will be responsible for implementing resident surveying and feedback within the coordination of onsite services for all residents. The RSC will also work with any partnering providers to identify resident service needs; leverage efforts across entities and assist with referrals for residents; coordinate schedules, program the community service/service space, manage volunteers and personnel for any third-party services providers; organize recreational and community building activities, educational activities, and support groups; and maintain statistics on participation in activities. The RSC will act as a liaison between the partnering providers and the property management staff ongoing to ensure all residents are receiving the supports, they require to be successful and actively participate in the ongoing coordination meetings. In addition, Hope Through Housing will be dynamic and responsive based on the review of data for basic service needs, barriers, and resident suggestions ongoing collected via resident voluntary surveying to ensure a thriving supportive environment.

3-Tiered Approach:

Hope Through Housing will provide services under all tiers below where we strive to ensure consistent, top-quality services are provided to PSH and special populations on each of our properties.

Service Intervention Tiers*	Description
Tier 1: On-site activities & resources	Hope Through Housing Coordinators take charge of building a sense of “community” by reducing resident's tendency to isolate and encourage networking among residents/use of natural supports. On site resources like social events, food banks, basic resource information and themed events are organized long term for all residents on site.

Tier 2: Short Term or “as-needed” Case Management Services	This tier includes all activities in Tier 1 with the enhanced element of 1:1 case management support that is accessed on an “as-needed” basis that will last as long as needed. This can include such things as assistance with reinstating benefits, development of a budget (including savings goal planning), housing retention planning (mitigating tenancy issues) and support with connecting with outside services requiring follow up. Note: this may be with a resident who has ceased a relationship with a previous provider due to personal choice; HTHF will step in support them and help them reengage when appropriate with past provider or another provider that meets their needs.
Tier 3: Intensive Case Management/Permanent Supportive Housing	The Hope Through Housing Case Management Team will provide an array of supportive services to residents at our contracted sites. The assigned Case Manager customizes the supports provided to the individual’s needs and creates an Individualized Service Plan (ISP). The ISP is shaped by HUD’s core areas of focus which include: 1) housing, 2) benefits/income and 3) additional self-determination f goals. These self-determination goals may include therapy, development of a support network, and/or going to school, for example. For residents accessing this level of support, the case managers maintain client charts according to agency policy and in compliance with HUD and other reporting mandates.

Financial Capability and Fundraising:

National Community Renaissance of Texas, Inc. and National CORE have robust financial statements and significant capacity to raise funds for their developments. For 2023, National CORE’s un audited financial statements show has assets in excess of \$664 Million with cash and cash equivalents of more than \$28 Million. Audited Statements for 2021, showed cash and cash equivalents of more than \$23 Million for National Core alone. When adding Housing affiliates, that figure jumped to more than \$41 Million.

HTHF has an established base of funding partners and a successful track record of securing a diverse pool of funds. HTHF works to actively expand its roster of funders each year through a combination of private and public grants and donations from private foundations, corporations, and individuals. HTHF's experienced philanthropy team works to pursue new partners and opportunities from different industries, regions, and sectors to expand the depth of our programming each year.

In 2023, HTHF had a \$7.4M organizational operating budget which was comprised of \$2.8M in philanthropic dollars from special events, grants, and individual donations, as well as \$3.2M in governmental grants/supportive services program fees. In addition to HTHF’s established philanthropic endeavors, we have built a strong footprint in our communities, gaining support from local businesses, service providers, government, churches, and other nonprofit organizations. We have a dedicated board of directors that actively contributes their time, talent, and treasure to the success of the organization. HTHF has over \$5.7M in total assets with strong balances in both cash and investments. These funds are sufficient to maintain the service operations for the project for the duration of the affordability period.

Based on the income streams mentioned above, the General Partner and its partners have the financial capacity to infuse additional capital to ensure that operating expenses, debt service and/or

cash flow, and supportive services are fully funded for Bailey at Berkman throughout the Affordability Period.

Organizational Structure and Project Team:

National Community Renaissance of Texas, Inc. (NCRT) is a 501(c)(3) nonprofit organization that will serve as majority owner and manager of the General Partner of the Applicant and Owner – Bailey at Berkman, LP. NCRT is an affiliate of National Community Renaissance (National CORE) which will provide property management to the site. The Hope Through Housing Foundation is the sister non-profit and supportive service provider to National Community Renaissance. NCRT has partnered with Diva Imaging LLC, a local Austin developer of affordable and mixed-income housing to serve as the HUB Partner and Co-Developer.

There will be an MOU between the Owner, Bailey at Berkman LP and Hope Through Housing for Service Provision. Similarly, Bailey at Berkman LP and National CORE will enter into a contract for property management.

GUARANTY AGREEMENT

This Guaranty Agreement is made and entered into on February 21st, 2024 by National Community Renaissance of Texas, Inc. a CA non-profit corporation ("**Guarantor**"), to and for the benefit of Bailey at Berkman LP ("**Owner**").

Recitals:

A. Guarantor is an Affiliate (as such term is defined in the 2024 Qualified Allocation Plan of the Texas Department of Housing and Community Affairs, 10 TAC §11.1 et. seq.) of the Owner.

B. Owner proposes to develop Bailey at Berkman in Austin, Texas (the "**Development**") as a supportive housing property.

C. Owner is applying for tax credit funding (the "**Funding**") from the Texas Department of Housing and Community Affairs ("**TDHCA**") for construction of the Development. Receipt of the Funding would require Owner to maintain affordability and services at the Development for a certain period of time (the "**Affordability Period**").

D. Guarantor has agreed to provide Owner with funds as necessary to pay any operating deficits experienced by Owner during the Affordability Period.

Agreement:

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Guarantor hereby agrees as follows:

1. Guarantor unconditionally and absolutely guarantees the full and prompt payment to Owner of all amounts necessary to pay any operating deficits experienced by the Development (the "**Guaranty Obligation**").

2. With respect to the Guaranty Obligation, Guarantor waives diligence, presentment, protest, notice of dishonor, demand for payment, extension of time of payment, notice of acceptance of the Guaranty, non-payment at maturity and indulgences and notices of every kind, and consents to any and all forbearances and extensions of the time of payment; it being the intention hereof that Guarantor shall remain liable for the Guaranty Obligation during the Affordability Period.

3. Guarantor agrees that in the event this Guaranty is placed in the hands of an attorney for enforcement, Guarantor will reimburse Owner for all expenses incurred, including reasonable attorneys' fees.

4. Guarantor agrees that this Guaranty shall inure to the benefit of and may be enforced by Owner, and its permitted successors, and shall be binding upon and enforceable against Guarantor and Guarantor's successors and assigns. If the Funding is received, TDHCA shall be a third party beneficiary of this Guaranty, with rights of enforcement.

5. This Guaranty shall continue in full force and effect until termination of the Affordability Period.

6. This Guaranty shall be governed by the laws of the State of Texas and venue for any judicial proceedings with respect to this Guaranty shall lie in Travis County, Texas.

GUARANTOR:

National Community Renaissance of
Texas, Inc.

By: 
Name: Michael Ruane
Title: President



Bailey at Berkman

Tenant Selection Plan

6405 Berkman Dr., Austin, 78723

PROJECT OVERVIEW

Bailey at Berkman is a new construction development that will be located at 6405 Berkman Dr, Austin, TX 78723. The target population under the Texas Department of Housing's Guidelines will be Supportive Housing. This location is in Census Tract 48453002112 and the Windsor Park Neighborhood. It meets the following of the City's preference criteria for a Resolution of Support:

1. The development is located in a Displacement Risk area, according to the Project Connect Displacement Risk Maps.
2. No fewer than 25% of the units in the development are dedicated to the Continuum of Care, as confirmed by an executed MOU with ECHO.

Bailey at Berkman will be located near numerous amenities. The site is not only 203 feet from a bus stop that serves a high frequency transit route, but it is also within a half-mile of its zoned elementary, a public library, a park, and a grocery store. A variety of retail establishments, and restaurants are also in close proximity to the site.

There will be a total of 104 units in a configuration of all efficiency units along with amenities commensurate with other 9% LIHTC developments. The unit mix is provided in the summary table.

NOTICE

Please take notice that the Community for which this Plan has been drafted has multiple State, County, City and other affordable housing funding programs ("Affordable Housing Programs") associated with its financing and operations. Accordingly, each and all of such Affordable Housing Programs have extensive tenant selection criteria that will be used to screen and select tenants at the Community. The specific details of each and every Affordable Housing Program, or its statutes, rules and regulations, cannot be set forth in this Plan; therefore, applicants are hereby informed that this Plan presents only a general outline of the tenant selection criteria and process and should not be read, interpreted, or relied upon as having set forth the entire criteria or process that an applicant must meet or undertake in order to become a qualified tenant at the Community. Applicants may be asked for additional information and be required to verify factual assertions that are not found in this Plan; but are associated with one or more of the Affordable Housing Programs related to the Community. This document is not intended to be an exhaustive, all inclusive, selection plan that addresses every criterion or process by which an applicant or tenant may be selected. PSH Applicants will have to meet the criteria for all Affordable Housing



Program eligibility and be verified to be low income, homeless, households earning 30% or less of the then currently applicable area median income ("AMI") for Travis County.

INTRODUCTION

This Tenant Selection Plan (this "Plan") outlines the general tenant selection criteria and general application procedures that will be followed in selecting tenants for the apartment community described below. Management is responsible for implementing these procedures.

COMMUNITY DESCRIPTION

17) Target Population

Supportive Housing (COC)

18) Summary of Rental Units by MFI Level

Income Level	Efficiency	One Bedroom	Two Bedroom	Three Bedroom Unit	Four (+) Bedroom	Total
Up to 20% MFI						0
Up to 30% MFI	21					21
Up to 40% MFI						0
Up to 50% MFI	63					63
Up to 60% MFI	20					20
Up to 70% MFI						0
Up to 80% MFI						0
Up to 120% MFI						0
No Restrictions						0
Total Units	104	0	0	0	0	104

FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS NON-DISCRIMINATION

It is the policy of Bailey at Berkman to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted. Bailey at Berkman will not discriminate on the basis of race, color, sex, religion, age, disability, national origin, marital status, sexual orientation, ancestry, source of income, medical condition, or any other arbitrary basis in the leasing, rental, or other disposition of housing or related facilities, or in the use or occupancy thereof. In addition, Bailey at Berkman will not:

- Deny to any applicant the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to his/her needs;
- Provide housing which is different from that provided others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services; or
- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.



Bailey at Berkman shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

SECTION 504 OF THE REHABILITATION ACT OF 1973

It is the policy of Bailey at Berkman to assure that qualified individuals with handicaps or disabilities are not discriminated against on the basis of their handicap or disability. Bailey at Berkman also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at Bailey at Berkman . In order to comply with Section 8.27 of Section 504 of the Rehabilitation Act of 1973, landlords must first lease vacant accessible units to current occupants requiring the accessibility features of the vacant unit and occupying a unit not having such features. If no such occupant exists, the unit would be leased to an eligible qualified applicant on the waiting list who requires the accessibility features of the vacant unit. When offering an accessible unit to an applicant not having handicaps requiring the accessibility features of the unit, the landlord must require the applicant to agree to move to a non-accessible unit when available.

PSH TENANT SELECTION

The target PSH residents will be drawn from the Coordinated Entry System ("CES") (ECHO) in Travis County, which provides a collaborative county-wide platform for housing and service delivery to homeless individuals. Information entered into HMIS will assist in generating referrals through the CES to National CORE. When vacancies become available to be filled by CES eligible individuals, the County will forward appropriate referrals to National CORE's property management team for Bailey at Berkman . The Case Manager ("CM") will receive the referral and begin the engagement process and assist in determining resident eligibility, with services leading up to lease signing and move in.

REASONABLE MODIFICATIONS

Bailey at Berkman will allow reasonable modifications to individual units or common areas when requested by applicants and residents with disabilities. If considered reasonable by Bailey at Berkman , these modifications will be made at the property's expense. If deemed to be unreasonable, an active dialogue will be opened between Bailey at Berkman and the disabled applicant or resident to find a mutually agreeable solution.

REASONABLE ACCOMMODATIONS

Bailey at Berkman will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, Bailey at Berkman will make reasonable accommodation for individuals with handicaps or disabilities (applicants or residents). Bailey at Berkman will make reasonable adjustments to rules, policies, and services in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common area of dwelling, or to participate in or have access to other activities conducted or sponsored by Bailey at Berkman . In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals with disabilities, Bailey at Berkman are not required to:

- Make structural alterations that require the removal or altering of a load-bearing structural member;
- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or service;
- Take any action that would result in an undue financial and administrative burden on Bailey at Berkman,



COORDINATED ENTRY

No wrong door

Our community's Coordinated Entry (CE) System provides a single entry point for people experiencing homelessness to connect to housing and other resources they want and need to end their homelessness. **No matter which service provider someone contacts, they're connected to our entire network of housing and supportive service providers.**

Get Help

Find Housing & Other Resources

CLICK HERE



COORDINATED ENTRY

Overview



Coordinated Entry (CE) is the way unhoused people in our community get connected to housing and other resources they want and need to end their homelessness. It's a network of dozens of organizations across Austin and Travis County who coordinate services to create a community-wide Homelessness Response System (HRS). The U.S. Department of Housing and Urban Development (HUD) requires that communities use CE if they receive [Continuum of Care Program](#) funding.

The purpose is to eliminate the need for someone to go from agency to agency to sign up for services. Instead, you can go to any agency that uses CE and get connected to every agency that uses it at the same time. CE helps determine which kinds of programs someone is eligible for, their housing preferences, and next steps while they're waiting to be contacted by a housing program.

The most well-known part of the CE process is the Coordinated Assessment (CA), but the two are not the same thing. There are several other core components (see below) that make a coordinated system possible. The CA is simply the way most people get connected to our HRS because it's the only way to apply for the 20 housing programs that use CE.

[Learn more about the CA](#)[Click here](#) 

Core Components



Coordinated Assessment



Outreach and Navigation



System Training and Development



Health Care and Housing



Referral Coordination and Accountability



In addition to matching households to available community programs, our Coordinated Entry system establishes procedures to ensure individuals can access the services they qualify for. ECHO works with local providers to monitor an individual's progress through the Homelessness Response System, and ongoing accountability processes make sure programs are meeting the needs of their clients.


Austin Prioritization Assessment Tool (APAT)




Become a Community Assessor



Policies, Procedures, & Written Standards

[Click here](#) 

Documents & Forms

[Click here](#) [GET HELP](#)[GET INVOLVED](#)



DONATE



210 Barton Springs Rd., Ste. 400, Austin, TX 78704

[Contact Us](#)

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- [PRIVACY POLICY](#)

SITE BY [BOUND BY](#)

Community members with disabilities that limit their ability to access this website may contact ECHO to request and arrange for accommodations. Please [email us for assistance](#).

Excerpted from Application 20002 Armadillo Studios

Armadillo Studios

TDHCA # 20002

Tab 17

Dev. Narr.



Development Narrative

1. The proposed Development is: *(Check all that apply)*

☒ **New Construction**

(adaptive reuse select New Construction here and adaptive reuse in next box)

and/or:

☐ **Adaptive Reuse**
NOTE: Definition of "Adaptive Reuse" has changed. Review 10 TAC §11.1(d)(1) to ensure compliance.

Previous TDHCA #

If Acquisition/Rehab or Rehab, original construction year:

If Reconstruction,

Units Demolished

Units Reconstructed

2. The Target Population will be:

☒ **Supportive Housing**

NOTE: If "Elderly Development", review 10 TAC §11.1(d)(47) to ensure compliance.

If Elderly is selected (10 TAC §11.1(d)(47)):

☒ **n/a**

Development meets the requirements of the Housing for Older Persons Act under the Fair Housing Act.

☒ **n/a**

Development receives federal funding that has a requirement for a preference or limitation for elderly persons or households, but must accept qualified households with children.

Selection is based on funding from (select from list):

☒ **n/a**

Development will receive other funding that has a requirement for a preference or limitation with regard to the population(s) served. If so, please explain in the box below.

Certification for Supportive Housing Applications

If Supportive Housing is selected (10 TAC §11.1(d)(122)), the Applicant or General Partner confirms that:

☒ **X**

The proposed Development is intended for and targets occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living.

☒ **X**

Supportive services are tailored for members of a household with specific non-medical needs (select all that apply):

☒ **X**

Homeless or Persons at-risk of homelessness

☒ **X**

Persons with physical, intellectual, and/or developmental disabilities

☒ **X**

Youth aging out of foster care

☒ **X**

Persons eligible to receive primarily non-medical home or community-based services

☒ **X**

Persons transitioning out of institutionalized care

☒ **X**

Persons unable to secure permanent housing elsewhere due to high barriers

☒ **X**

Persons with Special Housing Needs (alcohol and/or drug addictions, VAWA protections, HIV/AIDS, Veterans with Disabilities)

☐ **Other target populations that are served by a federal or state housing program (provide documentation behind this Tab)**

Describe:

☒ **X**

Services will be provided by the Applicant or an Affiliate of the Applicant.

☐ **Other**

Services will be provided by a Third Party provider and evidence that the provider has at least a three-year record of providing substantive services similar to those proposed in the subject Application in residential settings is provided behind this Tab.

- ☒ Supportive services will meet the minimum requirements provided in clauses (i) –(iv) of §11.1(d)(122)(D) of the Qualified Allocation Plan.
- ☒ Documentation that the Applicant or General Partner has secured or will secure sufficient funds necessary to maintain the Supportive Housing Development's operations throughout the entire Affordability Period is included behind this Tab.
- ☒ Evidence of the Applicant's or General Partner's history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses is included behind this Tab.
- ☒ As a condition of the Underwriting Report, the Applicant or General Partner will provide a fully executed guaranty agreement whereby the Applicant or its Affiliate assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period.
- ☒ Development **is not** financed, except for construction financing, with debt containing foreclosure provisions or debt that contains must-pay repayment provisions (including cash-flow debt).
- ☐ Development has permanent foreclosable, must-pay debt sourced from federal funds.
- ☒ Development has permanent foreclosable, cash flow debt provided by an Affiliate that was originally sourced from charitable contributions or pass-through local government, non-federal funds.
- ☐ If the Development is financed with debt that does not meet the requirements above, Application must include:
 - ☐ Evidence of project-based rental or operating subsidies for a minimum of 25% of Units;
 - ☐ Documentation of how resident feedback has been incorporated into Development design;
 - ☐ Evidence that the Development is located less than ½ mile from regularly-scheduled public transportation, including evening and weekend service;
 - ☐ Evidence that at least 10% of the Units in the proposed Development meet the 2010 ADA standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" 79 Federal Register 29671 for persons with mobility impairments;

and the Applicant or General Partner confirms that:

 - ☐ Multiple systems will be in place for residents to provide feedback to Development staff;
 - ☐ A resident is or will be a member of the Development Owner or service provider board of directors;
 - ☐ The Development's Tenant Selection Criteria will include a clear description of any credit, criminal conviction, or prior eviction history that may disqualify a potential resident. The disqualification cannot be a total prohibition, unless such a prohibition is required by federal statute or regulation (i.e. the Development must have an appeal process for non federally required criteria;
 - ☐ The Development will have a comprehensive written eviction prevention policy that includes an appeal process; and
 - ☐ The Development will have a comprehensive written services plan that describes the available services, identifying whether they are provided directly or through referral linkages, by whom, and in what location and during what days and hours. A copy of the services plan will be readily accessible to residents.

3. Staff Determinations regarding definitions of development activity obtained?

- ☐ If a determination under 10 TAC §11.1(k) was made prior to Application submission, provide a copy of such determination behind this tab.

4. Narrative

- ☒ The Development will not provide continual or frequent nursing, medical or psychiatric services to the residents.
- ☒ The Development does not violate the general public use requirement of Treasury Regulation §1.42-9 regarding units for use by the general public.
 - ☐ The Development does violate TR 1.42-9 and the Application includes a private letter ruling ("PLR").
 - ☐ Development financing includes a funding source that specifically allows for the intended Target Population. A copy of that funding sources' authority to target the intended population is included behind this tab.
- ☒ Development does not violate the Department's Integrated Housing Rule under 10 TAC §1.15 regarding restricting occupancy to persons with disabilities or in combination with other populations with special needs.

If a revised form is submitted, date of submission:

Briefly describe the proposed Development, including any relevant information not already identified above. If Adaptive Reuse, Additional Phase, or Scattered Site, or if any of the three main boxes above are not checked, include detailed information below.

see attached Narrative

5. Funding Request:

Complete the table below to describe this Application's funding request. If applying for Multifamily Direct Loan funds, please select only one type of loan.

Department Funds applying for with this Application	Requested Amount	If funds will be in the form of a Direct Loan by the Department or for Private Activity Bonds, the terms will be:		
		Interest Rate (%)	Amortization (Years)	Permanent Term (Years)
Multifamily Direct Loan: Const. to Perm (Repayable)			30	
Multifamily Direct Loan: Construction Only (Repayable)		0.00%		
Multifamily Direct Loan: Const. to Perm. (Soft Repayable)	\$ 2,000,000	0.00%	0	35
CHDO Operating Expenses Grant				
Housing Tax Credits	\$ 1,500,000			
Private Activity Mortgage Revenue				

6. Set-Aside (For Competitive HTC (10 TAC §11.5) and/or Multifamily Direct Loan (10 TAC §13.4(a)) Applications Only)

Identify any and all set-asides the application will be applying under with an "x".

Set-Asides can not be added or dropped from pre-application to full Application for Competitive HTC Applications.

Competitive HTC Only					Multifamily Direct Loan Only	
Select Set-Aside if applicable					Select NOFA and Set-Aside	
At-Risk	Nonprofit	USDA			Select NOFA	Select Set-Aside
	x				2020-1 (Annual)	Soft Repayment
Selections for At-Risk and USDA are independent of each other. Only select both if both apply.						

By selecting the set-aside above, I, individually or as the general partner(s) or officers of the Applicant entity, confirm that I (we) are applying for the above-stated Set-Aside(s) and Allocations. To the best of my (our) knowledge and belief, the Applicant entity has met the requirements that make this Application eligible for this (these) Set-Aside(s) and Allocations and will adhere to all requirements and eligibility standards for the selected Set-Aside(s) and Allocations.

7. Previously Awarded State and Federal Funding

Has this site/activity previously applied for TDHCA funds?

No

Has this site/activity previously received TDHCA funds?

No

If "Yes" Enter Project Number: and TDHCA funding source:

Has this site/activity previously received non-TDHCA federal funding?

If yes, source:

Will this site/activity receive non-TDHCA federal funding for costs described in this Application?

No

8. Qualified Low Income Housing Development Election (HTC Applications only)

Pursuant to §42(g)(1)(A) - (C), the term "qualified low income housing development" means any project for residential rental property, if the Development meets one of the requirements below, whichever is elected by the taxpayer. Once an election is made, it is irrevocable. Select only one:

☐ At least 20% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 50% or less of the area median gross income, adjusted for family size.

☒ At least 40% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 60% or less of the median gross income, adjusted for family size.

☐ Applicant elects to use the Average Income for the Development.

If a revised form is submitted, date of submission:

TDHCA #20002

Armadillo Studios

Tab 17 – Development Narrative

Project

Armadillo Studios is the new construction of 110 units of Supportive Housing that will build on Foundation Communities' successful housing-plus-services model, proven so effective for single adults with high needs, low incomes, and housing instability. Armadillo is designed as a 7-story building with parking on the first floor, common area on the second floor, and units on floors 3 – 7. The first level will have a secured entry, lobby, and 24 hour front desk staff. The 2nd level will have a tv room, fitness room, game room, gathering area, laundry, a covered patio, property management and service coordinator offices, and maintenance rooms. The upper level residential floors will have 3 common area balconies for residents to enjoy.

Armadillo Studios is an exciting opportunity to provide affordable housing in the rapidly developing South Lamar transit corridor. Residents will have excellent access to high frequency transit and a quick bus ride to downtown Austin, Zilker Park, retail, and jobs along the South Lamar corridor.

Foundation Communities' affiliate FC Austin Eleven Housing Corporation purchased the property in 2019 from an unrelated seller. FC Austin Eleven has entered into a purchase and sale contract with FC Zilker Housing, LP for the sale of the property for the same price as the original unrelated party transaction.

Target Population

The property will target individuals in need of specialized and specific non-medical services in order to maintain housing. This property will serve persons transitioning out of homelessness, persons at-risk of homelessness, persons with physical, intellectual, and/or developmental disabilities, youth aging out of foster care, persons transitioning out of institutionalized care, persons unable to secure permanent housing elsewhere due to various barriers, and/or persons with special housing needs. Foundation Communities has been providing services and housing to this target population for over 15 years.

Supportive Services

Armadillo Studios will provide affordable, attractive apartment with 24-hour staffing and on-site wraparound services that include case management, supported employment, education, counseling, and emergency financial assistance. Services will be offered regularly and frequently to all residents, and will be easily accessible and offered at times that residents are

TDHCA #20002

Armadillo Studios

able to use them. Services are not required as a condition of tenancy. On-site services staff will aid in addressing debilitating conditions, or assist residents in securing the skills, assets, and connections needed for independent living.

Foundation Communities believes it is important to offer “at your door” educational opportunities to adults. Actual offerings will depend on resident needs but may include classes in English as a Second Language, computer skills, and Financial Literacy. Additionally, a variety of programming focused on health and wellness will be offered, and tailored to the specific needs of the residents. This will include access to healthy food through an on-site food pantry, healthy cooking classes, Zumba and other exercise classes, and periodic health fairs that bring a variety of providers on-site for health screenings, immunizations, and similar services.

Service Provider Track Record

Services will be provided by Foundation Communities (FC), which brings more than 15 years of experience providing services to the target population. FC currently owns and operates six similar SRO developments across Austin, totaling 727 units. FC’s seventh community, Waterloo Terrace, will open in 2020.

Foundation Communities has a strong track record of fundraising to cover these programs. Funding for the supportive services at Armadillo Studios will come from a combination of grants and fundraising from private foundations, corporations and individuals, sufficient to maintain the services operations at the project for the duration of the affordability period. This is the same method used to fund the supportive service programs at all our existing properties. Foundation Communities has deep relationships with the donor community, a well-funded Central Reserve, and maintains a healthy portfolio contributing strong ongoing revenue to the organization, with all projects producing their targeted cash flow and reserves established by the Board.

FC has raised approximately \$9 million in 2019 and approximately \$42 million over the past 5 years to fund services at our existing 21 properties in Austin. FC also hosts an annual Welcome Home lunch, which raises over \$1 million each year from individual donors to fund support services. We also have a donor base that is dedicated to the support of our service programs. FC will pursue services funding for Armadillo Studios from the following past donors:

- Michael & Susan Dell Foundation
- St. David’s Foundation
- Texas State Affordable Housing Foundation
- Capital Area United Way
- JPMorgan Chase Foundation
- City of Austin
- Travis County

TDHCA #20002

Armadillo Studios

- Vaughan Foundation
- The Religious Coalition to Assist the Homeless
- Individual Donors

Although not anticipated, in the event of operating deficits at Armadillo Studios, the FC Board has made an irrevocable commitment to fund any operating deficits throughout the term of the affordability period and MFDL loan term. Foundation Communities will provide a guaranty agreement assuming financial responsibility of any outstanding operating deficits, as they arise, throughout the affordability period.

2022 HTC Full Application

Part 3 Tab 17

Development Narrative

Excerpted from Application 22274 - Cady Lofts

Development Narrative

1. The proposed Development is: (Check all that apply)

☒ New Construction

and/or:

4% or 9% HTC Adaptive Reuse: select New Construction here and Adaptive Reuse in next box. MFDL: select New Construction or Rehab here and Adaptive Reuse in the next.

NOTE: If "Adaptive Reuse", review 10 TAC §11.1(d)(1) to ensure compliance.

Previous TDHCA #

NA

If Acquisition/Rehab or Rehab, original construction year:

NA

If Reconstruction:

Units Demolished

NA

Units Reconstructed

NA

If Additional Phase:

Development Name:

NA

Application Number

NA

2. The Target Population will be:

☒ Supportive Housing

NOTE: If "Elderly Development", review 10 TAC §11.1(d)(47) to ensure compliance.

If Elderly is selected (10 TAC §11.1(d)(47)):

- ☐ Development meets the requirements of the Housing for Older Persons Act under the Fair Housing Act.
- ☐ Development receives federal funding that has a requirement for a preference or limitation for elderly persons or households, but must accept qualified households with children.
Selection is based on funding from (Include citation)

- ☐ Development will receive other funding that has a requirement for a preference or limitation with regard to the population(s) served. If so, please explain in the box below.

Certification for Supportive Housing Applications

If Supportive Housing is selected (10 TAC §11.1(d)(126)), the Applicant or General Partner confirms that:

- ☒ The proposed Development is intended for and targets occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living.
- ☒ Supportive services are tailored for members of a household with specific non-medical needs (select all that apply):
- ☒ Homeless or Persons at-risk of homelessness
 - ☒ Persons with physical, intellectual, and/or developmental disabilities
 - ☒ Youth aging out of foster care
 - ☒ Persons eligible to receive primarily non-medical home or community-based services
 - ☒ Persons transitioning out of institutionalized care
 - ☒ Persons unable to secure permanent housing elsewhere due to high barriers
 - ☒ Persons with Special Housing Needs (alcohol or drug addictions, VAWA protections, HIV/AIDS, Veterans with Disabilities)
 - ☐ Other target populations that are served by a federal or state housing program (provide documentation behind this

Tab)

Describe:

- ☐ Services will be provided by the Applicant or an Affiliate of the Applicant.
- ☒ Services will be provided by a Third Party provider and evidence that the provider has at least a three-year record of providing substantive services similar to those proposed in the subject Application in residential settings is provided behind this Tab.
- ☒ Supportive services will meet the minimum requirements provided in clauses (i) –(iv) of §11.1(d)(126)(D) of the Qualified Allocation Plan.

- ☒ Documentation that the Applicant or General Partner has secured or will secure sufficient funds necessary to maintain the Supportive Housing Development's operations throughout the entire Affordability Period is included behind this Tab.
- ☒ Evidence of the Applicant's or General Partner's history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses is included behind this Tab.
- ☒ As a condition of the Underwriting Report, the Applicant or General Partner will provide a fully executed guaranty agreement whereby the Applicant or its Affiliate assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period. NOTE: For HTC Applications, the Guaranty Agreement with operating deficit guarantee requirements utilized for the HTC investor will satisfy this requirement.
- ☒ Development will comply with the Tenant Selection Criteria requirements at §11.1(d)(126)(B)(v)
- ☐ Development financing meets all requirements of 10 TAC § 11.1(d)(126)(E)(i)
- ☒ Development financing meets the requirements of 10 TAC §11.1(d)(126)(E)(ii) and Development will include:
 - ☒ Evidence of project-based rental or operating subsidies for a minimum of 25% of Units;
 - ☒ Documentation of how resident feedback has been incorporated into Development design;
 - ☒ Evidence that the Development is located less than ½ mile from regularly-scheduled public transportation, including evening and weekend service;
 - ☒ Evidence that at least 10% of the Units in the proposed Development meet the 2010 ADA standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" 79 Federal Register 29671 for persons with mobility impairments;
 - ☒ Multiple systems will be in place for residents to provide feedback to Development staff;
 - ☒ The Development will have a comprehensive written eviction prevention policy that includes an appeal process; and
 - ☒ The Development will have a comprehensive written services plan that describes the available services, identifying whether they are provided directly or through referral linkages, by whom, and in what location and during what days and hours. A copy of the services plan will be readily accessible to residents.

3. Staff Determinations or Waivers Previously Approved

- ☒ If a determination under 10 TAC §11.1(k) was made prior to Application submission, provide a copy of such determination behind this tab. If a waiver was previously approved by the Board, provide a copy of the Board write-up behind this tab.

4. Narrative

- ☒ The Development will not provide continual or frequent nursing, medical or psychiatric services to the residents.
- ☒ The Development does not violate the general public use requirement of Treasury Regulation §1.42-9 regarding units for use by the general public.
- ☐ The Development does violate TR 1.42-9 and the Application includes a private letter ruling (PLR).
- ☐ Development financing includes a funding source that specifically allows for the intended Target Population. A copy of that funding sources' authority to target the intended population is included behind this tab.
- ☒ Development does not violate the Department's Integrated Housing Rule under 10 TAC §1.15 regarding restricting occupancy to persons with disabilities or in combination with other populations with special needs.

Briefly describe the proposed Development, including any relevant information not already identified above. If Adaptive Reuse, or Scattered Site, or if any of the three main boxes above are not checked, include detailed information below.

Cady Lofts is a proposed new construction Supportive Housing development with 100 efficiency units in a single elevator-served 4-story development. The development is intended for occupancy by households in need and will provide tailored supportive services to residents. A zoning change is required to rezone the entire property to the same base zoning classification, and then the entire development site will qualify under Affordability Unlocked that provides for incentives including development waivers and modifications and reduced parking requirements. The application incorporates the Affordability Unlocked incentives. Please see following attachment for comprehensive narrative.

If a revised form is submitted, date of submission:

5. Funding Request:

Complete the table below to describe this Application's funding request. If applying for Multifamily Direct Loan funds, please select only one type of loan.

Department Funds applying for with this Application	Requested Amount	If funds will be in the form of a Direct Loan or Private Activity Bonds by the Department, the terms will be:		
		Interest Rate (%)	Amortization (Years)	Permanent Term (Years)
Multifamily Direct Loan: Const. to Perm (Repayable)				
Multifamily Direct Loan: Construction Only (Repayable)		0.00%		
Multifamily Direct Loan: Const. to Perm. (Soft Repayable)		0.00%		
CHDO Operating Expenses Grant				
Housing Tax Credits	\$ 1,647,957			
Private Activity Bonds (TDHCA Issuer Only)				

6. Set-Aside (For Competitive HTC (10 TAC §11.5) and/or Multifamily Direct Loan (10 TAC §13.4(a)) Applications Only)

Identify any and all set-asides the application will be applying under with an "x".

Set-Asides cannot be added or dropped from pre-application to full Application for Competitive HTC Applications.

Competitive HTC Only					Multifamily Direct Loan Only	
Select Set-Aside if applicable					Enter NOFA and Set-Aside	
At-Risk		Nonprofit		USDA	Enter NOFA	Enter Set-Aside
		x				

Selections for At-Risk and USDA are independent of each other. Only select both if both apply.

By entering the set-aside above, I, individually or as the general partner(s) or officers of the Applicant entity, confirm that I (we) are applying for the above-stated Set-Aside(s) and Allocations. To the best of my (our) knowledge and belief, the Applicant entity has met the requirements that make this Application eligible for this (these) Set-Aside(s) and Allocations and will adhere to all requirements and eligibility standards for the selected Set-Aside(s) and Allocations.

7. Previously Awarded State and Federal Funding

Has this site/activity previously applied for TDHCA funds?

No

Has this site/activity previously received TDHCA funds?

No

If "Yes" Enter Project Number:

NA

and TDHCA funding source:

Has this site/activity previously received non-TDHCA federal funding?

No

If yes, source:

NA

Will this site/activity receive non-TDHCA federal funding for costs described in this Application?

No

8. Qualified Low Income Housing Development Election (HTC Applications only)

Pursuant to §42(g)(1)(A) - (C), the term "qualified low income housing development" means any project for residential rental property, if the Development meets one of the requirements below, whichever is elected by the taxpayer. Once an election is made, it is irrevocable. Select only one:

- ☐ At least 20% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 50% or less of the area median gross income, adjusted for family size.
- ☒ At least 40% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 60% or less of the median gross income, adjusted for family size.
- ☐ Applicant elects to use the Average Income for the Development.

9. For Rehabilitation (excluding Reconstruction) and Adaptive Reuse Tax-Exempt Bond Developments that do not include a request for Direct Loan or where the Department is not the bond issuer, a Scope and Cost Review is not required. The application must include a Scope of Work Narrative as described in §11.306(k) of the QAP). (note: Rehabilitation Developments funded by the national Housing Trust Fund are required to meet the Multifamily Minimum Rehabilitation Standards approved by HUD, as posted on the Department's website at <https://www.tdhca.state.tx.us/multifamily/home/index.htm>, in addition to the Department's rules and NOFA requirements.)

If a revised form is submitted, date of submission:

From: Cody Campbell <cody.campbell@tdhca.state.tx.us>
Sent: Thursday, February 17, 2022 10:47 AM
To: sarah@sarahandersonconsulting.com; Colin Nickells
Cc: Megan Lasch (megan@o-sda.com); Lisa Stephens; sally@sgiventures.net;
sarah@sarahandersonconsulting.com; Homero Cabello; colin.nickells@tdhca.tx.state.us;
jqinn@palmettobluff.com; John Shackelford
Subject: RE: Supportive Housing Structure question/confirmation

Sarah,

Based on the highlighted "or" below, the governmental third party in question is not required to be unaffiliated, they just have to be able to actually make the commitment in question.

Thanks,

Cody Campbell

Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 E. 11th Street | Austin, TX 78701
Office: 512.475.1676
Fax: 512.475.3359

About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit www.tdhca.state.tx.us

From: sarah@sarahandersonconsulting.com <sarah@sarahandersonconsulting.com>
Sent: Monday, February 14, 2022 2:53 PM
To: Cody Campbell <cody.campbell@tdhca.state.tx.us>; Colin Nickells <colin.nickells@tdhca.state.tx.us>
Cc: Brooke Boston <brooke.boston@tdhca.state.tx.us>; Homero Cabello <homero.cabello@tdhca.state.tx.us>
Subject: Supportive Housing Structure question/confirmation
Importance: High

Cody,

In the process of structuring a Permanent Support Housing application for the 2022 round, we have consulted with a previous applicant who submitted and was funded for a PSH deal in 2021 for the Espero Austin at Rutland TDHCA# 21407. As part of their structure, they received the City's HFC vouchers for 25% commitment as being from a government entity even though the City's HFC non-profit affiliate was a member of the development. Upon speaking with the applicant, they confirmed that this was reviewed by staff and approved -- that this structure met the definitions as set forth in the QAP, outlined below:

*(ii) financed with debt that meets feasibility requirements under Subchapter D of this chapter without exemptions and must also be supported by project-based rental or project-based operating subsidies for 25% of the Units evidenced by an executed agreement with an unaffiliated **or** governmental third party able to make that commitment, and meet all of the criteria in subclauses (I) - (VII) of this clause:*

Based on this precedence we are looking to structure our deal in the same way – with the City PHA giving vouchers to the deal, and a PHA nonprofit affiliate being a member of the development.

Because the previous applicant cannot find the email from TDHCA confirming this, we would like to get confirmation that nothing has changed in the Department's interpretation of this section of the QAP. Thanks for your help!

Regards,

Sarah Anderson

1305 E. 6th, Ste 12
Austin, TX 78702
512-554-4721

Tab 17 – Development Narrative
CADY LOFTS - AUSTIN, TEXAS
TDHCA #22274

The Austin Affordable Housing Corporation and SGI Ventures have partnered together to develop Cady Lofts to be located at 1004-1008 E. 39th St, Austin, TX 78751.

**AUSTIN AFFORDABLE HOUSING CORPORATION, sole member of Managing Member, Co-Developer,
Ground Lessor, General Contractor**

SGI VENTURES, sole member of Administrative Member, Co-Developer, Guarantor

SGI Ventures, Inc. (“SGI”) has partnered with Austin Affordable Housing Corporation (“AAHC”) to develop Cady Lofts - a deeply affordable and supportive apartment development offering 100 studio apartments with access to high-quality supportive housing in a transit-served and amenity-rich neighborhood. Cady Lofts will be designed with the surrounding neighborhood in mind, with special attention paid to the use of high-quality building materials and context-appropriate architectural design.

Cady Lofts will be developed through a partnership between SGI and AAHC to contribute to the City of Austin’s pressing goal of delivering supportive housing units to reduce the number of people experiencing homelessness in Austin. In addition, New Hope Housing (“NHH”), nationally known for its expertise in developing and operating permanent supportive housing for the chronically homeless in Houston, will be a key member of the management team as a third-party supportive services coordinator. NHH will also provide advisory services sharing their 30 years of experience in serving the homeless and in the unique challenges of PSH building configuration, security features and design, operations, and resident services. NHH has won many state and national awards for its extraordinary work serving homeless households, and we are very pleased to have the benefit of their 30 years of experience guiding us through the critical building design process, management/operations, service delivery organization, and staff training to serve this unique population effectively, efficiently and with dignity.

The ownership partnership and supportive service team (1) achieves the optimal financing structure for the Project, thus helping assure the Development’s financial stability and long-term success; (2) engages an experienced, nonprofit anchor, AAHC, to help add to the mission-focused affordable housing supply in the City of Austin; (3) together with NHH’s established and highly successful model of Supportive Housing design and service delivery, creates a dynamic and well-rounded team to deliver quality SRO housing together with wrap-around services based on NHH’s successful model, honed over its 30 years of exceptional service to the homeless community; and (4) will utilize the design and construction experience of SGI, AAHC and NHH to bring a proven best practices model to achieve local impact.

About AAHC—Managing Member, Co-Developer, Ground Lessor, General Contractor

The Managing Member of the Partnership will be a Texas nonprofit corporation established by AAHC, a non-profit affiliate of the Housing Authority of the City of Austin (“HACA”). The Managing Member will have controlling authority, and will also be a co-developer, Ground Lessor and General Contractor.

Cady Lofts will be AAHC’s 70th± affordable housing partnership. AAHC regularly enters into partnerships to provide affordable housing to Austin households of all economic levels, as well as provide funds to affordable developments in which AAHC is a partner. AAHC is excited about the opportunity to partner

Tab 17 – Development Narrative
CADY LOFTS - AUSTIN, TEXAS
TDHCA #22274

on Cady Lofts, which will be AAHC's first property exclusively focused on Supportive Housing for the chronically homeless. Cady Lofts is a model AAHC intends to replicate in the future to further its mission of providing affordable housing for Austin's most vulnerable.

Formed in 2003, Austin Affordable Housing Corporation has been in the community for 19 years, actively expanding the stock of affordable housing in Austin and preserving long-term affordability through new development and the acquisition of unrestricted market units and making them affordable for the long term. In addition to owning affordable housing developments, AAHC also provides social and human support services, such as educational programs, training programs, and family counseling in order to promote the health and welfare of its residents and a Down Payment Assistance Program to assist first-time homebuyers who are residents of Public Housing or the Housing Choice Voucher Program.

About SGI Ventures, Inc.—Administrative Member, Co-Developer, Guarantor

SGI has been in the affordable housing industry since 1996. Ms. Gaskin, SGI President, is a founding board member and Past Board President of the Texas Affiliation of Affordable Housing Providers ("TAAHP"). Between 1996 and 2005, SGI co-developed 7 properties utilizing 9% credits and 4% credits with bonds. In 2005, SGI was selected by PNC, SLP investor, to be the substitute General Partner in the 140-unit Woodlands development in Beaumont, TX, a 9% tax credit development, and was sole general partner with responsibility for day-to-day operations, management and compliance through December 31, 2020. In 2006, SGI Ventures was lead developer of CityView at the Park, a 72-unit affordable senior community located in Austin, TX, on behalf of Strategic HFC of the Housing Authority of Travis County. In total, SGI has co-developed, and held general partner interests in 9 tax credit/bond developments, with over 970 units.

About Cady Lofts

Cady Lofts will be constructed on a .74 acre site, located at 1004-1008 E 39th Street, in the Hancock Neighborhood, near the I-35 southbound feeder. The site is ideally located within a half (.5) mile of 4 high-frequency public transit stops, abundant retail, and medical and employment options. The physical structure of Cady Lofts will be a 4-story podium, wood-frame building, with 3 floors of residential units over ground floor community/service area space and parking. The elevator-served building will include 100 furnished efficiency apartments and targeted common area spaces including supportive service staff offices, a computer/cyber lounge, library, large community gathering area comfortably furnished with big screen TV and warming kitchen, covered patio seating on ground floor, a central courtyard for outdoor gathering on the first residential floor, and community laundry on each of the 3 residential floors. The building will integrate principles of trauma-informed design to create a physical space that promotes safety, well-being, and healing for its targeted population. The corridor building will have a secured front entry. Taking advantage of the transit-connected location, and as allowed by the Affordability Unlocked density bonus program, the property will provide reduced parking as most residents rely on public transit. Each furnished, efficiency apartment will come with individually controlled central air conditioning, a kitchen, and bathroom.

Tab 17 – Development Narrative
CADY LOFTS - AUSTIN, TEXAS
TDHCA #22274

126. (A) Who is going to live there?

100% of the units will be dedicated to

- Homeless, Chronically Homeless, and Persons at-risk of homelessness
- Persons eligible to receive primarily non-medical home or community-based services
- Persons unable to secure permanent housing elsewhere due to high barriers

Cady Lofts is committed to helping Austin solve its homelessness crisis through strict adherence to the 2022 QAP requirements for Supportive Housing developments. A comprehensive Tenant Selection Criteria has been drafted, which includes the criminal history screening measures outlined in the QAP, and also provides an appeal process for denied applicants.

Cady Lofts will work with the local Continuum of Care organization, ECHO, for referrals from the coordinated entry system to house individuals experiencing homelessness and those with physical/mental disabilities and in need of deeply affordable housing. While the development's income targeting set-asides ranges from 30% AMI to 60% AMI, a minimum of 25% of the units will have project-based housing vouchers. To date, HACA has awarded 25% of the vouchers. See copy of Agreement dated February 22, 2022, to enter into a Housing Assistance Payment Contract AHAP and 20 year Housing Assistance Payment (HAP) contract included in Section below relating to 126. E.(ii).

The goal of Cady Lofts is to design an uplifting, healthy, inclusive, therapeutic space that will foster stability and wellness. SGI Ventures and AAHC—ownership and development partners, together with NHH, Saigebrook and O-SDA as design consultants—are familiar with designing trauma informed spaces.

Keeping the communication pathways open between the residents and staff informs NHH's mission, operations, services, and development objectives. Through a Resident Feedback Collaborative, residents of Cady Lofts will have the opportunity to help shape the community in which they live. For decades, New Hope Housing has put its residents first and formally solicited feedback in its pursuit of continual improvement. This engagement with residents has shown that the most desired elements of supportive housing are: a feeling of security, privacy, autonomy, access to services, and community. NHH has incorporated each of these into the design of all its communities and anticipates implementing them at Cady Lofts.

Cady Lofts will be designed utilizing a trauma-informed design – a concept at the intersection of architecture and mental health. The majority of residents who will find a home at Cady Lofts will have suffered traumatic experiences caused by homelessness.

As the project has moved forward and the architect team moves to full design and specifications, this same team has provided input on trauma-informed design – including unique unit features relating to cabinets and closets, placement of windows and site lines, just to name a few. Further, common spaces have incorporated trauma informed design, with large spaces and openings, as to not have “hidden” spaces.

New Hope Housing has decades of experience working with persons experiencing homelessness and through their work in leasing housing units, staff are very familiar with how design can impact housing stability and success. Because of NHH's commitment to a holistic housing solution, 98% of its residents in its own developments are stable in housing and do not return to homelessness. Further, AAHC through its developments has experience with vulnerable resident populations.

Tab 17 – Development Narrative
CADY LOFTS - AUSTIN, TEXAS
TDHCA #22274

126. (B)(i) About New Hope Housing—Third Party PSH Development Consultant and Supportive Services Coordinator

New Hope Housing develops, owns, and operates affordable, permanent Housing and Services for people who live on modest incomes. Since 1993 our high-quality product has offered a platform for individuals and families to improve their lives. NHH is the preeminent supportive housing and PSH provider in the State of Texas. In 2020 NHH expanded its mission to serve other nonprofits and advise developers in the design, construction, and management of supportive housing communities across Texas. Presently, NHH operates nearly 1,400 units of supportive housing and has another 220 under construction. In partnership, NHH is proud to have linked missions with Houston Area Women’s Center to develop their 135-unit new construction shelter facility, and now to assist bringing NHH’s proven model to Austin through Cady Lofts.

126. (B)(i) About Saigebrook and O-SDA—Third Party Development Consultants

The Development Team will also include 2 development and operations consultants that have extraordinary experience in Texas affordable housing. The team includes Saigebrook Development and O-SDA Industries. Saigebrook and O-SDA have specialized in providing first class affordable and workforce housing communities in urban core and suburban areas since 1996. Ms. Stephens and Ms. Lasch have secured 30 allocations of Housing Tax Credits in the last 10 application cycles in Texas and have financed and closed more than 5,000 units in the southeastern United States. This includes several mixed-income family communities in Austin with CoC units utilizing VASH vouchers—most recently Aria Grand and Elysium Grand, which opened in 2020, and The Abali, which opened in the fall of 2021. Saigebrook and O-SDA will serve as development and operations consultants on this transaction.

126. (B)(ii) Documentation that the Applicant of General Partner has secured or will secure sufficient funds necessary to maintain operations throughout the entire Affordability Period

On February 17, 2022, HACA's Board of Commissioners approved an agreement for HACA to enter into a Housing Assistance Payment Contract AHAP and 20-year Housing Assistance Payment (HAP) contract providing project-based rental subsidy to 25 units. The initial term will be 20 years, with a 20-year renewal option, representing \$344,100 per annum project-based rental assistance subsidy, or \$6,882,000 total subsidy for the initial 20-year term. While the projected cash flow is sufficient to operate the property comfortably throughout the compliance period, the development will have an operating deficit guaranty from SGI Ventures, Inc., and assistance if needed from AAHC. AAHC has the ability to secure grants, and has funds available to it as an affiliate of HACA.

From Mar 31, 2021 Audit, evidence of financial strength and fund raising capacity from cash flow from income generating assets and grants:

The Austin Affordable Housing Corporation and Subsidiaries (“AAHC”) is a non-profit Texas corporation organized exclusively for one or more of the purposes as specified in Section 501(c)(3)

Tab 17 – Development Narrative
CADY LOFTS - AUSTIN, TEXAS
TDHCA #22274

of the Internal Revenue Code. AAHC was created as an instrumentality of the Housing Authority of the City of Austin (the “Authority”) for the purpose of providing low-income families and individuals with housing and home-ownership opportunities in the City of Austin.

In total, when the new units under construction are placed in service, AAHC will have access to a portfolio of 89 properties and 12,025 affordable residential units either through direct ownership or co-ownership. AAHC financials reflect that AAHC wholly owns and operates 18 single family homes and 16 multifamily properties, consisting of 2,083 units which are offered for rent at below-market or subsidized rents or prices to low-income families and individuals. In addition to owning and operating these properties, AAHC owns a shopping center, three office buildings and one warehouse. As a partial owner in partnerships, and therefore not fully in AAHC’s financials, AAHC has access to an additional 30 properties with 5,852 affordable residential units and is developing 8 properties with 1,608 residential units. AAHC has significant development and management responsibilities through its 60 subsidiaries which were created as subsidiaries of AAHC for the purpose of providing and developing affordable housing opportunities. According to the 2021, AAHC:

- Cash balances of \$60,344,444
 - Unrestricted: \$15,958,001
 - Restricted: \$44,367,960
 - Cash-restricted-noncurrent: \$ 18,483
- Net cash provided from operations \$13,672,117
- AAHC received HUD grants totaling \$6,562,075 in 2020; did not apply for any grants in 2021.

Based on cash balances available, future revenues from operating projects and history of grant receipts, AAHC has the capacity to secure sufficient funding for the operations of Cady Lofts throughout the Affordability Period.

126.(B)(iii) Evidence of the Applicant’s or General Partner’s history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses

Formed in 2003, Austin Affordable Housing Corporation has been in the community for 19 years, actively expanding the stock of affordable housing in Austin and preserving long-term affordability through new development and the acquisition of unrestricted market units and making them affordable for the long term. The income-producing real estate portfolio serves the dual purpose of furthering AAHC’s mission to ensure to preserve and provide affordable housing through owning and operating affordable communities, as well as providing low-income individuals and families with educational and business opportunities. AAHC is excited to further its mission with a development dedicated to serving the City’s most vulnerable through its partnership in Cady Lofts.

AAHC has a rich history of supporting affordable housing with a documented record of fundraising sufficient to support the development of affordable housing. The majority of AAHC’s capacity to fund its mission stems from its development activities, as well as ownership of numerous income-producing properties. Funding for the supportive services for Cady Lofts will come from a combination of cash flow,

Tab 17 – Development Narrative
CADY LOFTS - AUSTIN, TEXAS
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grants and collaborative partnerships with nonprofit service providers in Austin. In addition, AAHC has the ability to supplement funding for services, if needed, through recurring cash flow from its real estate asset portfolio, its ability to apply for grants from public and private sources, its access to HUD program and grant funds, as well as funds available to the organization as an affiliate of HACA.

AAHC utilizes the excess cash flow from this portfolio to support and further its mission. Typically, the support is provided in the form of soft, forgivable loans to developments AAHC has an ownership position in. However, it is also within AAHC's ability to contribute funds as a donation. AAHC's model provides a recurring income stream which is a much more reliable source of funds than would be available through typical fundraising that relies solely on donor contributions, fundraising gala events, grant applications, etc. that must be recommitted each year. In addition to excess cash flow and development activities, AAHC has the ability to apply for grants from public and private sources, access to HUD program funds as well as funds available to the organization as an affiliate of HACA. The following is a list of developments AAHC has provided over \$37.5MM in soft financing to with funds sourced by AAHC's development activities, HUD funds, or funds available to the organization as an affiliate of HACA:

- Pathways at Chalmers Courts West - \$6,911,910 loan sourced by Capital Fund and unrestricted reserves; closed November 2020
- Pathways at Chalmers Courts East - \$582,050 loan sourced by Capital Funds; closed summer 2019
- Pathways at Rosewood Courts - \$1,803,995.40 loan; closed January 2019
- Pathways at Salina - \$1,377,502 loan; closed fall 2018
- Pathways at Santa Rita Courts - \$636,507.87 loan; closed fall 2018
- Pathways at Thurmond Heights - \$2,245,596 loan; closed fall 2018
- Pathways at Chalmers Courts South - \$2,500,000 loan; closed summer 2018
- Pathways at Gaston Place - \$5,674,472 loan; closed summer 2017
- Pathways at Shadowbend Ridge - \$820,000 loan; closed fall 2016
- Pathways at Rosewood Courts:
 - \$8,000,000 AAHC Loan – Sources:
 - \$4,600,000 – Existing replacement reserves available to AAHC as an affiliate of HACA
 - \$3,400,000 – Proceeds from the sale of HACA's scattered site properties
 - \$7,000,000 AAHC Loan – Source: City of Austin RHDA funds. The City of Austin funds will be provided to AAHC by the City of Austin, and then loaned to the partnership, Pathways at Rosewood Courts East, LP, by AAHC. A letter from the City of Austin confirming that the RHDA funds have been applied for is provided.

Although not anticipated, AAHC has the proven capacity to assist Cady Lofts with operating deficits through contributions and/or soft loans. In addition, SGI Ventures, Inc., will provide a guaranty agreement assuming financial responsibility of any outstanding operating deficits, as they arise, throughout the affordability period. See Guaranty Agreement between SGI Ventures, Inc. and the equity provider, NEF.

[126. \(B\)\(iv\) Fully executed guaranty agreement: see attached NEF Operating Deficit Guaranty Agreement executed by SGI Ventures, Inc.](#)

See executed Guaranty Agreement between NEF and SGI attached.

Excerpted from Application 23011 The Sasha

Development Narrative

1. The proposed Development is: (Check all that apply)

☒ New Construction

and/or:

4% or 9% HTC Adaptive Reuse: select New Construction here and Adaptive Reuse in next box. MFDL:
select New Construction or Rehab here and Adaptive Reuse in the next.

NOTE: If "Adaptive Reuse", review 10 TAC §11.1(d)(1) to ensure compliance.

Previous TDHCA #

N/A

If Acquisition/Rehab or Rehab, original construction year:

N/A

If Reconstruction:

Units Demolished

N/A

Units Reconstructed

N/A

If Additional Phase:

Development Name:

N/A

Application Number

N/A

2. The Target Population will be:

☒ Supportive Housing

NOTE: If "Elderly Development", review 10 TAC §11.1(d)(47) to ensure compliance.

If Elderly is selected (10 TAC §11.1(d)(47)):

☒ Development meets the requirements of the Housing for Older Persons Act under the Fair Housing Act.

☒ Development receives federal funding that has a requirement for a preference or limitation for elderly persons or households, but must accept qualified households with children.
Selection is based on funding from (Include citation)

☒ Development will receive other funding that has a requirement for a preference or limitation with regard to the population(s) served. If so, please explain in the box below.

Certification for Supportive Housing Applications

If Supportive Housing is selected (10 TAC §11.1(d)(125)), the Applicant or General Partner confirms that:

☒ The proposed Development is intended for and targets occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living.

☒ Supportive services are tailored for members of a household with specific non-medical needs (select all that apply):

☒ Homeless or Persons at-risk of homelessness

☒ Persons with physical, intellectual, and/or developmental disabilities

☒ Youth aging out of foster care

☒ Persons eligible to receive primarily non-medical home or community-based services

☒ Persons transitioning out of institutionalized care

☒ Persons unable to secure permanent housing elsewhere due to high barriers

☒ Persons with Special Housing Needs (alcohol or drug addictions, VAWA protections, HIV/AIDS, Veterans with Disabilities)

☐ Other target populations that are served by a federal or state housing program (provide documentation behind this Tab)

Describe:

☒ Services will be provided by the Applicant or an Affiliate of the Applicant.

☐ Services will be provided by a Third Party provider and evidence that the provider has at least a three-year record of providing substantive services similar to those proposed in the subject Application in residential settings is provided behind this Tab.

☒ Supportive services will meet the minimum requirements provided in clauses (i) –(iv) of §11.1(d)(125)(D) of the Qualified Allocation Plan.

- ☒ Documentation that the Applicant or General Partner has secured or will secure sufficient funds necessary to maintain the Supportive Housing Development's operations throughout the entire Affordability Period is included behind this Tab.
- ☒ Evidence of the Applicant's or General Partner's history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses is included behind this Tab.
- ☒ As a condition of the Underwriting Report, the Applicant or General Partner will provide a fully executed guaranty agreement whereby the Applicant or its Affiliate assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period. NOTE: For HTC Applications, the Guaranty Agreement with operating deficit guarantee requirements utilized for the HTC investor will satisfy this requirement.

☒ Development will comply with the Tenant Selection Criteria requirements at §11.1(d)(125)(B)(v)

☒ Development financing meets all requirements of 10 TAC § 11.1(d)(125)(E)(i)

☒ Development financing meets the requirements of 10 TAC §11.1(d)(125)(E)(ii) and Development will include:

- ☐ Evidence of project-based rental or operating subsidies for a minimum of 25% of Units;
- ☐ Documentation of how resident feedback has been incorporated into Development design;
- ☐ Evidence that the Development is located less than ½ mile from regularly -scheduled public transportation, including evening and weekend service;
- ☐ Evidence that at least 10% of the Units in the proposed Development meet the 2010 ADA standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" 79 Federal Register 29671 for persons with mobility impairments;
- ☐ Multiple systems will be in place for residents to provide feedback to Development staff;
- ☐ The Development will have a comprehensive written eviction prevention policy that includes an appeal process; and
- ☐ The Development will have a comprehensive written services plan that describes the available services, identifying whether they are provided directly or through referral linkages, by whom, and in what location and during what days and hours. A copy of the services plan will be readily accessible to residents.

3. Staff Determinations or Waivers Previously Approved

☒ If a determination under 10 TAC §11.1(l) was made prior to Application submission, provide a copy of such determination behind this tab. If a waiver was previously approved by the Board, provide a copy of the Board write-up behind this tab.

4. Narrative

- ☒ The Development will not provide continual or frequent nursing, medical or psychiatric services to the residents.
- ☒ The Development does not violate the general public use requirement of Treasury Regulation §1.42-9 regarding units for use by the general public.
- ☐ The Development does violate TR 1.42-9 and the Application includes a private letter ruling (PLR).
- ☐ Development financing includes a funding source that specifically allows for the intended Target Population. A copy of that funding sources' authority to target the intended population is included behind this tab.
- ☒ Development does not violate the Department's Integrated Housing Rule under 10 TAC §1.15 regarding restricting occupancy to persons with disabilities or in combination with other populations with special needs.

Briefly describe the proposed Development, including any relevant information not already identified above. If Adaptive Reuse, or Scattered Site, or if any of the three main boxes above are not checked, include detailed information below.

Please find the narrative located on the following page.

If a revised form is submitted, date of submission:

5. Funding Request:

Complete the table below to describe this Application's funding request. If applying for Multifamily Direct Loan funds, please select only one type of loan.

Department Funds applying for with this Application	Source of Funds	Requested Amount	If funds will be in the form of a Direct Loan or Private Activity Bonds by the Department, the terms will be:		
			Interest Rate (%)	Amortization (Years)	Permanent Term (Years)
Choose a Dropdown			2.00%		
Choose a Dropdown					
HOME-ARP Nonprofit Operating Cost and/or Capacity Building Assistance	\$	-			
HOME-ARP Capitalized Operating Cost Assistance	\$	-			
Housing Tax Credits	\$	1,946,000			
Private Activity Bonds (TDHCA Issuer Only)					
CHDO Operating Expenses Grant					

6. Set-Aside (For Competitive HTC (10 TAC §11.5) and/or Multifamily Direct Loan (10 TAC §13.4(a)) Applications Only)

Identify any and all set-asides the application will be applying under with an "x".

Set-Asides cannot be added or dropped from pre-application to full Application for Competitive HTC Applications.

Competitive HTC						Multifamily Direct Loan	
Select Set-Aside if applicable						Enter NOFA and Set-Aside	
At-Risk			Nonprofit		USDA	Enter NOFA	Enter Set-Aside
			X			2023-1	
Selections for At-Risk and USDA are independent of each other. Only select both if both apply.						HOME ARP	
						Enter NOFA	Enter Set-Aside

7. Previously Awarded State and Federal Funding

Has this site/activity previously applied for TDHCA funds?

No

Has this site/activity previously received TDHCA funds?

No

If "Yes" Enter Project Number:

N/A

and TDHCA funding source: N/A

Has this site/activity previously received non-TDHCA federal funding?

No

If yes, source:

N/A

Will this site/activity receive non-TDHCA federal funding for costs described in this Application?

No

8. Qualified Low Income Housing Development Election (HTC Applications only)

Pursuant to §42(g)(1)(A) - (C), the term "qualified low income housing development" means any project for residential rental property, if the Development meets one of the requirements below, whichever is elected by the taxpayer. Once an election is made, it is irrevocable. Select only one:

☐ At least 20% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 50% or less of the area median gross income, adjusted for family size.

☒ At least 40% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 60% or less of the median gross income, adjusted for family size.

☐ Applicant elects to use the Average Income for the Development.

9.

For Rehabilitation (excluding Reconstruction) and Adaptive Reuse Tax-Exempt Bond Developments that do not include a request for Direct Loan or where the Department is not the bond issuer, a Scope and Cost Review is not required. However, the application must include a Scope of Work Narrative as described in §11.306(k) of the QAP. (note: Rehabilitation Developments funded by the national Housing Trust Fund are required to meet the Multifamily Minimum Rehabilitation Standards approved by HUD, as posted on the Department's website at <https://www.tdhca.state.tx.us/multifamily/home/index.htm>, in addition to the Department's rules and NOFA requirements.)

If a revised form is submitted, date of submission:

DEVELOPMENT NARRATIVE

THE SASHA– AUSTIN, TX

The Sasha is the new construction of 60 units of Supportive Housing that will provide high-quality housing paired with voluntary, wrap-around services for Austin’s most housing-fragile. The Sasha will be built on the track record of The SAFE Alliance and its supporting organization –The SAFE Alliance Affordable Housing Corporation – who together own and operate 127 shelter beds, 147 short-term housing assistance units, 71 units of transitional housing, 60 units of rapid re-housing, and a 184-unit Low Income Housing Tax Credit (LIHTC) property.

The mission of The SAFE Alliance (SAFE) is its name: to stop abuse for everyone. SAFE achieves its mission by acknowledging and responding to the intersection of different types of abuse. Its vision is “a just and safe community.” SAFE serves locally and influences globally. For 48 years, SAFE has worked to address and end multigenerational cycles of violence and abuse, including sexual assault, sexual harassment, sexual exploitation/trafficking, and family violence (including child abuse and neglect, and domestic/dating violence).

About the Community:

The Sasha will be a five-story, wood-frame, elevator-served building that will be designed with comfort and safety in mind for those who have experienced long-term trauma, violence, and homelessness. The building will feature secured and separated entries. The design is trauma-informed and guided by SAFE’s extensive experience with the individuals and families they serve. Durability and long-term ownership will be key goals in mind with the selection of finishes and surfaces.

Features of The Sasha include:

- 60 units comprised of 1-, 2-, and 3-bedroom units (30 units of permanent supportive housing and 30 units of transitional supportive housing).
- Community spaces including an indoor resident lounge, meeting rooms, support services staff offices, laundry, business center, and secure/controlled-access reception area.
- Trauma informed design appropriate for the target population.
- Supportive services by SAFE – including counseling, advocacy, case management, peer support, life skills, parenting support, education enhancement and disability services.

Target Population:

The Sasha will target individuals and small families in need of specialized and specific non-medical services in order to maintain housing. The property will serve persons transitioning out of homelessness, persons at-risk of homelessness, persons with physical, intellectual, and/or developmental disabilities, youth aging out of foster care, persons unable to secure permanent housing elsewhere due to various barriers, and persons with special housing needs including Violence Against Women Act Protections (domestic violence, dating violence, sexual assault, and stalking).

Location:

The Sasha is a key opportunity site to expand supportive housing on the SAFE Alliance Campus at Grove Boulevard. This site is in an area with good access to general services, including transit and contiguous

sidewalk access. As the maps indicate, high-frequency transit provides access to a nearby grocery, pharmacy, health services, everyday retail, schools, and major job centers, including Downtown Austin.

Service Provider Track Record and Supportive Services:

SAFE will be the supportive service provider for The Sasha. SAFE and its predecessor agencies, the Austin Rape Crisis Center, Austin Center for Battered Women, SafePlace and Austin Children's Shelter began work in Travis County in 1974. SAFE is recognized in the community for its inclusive, survivor-centered, trauma-informed and holistic response to violence and abuse. SAFE provides many direct services, and comprehensive violence prevention programs and resources. The organization advocates within the housing, child welfare, education, healthcare, criminal justice and other systems, to be more responsive to youth, adults and families affected by violence, and to achieve social change. In 2020, SAFE provided direct services to 6,373 women, children, and men. In 2021, SAFE responded to over 21,000 SAFEline calls, chats, and texts and served 5,874 individuals.

Services are voluntary but will be available to all residents for as long as requested. SAFE will incorporate a progressive engagement approach, meaning that, based on the resident's circumstances, supportive services will increase or decrease over time.

Residents of The Sasha will be assisted to gather information to complete SSI/SSDI applications. SOAR services also include outreach; writing SOAR medical summary reports for individual applications; accompanying individuals to Social Security appointments; and coordinating visits to see medical doctors, psychiatrists, and other specialists to obtain evidence for qualification.

Peer Support:

Peer support is designed to invite residents to better connect with themselves, others, and reclaim their personal power. Residents on staff are individuals who have experienced violence and are reclaiming their own personal power. The Peer Support philosophy is based on mutual connection and equity. SAFE's Peer Support program is survivor led, trauma-informed, and survivor-centered to support abuse survivors navigating complex criminal justice and social service programs. Peer Support Services nurture hope, reduce isolation, and promote increased self-confidence, safety planning strategies, and empowerment. Activities include weekly individual and peer support groups, volunteer training and supervision, and technical support service coordination.

Case Management:

Case Managers serve as a resource person/caseworker to tenants requesting case management services from SAFE to help with their immediate and concrete needs through information, referral, and advocacy. Case Managers: provide short- and long-term case management including safety planning and housing permanency; screen and determine tenant eligibility for services and when appropriate, matches tenants with various financial assistance programs; meet individually with tenants to help with immediate problem solving to assess concrete needs; assist tenants in acquiring skills necessary to maintain independent housing, including budgeting, identifying and seeking needed resources, accessing training, life skills, etc.; maintain current information about local social service agencies, medical, legal, housing, transportation, financial support/funding options, crisis services, educational, employment, mental health, childcare, and others; and regularly coordinate tenant services with other direct services staff.

Fundraising:

SAFE has a powerful fundraising track record to cover the supportive services through a combination of private and public grants and donations from private foundations, corporations, and individuals. These funds will be sufficient to maintain the service operations at the project for the duration of the affordability period. In 2022-2023, SAFE had a \$32M organizational operating budget which was comprised of over \$10.5M in philanthropic dollars from grants, events, and individual donations, as well as over \$17.4M in governmental grants/procurements supporting service and housing programs. Further providing strength to SAFE's powerful fundraising track record, are SAFE's deep relationship with community donors, a strong Board Governance and oversight structure, and a healthy portfolio that perform by both numbers and mission. SAFE has over \$44M in total assets with strong balances in both cash and investments.

Although not anticipated, in the event of operating deficits at The Sasha, the Board of The SAFE Affordable Housing Corporation GP, Inc. and supported by SAFE, has made an irrevocable commitment to fund any operating deficits throughout the term of the affordability period. As a tax credit project, a guaranty agreement will be executed with the investor limited partner that will meet the requirements of the 2023 Qualified Allocation Plan.

Organizational Structure:

The SAFE Alliance Affordable Housing Corporation is a 501(c)(3) nonprofit organization that will serve as the sole member of the General Partner of the Applicant and Development Owner – Grove Supportive Housing Partnership, LP. The SAFE Alliance Affordable Housing Corporation is a supporting organization to The SAFE Alliance. The SAFE Alliance appoints the board of The SAFE Alliance Affordable Housing Corporation.

About the Development Team:

The SAFE Alliance has partnered with DMA Development Company, LLC, a local Austin developer of affordable and mixed-income housing.

This project aims to leverage 9% tax credits and RHDA funding to ensure The Sasha can be completed successfully.

Exhibit C

Owner and Developer Organization Charts

Applicants should note that subsequent changes to the Development Ownership structure presented in this section post award will require the written consent of the Department.

Pursuant to §11.204(12)(A) of the QAP, submit three separate charts. One showing the complete organizational structure of each of the following entities: Development Owner, Developer, and Guarantor.

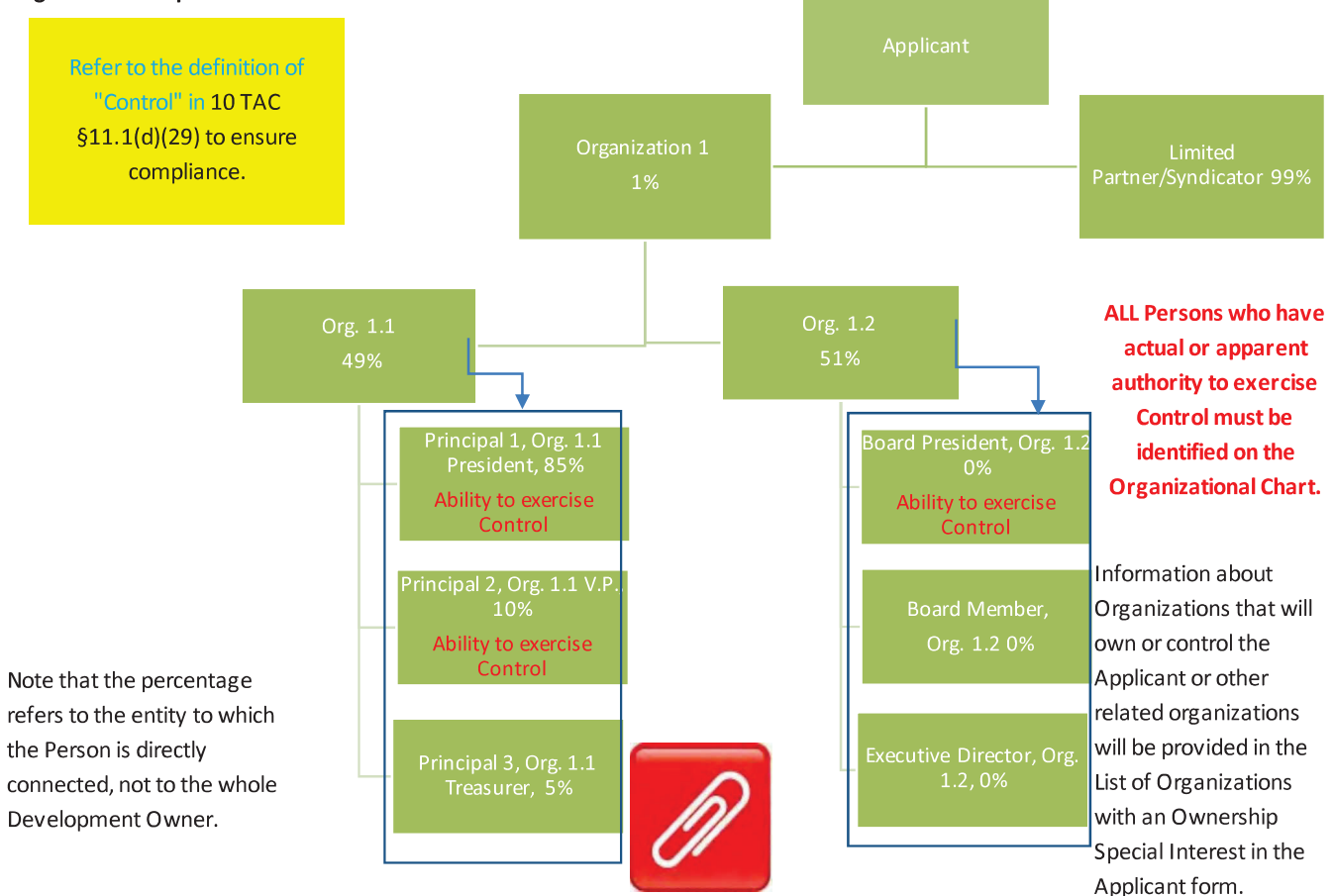
The organization charts must include:

- ☒ The names and ownership percentages of all Persons having an ownership interest in the Development Owner, Developer, and/or Guarantor.
- ☒ Nonprofit entities, public housing authorities, publicly traded corporations, individual board members and executive directors must be included in Organization charts.
- ☒ Any and all trusts must list all beneficiaries that have the legal ability to control or direct activities of the trust and are not just financial beneficiaries.

In the case of:

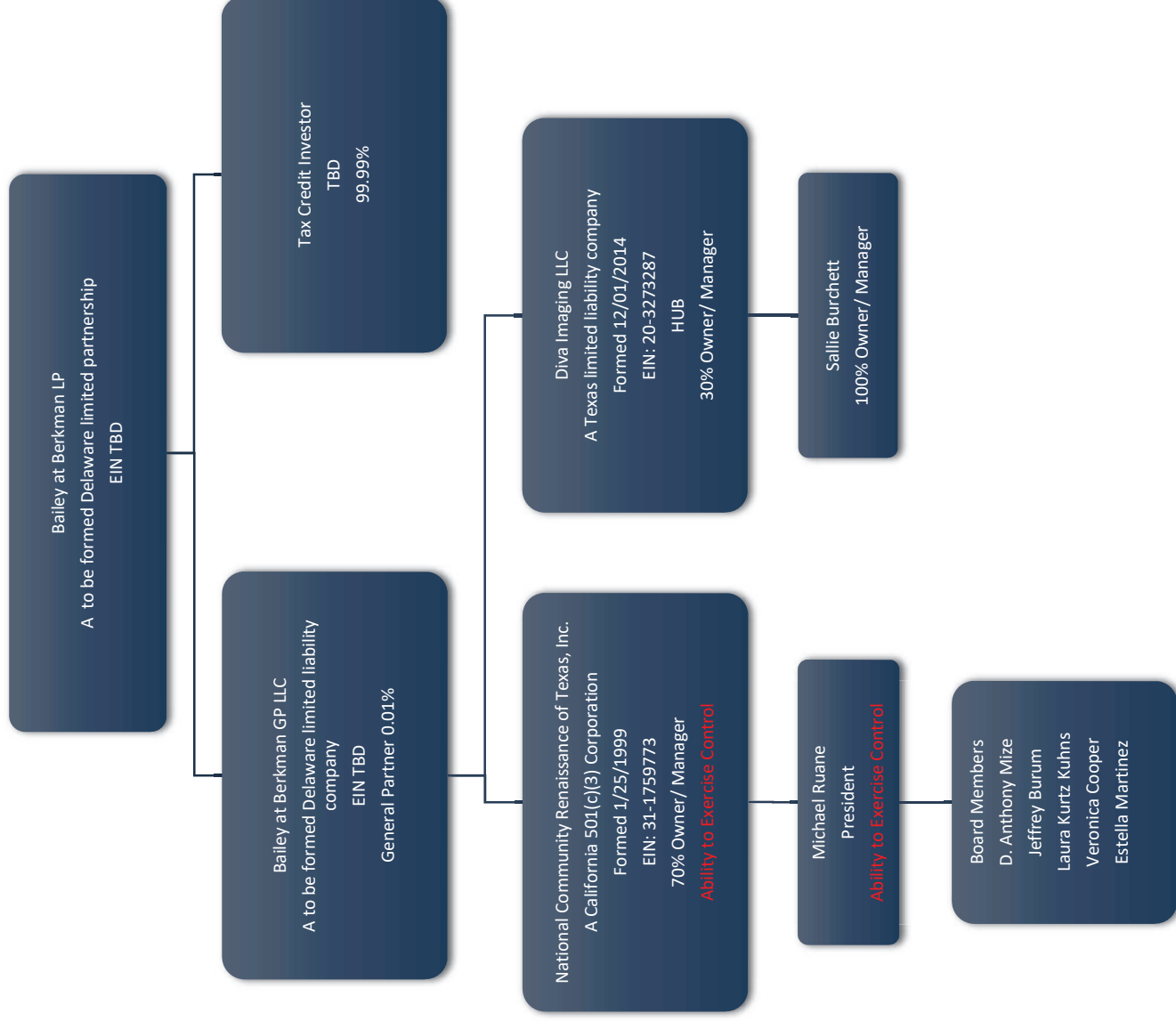
- (A) Partnerships - Principals include all general Partners and Special LPs (any LP that is not the Syndicator is a "Special LP");
- (B) Corporations - Principals include the executive director and all members of the board (shown with "0%" ownership as applicable). For to-be formed instrumentalities of PHAs, where the executive director and board remain to be determined, include the PHA, itself, and its members;
- (C) Limited liability companies - Principals include all the managing members and all other members.

Org. Chart Example:

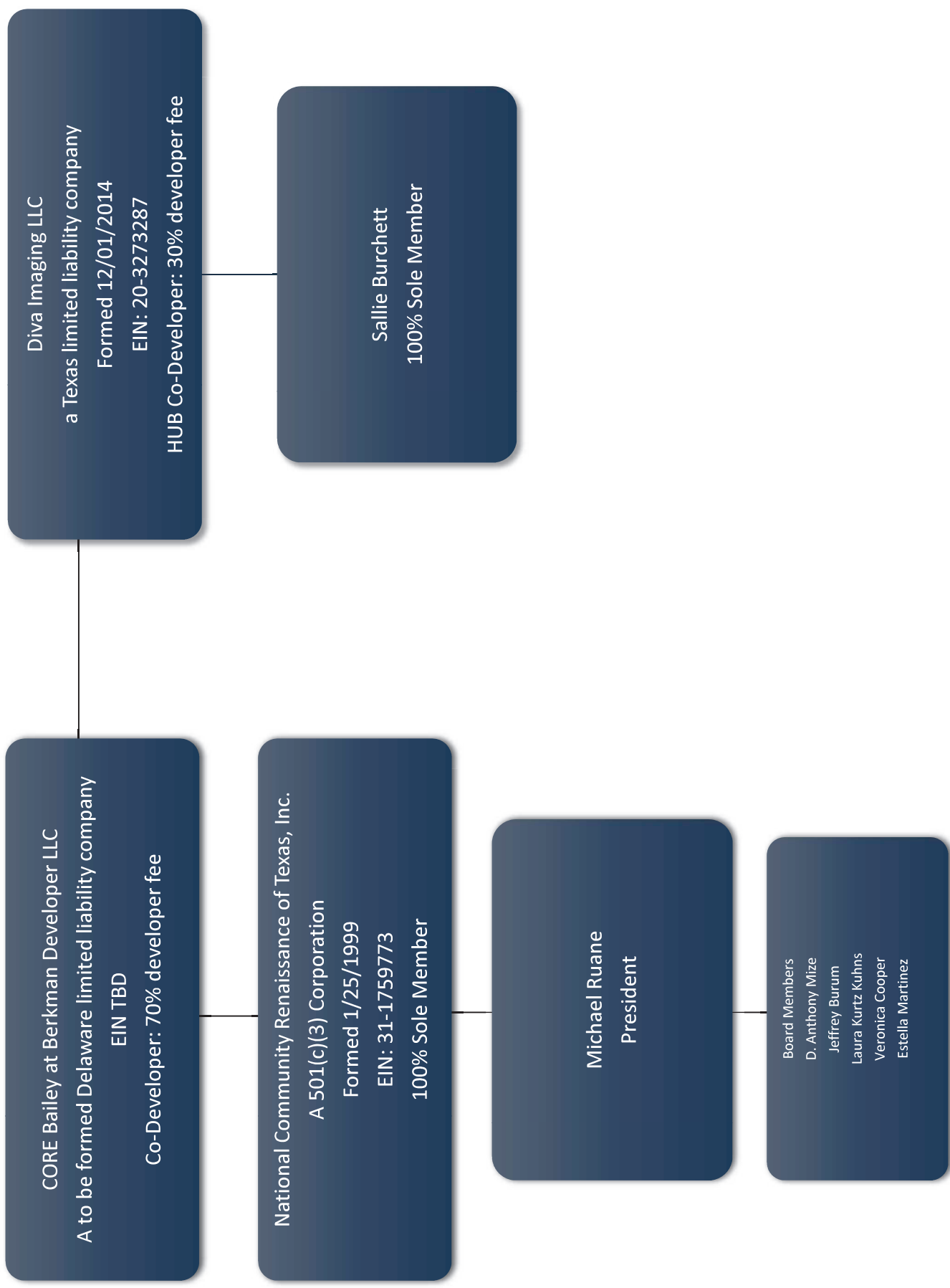


If a revised chart is submitted, include the date of submission!

Bailey at Berkman Ownership Organizational Structure



Bailey at Berkman Developer Organizational Structure



Bailey at Berkman Guarantor Organizational Structure

National Community Renaissance of Texas, Inc.

A 501(c)(3) Corporation

Formed 1/25/1999

EIN: 31-1759773

100% Sole Member

Development Team Members

The requested information on all known Development Team members must be provided. In addition to the categories listed below, the "Other" category should be used to list all known Development Team members that are included in the "Development Cost Schedule." If the team member that will be utilized is not yet known, indicate "TBD." If it is anticipated that the Development Team category will not be utilized, indicate "N/A."

** If there is a direct or indirect, financial, or other interest with Applicant or other team members, provide an attachment behind this form in the Application that explains the relationship(s). Tin is required!*

Developer:

CORE Bailey at Berkman Developer	Ariana Brendle	(410) 227-9540
	Contact Name	Phone
abrendle@nationalcore.org	tbd	tbd
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> No		Tin required!
This is a direct or indirect, financial, or other interest with Applicant or other team members* <input type="checkbox"/> Yes		

Housing General Contractor:

TBD	0	()-
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> 0		
This is a direct or indirect, financial, or other interest with Applicant or other team members* <input type="checkbox"/> 0		

Infrastructure General Contractor:

na	0	()-
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> 0		
This is a direct or indirect, financial, or other interest with Applicant or other team members* <input type="checkbox"/> 0		

Cost Estimator:

na	0	()-
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> 0		
This is a direct or indirect, financial, or other interest with Applicant or other team members* <input type="checkbox"/> 0		

Architect:

FK Architecture	Edward H. Hunton	(407)629-0595
	Contact Name	Phone
TedH@fuglebergkoch.com	tbd	27-2795328
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB? <input type="checkbox"/> No		
This is a direct or indirect, financial, or other interest with Applicant or other team members* <input type="checkbox"/> No		

Engineer:

na	0	()-
Contact Name		Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		0

Civil Engineer:

Kimley Horn	Megan McPherson	(737)787-7120
Contact Name		Phone
megan.mcpherson@kimley-horn.com	tbd	56-0885615
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		No

Market Analyst:

Novogradac	Rebecca Arthur	(913) 312-4615
Contact Name		Phone
rebecca.arthur@novoco.com	tbd	94-3108253
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		No

Appraiser:

na	0	()-
Contact Name		Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		0

Attorney:

Cynthia Bast	Locke Lord	(512) 305-4707
Contact Name		Phone
cbast@lockelord.com	tbd	74-1164324
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		No

Accountant:

tbd	0	()-
Contact Name		Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		0

Property Manager:

National CORE	Ariana Brendle	(410) 227-9540
	Contact Name	Phone
abrendle@nationalcore.org	tbd	33-0521215
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members* Yes		

Originator of Underwriter:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members* 0		

Bond Issuer:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members* 0		

Syndicator:

Hudson Housing Capital	Josh Lappen	(212) 532-3553
	Contact Name	Phone
josh.lappen@hudsonhousing.com	tbd	54-1884498
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members* No		

Supportive Services Provider:

Hope Through Housing Foundation	Ariana Brendle	(410) 227-9540
	Contact Name	Phone
abrendle@nationalcore.org	tbd	33-0802554
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members* Yes		

Supportive Services Provider:

na	0	() -
	Contact Name	Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members* 0		

Title Company

Chicago Title	Jackye Mees	(972) 419-4760
Contact Name		Phone
jmees@coatsrose.com	tbd	27-3335167
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		No

Application Consultant:

Structure Development	Sarah Andre	(512) 698-3369
Contact Name		Phone
sarah@structuretexas.com	tbd	45-4483787
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	Yes	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		No

ESA Provider:

Progea	Charlie Summers	(214) 217-4330
Contact Name		Phone
csummers@progeaglobal.com	tbd	75-2803389
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	No	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		No

Scope and Cost Review (formerly PCA) Provider:

na	0	() -
Contact Name		Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		0

Preservation Consultant:

na	0	() -
Contact Name		Phone
0	\$0.00	0
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	0	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		0

Other: Please specify

Diva Imaging LLC Co Developer	Sallie Burchett	(512) 473-2527
Contact Name		Phone
sallie.burchett@divaimaging.com	tbd	20-3273287
Email	Proposed Fee	Tax ID Number (TIN)
Certified Texas HUB?	Yes	
This is a direct or indirect, financial, or other interest with Applicant or other team members*		
		No

Explanation of Relationships

National Community Renaissance of California (National CORE) is serving in the role of property manager. Two sister entities, also nonprofit organizations are also on the development team. National Community Renaissance of Texas, Inc. is a co-developer, and a member of the General Partner. Hope Through Housing Foundation is the service provider. The organizations share some board members and executive management team members.

efile Public Visual Render | ObjectID: 202332829349301428 - Submission: 2023-10-09 | TIN: 33-0521215

Form 990

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)
Do not enter social security numbers on this form as it may be made public.
Go to www.irs.gov/Form990 for instructions and the latest information.

OMB No. 1545-0047
2022
Open to Public Inspection

A For the 2022 calendar year, or tax year beginning 01-01-2022 , and ending 12-31-2022

B Check if applicable:
☒ Address change
☐ Name change
☐ Initial return
☐ Final return/terminated
☐ Amended return
☐ Application pending

C Name of organization
NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA
Doing business as
Number and street (or P.O. box if mail is not delivered to street address) Room/suite
9692 HAVEN AVENUE SUITE 100
City or town, state or province, country, and ZIP or foreign postal code
RANCHO CUCAMONGA, CA 91730
F Name and address of principal officer:
MICHAEL FINN
9692 HAVEN AVENUE SUITE 100
RANCHO CUCAMONGA, CA 91730

D Employer identification number
33-0521215
E Telephone number
(909) 483-2444
G Gross receipts \$ 101,565,310

I Tax-exempt status:
☒ 501(c)(3) ☐ 501(c) () (insert no.) ☐ 4947(a)(1) or ☐ 527
J Website: WWW.NATIONALCORE.ORG

H(a) Is this a group return for subordinates? ☐ Yes ☒ No
H(b) Are all subordinates included? ☐ Yes ☐ No
If "No," attach a list. See instructions.
H(c) Group exemption number

K Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other

L Year of formation: 1992
M State of legal domicile: CA

Part I Summary

Activities & Governance

1 Briefly describe the organization's mission or most significant activities:
PROVIDING AFFORDABLE RENTAL HOUSING THAT EMPOWERS LOW-INCOME RESIDENTS AND CHANGES COMMUNITIES.

2 Check this box ☐

3 Number of voting members of the governing body (Part VI, line 1a) 3 14
4 Number of independent voting members of the governing body (Part VI, line 1b) 4 14
5 Total number of individuals employed in calendar year 2022 (Part V, line 2a) 5 3
6 Total number of volunteers (estimate if necessary) 6 0
7a Total unrelated business revenue from Part VIII, column (C), line 12 7a 0
7b Net unrelated business taxable income from Form 990-T, Part I, line 11 7b 0

Revenue

8 Contributions and grants (Part VIII, line 1h) 985,554 1,024,244
9 Program service revenue (Part VIII, line 2g) 45,232,517 45,178,110
10 Investment income (Part VIII, column (A), lines 3, 4, and 7d) 3,739,603 6,327,933
11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e) 1,066,168 1,223,200
12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12) 51,023,842 53,753,487

Expenses

13 Grants and similar amounts paid (Part IX, column (A), lines 1-3) 0 1,024,431
14 Benefits paid to or for members (Part IX, column (A), line 4) 0 0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10) 18,630,477 22,216,100
16a Professional fundraising fees (Part IX, column (A), line 11e) 0 0
b Total fundraising expenses (Part IX, column (D), line 25) 260,245
17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e) 21,292,361 32,041,694
18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25) 39,922,838 55,282,225
19 Revenue less expenses. Subtract line 18 from line 12 11,101,004 -1,528,738

Net Assets or Fund Balances

20 Total assets (Part X, line 16) 192,617,949 319,298,469
21 Total liabilities (Part X, line 26) 96,452,672 239,347,338
22 Net assets or fund balances. Subtract line 21 from line 20 96,165,277 79,951,131

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has knowledge.

Form 990 Department of the Treasury Internal Revenue Service	Return of Organization Exempt From Income Tax	OMB No. 1545-0047 2021 Open to Public Inspection
	Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundation). Do not enter social security numbers on this form as it may be made public. Go to www.irs.gov/Form990 for instructions and the latest information.	

A For the 2021 calendar year, or tax year beginning 01-01-2022, and ending 12-31-2022			
B Check if applicable: <input checked="" type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Final return/terminated <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	C Name of organization HOPE THROUGH HOUSING FOUNDATION		D Employer identification number 33-0802554
	Doing business as		E Telephone number (909) 483-2444
	Number and street (or P.O. box if mail is not delivered to street address)	Room/suite	G Gross receipts \$ 8,379,878
	9692 HAVEN AVENUE SUITE 100		
	City or town, state or province, country, and ZIP or foreign postal code RANCHO CUCAMONGA, CA 91730		
F Name and address of principal officer: MICHAEL FINN 9692 HAVEN AVENUE SUITE 100 RANCHO CUCAMONGA, CA 91730		H(a) Is this a group return for subordinates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No H(b) Are all subordinates included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "No," attach a list. See instructions. H(c) Group exemption number	
I Tax-exempt status: <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> 501(c) () (insert no.) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527			
J Website: WWW.HTHF.ORG			
K Form of organization: <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other		L Year of formation: 1998	M State of legal domicile: CA

Part I Summary			
Activities & Governance	1 Briefly describe the organization's mission or most significant activities: PROVIDING SOCIAL SERVICE PROGRAMS THAT EMPOWER LOW-INCOME RESIDENTS AND CHANGE COMMUNITIES.		
	2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.	3	7
	3 Number of voting members of the governing body (Part VI, line 1a)	4	7
	4 Number of independent voting members of the governing body (Part VI, line 1b)	5	0
	5 Total number of individuals employed in calendar year 2021 (Part V, line 2a)	6	320
	6 Total number of volunteers (estimate if necessary)	7a	0
	7a Total unrelated business revenue from Part VIII, column (C), line 12	7b	0
Revenue	8 Contributions and grants (Part VIII, line 1h)	Prior Year	Current Year
		3,160,921	5,383,622
	9 Program service revenue (Part VIII, line 2g)	2,029,278	2,545,777
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	3,207	16,621
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	-10,113	-7,483
	12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	5,183,293	7,938,537
	13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)	0	0
	14 Benefits paid to or for members (Part IX, column (A), line 4)	0	0
	15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	1,968,241	2,744,847
	16a Professional fundraising fees (Part IX, column (A), line 11e)	0	0
Expenses	b Total fundraising expenses (Part IX, column (D), line 25) 170,341		
	17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	2,638,594	3,107,336
	18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	4,606,835	5,852,183
	19 Revenue less expenses. Subtract line 18 from line 12	576,458	2,086,354
Net Assets or Fund Balances		Beginning of Current Year	End of Year
	20 Total assets (Part X, line 16)	3,787,690	5,649,377
	21 Total liabilities (Part X, line 26)	872,428	647,761
	22 Net assets or fund balances. Subtract line 21 from line 20	2,915,262	5,001,616

Part II Signature Block					
Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.					
Sign Here	Signature of officer		2023-09-27 Date		
	LINDA API CHIEF FINANCIAL OFFICER Type or print name and title				
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN P01086641
	Firm's name	NOVOGRADAC & COMPANY LLP			Firm's EIN 94-3108253
	Firm's address	2033 N MAIN ST SUITE 400 WALNUT CREEK, CA 94596			Phone no. (925) 949-4300
	May the IRS discuss this return with the preparer shown above? (see instructions) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				

Part III Statement of Program Service AccomplishmentsCheck if Schedule O contains a response or note to any line in this Part III ☒**1** Briefly describe the organization's mission:

THE MISSION OF HOPE THROUGH HOUSING FOUNDATION IS TO BREAK THE CYCLE OF GENERATIONAL POVERTY BY ADVOCATING FOR POLICIES AND IMPLEMENTING PROGRAMS THAT EMPOWER RESIDENTS AND CHANGE COMMUNITIES. TOGETHER, WE TRANSFORM LIVES AND COMMUNITIES.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 4,646,527 including grants of \$) (Revenue \$ 2,538,294)

AS A NATIONAL NON-PROFIT, HOPE THROUGH HOUSING FOUNDATION ADDRESSES GAPS IN LOW INCOME COMMUNITIES BY PROVIDING PLACE-BASED SERVICES. TARGETING LOW-INCOME INDIVIDUALS, FAMILIES AND SENIORS AT 30 TO 80 PERCENT OF AREA MEDIAN INCOME, OUR PROGRAMS INCLUDE ON-SITE PRESCHOOLS, AFTER-SCHOOL PROGRAMMING, FINANCIAL EDUCATION, DEBT REDUCTION AND REPAIR, A PATHWAY TO HOMEOWNERSHIP, SENIOR WELLNESS AND CASE MANAGEMENT WITHIN NATIONAL CORE'S 80+ AFFORDABLE APARTMENT COMMUNITIES ACROSS SEVERAL STATES. WE BELIEVE THAT THE MOST EFFECTIVE WAY TO LIFT PEOPLE OUT OF POVERTY AND STRENGTHEN COMMUNITIES IS BY BUILDING HUMAN CAPACITY. OUR PROGRAMS ARE DESIGNED TO HELP INDIVIDUALS FIND THEIR OWN WAY - OFFERING RESOURCES AND THE EXPERTISE OF HIGHLY QUALIFIED PARTNERS. OUR GOAL ACROSS ALL OF THESE PROGRAMS IS TO DIRECT, LEVERAGE, AND SUPPORT COMMUNITY DEVELOPMENT ACTIVITIES AND RESOURCES ACROSS A VARIETY OF PARTNERS, RESULTING IN TARGETED NEIGHBORHOOD TRANSFORMATION AROUND AFFORDABLE HOUSING SITES. HOPE THROUGH HOUSING WORKS IN TANDEM WITH NATIONAL CORE'S AFFORDABLE, WORKFORCE AND SENIOR HOUSING DEVELOPMENTS, COMPRISING MORE THAN 8,000 UNITS ACROSS FOUR STATES.

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.)
(Expenses \$ including grants of \$) (Revenue \$)

4e Total program service expenses 4,646,527

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)
(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization failed to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ►	(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) 2022	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grant.") . . .	2,590,892	2,434,125	2,681,613	2,814,560	5,103,365	15,624,555
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge..						
4 Total. Add lines 1 through 3	2,590,892	2,434,125	2,681,613	2,814,560	5,103,365	15,624,555
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f) . . .						
6 Public support. Subtract line 5 from line 4.						15,624,555

Section B. Total Support

Calendar year (or fiscal year beginning in) ►	(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) 2022	(f) Total
7 Amounts from line 4.	2,590,892	2,434,125	2,681,613	2,814,560	5,103,365	15,624,555
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	1,372	2,348	2,289	3,207	16,621	25,837
9 Net income from unrelated business activities, whether or not the business is regularly carried on.						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)	209,597	219,332	240,106	281,399	306,894	1,257,328
11 Total support. Add lines 7 through 10						16,907,720
12 Gross receipts from related activities, etc. (see instructions)					12	
13 First 5 years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here <input type="checkbox"/>						

Section C. Computation of Public Support Percentage

14 Public support percentage for 2022 (line 6, column (f) divided by line 11, column (f))	14	92.410 %
15 Public support percentage for 2020 Schedule A, Part II, line 14	15	91.450 %
16a 33 1/3% support test—2022. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization <input checked="" type="checkbox"/>		
b 33 1/3% support test—2021. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization <input type="checkbox"/>		
17a 10%-facts-and-circumstances test—2022. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization <input type="checkbox"/>		
b 10%-facts-and-circumstances test—2021. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization <input type="checkbox"/>		
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions <input type="checkbox"/>		



A Legacy of Hope

**20
23** **IMPACT
REPORT**



HOPE through HOUSING®
FOUNDATION

Circle of Hope Donors

PRESIDENT'S CIRCLE

The Burum Family Foundation
Bank of America
Citizens Business Bank
The Colonies-Pacific, LLC
Equity in Orange County Initiative
Fontana Foundation of Hope
Andy & Blenda Wright
John P. Previti Memorial Foundation
Life Science Cares
San Manuel Band of Mission Indians
Sisters of Charity of the Incarnate Word

CHAMPION OF HOPE

Amazon
Dan Moore Electric
Dignity Health Glendale Memorial Hospital
Edgewater Capital Lending
Gauthier Construction, Inc.
Kaiser Permanente
Mark Harris Plumbing
Larry Van Noy & Mary Kwolek
US Bank
Wells Fargo
John Zeiler

WARRIOR OF HOPE

ADEI Drilling
Advanced Environmental Landscape Design & Consulting
Art Pratt Foundation
Aviso Legal Group LLP
Bank of America - Inland Empire
Bank of the West
Bighorn Golf Club Charities
CAM Services
Circle City Roofing
Comerica Bank
Diversified Pacific
Escondido Community Foundation
Fire N Ice

FM Heating & Air Conditioning
Richard Greever
Greystone Servicing Corporation, Inc.
Hillside Community Church
Hudson Housing Capital
IMAC Construction
Irene W. & Guy L. Anderson Children's Foundation
JP Morgan Chase
Kenyon Plastering
Larson LLP
Mark Christopher Chevrolet
Matrix Construction Services
Ontario International Airport
PNC Bank
Southern California Gas Company
Spectrum
The Crebs Family Foundation
Vasquez Flooring
Webb Family Enterprises

HERO OF HOPE

Albus & Associates Inc.
Art Deck Professional Waterproofing
Bay Sheet Metal
Brightline West
Dorrie Bryan
Cathay Bank
Century Housing
Cigna
City of Fontana
City of Ontario
CPP Housing
CTBC Bank Corp.
EmpireWorks
First 5 San Bernardino
First Citizens Bank
Frost Brown Todd LLP
Golden State Bank
Hardy Window Co. Inc.
Hy-Lang Electric
Impact Networking
Inland Empire Health Plan
Mallory Wealth Management
Michael & Lynne Kennedy
KFA, LLP
Kimball, Tirey & St. John LLP
Klein Hornig, LLP
Judy Lee - JC Horizon
Fiona Ma
Lesli McCollum
Gooch Ph.D.
Tony & Annabel Mize

Murrieta Development Company, Inc.
Novogradac & Company
Pacific Premier Bank Foundation
RAP Foundation
Resource Computer Solutions
RMP Supply
RRM Design Group
Mike & Jayne Ruane
Sciortino Design
Seamless Flooring
Serve U Property Solution
Sierra West Finish
Silverwood Landscape
Stater Bros.
Studio E. Architects
Sun Run
Symons Fire Protection
The Mark Company
United Paving Co.
Walmart
Andrew Watt
Webb Family Enterprises
Ashley Wright
Yardi Systems, Inc.

GUARDIAN OF HOPE

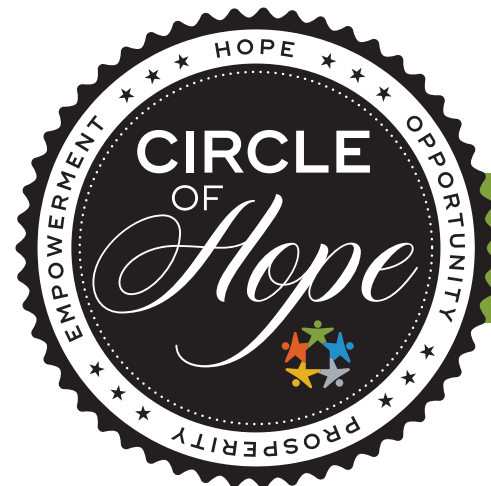
2020 Plumbing & Heating Inc.
AC Martin, Inc.
Advance Iron Works
Advantage Painting Solutions
Altec Testing & Engineering
Lucy Bender
Adrianna Bluhm
Boudreau Pipeline Corporation
Greg & Jacqui Bradbard
John Bremond
Burrtec Waste Industries, Inc.
Capital One
Chaffey College
Chalifoux Brast Thompson Potocki
City of Rancho Cucamonga
Claremontcounselor.com
Clifton Larson Allen LLP.
Gavin Clingham
Coastline Steel
Sonja Coffee
Conor Commercial Construction
Robert & Orsola Diaz
Doty Bros.
Ferguson Supply
Fifth Third Bank
Foshay Electric
Glynn's Contracting

Gray Electrical Consulting & Engineering
Gubb and Barshay
Lesley Hampton
Home Masters International
IMA Corp
Inland SoCal United Way
Interior Logic Group
Jem Unlimited Iron, Inc.
J Ginger Masonry, LP
JI International
Jim & Robin Sheridan Family Trust
Chris & Melissa Killian
Jonathan Krellwitz
LINC Housing Corporation
Janet Loli
Loma Linda University Health Care
Daniel Lorraine
Lowndes Law Firm
Mama's Oil Factory
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Nora Mendez
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Modern Support Services
National CORE
North Hills Church
Oasis Medical Inc.
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Onyx Architects, Inc.
OPR Communications
Paragon Construction
Pepe's Towing
Perkins Painting & Custom Coatings
Professional Diversified Flooring
Professional Pest Management
Pub Construction
Raymond James
Rob Clark Construction
Brenda Rodriguez
Royal Countertops
Safelite Group
San Bernardino County Board of Supervisors, Dawn Rowe
Second Avenue Saloon & Sports Bar
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Benthale, McKibbin, & McKnight
Bigge Crane & Rigging Co.
Rick Bishop
BMP Solutions

Bumstead Bicycles
Burke, Williams & Sorenson, LLP
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Cats Excavating
Chaffey Federal Credit Union
City of Montclair
Alyssa Cotter
Matthew Curless
Heather Dickerson
Mondi Dorrough
Trevor Duran
Tracy Elefante
Britni Ellis
Enhance Wellness & Aesthetics
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Fusco
Rada Garcia
Gemini Plastic Surgery
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Novelty Printing
Richard Martinez
Engie Mikhaeil Guirguis
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Network for Good
Ontario Elks Lodge
Lakira Patton
Premier IE
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Angel Rogers
San Antonio Regional Hospital
Kristine Scott
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Sparrow Lily Realty
Suzanne Sproul
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Omar Tenorio
Towne Avenue Real Estate
UBS Financial
Cecilia Vest
Thomas Wright



Jonathan Zackula
 Sherwin Williams Paint Company
 Sierra Aviation Group
 Silvercreek Modular
 Silverline Construction, Inc.
 Source Solar, Inc.
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 SVA Architects, Inc.
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 Tokio Marine HCC-Surety Group
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 Tripac Online
 Jonas Ulrich
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 Wall Craft
 WASH Multifamily Laundry Systems
 Alexa Washburn
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 Destiny Church Ministries
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 Pamela Easter
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 Joey Fabela
 Zeinab Fakih
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 Bibiana Grajales
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 Irene Hernandez
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 Lorraine Kindred
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 Pat Leffard
 Luana Lemus
 Kristina Lightfoot
 Daisy Macias
 Jose Manzo
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 Allan Arzu
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 Melody Barrett
 Claudia Becerril
 Belfor Property Restoration
 Alajandra Benavente
 Elizabeth Blaszkiewicz
 Austin Bolechowski
 Arik Boles
 Sandra Bowers
 Brandon Brooks
 Spencer Brown
 Bruster's Ice Cream
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 Jesus Caseres
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 Jaime Garcia
 Gerber Concrete Services
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 Paige Jodoin
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 Patricia Kick
 Susan Killian
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 Guadalupe Rodriguez
 Salt Oasis
 Karen Scott
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 Chase Snider
 Rachal Sosa
 Jonathan Stalvey
 Mei Stanford
 Jeremy Stinson
 Nicole Stowell
 Randall Street
 Ellen Tatum
 Scot Taylor
 The Purple Easel
 Mr. Beez Pest Control, Inc
 Pablo Torres
 Dixie Torres
 Celine Tuazon
 Lisa Turin
 Luis Vasquez
 Leonel Vasquez
 Jose Vazquez
 Tayari Venahle
 Daniel Webster
 Renee Weiser
 Darlene Williams
 Dennis and Connie Winn

Exhibit E



Bailey at Berkman

Tenant Selection Plan

6405 Berkman Dr., Austin, 78723

PROJECT OVERVIEW

Bailey at Berkman is a new construction development that will be located at 6405 Berkman Dr, Austin, TX 78723. The target population under the Texas Department of Housing's Guidelines will be "Supportive Housing." This location is in Census Tract 48453002112 and the Windsor Park Neighborhood. It meets the following of the City's preference criteria for a Resolution of Support:

1. The development is located in a Displacement Risk area, according to the Project Connect Displacement Risk Maps.
2. No fewer than 25% of the units in the development are dedicated to the Continuum of Care, as confirmed by an executed MOU with ECHO.

Bailey at Berkman will be located near numerous amenities. The site is not only 203 feet from a bus stop that serves a high frequency transit route, but it is also within a half-mile of its zoned elementary, a public library, a park, and a grocery store. A variety of retail establishments, and restaurants are also in close proximity to the site.

There will be a total of 104 units in a configuration of all efficiency units along with amenities commensurate with other 9% LIHTC developments. The unit mix is provided in the summary table.

NOTICE

Please take notice that the Community for which this Plan has been drafted has multiple State, County, City and other affordable housing funding programs ("Affordable Housing Programs") associated with its financing and operations. Accordingly, each and all of such Affordable Housing Programs have extensive tenant selection criteria that will be used to screen and select tenants at the Community. The specific details of each and every Affordable Housing Program, or its statutes, rules and regulations, cannot be set forth in this Plan; therefore, applicants are hereby informed that this Plan presents only a general outline of the tenant selection criteria and process and should not be read, interpreted, or relied upon as having set forth the entire criteria or process that an applicant must meet or undertake in order to become a qualified tenant at the Community. Applicants may be asked for additional information and be required to verify factual assertions that are not found in this Plan; but are associated with one or more of the Affordable Housing Programs related to the Community. This document is not intended to be an exhaustive, all inclusive, selection plan that addresses every criterion or process by which an applicant or tenant may be selected. PSH Applicants will have to meet the criteria for all Affordable Housing



Program eligibility and be verified to be low income, homeless, households earning 30% or less of the then currently applicable area median income ("AMI") for Travis County.

INTRODUCTION

This Tenant Selection Plan (this "Plan") outlines the general tenant selection criteria and general application procedures that will be followed in selecting tenants for the apartment community described below. Management is responsible for implementing these procedures.

COMMUNITY DESCRIPTION

17) Target Population

Supportive Housing (COC)

18) Summary of Rental Units by MFI Level

Income Level	Efficiency	One Bedroom	Two Bedroom	Three Bedroom Unit	Four (+) Bedroom	Total
Up to 20% MFI						0
Up to 30% MFI	21					21
Up to 40% MFI						0
Up to 50% MFI	63					63
Up to 60% MFI	20					20
Up to 70% MFI						0
Up to 80% MFI						0
Up to 120% MFI						0
No Restrictions						0
Total Units	104	0	0	0	0	104

FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS NON-DISCRIMINATION

It is the policy of Bailey at Berkman to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted. Bailey at Berkman will not discriminate on the basis of race, color, sex, religion, age, disability, national origin, marital status, sexual orientation, ancestry, source of income, medical condition, or any other arbitrary basis in the leasing, rental, or other disposition of housing or related facilities, or in the use or occupancy thereof. In addition, Bailey at Berkman will not:

- Deny to any applicant the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to his/her needs;
- Provide housing which is different from that provided others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services; or
- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.



Bailey at Berkman shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine. Screening criteria will be applied in a manner consistent with all applicable laws, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines, and TDHCA's rules.

SECTION 504 OF THE REHABILITATION ACT OF 1973

It is the policy of Bailey at Berkman to assure that qualified individuals with handicaps or disabilities are not discriminated against on the basis of their handicap or disability. Bailey at Berkman also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at Bailey at Berkman . In order to comply with Section 8.27 of Section 504 of the Rehabilitation Act of 1973, landlords must first lease vacant accessible units to current occupants requiring the accessibility features of the vacant unit and occupying a unit not having such features. If no such occupant exists, the unit would be leased to an eligible qualified applicant on the waiting list who requires the accessibility features of the vacant unit. When offering an accessible unit to an applicant not having handicaps requiring the accessibility features of the unit, the landlord must require the applicant to agree to move to a non-accessible unit when available.

PSH TENANT SELECTION

The target PSH residents will be drawn from the Coordinated Entry System ("CES") (ECHO) in Travis County, which provides a collaborative county-wide platform for housing and service delivery to homeless individuals. Information entered into HMIS will assist in generating referrals through the CES to National CORE. When vacancies become available to be filled by CES eligible individuals, the County will forward appropriate referrals to National CORE's property management team for Bailey at Berkman . The Case Manager ("CM") will receive the referral and begin the engagement process and assist in determining resident eligibility, with services leading up to lease signing and move in.

REASONABLE MODIFICATIONS

Bailey at Berkman will allow reasonable modifications to individual units or common areas when requested by applicants and residents with disabilities. If considered reasonable by Bailey at Berkman , these modifications will be made at the property's expense. If deemed to be unreasonable, an active dialogue will be opened between Bailey at Berkman and the disabled applicant or resident to find a mutually agreeable solution.

REASONABLE ACCOMMODATIONS

Bailey at Berkman will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, Bailey at Berkman will make reasonable accommodation for individuals with handicaps or disabilities (applicants or residents). Bailey at Berkman will make reasonable adjustments to rules, policies, and services in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common area of dwelling, or to participate in or have access to other activities conducted or sponsored by Bailey at Berkman . In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals with disabilities, Bailey at Berkman are not required to:

- Make structural alterations that require the removal or altering of a load-bearing structural member;
- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or service;
- Take any action that would result in an undue financial and administrative burden on Bailey at Berkman,



including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

INFORMATION REGARDING DISABILITIES

Bailey at Berkman ensures that any questions related to disability information on the application for housing have to do with program eligibility and allowable medical or disability deductions for housing applicants who wish to take advantage of those deductions. It is not required that any information regarding a possible disability be revealed other than for program eligibility requirements.

AUXILIARY AIDS TO ENSURE EFFECTIVE COMMUNICATION

Bailey at Berkman will seek to effectively communicate with applicants, residents, and members of the public who are individuals with disabilities. The use of auxiliary aides will be implemented when necessary. Bailey at Berkman asks for 7 days' notice in order to make any service, meeting, interview, appointment, or any business accessible. Requests for auxiliary aids may include visual alarms, tactile signs, visual doorbells, readers, interpreters, large print or Braille applications, leases, and other information/communications, recordings of such information, and a community room television that provides closed-captioning service.

ASSISTANCE ANIMALS

Bailey at Berkman will allow assistive animals which are defined as animals that work, provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support to alleviate identified symptoms or effects of a person's disability. These animals, often referred to as assistive, service, support, or therapy animals perform many disability-related services, including but not limited to guiding individuals who are blind, alerting individuals who are deaf, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. No pet deposit is required for assistive animals. Appropriate rules of conduct will be provided for assistive animals. If an accommodation for assistive animals causes a financial and/or administrative burden on Bailey at Berkman or becomes a danger to the safety of the other residents or staff, the assistive animal will be denied.

PETS

Bailey at Berkman will be in acceptance of pets onsite, as long as they meet and follow Rules and Regulations set forth in the lease. Each resident adding a pet must sign and comply with all rules list on the "Pet Addendum". Each pet must be approved by the Landlord before residing onsite.

ACCESSIBLE ROUTE

For mobility-impaired persons, Bailey at Berkman is an accessible facility on an accessible route.

EQUAL ACCESS

Bailey at Berkman will provide assistance in a confidential manner and setting to ensure equal access to a resident's documents. An individual with disabilities is responsible for providing her/his own transportation to and from the location where all documents are kept. Documents that the resident would like to review may be examined during regular business hours. Please contact the management office to make arrangements to examine any documents.

MITIGATING CIRCUMSTANCES

Section 504 and Fair Housing regulations state that consideration for mitigating circumstances shall be



given to all persons applying for occupancy. If an applicant feels there is a mitigating circumstance or reasonable accommodation to be considered for determining occupancy, they should contact Bailey at Berkman immediately to schedule a meeting.

PRIVACY POLICY PERSONAL INFORMATION

It is the policy of Bailey at Berkman to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by Bailey at Berkman . Unless required by Federal or state law or required under any Affordable Housing Program rules or guidelines for compliance with audits or certifications, neither Bailey at Berkman nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure.

DETERMINING ELIGIBILITY FOR ASSISTANCE

This privacy policy in no way limits Bailey at Berkman ability to collect such information as it may need to determine eligibility and income, compute rent, or determine an applicant's suitability for tenancy.

INFORMATION ON DISABILITIES

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on disability will be treated in a confidential manner.

OCCUPANCY STANDARDS

Occupancy Standards is the minimum and maximum number of occupants residing in a unit. When applying to Bailey at Berkman, the appropriately sized unit must be in the unit configuration within the development. Units are assigned according to household size and composition. Below are Bailey at Berkman's occupancy standards:

Bedroom Size	Minimum	Maximum
1	1	3
2	2	5
3	3	7

VERIFICATION : FINANCIAL

All income will be verified in writing by the income source indicated on the income certification form.

All assets, including bank accounts, will be verified in writing. Upon initial occupancy, tenant's income cannot exceed the area median for household size as published annually by the U. S. Department of Housing and Urban Development (HUD) and Low Income Housing Tax Credits (LIHTC). Third-party income verification will be required from all sources, including but not limited to:

- Employment, self-employment
- Savings and checking
- Pension
- Disability
- Asset verification, property, home, stocks, bonds, annuities, IRA, etc.
- Government assistance, A.F.D.C., General Relief, etc.



- Social Security
- Child Support/Alimony
- Non-Tuition Financial Aid

Income calculations are based on the household's annual gross (anticipated) income for the following 12 months. Annual gross income includes income from any and all assets. Criminal record checks will be conducted on all adult members (18 years or older or emancipated minor) in the households who have satisfied the income requirements, credit report and program requirements. This process will also apply for attendant care providers that will be occupying the unit. Credit checks will be requested by the management Agent from all applicants 18 years or older. At the request of an applicant, a reasonable accommodation request will be considered. In addition, with the approval of the applicant, the referring case manager will be given an opportunity to appeal any application denial based on information obtained from criminal record checks. However, all applicants will have to demonstrate that they meet program requirements.

Income

The annual gross income of the applicant(s) must be equal to or less than the income limit established by the applicable program's administrative rules for the appropriate household size. The Community may have multiple affordable housing funding programs (i.e. the IRS Tax Credit program) that will apply to the income eligibility of a household. All applicants shall be required to provide all income verification documentation for each and every applicable housing program being enforced at the Community. Income limits are available for review at the Community.

In addition to all other affordable housing program requirements, Owner shall cooperate with County and provide such further information as may be required by County for purposes of verifying a tenant's status as an Eligible Tenant. Owner shall use its best efforts to verify that the income provided by an applicant is accurate by taking the following steps as a part of the verification process:

- obtain the income tax filed by the applicant for the previous year;
- obtain three (3) pay stubs for the most recent pay periods;
- obtain a written verification of income and employment from the applicant's current employer;
- Obtain an income verification form from the Social Security Administration, Department of Social Services, and/or Employment
- Development Department if the applicant receives assistance from any of said agencies;

if an applicant is unemployed or did not file a tax return for the previous calendar year, obtain other evidence and/or verification of such applicant's income as is satisfactory to County; and Such other information as may be requested by the County.

Your monthly gross income must equal or exceed the following for this community (Non-PSH Units):

1.5 times the monthly rent

2 times the monthly rent

3 times the monthly rent

CRIMINAL CONVICTIONS

Bailey at Berkman will deny admission to any member of the household that is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal law, Bailey at Berkman is establishing this standard to prohibit admission to this federally- assisted property to sex offenders subject to a



lifetime registration requirement under a state sex offender registration program. During the admission screening process, Bailey at Berkman will perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided. Pursuant to 24 C.F.R. & 5.856 and 5.905, O/A Criminal background checks must be performed in the State in which the housing is located and for the state where the applicant and the members of the applicant's may have resided to determine if an applicant or a member of an applicant's household is subject to lifetime sex offender registration program.

Applicants who fall into the following categories will be rejected:

- Current addiction to or engagement in the illegal use of a controlled substance. (NON- PSH UNIT ONLY)
- Any household containing a member(s) who was evicted in the last five years from housing for drug-related criminal activity. Exception: If the evicted household member has successfully completed approved supervised drug rehabilitation or the circumstances leading to the eviction no longer exist (e.g. the household member no longer resides with the applicant household). (NON-PSH UNIT ONLY)
- Any household member that is subject to a state sex offender lifetime requirement.
- Applicants who fall into categories may be rejected. In addition, if other persons that will be living in the unit fall into these categories, the applicant may be rejected.
- Felony Criminal convictions that involved physical violence to persons or property, or endangered the health and safety of other persons within the last three years
- Felony Criminal convictions in connection with the manufacture or distribution of a controlled substance within the last three-year years;

RECOMMENDATIONS FOR ADMISSION OR REJECTION

If at any point in the screening process (including landlord references, home visit, criminal background check, or verification of ability to comply with lease terms), it becomes clear to Bailey at Berkman that an applicant will not meet the screening criteria, the file will be sent to the appropriate Supervisor for review. The first step in this review is a determination of the file's completeness. If any information is missing or the case for rejection or acceptance is not compelling, the file will be returned to the staff for further work.

REJECTION PROCEDURES

Written Notification

Each rejected applicant will be promptly notified in writing of the reason(s) for rejection. This notice will advise the applicant that he/she may, within 14 days of receipt of the notice (excluding weekends and designated federal holidays), respond in writing or request to meet with Management to discuss the notice. This does not include rejection for applicant being over-income limits.

Review of Rejected Applications

The applicant will have 14 days (excluding weekends and designated federal holidays) to respond in writing or request a meeting to discuss the rejection. Any meeting with the applicant or review of the applicant's written response will be conducted by a member of Management's staff who did not participate in the decision to reject the applicant. If the applicant appeals the rejection, the applicant will be given a final written decision from Management within five (5) days (excluding weekends and designated federal holidays) of the applicant's written response or meeting. If the decision is reversed, the applicant will be offered a suitable vacant unit. If no such unit is available, the applicant will be offered the next appropriate unit.



WAIT LIST MANAGEMENT CREATION OF WAITING LIST (s)(PSH UNITS) (ECHO)

Vacancies that arise after the property is initially occupied will be filled by the supportive service provider (County) completing a vacancy request form and submitting it to the regional CES. There will be not be a site-based wait list. Under the CES system, Bailey at Berkman is required to retire any initial applications not selected for tenancy and refer to the CES system for future applicant referrals. Subsequent to initial lease-up, the applicant list will be eliminated. Applications submitted for initial lease-up, which have not been denied, will already have been incorporated into the CES, which functions as the wait list for this and other potential housing opportunities.

Vacancies that arise after the property is initially occupied will be filled by the supportive service provider(County) completing a vacancy request form and submitting it to the regional CES. For purposes of determining whether the wait list is “closed” or “opened,” the wait list shall be considered as “closed.” All applicants shall be pulled through CES and no site-specific wait list shall be in place that requires opening or closing or additional marketing efforts. When units become available, applications of households of the approximate size and income level will be processed in chronological order as referred from the CES Client Prioritization List. Any available unit will be prioritized for first applicant, as listed in chronological order, who meets the requirements of the available unit. Upon completion of initial lease-up, the wait list shall not usually be opened up for general marketing, as due to the nature of the property, applicants are required to apply to the property only through a referral from a qualified services provider. After initial lease-up, this plan will not require broad mass-marketing in order to fill vacancies. Rather, the waitlist will be serviced and maintained through a referral process from qualifying services agencies through the CES.

CONTACTING PERSONS ON WAITILIST

Contacting Persons on the Waiting List(s) (NON-PSH UNITS)

Applicants on the Waiting List will be contacted as follows:

When a unit becomes or will become available, Management will immediately select the next applicant who meets applicable preference criteria or whose name is chronologically at the top of the appropriate Waiting List. Management will contact the selected applicant utilizing the following procedure: (i.e. certified mail, regular mail, telephone or other). Applicants, who respond timely and accept the offered unit, will be contacted to schedule an interview. This represents the beginning of the screening process. Those applicants’ who do not respond timely or who do not accept the offered unit will be processed in the manner indicated below:

If Management does not receive a response within 5 days, the applicant will forfeit the opportunity to apply for the offered unit and will be removed from the applicable waiting list.

If Management receives a timely response but the applicant rejects the first offered unit, the applicant will remain at the top of the applicable Waiting List. When a second unit becomes available, Management will again attempt to contact the applicant and will explain that if the applicant does not respond within 14 days or fails to accept the second unit, the applicant's name will be removed from the applicable Waiting List.

ANNUAL RECERTIFICATION PROCESS



The Community will conduct a recertification of family income and composition on an annual basis. Management will inform residents, through required written notices, about their responsibility annually to provide information about the family's income, which is necessary to properly complete an accurate recertification.

SECURITY DEPOSIT

All Non- PSH (Permanent Supportive Housing) residents must pay a security deposit equal to one month of rent. The Security Deposit is due at move in. Landlord may at any time use any part/portion or all of the deposit to remedy Resident's defaults in the payment of rent, of tenancy, including but not limited to painting, carpet cleaning and window treatment cleaning, or to repair or replace personal property belonging to the landlord. Terms are outlined in the Lease.

Deposits for Permanent Supportive Housing residents will be equal to \$500. Application fees for Non- PSH units will be valued at the amount of \$19.99 and are subject to change at the request of company performing the services. PSH residents will not be required to pay application fees.

ANNUAL UNIT INSPECTIONS AFTER MOVE-IN

In addition to the unit inspection at move-in, there will also be an annual inspection for repairs and monitoring of housekeeping habits. If a resident is written up for poor housekeeping habits, s/he must clean their unit within ten (10) days for a re-inspection. If a resident has three (3) unsatisfactory inspections, s/he will be required to move out of Bailey at Berkman .

ELIGIBILITY UNDER THE STUDENT RULE

On 11-30-05 Congress enacted Public Law 109-115, which included in Title III, Section 327, appropriations for HUD regarding eligibility of students for assisted housing under Project Based Voucher. Owners are required to determine a student's eligibility for Project Based Voucher assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Project Based Voucher), and at the time of an interim recertification if one of the household composition changes reported is that a household member is enrolled as a student. Bailey at Berkman will use the following HUD guidelines as indicated in Chapter 3 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1. Students Who are NOT Eligible for Project Based Voucher Assistance



According to Section 327(a) of the law, Project Based Voucher assistance shall not be provided to any individual who:

- Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
- Is under the age of 24;
- Is not married;
- Is not a veteran of the United States Military;
- Does not have a dependent child;
- Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving Project Based Voucher assistance as of November 30, 2005);
- Is not living with his or her parents who are receiving Project Based Voucher assistance; and
- Is not individually eligible to receive Project Based Voucher assistance and has parents (the parents individually or jointly) who are not income eligible to receive Project Based Voucher assistance.

POLICY FOR UNIT TRANSFERS

Requests from Residents

Once an applicant has become a resident, a transfer of units may be warranted. There are one bedroom unit sizes at this property. If a resident has an increase in household size or has a medical/health condition that warrants a larger unit or a unit that has special design features for a person with disabilities, a transfer may be requested. On occasion there may be other requests for transfers that Bailey at Berkman will consider on a case-by-case basis. All transfer requests must be made in writing and must state the reason for the request. The request will then be forwarded to Bailey at Berkman manager/owner for final approval. Service Provider must approve any transfers for units designated at PSH. If transfer is approved, client may move to another PSH unit of the same size (one-bedroom). Children that join the household after the start of a lease term will not cause a household to be in violation of the lease.

Requirement by Owner

On occasion an owner may require a resident to transfer to a smaller unit size. This may occur when the household composition decreases, and the household no longer qualifies for the unit size in which they are dwelling. If a unit of appropriate size is not available, Bailey at Berkman will not evict the household and will not increase the household's rent to the market rent. However, if an appropriately sized unit is available and the household refuses to move, the household may stay in their current unit and pay market rent. Bailey at Berkman may evict the household if the household fails to pay the market rent in accordance with the lease.

Acceptable Reasons for Transfers

Current residents may qualify for a unit transfer for one of the following conditions:

- Medical/health conditions, including inability to use stairs, or the need for a live-in attendant;
- Household size increases or decreases, or composition changes;
- There is a need for a unit with special design features for a person with disabilities.

LIVE-IN AIDE

A Live in Aide is a person who resides with an elderly or disabled(s) who:



- Is determined essential to the care and well-being of the person(s);
- Is not obligated for the financial support of the person(s); and

Would not be living in the unit except to provide the necessary supportive services. The household must provide to the landlord documentation that the live-in-aide is essential to the care and wellbeing of the resident. A relative may be a live-in-aide qualifies for occupancy only so long as the tenant needs support services and will not qualify for continued occupancy as a remaining household member. Verification of criminal activity, drug abuse, as well as prior landlord history will be verified.



Onsite Staff and Supportive Services

Communication

Onsite staff will be in constant communication with Service Provider to discuss any updates regarding PSH residents. When faced with disciplinary issues, health and safety concerns, Reasonable Accommodations/Modifications, and rent collection issues, on site staff will consult with Service Provider on a plan of action before legal action is taken. A meeting will be scheduled for Property Management and the Service Provider to meet, and a plan will be put in place by both organizations to try and rectify issues at hand. Meetings between Service Provider and onsite staff will be held on a consistent basis to make sure needs of the residents are being addressed and communicated to all parties involved. Meetings will be mandatory for both organizations and will not be limited to only tenant discussions. During these meeting community events will also be discussed and any other pending property items. During the initial meeting, future meeting dates will be discussed, and calendar invites will be sent out shortly after. A designated person will be assigned to take minute notes and held responsible to distribute to all parties involved. In the event of staffing changes, email correspondence will be required, and a plan to re-staff will be needed.

Steps in Communication Include:

- Management reaching out to Service Provider to discuss any issues that arise
- Management and Service Provider will come up with a plan and the steps to try and rectify the issue
- Management and Service Provider will both meet with resident to discuss issues and go over necessary documents

The Property will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, Bailey at Berkman will make reasonable accommodation for individuals with handicaps or disabilities (applicants or residents). Bailey at Berkman will make reasonable adjustments to rules, policies, and services in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common area of dwelling, or to participate in or have access to other activities conducted or sponsored by Bailey at Berkman . Office staff and Service Provider will distribute Reasonable Accommodation forms to resident. Resident will be informed of Reasonable Accommodation process Once complete; staff will inform resident of final decision.

This plan will follow the following protocols listed in the Supportive Service Agreement:

- Communication Protocols

Supportive services staff and property management staff will work together to promote the success, stability and retention of residents in existing housing, to support the principles of the Housing First model of housing and to facilitate the implementation of reasonable accommodation policies consistent with Fair Housing regulations and other applicable laws and regulations. Accordingly, the following communication protocols will be implemented and are subject to revision at the request of any of the parties:

- Property Management and Services Provider(s) will each designate a single point of contact as the representative for communication.



Parties shall establish a regular schedule of communication that involves monthly or more frequent direct meetings among designated representatives after the project has reached stabilized occupancy.

Parties shall establish a regular schedule of communication that involves weekly direct meetings among designated representatives during the lease-up period. Examples of topics of meetings include but are not limited to the following:

- Rent roll
- Existing and projected vacancies
- Move-ins being scheduled
- Processing of applicants and interface with the Coordinated Entry System
- Notices of evictions and late rent paying tenants
- Compliance with regulatory agreements and other governance documents for the project
- Concerns about behavior and conduct of residents that would be detrimental to their continued tenancy
- Incidents of damage, crime and safety concerns on the property
- Requests from residents for services not currently being provided
- Participation of residents in supportive services
- Maintenance and appearance issues of the property
- Additional topics as may be determined by the development sponsor to be necessary and relevant Tenant Data

It is the policy of Bailey at Berkman Apartments to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by Bailey at Berkman . Unless required by Federal or state law or required under any Affordable Housing Program rules or guidelines for compliance with audits or certifications, neither Bailey at Berkman nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure. Upon signing the residential lease, each resident will be presented with a tenant release form by Management. This release form will give approval for Management to disclose tenant specifics regarding rent collections, behavior issues, plan of action, and legal arisings. These items will be discussed in scheduled meetings between Management and the Service Provider. Meetings will be held in person, conference call, or video call.

Any resident updates/concerns will be shared during regularly scheduled meetings between Property Management and Service Provider. Property Management will be the main point of contact for obtaining resident signatures. If at any time the resident is not cooperating with providing a signature, the service provider will be engaged in the process Screening PSH Units- Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of "housing readiness. Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services. Property Management will follow the U.S. Department of Housing and Urban Development description of the housing First Model:

"Core components of Housing First" means all of the following:

- Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services.
- Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of "housing readiness."
- Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of crisis response systems frequented by vulnerable people experiencing homelessness.
- Supportive services that emphasize engagement and problem solving over therapeutic goals and service



plans that are highly tenant-driven without predetermined goals.

- Participation in services or program compliance is not a condition of permanent housing tenancy.
- Tenants have a lease and all the rights and responsibilities of tenancy, as outlined in Texas' Civil, Health and Safety, and Government codes.
- The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.

In communities with coordinated assessment and entry systems, incentives for funding promote tenant selection plans for supportive housing that prioritize eligible tenants based on criteria other than "first-come-first-serve," including, but not limited to, the duration or chronicity of homelessness, vulnerability to early mortality, or high utilization of crisis services. Prioritization may include triage tools, developed through local data, to identify high-cost, high-need homeless residents.

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: No

Funding Criteria: Not Based on Funding Source

As of 10/1/2017, HUD CoC grantees are now required to submit APR through the Sage HMIS Reporting Repository. You can find instructions for generating the report and submitting to Sage at the Clarity Help Center.

Q4a. Project Identifiers in HMIS													
Organization Name	Organization ID	Project Name	Project ID	HMIS Project Type	RRH Subtype	Coordinated Entry Access Point	Affiliated with a residential project	Project IDs of affiliations	CoC Number	Geocode	Victim Service Provider	Total Active Clients	Total Active Households
Hope Through Housing Foundation	481	Pomona Veterans Park	5605	3		0			CA-600	062850	0	31	27

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: No

Funding Criteria: Not Based on Funding Source

Q5a. Report Validations Table

Program Applicability: All Projects

Category	Count of Clients for DQ	Count of Clients
Total number of persons served	31	31
Number of adults (age 18 or over)	30	30
Number of children (under age 18)	1	1
Number of persons with unknown age	0	0
Number of leavers	2	2
Number of adult leavers	2	2
Number of adult and head of household leavers	2	2
Number of stayers	29	29
Number of adult stayers	28	28
Number of veterans	27	27
Number of chronically homeless persons	16	16
Number of youth under age 25	2	2
Number of parenting youth under age 25 with children	0	0
Number of adult heads of household	27	27
Number of child and unknown-age heads of household	0	0
Heads of households and adult stayers in the project 365 days or more	24	24

Q6a. Data Quality: Personally Identifiable Information

Program Applicability: All Projects

Data Element	Client Doesn't Know/Prefer Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Name (3.01)	0	0	0	0	0.00%
Social Security Number (3.02)	1	0	0	1	3.23%
Date of Birth (3.03)	0	0	1	1	3.23%
Race/Ethnicity (3.04)	0	0		0	0.00%
Gender (3.06)	0	0		0	0.00%
Overall Score				1	3.23%

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: No

Funding Criteria: Not Based on Funding Source

Q13a1. Physical and Mental Health Conditions at Start

Program Applicability: All Projects

	Total Persons	Without Children	Adults in HH with Children & Adults	Children in HH with Children & Adults	With Only Children	Unknown Household Type
Mental Health Disorder	25	25	0	0	0	0
Alcohol Use Disorder	1	1	0	0	0	0
Drug Use Disorder	0	0	0	0	0	0
Both Alcohol and Drug Use Disorders	0	0	0	0	0	0
Chronic Health Condition	2	2	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	0	0	0	0	0	0
Physical Disability	15	15	0	0	0	0



HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: No

Funding Criteria: Not Based on Funding Source

Q25a. Number of Veterans

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	Unknown Household Type
Chronically Homeless Veteran	14	14	0	0
Non-Chronically Homeless Veteran	13	13	0	0
Not a Veteran	3	3	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0
Data Not Collected	0	0	0	0
Total	30	30	0	0

Q25b. Number of Veteran Households

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	Unknown Household Type
Chronically Homeless Veteran	14	14	0	0
Non-Chronically Homeless Veteran	13	13	0	0
Not a Veteran	0	0	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0
Data Not Collected	0	0	0	0
Total	27	27	0	0

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: Yes

Funding Criteria: Not Based on Funding Source

As of 10/1/2017, HUD CoC grantees are now required to submit APR through the Sage HMIS Reporting Repository. You can find instructions for generating the report and submitting to Sage at the Clarity Help Center.

Q4a. Project Identifiers in HMIS													
Organization Name	Organization ID	Project Name	Project ID	HMIS Project Type	RRH Subtype	Coordinated Entry Access Point	Affiliated with a residential project	Project IDs of affiliations	CoC Number	Geocode	Victim Service Provider	Total Active Clients	Total Active Households
Hope Through Housing Foundation (HTHF)	172	HTHF - PSH - CHRIP	1157	3		0			CA-601	063210	0	12	9

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: Yes

Funding Criteria: Not Based on Funding Source

Q5a. Report Validations Table

Program Applicability: All Projects

Category	Count of Clients for DQ	Count of Clients
Total number of persons served	12	12
Number of adults (age 18 or over)	9	9
Number of children (under age 18)	3	3
Number of persons with unknown age	0	0
Number of leavers	6	6
Number of adult leavers	3	3
Number of adult and head of household leavers	3	3
Number of stayers	6	6
Number of adult stayers	6	6
Number of veterans	0	0
Number of chronically homeless persons	4	4
Number of youth under age 25	3	3
Number of parenting youth under age 25 with children	2	2
Number of adult heads of household	9	9
Number of child and unknown-age heads of household	0	0
Heads of households and adult stayers in the project 365 days or more	1	1

Q6a. Data Quality: Personally Identifiable Information

Program Applicability: All Projects

Data Element	Client Doesn't Know/Prefer Not to Answer	Information Missing	Data Issues	Total	% of Issue Rate
Name (3.01)	0	0	0	0	0.00%
Social Security Number (3.02)	0	0	0	0	0.00%
Date of Birth (3.03)	0	0	0	0	0.00%
Race/Ethnicity (3.04)	0	0		0	0.00%
Gender (3.06)	0	0		0	0.00%
Overall Score				0	0.00%

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: Yes

Funding Criteria: Not Based on Funding Source

Q13a1. Physical and Mental Health Conditions at Start

Program Applicability: All Projects

	Total Persons	Without Children	Adults in HH with Children & Adults	Children in HH with Children & Adults	With Only Children	Unknown Household Type
Mental Health Disorder	5	4	1	0	0	0
Alcohol Use Disorder	0	0	0	0	0	0
Drug Use Disorder	2	1	1	0	0	0
Both Alcohol and Drug Use Disorders	1	1	0	0	0	0
Chronic Health Condition	3	3	0	0	0	0
HIV/AIDS	0	0	0	0	0	0
Developmental Disability	1	1	0	0	0	0
Physical Disability	3	3	0	0	0	0

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: Yes

Funding Criteria: Not Based on Funding Source

Q14a. History of Domestic Violence, Sexual Assault, Dating Violence, Stalking, or Human Trafficking

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Yes	2	1	1	0	0
No	5	4	1	0	0
Client Doesn't Know/Prefers Not to Answer	0	0	0	0	0
Data Not Collected	2	2	0	0	0
Total	9	7	2	0	0

Q14b. Most recent experience of domestic violence, sexual assault, dating violence, stalking, or human trafficking

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Within the past three months	0	0	0	0	0
Three to six months ago	0	0	0	0	0
Six months to one year	0	0	0	0	0
One year ago, or more	1	0	1	0	0
Client Doesn't Know/Prefers Not to Answer	1	1	0	0	0
Data Not Collected	0	0	0	0	0
Total	2	1	1	0	0

Q15. Living Situation

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Homeless Situations					
Place not meant for habitation	5	5	0	0	0
Emergency shelter, including hotel or motel paid for with emergency shelter voucher, Host Home shelter	0	0	0	0	0
Safe Haven	0	0	0	0	0
Subtotal	5	5	0	0	0
Institutional Situations					
Foster care home or foster care group home	0	0	0	0	0

HUD Annual Performance Report [FY 2024]

Hope Through Housing Foundation (HTHF)

Date Range: 01/01/2024 thru 05/24/2024

Agency cat. filter: Program CoC

Enrollment CoC Filter: Yes

Funding Criteria: Not Based on Funding Source

Q26b. Number of Chronically Homeless Persons by Household

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Chronically Homeless	4	4	0	0	0
Not Chronically Homeless	6	2	4	0	0
Client Doesn't Know/Prefers Not to Answer	1	1	0	0	0
Data Not Collected	1	0	1	0	0
Total	12	7	5	0	0

Q26c. Gender of Chronically Homeless Persons

Program Applicability: All Projects

	Total	Without Children	With Children and Adults	With Only Children	Unknown Household Type
Woman	1	1	0	0	0
Man	3	3	0	0	0
Culturally Specific Identity	0	0	0	0	0
Transgender	0	0	0	0	0
Non-Binary	0	0	0	0	0
Questioning	0	0	0	0	0
Different Identity	0	0	0	0	0
Woman/Man	0	0	0	0	0
Woman/Culturally Specific Identity	0	0	0	0	0
Woman/Transgender	0	0	0	0	0
Woman/Non-Binary	0	0	0	0	0
Woman/Questioning	0	0	0	0	0
Woman/Different Identity	0	0	0	0	0
Man/Culturally Specific Identity	0	0	0	0	0
Man/Transgender	0	0	0	0	0
Man/Non-Binary	0	0	0	0	0
Man/Questioning	0	0	0	0	0
Man/Different Identity	0	0	0	0	0
Culturally Specific Identity/Transgender	0	0	0	0	0
Culturally Specific Identity/Non-Binary	0	0	0	0	0

Exhibit F

ANNUAL OPERATING EXPENSES				
<u>General & Administrative Expenses</u>				
Accounting	\$	10,000		
Advertising	\$	3,000		
Legal fees	\$	10,000		
Leased equipment	\$	15,000		
Postage & office supplies	\$	4,200		
Telephone	\$	4,800		
Other		<i>nank fees, subscriptions, training</i>	\$	8,000
Other		<i>describe</i>	\$	
Total General & Administrative Expenses:			\$	55,000
Management Fee:	Percent of Effective Gross Income:	5.00%	\$	53,151
<u>Payroll, Payroll Tax & Employee Benefits</u>				
Management	\$	89,000		
Maintenance	\$	43,000		
Other		<i>payroll taxes and benefits</i>	\$	52,800
Other		<i>describe</i>	\$	
Total Payroll, Payroll Tax & Employee Benefits:			\$	184,800
<u>Repairs & Maintenance</u>				
Elevator	\$	10,000		
Exterminating	\$	8,000		
Grounds	\$	10,000		
Make-ready	\$	15,000		
Repairs	\$	25,000		
Pool	\$			
Other		<i>Contract Services</i>	\$	22,000
Other		<i>describe</i>	\$	
Total Repairs & Maintenance:			\$	90,000
<u>Utilities (Enter Only Property Paid Expense)</u>				
Electric		<i>Portfolio Averages - common area only</i>	\$	15,100
Natural gas			\$	
Trash		<i>Trash</i>	\$	10,100
Water/Sewer		<i>Portfolio Averages - common area only</i>	\$	16,400
Other			\$	
Other			\$	
Total Utilities:			\$	41,600
Annual Property Insurance:	Rate per net rentable square foot:	\$ 2.15	\$	100,000
<u>Property Taxes:</u>				
Published Capitalization Rate:		10.00%	Source:	Not Published - Travis CAD
Annual Property Taxes	\$	104,000		
Payments in Lieu of Taxes	\$			
Total Property Taxes:			\$	104,000
Reserve for Replacements:	Annual reserves per unit:	\$ 300	\$	31,200
<u>Other Expenses</u>				
Cable TV	\$			
Supportive Services (Staffing/Contracted Services)	\$	100,000		
TDHCA Compliance fees (\$40/HTC unit)	\$	4,160		
TDHCA Direct Loan Compliance Fees (\$34/MDL unit)	\$			
TDHCA Bond Compliance Fees (TDHCA as Bond Issuer Only - \$25/unit)	\$			
Bond Trustee Fees (ALL Tax-Exempt Bond Developments; entry or explanation required)	\$			Enter explanation here
Issuer Ongoing Compliance Fees (entry or explanation required)	\$			Enter explanation here
Security	\$			Enter explanation here
Other	\$			Enter explanation here
Other	\$			Enter explanation here
Total Other Expenses:			\$	104,160
TOTAL ANNUAL EXPENSES		Expense per unit:	\$ 7345	\$ 763,911
		Expense to Income Ratio:	71.86%	
NET OPERATING INCOME (before debt service)				\$ 299,103
<u>Annual Debt Service</u>				
		<i>Debt Payment</i>	\$	
			\$	
		<i>Direct loan proposed debt service</i>	\$	
		<i>Local Bond Issuer Admin Fee (entry or explanation required)</i>	\$	
		<i>TDHCA Bond-Issuer Admin Fee (0.10%)</i>	\$	
TOTAL ANNUAL DEBT SERVICE				
		Debt Coverage Ratio:	0.000	\$ -
NET CASH FLOW				\$ 299,103

If a revised form is submitted, date of submission:

15 Year Rental Housing Operating Pro Forma (All Programs)

The pro forma should be based on the operating income and expense information for the base year (first year of stabilized occupancy using today's best estimates of market rents, restricted rents, rental income and expenses), and principal and interest debt service. The Department uses an annual growth rate of 2% for income and 3% for expenses. **The exception is HOME-ARP Capitalized Operating Cost Assistance (COCA) requests that increase at 3% annually.** Written explanation for any deviations from these growth rates or for assumptions other than straight-line growth made during the proforma period should be attached to this exhibit.

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 10	YEAR 15
INCOME							
INCOME	\$1,111,764	\$1,133,999	\$1,156,679	\$1,179,813	\$1,203,409	\$1,328,661	\$1,466,949
Secondary Income	\$ 37,440	\$ 38,189	\$ 38,953	\$ 39,732	\$ 40,526	\$ 44,744	\$ 49,401
POTENTIAL GROSS ANNUAL INCOME	\$1,149,204	\$1,172,188	\$1,195,632	\$1,219,544	\$1,243,935	\$1,373,405	\$1,516,350
Provision for Vacancy & Collection Loss	(\$86,190)	(\$87,914)	(\$89,672)	(\$91,466)	(\$93,295)	(\$103,005)	(\$113,726)
Rental Concessions	\$0						
HOME-ARP COCA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EFFECTIVE GROSS ANNUAL INCOME	\$1,063,014	\$1,084,274	\$1,105,959	\$1,128,079	\$1,150,640	\$1,270,400	\$1,402,624
EXPENSES							
General & Administrative Expenses	\$55,000	\$56,650	\$58,350	\$60,100	\$61,903	\$71,763	\$83,192
Management Fee	\$3,151	\$4,214	\$5,298	\$6,404	\$7,532	\$8,520	\$9,520
Payroll, Payroll Tax & Employee Benefits	\$184,800	\$190,344	\$196,054	\$201,936	\$207,994	\$241,122	\$279,527
Repairs & Maintenance	\$90,000	\$92,700	\$95,481	\$98,345	\$101,296	\$117,430	\$136,133
Electric & Gas Utilities	\$15,100	\$15,553	\$16,020	\$16,500	\$16,995	\$19,702	\$22,840
Water, Sewer & Trash Utilities	\$26,500	\$27,295	\$28,114	\$28,957	\$29,826	\$34,576	\$40,084
Annual Property Insurance Premiums	\$100,000	\$103,000	\$106,090	\$109,273	\$112,551	\$130,477	\$151,259
Property Tax	\$104,000	\$107,120	\$110,334	\$113,644	\$117,053	\$135,696	\$157,309
Reserve for Replacements	\$31,200	\$32,136	\$33,100	\$34,093	\$35,116	\$40,709	\$47,193
Other Expenses	\$104,160	\$107,285	\$110,503	\$113,818	\$117,233	\$135,905	\$157,551
TOTAL ANNUAL EXPENSES	\$763,911	\$786,296	\$809,343	\$833,071	\$857,499	\$990,901	\$1,145,219
NET OPERATING INCOME	\$299,103	\$297,977	\$296,616	\$295,008	\$293,142	\$279,499	\$257,405
DEBT SERVICE							
First Deed of Trust Annual Loan Payment							
Second Deed of Trust Annual Loan Payment							
Third Deed of Trust Annual Loan Payment							
Other Annual Required Payment							
Other Annual Required Payment							
ANNUAL NET CASH FLOW	\$299,103	\$297,977	\$296,616	\$295,008	\$293,142	\$279,499	\$257,405
CUMULATIVE NET CASH FLOW	\$299,103	\$597,080	\$893,697	\$1,188,705	\$1,481,846	\$2,913,448	\$4,255,708
Debt Coverage Ratio	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Other (Describe)							
Other (Describe)							

By signing below I (we) are certifying that the above 15 Year pro forma, is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on the bank's current underwriting parameters and consistent with the loan terms indicated in the term sheet and preliminarily considered feasible pending further diligence review. The debt service for each year maintains no less than a 1.15 debt coverage ratio. (Signature required for Tax-Exempt Bond Applications and if using this pro forma for points under \$11.9(e)(1) relating to Financial Feasibility for Competitive HTC Applications)

Signature, Authorized Representative, Construction or	Printed Name	Phone:
		Email:

Signature, Authorized Representative, Syndicator	Date

Signature, Authorized Representative, Syndicator	Printed Name	Date
If a revised form is submitted, date of submission: 2/22/24		

Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Tax Exempt Bond Developments ONLY. Amount listed here does not add into total sources.

Name of Bond Issuer	Certificate of Reservation Amount	

Debt

Financing Participants	Funding Description	Construction Period			Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Term (Mos)	Interest Rate		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
Key Bank		\$15,000,000	24	7.00%	1	\$ -					
AHFC - City of Austin		\$11,500,000	24	0.00%	2	\$ 11,500,000	0.00%	na	45		1

Third Party Equity

Hudson	HTC	\$ 2,000,000	\$ 2,519,748			\$ 16,798,320				0.84	

Grant

	\$11.9(d)(2)LPS Contribution										
COA ROS		\$ 500				\$ 500					

Deferred Developer Fee

NCRT/Diva		\$ 187,431				\$ 908,859					2

Other

	Direct Loan Match										

Total Sources of Funds

Total Uses of Funds

\$ 29,207,679

\$ 29,207,679

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).

The sources and uses are as stated. The City of Austin loan is a loan from a local government is a deferred-forgivable construction-to-permanent loan, with no foreclosure provisions or scheduled or periodic repayment provisions, and a maturity date after the end of the Affordability Period. This is a supportive housing transaction and the QAP allows for this type of loan. The deferred developer fee amount can be repaid from cash flow in less than 15 years. Hudson will provide equity in the amount shown above at a rate of .84 per \$1 of tax credits. The project qualifies for SMART housing and will receive fee waivers as a result these are shown as both a cost and a source in the amount of \$500.

Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.

Replacement reserves are \$300 per unit as shown in the operating expense worksheet. This is new construction and there are no existing reserves.

Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Rents are calculated at max tax rent per AMFI level less Utility Allowances. There are no subsidies associated with the development. Operating costs are estimated using the developer's portfolio of supportive housing properties.

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.

Signature, Authorized Representative, Construction, Equity Provider
and Permanent Lender

Printed Name

Date

Telephone:

Email address:

If a revised form is submitted, date of submission:

2/28/24

5:31 PM

Armadillo Studios

TDHCA # 20002

Tab 31

Sources and Uses



Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Financing Participants	Funding Description	Construction Period		Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
Debt										
TDHCA	<u>MF Direct Loan Const. to Perm. (Repayable)</u>		\$0			\$ -	0.00%	30	0	
TDHCA	<u>MF Direct Loan Const. Only (Repayable)</u>		\$0	0.00%						
TDHCA	<u>Multifamily Direct Loan (Soft Repayable)</u>		\$2,000,000	0.00%	2	\$ 2,000,000	0.00%	0	35	1
TDHCA	<u>Mortgage Revenue Bond</u>		\$0	0.00%		\$ -	0.00%	0	0	1
City of Austin	Local Government Loan		\$3,850,000	0.00%	3	\$ 3,850,000	0.00%	0	40	2
Bank of America	Conventional Loan		\$14,500,000	4.75%	1					
Third Party Equity										
Bank of America	<u>HTC</u> \$ 1,500,000	\$ 1,469,853				\$ 14,698,530				0.98
Grant										
City of Austin Fee Waivers	<u>\$11.9(d)(2)LPS Contribution</u>	\$ 93,531				\$ 93,531				
Deferred Developer Fee										
Foundation Communities, Inc.						\$ 750,000				
Other										
City of Austin Fee Waivers	<u>Direct Loan Match</u>	\$ 150,000				\$ 150,000				
Foundation Communities, Inc.	Owner Contribution	\$ 386,516				\$ 907,839				
C12 Capital Mgmt Donation	Charitable Funds	\$ 2,550,000				\$ 2,550,000				
	Total Sources of Funds	\$ 24,999,900				\$ 24,999,900				
	Total Uses of Funds					\$ 24,999,900				

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.		
Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).		
See attached Financing Narrative		
Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.		
Replacement reserves of \$250 per unit per year are included in the operating budget.		
Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments).		
No operating subsidies or project based assistance anticipated.		
By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.		

	Bank of America, Senior Vice President	Valerie A. Williams	February 24, 2020
Signature, Authorized Representative, Construction or Permanent Lender		Printed Name	Date

Telephone:	214-209-3219
Email address:	valerie.a.williams@bofa.com

If a revised form is submitted, date of submission: _____

TDHCA #20002
ARMADILLO STUDIOS

Tab 31 – Financing Narrative

CONSTRUCTION SOURCES/USES

- **Construction Loan - \$14,500,000** -The construction loan from Bank of America, N.A. will carry an interest rate of LIBOR Daily Floating Rate plus 220 bps, floating with a floor of 4.75% and will require interest-only payments during the construction period. Construction loan interest, assuming the loan is fully drawn for 12 months, will be approximately \$688,750. The term sheet confirming the rates and terms of the construction loan is included in the application. The construction loan is expected to close in the first quarter of 2021.
- **Investor Equity - \$1,469,853** - Equity will be advanced from Bank of America, N.A. in the estimated amount of \$14,698,530 with 10% of this amount disbursed during the construction phase. The exact amount may be adjusted based on adjusters to be defined in the partnership agreement. The syndication proceeds are to be based on \$0.98 per dollar of tax credits and a projected tax credit allocation of \$1,500,000. This equity letter of intent is enclosed in the application. Closing with the investor is expected in the first quarter of 2021.
- **Austin Housing Finance Corporation - \$3,850,000** - Foundation Communities has applied for \$3,850,000 in funding from the Austin Housing Finance Corporation (City of Austin). The source of the funds is to be determined based on sources available but is expected to be general obligation bond funding administered through the City's Rental Housing Developer Assistance program that is not Federal. Please find attached proof of application. The funds will be used for predevelopment expenses and hard costs. The funding will likely be passed-through Foundation Communities as a permanent cash flow loan to the partnership, which is an allowable source of debt in this Supportive Housing project because it is originally sourced from local government non-federal funds. Key dates are included in the application verification letter. Closing is expected in the third quarter of 2020.
- **TDHCA MFDL - \$2,000,000** - Foundation Communities is simultaneously applying for \$2,000,000 in TDHCA Multifamily Direct Loan funding under the Supportive Housing/Soft Repayment Set-Aside as part of this HTC application. The funds will be used for hard costs. Foundation Communities is applying for these funds as a deferred forgivable loan, but is including with the application a waiver request which, if approved, would allow FC to access these funds as a deferred repayable loan.
- **Charitable Acquisition Funds - \$2,550,000** – Foundation Communities received a charitable donation in the amount of \$2,550,000 from C12 Management Company, Ltd ("C12"), which was used towards the acquisition costs of the property in December 2019. As shown on the settlement statement, C12 provided \$2,550,000, which was

TDHCA #20002

ARMADILLO STUDIOS

passed-through Foundation Communities as the majority of funds contributing the \$2,600,000 loan made from Foundation Communities to affiliate entity FC Austin Eleven Housing Corporation at the time of acquisition. The \$50,000 making up the difference in the \$2,600,000 cash flow loan made by Foundation Communities is part of the total \$386,516 Owner Contribution amount referenced below. Charitable funds passed through an affiliate as a cash flow loan is an allowable source of debt on Supportive Housing projects. This pass-through loan will be assigned to the partnership at or prior to construction loan closing.

- **City of Austin Fee Waivers - \$243,531** - The City of Austin is making a commitment of Development Funding by a Local Political Subdivision in the form of reduced permit fees. The total amount of waived City fees estimated for the project is \$243,531. \$150,000 in waived fees will be used to meet the 7.5% MFDL MATCH requirements. Please see attached commitment letter from the City of Austin detailing their commitment to the fee waivers.
- **Owner Equity - \$386,516** - Foundation Communities, Inc. is committing \$386,516 as an Owner's Cash Contribution to bridge capital fundraising during the construction period. This contribution represents less than 5% of total development costs. Please see attached commitment letter from Foundation Communities, Inc. During construction, Foundation Communities uses its internal funds to cover draws on the sponsor loan while capital fundraising efforts are underway.

PERMANENT SOURCES/USES

- **Investor Equity - \$14,698,530** - The total equity available from Bank of America, N.A. as a permanent source of funding will be \$14,698,530.
- **Austin Housing Finance Corporation - \$3,850,000** - The AHFC loan in the amount of \$3,850,000 will be a permanent source of funding. Terms of the loan from AHFC will be for a minimum of 40 years at zero percent interest. The funding will likely be passed-through Foundation Communities as a permanent cash flow loan to the partnership, which is an allowable source of debt in this Supportive Housing project because it is originally sourced from local government non-federal funds.
- **Charitable Acquisition Funds - \$2,550,000** – This funding will remain in the project permanently.
- **TDHCA MFDL - \$2,000,000** - TDHCA's Multifamily Direct Loan will be used as a permanent source of funding. The term of the loan will be for 35 years at zero percent interest. Foundation Communities is applying for these funds as a deferred forgivable loan, but is including with the application a waiver request which, if approved, would allow FC to access these funds as a deferred repayable loan.
- **Commitment of Development Funding from the City of Austin - \$243,531.** The City of Austin fee waivers will be used as a permanent source of funding, of which \$150,000 is contributing to the MFDL Direct Loan Match.

TDHCA #20002
ARMADILLO STUDIOS

- **Owner Equity - \$907,839** - Foundation Communities, Inc. is making a permanent commitment of \$907,839 as an Owner's Cash Contribution to Armadillo Studios and a bridge for fundraising. As a mission based nonprofit, it is very customary for Foundation Communities, Inc. to close our tax credit partnership with a sponsor loan to bridge fundraising. As private funds are raised, Foundation Communities is reimbursed. Foundation Communities has a long track record of successful capital fundraising for similar projects. This contribution represents less than 5% of total development costs.
- **Deferred Developer Fee - \$750,000** - In addition, the developer will defer \$750,000 of the developer fee which will be paid back through cash flow within the first 10 years.

2022 HTC Full Application

Part 4 Tab 31

Financing Narrative and
Summary of Sources and Uses

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.		
Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).		
Citibank will be providing the construction and permanent financing in the form of a conventional loan. The construction loan will be in the amount of \$12,000,000 at an interest rate of 4.50%. The permanent loan will be in the amount of \$2,300,000 at an interest rate of 5.20%. The loan will be amortized over a 35 year period and will carry a 15 year term. NEF is providing the equity for the project at a rate of \$0.89, for a total equity contribution of \$14,665,351 with \$3,666,338 coming in during construction. It's currently estimated tht \$612,423 in developer fee will be deferred. The City of Austin has provided funding in the form of a fee waiver which has already been taken into account in the Development Cost Schedule. Additionally, the City of Austin is providing a soft loan in the amount of \$3,400,000, at a rate of 1.00% which will be non-amortizing and carry a 40 year term.		
Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.		
<i>\$840,376 in operating reserves and \$100,000 in rent-up reserves are being required. \$300 is being required in replacement reserves.</i>		
Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.		
The project will have a firm commitment for 25% PBV's from the Housing Authority of the City of Austin.		
By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.		

Signature, Authorized Representative, Construction or Permanent Lender		Printed Name	Date
Telephone: _____			
Email address: _____			
If a revised form is submitted, date of submission: _____			

Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Bond Financing for Tax Exempt Bond Developments (Include amount of bonds actually used, not bond reservation amount. Bonds do not add into total sources)

[illegible]

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).

Citibank will be providing the construction and permanent financing in the form of a conventional loan. The construction loan will be in the amount of \$12,000,000 at an interest rate of 4.50%. The permanent loan will be in the amount of \$2,300,000 at an interest rate of 5.20%. The loan will be amortized over a 35 year period and will carry a 15 year term. NEF is providing the equity for the project at a rate of \$0.89, for a total equity contribution of \$14,665,351 with \$3,666,338 coming in during construction. It's currently estimated that \$612,423 in developer fee will be deferred. The City of Austin has provided funding in the form of a fee waiver which has already been taken into account in the Development Cost Schedule. Additionally, the City of Austin is providing a soft loan in the amount of \$3,400,000, at a rate of 1.00% which will be non-amortizing and carry a 40 year term.

Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.

\$840,376 in operating reserves and \$100,000 in rent-up reserves are being required. \$300 is being required in replacement reserves.

Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

The project has a firm commitment for 25% PBV's from the Housing Authority of the City of Austin.

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.

Catherine Lee
Signature, Authorized Representative, Construction or Permanent Lender

Catherine Lee
Printed Name

2/28/22
Date

Telephone: 713 752 5052

Email address: CARMC.C.LEE@CITY.AUTX

If a revised form is submitted, date of submission: _____

Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Bond Financing for Tax Exempt Bond Developments (Include amount of bonds actually used, not bond reservation amount. Bonds do not add into total sources)

Bond Issuer		Funding Description	Construction Period Bonds		Permanent Period Bonds			
			Bond Amount		Bond Amount			
		Tax Exempt Bonds						
		Taxable Bonds						
Debt								
Financing Participants		Funding Description	Construction Period		Permanent Period			Lien Position
			Loan/Equity Amount	Interest Rate (%)	Loan/Equity Amount	Interest Rate (%)	Amort - ization (Yrs)	Syndication Rate
TDHCA		Multifamily Direct Loan	\$0	0.00%	\$ -	0.00%	0	
Citibank		Construction Loan	\$12,000,000	4.50%				
Citibank		Permanent Loan			\$ 2,300,000	5.20%	35	15
City of Austin		Local Government Loan	\$3,400,000	1.00%	\$ 3,400,000	1.00%	na	40
Third Party Equity								
National Equity Fund	HTC	\$ 1,647,957	\$ 3,666,338		\$ 14,665,351		0	0.89
Grant								
		\$11.9(d)(2)LPS Contribution						
Deferred Developer Fee								
SGL Ventures, Inc.			\$ 1,392,260		\$ 612,423			
Other								
		Direct Loan Match						
Total Sources of Funds			\$ 20,458,598					
Total Uses of Funds					\$ 20,977,774			

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).

Citibank will be providing the construction and permanent financing in the form of a conventional loan. The construction loan will be in the amount of \$12,000,000 at an interest rate of 4.50%. The permanent loan will be in the amount of \$2,300,000 at an interest rate of 5.20%. The loan will be amortized over a 35 year period and will carry a 15 year term. NEF is providing the equity for the project at a rate of \$0.89, for a total equity contribution of \$14,665,351 with \$3,666,338 coming in during construction. It's currently estimated that \$612,423 in developer fee will be deferred. The City of Austin has provided funding in the form of a fee waiver which has already been taken into account in the Development Cost Schedule. Additionally, the City of Austin is providing a soft loan in the amount of \$3,400,000, at a rate of 1.00% which will be non-amortizing and carry a 40 year term.

Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.

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Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

The project has a firm commitment for 25% PBV's from the Housing Authority of the City of Austin.

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.

Signature, Authorized Representative, Construction or Permanent Lender Jason Alarida Printed Name 2/27/22 Date

Telephone: 972.741.0700

Email address: jalarida@celine.org

If a revised form is submitted, date of submission: _____

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Tax Exempt Bond Developments ONLY. Amount listed here does not add into total sources.

Later version of S of F states \$1,946,000
Funding request is \$1,946,000.
Given that the syndicator's interest is
99.99%, the Application most strongly
supports \$1,946,000 as the credits under
consideration i.e.:
\$17,123,088 / 0.88 / 0.9999 / 10 years = \$1,946,000

Debt													
Financing Participants	Funding Description	Construction Period			Lien Position	Permanent Period				Lien Position			
		Loan/Equity Amount	Term (Mos)	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)		Syndication Rate		
City of Austin	Forgiveable Loan	\$7,975,000	24	0.00%	2			7,975,000	0.00%	N/A	40		1
Chase Bank	Construction Loan	\$12,000,000	24	7.50%	1								
Third Party Equity													
National Equity Fund	HTC \$ 1,938,336	\$ 3,424,617						\$ 17,123,088				0.88	N/A
Grant													
City of Austin - Fee Waivers	\$11.9(d)(2)LPS Contribution	\$ 150,000						\$ 150,000					
Deferred Developer Fee													
JSA/SAFE		\$ 1,740,681						\$ 42,210					
Other													
	Direct Loan Match												
Total Sources of Funds		\$ 25,290,298						\$ 25,290,298					
Total Uses of Funds								\$ 25,290,298					

15 Year Rental Housing Operating Pro Forma (All Programs)

The pro forma should be based on the operating income and expense information for the base year (first year of stabilized occupancy using today's best estimates of market rents, restricted rents, rental income and expenses), and principal and interest debt service. The Department uses an annual growth rate of 2% for income and 3% for expenses. *The exception is HOME-ARP Capitalized Operating Cost Assistance (COCA) requests that increase at 3% annually.* Written explanation for any deviations from these growth rates or for assumptions other than straight-line growth made during the proforma period should be attached to this exhibit.

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 10	YEAR 15
INCOME							
POTENTIAL GROSS ANNUAL RENTAL INCOME	\$835,680	\$852,394	\$869,441	\$886,830	\$904,567	\$998,715	\$1,102,662
Secondary Income	\$ 3,600	\$ 3,672	\$ 3,745	\$ 3,820	\$ 3,897	\$ 4,302	\$ 4,750
POTENTIAL GROSS ANNUAL INCOME	\$839,280	\$856,066	\$873,187	\$890,651	\$908,464	\$1,003,017	\$1,107,412
Provision for Vacancy & Collection Loss	(\$62,946)	(\$64,205)	(\$65,489)	(\$66,799)	(\$68,135)	(\$75,226)	(\$83,056)
Rental Concessions	\$0						
HOME-ARP COCA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EFFECTIVE GROSS ANNUAL INCOME	\$776,334	\$791,861	\$807,698	\$823,852	\$840,329	\$927,791	\$1,024,356
EXPENSES							
General & Administrative Expenses	\$29,445	\$30,328	\$31,238	\$32,175	\$33,141	\$38,419	\$44,538
Management Fee	\$ 34,400	\$ 35,088	\$ 35,790	\$ 36,506	\$ 37,236	\$ 41,111	\$ 45,390
Payroll, Payroll Tax & Employee Benefits	\$ 185,250	\$ 190,808	\$ 196,532	\$ 202,428	\$ 208,501	\$ 241,709	\$ 280,207
Repairs & Maintenance	\$ 66,100	\$ 68,083	\$ 70,125	\$ 72,229	\$ 74,396	\$ 86,246	\$ 99,982
Electric & Gas Utilities	\$ 31,357	\$ 32,298	\$ 33,267	\$ 34,265	\$ 35,293	\$ 40,914	\$ 47,430
Water, Sewer & Trash Utilities	\$ 37,188	\$ 38,304	\$ 39,453	\$ 40,636	\$ 41,855	\$ 48,522	\$ 56,250
Annual Property Insurance Premiums	\$ 35,100	\$ 36,153	\$ 37,238	\$ 38,355	\$ 39,505	\$ 45,798	\$ 53,092
Property Tax	\$ 45,000	\$ 46,350	\$ 47,741	\$ 49,173	\$ 50,648	\$ 58,715	\$ 68,067
Reserve for Replacements	\$ 15,000	\$ 15,450	\$ 15,914	\$ 16,391	\$ 16,883	\$ 19,572	\$ 22,689
Other Expenses	\$ 102,400	\$ 105,472	\$ 108,636	\$ 111,895	\$ 115,252	\$ 133,609	\$ 154,889
TOTAL ANNUAL EXPENSES	\$581,240	\$598,333	\$615,932	\$634,052	\$652,709	\$754,613	\$872,535
NET OPERATING INCOME	\$195,094	\$193,527	\$191,766	\$189,799	\$187,620	\$173,178	\$151,822
DEBT SERVICE							
First Deed of Trust Annual Loan Payment	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Second Deed of Trust Annual Loan Payment							
Third Deed of Trust Annual Loan Payment							
Other Annual Required Payment							
Other Annual Required Payment							
ANNUAL NET CASH FLOW	\$195,094	\$193,527	\$191,766	\$189,799	\$187,620	\$173,178	\$151,822
CUMULATIVE NET CASH FLOW	\$195,094	\$388,621	\$580,387	\$770,187	\$957,807	\$1,859,801	\$2,672,299
Debt Coverage Ratio	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Other (Describe)							
Other (Describe)							

By signing below I (we) are certifying that the above 15 Year pro forma, is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on the bank's current underwriting parameters and consistent with the loan terms indicated in the term sheet and preliminarily considered feasible pending further diligence review. The debt service for each year maintains no less than a 1.15 debt coverage ratio. (Signature required for Tax-Exempt Bond Applications and if using this pro forma for points under §11.9(e)(1) relating to Financial Feasibility for Competitive HTC Applications)



Signature, Authorized Representative,
Construction or Permanent Lender

Ray Miller

Printed Name

2/24/2023

Date

Phone:

281-297-7853

Email:

ray.miller@amegybank.com

Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Tax Exempt Bond Developments ONLY. Amount listed here does not add into total sources.

Name of Bond Issuer		Certificate of Reservation Amount										
Debt												
Financing Participants		Funding Description	Construction Period			Lien Position	Permanent Period				Lien Position	
			Loan/Equity Amount	Term (Mos)	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
City of Austin		Forgivable Loan	\$7,975,000	24	0.00%	2	\$ 7,975,000	0.00%	N/A	40		1
Amegy		Construction Loan	\$12,000,000	24	7.50%	1						
Third Party Equity												
National Equity Fund		HTC \$ 1,946,000	\$ 3,424,617				\$ 17,123,088				0.88	N/A
Grant												
City of Austin - Fee Waivers		\$11.9(d)(2)LPs Contribution	\$ 150,000				\$ 150,000					
Deferred Developer Fee												
JSA/SAFE			\$ 1,740,681				\$ 42,210					
Other												
		Direct Loan Match										
		Total Sources of Funds	\$ 25,290,298				\$ 25,290,298					
		Total Uses of Funds					\$ 25,290,298					

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).

The sources and uses are as stated. The City of Austin loan is a loan from a local government is a deferred-forgivable construction-to-permanent loan, with no foreclosure provisions or scheduled or periodic repayment provisions, and a maturity date after the end of the Affordability Period. The Qualified Allocation Plan allows this type of permanent debt on a supportive housing transaction.

Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.

Replacement reserves are assumed at \$300 per unit per year, which is industry standard for supportive housing developments.

Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

This development has received a commitment from the Housing Authority of the City of Austin for 25 Housing Choice Vouchers. Evidence of that commitment is included in Tab 35.

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.



Signature, Authorized Representative, Construction, Equity Provider and Permanent Lender

Ray Miller

Printed Name

8/29/23

Date

Telephone: 281-297-7853

Email address: ray.miller@amegybank.com

If a revised form is submitted, date of submission:

8/29/2023

8/29/2023

1:47 PM

Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Tax Exempt Bond Developments ONLY. Amount listed here does not add into total sources.

Name of Bond Issuer		Certificate of Reservation Amount								
Debt										
Financing Participants	Funding Description	Construction Period			Lien Position	Permanent Period			Lien Position	
		Loan/Equity Amount	Term (Mos)	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization		Term (Yrs)
City of Austin	Forgivable Loan	\$7,975,000	24	0.00%	2	\$ 7,975,000	0.00%	N/A	40	1
Amegy	Construction Loan	\$12,000,000	24	7.50%	1					
Third Party Equity										
National Equity Fund	HTC \$ 1,946,000	\$ 3,424,617				\$ 17,123,088				N/A
Grant										
City of Austin - Fee Waivers	\$11.9(d)(2)LPS Contribution	\$ 150,000				\$ 150,000				
Deferred Developer Fee										
JSA/SAFE		\$ 1,740,681				\$ 42,210				
Other										
	Direct Loan Match									
	Total Sources of Funds	\$ 25,290,298				\$ 25,290,298				
	Total Uses of Funds					\$ 25,290,298				

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).

The sources and uses are as stated. The City of Austin loan is a loan from a local government is a deferred-forgivable construction-to-permanent loan, with no foreclosure provisions or scheduled or periodic repayment provisions, and a maturity date after the end of the Affordability Period. The Qualified Allocation Plan allows this type of permanent debt on a supportive housing transaction.

Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.

Replacement reserves are assumed at \$300 per unit per year, which is industry standard for supportive housing developments.

Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

This development has received a commitment from the Housing Authority of the City of Austin for 25 Housing Choice Vouchers. Evidence of that commitment is included in Tab 35.

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.

 , Austin Housing Finance Corporation
Signature, Authorized Representative, Construction, Equity Provider and Permanent Lender

Telephone: 512-919-4774

Email address: ellis.morgan@austintexas.gov

Ellis Morgan

Printed Name

8/31/23


Date


If a revised form is submitted, date of submission:

8/29/2023

8/29/2023

1:49 PM

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.	
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The sources and uses are as stated. The City of Austin loan is a loan from a local government is a deferred-forgivable construction-to-permanent loan, with no foreclosure provisions or scheduled or periodic repayment provisions, and a maturity date after the end of the Affordability Period. The Qualified Allocation Plan allows this type of permanent debt on a supportive housing transaction.	
Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.	
Replacement reserves are assumed at \$300 per unit per year, which is industry standard for supportive housing developments.	
Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.	
This development has received a commitment from the Housing Authority of the City of Austin for 25 Housing Choice Vouchers. Evidence of that commitment is included in Tab 35.	
By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.	
 Signature, Authorized Representative, Construction, Equity Provider and Permanent Lender	Jason Aldridge Printed Name
Telephone: 972-741-5150	2/24/2023 Date
Email address: jaldridge@nefinc.org	
If a revised form is submitted, date of submission: _____	

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. If cash from operations, interest income, etc is being used as a source, provide a description of how those amounts are calculated. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.	
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By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.	
	Julia Spann
Signature, Authorized Representative, Construction, Equity Provider and Permanent Lender	Printed Name
Telephone: 512-927-4741	2/27/2023
Email address: jspann@safeaustin.org	Date

If a revised form is submitted, date of submission:

24045

**Bird Creek Senior Living
Request for Administrative
Deficiency**

AVANTI LEGACY WESTWOOD, LP

May 1, 2024

Via Email

Joshua Goldberger
Competitive Housing Tax Credit Manager
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78711-3941

RE: Bird Creek Senior Living, TDHCA #24045

Dear Mr. Goldberger:

Please accept this correspondence as a Request for Administrative Deficiency for Bird Creek Senior Living proposed in the City of Temple. Specifically, we're contesting the eligibility of the application to receive points under §11.9(b)(1)(A) of the Qualified Allocation Plan (QAP), which establishes "criteria promoting the development of high-quality housing." This criteria awards points to an application that meets minimum square footage standards, such as "six-hundred (600) square feet for a one Bedroom Unit" and "eight-hundred fifty (850) square feet for a two Bedroom Unit."

The plans submitted by the Applicant include architectural drawings (i.e., unit floor plans) documenting that the proposed unit floor plans seemingly meet the minimum square feet requirement to qualify for points as a New Construction development under this section of the QAP. However, upon analyzing the floor plan, it appears that the architect incorrectly included the mechanical closets in their calculations of Net Rentable Area (NRA). The exclusion of the mechanical closets results in a reduction of NRA for all unit types. Furthermore, the resulting NRA for all two-bedroom unit types falls below the minimum requirement to qualify for points.

The table below lists the corrected square footage calculations for all unit types and demonstrates that all two-bedroom units fail to meet the square footage requirement, which should result in the Applicant being denied points under §11.9(b)(1)(A).

Unit Type	Total Number of Units Per Unit Type	Square Footage Shown on Floor Plans	Square Footage of Mechanical Space	Corrected Square Footage	Minimum Square Footage for Points	Square Footage Variance for Points
FHA 1-BR	50	652	21.73	630.27	600.00	30.27
FHA Hearing/Visual (H/V) 1-BR	1	652	21.73	630.27	600.00	30.27
ADA 1-BR	3	652	19.95	632.05	600.00	32.05
FHA 2-BR	44	869	26.52	842.48	850.00	-7.52
FHA Hearing/Visual (H/V) 2-BR	1	869	26.52	842.48	850.00	-7.52
ADA 2-BR	3	869	38.59	830.41	850.00	-19.59

Avanti Legacy Westwood, LP
3933 Steck Ave, Ste. B120, Austin, TX 78759
Phone – (512) 982-1342 | Fax – (512) 900-2860
contact@madhousedevlopment.net

As defined by the QAP, the mechanical closet should be excluded from all NRA calculations. The definition of Net Rentable Area (NRA) is provided under §11.1 (d)(84) of the QAP. This definition states that NRA is “Unit space that is available exclusively to the tenant and is heated and cooled by a mechanical HVAC System.” It also specifies a list of areas that should be excluded when calculating NRA, which includes “other areas not available to the tenants for their furnishings, nor does NRA include the enclosing walls of such areas.” A mechanical closet that includes both the water heater and HVAC system, such as the one provided by the Applicant, cannot be furnished by the tenant. Mechanical closets are generally not to be furnished due to the obstruction of airflow, an obstacle for maintenance, and a potential fire hazard to the tenants. An excerpt from the 2015 International Mechanical Code, as adopted by the City of Temple, provides further evidence that a mechanical closet cannot be furnished.

“306.2 Appliances in rooms.

Rooms containing appliances shall be provided with a door and an unobstructed passageway measuring not less than 36 inches (914 mm) wide and 80 inches (2032 mm) high.

Exception: Within a dwelling unit, appliances installed in a compartment, alcove, basement or similar space shall be accessed by an opening or door and an unobstructed passageway measuring not less than 24 inches (610 mm) wide and large enough to allow removal of the largest appliance in the space, provided that a level service space of not less than 30 inches (762 mm) deep and the height of the appliance, but not less than 30 inches (762 mm), is present at the front or service side of the appliance with the door open.”

Looking at the ADA 2-BR Unit as an example we can demonstrate the analysis conducted for each unit type. Using the Architect’s exterior dimensions, we calculate 875 square feet. However, when we subtract the approximately 6 square feet of area outside of the unit entrance, we arrive at 869 square feet, matching the square footage listed by the Architect within the Unit Floor Plan exhibit. This calculation was repeated for each unit type, resulting in the square footage listed in the Unit Matrix. However, these square footages still include the mechanical closet.

To calculate the area of the mechanical closet, we could not rely on the scale listed within the architect’s drawings as it was no longer accurate, likely due to rescaling during printing. Instead, we used the Adobe Acrobat Measuring Tool to measure the length and width of the mechanical closet within each unit type. The scale for the tool was set using the architect’s exterior dimensions for each unit type. Using only horizontal dimensions for horizontal measurements, and likewise, using vertical dimensions for vertical measurements. Following the QAP definition of NRA, our measurement also included the enclosed walls of the mechanical closets. A step-by-step guide of the measuring procedure is attached under Exhibit A. The mechanical closet in the ADA 2-BR Unit type measured approximately 39 square feet. Subtracting this area from the 869 calculated above, results in the corrected square footage of approximately 830 square feet. Therefore, the ADA 2-BR Unit is approximately 20 square feet below the 850 square feet minimum required to qualify for points. We have included as Exhibit B, the length and width measurements of the mechanical closets resulting from our square footage analysis for each unit type. The table above shows the corrected square footage and the variance from the requirement to qualify for points, after adjusting for the mechanical closet areas.

This problem reoccurred systematically in the architectural drawings with all unit types miscalculated by the architect. When calculated correctly, all two-bedroom unit types fail to meet the minimum square footage requirements of section §11.9(b)(1)(A) of the QAP. In summary, a total of 48 units, or 47%, of all units fall below the minimum square footage requirement. Therefore, the applicant should be denied points under §11.9(b)(1)(A).

We kindly request that you review this matter and consider our analysis in your evaluation of the Bird Creek Senior Living application. We appreciate your attention to this matter and look forward to your response.

Sincerely,



Enrique Flores, IV

Authorized Signatory of Avanti Legacy Westwood, LP

Avanti Legacy Westwood, LP
3933 Steck Ave, Ste. B120, Austin, TX 78759
Phone – (512) 982-1342 | Fax – (512) 900-2860
contact@madhousedevlopment.net

EXHIBIT A

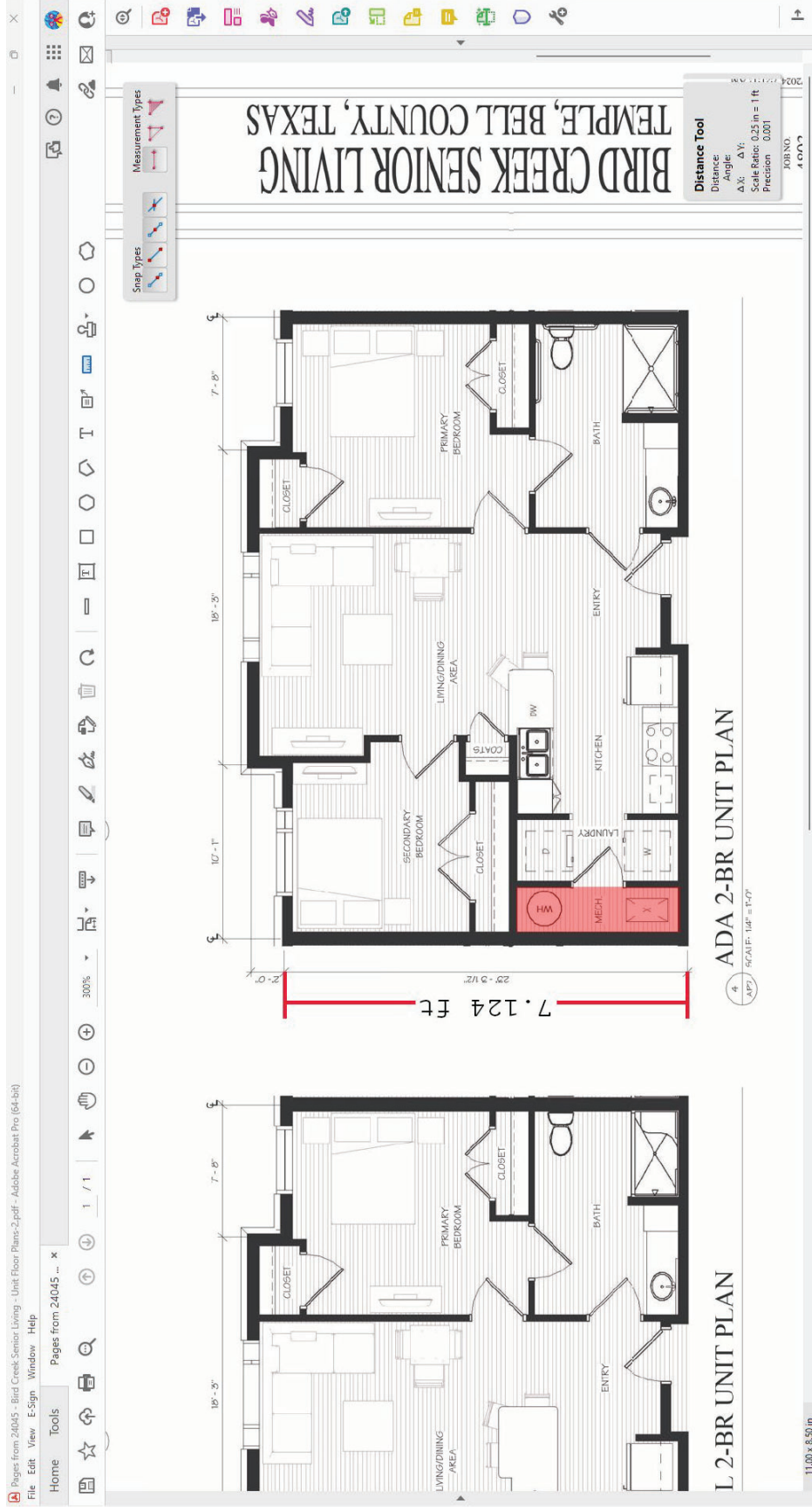
Avanti Legacy Westwood, LP
3933 Steck Ave, Ste. B120, Austin, TX 78759
Phone – (512) 982-1342 | Fax – (512) 900-2860
contact@madhousedevlopment.net



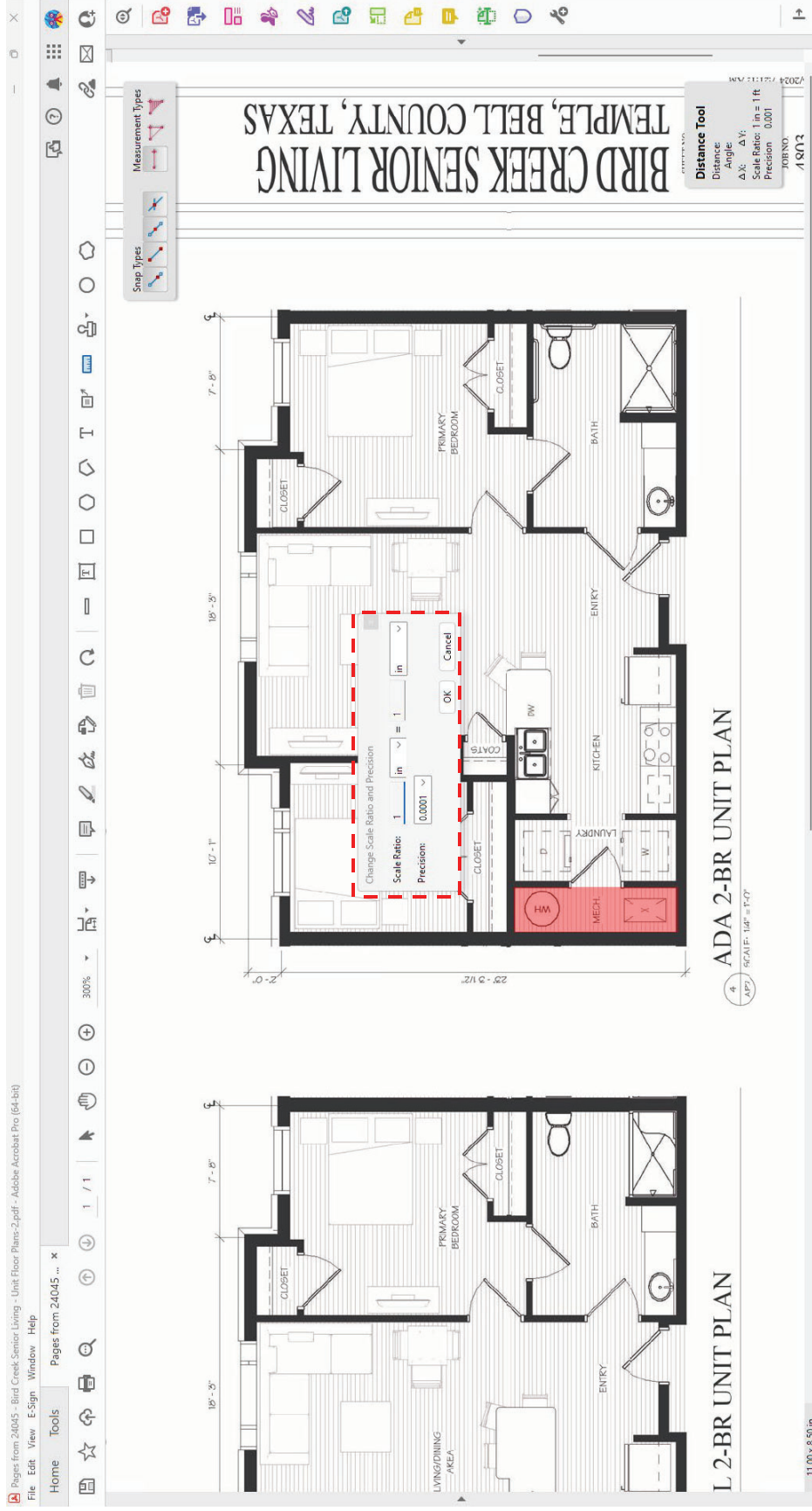
Step 1 – Open the applicants full application PDF using Adobe Acrobat. Once the file is loaded and the unit floor plans are located, find the Adobe Acrobat “Measuring Tool”, and right click your mouse to access the measuring tool settings menu. Click on “Change Scale Ratio and Precision”.



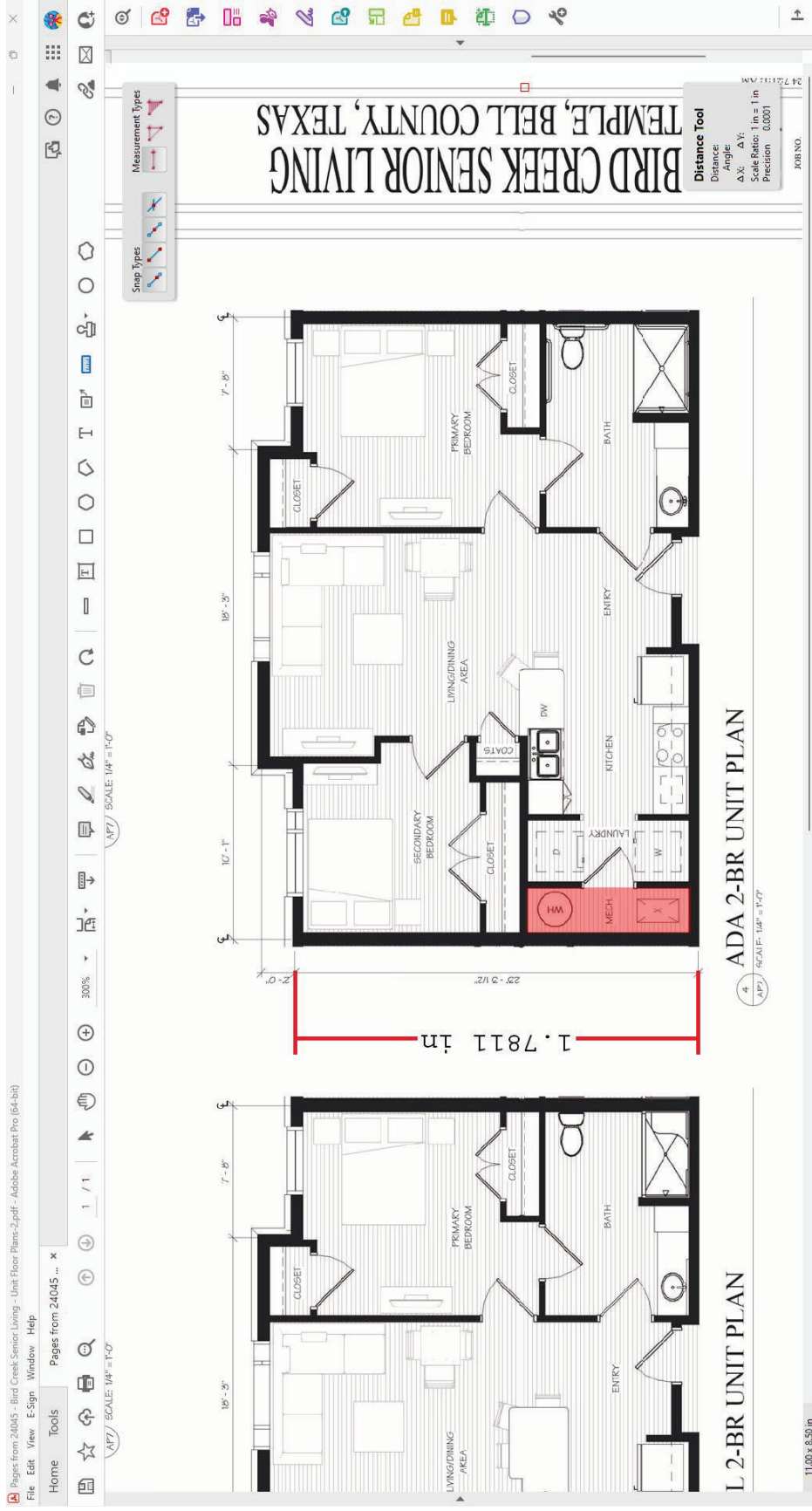
Step 2 – Set the scale ratio as indicated by the drawing (i.e., .25in = 1 ft), and from the precision drop menu, set the precision at 0.001.



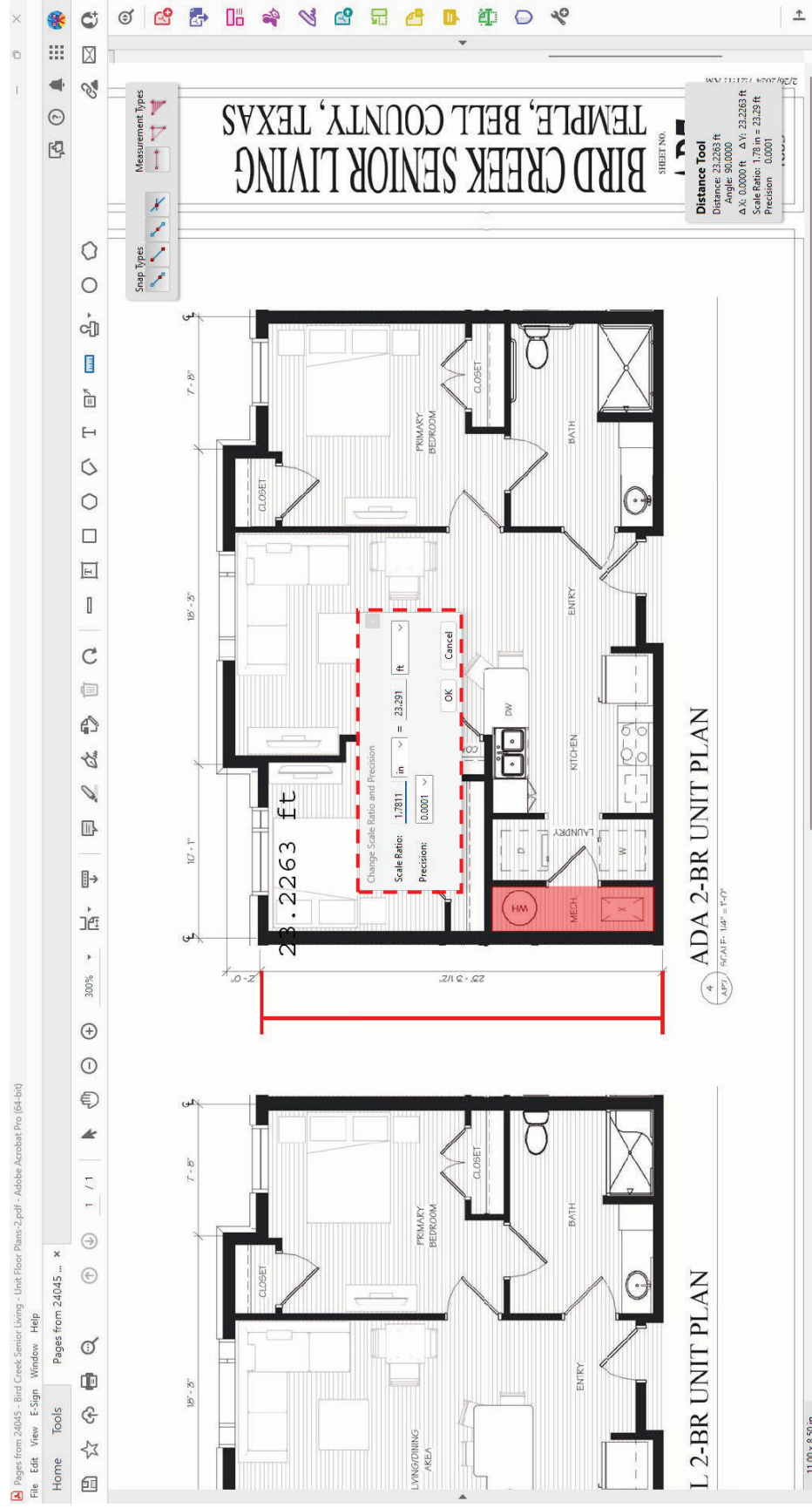
Step 3 – This will show that the scale listed in the drawing is incorrect, as our measurement does not equal the 23' 3 1/2" shown in the Architect's dimension.



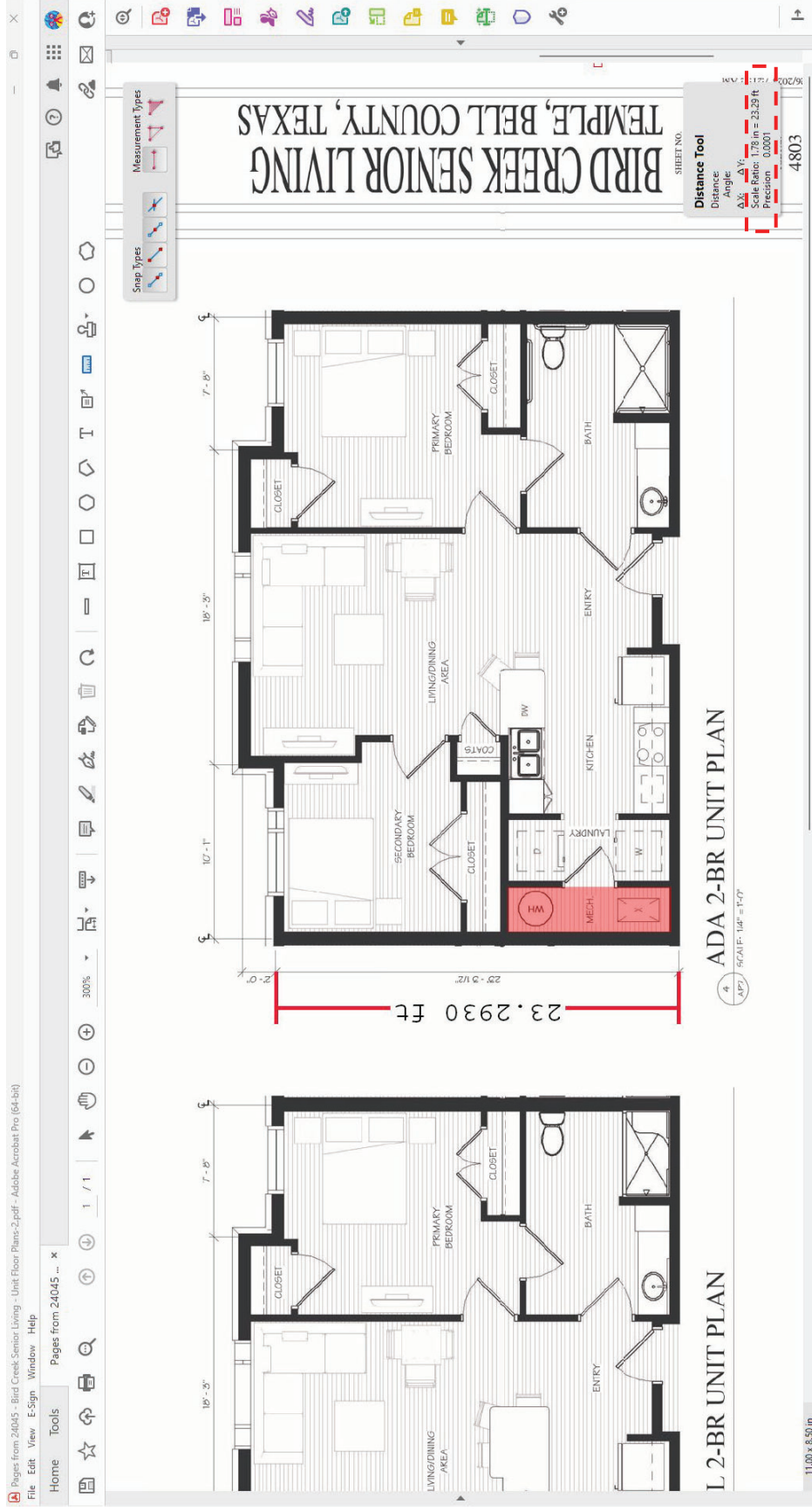
Step 4 – To figure out the correct scale we first set our scale back to 1" = 1" and change the precision to 0.0001.



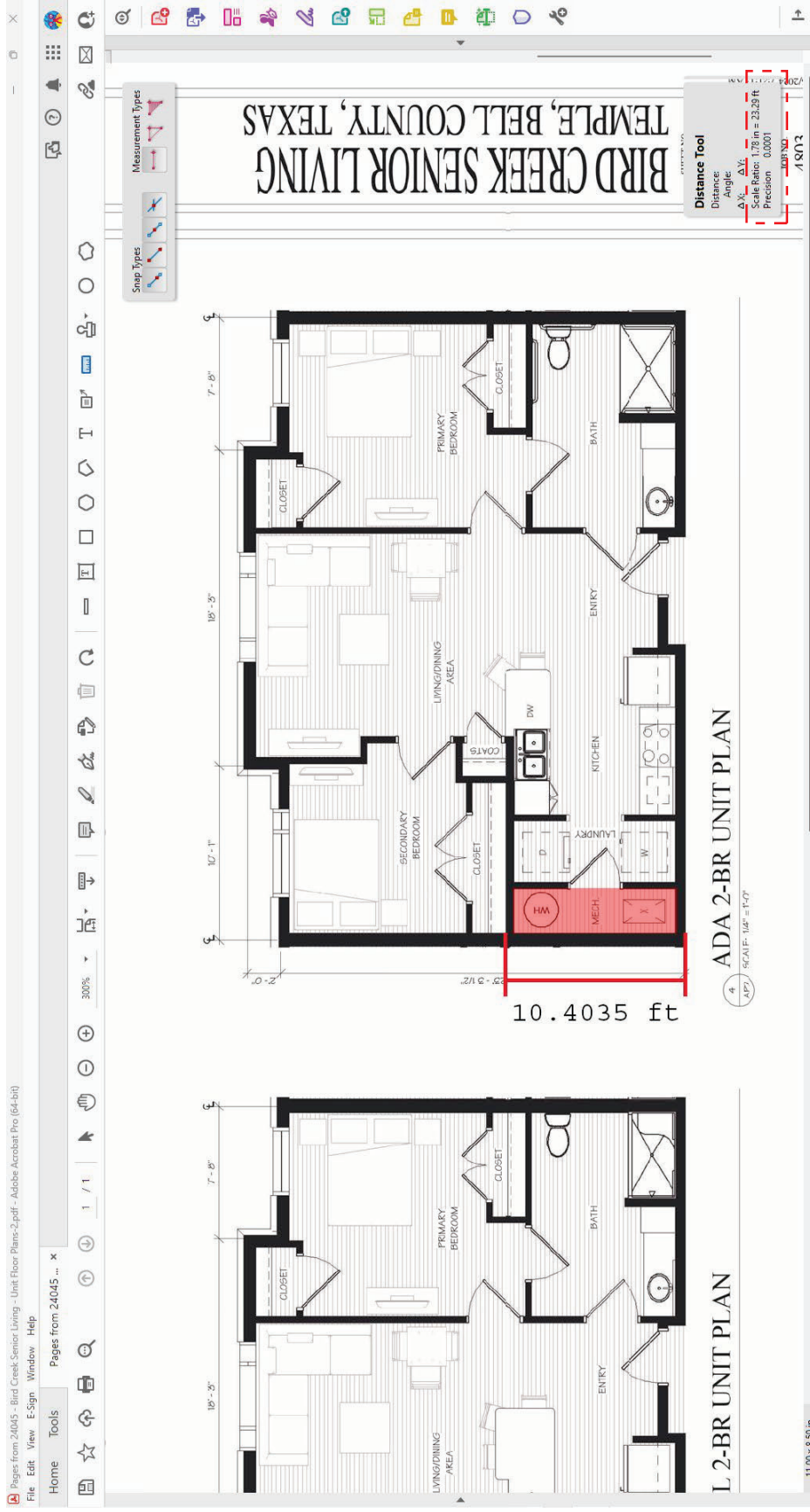
Step 5 – Use the measuring tool to determine the length of the architect’s callout. The measuring tool indicates that the callout reading 23’ 3 ½” on the plan, measures 1.7811” on the PDF.



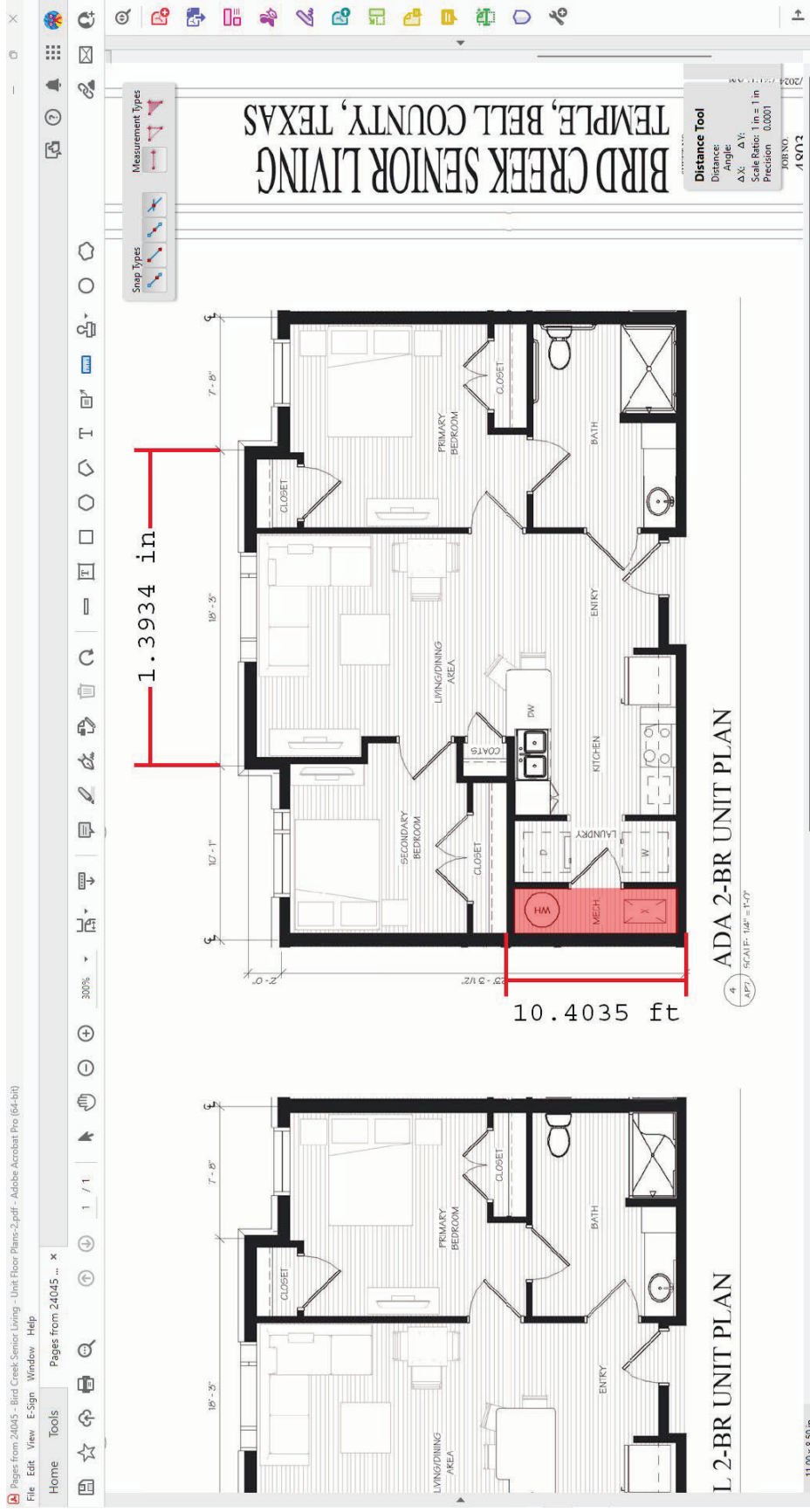
Step 6 – Using the measurement above, we set the scale to 23' 3 1/2" (23.291 ft).



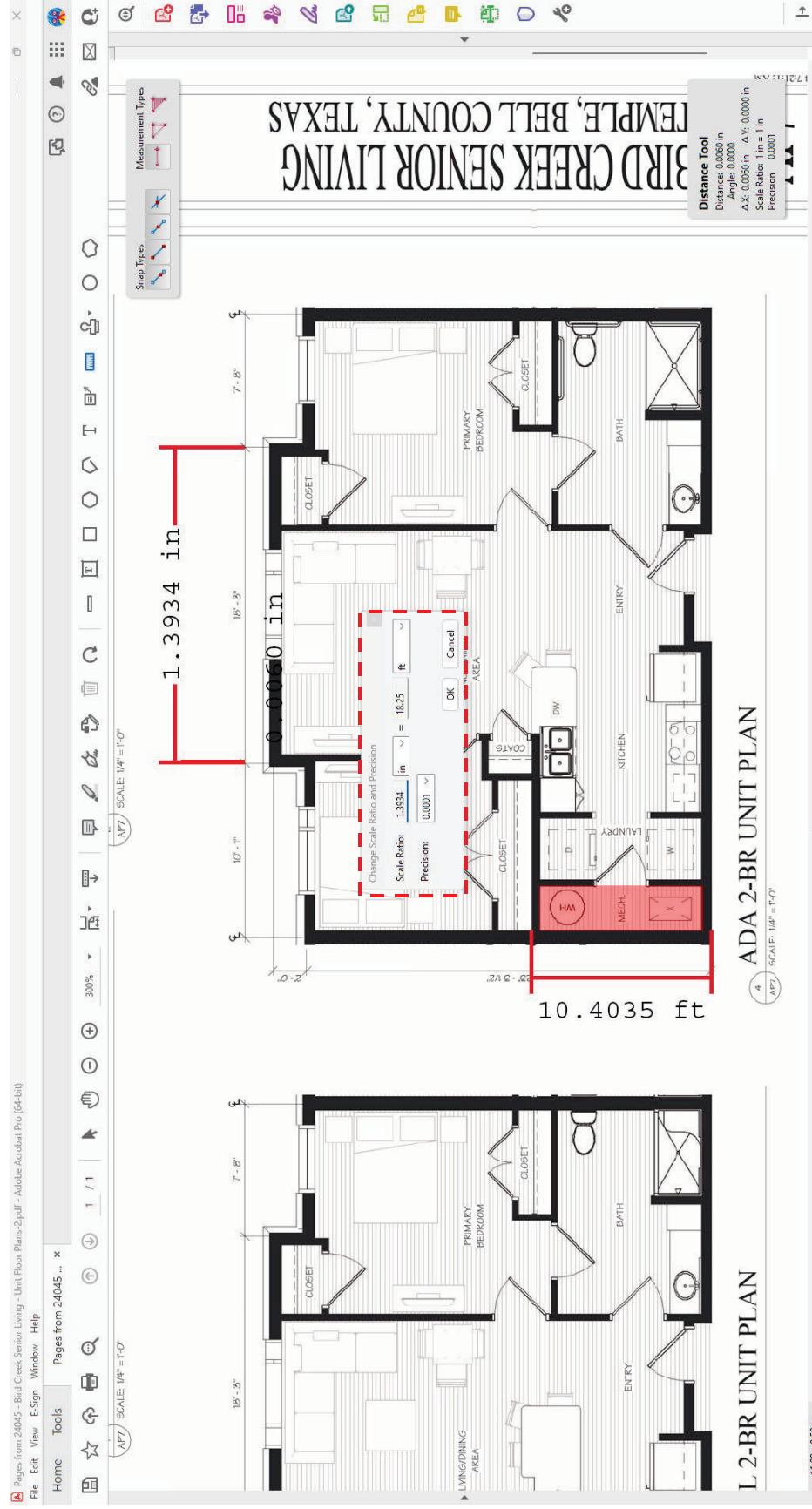
Step 8 – Confirm your new scale by measuring the callout again. In our example, due to precision limitations, our measurement is approximately 0.0008 ft (or 0.0096 in) over the architect's measurement. However, this is a negligible difference for our purposes, so we continue to the next step.



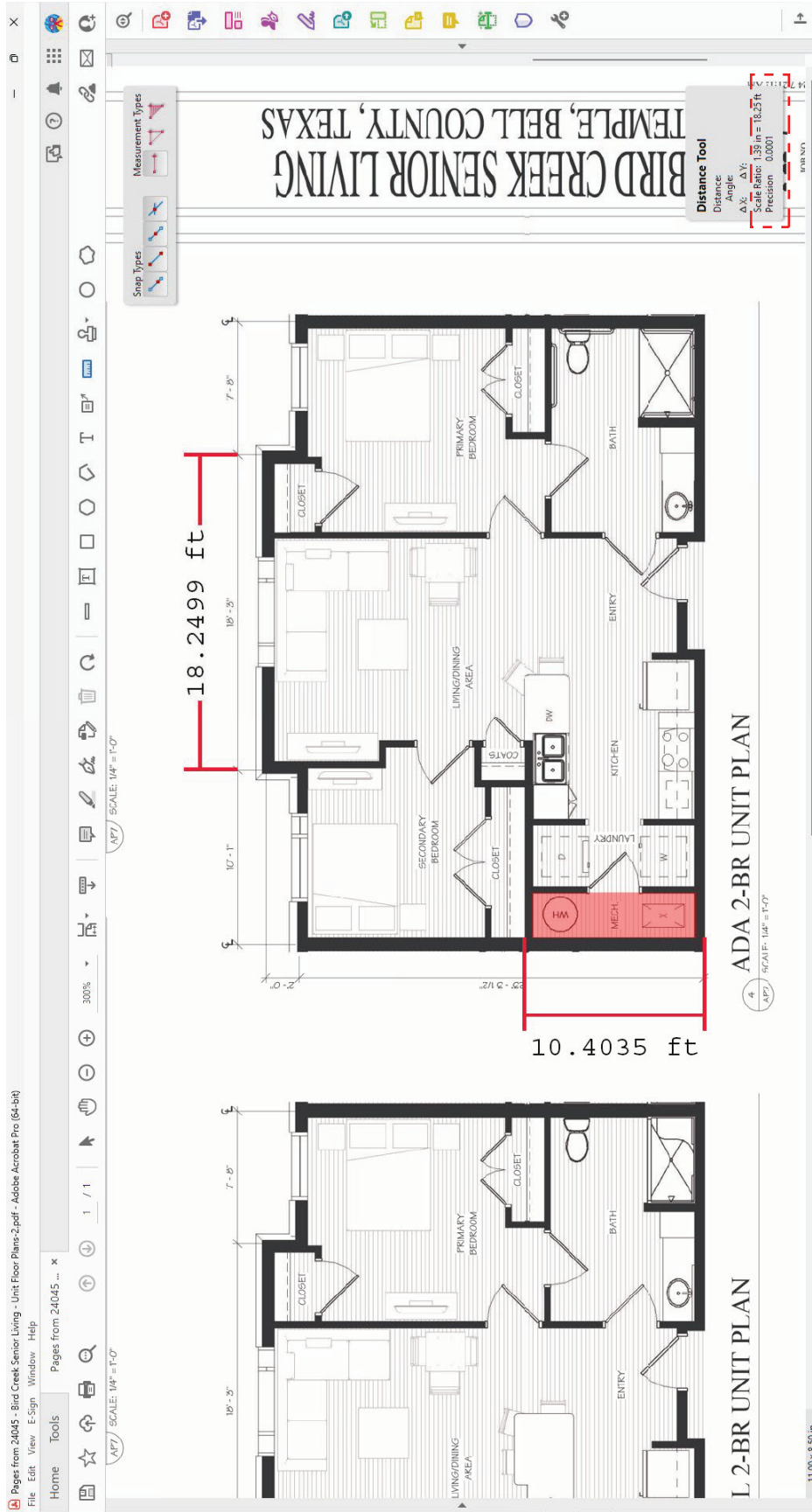
Step 7 – Using the new scale set by the vertical dimension, we now take the vertical measurement (length) of the mechanical closet. Note that per the QAP this measurement includes the walls surrounding the mechanical closet. In this example, the mechanical closet measures 10.4035 ft in length.



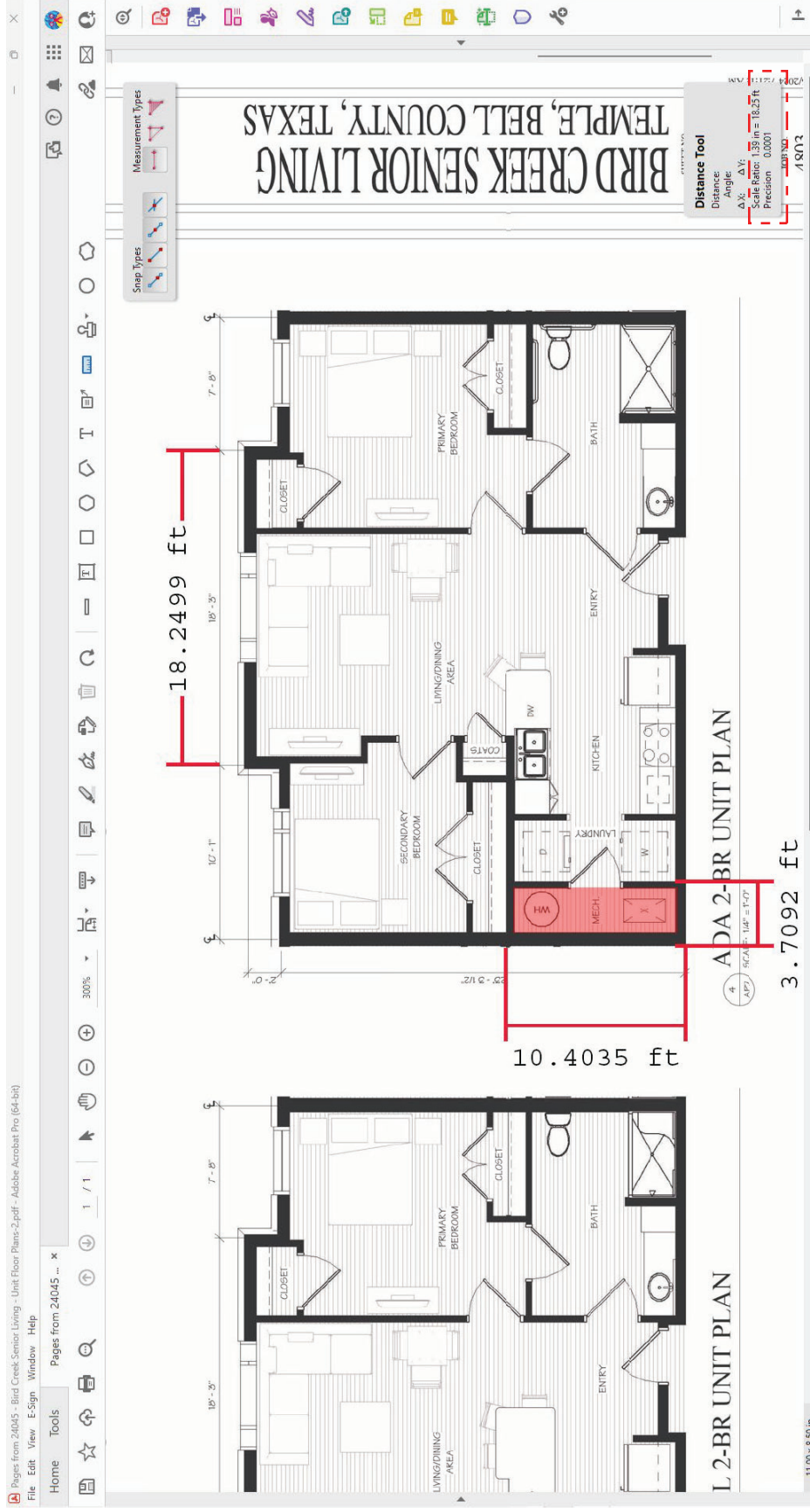
Step 8 – To find the Horizontal measurement (width) of the mechanical room we repeat the logic followed in steps 4 through 6. We find the horizontal scale is 1.3934in = 18.25 ft (i.e., 18’ 3”).



Step 9 – We set the scale to 1.3934in = 18.25 ft.



Step 10 – Measure the segment again to verify that the measuring tool is measuring accurately.



Step 11 – Finally, we can measure the horizontal measurement (width) of the mechanical room, for this unit we measured 3.7092 ft.

Step 12 – This results in the mechanical room measuring 10.4035 ft x 3.7092 ft = 38.5886 ft².

EXHIBIT B

Avanti Legacy Westwood, LP
3933 Steck Ave, Ste. B120, Austin, TX 78759
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contact@madhousedevlopment.net

24045 - Bird Creek Senior Living - RFAD -- FINAL

Final Audit Report

2024-05-03

Created:	2024-05-03
By:	Jonathan Estrada (jestrada@madhousedevelopment.net)
Status:	Signed
Transaction ID:	CBJCHBCAABAAwkf0X6rzw4xpTBd6HZYAd0iGFk5mjIak

"24045 - Bird Creek Senior Living - RFAD -- FINAL" History

-  Document created by Jonathan Estrada (jestrada@madhousedevelopment.net)
2024-05-03 - 9:08:44 PM GMT
-  Document emailed to Henry Flores (hflores@madhousedevelopment.net) for signature
2024-05-03 - 9:09:07 PM GMT
-  Email viewed by Henry Flores (hflores@madhousedevelopment.net)
2024-05-03 - 9:10:09 PM GMT
-  Document e-signed by Henry Flores (hflores@madhousedevelopment.net)
Signature Date: 2024-05-03 - 9:10:24 PM GMT - Time Source: server
-  Agreement completed.
2024-05-03 - 9:10:24 PM GMT

24069(1)

Forum Park Family Villas

**Request for Administrative
Deficiency**

May 3, 2024

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Third-Party Request for Administrative Deficiency – TDHCA # 24069 Forum Park Family Villas

Dear Mr. Campbell,

I am writing to formally request that you consider an unreported Neighborhood Risk Factor in relation to the Forum Park Family Villas Development Site TDHCA # 24069 located in census tract 48201433601. According to TDHCA 2024 QAP §11.101(a)(3)(D)(ii) addresses census tracts with high violent crime rates within 500 feet of a Development Site as a relevant Neighborhood Risk Factors:

(ii) The Development Site is New Construction or Reconstruction and is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons (annually) as reported on neighborhoodscout.com. Rehabilitation developments are exempt from this Neighborhood Risk Factor.

The proposed site TDHCA # 24069 is adjacent to census tract 48201433602, with a boundary less than 500 feet away. According to data reported on February 28, 2024, by neighborhoodscout.com, this census tract 48201433602 has a violent crime rate greater than 18 per 1,000 persons. The full neighborhoodscout.com report is attached, and violent crime data can be found on page 16.

The violent crime rate for the adjacent census tract 48201433602, which is roughly 375 feet from the Development Site TDHCA # 24069, stands at 26.44 per 1,000 residents. Please refer to Exhibit A for a map showing the relationship and Exhibit B showing the proximity between the Development Site and Census Tract 48201433602.

Application # 24069, Forum Park Family Villas, should be rendered ineligible. The failure to disclose the Neighborhood Risk Factor and the absence of acceptable mitigation measures warrant such action as presented in §11.101(a)(3)(A).

(A) A Neighborhood Risk Factor will render an application ineligible unless acceptable mitigation as determined by staff or the board is undertaken. If the Development Site has any of the characteristics described in subparagraph (D) of this paragraph, the Applicant must disclose the presence of such characteristics in the Application submitted to the Department. For Competitive HTC Applications, should staff determine that the Development Site has any of the characteristics described in subparagraph (D) of this paragraph and such characteristics were not disclosed, the Application shall be terminated by staff.

Sincerely,



Cody J. Hunt
10112 Bissonnet Development, LLC
Authorized Representative
13455 Noel Rd, Suite 400
Dallas, TX 75240

CC: arjun@amcallhousing.com

2020 Census Address Count Listing Files Viewer



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48201433602

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Legend

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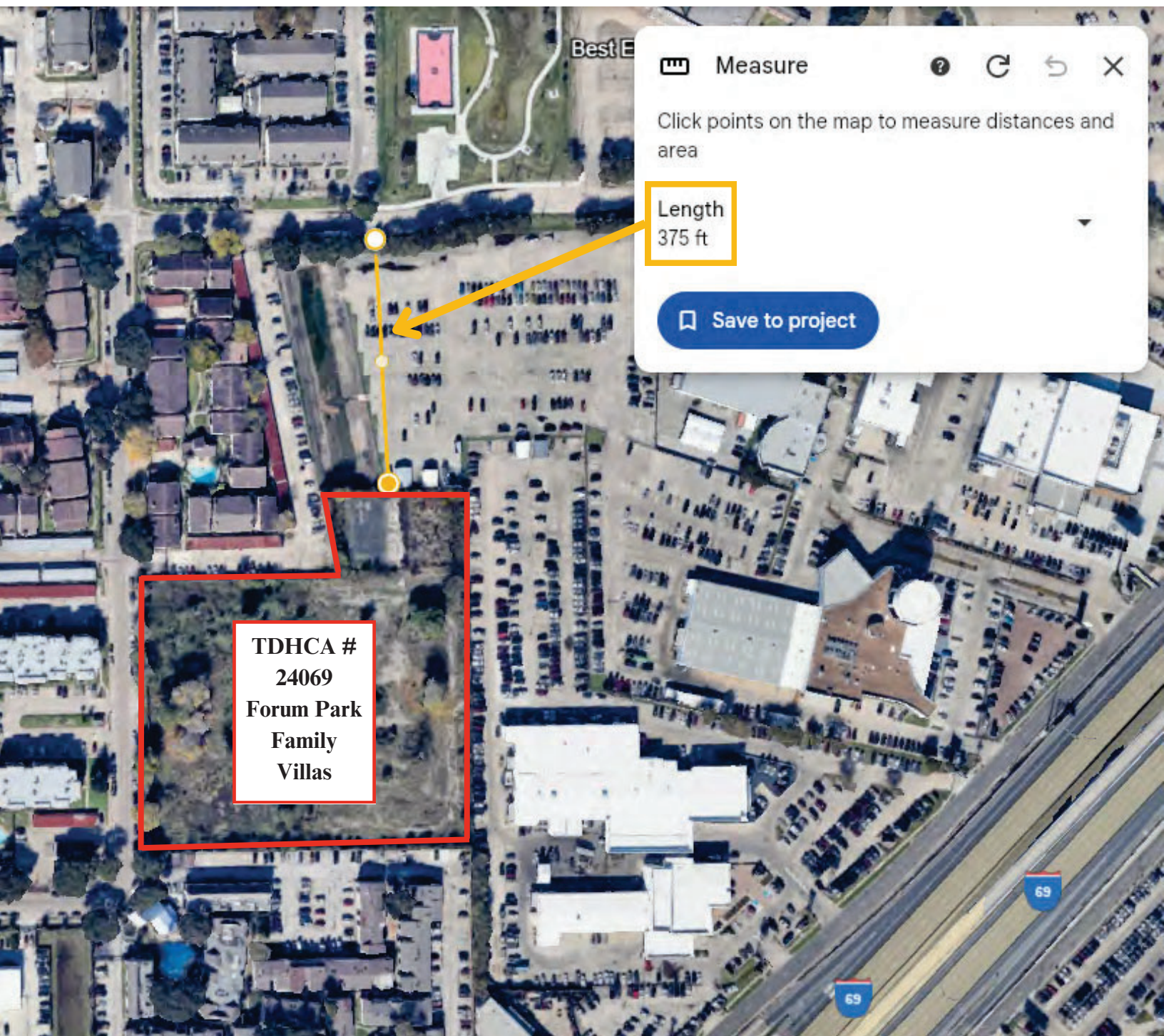
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0.3mi
-95.557 29.675 Degrees

EXHIBIT B

The proximity from the Development Site to Census Tract 48201433602 is approximately 375 feet.



Comprehensive Neighborhood Report

10111 Bissonnet St, Houston, TX 77036

February 28, 2024

Report Contents

About This Neighborhood

[Map](#) | [Overview](#)

Real Estate

44 Statistics | 8 Alerts

Economics & Demographics

136 Statistics | 1 Alert

Crime

67 Statistics | 7 Alerts

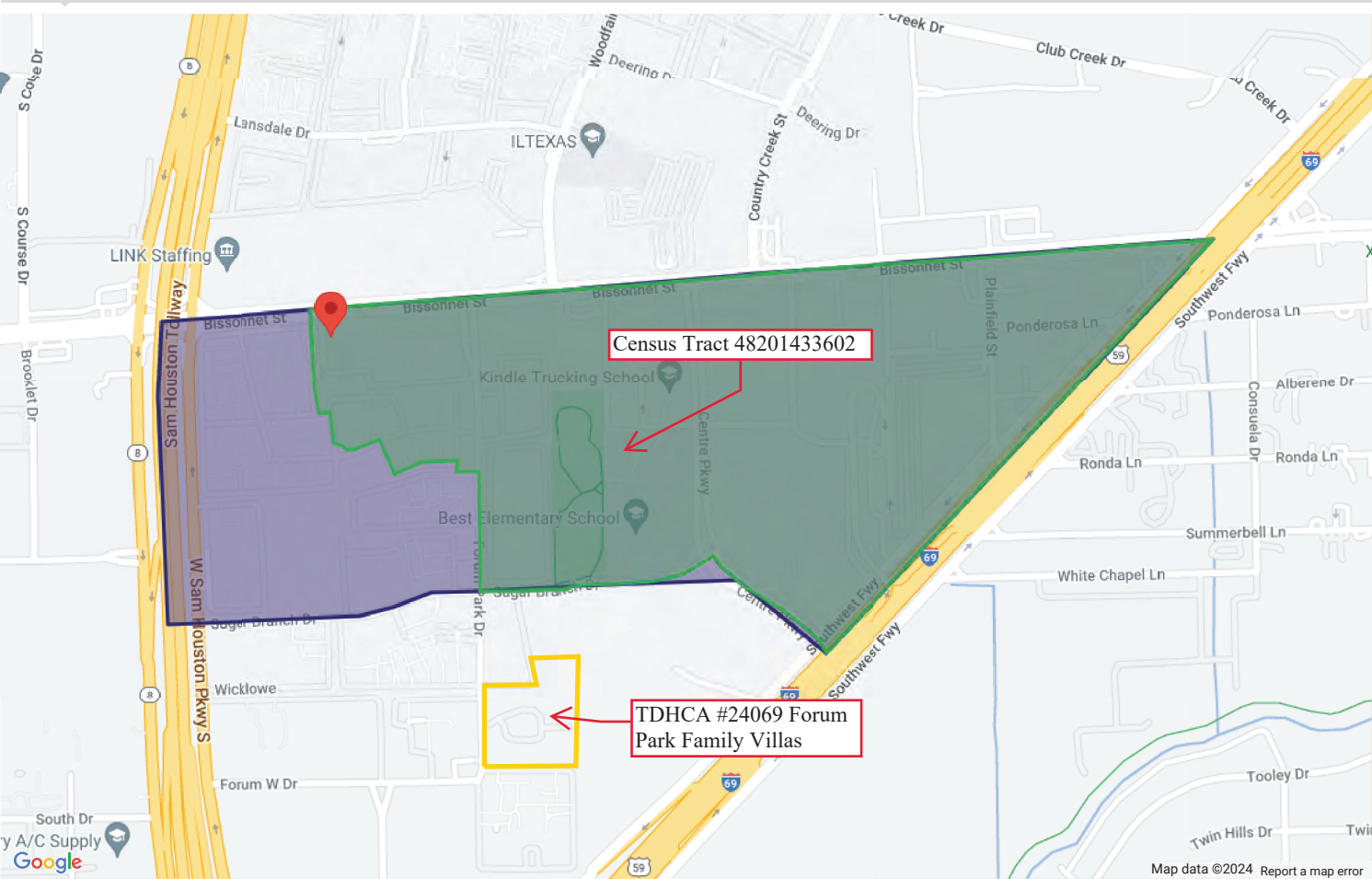
Schools

65 Statistics | 5 Alerts

Trends & Forecasts

328 Statistics | 21 Alerts

NEIGHBORHOOD MAP



Neighborhood Boundary Micro-neighborhood Boundary

REAL ESTATE PRICES & OVERVIEW

This neighborhood's median real estate price is \$239,405, which is more expensive than 46.6% of the neighborhoods in Texas and 34.4% of the neighborhoods in the U.S.

The average rental price in this neighborhood is currently \$1,445, based on NeighborhoodScout's exclusive analysis. Rents here are currently lower in price than 82.9% of Texas neighborhoods.

This is a densely urban neighborhood (based on population density) located in Houston, Texas.

This neighborhood's real estate is primarily made up of small (studio to two bedroom) to medium sized (three or four bedroom) apartment complexes/high-rise apartments and small apartment buildings. Most of the residential real estate is renter occupied. Many of the residences in this neighborhood are established but not old, having been built between 1970 and 1999. A number of residences were also built between 2000 and the present.

This neighborhood has a 16.2% vacancy rate, which is well above average compared to other U.S. neighborhoods (higher than 79.5% of American neighborhoods). Most vacant housing here is vacant year round. This could either signal that there is a weak demand for real estate in the neighborhood or that large amount of new housing has been built and not yet occupied. Either way, if you live here, you may find many of the homes or apartments are empty.

NOTABLE & UNIQUE NEIGHBORHOOD CHARACTERISTICS

When you see a neighborhood for the first time, the most important thing is often the way it looks, like its homes and its setting. Some places look the same, but they only reveal their true character after living in them for a while because they contain a unique mix of occupational or cultural groups. This neighborhood is very unique in some important ways, according to NeighborhoodScout's exclusive exploration and analysis.

Real Estate

The Westwood neighborhood is very unique in that it has one of the highest proportions of one, two, or no bedroom real estate of any neighborhood in America. Most neighborhoods have a mixture of home or apartment sizes from small to large, but here the concentration of studios and other small living spaces is at near-record heights. With 97.2% of the real estate here of this small size, this most assuredly is a notable feature that makes this neighborhood unique, along with just a handful of other neighborhoods in the U.S. that share this characteristic.

In addition, renter-occupied real estate is dominant in the Westwood neighborhood. The percentage of rental real estate here, according to exclusive NeighborhoodScout analysis, is 100.0%, which is higher than 99.3% of the neighborhoods in America. If you were to buy and live in the property you bought here, you would be almost alone in doing so.

Furthermore, most neighborhoods are composed of a mixture of ages of homes, but the Westwood stands out as rather unique in having nearly all of its residential real estate built in one time period, namely between 1970 and 1999, generally considered to be established, but not old housing. What you'll sense when you look around or drive the streets of this neighborhood is that many of the residences look the same because of this similarity of age. In fact, 88.0% of the residential real estate here was built in this one time period.

Also of note, one of the really unique and interesting things about the look and setting of the Westwood neighborhood is that it is almost entirely dominated by large apartment buildings, such as apartment complexes or high-rise apartments. 77.3% of the residential real estate here is classified as such. This puts this neighborhood on the map as having a higher proportion of large apartment buildings than 96.3% of all neighborhoods in America.

Occupations

There are more people living in the Westwood neighborhood employed as sales and service workers (52.4%) than almost any neighborhood in the country. From fast-food service workers to major sales accounts, sales and service workers make up the largest proportion of our national employment picture. But despite that size and importance nationally, this neighborhood still stands out as unique due to the dominance of people living here who work in such occupations.

Furthermore, with 4.9% of employed workers living in the Westwood neighborhood active in the military, this neighborhood has the distinction of having a higher proportion of people in the military than 98.7% of American neighborhoods. This is a major shaper of the neighborhood's culture and character.

Modes of Transportation

Our research shows that more people carpool to work here in the Westwood (22.9%) than in 95.8% of the neighborhoods in America.

People

NeighborhoodScout's exclusive research revealed that 93.6% of the adult residents in the Westwood neighborhood do not have a 4-year college degree, which is a lower rate of college graduated adults than found in 95.5% of the neighborhoods in America.

Diversity

Did you know that the Westwood neighborhood has more Jamaican and Sub-Saharan African ancestry people living in it than nearly any neighborhood in America? It's true! In fact, 6.1% of this neighborhood's residents have Jamaican ancestry and 14.0% have Sub-Saharan African ancestry.

Westwood is also pretty special linguistically. Significantly, 5.5% of its residents five years old and above primarily speak African languages at home. While this may seem like a small percentage, it is higher than 98.8% of the neighborhoods in America.

THE NEIGHBORS

How wealthy a neighborhood is, from very wealthy, to middle income, to low income is very formative with regard to the personality and character of a neighborhood. Equally important is the rate of people, particularly children, who live below the federal poverty line. In some wealthy gated communities, the areas immediately surrounding can have high rates of childhood poverty, which indicates other social issues. NeighborhoodScout's analysis reveals both aspects of income and poverty for this neighborhood.

The neighbors in the Westwood neighborhood in Houston are low income, making it among the lowest income neighborhoods in America. NeighborhoodScout's research shows that this neighborhood has an income lower than 85.2% of U.S. neighborhoods. With 43.8% of the children here below the federal poverty line, this neighborhood has a higher rate of childhood poverty than 90.8% of U.S. neighborhoods.

The old saying "you are what you eat" is true. But it is also true that you are what you do for a living. The types of occupations your neighbors have shape their character, and together as a group, their collective occupations shape the culture of a place.

In the Westwood neighborhood, 47.6% of the working population is employed in sales and service jobs, from major sales accounts, to working in fast food restaurants. The second most important occupational group in this neighborhood is manufacturing and laborer occupations, with 29.8% of the residents employed. Other residents here are employed in clerical, assistant, and tech support occupations (12.2%), and 10.3% in executive, management, and professional occupations.

Languages

The languages spoken by people in this neighborhood are diverse. These are tabulated as the languages people preferentially speak when they are at home with their families. The most common language spoken in the Westwood neighborhood is English, spoken by 54.0% of households. Other important languages spoken here include Spanish, African languages and French.

Ethnicity / Ancestry

Culture is shared learned behavior. We learn it from our parents, their parents, our houses of worship, and much of our culture – our learned behavior – comes from our ancestors. That is why ancestry and ethnicity can be so interesting and important to understand: places with concentrations of people of one or more ancestries often express those shared learned behaviors and this gives each neighborhood its own culture. Even different neighborhoods in the same city can have drastically different cultures.

In the Westwood neighborhood in Houston, TX, residents most commonly identify their ethnicity or ancestry as Mexican (30.5%). There are also a number of people of Sub-Saharan African ancestry (14.0%), and residents who report Jamaican roots (6.1%), and some of the residents are also of Cuban ancestry (2.3%), along with some Asian ancestry residents (2.2%), among others. In addition, 38.6% of the residents of this neighborhood were born in another country.

GETTING TO WORK

Even if your neighborhood is walkable, you may still have to drive to your place of work. Some neighborhoods are located where many can get to work in just a few minutes, while others are located such that most residents have a long and arduous commute. The greatest number of commuters in Westwood neighborhood spend between 15 and 30 minutes commuting one-way to work (50.4% of working residents), which is shorter than the time spent commuting to work for most Americans.

Here most residents (72.9%) drive alone in a private automobile to get to work. In addition, quite a number also carpool with coworkers, friends, or neighbors to get to work (22.9%) . In a neighborhood like this, as in most of the nation, many residents find owning a car useful for getting to work.



Neighborhood Real Estate Data

10111 Bissonnet St, Houston, TX 77036

44 Vital Statistics | 8 Condition Alerts

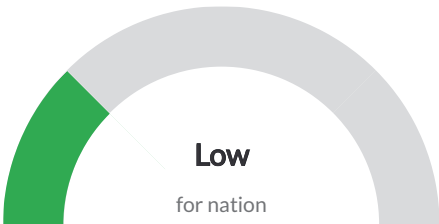
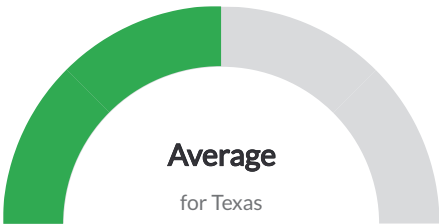
February 28, 2024

AVERAGE HOME VALUES



Neighborhood Home Prices

No Data Available



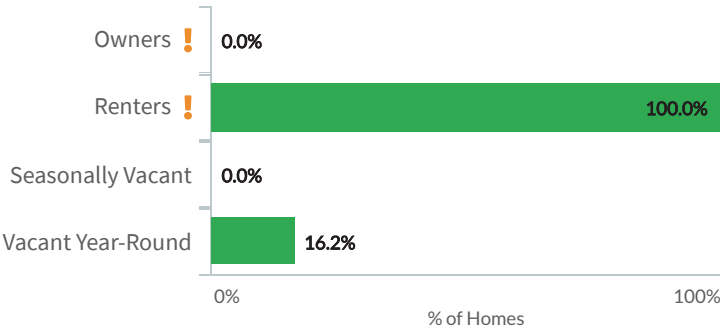
HOMEOWNERSHIP

Homeownership Rate

⚠ This neighborhood has among the **lowest** percentage of owner-occupied residences of all neighborhoods in America according to NeighborhoodScout analysis. This neighborhood has among the **highest** percentage of renter-occupied residences of all neighborhoods in America according to NeighborhoodScout analysis.

Homeownership Rate
The percentage of housing units in the neighborhood that are occupied by the property owner versus occupied by a tenant. (Vacant units are counted separately.)

Vacancy Trend
The average annual change in the vacancy rate in the neighborhood during the latest five years. Trend is based on the percentage of properties that are vacant year round.



RENTAL MARKET

Average Market Rent

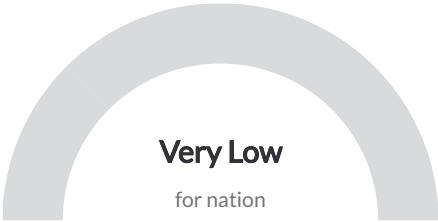
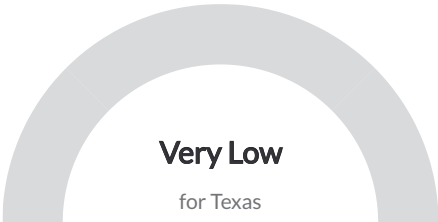
\$1,445 / per month

 This neighborhood's avg monthly rental cost is among the **lowest** in this state, according to NeighborhoodScout's exclusive analysis.


Gross Rental Yield

7.24%


Median monthly rent by number of bedrooms




NEIGHBORHOOD SETTING

 Coastal

Neighborhoods on the ocean or tidally influenced rivers.

 Lakefront

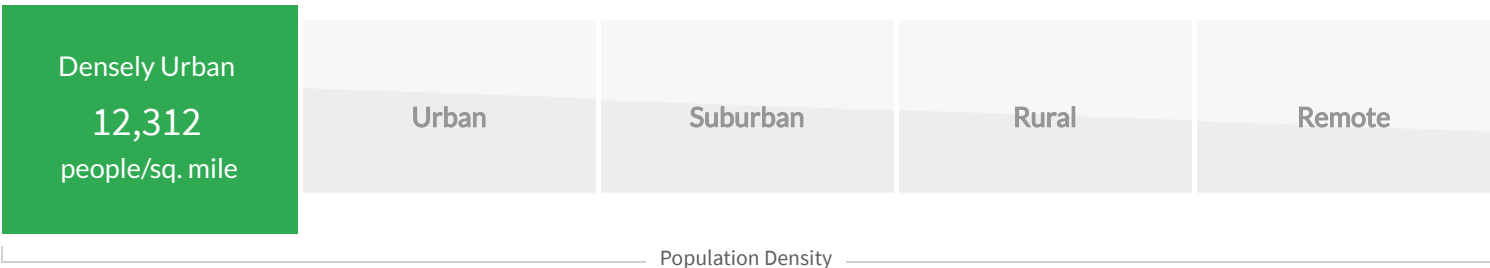
The neighborhood includes shoreline on a significant body of freshwater. These are lakes large enough to include recreation and scenic areas. (Note that smaller lakes are not included, or neighborhoods that have little shoreline on a lake, relative to the size of the entire neighborhood).

 Farms

Agricultural land uses are a significant part of the neighborhood and contribute to its character.

Neighborhood Look and Feel

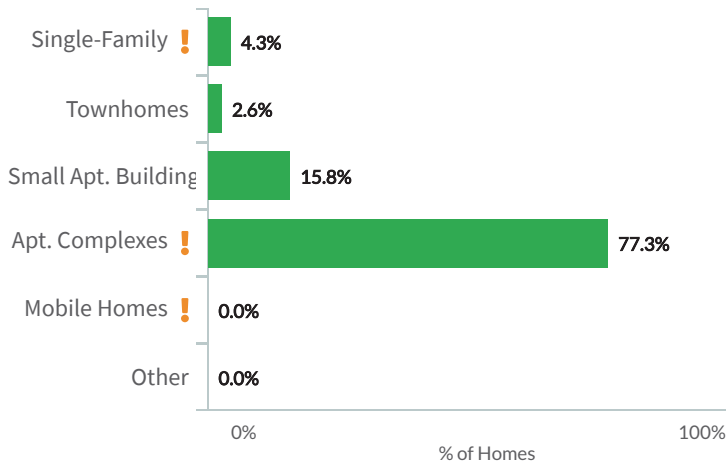
Densely Urban: With densities above 10,000 people per square mile these are some of the densest neighborhoods in the nation.



HOUSING MARKET DETAILS

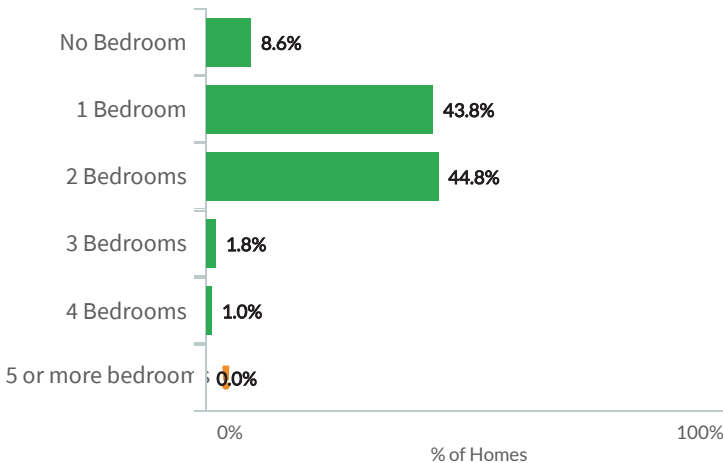
Types of Homes

⚠ This neighborhood has among the **lowest** percentages of single family detached homes of all neighborhoods in America, according to NeighborhoodScout analysis. This neighborhood has among the **highest** percentage of large apartment complexes or high rise apartments of all neighborhoods in America according to NeighborhoodScout analysis. This neighborhood has among the lowest percentage of mobile homes and trailers of all neighborhoods in America according to NeighborhoodScout analysis.

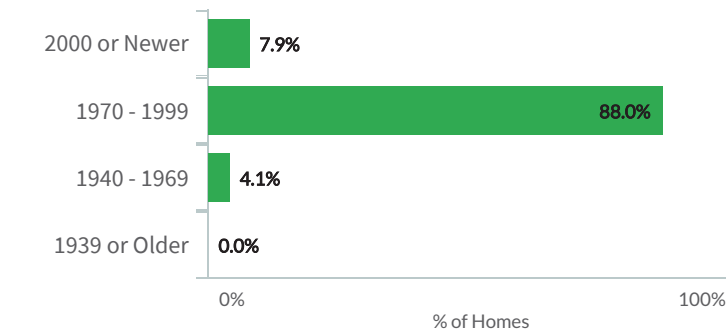


Home Size

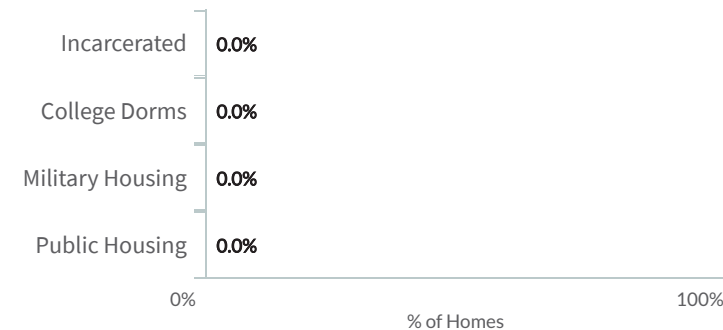
⚠ This neighborhood has among the **lowest** percentage of five or more bedroom residences of all neighborhoods in America according to NeighborhoodScout analysis.



Age of Homes



Special Purpose Housing





Neighborhood Economics & Demographics Data

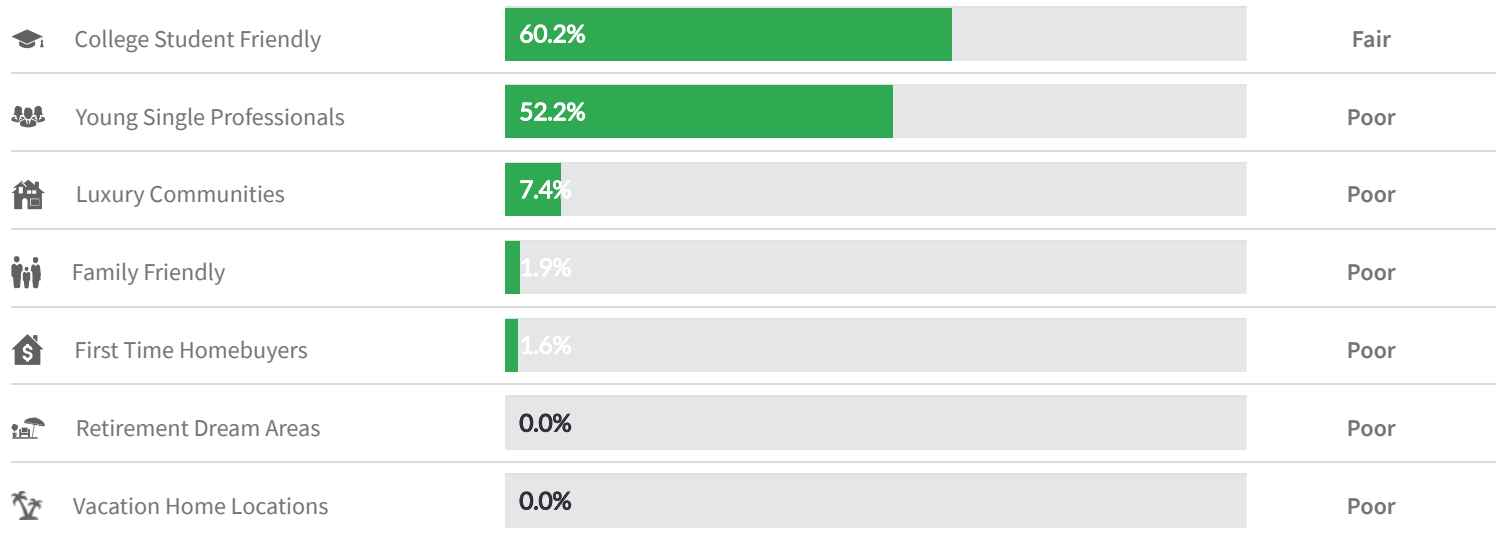
10111 Bissonnet St, Houston, TX 77036

136 Vital Statistics | 1 Condition Alerts

February 28, 2024

LIFESTYLE

Percentage of neighborhoods in America that this neighborhood surpasses.

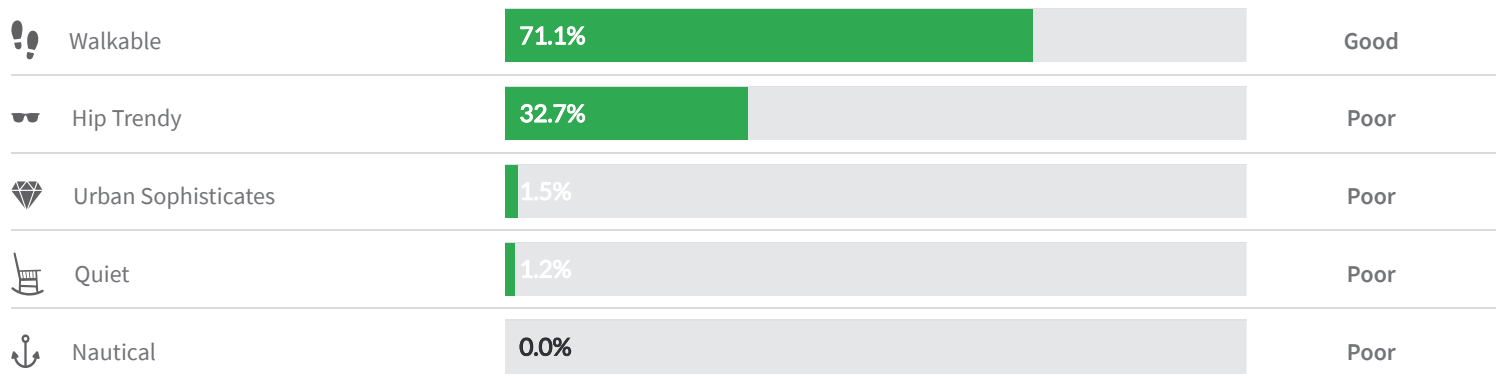


There isn't one neighborhood that is best for everyone. The best neighborhood for you may not be the best one for someone else. Similarly, what you want as a first-time home buyer may be different than what you want when you have school-aged children, or when you are nearing retirement.

The length of the bars indicate the percentage of neighborhoods in America that this neighborhood is more family-friendly than, more college student friendly than, more luxurious than, and so forth.

SPECIAL CHARACTER

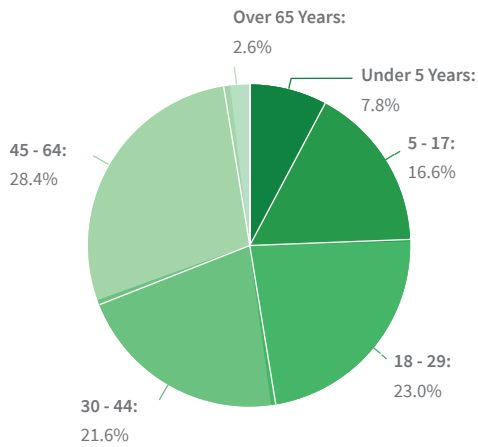
Percentage of neighborhoods in America that this neighborhood surpasses.



People have personalities, and so do neighborhoods. A neighborhood's character describes its personality and the feeling one gets when experiencing the neighborhood as a true resident. Quiet and sophisticated? Hip and walkable? The length of the bars indicate the percentage of neighborhoods in America that this neighborhood is more Urbane than, more Hip than, more Quiet than, more Nautical than, more Walkable than.

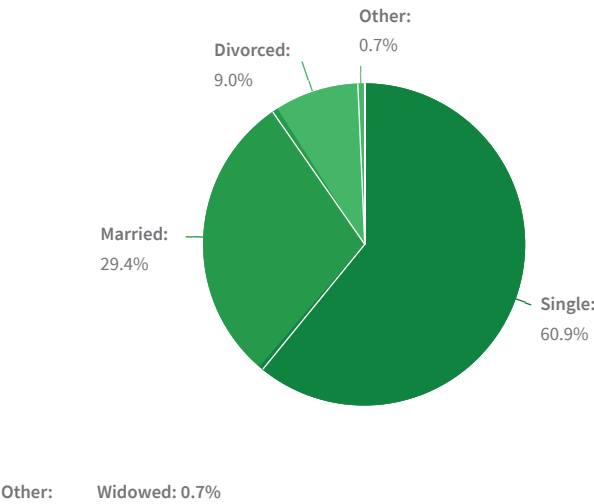
AGE

Neighborhoods that score highest for mixed ages have the most equitable distribution across all age groups.

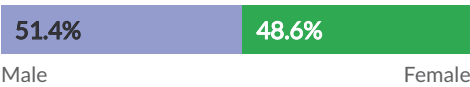


MARITAL STATUS

Based on residents who are 18 and over. We are unable to include same-sex marriages due to data limitations.

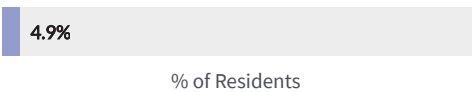


GENDER



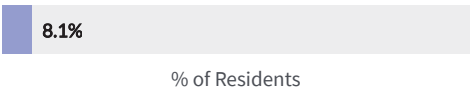
MILITARY

Currently active in the military living on or off base.



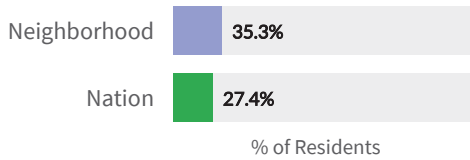
COLLEGE

Enrolled undergraduate or graduate students living on or off campus.

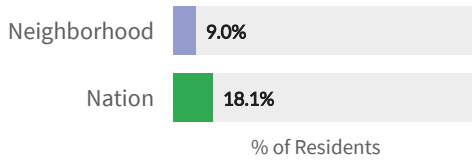


HOUSEHOLD TYPES

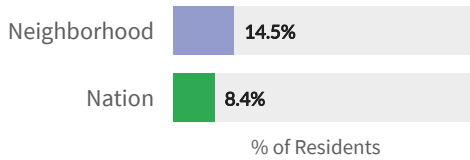
One person households



Married Couple with Child

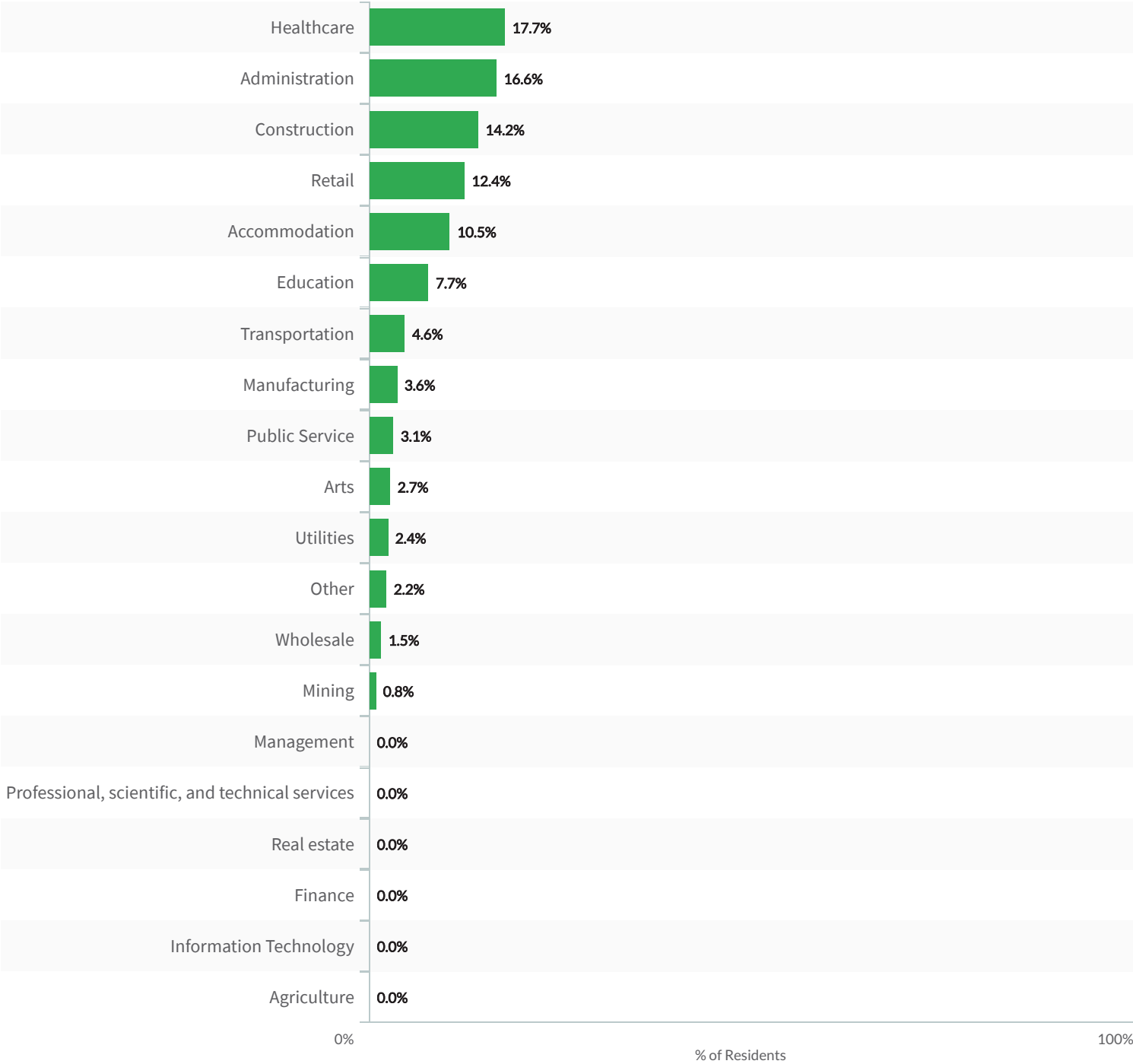


Single Parent with Child



EMPLOYMENT INDUSTRIES

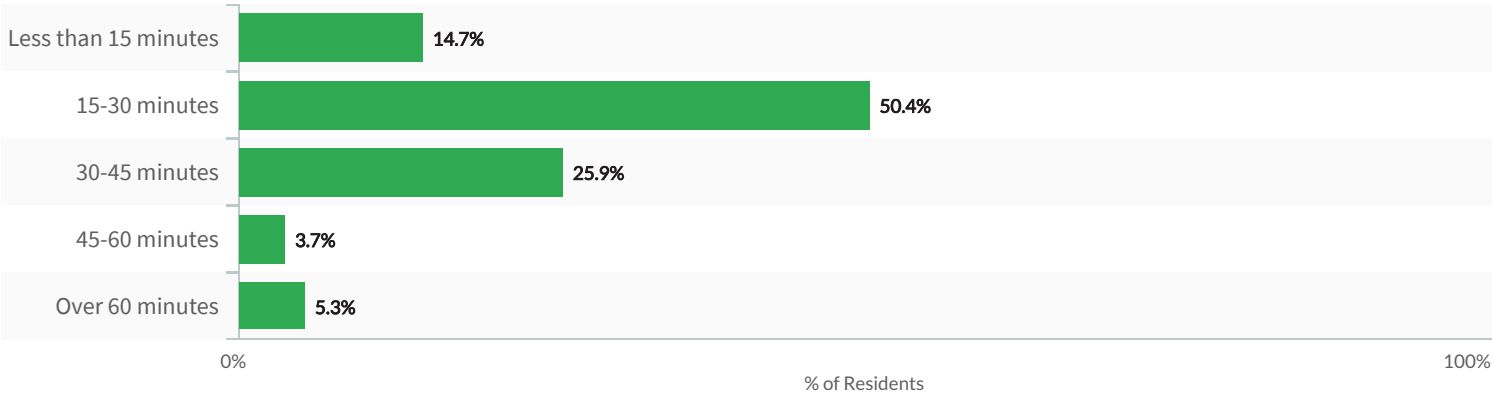
Types of employers for whom residents work. Neighborhoods where residents cluster into particular industries are often found near particular employers or institutions.



COMMUTE TO WORK

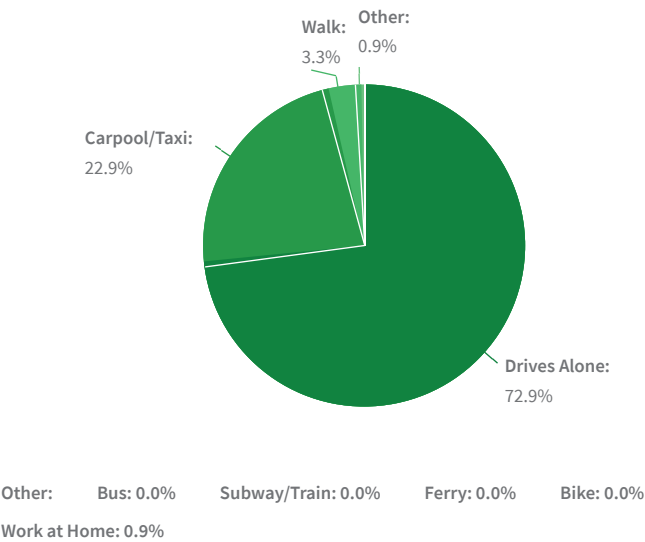
Average One-way Commute Time

The amount of time spent commuting tells a lot about a neighborhood’s access to jobs and the degree of congestion in the area. The time is calculated for all residents working outside the home.



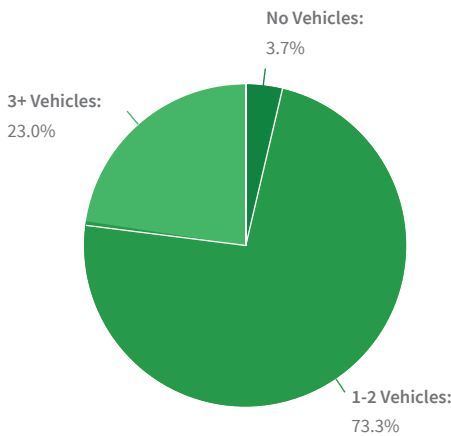
Means of Transport

The share of using each mode of transport is measured as percentage of all working adults.



Vehicles per household

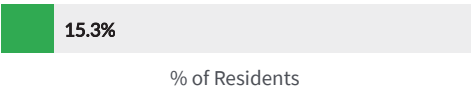
Number of vehicles registered per household, as a percentage of all households in the neighborhood.



MIGRATION & MOBILITY

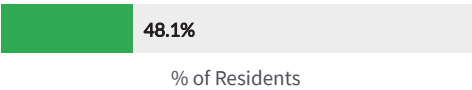
Moved Last Year

Very high values show a lack of stability in the neighborhood. Very low values may represent insularity to outsiders.



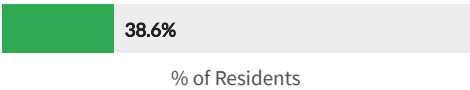
Born Out of State

High in neighborhoods that attract new residents from around the country.



Foreign Born

Residents have immigrated to the U.S. from another country and may or may not be naturalized citizens.



RACE & ETHNIC DIVERSITY

"Race/Ethnicity: Self-reported to the US Census. Asian and Hispanic residents may identify with one of the more specific subcategories."html_safe

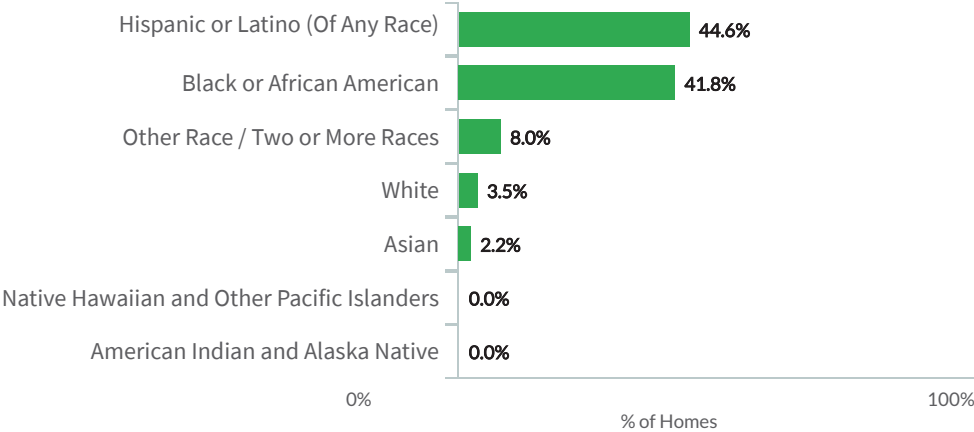
Diversity Index

82

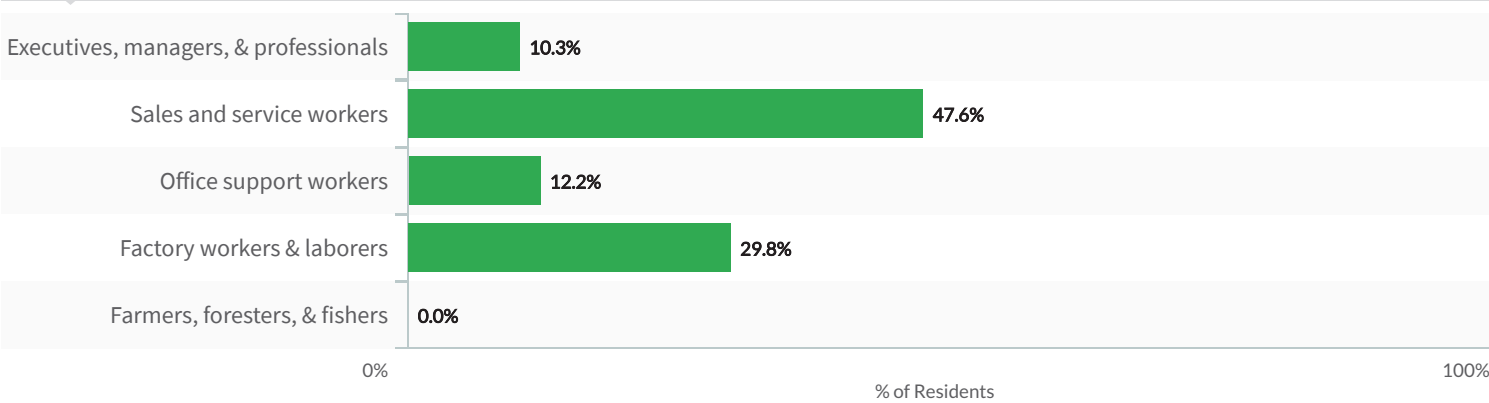
(100 is the most diverse)

⚠ This neighborhood has one of the **highest** overall rates of crime incidents per 1,000 resident population in America, according to exclusive NeighborhoodScout analysis. Overall crimes include both property crimes and violent crimes. To see the details of violent vs. property crime rates for this neighborhood, please refer to the respective sections below.

More diverse than 82% of U.S. neighborhoods.

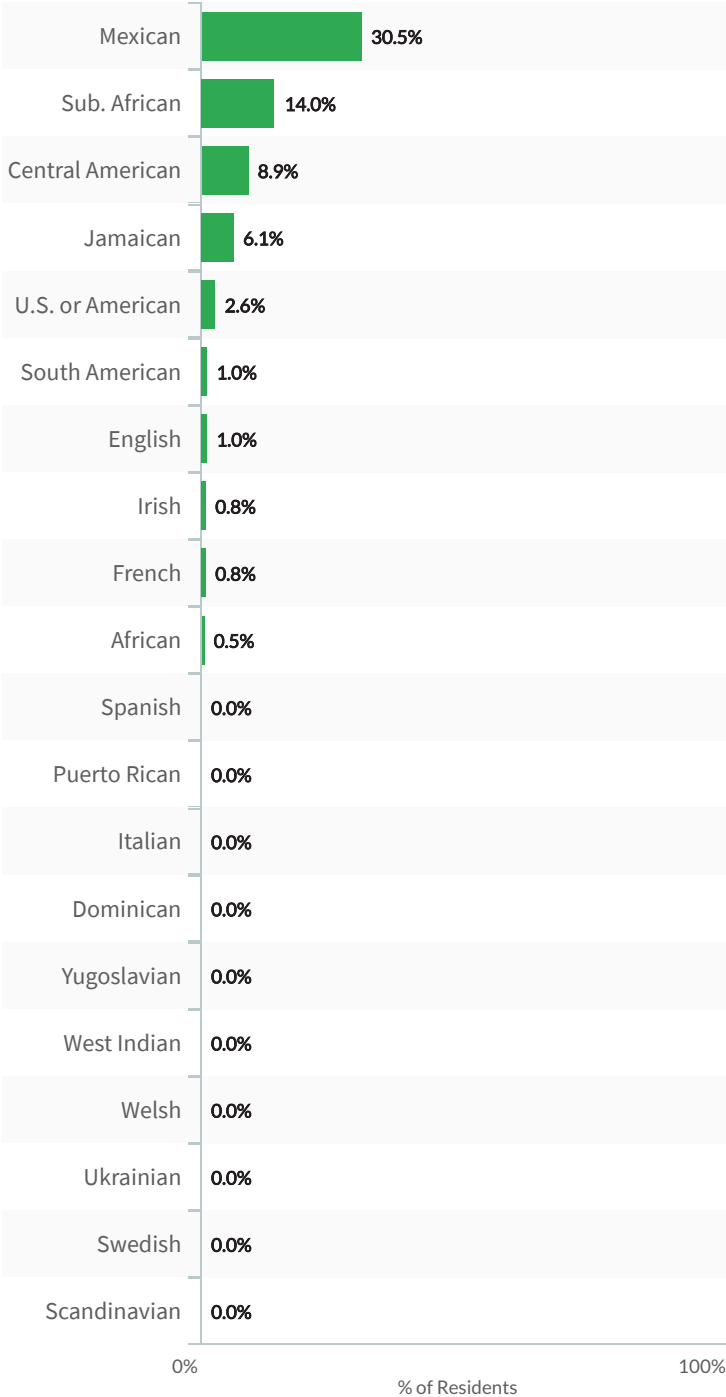


OCCUPATIONS



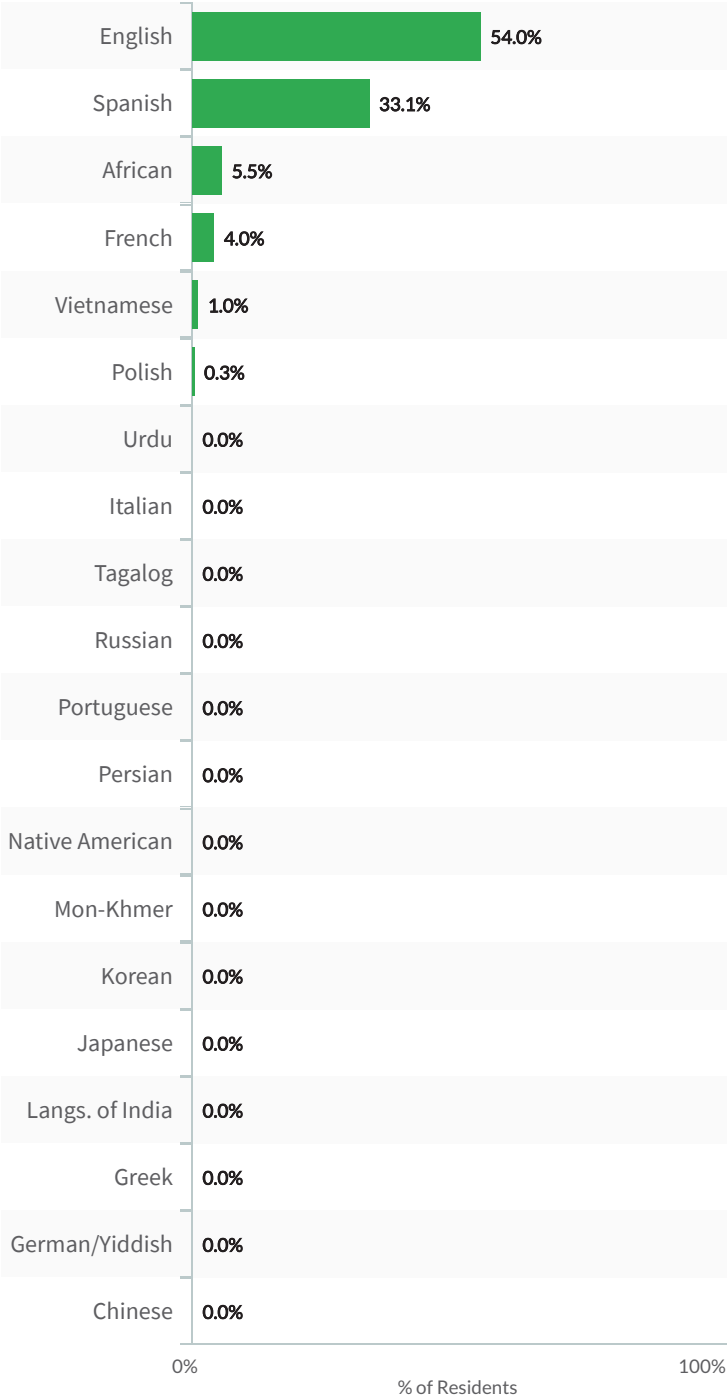
ANCESTRY

Top 20 most common groups that neighborhood residents self-report as their ancestry.



LANGUAGES SPOKEN

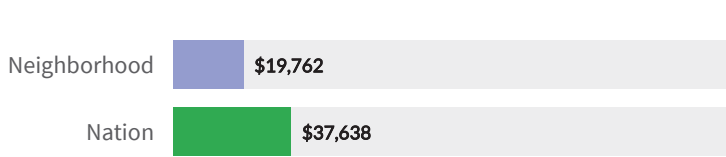
Top 20 most common languages neighborhood residents preferentially speak when they are at home with their families.



AVERAGE INCOME

Per Capita Income

Best measure of the average spending power of each person in the neighborhood.



Median Household Income

Best measure of the budget of the typical family or other non-family household.

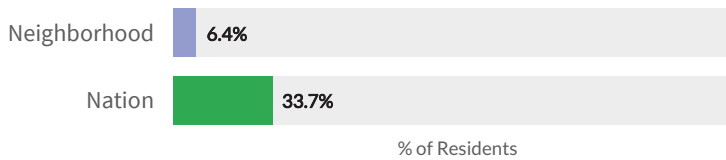


EDUCATION

Adults with College Degree

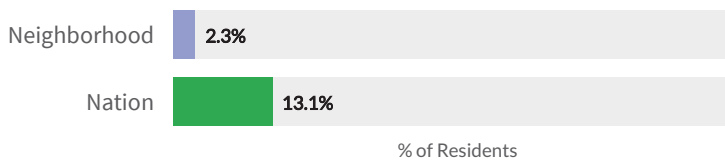
Adults aged 25 and older that have attained at least a 4 year college degree like a BA.

⚠ This neighborhood has one of the **lowest** levels of adult educational attainment in the state, according to NeighborhoodScout's exclusive analysis.



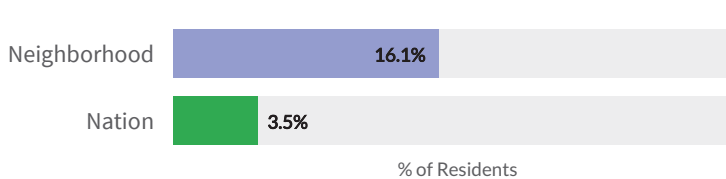
Adults with Advanced Degree

Adults aged 25 and older that have attained a graduate or professional degree above and beyond a 4 year degree.



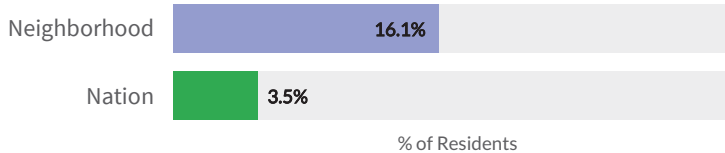
UNEMPLOYMENT RATE

The percent of neighborhood residents who are seeking employment, but are currently unemployed.



CHILDREN LIVING IN POVERTY

⚠ This neighborhood has one of the **highest** percentages of children living below the federal poverty line of any neighborhood in this state.



More educated than **4.48%** of U.S. neighborhoods.



Higher income than **14.83%** of U.S. neighborhoods.





Neighborhood Crime Data

10111 Bissonnet St, Houston, TX 77036

67 Vital Statistics | 7 Condition Alerts

February 28, 2024

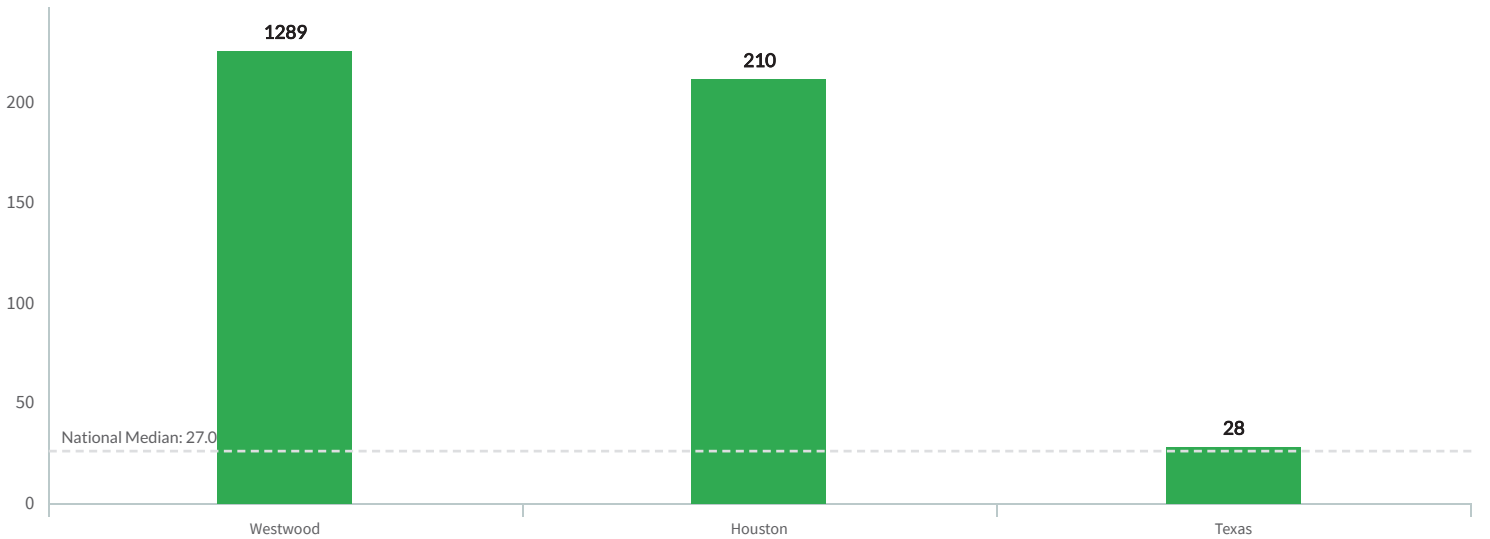
NEIGHBORHOOD CRIME INDEX

Total Crime Index	Violent Crime Index	Property Crime Index
<div>1</div> <div>(100 is safest)</div> <div>Safer than 1% of U.S. neighborhoods.</div> <div>⚠️ This neighborhood has one of the highest overall rates of crime incidents per 1,000 resident population in America, according to exclusive NeighborhoodScout analysis. Overall crimes include both property crimes and violent crimes. To see the details of violent vs. property crime rates for this neighborhood, please refer to the respective sections below.</div>	<div>1</div> <div>(100 is safest)</div> <div>Safer than 1% of U.S. neighborhoods.</div> <div>⚠️ This neighborhood has one of the highest violent crime rates per 1,000 residents of any neighborhood in America, according to exclusive NeighborhoodScout data and analysis. Violent crimes include murder, non-neglegent manslaughter, forceble rape, armed robbery and aggravated assault.</div>	<div>2</div> <div>(100 is safest)</div> <div>Safer than 2% of U.S. neighborhoods.</div> <div>⚠️ This neighborhood has one of the highest property crime rates per 1,000 residents of any neighborhood in America, according to exclusive NeighborhoodScout data and analysis. Property crimes include burglary (i.e., breaking and entering, including home break-ins), theft (over \$50), and motor vehicle theft.</div>

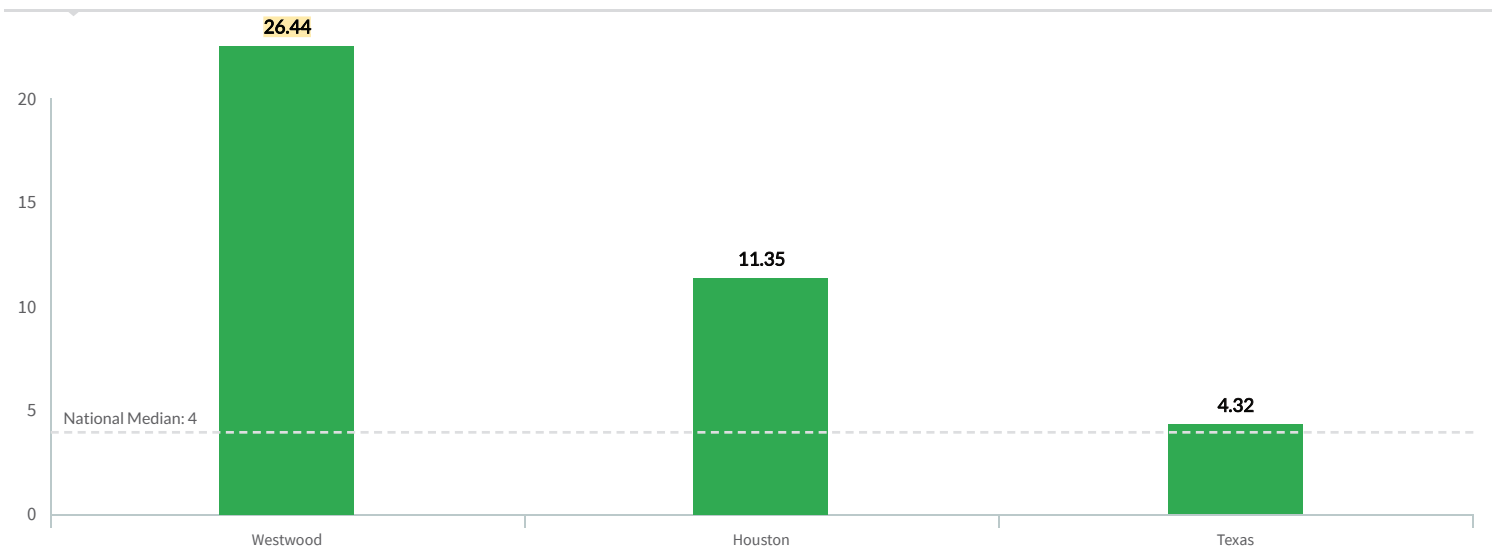
NeighborhoodScout® provides exclusive crime risk analytics for every neighborhood in America with up to 98% predictive accuracy. Crime risk indices are nationally comparable on a 1 – 100 scale, where 100 means safer than 100% of U.S. neighborhoods.

Crime risk data are updated annually. Raw crime incidents are sourced from all 18,000+ local law enforcement agencies – municipal, county, transit, park, port, university, tribal and more, assigned to localities, then built into NeighborhoodScout’s proprietary predictive models to provide a comprehensive crime risk profile for every neighborhood and address-vicinity in the U.S.

CRIMES (per square mile)



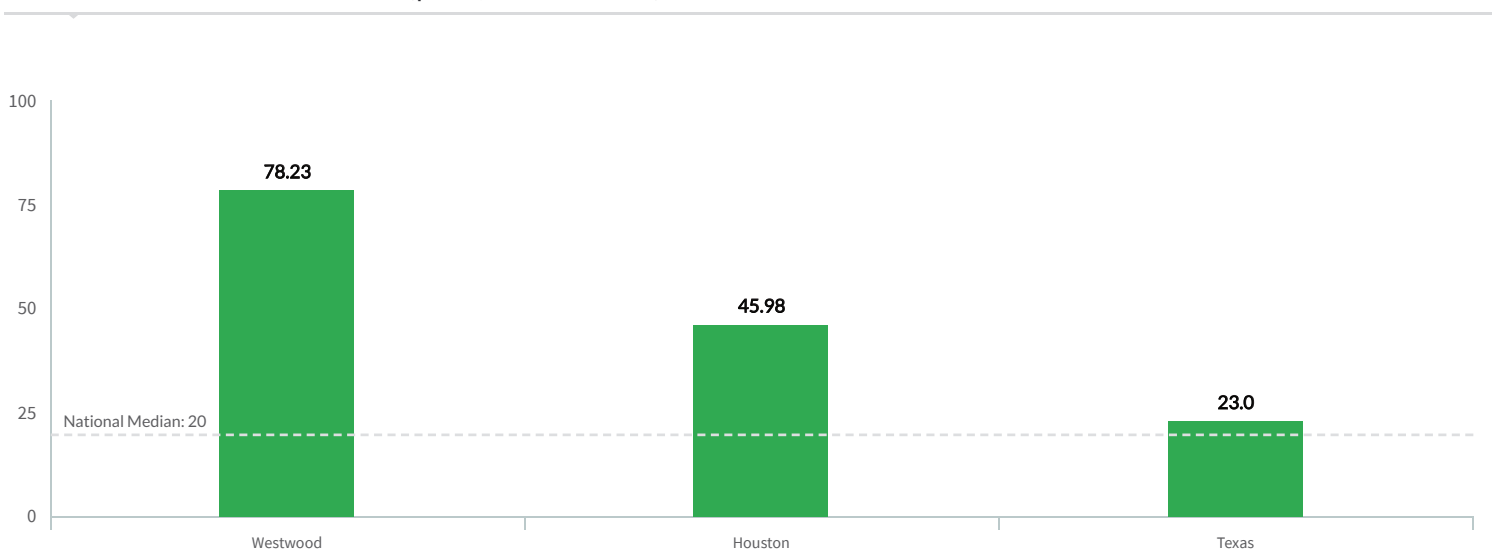
VIOLENT CRIME COMPARISON (per 1,000 residents)



Chances of Becoming a Victim of a Violent Crime

1 in 38 in this Neighborhood	<div><div></div><div>In this neighborhood residents have one of the highest chances of becoming a victim of violent crime of any neighborhood in this state, according to exclusive NeighborhoodScout data and analysis. Violent crimes include murder, non-neglegent manslaughter, forceble rape, armed robbery and aggravated assault.</div></div>	1 IN 88 in Houston	1 IN 232 in Texas
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PROPERTY CRIME COMPARISON (per 1,000 residents)



Chances of Becoming a Victim of a Property Crime

1 in 13 in this Neighborhood	<div><div></div><div>In this neighborhood residents have one of the highest chances of becoming a victim of property crime of any neighborhood in this state, according to exclusive NeighborhoodScout data and analysis. Property crimes include burglary (i.e., breaking and entering, including home break-ins), theft (over \$50), and motor vehicle theft.</div></div>	1 IN 22 in Houston	1 IN 43 in Texas
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Neighborhood Public School Data

10111 Bissonnet St, Houston, TX 77036

65 Vital Statistics | 5 Condition Alerts

February 28, 2024

ZONED SCHOOL RATING INFORMATION

* 10 is the highest

School Quality

School Quality Rating, rates the quality of the zoned K-12 public schools that serve this address.

25

(100 is best)

Better than 25% of all U.S. schools.

Elementary Schools

1

Middle Schools

1

High Schools

4

SCHOOLS THAT SERVE THIS ADDRESS

Quality rating scores are provided below with 10 being the highest possible score.

* 10 is the highest

School Details	Grades	Compared to TX	Compared to Nation
Best Elementary School 10000 Centre Pkwy Houston, TX 77036	PK-04	1	1
Elsik H S School 12601 High Star Houston, TX 77072	09-12	4	3
Hastings H S School 4410 Cook Rd Houston, TX 77072	09-12	3	2
Kerr H S School 8150 Sugarland Howell Houston, TX 77083	09-12	10	10
Klentzman Int School 11100 Stancliff Houston, TX 77099	05-06	1	1
Olle Middle School 9200 Boone Rd Houston, TX 77099	07-08	2	2
Taylor H S School 7555 Howell Sugar Land Rd Houston, TX 77083	09-12	3	2

THIS ADDRESS IS SERVED BY 1 DISTRICT:

Alief Isd		
40,664	48	13
students enrolled in this district	schools in district	students per classroom

District Quality Compared to TX

3

(10 is best)

Better than 21.4% of all TX school districts.

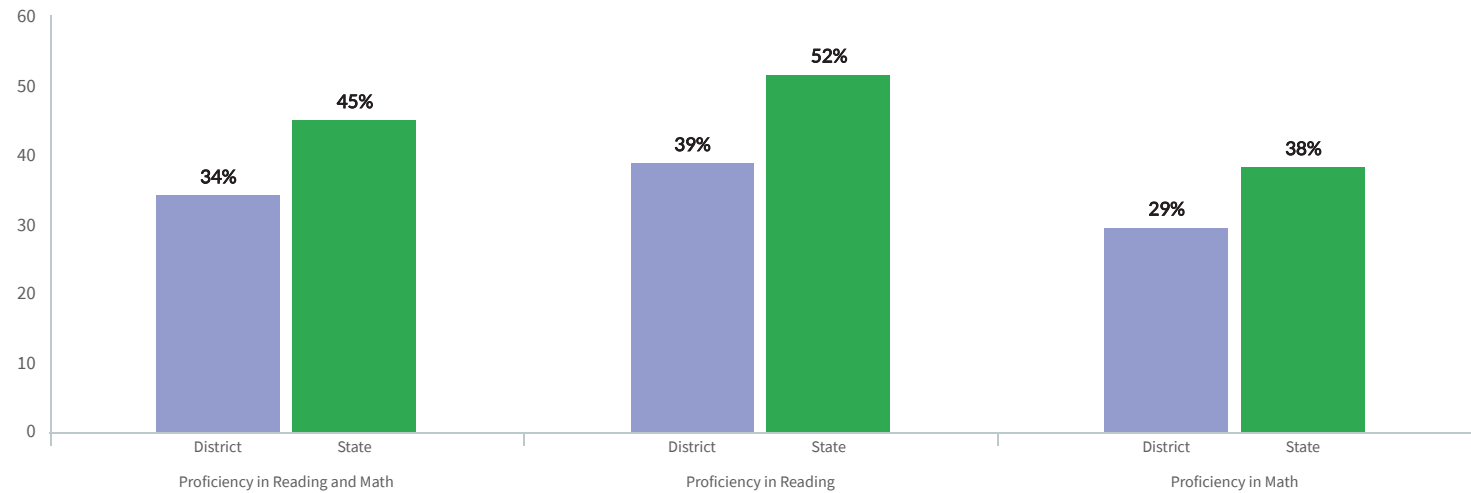
District Quality Compared to U.S.

3

(10 is best)

Better than 23.6% of all US school districts.

PUBLIC SCHOOL TEST SCORES



SCHOOL DISTRICT ENROLLMENT BY GROUP

ETHNIC/RACIAL GROUPS	THIS DISTRICT	THIS STATE
White (non-hispanic)	3.3%	27.3%
Black	26.8%	13.2%
Hispanic	59.0%	53.9%
Asian Or Pacific Islander	10.1%	5.0%
American Indian Or Native Of Alaska	0.8%	0.5%

ECONOMIC GROUPS	THIS DISTRICT	THIS STATE
Economically disadvantaged  Among the highest in this state.	83.2%	60.6%
Free lunch eligible	76.5%	57.0%
Reduced lunch eligible	6.8%	3.6%

EDUCATIONAL EXPENDITURES

FOR THIS DISTRICT	PER STUDENT	TOTAL	% OF TOTAL
Instructional Expenditures	\$7,338	\$332,411,400	57.1%
Support Expenditures			
Student	\$708	\$32,072,400	5.5%
Staff	\$500	\$22,650,000	3.9%
General Administration ⚠ Among the lowest per student in this state.	\$68	\$3,080,400	0.5%
School Administration	\$646	\$29,263,800	5.0%
Operation	\$1,057	\$47,882,100	8.2%
Transportation	\$349	\$15,809,700	2.7%
Other	\$309	\$13,997,700	2.4%
Total Support	\$3,637	\$164,756,100	28.3%
Non-instructional Expenditures	\$1,870	\$84,711,000	14.6%
Total Expenditures	\$12,845	\$581,878,500	100.0%



Neighborhood Trends and Forecasts

10111 Bissonnet St, Houston, TX 77036

328 Vital Statistics | 21 Condition Alerts

February 28, 2024

RISING STAR INDEX

Appreciation Potential (3 years)

HIGH



Forecast to **appreciate** between 21% and 30% over the next 3 years

1=Very Low 2=Low 3=Moderate 4=High 5=Rising Star

BLUE CHIP INDEX

Past Appreciation and Existing Fundamentals

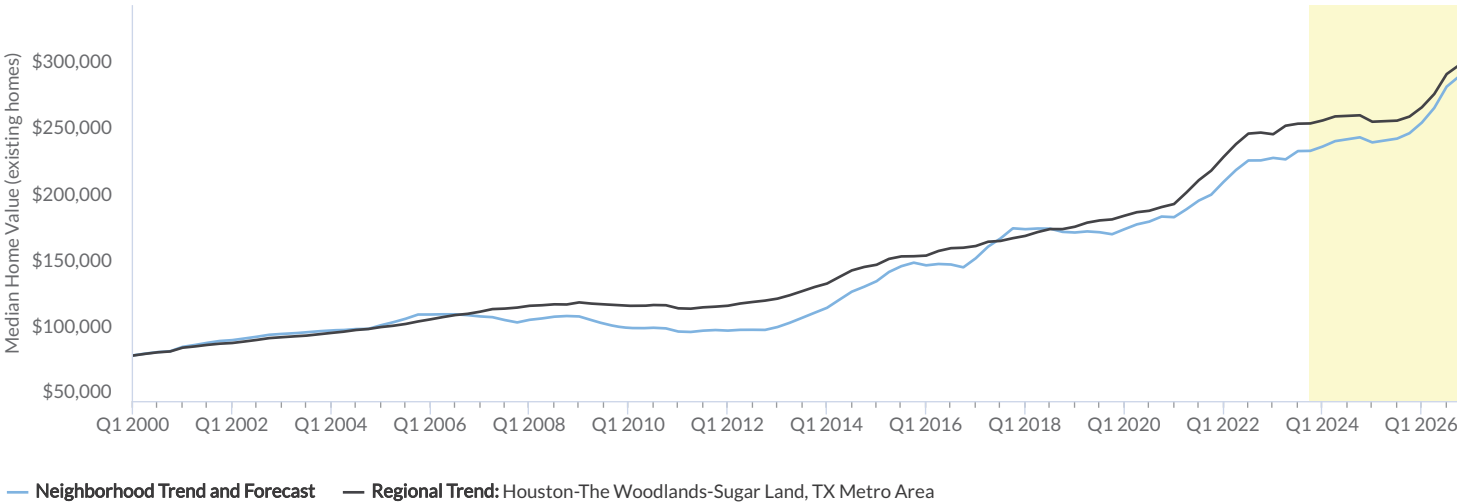
BLUE CHIP



Ranked in the **top 10%** of all neighborhoods in the nation for investment security

1=Very Low 2=Low 3=Moderate 4=High 5=Blue Chip

SCOUT VISION® NEIGHBORHOOD HOME VALUE TREND & FORECAST



SCOUT VISION® HOME VALUE TRENDS AND FORECAST

Comparison ratings are provided below with 10 being the highest possible score.

Time Period	Total Appreciation	Average Annual Rate	Compared To Metro	Compared To America
3 Year Forecast: 2023 Q4 - 2026 Q4	23.63%	7.33%	<div>9</div>	<div>2</div>
Latest Quarter: 2023 Q2 - 2023 Q3	2.70%	11.24%	<div>8</div>	<div>4</div>
Last 12 Months: 2022 Q3 - 2023 Q3	3.06%	3.06%	<div>4</div>	<div>5</div>
Last 2 Years: 2021 Q3 - 2023 Q3	18.58%	8.89%	<div>3</div>	<div>5</div>
Last 5 Years: 2018 Q3 - 2023 Q3 Among the lowest appreciation rate in the U.S.	32.54%	5.80%	<div>2</div>	<div>2</div>
Last 10 Years: 2013 Q3 - 2023 Q3	111.68%	7.79%	<div>8</div>	<div>7</div>
Since 2000: 2000 Q1 - 2023 Q3	172.84%	4.46%	<div>5</div>	<div>7</div>

* 10 is highest

KEY PRICE DRIVERS AT THIS LOCATION

Pros

Likely to drive home values upward over the next few years or indicators of upward trends already underway.

Income Trend

Access to High Paying Jobs

Cons

Impediments to home value appreciation over the next few years or indicators of negative trends already underway.

Neighborhood Look & Feel

Crime

Educated Population Trend

Regional Housing Market Outlook

Vacancies

School Performance

SCOUT VISION® PROXIMITY INDEX

Price Advantage Score

SIMILAR PRICE

1

2

3

4

5

\$150

neighborhood price per sq ft

\$150

average nearby home price per sqft

Similar price per sq ft to other neighborhoods nearby.

1=Strong Disadvantage 2=Disadvantage 3=Similar Price 4=Advantage 5=Strong Advantage

Access to High-Paying Jobs

EXCELLENT

1

2

3

4

5

On average in the **top 20%** for job accessibility.

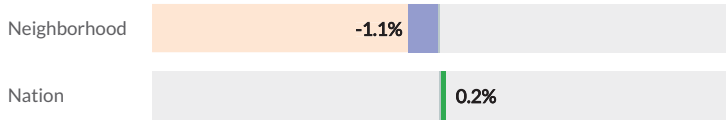
1=Limited 2=Below Average 3=Average 4=Very Good 5=Excellent

JOBS WITHIN AN HOUR	HIGH-PAYING JOBS*
5 minutes	8233
10 minutes	61301
15 minutes	221726
20 minutes	417412
30 minutes	941204
45 minutes	1306639
60 minutes	1530869

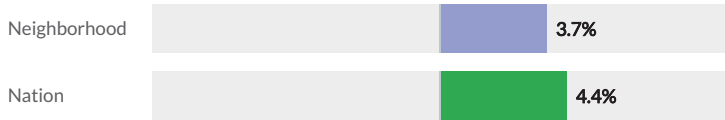
*Annual salary of \$75,000 or more

SCOUT VISION® REAL ESTATE TRENDS (LAST 5 YEARS)

Avg. Annual Homeownership Trend

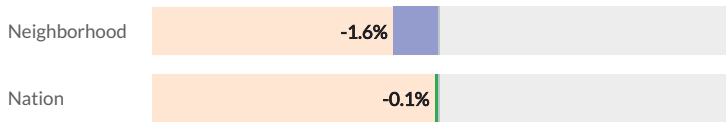


Avg. Annual Rent Price Trend



Avg. Annual Vacancy Trends

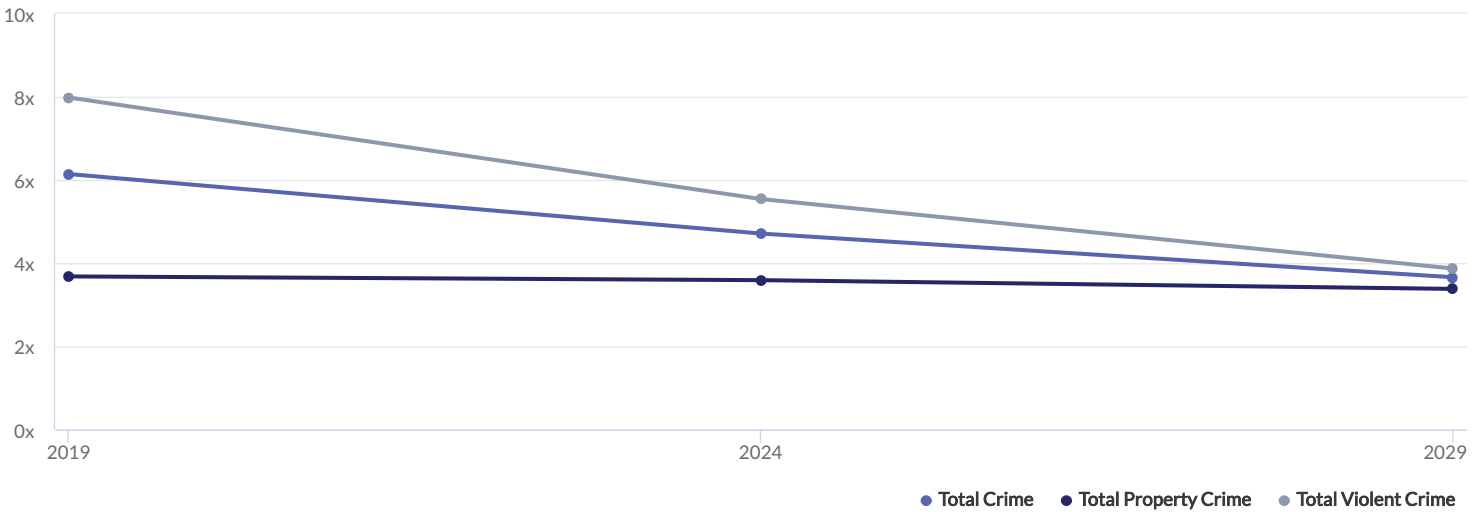
Based on the percentage of properties that are vacant year round.



⚠ This neighborhood's housing vacancy rate had one of the greatest rates of decrease in the nation over the last 5 years.

SCOUT VISION® CRIME TRENDS AND FORECAST

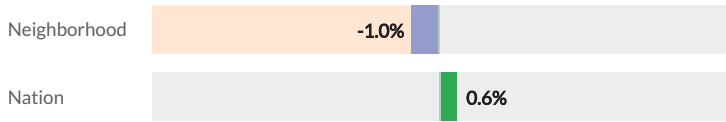
⚠ The Violent Crime Index in this neighborhood dropped more than 25% over the last 5 years. This is among the greatest rates of decline in the nation over this period.



SCOUT VISION® EDUCATION TRENDS (LAST 5 YEARS)

Avg. Annual Change in College Graduates

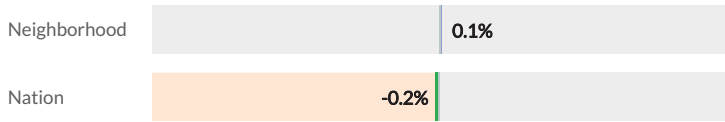
College graduates are defined as adults 25 and older with at least a 4-year college degree.



⚠️ Decreased among the **highest** rates in the U.S.

Avg. Annual Change in K-12 School Performance

Based on the percentage of students testing proficient or advanced in standardized testing.



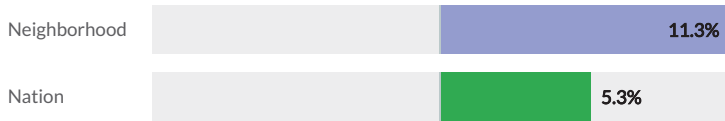
SCOUT VISION® ECONOMIC TRENDS (LAST 5 YEARS)

Avg. Annual Change in per Capita Income



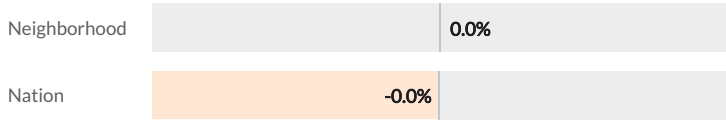
⚠️ Increased among the **highest** rates in the U.S.

Avg. Annual Change in Household Income



⚠️ Increased among the **highest** rates in the U.S.

Avg. Annual Change in Unemployment Rate



SCOUT VISION® POPULATION TRENDS

DISTANCE FROM LOCATION	POPULATION 5 YEARS AGO	CURRENT POPULATION	PERCENT CHANGE
Half Mile	9,677	10,730	10.88% ↑
1 Mile	27,910	29,353	5.17% ↑
3 Miles	229,946	216,987	-5.64% ↓
5 Miles	563,298	540,787	-4.00% ↓
⚠ Population growth within 5 miles of this location has been among the lowest in the nation over the last 5 years.			
10 Miles	1,471,571	1,492,277	1.41% ↑
15 Miles	2,636,926	2,732,265	3.62% ↑
25 Miles	4,767,327	4,956,264	3.96% ↑
50 Miles	6,765,414	7,181,207	6.15% ↑
⚠ Population growth within 50 miles of this location has been among the highest in the nation over the last 5 years.			

SCOUT VISION® REGIONAL HOUSING MARKET ANALYSIS

Houston-The Woodlands-Sugar Land, TX Metro Area Regional Investment Potential

Regional Appreciation Potential (3yr)

MODERATE



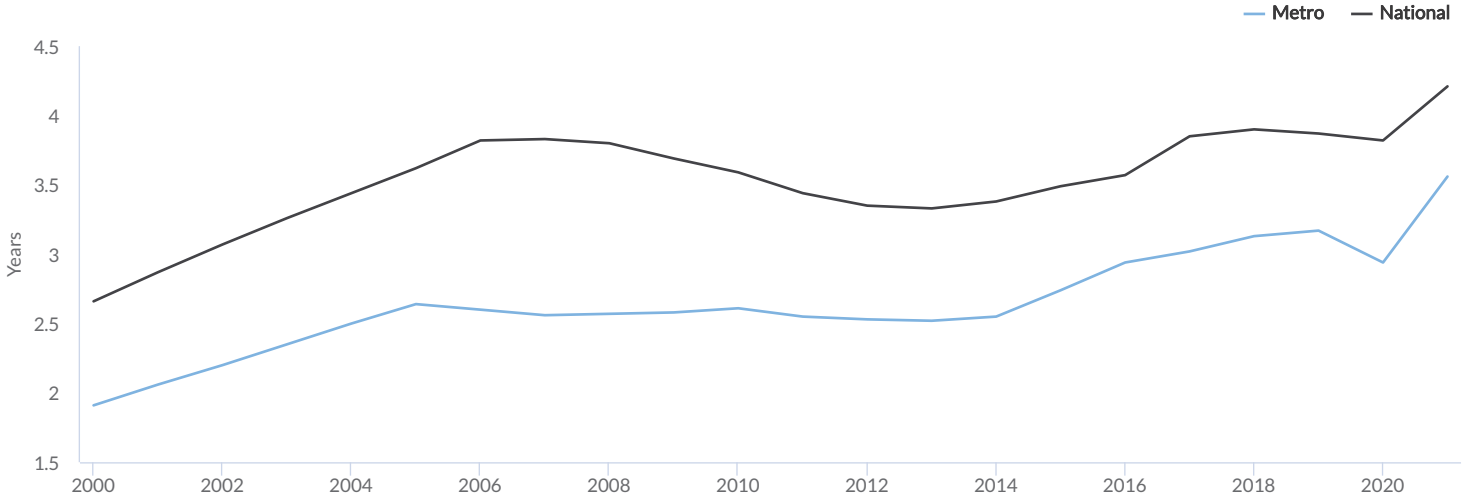
Forecast to **appreciate** between 10% and 20% over the next 3 years

1=Very Low 2=Low 3=Moderate 4=High 5=Very High

HOUSING AFFORDABILITY TRENDS

Houston-The Woodlands-Sugar Land, TX Metro Area

Years of average household income needed to buy average home



1.91 Region's Historical Low	3.56 Region's Historical High	3.56 Current <div><div></div><div>The number of years of income needed to buy a home in this region is at or very close to its historical maximum. Housing may be becoming less affordable to the average household.</div></div>
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REGIONAL 1 AND 2 YEAR GROWTH TRENDS

Comparison ratings are provided below with 10 being the highest possible score.

Regional Trend	Last 2 years	Compared to Nation	Last 1 year	Compared to Nation
Population Growth	3.07%	<div>9</div>	2.08%	<div>9</div>
	Among the highest in the nation over the last 2 years.		Population growth in this region has been among the highest in the nation over the last year.	
Job Growth	7.36%	<div>9</div>	2.18%	<div>9</div>
	Job growth in this region has been among the highest in the nation over the last 2 years.		Job growth in this region has been among the highest in the nation over the last year.	
Income Trend	23.62%	<div>9</div>	10.73%	<div>10</div>
	Wage and income growth in this region has been among the highest in the nation over the last 2 years.		Wage and income growth in this region has been among the highest in the nation over the last year.	
Unemployment Trend	-2.78%	<div>7</div>	-0.52%	<div>7</div>
Stock Performance of Region's Industries	4.43%	<div>10</div>	8.98%	<div>4</div>
	The stock market performance of this region's industries has been among the best in the nation over the last 2 years.			
Housing Added	4.96%	<div>10</div>	2.40%	<div>10</div>
	The rate of new housing construction in this region has been among the highest in the nation over the last 2 years.		The rate of new housing construction in this region has been among the highest in the nation over the last year.	
Vacancy Trend	-2.03%	<div>8</div>	-0.71%	<div>8</div>

* 10 is highest

DISCLAIMER

Forecasts of potential occurrences or non-occurrences of future conditions and events are inherently uncertain. Actual results may differ materially from what is predicted in any information provided by Location Inc. Nothing contained in or generated by a Location Inc. product or services is, or should be relied upon as, a promise or representation as to the future performance or prediction of real estate values. No representation is made as to the accuracy of any forecast, estimate, or projection. Location Inc. makes no express or implied warranty and all information and content is provided "As is" without any warranties of any kind. Location Inc. expressly disclaims any warranty of accuracy or predictability, and any warranty of merchantability and fitness for a particular purpose. Location Inc. further disclaims any liability for damages, loss, or injury arising out of the use this site and the data. All risks associated with using the site and the data are borne by the user at user's sole cost and expense. By using the site you agree to our [Terms of Use](#).

24069(2)

Forum Park Family Villas

**Request for Administrative
Deficiency**

May 3, 2024

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Third-Party Request for Administrative Deficiency – TDHCA # 24069 Forum Park Family Villas

Dear Mr. Campbell,

I am writing to formally request that you decline to grant the requested 6 Pre-Application Points from Forum Park Family Villas Development Site TDHCA # 24069 due to failure to satisfy Pre-Application threshold criteria requirements. As required by §11.8(b)(2)(B)(ii), the Superintendent of the school district in which the Development Site is located is required to be notified by the date the Pre-Application was submitted. A timely and compliant written notification to the correct entity is required by applicants at the time of Pre-Application submission.

Application 24069 did not properly notify Alief ISD, the school district in which the Development Site is located. See Exhibit A. Despite the development site being entirely within Alief ISD boundaries, the applicant notified Houston ISD. An erroneous attempt was made to rectify this mistake in the full-application submission, however additional notifications are mandatory only if there is a change in *jurisdiction* between pre-application and the Full Application Delivery Date that results in the Development being located in a new jurisdiction that has not been previously notified by the Applicant. The jurisdiction of the ISD has not changed since the Pre-Application was submitted, and there is no new superintendent requiring the applicant to re-notify.

Pursuant to Tex. Gov't Code Sec. 2306.6704(c), the Pre-Application process necessitates evidence of notifying the proper superintendent at the time of Pre-Application filing.

Sec. 2306.6704.(c):

(c) The department shall reject and return to the applicant any application assessed by the department under this section that fails to satisfy the threshold criteria required by the board in the qualified allocation plan.

TDHCA 2024 QAP §11.8(b):

(b) Pre-Application Threshold Criteria. Pursuant to Tex. Gov't Code §2306.6704(c) preapplications will be terminated unless they meet the threshold criteria described in subsection (a) of this section and paragraphs (1) and (2) of this subsection

TDHCA 2024 QAP §11.8(b)(2):

(2) Evidence in the form of a certification provided in the pre-application, that all of the notifications required under this paragraph have been made. (§2306.6704).

TDHCA 2024 QAP §11.8(b)(2)(B):

(B) Notification Recipients. Developments located in an ETJ of a municipality are required to notify both municipal and county officials. The notifications may be sent by e-mail, fax or mail with registered return receipt or similar tracking mechanism in the format included in the Public Notification Template provided in the Uniform Multifamily Application Template or in an alternative format that meets the applicable requirements and achieves the intended purpose. The Applicant is required to retain proof of delivery in the event the Department requests proof of notification. Acceptable evidence of such delivery is demonstrated by signed receipt for mail or courier delivery and confirmation of delivery for fax and e-mail. Officials to

be notified are those officials in office at the time the pre-application is submitted; however, a mailed notification that is addressed to the entity or officeholder rather than a specific person is acceptable so long as it is mailed to the correct address and otherwise meets all requirements. Between the time of pre-application (if made) and full Application, the boundaries of an official's jurisdictions may change. If there is a change in jurisdiction between pre-application and the Full Application Delivery Date that results in the Development being located in a new jurisdiction, additional notifications must be made at full Application to any entity that has not been previously notified by the Applicant. Meetings and discussions do not constitute notification. Only a timely and compliant written notification to the correct entity constitutes notification. No later than the date the pre-application is submitted, notification must be sent to all of the entities prescribed in clauses (i) - (viii) of this subparagraph.

TDHCA 2024 QAP §11.8(b)(2)(B)(ii):

(ii) Superintendent of the school district in which the Development Site is located;

Pursuant to Tex. Gov't Code Sec. 2306.6704(c), TDHCA should reject and return TDHCA Application # 24069 Forum Park Family Villas to the Applicant as the Applicant failed to satisfy the Pre-Application threshold criteria required by TDHCA's QAP.

Sincerely,



Cody J. Hunt
10112 Bissonnet Development, LLC
Authorized Representative
13455 Noel Rd, Suite 400
Dallas, TX 75240

CC: arjun@amcalhousing.com

Texas Department of Housing and Community Affairs

Competitive 9% Housing Tax Credit Pre-Application

Application Number: 24069

Submitted Date: 1/4/2024 4:33PM

Submitted By: Sheri Wilhelm

Contact Information

Primary Contact: Arjun Nagarkatti
30141 Agoura Road
Agoura Hills, WA 91301

Phone: 818-706-0694
Email: arjun@amcalhousing.com

Secondary Contact: Chad Baker

Phone: 214-295-5645
Email: cbaker@amtexhousing.com

Consultant Contact:

Phone:
Email:

Development Information

Name of Proposed Entity: AMTEX Forum Park Fund, LP

Development Name: Forum Park Family Villas

Development Type: New Construction

Secondary Type: None

Previous TDHCA #:

Initial Construction Year:

Units Demolished: 0

Units Reconstructed: 0

of Non-Contiguous Sites: 0

of Census Tracts: 1

Target Population: General

Development Address: 10403 Forum Park Drive
Houston, TX 77036

Extra-Territorial Extradition (E N

County: Harris

Region: 6

Rural/Urban: Urban

Latitude: 29.669070

Longitude: -95.554807

High-Quality Pre-Kindergarte N

2020 Census Tracts: 48201433601

Total LI Units: 102

Total MR Units: 0

Total Units: 102

HTC Request: \$2,000,000.00

Pre-App Fee Due: \$1,020.00

**Has Fee already
been submitted?:** Yes

Name on Check: AMTEX Development LLC

Check Number: 2787

Set-Aside Election: none

Notifications

U.S. Representative: Al Green

District: 9

State Senator: Borris L Miles

District: 13

State Representative: Alma A Allen

District: 131

School Superintendent: Mike Miles

School District: Houston ISD

School District Address: 4400 West 18th Street
Houston, TX 77092

Presiding Officer of

Board of Trustees: Dani Hernandez

Address: 4400 West 18th Street
Houston, TX 77092

Elected Officials: John Whitmire

Amy Peck

Tasha Jackson

Abbie Kamin

Carolyn Evans-Shabazz

Fred Flickinger

Tiffany D Thomas

Mary Nan Huffman

Mario Castillo

Joaquin Martinez

Edward Pollard

Martha Castex-Tatum

Julian Ramirez

Willie Davis

Twila Carter

Letitia Plummer

Sallie Alcorn

Mayor

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

City Council Member

Neighborhood Organizations: None

Competitive Housing Tax Credit Selection Self-Score

Criteria Promoting Development of High Quality Housing

Unit Sizes: 6

Unit Features: 9

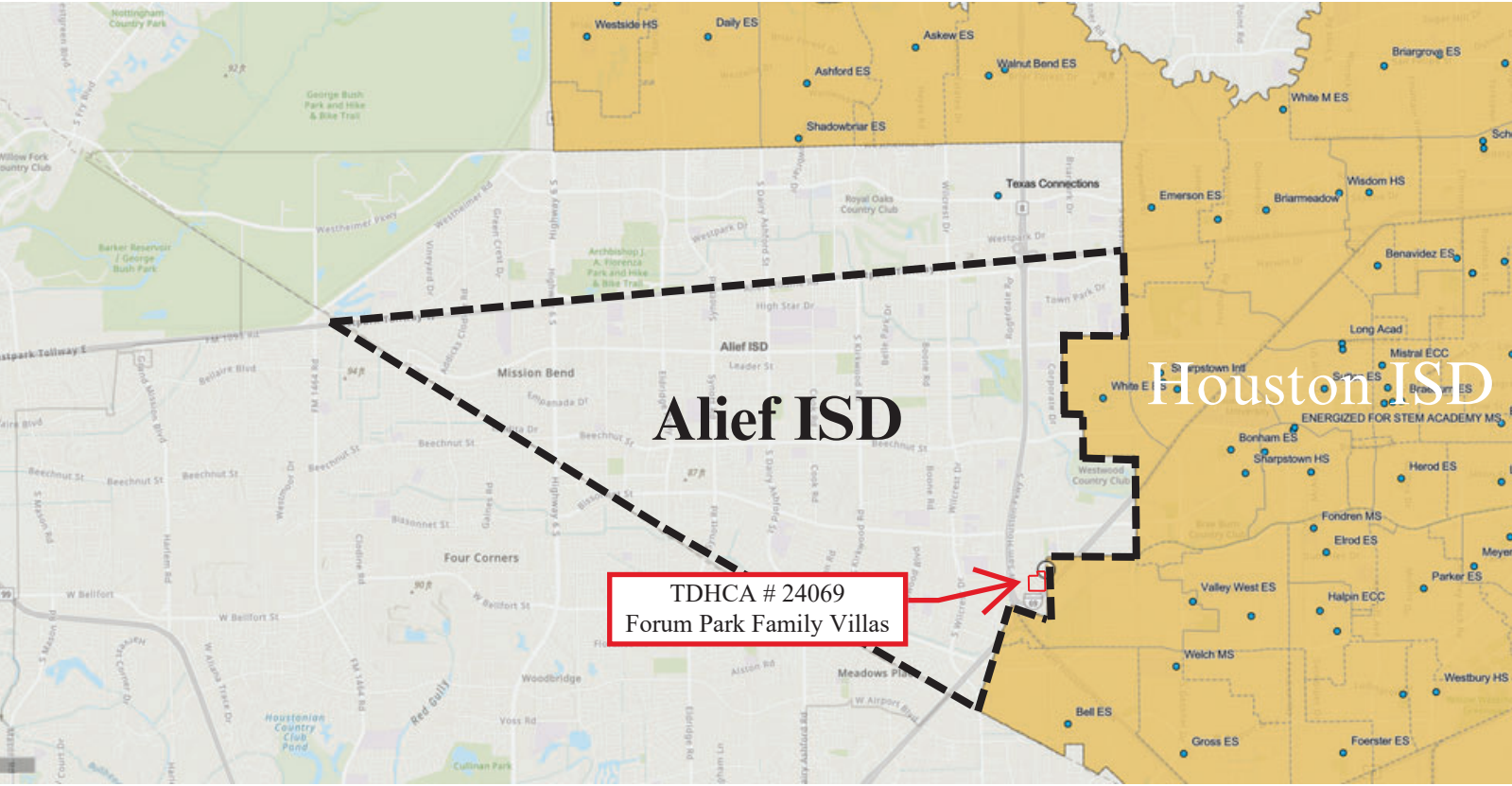
Sponsor Characteristics: 2

Quantity of Low Income Units: 2

High Quality Housing Total: 19



EXHIBIT A



Alief ISD Zoned Schools

10403 Forum Park Drive, Houston, TX, 77036

User Information:

Address: 10403 FORUM PARK DRIVE
Grade: All Grades
Program:

[Edit User Information](#)

Select a School:

School Name	Sch Distance Drive	Sch Distance Geo	Eligibility Description	Grades
ELSIK HIGH SCHOOL	5.65 mi.	5.64 mi.	Eligible	09 10 11 12
HASTINGS HIGH SCHOOL	5.27 mi.	5.25 mi.	Eligible	09 10 11 12
ALC	4.28 mi.	4.24 mi.	Eligible	06 07 08 09 10 11 12
ALC	4.28 mi.	4.24 mi.	Eligible	06 07 08 09 10 11 12
OLLE MIDDLE SCHOOL	1.93 mi.	1.93 mi.	Eligible	07 08
KERR HIGH SCHOOL	5.98 mi.	5.94 mi.	Eligible	09 10 11 12
TAYLOR HIGH SCHOOL	6.16 mi.	6.16 mi.	Eligible	09 10 11 12
KLENTZMAN INTERMEDIATE	2.32 mi.	1.9 mi.	Eligible	05 06
CROSSROADS	5.2 mi.	5.18 mi.	Eligible	09 10 11 12
CROSSROADS	5.2 mi.	5.18 mi.	Eligible	09 10 11 12
ALC ELEMENTARY	4.28 mi.	4.24 mi.	Eligible	01 02 03 04 05 KN
ALC ELEMENTARY	4.28 mi.	4.24 mi.	Eligible	01 02 03 04 05 KN
INTERM ALC	4.28 mi.	4.24 mi.	Eligible	05 06
MARTINEZ EARLY LEARNING CENTER	1.53 mi.	1.52 mi.	Eligible	PK
BEST ELEMENTARY	0.41 mi.	0.4 mi.	Within walk distance of school	01 02 03 04 EC IP KN KP
ALIEF EARLY COLLEGE HS	5.54 mi.	5.5 mi.	Eligible	09 10 11 12

Source:

https://busstops.aliefisd.net/livewebquery/webquery/WebQueryRequestController?address=10403+FORUM+PARK+DRIVE&grade=ALL_GRADES&program=&action=1

24069(3)

Forum Park Family Villas

**Request for Administrative
Deficiency**

TRUE CASA CONSULTING, LLC

May 3, 2024

Via Email

Cody Campbell, Director of Multifamily Programs
Joshua Goldberger, Competitive (9%) Housing Tax Credit Manager
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, TX 78701

RE: §11.10 Third Party Request for Administrative Deficiency
TDHCA Application #24069 – Forum Park Family Villas

Dear Mr. Campbell and Mr. Goldberger,

In accordance with §11.10 of the 2024 Qualified Allocation Plan (QAP), this letter serves as our Third-Party Request for Administrative Deficiency (RFAD) with regards to Application #24069 – Forum Park Family Villas (the “Application.”) A copy of the request is also being delivered to representatives of the Application as required by the QAP.

RFAD Tie-Breaker Factors

- Tie-Breaker Factors (Full-Service Grocery Store) - §11.7(2)(A)(iii) – The Application submitted Emeka Mex-African Food located at 9817 Bissonnet St., Houston, TX 77036 as the Full-Service Grocery Store feature for the Tie-Breaker. The QAP provides detailed requirements on what a full-service grocery store is to meet the qualifications of this section. The Emeka Mex-African Food does not meet these requirements. Instead, this establishment is an ethnic food and goods store specializing in African food and specialties.

When you conduct a search for a nearby grocery store on Google Maps, this establishment does not pop up as it is not classified as a grocery store, but instead is classified by Google as an African goods store. See Appendix A. There were several different grocery stores in close proximity to the Development Site that could have been used in the Application for this tie-breaker: HEB, Fiesta Mart, Walmart Supercenter and a Walmart Neighborhood Market. In fact, the Walmar Supercenter was included as an amenity in Tab 10 of the Application to qualify as a full-service grocery store amenity. See Appendix B.

The QAP requirements for a full-service grocery store in §11.7(2)(A)(iii) are broken down below and observations and photos from a visit to the store on March 23, 2024 at 12:59 p.m. are noted.

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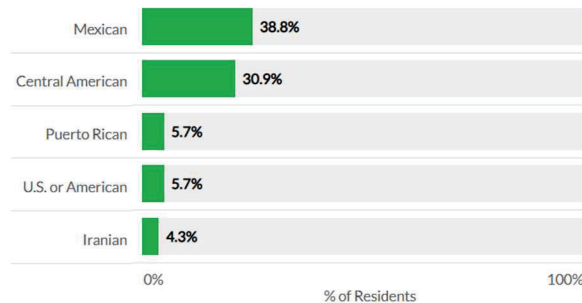
Requirements from §11.7(2)(A)(iii)

- *sufficient size and volume to provide for the needs of the surrounding neighborhood including the proposed Development*

The Emeka Mex-African Food is small, resembling the size of a convenience store. The dried, frozen, and fresh food and goods provided are focused on origins of Africa. While the Neighborhoodscout report for this neighborhood states that 46.1% of the neighborhood residents were born in another country, the Emeka Mex-African Food store does not provide food choices for the entirety of the people living in the neighborhood. Below are the ancestry and languages spoken snipped from the Neighborhoodscout report for Application. As you can see, an African food store alone does not meet the needs of the surrounding neighborhood demographic.

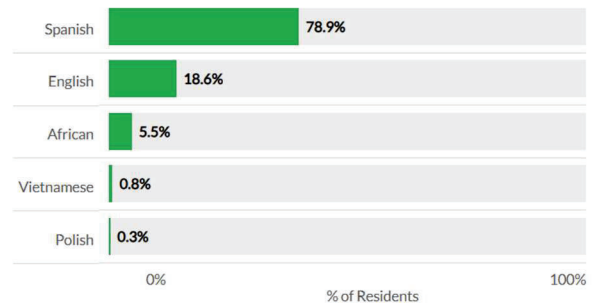
ANCESTRY ⓘ

[See all ancestries](#)



LANGUAGES SPOKEN ⓘ

[See all languages](#)



Even if 100% of the residents of the surrounding neighborhood and Development ate solely African cuisine, their “needs” could not be properly met with the contents of this store. There was no toilet paper, paper towels, toothpaste, water, aluminum foil, diapers, fresh greens, yogurt, cheese or feminine products sold at the store.

- *offering a wide variety of fresh, frozen, canned and prepared foods, including but not limited to a variety of fresh meats, poultry, and seafood*

The fresh and frozen foods (including meats and seafood) were limited to small chest freezers and walk-up coolers. There was limited variety. The prepared foods provided were limited and African in nature.

- *a wide selection of fresh produce including a selection of different fruits and vegetables*

The only fruits and vegetables were limited to bananas, root vegetables, tomatoes, peppers and onions.

TRUE CASA CONSULTING, LLC

- *a selection of baked goods and a wide array of dairy products including cheeses*

There did not appear to be any baked goods or dairy products including cheeses available at the store.

- *and a wide variety of household goods, paper goods and toiletry items.*

There did not appear to be any paper goods or general toiletry items.



Refrigerated walk-up w/ African foods



Meat and whole fish in bags in cooler chests



Prepared foods were limited



Walk-up cooler with snails, opeyi and uziza leaf

TRUE CASA CONSULTING, LLC



Walk-up cooler stocked with African foods



An aisle in the store

TRUE CASA CONSULTING, LLC

In summary, the Emeka Mex-African Food store submitted as a tie-breaker amenity should not qualify as a full-service grocery store and, per §11.7(2)(D), the fourth amenity submitted should instead be used for the distance measurement.

RFAD Pre-Application Requirements

- Pre-Application Threshold Criteria - §11.8(b)(2)(B) – In order to meet the Pre-Application Threshold Criteria, the Application must have submitted a public notification to all officials noted in §11.8(b)(2)(B). The Pre-Application submitted for TDHCA#24069 is missing the County Judge and County Commissioners from the listed Notifications. In addition, the Pre-Application lists the Superintendent and President of the School Board of Trustees from Houston ISD versus Alief ISD where the Development is zoned to attend. See Exhibit C.

Under Tab 14 of the Full Application, the following box was marked, and the Houston ISD officials were listed; however, there was no change in the jurisdiction of the school district. Best Elementary – an Alief ISD school – was used as the Elementary School for the tie-breaker distance submitted with the Pre-Application. See Exhibit C.

☒ Jurisdiction of necessary entities has *changed since the Pre-Application was submitted*, and information regarding notifications or re-notifications is entered below (10 TAC §11.203(2)).

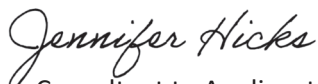
RFAD Selection Criteria

- Readiness to Proceed - §11.9(e)(9)(A) – In order to qualify for points under §11.9(e)(9), the Application is required to “include an acknowledgement from all lenders and the syndicator of the required closing date.”

The lender letter and equity letter submitted with the Application was missing this acknowledgement and therefore should be able to qualify for these points.

- Commitment of Development Funding by Local Political Subdivision - §11.9(d)(2) – The documentation for scoring under this item is to be included in Tab 35. In Tab 35, the Application included a letter from Harris County acknowledging receipt of an application for funding for the \$6M indicated on Tab 31 instead of a commitment letter for the \$500 from the City of Houston (also indicated on Tab 31 as the LPS commitment). A commitment letter for the LPS of \$500 was not found included in the Application. §11.9(d)(2) states that “Once a letter is submitted to the Department it may not be changed or withdrawn.” We question whether the Development should be able to qualify for these points.

Sincerely,



Consultant to Applicant
WALIPP Senior Housing Expansion, LP

TRUE CASA CONSULTING, LLC

cc: Arjun Nagarkatti
Forum Park Family Villas Applicant (TDHCA #24069)
Via Email @ arjun@amcalhousing.com

Chad Baker
Forum Park Family Villas Applicant (TDHCA #24069)
Via Email @ cbaker@amtexhousing.com

EXHIBIT A

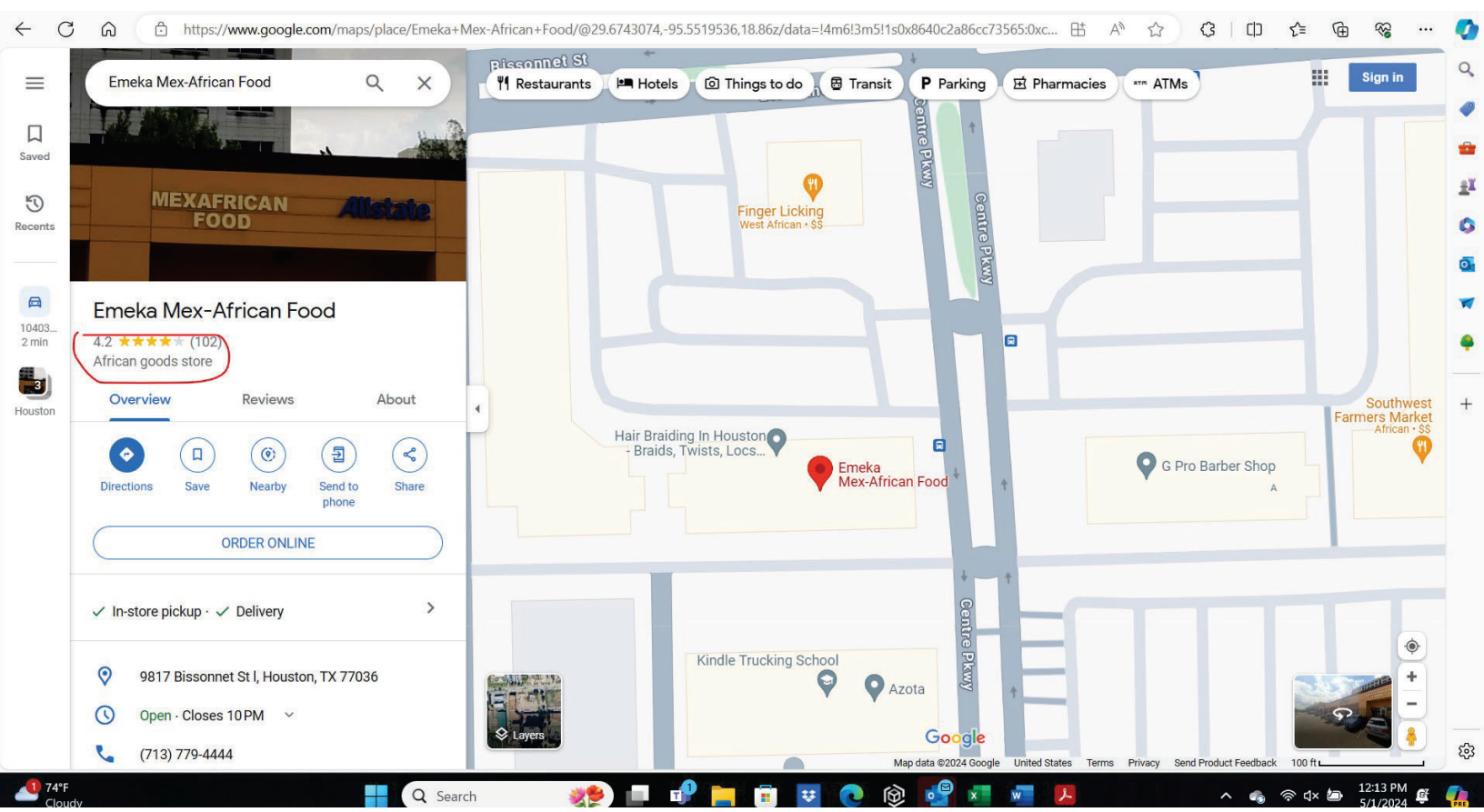


EXHIBIT B

#24069 Forum Park Family Villas

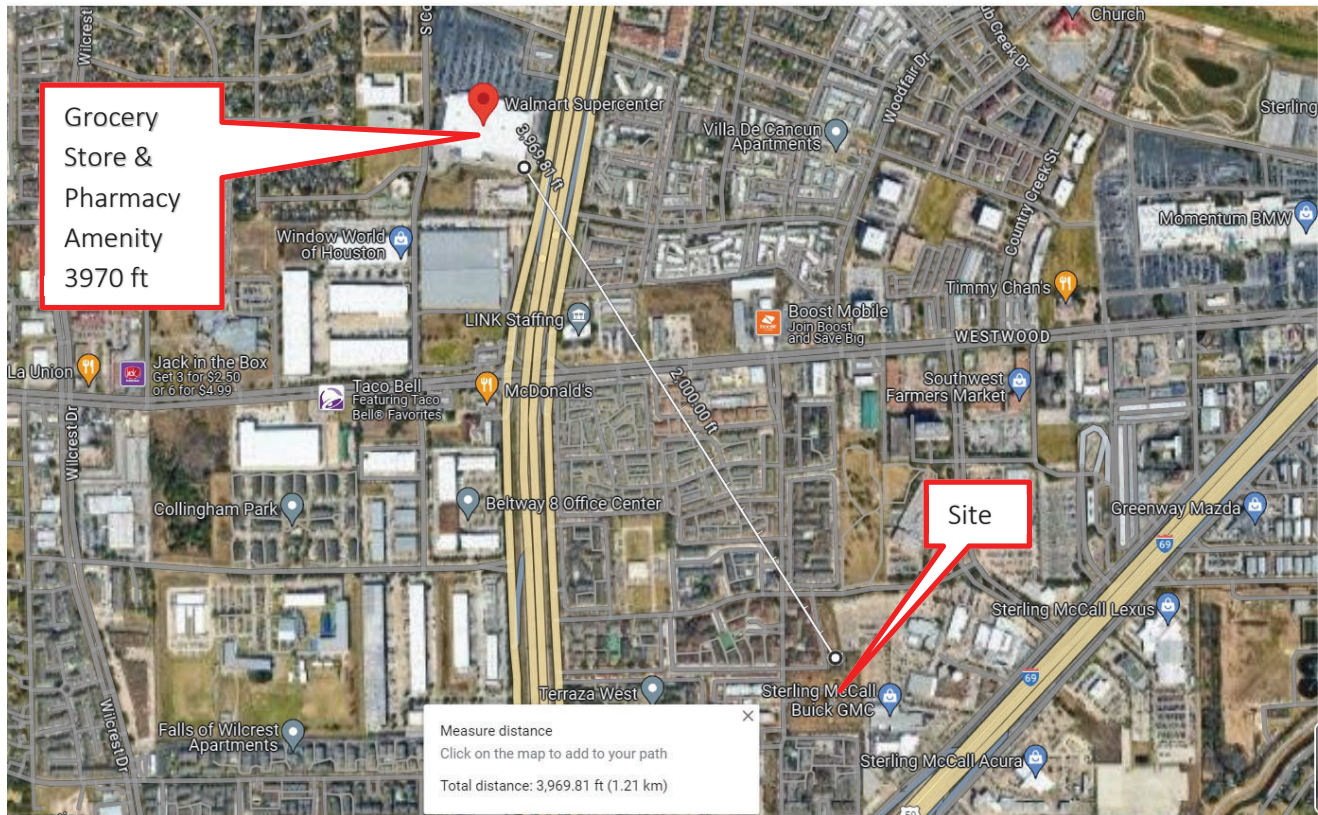
10403 Forum Park Drive, Houston, TX 77036

Full-service grocery store within 2 miles:

Walmart Supercenter 9460 W Sam Houston Pkwy S, Houston, TX 77099

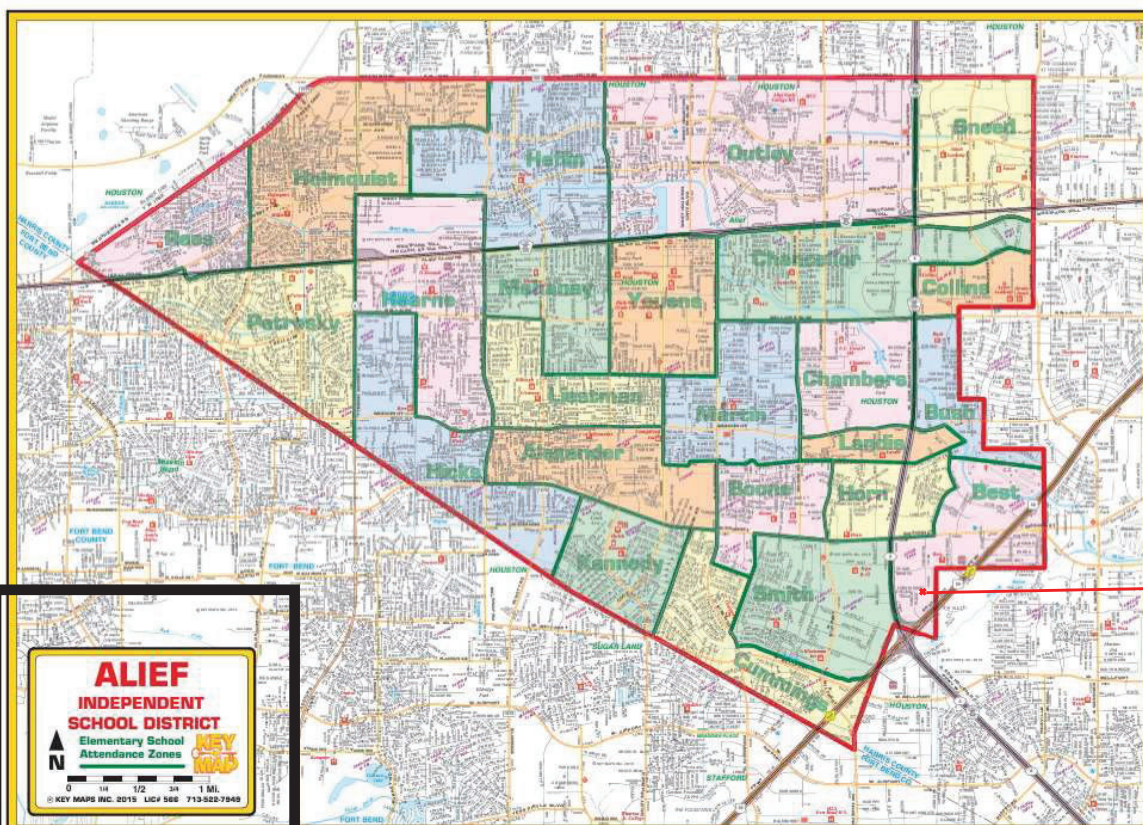
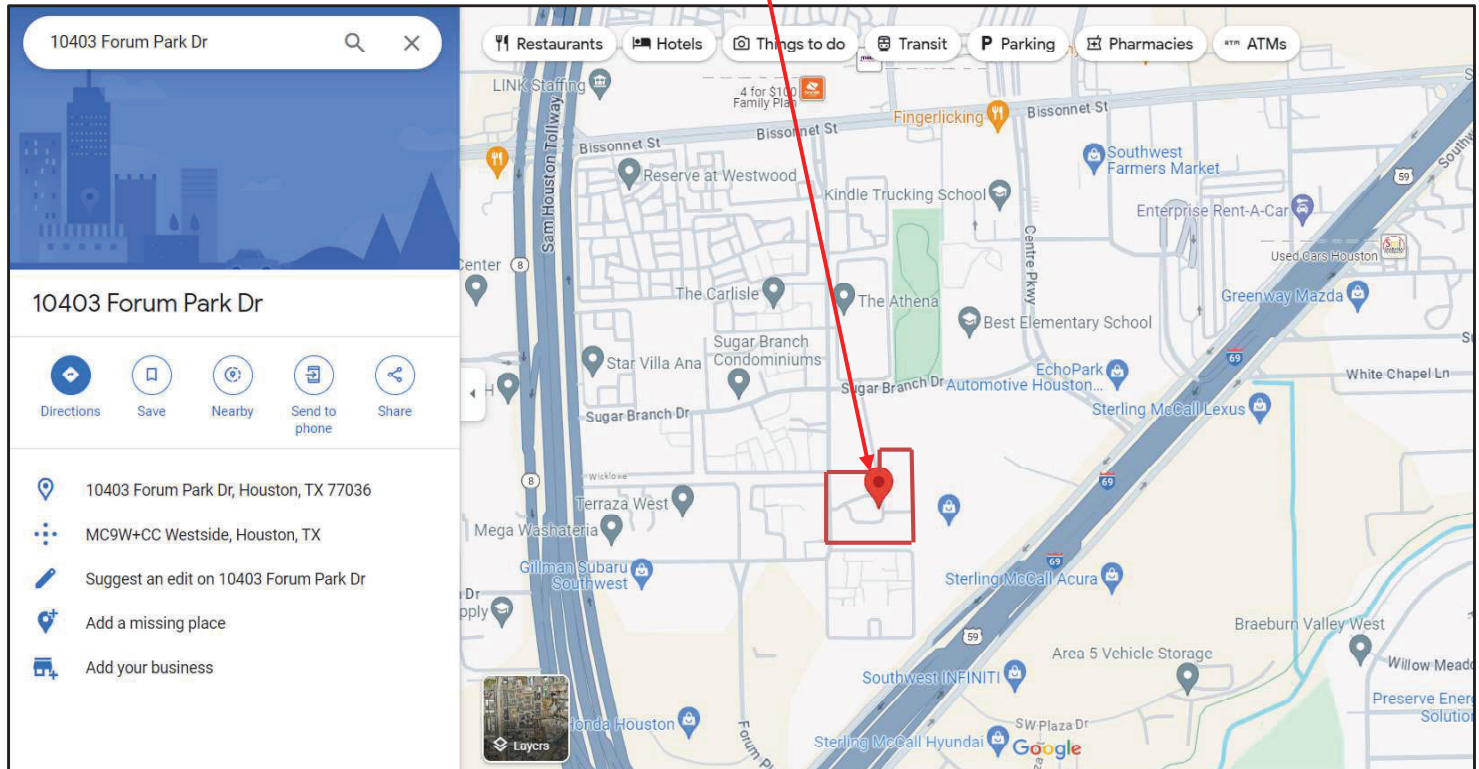
Pharmacy within 2 miles:

Walmart Supercenter 9460 W Sam Houston Pkwy S, Houston, TX 77099



Supporting Documentation for the Site Information Form Part 1 Educational Quality – School Attendance Zone Map

Site location: 10403 Fourm Park Drive, Houston, TX



SITE
Location is
in the **Best**
Elementary
Boundary
Zone

Exhibit C

Tie Breaker Supplement

Tie-Breaker #1 (§11.7(1) of the QAP)

For Applications funded through the USDA Set-Aside; Applications proposed to rehabilitate the property with the earliest year of initial construction as a residential development. Year submitted must be evidenced by the initial USDA loan documentation. A tie will persist if two Applications have the same year.

Year of Initial Construction:

N/A

Matching loan documentation
included?

N/A

Tie-Breaker #2 (§11.7(2) of the QAP)

For all other competitive Applications; Applications proposed to be located in closest proximity to the following features as of the Full Application Delivery Date:

- (1) A Park,
- (2) The elementary school of attendance,
- (3) A full service grocery store, and
- (4) A Public Library

The linear measurement will be performed from the closest parcel boundary of the Development Site to closest parcel boundary of each feature. In calculating the proximity, each feature's distance will be required for submittal, with the sum of the three closest features being used to produce the result. The Application with the lowest sum of proximity will receive preference. In the event that one of the top three features is disqualified (due to not conforming to definition or a substantial misrepresentation of distance), the fourth will be used as an opportunity to replace the disqualified feature. The tie will persist if the two tied Applications differ by 100 feet or fewer.

Amenity	Name	Address
Park	Forum Park	9900 Sugar Branch Dr., Houston, TX 77074
Elementary School	Best Elementary School	1000 Centre Parkway, Houston, TX 77036
Grocery Store	Emeka Mex-African Food	9817 Bissonnet St., Houston, TX 77036
Library	David M Henington Regional	11903 Bellaire Blvd, Houston, TX 77072

Site Boundary		Park	
Latitude	Longitude	Latitude	Longitude
29.670694	-95.553665	29.669456	-95.553623
		Elementary School	
Latitude	Longitude	Latitude	Longitude
29.669463	-95.553283	29.670806	-95.552711
		Grocery Store	
Latitude	Longitude	Latitude	Longitude
29.669463	-95.553283	29.67393	-95.55269
		Library	
Latitude	Longitude	Latitude	Longitude
29.669077	-95.554807	29.7001	-95.587989

24091

Claudette Lofts

**Request for Administrative
Deficiency**

May 3, 2024

Via Email and Serv-U ftp

Joshua Goldberger
Administrator, 9% Competitive Housing Tax Credit Program
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Claudette Lofts, TDHCA #24091

Dear Mr. Goldberger:

Pursuant to §11.10 of the 2024 Qualified Allocation Plan (the "QAP"), please accept this correspondence as our Third-Party Request for Administrative Deficiency ("RFAD") regarding Application #24091, Claudette Lofts, proposed in the City of San Antonio (the "Application"). A copy of this RFAD is being delivered concurrently to representatives of Claudette Lofts.

We have identified the following areas where the Application failed to meet threshold and/or failed to substantiate eligibility of points requested. Specifically, we are contesting the eligibility of the Application to receive points under subsection §11.9(e)(3)(K) of the QAP, which awards points to an application that meets all the requirements described for Pre-application Participation (see Exhibit A). More precisely, **the Application does not comply with Tex. Gov't Code §2306.6704(c)**, as it fails to provide the name and address of the nearest Housing Tax Credit assisted Development that serves the same Target Population and was awarded 15 or fewer years ago (the "Nearest HTC Development") as required by §11.8(b)(1)(M) of the QAP. (See Exhibits B and C). Both the Pre-Application and Application identified Vista Verde I as the Nearest HTC Development (see Exhibit D). Vista Verde I was awarded in 2006, as evidenced by the Site Demographics Report (see Exhibit E).

Pursuant to §11.8(b)(1)(M) of the QAP:

"pre-applications will be terminated unless they meet the threshold criteria [emphasis added] described in subsection (a) of this section and paragraphs (1) and (2) of this subsection:

(1) Submission of the Competitive HTC pre-application in the form prescribed by the Department which identifies or contains at a minimum:

(M) The name and address of the nearest Housing Tax Credit assisted Development that serves the same Target Population and was *awarded 15 or fewer years ago* [emphasis added] following the calculation established in 10 TAC §11.7(3) according to the Department's property inventory tab of the Site Demographic Characteristics Report." (See Exhibits D and E).

Section 11.7(3) of the QAP specifies that in order to determine the Nearest HTC Application:

“Years are measured in whole years, and are calculated by deducting the year of the award from the “Board Approval” column of the property inventory from the Site Demographics report from the current year.” (See Exhibit F).

Deducting 2006 (the year from the “Board Approval” column) from 2024 (the year of the award), results in 18 years, not the ‘15 or fewer’ required by the QAP and Tex. Gov’t Code. Note, the Application erroneously used 2008, the year from the “Year” column, instead of 2006; however, even if calculated using 2008, the result is 16 years, which also exceeds the 15 years and still does not meet the requirement.

The Application Self-Score includes 6 points for Pre-Application Participation (see Exhibit G). As described above, the Pre-Application did not identify or contain the nearest Housing Tax Credit assisted Development awarded 15 or fewer years ago, a threshold criterion. Further, pursuant to §11.8(c) Pre-Application Results, **“Only pre-applications which have satisfied all of the pre-application requirements ... will be eligible for pre-application points.”** (See Exhibit C). As a result, the Pre-Application must be terminated, the Application is not eligible for 6 points for Pre-Application Participation, and the Application score should be adjusted accordingly.

I appreciate your review and consideration of this matter. Please let me know if you have any questions or if I can provide any additional information.

Sincerely,



Carine Yhap
Authorized Representative
SA Vista Park, L.P.

cc: Jennifer Gonzalez, Primary Contact, Claudette Lofts
Jose Gonzalez, Secondary Contact, Claudette Lofts

Attachments

Exhibit A

QAP Excerpt - §11.9.

(A) Applications proposing New Construction or Reconstruction or Adaptive Reuse will be eligible for twelve (12) points if one of the following conditions is met:

(i) the voluntary Eligible Building Cost per square foot is less than or equal to \$144.72 per square foot; or

(ii) the voluntary Eligible Hard Cost per square foot is less than or equal to \$193.32 per square foot.

(B) Applications proposing New Construction or Reconstruction will be eligible for eleven (11) points if one of the following conditions is met:

(i) the voluntary Eligible Building Cost per square foot is less than or equal to \$154.44 per square foot; or

(ii) the voluntary Eligible Hard Cost per square foot is less than or equal to \$203.04 per square foot.

(C) Applications proposing Rehabilitation (excluding Reconstruction) will be eligible for points if one of the following conditions is met:

(i) Twelve (12) points for Applications which include voluntary Eligible Hard Costs plus acquisition costs included in Eligible Basis that are less than or equal to \$193.32 per square foot; or

(ii) Twelve (12) points for Applications which include voluntary Eligible Hard Costs plus acquisition costs included in Eligible Basis that are less than or equal to \$250.56 per square foot, located in an Urban Area, and that qualify for 5 or more points under subsection (c)(5)(A) and (B) of this section, related to Opportunity Index; or

(iii) Eleven (11) points for Applications which include voluntary Eligible Hard Costs plus acquisition costs included in Eligible Basis that are less than or equal to \$250.56 per square foot.

(3) Pre-application Participation. (\$2306.6704) An Application may qualify to receive up to six (6) points provided a pre-application was submitted by the Pre-Application Final Delivery Date. Applications that meet all of the requirements described in subparagraphs (A) - (K) of this paragraph will qualify for six (6) points:

(A) The total number of Units does not increase by more than 10% from pre-application to Application;

(B) The designation of the proposed Development as Rural or Urban remains the same;

(C) The proposed Development serves the same Target Population;

(D) The pre-application and Application are participating in the same set-asides (At-Risk, USDA, Non-Profit, or Rural);

(E) The Application final score (inclusive of only scoring items reflected on the self-score form) does not vary by more than four (4) points from what was reflected in the pre-application self-score;

(F) If points are claimed related to Underserved Area and/or Proximity to Jobs, the point elections may not change from what was reflected in the pre-application self-score and the supporting documentation for these points must be substantially similar to what was submitted with the Pre-Application;

(G) The Development Site at Application is at least in part the Development Site at pre-application, and the census tract number or numbers listed at pre-application is the same at Application. The site at full Application may not require notification to any person or entity not required to have been notified at pre-application

(H) The distance used to determine the Tie-Breaker established in 10 TAC §11.7(2) remains the same or does not decrease between pre-application and full Application. If closer features to the Development Site are identified that could potentially result in a lower distance used for the Tie-Breaker, Applicants may elect to continue using the higher distance submitted with the Pre-Application in order to not be disqualified from pre-application points;

(I) For Applications funded through the USDA Set-Aside; year of initial construction as a residential Development remains the same or is not earlier;

(J) If a high quality Pre-Kindergarten is to be provided under §11.6(3)(C)(v), the election must be made at pre-application and may not change at full Application.

(K) The pre-application met all applicable requirements.

(4) Leveraging of Private, State, and Federal Resources. (§2306.6725(a)(3))

(A) An Application may qualify to receive up to three (3) points if at least 5% of the total Units are restricted to serve households at or below 30% of AMGI (restrictions elected under other point items may count) and the Housing Tax Credit funding request for the proposed Development meet one of the levels described in clauses (i) - (iv) of this subparagraph:

(i) the Development leverages CDBG Disaster Recovery, HOPE VI, RAD, or Choice Neighborhoods funding and the Housing Tax Credit Funding Request is less than 9%

Exhibit B

Texas Statute Government Code
§2306.6704(c) Excerpt

[<<Prev Rule](#)[Next Rule>>](#)

Texas Administrative Code

TITLE 10

COMMUNITY DEVELOPMENT

PART 1

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 11

QUALIFIED ALLOCATION PLAN (QAP)

SUBCHAPTER A

PRE-APPLICATION, DEFINITIONS, THRESHOLD REQUIREMENTS AND COMPETITIVE SCORING

RULE §11.8

Pre-Application Requirements (Competitive HTC Only)

(a) General Submission Requirements. The pre-application process allows Applicants interested in pursuing an Application to assess potential competition across the 13 state service regions, subregions, and set-asides. Based on an understanding of the potential competition they can make a more informed decision about whether they wish to proceed to prepare and submit an Application. **A complete pre-application is a pre-application that meets all of the Department's criteria, as outlined in subsections (a) and (b) of this section.**

(1) The pre-application must be submitted using the URL provided by the Department, as outlined in the Multifamily Programs Procedures Manual, along with the required pre-application fee as described in §11.901 of this chapter (relating to Fee Schedule), not later than the pre-application Final Delivery Date as identified in §11.2(a) of this chapter (relating to Competitive HTC Deadlines). If the pre-application and corresponding fee is not submitted on or before this deadline the Applicant will be deemed to have not made a pre-application.

(2) Only one pre-application may be submitted by an Applicant for each Development Site and for each Site Control document.

(3) Department review at this stage is limited, and not all issues of eligibility and threshold are reviewed or addressed at pre-application. Acceptance by staff of a pre-application does not ensure that an Applicant satisfies all Application eligibility, threshold or documentation requirements. While the pre-application is more limited in scope than the Application, pre-applications are subject to the same limitations, restrictions, or causes for disqualification or termination as Applications, and pre-applications will thus be subject to the same consequences for violation, including but not limited to loss of points and termination of the pre-application.

(4) The pre-application becomes part of the full Application if the full Application claims pre-application points.

(5) Regardless of whether a Full Application is submitted, a pre-application may not be withdrawn after the Full Application Delivery Date described in §11.2(a) of this chapter.

(b) Pre-Application Threshold Criteria. Pursuant to Tex. Gov't Code §2306.6704(c) pre-applications will be terminated unless they meet the threshold criteria described in subsection (a) of this section and paragraphs (1) and (2) of this subsection:

(1) Submission of the Competitive HTC pre-application in the form prescribed by the Department which identifies or contains at a minimum:

(A) Site Control meeting the requirements of §11.204(9) of this title (relating to Required Documentation for Application Submission). For purposes of meeting this specific requirement related to pre-application threshold criteria, proof of consideration and any documentation required for identity of interest transactions is not required at the time of pre-application submission but will be required at the time of full application submission;

(B) Funding request;

- (C) Target Population;
- (D) Requested set-asides (At-Risk, USDA, Nonprofit, or Rural);
- (E) Total Number of Units proposed;
- (F) Census tract number or numbers in which the Development Site is located, and a map of the census tract(s) with an outline of the proposed Development Site;
- (G) Expected score for each of the scoring items identified in the pre-application materials;
- (H) Proposed name of ownership entity;
- (I) If points are to be claimed related to Underserved Area and/or Proximity to Jobs, documentation supporting those point elections;
- (J) The name and coordinates of the nearest park, grocery store, and library meeting the criteria established in 10 TAC §11.7(2) as well as the name and coordinates of the elementary school of attendance;
- (K) For Applications funded through the USDA Set-Aside; year of initial construction as evidenced by the initial USDA loan documentation;
- (L) If a high-quality Pre-Kindergarten is to be provided under §11.6(3)(C)(v), the election must be made at pre-application and may not change at full Application; and
- (M) The name and address of the nearest Housing Tax Credit assisted Development that serves the same Target Population and was awarded 15 or fewer years ago following the calculation established in 10 TAC §11.7(3) according to the Department's property inventory tab of the Site Demographic Characteristics Report.

(2) Evidence in the form of a certification provided in the pre-application, that all of the notifications required under this paragraph have been made. (§2306.6704).

(A) The Applicant must list in the pre-application all Neighborhood Organizations on record with the county or state 30 days prior to the beginning of the Application Acceptance Period whose boundaries include the entire proposed Development, where a reasonable search for applicable entities has been conducted.

(B) Notification Recipients. Developments located in an ETJ of a municipality are required to notify both municipal and county officials. The notifications may be sent by e-mail, fax or mail with registered return receipt or similar tracking mechanism in the format included in the Public Notification Template provided in the Uniform Multifamily Application Template or in an alternative format that meets the applicable requirements and achieves the intended purpose. The Applicant is required to retain proof of delivery in the event the Department requests proof of notification. Acceptable evidence of such delivery is demonstrated by signed receipt for mail or courier delivery and confirmation of delivery for fax and e-mail. Officials to be notified are those officials in office at the time the pre-application is submitted; however, a mailed notification that is addressed to the entity or officeholder rather than a specific person is acceptable so long as it is mailed to the correct address and otherwise meets all requirements. Between the time of pre-application (if made) and full Application, the boundaries of an official's jurisdictions may change. If there is a change in jurisdiction between pre-application and the Full Application Delivery Date that results in the Development being located in a new jurisdiction, additional notifications must be made at full Application to any entity that has not been previously notified by the Applicant. Meetings and discussions do not constitute notification. Only a timely and compliant written notification to the correct entity constitutes notification. No later than the date the pre-application is submitted, notification must be sent to all of the entities prescribed in clauses (i) - (viii) of this subparagraph:

(i) Neighborhood Organizations on record with the state or county 30 days prior to the beginning of the Application Acceptance Period whose boundaries include the entire proposed Development Site;

Exhibit C

QAP Excerpt - §11.8.

week in a Rural Area. The library must not be age or subject-restricted and must be at least partially funded with government funding.

(B) The linear measurement will be performed from closest parcel boundary of the Development Site to closest parcel boundary of each feature. The Department may prescribe a specific form to be used for the calculation of these distances using GPS coordinates provided by the Applicant.

(C) In calculating this proximity, each feature's distance will be required for submittal, with the sum of the three closest features being used to produce the result. The Application with the lowest sum of proximity will receive preference.

(D) In the event that one of the top three features is disqualified due to not conforming to the definitions provided or a substantial misrepresentation of distance from the development, the fourth will be used as an opportunity to replace the disqualified feature. If multiple features are disqualified, the Application will not receive preference. If the competing application(s) also has multiple disqualified features the tie will persist.

(E) In the event that the sum proximities described under §11.7(2)(B) for two tied Applications differ by 100 or fewer feet, the tie will persist.

(3) If the tie persists, preference will be determined using this final tiebreaker. Applications proposed to be located the greatest linear distance from the nearest Housing Tax Credit assisted Development that serves the same Target Population and that was awarded 15 or fewer years ago. Years are measured in whole years, and are calculated by deducting the year of the award from the "Board Approval" column of the property inventory from the Site Demographics Characteristics report from the current year. The specific month and date of the award are disregarded for this analysis. Developments awarded Housing Tax Credits but do not yet have a Land Use Restriction Agreement in place will be considered Housing Tax Credit assisted Developments for purposes of this paragraph according to the property inventory included in the HTC Site Demographic Characteristics Report. The linear measurement will be performed from closest boundary to closest boundary of the Site presented at Pre-Application, if a pre-application is submitted, or the Site presented at full Application, whichever is closest.

§11.8.Pre-Application Requirements (Competitive HTC Only).

(a) General Submission Requirements. The pre-application process allows Applicants interested in pursuing an Application to assess potential competition across the 13 state service regions, subregions, and set-asides. Based on an understanding of the potential competition they can make a more informed decision about whether they wish to proceed to prepare and submit an Application. A complete pre-application is a pre-application that meets all of the Department's criteria, as outlined in subsections (a) and (b) of this section.

(1) The pre-application must be submitted using the URL provided by the Department, as outlined in the Multifamily Programs Procedures Manual, along with the required pre-application fee as described in §11.901 of this chapter (relating to Fee Schedule), not later than the pre-application Final Delivery Date as identified in §11.2(a) of this chapter (relating to Competitive HTC Deadlines). If the pre-application and corresponding fee is not submitted on or before this deadline the Applicant will be deemed to have not made a pre-application.

(2) Only one pre-application may be submitted by an Applicant for each Development Site and for each Site Control document.

(3) Department review at this stage is limited, and not all issues of eligibility and threshold are reviewed or addressed at pre-application. Acceptance by staff of a pre-application does not ensure that an Applicant satisfies all Application eligibility, threshold or documentation requirements. While the pre-application is more limited in scope than the Application, pre-applications are subject to the same limitations, restrictions, or causes for disqualification or termination as Applications, and pre-applications will thus be subject to the same consequences for violation, including but not limited to loss of points and termination of the pre-application.

(4) The pre-application becomes part of the full Application if the full Application claims pre-application points.

(5) Regardless of whether a Full Application is submitted, a pre-application may not be withdrawn after the Full Application Delivery Date described in §11.2(a) of this chapter.

(b) Pre-Application Threshold Criteria. Pursuant to Tex. Gov't Code §2306.6704(c) pre-applications will be terminated unless they meet the threshold criteria described in subsection (a) of this section and paragraphs (1) and (2) of this subsection:

(1) Submission of the Competitive HTC pre-application in the form prescribed by the Department which identifies or contains at a minimum:

(A) Site Control meeting the requirements of §11.204(9) of this title (relating to Required Documentation for Application Submission). For purposes of meeting this specific requirement related to pre-application threshold criteria, proof of consideration and any documentation required for identity of interest transactions is not required at the time of pre-application submission but will be required at the time of full application submission;

(B) Funding request;

(C) Target Population;

(D) Requested set-asides (At-Risk, USDA, Nonprofit, or Rural);

(E) Total Number of Units proposed;

(F) Census tract number or numbers in which the Development Site is located, and a map of the census tract(s) with an outline of the proposed Development Site;

(G) Expected score for each of the scoring items identified in the pre-application materials;

(H) Proposed name of ownership entity;

(I) If points are to be claimed related to Underserved Area and/or Proximity to Jobs, documentation supporting those point elections;

(J) The name and coordinates of the nearest park, grocery store, and library meeting the criteria established in 10 TAC §11.7(2) as well as the name and coordinates of the elementary school of attendance;

(K) For Applications funded through the USDA Set-Aside; year of initial construction as evidenced by the initial USDA loan documentation;

(L) If a high-quality Pre-Kindergarten is to be provided under §11.6(3)(C)(v), the election must be made at pre-application and may not change at full Application; and

(M) The name and address of the nearest Housing Tax Credit assisted Development that serves the same Target Population and was awarded 15 or fewer years ago following the calculation established in 10 TAC §11.7(3) according to the Department's property inventory tab of the Site Demographic Characteristics Report.

(2) Evidence in the form of a certification provided in the pre-application, that all of the notifications required under this paragraph have been made. (§2306.6704).

(A) The Applicant must list in the pre-application all Neighborhood Organizations on record with the county or state 30 days prior to the beginning of the Application Acceptance Period whose boundaries include the entire proposed Development, where a reasonable search for applicable entities has been conducted.

(B) Notification Recipients. Developments located in an ETJ of a municipality are required to notify both municipal and county officials. The notifications may be sent by e-mail, fax or mail with registered return receipt or similar tracking mechanism in the format included in the Public Notification Template provided in the Uniform Multifamily Application Template or in an alternative format that meets the applicable requirements and achieves the intended purpose. The Applicant is required to retain proof of delivery

(I) The Applicant's name, address, an individual contact name and phone number;

(II) The Development name, address, city, and county;

(III) A statement informing the entity or individual being notified that the Applicant is submitting a request for Housing Tax Credits with the Texas Department of Housing and Community Affairs;

(IV) Whether the Development proposes New Construction, Reconstruction, Adaptive Reuse, or Rehabilitation;

(V) The physical type of Development being proposed (e.g. single family homes, duplex, apartments, high-rise, etc.);

(VI) The approximate total number of Units and approximate total number of Low-Income Units;

(VII) The residential density of the Development, i.e., the number of Units per acre;

(VIII) Information on how and when an interested party or Neighborhood Organization can provide input to the Department; and

(IX) Information on any proposed property tax exemption.

(ii) The notification may not contain any false or misleading statements. Without limiting the generality of the foregoing, the notification may not create the impression that the proposed Development will serve a population exclusively or as a preference unless such targeting or preference is documented in the Application and is in full compliance with all applicable state and federal laws, including state and federal fair housing laws.

(iii) Notifications or any other communications may not contain any statement that violates Department rules, statute, code, or federal requirements.

(c) Pre-Application Results. Only pre-applications which have satisfied all of the pre-application requirements, including those in §11.9(e)(3) of this chapter (relating to Criteria promoting the efficient use of limited resources and applicant accountability), will be eligible for pre-application points. The order and scores of those Developments released on the pre-application Submission Log do not represent a Commitment on the part of the Department or the Board to allocate tax credits to any Development and the Department bears no liability for decisions made by Applicants based on the results of the pre-application Submission Log. Inclusion of a

pre-application on the pre-application Submission Log does not ensure that an Applicant will receive points for a pre-application.

(d) Applicants that may be requesting a Multifamily Direct Loan from the Department may submit a Request for Preliminary Determination on or before February 13, 2023. The results of evaluation of the Request may be used as evidence of review of the Development and the Principals for purposes of scoring under §11.9(e)(1)(F) of this chapter. Submission of a Request for Preliminary Determination does not obligate the Applicant to request Multifamily Direct Loan funds with their full Application.

§11.9.Competitive HTC Selection Criteria.

(a) General Information. This section identifies the scoring criteria used in evaluating and ranking Applications. The criteria identified in subsections (b) - (e) of this section include those items required under Tex. Gov't Code, Chapter 2306, Code §42, and other criteria established in a manner consistent with Chapter 2306 and Code §42. There is no rounding of numbers in this section for any of the calculations in order to achieve the desired requirement or limitation, unless rounding is explicitly stated as allowed for that particular calculation or criteria. The Application must include one or more maps indicating the location of the Development Site and the related distance to the applicable facility. Distances are to be measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the facility, unless otherwise noted. For the purposes of this section, all measurements will include ingress/egress requirements and any easements regardless of how they will be held. Applications will only be reviewed for point items specifically elected in the Application. Except for scoring items that are awarded based on tiered categories, if an Application is determined to not qualify for the points elected, Department staff will not evaluate the Application to determine whether it might qualify for alternative points.

(b) Criteria promoting development of high quality housing.

(1) Size and Quality of the Units. (§2306.6710(b)(1)(D); 2306.6725(b)(1); §42(m)(1)(C)(iii) and (ix)) An Application may qualify for up to fifteen (15) points under subparagraphs (A) and (B) of this paragraph.

(A) Unit Sizes (6 points). The Development must meet the minimum requirements identified in this subparagraph to qualify for points. Points for this item will be automatically granted for Applications involving Rehabilitation (excluding Reconstruction), for Developments receiving funding from USDA, or for Supportive Housing Developments without meeting these square footage minimums only if requested in the Self Scoring Form. If the Development involves both Rehabilitation and Reconstruction or New Construction, the Reconstruction or New Construction Units must meet these requirements:

Exhibit D

#24091 Claudette Lofts
Pre-Application and Full Application
Tie-Breaker Excerpts

Distance (feet)	
Park	1701
Elementary School	960
Grocery Store	7925
Library	1701
Tie-Breaker:	4,362.00

Tie-Breaker #3 (§11.7(3) of the QAP)

Applications proposed to be located the greatest linear distance from the nearest Housing Tax Credit assisted Development that serves the same Target Population and that was awarded less than 15 years ago according to the Department's property inventory tab of the Site Demographic Characteristics Report.

Development Longitude: -98.505484

Development Latitude: 29.429632

Target Population: General

Closest Development serving
same Population:

Application Number:

Vista Verde I

Click on link to go to property inventory tab of site demographics

8037

Address:

810 & 910 N Frio San Antonio, TX 78207

Year of Award:

2008



Target Population for Closest
Development

General

Distance (feet)	
Park	1701
Elementary School	960
Grocery Store	7925
Library	1701
Tie-Breaker:	4,362.00

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Target Population for Closest
Development

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Click on link to go to property inventory tab of site demographics

8037

810 & 910 N Frio San Antonio, TX 78207

2008 ←

General

Exhibit E
Site Demographics Report

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W		
1	TDHCA#	Program	Original TDHC	Year	Board Approval	Served areadepment	Project Address	Project City	County	Zip Code	Amount	Total Units	HTC Units	Unutilization	Set	ConType	CMTS_ID	Notes in process	Latitude	Longitude	CT 2020	ded/last	ded/last		
1391	08036	9%HTC	05116	2008	10/12/2006	0018	Townhomes Frazier 14500 St.	Hatcher Dallas	Dallas	75210	63797	0	0	0	General		4266	address 01	32.7746 96.7369	54 4811300270	3				
1392	08037	9%HTC	05118	2008	10/12/2006	0018	Vista Verde I & II Apartme 910 N. Frio	San Antonio	Bexar	78207	63584	0	0	0	General		4267	29.4347 74	98.5055 46	4802911060 0					
1393	08038	9%HTC	05124	2008	10/12/2006	0018	TownPar cat Woodwa rd St	Amarillo	Potter	79106	86710	0	0	0	General		4268	address updated	35.1947 468	101.911 1176	4837501170 0				
1394	08039	9%HTC	05125	2008	10/12/2006	0018	La Villita Apartme nts Rockwell Dr.	Brownsvi lle	Cameron	78520	39426	0	0	0	General		4269	25.9318 587	97.4801 851	4806101310 6					
1395	08040	9%HTC	05127	2008	10/12/2006	0018	Navigation Pointe Los Ebanos 1103 Apartme Lincoln St.	Corpus Christi	Nueces	78405	67974	0	0	0	General		4270	27.7706 54	97.4547 55	4835500080 0					
1396	08041	9%HTC	05137	2008	10/12/2006	0018	Arbors at Rose Park 2702 S. 7th St.	Zapata	Zapata	78076	4855	0	0	0	Elderly		4271	26.9036 105	99.2732 46	4850595030 5					
1397	08042	9%HTC	05141	2008	10/12/2006	0018	Deer Palms Linda Vista	Abilene	Taylor	79605	43281	0	0	0	Elderly		4272	32.4438 105	99.7554 849	4844101170 0					
1398	08045	9%HTC	05151	2008	10/12/2006	0018	Deer Palms Linda Vista	El Paso	El Paso	79924	83474	0	0	0	General		4275	31.9050 894	106.386 8078	4814100020 7					
																							ProplInventoryasofNov9		
																							County Codes		
																							MSAs		
																							20% HTC Units		
																							2x units per capita		
																							Education Attainment		
																							Opportunity Index		
																							Population Increase		
																							Quantity of Units		
																							Urban-Rural/24		

Exhibit F

QAP Excerpt - §11.7.

week in a Rural Area. The library must not be age or subject-restricted and must be at least partially funded with government funding.

(B) The linear measurement will be performed from closest parcel boundary of the Development Site to closest parcel boundary of each feature. The Department may prescribe a specific form to be used for the calculation of these distances using GPS coordinates provided by the Applicant.

(C) In calculating this proximity, each feature's distance will be required for submittal, with the sum of the three closest features being used to produce the result. The Application with the lowest sum of proximity will receive preference.

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§11.8.Pre-Application Requirements (Competitive HTC Only).

(a) General Submission Requirements. The pre-application process allows Applicants interested in pursuing an Application to assess potential competition across the 13 state service regions, subregions, and set-asides. Based on an understanding of the potential competition they can make a more informed decision about whether they wish to proceed to prepare and submit an Application. A complete pre-application is a pre-application that meets all of the Department's criteria, as outlined in subsections (a) and (b) of this section.

Exhibit G

#24091 Claudette Lofts
Self-Score

Competitive Housing Tax Credit Selection Self-Score (10 TAC §11.9)

This form will self-populate based on scoring selections made throughout the Application. Applicant should refer to this form to ensure scoring selections are accurate prior to submitting the Application. Corrections must be made in the applicable section(s) of the Application.

Criteria Promoting Development of High Quality Housing

Point Item Description	QAP Reference	Points Selected
Unit Sizes	§11.9(b)(1)(A)	6
Unit, Development Construction, and Energy and Water Efficiency Features	§11.9(b)(1)(B)	9
Sponsor Characteristics	§11.9(b)(2)	2
Quantity of Low-Income Units	§11.9(b)(3)	2
High Quality Housing Total		19

Criteria to Serve and Support Texans Most In Need

Point Item Description	QAP Reference	Points Selected
Income Levels of Residents	§11.9(c)(1)	15
Rent Levels of Residents	§11.9(c)(2)	11
Resident Supportive Services	§11.9(c)(3)	11
Opportunity Index	§11.9(c)(5)	0
Underserved Area	§11.9(c)(6)	4
Residents with Special Housing Needs	§11.9(c)(4)	3
Proximity to Job Areas	§11.9(c)(7)	4
Serve and Support Texans Most in Need Total		48

Criteria Promoting Community Support and Engagement

Point Item Description	QAP Reference	Points Selected
Local Government Support	§11.9(d)(1)	
Commitment of Development Funding by Local Political Subdivision	§11.9(d)(2)	1
Declared Disaster Area	§11.9(d)(3)	10
Quantifiable Community Participation	§11.9(d)(4)	
Community Support from State Representative	§11.9(d)(5)	
Input from Community Organizations	§11.9(d)(6)	
Concerted Revitalization Plan	§11.9(d)(7)	
Community Support and Engagement Total		11

Criteria Promoting the Efficient Use of Limited Resources and Applicant Accountability

Point Item Description	QAP Reference	Points Selected
Financial Feasibility	§11.9(e)(1)	26
Cost of Development per Square Foot	§11.9(e)(2)	12
Pre-application Participation	§11.9(e)(3)	6
Leveraging of Private, State, and Federal Resources	§11.9(e)(4)	3
Extended Affordability	§11.9(e)(5)	4
Historic Preservation	§11.9(e)(6)	0
Right of First Refusal	§11.9(e)(7)	1
Funding Request Amount	§11.9(e)(8)	1
Readiness to Proceed	§11.9(e)(9)	

Efficient Use of Limited Resources and Applicant Accountability Total 53

Point Deductions	§11.9(f)	
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Total Application Self-Score 131

24094

Freedoms Path Kerrville II

**Request for Administrative
Deficiency**

May 3, 2024

Joshua Goldberger
Texas Department of Housing and Community Affairs
221 E 11th Street
Austin, Texas 78701

Re: RFAD for HTC Application 24094 Freedom's Path Kerrville II

Dear Mr. Goldberger:

This is a formal Third Party Request for Administrative Deficiency (RFAD) regarding TDHCA Application 24094 Freedom's Path Kerrville II. This RFAD concerns the Site Control submitted with the Application.

Section 11.204 of the 2024 QAP identifies the Threshold Documentation that is required at the time of Application. Section 11.204(9) outlines the specific Site Control requirements and clearly states that "Evidence that the Development Owner has Site Control must be submitted." The QAP is clear and that in order to establish Site Control, one of the items described in three clauses must be provided.

(B) In order to establish Site Control, one of the items described in clauses (i) - (iii) of this subparagraph must be provided. In the case of land donations, Applicants must demonstrate that the entity donating the land has Site Control as evidenced through one of the items described in clauses (i) - (iii) of this subparagraph or other documentation acceptable to the Department. Site Control items include:

(i) a recorded warranty deed vesting indefeasible title in the Development Owner or, if transferrable to the Development Owner, an Affiliate of the Owner, with corresponding executed settlement statement (or functional equivalent for an existing lease with at least 45 years remaining); or

(ii) a contract or option for lease with a minimum term of 45 years that includes a price; address or legal description; proof of consideration in the form specified in the contract; and expiration date; or

(iii) a contract for sale or an option to purchase that includes a price; address or legal description; proof of consideration in the form specified in the contract; and expiration date.

The 24094 Application submitted a letter from the Department of Veterans Affairs (VA) as evidence of Site Control. The letter states that "Solutions for Veterans, Inc. (the "Developer") has been selected as the preferred Developer for an Enhanced-Use Lease (EUL) project at the South Texas VA Health Care System, Kerrville Campus," but this letter is not a legal contract or option nor is it even signed and accepted by both parties.

The QAP definition of Site Control is as follows and states that the Site Control must be "legally enforceable" and "not subject to any legal defense by the Owner or anyone else."

(120121) Site Control--Ownership or a current contract or series of contracts that meets the requirements of §11.204(109) of this chapter, that is legally enforceable giving the Applicant the ability, not subject to any legal defense by the Owner or anyone else, to develop and operate a Property and subject it to a LURA reflecting the requirements of any awards of assistance it may receive from the Department.

The letter submitted in the Application refers to the Enhanced-Use Lease (EUL) Program, which is found in Title 38, U.S.C. Sections 8161-8169 and the full text is attached. The U.S.C. outlines the specific requirements of the EUL Program, including Title 38, U.S.C. Section 8163 which lists the Hearing and notice requirements regarding proposed leases for the EUL Program. It states that "If the Secretary proposes to enter into an enhanced-use lease with respect to certain property, the Secretary shall conduct a public hearing before entering into the lease." It further states that "If after a hearing under subsection (a) the Secretary intends to enter into an enhanced-use lease of the property involved, the Secretary shall notify the congressional veterans' affairs committees, the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate of the Secretary's intention to enter into such lease, shall publish a notice of such intention in the Federal Register, and shall submit to the congressional veterans' affairs committees a copy of the proposed lease." Finally, it also states that "The Secretary may not enter into an enhanced use lease until the end of the 45-day period beginning on the date of the submission of notice under paragraph (1)."

According to the U.S.C, there are several requirements before entering into an EUL:

- (1) a public hearing must be conducted;
- (2) if after the public hearing the Secretary intends to enter into the lease, a notice must be published in the Federal Register; and
- (3) The Secretary may not enter into an enhanced use lease until the end of the 45-day period beginning on the date of the submission of notice.

The attached documentation shows that the public hearing regarding the Applicant's EUL lease was not held until after the Full Application Delivery Date. Please see the attached notice for the public hearing, which was scheduled for March 7, 2024. The attached news article from March 14, 2024, summarizes the March 7, 2024, public hearing and there are several quotes confirming that a lease has not been drafted nor executed and that final approval from Congress must still take place. As outlined in the U.S.C., there are still several steps that still must occur including a 45-day waiting period.

While the Applicant may have been named the "preferred developer" for this project, the EUL process that would allow the VA to actually enter into a lease agreement had not been completed as of the Full Application Delivery Date. Without final approval of the lease by the VA, we question whether the documentation submitted in this Application satisfies the QAP requirement that the Applicant have legally enforceable Site Control not subject to any legal defense by the owner or anyone else. The letter states that "Should the Developer be unable to secure financing and/or complete the Project Plans for the subject EUL project within 24 months, VA reserves the right to cancel the project or seek another developer. Additionally, VA reserves the right to cancel the project if the Developer does not show sufficient evidence with advancing a draft lease and operating documents e.g. lease exhibits to support the viability of the project."

Please see the attached Memorandum from Winthrop & Weinstine with further discussion and confirmation that the documentation submitted for Freedom's Path Kerrville II does not constitute a valid contract or option under either Texas law or the QAP.

Note that the Applicant's 2012 and 2013 HTC applications for their adjacent development in Kerrville did include an EUL lease signed by both parties. See the attached documentation from Application

12199 Freedoms Path at Kerrville, including confirmation that the public hearing was held prior to the date of Application submission. Also attached is the Federal Register notice of the Intent to Enter into the EUL, also dated prior to the date of Application submission.

In the Certification of Development Owner, the Applicant certified that a Waiver of Rules is not necessary.

Waiver of Rules (10 TAC §11.207)

 X The Development Owner certifies that waiver of rules under 10 TAC §11.207 is **not** necessary.

 The Development Owner requests waiver of _____ (specify section); and

 Documentation to support waiver was previously provided or is in the Application; and

 Documentation submitted establishes how the need for the waiver was not within the control of the Applicant or is due to an overwhelming need and plans for mitigation or alternative solutions has been submitted (as applicable); and

 Documentation submitted establishes how, by granting the waiver, it better serves the policies and purposes articulated in referenced sections of Tex. Gov't Code than not granting the waiver.

Site Control meeting the QAP definition and requirements is a mandatory Threshold requirement due by the Full Application Delivery Date. An Application that is determined to not have valid Site Control would not be able to request a Waiver at this time. Per Section 11.207 of the 2023 QAP, "An Applicant may request a waiver from the Board in writing at or prior to the submission of the pre-application (if applicable) or the Application or subsequent to an award. Waiver requests on Competitive HTC Applications will not be accepted between submission of the Application and any award for the Application."

In conclusion, without an existing Waiver or the ability to request a Waiver at this time, Freedom's Path Kerrville II must meet the explicit requirements regarding Site Control as outlined in the 2024 QAP. A selection letter does not constitute a contract or option, does not constitute final approval from the VA, specific early steps of the EUL process were not started until after the Full Application Delivery Date, and the Applicant still does not have approval for this project that would constitute a binding agreement. The Site Control documentation submitted by Freedom's Path Kerrville II in the Full Application does not meet QAP requirements.

Thank you for your attention to this matter.

Sincerely,



April Engstrom
Director of Development
Overland Property Group

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1976 AMENDMENT**

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

§ 8157. Joint title to medical equipment

(a) Subject to subsection (b), the Secretary may enter into agreements with institutions described in section 8153(a) of this title for the joint acquisition of medical equipment.

(b)(1) The Secretary may not pay more than one-half of the purchase price of equipment acquired through an agreement under subsection (a).

(2) Any equipment to be procured under such an agreement shall be procured by the Secretary. Title to such equipment shall be held jointly by the United States and the institution.

(3) Before equipment acquired under such an agreement may be used, the parties to the agreement shall arrange by contract under section 8153 of this title for the exchange or use of the equipment.

(4) The Secretary may not contract for the acquisition of medical equipment to be purchased jointly under an agreement under subsection (a) until the institution which enters into the agreement provides to the Secretary its share of the purchase price of the medical equipment.

(c)(1) Notwithstanding any other provision of law, the Secretary may transfer the interest of the Department in equipment acquired through an agreement under subsection (a) to the institution which holds joint title to the equipment if the Secretary determines that the transfer would be justified by compelling clinical considerations or the economic interest of the Department. Any such transfer may only be made upon agreement by the institution to pay to the Department the amount equal to one-half of the depreciated purchase price of the equipment. Any such payment when received shall be credited to the applicable Department medical appropriation.

(2) Notwithstanding any other provision of law, the Secretary may acquire the interest of an institution in equipment acquired under subsection (a) if the Secretary determines that the acquisition would be justified by compelling clinical considerations or the economic interests of the Department. The Secretary may not pay more than one-half the depreciated purchase price of that equipment.

(Added Pub. L. 102-405, title I, § 103(a)(1), Oct. 9, 1992, 106 Stat. 1973.)

§ 8158. Deposit in escrow

(a) To facilitate the procurement of medical equipment pursuant to section 8157 of this title, the Secretary may enter into escrow agreements with institutions described in section 8153(a) of this title. Any such agreement shall provide that—

(1) the institutions shall pay to the Secretary the funds necessary to make a payment under section 8157(b)(4) of this title;

(2) the Secretary, as escrow agent, shall administer those funds in an escrow account; and

(3) the Secretary shall disburse the escrowed funds to pay for such equipment upon its delivery or in accordance with the contract to procure the equipment and shall disburse all accrued interest or other earnings on the escrowed funds to the institution.

(b) As escrow agent for funds placed in escrow pursuant to an agreement under subsection (a), the Secretary may—

(1) invest the escrowed funds in obligations of the Federal Government or obligations which are insured or guaranteed by the Federal Government;

(2) retain in the escrow account interest or other earnings on such investments;

(3) disburse the funds pursuant to the escrow agreement; and

(4) return undisbursed funds to the institution.

(c)(1) If the Secretary enters into an escrow agreement under this section, the Secretary may enter into an agreement to procure medical equipment if one-half the purchase price of the equipment is available in an appropriation or fund for the expenditure or obligation.

(2) Funds held in an escrow account under this section shall not be considered to be public funds.

(Added Pub. L. 102-405, title I, § 103(a)(1), Oct. 9, 1992, 106 Stat. 1974.)

§ 8159. Authority to pay for services authorized but not subject to an agreement

(a) **IN GENERAL.**—If, in the course of furnishing hospital care, a medical service, or an extended care service authorized by the Secretary and pursuant to a contract, agreement, or other arrangement with the Secretary, a provider who is not a party to the contract, agreement, or other arrangement furnishes hospital care, a medical service, or an extended care service that the Secretary considers necessary, the Secretary may compensate the provider for the cost of such care or service.

(b) **NEW CONTRACTS AND AGREEMENTS.**—The Secretary shall take reasonable efforts to enter into a contract, agreement, or other arrangement with a provider described in subsection (a) to ensure that future care and services authorized by the Secretary and furnished by the provider are subject to such a contract, agreement, or other arrangement.

(Added Pub. L. 115-182, title I, § 112(a), June 6, 2018, 132 Stat. 1421.)

SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY**§ 8161. Definitions**

For the purposes of this subchapter:

(1) The term “enhanced-use lease” means a written lease entered into by the Secretary under this subchapter.

(2) The term “congressional veterans’ affairs committees” means the Committees on Veterans’ Affairs of the Senate and the House of Representatives.

(3) The term “supportive housing” means housing that engages tenants in on-site and

community-based support services for veterans or their families that are at risk of homelessness or are homeless. Such term may include the following:

- (A) Transitional housing.
- (B) Single-room occupancy.
- (C) Permanent housing.
- (D) Congregate living housing.
- (E) Independent living housing.
- (F) Assisted living housing.
- (G) Other modalities of housing.

(4) The term “lessee” means the party with whom the Secretary has entered into an enhanced-use lease under this subchapter.

(5) The term “major enhanced-use lease” means an enhanced-use lease that includes consideration consisting of an average annual rent of more than \$10,000,000.

(Added Pub. L. 102–86, title IV, § 401(a), Aug. 14, 1991, 105 Stat. 417; amended Pub. L. 112–154, title II, § 211(a), Aug. 6, 2012, 126 Stat. 1179; Pub. L. 114–226, § 3(d), Sept. 29, 2016, 130 Stat. 932.)

Editorial Notes

AMENDMENTS

2016—Pars. (4), (5). Pub. L. 114–226 added pars. (4) and (5).

2012—Par. (3). Pub. L. 112–154 added par. (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–154, title II, § 211(k), Aug. 6, 2012, 126 Stat. 1182, provided that “Except as otherwise provided in this section [enacting section 8168 of this title, amending this section and sections 8162, 8164 to 8167, and 8169 of this title, and enacting provisions set out as notes under sections 8162 and 8168 of this title], the amendments made by this section shall take effect on the date of the enactment of this Act [Aug. 6, 2012].”

TRAINING AND OUTREACH REGARDING AUTHORITY

Pub. L. 106–117, title II, § 208(f), Nov. 30, 1999, 113 Stat. 1568, provided that: “The Secretary [of Veterans Affairs] shall take appropriate actions to provide training and outreach to personnel at Department [of Veterans Affairs] medical centers regarding the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code. The training and outreach shall address methods of approaching potential lessees in the medical or commercial sectors regarding the possibility of entering into leases under that authority and other appropriate matters.”

INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR USE OF AUTHORITY

Pub. L. 106–117, title II, § 208(g), Nov. 30, 1999, 113 Stat. 1568, provided that:

“(1) The Secretary [of Veterans Affairs] shall take appropriate actions to secure from an appropriate entity (or entities) independent of the Department [of Veterans Affairs] an analysis (or analyses) of opportunities for the use of the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code.

“(2) An analysis under paragraph (1) shall include—

“(A) a survey of facilities of the Department for purposes of identifying Department property that presents an opportunity for lease under the enhanced-use lease authority;

“(B) an assessment of the feasibility of entering into enhanced-use leases under that authority in the case of any property identified under subparagraph (A) as presenting an opportunity for such lease; and

“(C) an assessment of the resources required at the Department facilities concerned, and at the Department Central Office, in order to facilitate the entering into of enhanced-use leases in the case of property so identified.

“(3) If as a result of a survey under paragraph (2)(A) an entity carrying out an analysis under this subsection determines that a particular Department property presents no opportunities for lease under the enhanced-use lease authority, the analysis shall include the entity’s explanation of that determination.

“(4) If as a result of such a survey an entity carrying out an analysis under this subsection determines that certain Department property presents an opportunity for lease under the enhanced-use lease authority, the analysis shall include a single integrated business plan, developed by the entity, that addresses the strategy and resources necessary to implement the plan for all property determined to present an opportunity for such lease.”

ENHANCED USE LEASES

Pub. L. 104–110, title II, § 202(c), Feb. 13, 1996, 110 Stat. 771, provided that: “The Secretary shall submit to Congress, not later than March 31, 1997, a report evaluating the operation of the program under subchapter V of chapter 81 of title 38, United States Code.”

§ 8162. Enhanced-use leases

(a)(1) The Secretary may in accordance with this subchapter enter into leases with respect to real property that is under the jurisdiction or control of the Secretary. Any such lease under this subchapter may be referred to as an “enhanced-use lease”. The Secretary may dispose of any such property that is leased to another party under this subchapter in accordance with section 8164 of this title. The Secretary may exercise the authority provided by this subchapter notwithstanding section 8122 of this title, subchapter II of chapter 5 of title 40, sections 541–555 and 1302 of title 40, or any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section. The applicability of this subchapter to section 421(b) of the Veterans’ Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553) is covered by subsection (c).

(2)(A) The Secretary may enter into an enhanced-use lease on or after the date of the enactment of this paragraph only if the Secretary determines—

(i) that the lease will not be inconsistent with, and will not adversely affect—

(I) the mission of the Department; or

(II) the operation of facilities, programs, and services of the Department in the area of the leased property; and

(ii) that—

(I) the lease will enhance the use of the leased property by directly or indirectly benefitting veterans; or

(II) the leased property will provide supportive housing.

(B) The Secretary shall give priority to enhanced-use leases that, on the leased property—

(i) provide supportive housing for veterans;

(ii) provide direct services or benefits targeted to veterans; or

(iii) provide services or benefits that indirectly support veterans.

(3) The provisions of sections 3141–3144, 3146, and 3147 of title 40 shall not, by reason of this

section, become inapplicable to property that is leased to another party under an enhanced-use lease.

(4) A property that is leased to another party under an enhanced-use lease may not be considered to be unutilized or underutilized for purposes of section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(b)(1) If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall, at the Secretary's discretion, select the party with whom the lease will be entered into using such selection procedures as the Secretary considers appropriate.

(2) The term of an enhanced-use lease may not exceed 99 years.

(3)(A) For any enhanced-use lease entered into by the Secretary, the lease consideration provided to the Secretary shall consist solely of cash at fair value as determined by the Secretary.

(B) The Secretary shall receive no other type of consideration for an enhanced-use lease besides cash.

(C) The Secretary may enter into an enhanced-use lease without receiving consideration.

(D) The Secretary may not waive or postpone the obligation of a lessee to pay any consideration under an enhanced-use lease, including monthly rent.

(4) The terms of an enhanced-use lease may provide for the Secretary to use minor construction funds for capital contribution payments.

(5) The terms of an enhanced-use lease may not provide for any acquisition, contract, demonstration, exchange, grant, incentive, procurement, sale, other transaction authority, service agreement, use agreement, lease, or lease-back by the Secretary or Federal Government.

(6) The Office of Management and Budget shall review each enhanced-use lease before the lease goes into effect to determine whether the lease is in compliance with paragraph (5).

(c) The entering into an enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) or section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008, other than an enhanced-use lease under the Los Angeles Homeless Veterans Leasing Act of 2016, shall be considered to be prohibited by such sections unless specifically authorized by law.

(d)(1) Nothing in this subchapter authorizes the Secretary to enter into an enhanced-use lease that provides for, is contingent upon, or otherwise authorizes the Federal Government to guarantee a loan made by a third party to a lessee for purposes of the enhanced-use lease.

(2) Nothing in this subchapter shall be construed to abrogate or constitute a waiver of the sovereign immunity of the United States with respect to any loan, financing, or other financial agreement entered into by the lessee and a third party relating to an enhanced-use lease.

(Added Pub. L. 102-86, title IV, § 401(a), Aug. 14, 1991, 105 Stat. 417; amended Pub. L. 106-117, title II, § 208(a), (b), Nov. 30, 1999, 113 Stat. 1567; Pub.

L. 106-400, § 2, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 107-95, § 10(b), Dec. 21, 2001, 115 Stat. 920; Pub. L. 107-217, § 3(j)(5), Aug. 21, 2002, 116 Stat. 1300; Pub. L. 108-178, § 4(i)(1), Dec. 15, 2003, 117 Stat. 2642; Pub. L. 110-161, div. I, title II, § 224(c), Dec. 26, 2007, 121 Stat. 2272; Pub. L. 112-154, title II, § 211(b)(1), (c)(1), (d), Aug. 6, 2012, 126 Stat. 1180, 1181; Pub. L. 114-58, title VI, § 601(25), Sept. 30, 2015, 129 Stat. 539; Pub. L. 114-226, §§ 2(m)(2)—3(b), Sept. 29, 2016, 130 Stat. 930; Pub. L. 115-182, title II, § 212, June 6, 2018, 132 Stat. 1461; Pub. L. 117-168, title VII, § 705(a), (b), Aug. 10, 2022, 136 Stat. 1799, 1800.)

Editorial Notes

REFERENCES IN TEXT

Section 421(b) of the Veterans' Benefits and Services Act of 1988, referred to in subsecs. (a)(1) and (c), is section 421(b) of Pub. L. 100-322, title IV, May 20, 1988, 102 Stat. 553, which is not classified to the Code.

The date of the enactment of this paragraph, referred to in subsec. (a)(2)(A), is the date of enactment of Pub. L. 117-168, which was approved Aug. 10, 2022.

Section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008, referred to in subsec. (c), is section 224(a) of title II of div. I of Pub. L. 110-161, Dec. 26, 2007, 121 Stat. 2272, which is not classified to the Code.

No act with the title "Los Angeles Homeless Veterans Leasing Act of 2016", referred to in subsec. (c), has been enacted. However, a bill, H.R. 3484, entitled "Los Angeles Homeless Veterans Leasing Act of 2016", was introduced in the House of Representatives on Sept. 10, 2015, during the 114th Congress. That bill contained provisions similar to section 2 of Pub. L. 114-226, Sept. 29, 2016, 130 Stat. 926, known as the "West Los Angeles Leasing Act of 2016". Section 2(m)(2) of Pub. L. 114-226 amended this section; the remainder of section 2 of Pub. L. 114-226 is not classified to the Code.

AMENDMENTS

2022—Subsec. (a)(2). Pub. L. 117-168, § 705(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The Secretary may enter into an enhanced-use lease only for the provision of supportive housing and if the lease is not inconsistent with and will not adversely affect the mission of the Department."

Subsec. (b)(2). Pub. L. 117-168, § 705(b), substituted "99 years" for "75 years".

2018—Subsec. (b)(6). Pub. L. 115-182, which directed the general amendment of "section 8162(b)(6)" without specifying the Code title to be amended, was executed by generally amending par. (6) of subsec. (b) of this section, to reflect the probable intent of Congress. Prior to amendment, par. (6) read as follows: "The Secretary may not enter into an enhanced-use lease without certification in advance in writing by the Director of the Office of Management and Budget that such lease complies with the requirements of this subchapter."

2016—Subsec. (b)(3)(D). Pub. L. 114-226, § 3(a), added subpar. (D).

Subsec. (c). Pub. L. 114-226, § 2(m)(2), inserted "other than an enhanced-use lease under the Los Angeles Homeless Veterans Leasing Act of 2016," before "shall be considered".

Subsec. (d). Pub. L. 114-226, § 3(b), added subsec. (d).

2015—Subsec. (a)(2). Pub. L. 114-58 inserted "if" after "housing and".

2012—Subsec. (a)(2). Pub. L. 112-154, § 211(b)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The Secretary may enter into an enhanced-use lease only if—

"(A) the Secretary determines that—

"(i) at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department;

“(ii) the lease will not be inconsistent with and will not adversely affect the mission of the Department; and

“(iii) the lease will enhance the use of the property; or

“(B) the Secretary determines that the implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”

Subsec. (b)(1). Pub. L. 112-154, §211(c)(1)(A), substituted “If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall, at the Secretary’s discretion, select the party with whom the lease will be entered into using such selection procedures as the Secretary considers appropriate.” for subpars. (A) and (B) which read as follows:

“(A) If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall select the party with whom the lease will be entered into using selection procedures determined by the Secretary that ensure the integrity of the selection process.

“(B) In the case of a property that the Secretary determines is appropriate for use as a facility to furnish services to homeless veterans under chapter 20 of this title, the Secretary may enter into an enhanced-use lease with a provider of homeless services without regard to the selection procedures required under subparagraph (A).”

Subsec. (b)(3). Pub. L. 112-154, §211(c)(1)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows:

“(3)(A) Each enhanced-use lease shall be for fair consideration, as determined by the Secretary. Consideration under such a lease may be provided in whole or in part through consideration in-kind.

“(B) Consideration in-kind may include provision of goods or services of benefit to the Department, including construction, repair, remodeling, or other physical improvements of Department facilities, maintenance of Department facilities, or the provision of office, storage, or other usable space.”

Subsec. (b)(4). Pub. L. 112-154, §211(c)(1)(C), substituted “Secretary to use minor” for “Secretary to—

“(A) obtain facilities, space, or services on the leased property; and

“(B) use minor”.

Subsec. (b)(5), (6). Pub. L. 112-154, §211(c)(1)(D), added pars. (5) and (6).

Subsec. (c). Pub. L. 112-154, §211(d), struck out par. (1) designation, substituted “The” for “Subject to paragraph (2), the” and struck out par. (2) which provided conditions under which entering into enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans’ Benefits and Services Act of 1988 (Pub. L. 100-322) would not be considered prohibited under such section.

2007—Subsec. (c)(1). Pub. L. 110-161 inserted “or section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008” after “section 421(b)(2) of the Veterans’ Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553)” and substituted “such sections” for “that section”.

2003—Subsec. (a)(3). Pub. L. 108-178 struck out comma after “of title 40”.

2002—Subsec. (a)(1). Pub. L. 107-217, §3(j)(5)(A), substituted “subchapter II of chapter 5 of title 40, sections 541-555 and 1302 of title 40” for “section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484)”.

Subsec. (a)(3). Pub. L. 107-217, §3(j)(5)(B), substituted “sections 3141-3144, 3146, and 3147 of title 40” for “the Act of March 3, 1931 (40 U.S.C. 276a et seq.)”.

2001—Subsec. (b)(1). Pub. L. 107-95 designated existing provisions as subpar. (A) and added subpar. (B).

2000—Subsec. (a)(4). Pub. L. 106-400 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act”.

1999—Subsec. (a)(2). Pub. L. 106-117, §208(a), inserted subpar. (A) designation before “the Secretary”, redesignated subpars. (A) to (C) as cls. (i) to (iii), respectively, and realigned the margins, substituted “; or” for period at end of cl. (iii), and added subpar. (B).

Subsec. (b)(2). Pub. L. 106-117, §208(b)(1), substituted “may not exceed 75 years.” for “may not exceed—”

“(A) 35 years, in the case of a lease involving the construction of a new building or the substantial rehabilitation of an existing building, as determined by the Secretary; or

“(B) 20 years, in the case of a lease not described in subparagraph (A).”

Subsec. (b)(4). Pub. L. 106-117, §208(b)(2), added par. (4) and struck out former par. (4) which read as follows: “Any payment by the Secretary for the use of space or services by the Department on property that has been leased under this subchapter may only be made from funds appropriated to the Department for the activity that uses the space or services. No other such payment may be made by the Secretary to a lessee under an enhanced-use lease unless the authority to make the payment is provided in advance in an appropriation Act.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-154, title II, §211(b)(2), Aug. 6, 2012, 126 Stat. 1180, provided that:

“(A) IN GENERAL.—Paragraph (2) of section 8162(a) of title 38, United States Code, as amended by paragraph (1), shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.

“(B) PREVIOUS LEASES.—Any enhanced-use lease that the Secretary has entered into prior to the date described in subparagraph (A) shall be subject to the provisions of subchapter V of chapter 81 of such title, as in effect on the day before the date of the enactment of this Act [Aug. 6, 2012].”

Pub. L. 112-154, title II, §211(c)(2), Aug. 6, 2012, 126 Stat. 1181, provided that: “Paragraph (3) of section 8162(b), as amended by paragraph (1)(B) of this subsection, shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.”

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-161, div. I, title II, §224(d), Dec. 26, 2007, 121 Stat. 2272, provided that: “This section [amending this section], including the amendment made by this section, shall apply with respect to fiscal year 2008 and each fiscal year thereafter.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-95, §10(c), Dec. 21, 2001, 115 Stat. 920, provided that: “The amendments made by subsection (b) [amending this section] shall apply to leases entered into on or after the date of the enactment of this Act [Dec. 21, 2001].”

§ 8163. Hearing and notice requirements regarding proposed leases

(a) If the Secretary proposes to enter into an enhanced-use lease with respect to certain property, the Secretary shall conduct a public hearing before entering into the lease. The hearing shall be conducted in the community in which

the property is located. At the hearing, the Secretary shall receive the views of veterans service organizations and other interested parties regarding the proposed lease of the property and the possible effects of the uses to be made of the property under a lease of the general character then contemplated. The possible effects to be addressed at the hearing shall include effects on—

- (1) local commerce and other aspects of the local community;
- (2) programs administered by the Department; and
- (3) services to veterans in the community.

(b) Before conducting such a hearing, the Secretary shall provide reasonable notice to the congressional veterans' affairs committees and to the public of the proposed lease and of the hearing. The notice shall include the following:

- (1) The time and place of the hearing.
- (2) Identification of the property proposed to be leased.

(3) A description of the proposed uses of the property under the lease.

(4) A description of how the uses to be made of the property under a lease of the general character then contemplated—

(A) would—

- (i) contribute in a cost-effective manner to the mission of the Department;
- (ii) not be inconsistent with the mission of the Department;
- (iii) not adversely affect the mission of the Department; and
- (iv) affect services to veterans; or

(B) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.

(5) A description of how those uses would affect services to veterans.

(c)(1) If after a hearing under subsection (a) the Secretary intends to enter into an enhanced-use lease of the property involved, the Secretary shall notify the congressional veterans' affairs committees, the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate of the Secretary's intention to enter into such lease, shall publish a notice of such intention in the Federal Register, and shall submit to the congressional veterans' affairs committees a copy of the proposed lease. With respect to a major enhanced-use lease, upon the request of the congressional veterans' affairs committees, not later than 30 days after the date of such notice, the Secretary shall testify before the committees on the major enhanced-use lease, including with respect to the status of the lease, the cost, and the plans to carry out the activities under the lease. The Secretary may not delegate such testifying below the level of the head of the Office of Asset Enterprise Management of the Department or any successor to such office.

(2) The Secretary may not enter into an enhanced use lease until the end of the 45-day period beginning on the date of the submission of notice under paragraph (1).

(3) Each notice under paragraph (1) shall include the following:

(A) An identification of the property involved.

(B) An explanation of the background of, rationale for, and economic factors in support of, the proposed lease.

(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed designation, together with a summary of the Secretary's evaluation of those views.

(D) A description of the provisions of the proposed lease.

(E) A description of how the proposed lease—

(i) would—

(I) contribute in a cost-effective manner to the mission of the Department;

(II) not be inconsistent with the mission of the Department;

(III) not adversely affect the mission of the Department; and

(IV) affect services to veterans; or

(ii) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.

(F) A description of how the proposed lease would affect services to veterans.

(G) A summary of a cost-benefit analysis of the proposed lease.

(Added Pub. L. 102-86, title IV, § 401(a), Aug. 14, 1991, 105 Stat. 419; amended Pub. L. 106-117, title II, § 208(c), Nov. 30, 1999, 113 Stat. 1567; Pub. L. 106-419, title II, § 241, title IV, § 404(b)(1), Nov. 1, 2000, 114 Stat. 1847, 1865; Pub. L. 108-170, title II, § 202(a), (d)(1), Dec. 6, 2003, 117 Stat. 2047, 2048; Pub. L. 114-226, § 3(c)(1), Sept. 29, 2016, 130 Stat. 931.)

Editorial Notes

AMENDMENTS

2016—Subsec. (c)(1). Pub. L. 114-226 inserted “, the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate” after “notify the congressional veterans' affairs committees”, substituted “, shall publish” for “and shall publish”, inserted “, and shall submit to the congressional veterans' affairs committees a copy of the proposed lease” after “in the Federal Register”, and inserted at end “With respect to a major enhanced-use lease, upon the request of the congressional veterans' affairs committees, not later than 30 days after the date of such notice, the Secretary shall testify before the committees on the major enhanced-use lease, including with respect to the status of the lease, the cost, and the plans to carry out the activities under the lease. The Secretary may not delegate such testifying below the level of the head of the Office of Asset Enterprise Management of the Department or any successor to such office.”

2003—Pub. L. 108-170, § 202(d)(1), substituted “Hearing and notice requirements regarding proposed leases” for “Designation of property to be leased” in section catchline.

Subsec. (a). Pub. L. 108-170, § 202(a)(1), in first sentence, substituted “enter into an enhanced-use lease with respect to certain property” for “designate a property to be leased under an enhanced-use lease” and “before entering into the lease” for “before making the designation”.

Subsec. (b). Pub. L. 108-170, § 202(a)(2), substituted “to the congressional veterans' affairs committees and to

the public of the proposed lease" for "of the proposed designation" in introductory provisions.

Subsec. (c)(1). Pub. L. 108-170, § 202(a)(3)(A), substituted "enter into an enhanced-use lease of the property involved" for "designate the property involved" and "to enter into such lease" for "to so designate the property".

Subsec. (c)(2). Pub. L. 108-170, § 202(a)(3)(B), substituted "45-day period" for "90-day period".

Subsec. (c)(3)(D). Pub. L. 108-170, § 202(a)(3)(C)(i), substituted "description of the provisions" for "general description".

Subsec. (c)(3)(G). Pub. L. 108-170, § 202(a)(3)(C)(ii), added subpar. (G).

Subsec. (c)(4). Pub. L. 108-170, § 202(a)(3)(D), struck out par. (4) which read as follows: "Not less than 30 days before entering into an enhanced-use lease, the Secretary shall submit to the congressional veterans' affairs committees a report on the proposed lease. The report shall include—

"(A) updated information with respect to the matters described in paragraph (3);

"(B) a summary of a cost-benefit analysis of the proposed lease;

"(C) a description of the provisions of the proposed lease; and

"(D) a notice of designation with respect to the property."

2000—Subsec. (c)(2). Pub. L. 106-419, § 241, amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The Secretary may not enter into an enhanced-use lease until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain."

Subsec. (c)(3)(E). Pub. L. 106-419, § 404(b)(1), amended directory language of Pub. L. 106-117, § 208(c)(2). See 1999 Amendment note below.

1999—Subsec. (b). Pub. L. 106-117, § 208(c)(1)(A), substituted "include the following:" for "include—" in introductory provisions.

Subsec. (b)(1) to (3). Pub. L. 106-117, § 208(c)(1)(B), (C), capitalized the first letter of the first word and substituted a period for the semicolon at end.

Subsec. (b)(4). Pub. L. 106-117, § 208(c)(1)(B), (D), in introductory provisions, capitalized the first letter of the first word, added subpars. (A) and (B), and struck out former subpars. (A) to (C) which read as follows:

"(A) would contribute in a cost-effective manner to the mission of the Department;

"(B) would not be inconsistent with the mission of the Department; and

"(C) would not adversely affect the mission of the Department; and".

Subsec. (b)(5). Pub. L. 106-117, § 208(c)(1)(B), capitalized the first letter of the first word.

Subsec. (c)(3)(E). Pub. L. 106-117, § 208(c)(2), as amended by Pub. L. 106-419, § 404(b)(1), substituted cls. (i) and (ii) for former cls. (i) to (iii) which read as follows:

"(i) would contribute in a cost-effective manner to the mission of the Department;

"(ii) would not be inconsistent with the mission of the Department; and

"(iii) would not adversely affect the mission of the Department."

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-419, title IV, § 404(b)(1), Nov. 1, 2000, 114 Stat. 1865, provided that the amendment made by section 404(b)(1) is effective Nov. 30, 1999, and as if included in Pub. L. 106-117 as originally enacted.

§ 8164. Authority for disposition of leased property

(a) If, during the term of an enhanced-use lease or within 30 days after the end of the term of the lease, the Secretary determines that the leased property is no longer needed by the Department, the Secretary may initiate action for the transfer to the lessee of all right, title, and interest of the United States in the property. A disposition of property may not be made under this section unless the Secretary determines that the disposition under this section rather than under section 8118 or 8122 of this title is in the best interests of the Department.

(b) A disposition under this section may be made in return for cash at fair value as the Secretary determines is in the best interest of the United States and upon such other terms and conditions as the Secretary considers appropriate.

(c) Not less than 45 days before a disposition of property is made under this section, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intent to dispose of the property and shall publish notice of the proposed disposition in the Federal Register. The notice shall describe the background of, rationale for, and economic factors in support of, the proposed disposition (including a cost-benefit analysis summary) and the method, terms, and conditions of the proposed disposition.

(Added Pub. L. 102-86, title IV, § 401(a), Aug. 14, 1991, 105 Stat. 420; amended Pub. L. 108-170, title II, § 202(b), Dec. 6, 2003, 117 Stat. 2047; Pub. L. 108-422, title IV, § 411(e)(3), Nov. 30, 2004, 118 Stat. 2390; Pub. L. 112-154, title II, § 211(e), Aug. 6, 2012, 126 Stat. 1181.)

Editorial Notes

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-154 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "A disposition under this section may be made for such consideration as the Secretary determines is in the best interest of the United States and upon such other terms and conditions as the Secretary considers appropriate."

2004—Subsec. (a). Pub. L. 108-422 inserted "8118 or" after "rather than under section".

2003—Subsec. (a). Pub. L. 108-170, § 202(b)(1), struck out "by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b)" after "in the property" in first sentence and struck out at end "The Administrator, upon request of the Secretary, shall take appropriate action under this section to dispose of property of the Department that is or has been subject to an enhanced-use lease."

Subsec. (b). Pub. L. 108-170, § 202(b)(2), substituted "Secretary determines" for "Secretary and the Administrator of General Services jointly determine" and "Secretary considers" for "Secretary and the Administrator consider".

Subsec. (c). Pub. L. 108-170, § 202(b)(3), substituted "45 days" for "90 days".

§ 8165. Use of proceeds

(a)(1) Funds received by the Department under an enhanced-use lease and remaining after any deduction from those funds under subsection (b) shall, at the discretion of the Secretary, be deposited in—

(A) the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title; or

(B) the Medical Facilities or Construction, Minor Projects account of the Department to be used to defray the costs of administration, maintenance, repair, and related expenses incurred by the Department with respect to property that is owned by or under the jurisdiction or control of the Department.

(2) Funds received by the Department from a disposal of leased property under section 8164 of this title shall be deposited into the Department of Veterans Affairs Construction, Major Projects account or Construction, Minor Projects account, as the Secretary considers appropriate.

(b) An amount sufficient to pay for any expenses incurred by the Secretary in any fiscal year in connection with an enhanced-use lease shall be deducted from the proceeds of the lease for that fiscal year and may be used by the Secretary to reimburse the account from which the funds were used to pay such expenses. The Secretary may use the proceeds from any enhanced-use lease to reimburse applicable appropriations of the Department for any expenses incurred in the development of additional enhanced-use leases.

(Added Pub. L. 102-86, title IV, §401(a), Aug. 14, 1991, 105 Stat. 421; amended Pub. L. 106-117, title II, §208(d), Nov. 30, 1999, 113 Stat. 1568; Pub. L. 107-217, §3(j)(6), Aug. 21, 2002, 116 Stat. 1301; Pub. L. 108-7, div. K, title I, §113(d)(1), Feb. 20, 2003, 117 Stat. 483; Pub. L. 108-170, title II, §202(c), Dec. 6, 2003, 117 Stat. 2048; Pub. L. 108-178, §4(i)(2), Dec. 15, 2003, 117 Stat. 2642; Pub. L. 108-422, title IV, §411(e)(4), Nov. 30, 2004, 118 Stat. 2390; Pub. L. 112-154, title II, §211(f), Aug. 6, 2012, 126 Stat. 1181; Pub. L. 117-168, title VII, §705(c), Aug. 10, 2022, 136 Stat. 1800.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(1). Pub. L. 117-168 substituted “shall, at the discretion of the Secretary, be deposited in—” and subpars. (A) and (B) for “shall be deposited in the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title.”

2012—Subsec. (a)(2). Pub. L. 112-154 substituted “into the Department of Veterans Affairs Construction, Major Projects account or Construction, Minor Projects account, as the Secretary considers appropriate” for “in the Department of Veterans Affairs Capital Asset Fund established under section 8118 of this title”.

2004—Subsec. (a)(2). Pub. L. 108-422 substituted “Department of Veterans Affairs Capital Asset Fund established under section 8118 of this title” for “nursing home revolving fund”.

2003—Subsec. (a)(1). Pub. L. 108-7 substituted “Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title” for “Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title”.

Subsec. (a)(2). Pub. L. 108-170, §202(c)(1), struck out “and remaining after any deduction from such funds under the laws referred to in subsection (c)” after “title”.

Subsec. (b). Pub. L. 108-170, §202(c)(2), inserted at end “The Secretary may use the proceeds from any en-

hanced-use lease to reimburse applicable appropriations of the Department for any expenses incurred in the development of additional enhanced-use leases.”

Subsec. (c). Pub. L. 108-178 struck out comma after “of title 40”.

Pub. L. 108-170, §202(c)(3), struck out subsec. (c) which read as follows: “Subsection (a) does not affect the applicability of subchapter IV of chapter 5 of title 40 with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title.”

2002—Subsec. (c). Pub. L. 107-217 substituted “subchapter IV of chapter 5 of title 40” for “section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a)”.

1999—Subsec. (a)(1). Pub. L. 106-117 added par. (1) and struck out former par. (1) which read as follows: “Of the funds received by the Department under an enhanced-use lease and remaining after any deduction from such funds under subsection (b), 75 percent shall be deposited in the nursing home revolving fund established under section 8116 of this title and 25 percent shall be credited to the Medical Care Account of the Department for the use of the Department facility at which the property is located.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

§ 8166. Construction standards

The construction, alteration, repair, remodeling, or improvement of a property that is the subject of an enhanced-use lease shall be carried out so as to comply with all applicable provisions of Federal, State, and local law relating to land use, building standards, permits, and inspections.

(Added Pub. L. 102-86, title IV, §401(a), Aug. 14, 1991, 105 Stat. 421; amended Pub. L. 108-422, title IV, §417, Nov. 30, 2004, 118 Stat. 2393; Pub. L. 112-154, title II, §211(g), Aug. 6, 2012, 126 Stat. 1181.)

Editorial Notes

AMENDMENTS

2012—Pub. L. 112-154 amended section generally. Prior to amendment, section read as follows:

“(a) Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of the property that is the subject of the lease shall be carried out so as to comply with all standards applicable to construction of Federal buildings. Any such construction, alteration, repair, remodeling, or improvement shall not be subject to any State or local law relating to land use, building codes, permits, or inspections unless the Secretary provides otherwise.

“(b) Unless the Secretary has provided that Federal construction standards are not applicable to a property, the Secretary shall conduct periodic inspections of any such construction, alteration, repair, remodeling, or improvement for the purpose of ensuring that the standards are met.”

2004—Subsec. (a). Pub. L. 108-422 inserted “land use,” after “relating to” in second sentence.

§ 8167. Exemption from State and local taxes

(a) IMPROVEMENTS AND OPERATIONS NOT EXEMPTED.—The improvements and operations on

land leased by a person with an enhanced-use lease from the Secretary shall be subject to all applicable provisions of Federal, State, or local law relating to taxation, fees, and assessments.

(b) **UNDERLYING FEE TITLE INTEREST EXEMPTED.**—The underlying fee title interest of the United States in any land subject to an enhanced-use lease shall not be subject, directly or indirectly, to any provision of State or local law relating to taxation, fees, or assessments.

(Added Pub. L. 102-86, title IV, § 401(a), Aug. 14, 1991, 105 Stat. 421; amended Pub. L. 112-154, title II, § 211(h), Aug. 6, 2012, 126 Stat. 1181.)

Editorial Notes

AMENDMENTS

2012—Pub. L. 112-154 amended section generally. Prior to amendment, section read as follows: “The interest of the United States in any property subject to an enhanced-use lease and any use by the United States of such property during such lease shall not be subject, directly or indirectly, to any State or local law relative to taxation, fees, assessments, or special assessments, except sales taxes charged in connection with any construction, alteration, repair, remodeling, or improvement project carried out under the lease.”

§ 8168. Annual reports

(a) **REPORT ON ADMINISTRATION OF LEASES.**—(1) Not later than 120 days after the date of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 and not less frequently than once each year thereafter, the Secretary shall submit to the congressional veterans' affairs committees, the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate a report on enhanced-use leases.

(2) Each report under paragraph (1) shall include the following:

(A) Identification of the actions taken by the Secretary to implement and administer enhanced-use leases.

(B) For the most recent fiscal year covered by the report, the amounts deposited into the Medical Care Collection Fund account that were derived from enhanced-use leases.

(C) Identification of the actions taken by the Secretary using the amounts described in subparagraph (B).

(D) Documents of the Department supporting the contents of the report described in subparagraphs (A) through (C).

(b) **REPORT ON LEASE CONSIDERATION.**—(1) Each year, as part of the annual budget submission of the President to the congressional veterans' affairs committees, the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate under section 1105(a) of title 31, the Secretary shall submit to the congressional veterans' affairs committees, the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate a detailed report of the consideration received by the Secretary for each enhanced-use lease under this subchapter.

(2) Each report under paragraph (1) shall include the following with respect to each enhanced-use lease covered by the report:

(A) An overview of how the Secretary is using consideration received by the Secretary under the lease to support veterans.

(B) The amount of consideration received by the Secretary under the lease.

(C) The amount of any revenues collected by the Secretary relating to the lease not covered by subparagraph (B), including a description of any in-kind assistance or services provided by the lessee to the Secretary or to veterans under an agreement entered into by the Secretary pursuant to any provision of law.

(D) The costs to the Secretary of carrying out the lease.

(E) Documents of the Department supporting the contents of the report described in subparagraphs (A) through (D).

(Added Pub. L. 112-154, title II, § 211(i)(1), Aug. 6, 2012, 126 Stat. 1181; amended Pub. L. 114-226, § 3(c)(2), Sept. 29, 2016, 130 Stat. 931.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 112-154, which was approved Aug. 6, 2012.

PRIOR PROVISIONS

A prior section 8168, added Pub. L. 102-86, title IV, § 401(a), Aug. 14, 1991, 105 Stat. 421, limited number of enhanced-use leases that could be entered into under this subchapter, prior to repeal by Pub. L. 105-114, title II, § 205(b)(1), Nov. 21, 1997, 111 Stat. 2288.

AMENDMENTS

2016—Pub. L. 114-226, § 3(c)(2)(A), substituted “to the congressional veterans' affairs committees, the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate” for “to Congress” wherever appearing.

Subsec. (a). Pub. L. 114-226, § 3(c)(2)(B), designated existing provisions as par. (1), substituted “a report on enhanced-use leases.” for “a report identifying the actions taken by the Secretary to implement and administer enhanced-use leases.”, and added par. (2).

Subsec. (b). Pub. L. 114-226, § 3(c)(2)(C), designated existing provisions as par. (1), substituted “this subchapter.” for “this subchapter, along with an overview of how the Secretary is utilizing such consideration to support veterans.”, and added par. (2).

Statutory Notes and Related Subsidiaries

ELEMENTS OF INITIAL REPORT

Pub. L. 112-154, title II, § 211(i)(2), Aug. 6, 2012, 126 Stat. 1182, provided that: “The first report submitted by the Secretary under section 8168(a) of title 38, United States Code, as added by paragraph (1) [and prior to amendment by Pub. L. 114-226], shall include a summary of those measures the Secretary is taking to address the following recommendations from the February 9, 2012, audit report of the Department of Veterans Affairs Office of Inspector General on enhanced-use leases under subchapter V of chapter 81 of title 38, United States Code:

“(A) Improve standards to ensure complete lease agreements are negotiated in line with strategic goals of the Department of Veterans Affairs.

“(B) Institute improved policies and procedures to govern activities such as monitoring enhanced-use lease projects and calculating, classifying, and reporting on enhanced-use lease benefits and expenses.

“(C) Recalculate and update enhanced-use lease expenses and benefits reported in the most recent Enhanced-Use Lease Consideration Report of the Department.

“(D) Establish improved oversight mechanisms to ensure major enhanced-use lease project decisions are documented and maintained in accordance with policy.

“(E) Establish improved criteria to measure timeliness and performance in enhanced-use lease project development and execution.

“(F) Establish improved criteria and guidelines for assessing projects to determine whether they are or remain viable candidates for enhanced-use leases.”

[§ 8169. Repealed. Pub. L. 117-168, title VII, § 705(d), Aug. 10, 2022, 136 Stat. 1800]

Section, added Pub. L. 102-86, title IV, § 401(a), Aug. 14, 1991, 105 Stat. 422; amended Pub. L. 103-452, title I, § 103(d), Nov. 2, 1994, 108 Stat. 4786; Pub. L. 104-110, title I, § 101(k), Feb. 13, 1996, 110 Stat. 769; Pub. L. 105-114, title II, § 205(a), Nov. 21, 1997, 111 Stat. 2288; Pub. L. 106-117, title II, § 208(e), Nov. 30, 1999, 113 Stat. 1568; Pub. L. 112-154, title II, § 211(j), Aug. 6, 2012, 126 Stat. 1182, provided that the authority of the Secretary to enter into enhanced-use leases under this subchapter would expire on Dec. 31, 2023.

SUBCHAPTER VI—INFORMATION TECHNOLOGY PROJECTS AND ACTIVITIES

§ 8171. Definitions

In this subchapter:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) The term “information technology” has the meaning given that term in section 11101 of title 40.

(3)(A) The term “information technology project” means a project or program of the Department (including a project or program of any element of the Department) for, or including, the acquisition or implementation of information technology.

(B) In cases where the Secretary transmits to the Director of the Office of Management and Budget information regarding information technology investments, which may consist of individual or multiple projects, the term “information technology project” refers to an individual project or program or a grouping of multiple projects or programs resulting in the acquisition or implementation of discrete information technology.

(4) The term “life cycle costs” means all direct and indirect costs to acquire, implement, operate, and maintain information technology, including with respect to costs of any element of the Department.

(5) The term “major information technology project” means an information technology project if—

(A) the project is designated by the Secretary, the Chief Information Officer of the

Department, or the Director of the Office of Management and Budget as a major information technology investment, as defined in section 11302 of title 40; or

(B) the dollar value of the project is estimated by the Secretary to exceed—

(i) \$1,000,000,000 (as adjusted for inflation pursuant to section 1908 of title 41) for the total life cycle costs of the project; or

(ii) \$200,000,000 (as adjusted for inflation pursuant to section 1908 of title 41) annually.

(6) The term “business owner” means, with respect to an information technology project, the program manager, project manager, or other supervisory official of the Department responsible for the project.

(Added Pub. L. 117-328, div. U, title IV, § 403(a), Dec. 29, 2022, 136 Stat. 5486.)

§ 8172. Management of major information technology projects

(a) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—(1) The Secretary shall, acting through the Chief Information Officer of the Department, submit to the appropriate congressional committees a report containing information on the cost, schedule, and performance of each major information technology project that begins after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, as generated by the business owner of the project, prior to the commencement of such project.

(2) Each report submitted under paragraph (1) for a project shall include, with respect to such project, the following:

(A) An estimate of acquisition costs, implementation costs, and life cycle costs.

(B) An intended implementation schedule indicating significant milestones, initial operating capability, and full operating capability or completion.

(C) Key business, functional, and performance objectives.

(b) BASELINE.—(1) The Secretary shall use the information on the cost, schedule, and performance of a major information technology project included in the report under subsection (a) as the baseline against which changes or variances are measured during the life cycle of such project.

(2) The Secretary shall—

(A) annually update the baseline of a major information technology project pursuant to subsection (c); and

(B) include such updated baseline in the documents providing detailed information on the budget for the Department that the Secretary submits to Congress in conjunction with the President's budget submission pursuant to section 1105 of title 31.

(c) CHANGES AND VARIANCES.—(1) Not later than 60 days after the date on which the Secretary identifies a change or variance described in paragraph (2) in the cost, schedule, or performance of a major information technology project, the Secretary, acting through the Chief

PUBLIC HEARING NOTICE - U.S. DEPT. OF VETERANS AFFAIRS
Kerrville, TX Enhanced-Use Lease

The U.S. Department of Veterans Affairs (VA), in accordance with 38 U.S.C. Sec 8161, et seq., hereby provides notice of a public hearing to present VA's proposal and receive views on an Enhanced-Use Lease (EUL) project to design, develop and construct a new building on approximately three acres of vacant land on VA property within the South Texas Veterans Health Care System (STVHCS) in Kerrville, TX, in order to provide supportive housing for Veterans and their families on a priority placement basis.

HEARING DATE AND TIME

March 7, 2024, at 5:00 P.M. - 6:00 P.M. CST

HEARING LOCATION

Kerrville Division
South Texas Veterans Health Care System
3600 Memorial Boulevard
Auditorium (Building 1)
Kerrville, Texas 78028

IDENTIFICATION OF PROPERTY TO BE LEASED The EUL property is located in Kerrville, Texas. The campus sits on approximately 70 acres that includes 26 major buildings. The potential EUL site consists of approximately three acres of vacant land and is located in the southeast quadrant of the Kerrville Division campus. The site is generally flat, has not been developed, and has open space with sporadic trees.

DESCRIPTION OF THE PROPOSED USE OF THE PROPERTY The proposed use for the VA property will be to construct a new building on approximately three acres of land to provide permanent supportive housing for Veterans and their families on a priority placement basis.

DESCRIPTION OF THE PROPOSED LEASE Using VA's Enhanced-Use Leasing authority under 38 U.S.C. §§ 8161-8169, VA plans to lease the site to a selected Lessee for a term of up-to 99 years. The lessee will be required to finance, design, develop, construct, equip, furnish, operate and maintain supportive housing for Veterans in accordance with applicable Federal, State and local requirements. In furtherance of one of the Secretary's priorities and consistent with VA's mission, the EUL will utilize approximately three acres of undeveloped land adjacent to the existing supportive housing EUL and south of the solar fields to provide additional supportive housing units for Veterans and their families that are homeless or at risk of homelessness, senior or disabled. This proposed EUL will not incur additional capital or operational costs to STVHCS, resulting in a cost-effective use of VA capital assets. The EUL would result in a demonstrable improvement of services to eligible Veterans in the area by housing Veterans and their families in close proximity to on-site supportive services, case management, medical care resources, and employment support. At the end of the EUL term, the underlying leasehold interest and all related improvements will revert to VA.

The public is invited to attend the hearing and encouraged to submit comments on the proposed expansion of the current enhanced-use lease project in writing prior to the hearing to: Kelli.Emery@va.gov or STXMedia@va.gov.

https://www.hccommunityjournal.com/article_3bb50e16-e0c4-11ee-b0de-3f3bf0f171f3.html

FEATURED TOP STORY

VA hosts public hearing on apartments

Rosa Lavender

Mar 14, 2024



Kelli Emery, VA Office of Asset Management Portfolio Manager, from Washington D.C. served as public hearing moderator.

Several local citizens, veterans' organization representatives, and veterans gathered last Thursday evening in the auditorium at the Kerrville VA Medical Center for a public hearing on the proposed Freedom's Path II project.

The new project will add an additional apartment complex to the VA grounds and provide up to 50 more apartments that will provide "supportive housing" for homeless and at-risk veterans. Freedom's Path I was completed almost a decade ago and has been a big success in providing homes to local veterans in need of safe, affordable housing.

The presentation at the public hearing was made by Kelli Emery, VA Office of Asset Management Portfolio Manager, from Washington D.C.

"The purpose of this hearing is to receive the views of the veterans' services organizations, local residents, commercial enterprises, neighborhood, community associations, and other interested parties regarding the VA's enhance-use lease development project," Emery explained. The hearing was a necessary step in getting final approval for the project.

The VA's Enhanced-Use Lease Program (EUL) authorizes the VA to partner with the public or private sector to maximize returns to veterans from unutilized capital assets and allows the VA to lease its underutilized land and buildings for up to 99 years to selected developers who then finance, build, operate, and maintain supportive housing for veterans.

"Structures and property will then revert to the Veterans Administration at the end of the lease. This is not a sale of land," Emery said.

The EUL must be approved by the Secretary of the U.S. Department of Veterans Affairs and the developer is required to be in compliance with federal, state, and local requirements.

Since 1981 the VA has approved 108 of the EUL projects and currently have 52 EULs in operation with 3,583 housing units available to veterans around the U.S.

"The VA can control the reuse and ensure that it meets the needs of veterans better than a sale of property. The VA negotiates the terms and conditions of the lease agreement and will be closely involved in the implementation of the project and ensure compliance of the lease agreement during the period of operation (99 years)," Emery said.

Freedom's Path II will involve the lease to the developer of three acres of vacant land adjacent to the existing EUL and south of the solar panels on the Kerrville VA property. In addition to housing for veterans and their families on a priority basis, the EUL will also provide case management for the veterans who require supportive services and allow veteran residents to be near the VA health care services.

"Our goal is to reduce the number of homeless veterans and provide supportive housing in the Kerrville area plus revitalize and develop underutilized property within the South Texas Veterans Health Care System in addition to generating local economic activity an encouraging local job growth," Emery added.

She said the developer will use local contractors and sub-contractors in the construction phases of the project.

The apartments in Freedom's Path I are one or two-bedroom apartments. The new building will be studio apartments for at-risk, disabled and senior veterans at affordable rental rates and include community amenities such as on-site management, fitness/rehab center and a dining room.

Emery explained that the project will use the same developer as was used for the Phase I of Freedom's Path at the Kerrville location. Environmental studies, negotiation of the lease agreement, executing the lease agreement and final approval from Congress must take place before construction can begin.

Jeff Holt, a Marine veteran who was elected to the Pct. 3 Commissioner's seat last Tuesday, asked Emery if there was any consideration to "rejuvenate" existing homes or other unused buildings on the Kerrville hospital property. Emery said that was under consideration initially but the cost of the renovations was "financially irresponsible" because new construction is less expensive than renovations.

"Will non-veterans be able to live in the apartments? Also, will widows of veterans be considered?" asked local veteran advocate Gary Noller.

"The project will be for veterans only, but if there are vacancies, then they could be rented to non-veterans," Emery said.

Local veteran advocate Vicki Marsh pointed out to Emery that currently two units in Phase I are not rented to veterans or their families.

Former homeless U.S. Navy veteran Forrest Landry who lives in Freedom's Path I spoke in support of the new project.

"This is the nicest place I've ever lived in my entire life. I am so blessed to be here. I am no longer sleeping in my itty-bitty car," Landry said. He also expressed concern about non-veterans living in the apartments, but said he understood that the developer was "in the apartment business" and said people need homes.

Karen Clutter, also a veteran and resident of Freedom's Path I, encouraged Emery and the others in charge of the details of the development to make improvements in sound-proofing the apartments in the new building to provide more privacy for the residents.

"We will be sure to talk to them about that when he gets an architect onboard with the design of the project," Emery assured Clutter.

"We had heard some of the things in Freedom's Path I were not perfect. The first developer was a good Christian man and we talked about the conditions that veterans in the community were living in prior to Freedom's Path I," Bill Cantrell, another local veteran advocate said.

Cantrell then told a short story of a 97-year-old World War II veteran who lives in Freedom's Path I was able to move from other substandard living conditions to the new development eight years ago, and is still thriving in one of the first apartments completed in that phase.

He also commented on the positive addition of the joint project with the city, county and TxDot already under construction which will provide a safe, accessible walking or wheelchair route from the VA property across Hwy. 27 and down to Flat Rock Park and provide access to the River Trail.

"It's heartwarming to know that once-homeless people now have a roof over their head," said Kerrville Mayor Judy Eychner who attended the hearing to present a copy of a resolution from the city supporting the project. Eychner also supported earlier comments that it was "cheaper to build new than to refurbish the old."

"It took a lot of work to get Freedom's Path I ten years ago, and I hope there won't be any problem this time. There are still a lot of steps that must be taken, but with any kind of luck, by January 2026 we'll have people to move into the new place," Noller added.



MEMORANDUM

TO: Texas Department of Housing and Community Affairs
CC: Overland Property Group, LLC
FROM: Winthrop & Weinstine, P.A.
DATE: May 3, 2024
RE: Solutions for Veterans, Inc. Kerrville Veterans 9% LIHTC Application

We represent Overland Property Group, LLC (our “**Client**”) in connection with its application to the Texas Department of Housing and Community Affairs (“**TDHCA**”) for its 9% Low Income Housing Tax Credits for the development of real property located in Pleasanton, Texas. We appreciate this opportunity to present this memorandum in accordance with Section 11.10 of the Texas Department of Housing and Community Affairs 2024 Qualified Allocation Plan (the “**QAP**”). Terms not defined herein have the meaning given to them in the QAP.

It has come to the attention of our Client that Solutions for Veterans, Inc. (the “**Developer**”) has also applied for 9% Low Income Housing Tax Credits for the development of real property located in Kerrville, Texas, which properties are in the same Region 9 Rural. As part of the Developer’s tax credit application, the Developer submitted evidence of Site Control (defined below) based on a letter from the U.S. Department of Veterans Affairs (the “**VA**”) dated December 22, 2023 and all attachments thereto (collectively, the “**Selection Letter**”) which is attached hereto as Exhibit A. As will be discussed in further detail below, the Selection Letter does not satisfy the requirements under the QAP to evidence Site Control. This memorandum is being provided to

TDHCA in order to supplement our Client's Third Party Request for Administrative Deficiency for Competitive HTC Applications in accordance with Section 11.10 of the QAP.

Selection Letter Background

The Selection Letter states that the VA selected the Developer as the "preferred Developer" for a lease agreement at the South Texas VA Health Care System, Kerrville Campus, Texas, which lease will cover real property of "approximately 3 acres." Subject to the VA's consent and prior to the execution of the lease agreement, the Developer may form a new entity to serve as the lessee of the project, and thus the party to the lease is not clearly identified. The VA expects the Developer to begin predevelopment activities which include the Developer providing an acceptable site plan, design plan, development plan, operations and maintenance plan and tenant selection plan (collectively the "**Project Plans**"). The Project Plans remain subject to the VA's final review and approval. Under the Selection Letter, the VA also has the unilateral right to cancel the lease for the project if: 1) the Developer is unable to secure financing within 24 months, 2) the Developer is unable to complete the Project Plans within 24 months or 3) if the Developer does not show sufficient evidence with advancing a draft lease and operating documents (e.g. lease exhibits to support the viability of the project).

Attachment A – Post Selection Project Plans to the Selection Letter ("**Attachment A**") outlines the potential plans between the VA and the Developer, such plans being subject to "VA input and approval." A part of the plans to be drafted by the Developer is the "proposed term" of the lease – Attachment A makes no mention of the minimum number of years of the proposed lease term but says the lease may be "up to a maximum of 99 years."

Furthermore, in the Support Letter dated December 22, 2023 attached to the Selection Letter (the "**Support Letter**"), the VA claims it will "continue to work with [the Developer] in

anticipation of executing a [lease agreement] for a term of up to 99 years.” There will be no cost to the Developer for the leasehold interest, according to the Support Letter. The purpose of it is to “express the [VA]’s support” for the Developer’s LIHTC application.

Requirements of a Legally Binding Contract and Site Control

Elements of a Legally Binding Contract

For a contract to exist in the State of Texas there must be 1) an offer, 2) acceptance and 3) consideration. *Domingo v. Mitchell*, 257 S.W.3d 34, 39 (Tex. App. 2008). All three elements of a contract must be present for it to be enforceable. *Id.*; *See also Garza v. Villarreal*, 345 S.W.3d 473, 483 (Tex. App. 2011) (stating that a contract without consideration is unenforceable). For purposes of the analysis of this memorandum, we are not disputing the first two elements of a contract.

Consideration is defined as “either a benefit to the promisor or a detriment to the promisee. It is a present exchange bargained for in return for a promise. It may consist of some right, interest, or profit, or benefit that accrues to one party, or, alternatively, of some forbearance, loss or responsibility that is undertaken or incurred by the other party.” *See Angelou v. Afr. Overseas Union*, 33 S.W.3d 269, 280 (Tex. App. 2000). For example, the promise of splitting the winnings of the lottery in exchange for purchase of lottery tickets has been found in Texas to constitute sufficient consideration; the parties in that case each relied upon the promise of the other (that they would split lottery winnings) in preforming the responsibility of purchasing lottery tickets. *Domingo v. Mitchell*, 257 S.W.3d 34, 40 (Tex. App. 2008). Lack of consideration, on the other hand, occurs “when the contract, at its inception, does not impose obligations on both parties.” *See Burges v. Mosley*, 304 S.W.3d 623, 628 (Tex. App. 2010); *see also Maharishi Sch. of Vedic Sci. v. Olympus Real Est. Corp.*, No. 05-01-00140-CV, 2002 WL 1263894, 2 (Tex. App. June 7, 2002)

(finding a contract to lack consideration because the buyer of real estate could close the sale or not close the sale for any reason or no reason at all).

Elements of an Option

An option contract has two components: 1) the underlying contract and 2) the covenant to hold open to the optionee the opportunity to accept – both must be supported by consideration. *See Hott v. Percy/Christon, Inc.*, 663 S.W.2d 851, 853 (Tex. App. 1983). Unless independent consideration is paid for the option, it is revocable during its term. *See Culbertson v. Brodsky*, 788 S.W.2d 156, 157 (Tex. App. 1990).

Agreement to Agree

In some circumstances, a letter of intent may be considered binding. *John Wood Grp. USA, Inc. v. ICO, Inc.*, 26 S.W.3d 12, 19 (Tex. App. 2000) (“Under some circumstances, a binding contract may be formed if the parties agree on the material terms, even though they leave open other provisions for later negotiation.”). A letter of intent, to be binding, must be definite, contain essential terms, and reflect an unconditional meeting of the minds. *Karns v. Jalapeno Tree Holdings, L.L.C.*, 459 S.W.3d 683, 692 (Tex. App. 2015). Conditions of final approval are “strongly persuasive that the parties are not to be bound by the initial letter of intent.” *Knight v. Sharif*, 875 F.2d 516, 524-25 (5th Cir. 1989). If a letter of intent does not reflect an unconditional meeting of the minds, it may simply constitute an unenforceable agreement to agree. *Fischer v. CTMI, L.L.C.*, 479 S.W.3d 231, 237 (Tex. 2016) (“It is well settled law that when an agreement leaves material matters open for future adjustment and agreement that never occur, it is not binding upon the parties and merely constitutes an agreement to agree.”) (quoting *Fort Worth Indep. Sch. Dist.*, 22 S.W.3d at 846).

Site Control Requirements of the QAP

Under Section 11.204(9) of the QAP, at the time of Application (as defined in the QAP) submission, evidence that the Development Owner (as defined in the QAP) has Site Control must be submitted. Site Control is defined in the QAP as “Ownership or a current contract or series of contracts that meets the requirements of § 11.204(9) of this chapter, that is legally enforceable giving the Applicant the ability, not subject to any legal defense by the Owner or anyone else, to develop and operate a Property and subject it to a LURA reflecting the requirements of any awards of assistance it may receive from the Department.” In order to establish Site Control under Section 11.204(9)(B) of the QAP, one of three items must be submitted as part of the Application (*emphasis added*):

- i. A recorded warranty deed vesting indefeasible title in the Development Owner or, if transferrable to the Development Owner, an Affiliate of the Owner, with corresponding executed settlement statement (or functional equivalent for an existing lease with at least 45 years remaining);
- ii. A contract or option for lease with a minimum term of 45 years that includes a price, address or legal description; proof of consideration in the form specified in the contract; and expiration date; or
- iii. A contract for sale or an option to purchase that includes a price; address or legal description; proof of consideration in the form specified in the contract; and expiration date.

Legal Analysis

The Selection Letter states that part of the “Transaction Terms” are that the “Proposed entity” would serve as the “Lessee” of the property. Thus, the Selection Letter is proposing a lease of the property and falls under Section 11.204(9)(B)(ii) of the QAP.

The Selection Letter fails 1) to satisfy the requirements of Texas contract law in order to be upheld as a legally binding agreement and 2) to constitute a contract or option lease to satisfy the requirement of Site Control under Section 11.204(9)(B)(ii) of the QAP because there is a) lack of consideration on the part of the VA, b) failure to state the lease terms and c) lack of essential terms in the proposed agreement.

Lack of Consideration

The Selection Letter fails to impose any obligation on the VA because there is no burden on the VA to perform. In the Selection Letter, the VA explicitly reserves the right to cancel the project or seek another developer to develop the site if the Developer either 1) fails to secure financing, 2) fails to complete the project plans within 24 months or 3) if the Developer fails to show sufficient evidence with advancing a draft lease and operating document e.g. lease exhibits to support the viability of the project. Such language does not impose an obligation on the Developer or the VA because it creates an illusory promise on behalf of the VA. A promise is illusory if it does not bind the promisor. *Westlake Petrochemicals, L.L.C. v. United Polychem, Inc.*, 688 F.3d 232, 239 (5th Cir. 2012), as revised (Aug. 7, 2012) (“A promise is illusory if it does not bind the promisor, such as when the promisor retains the option to discontinue performance.”). Reserving the right to cancel the project if the Developer fails to prove the “viability of the project” creates merely the facade of a promise. Such vague and uncertain terms allow the VA to cancel the Selection Letter for a multitude of subjective reasons. Viability of the project does not refer to a specific or identifiable criteria – it could refer to the economics of the project, the aesthetics of it, or simply the opinion of the VA that the project is no longer desirable. The Selection Letter contains no language which imposes an obligation on the VA to perform – instead the VA *can* perform if it views the Developer’s efforts as satisfactory. Thus, there has been no consideration

provided by the VA in exchange for the Developer's performance and the Selection Letter both fails to create a valid contract under Texas law and does not meet the requirements of Section 11.204(9)(B)(ii) of the QAP which requires there to be "proof of consideration."

The Selection Letter is Not an Option Contract

The Selection Letter does not constitute an option to enter into a lease either. An option contract consists of 1) the underlying contract and 2) the covenant to hold open to the optionee the opportunity to accept – both must be supported by consideration. *See Hott v. Percy/Christon, Inc.*, 663 S.W.2d 851, 853 (Tex. App. 1983). The Developer may concede the Selection Letter does not constitute a contract, but instead should be seen as an option contract (a valid option contract would satisfy the requirements of Section 11.204(9)(B)(ii) of the QAP). However, an option to purchase real estate requires its own independent consideration. *See Hott v. Percy/Christon, Inc.*, 663 S.W.2d 851, 853 (Tex. App. 1983). As discussed above, the Selection Letter is not supported by independent consideration, therefore no option contract was created.

There is No Set Lease Term

A minimum of a 45 year term is required for a lease to satisfy the requirements of Section 11.204(9)(B)(ii) of the QAP. Attachment A states the maximum term of the lease is 99 years, but does not set forth the term of the lease or even list a minimum number of years for the lease. Furthermore, in the Support Letter, the VA claims it will "continue to work with [the Developer] in anticipation of executing a [lease agreement] for a term of up to 99 years." Nowhere in the Selection Letter, Attachment A or the Support Letter is a definite term laid out, there is only a reference to a maximum number of years. The language used in the documents clearly indicates that a lease has not been executed and a defined lease term has not been set. Not having a set lease term violates Section 11.204(9)(B)(ii) of the QAP.

The Selection Letter constitutes an Agreement to Agree

The Developer may claim the Selection Letter is a binding letter of intent. *John Wood Grp. USA, Inc. v. ICO, Inc.*, 26 S.W.3d 12, 19 (Tex. App. 2000). A letter of intent, to be binding, must be definite, contain essential terms, and reflect an unconditional meeting of the minds. *Karns v. Jalapeno Tree Holdings, L.L.C.*, 459 S.W.3d 683, 692 (Tex. App. 2015). The Selection Letter contains no defined lease term, no specification on the number of units in the development, no utilities plan, no access and use easements on the property, no insurance requirements, no repairs/maintenance responsibilities, no indemnification, no ability to bind the fee interest of the property and no foreclosure rights. Additionally, conditions of final approval are indicative of an intent to not be bound. *Knight v. Sharif*, 875 F.2d 516, 524-25 (5th Cir. 1989). The VA retains the right to approve the plans and cancel the project upon a number of conditions including its disagreement with the Developer that the draft lease and operating documents support the viability of the project. The Selection Letter does not constitute a binding letter of intent because essential terms are absent and the VA retains the right of final approval.

The Selection Letter is more akin to an “agreement to agree.” *Fischer v. CTMI, L.L.C.*, 479 S.W.3d 231, 237 (Tex. 2016). The VA declares in the Selection Letter that it agrees to work with the Developer on creating a future agreement while the essential terms are undetermined and all final documents remain subject to its final approval. The VA has not committed to any terms, but left material matters open for future adjustment. *Id.* Agreeing to agree at a future time is not a binding contract, but is an illusory promise which cannot be enforced.

Conclusion

The Selection Letter fails to satisfy the requirements of Texas contract law and Section 11.204(9)(B)(ii) of the QAP because of a lack of consideration, failure to state the lease term and

for not including essential terms of the proposed agreement. By failing to satisfy the requirements of Texas contract law and the QAP, the Developer's application is deficient due to lack of Site Control. Please feel free to contact us with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Winthrop & Weinstine, P.A." in a cursive script.

Winthrop & Weinstine, P.A.

Exhibit A
(Selection Letter)

28795462v4



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

December 22, 2023

Mr. Craig Taylor
Solutions for Veterans, Inc.
235 Ponce De Leon Place
Suite M-313
Decatur, GA 30030

Dear Mr. Taylor:

The U.S. Department of Veterans Affairs (VA) is pleased to inform you that Solutions for Veterans, Inc. (the "Developer") has been selected as the preferred Developer for an Enhanced-Use Lease (EUL) project at the South Texas VA Health Care System, Kerrville Campus, TX, pursuant to 38 U.S.C. §§ 8161-8169.

The Developer is to design, construct, operate and maintain supportive housing with priority placement for Veterans. The EUL parcel would consist of approximately three acres of land, southwest of the solar field, on the Kerrville Campus. Prior to execution of the EUL, and subject to VA's approval, the Developer may form a new entity to serve as the lessee for this project.

VA expects the Developer to immediately begin pre-development activities for this EUL project, including financing, zoning, permitting, utilities and other planning activities. It is necessary for the Developer to provide an acceptable Site Plan, Design Plan, Development Plan, Operations & Maintenance Plan and Tenant Selection Plan for the EUL project (the "Project Plans", see Attachment A). VA recognizes that formulation of the Project Plans will require the Developer to work closely and cooperatively with VA. VA will provide the Developer with templates for the Development Plan, Operations & Maintenance Plan and the Tenant Selection Plan. VA will provide final approval and cooperate with the Developer during the drafting process to facilitate preparation of the final Project Plans. It is anticipated that the Developer will provide VA with drafts of the Project Plans throughout the drafting process. The Project Plans will be subject to VA's review and approval and may be subject to review and comment by local government and other stakeholders.

Should the Developer be unable to secure financing and/or complete the Project Plans for the subject EUL project within 24 months, VA reserves the right to cancel the project or seek another developer. Additionally, VA reserves the right to cancel the project if the Developer does not show sufficient evidence with advancing a draft lease and operating documents e.g. lease exhibits to support the viability of the project.

Kelli Emery in VA's Office of Asset Enterprise Management is the Program Manager for this EUL and will be in touch to schedule a kick-off meeting as soon as possible. If you have questions, please contact the PM directly at kelli.emery@va.gov or 202-590-8793.

Sincerely,

A handwritten signature in dark ink that reads "C. Brett Simms". The signature is written in a cursive, slightly slanted style.

C. Brett Simms
Designated VA Representative

Attachment

ATTACHMENT A – POST-SELECTION PROJECT PLANS

The Developer is expected to prepare the following plans with VA input and approval. These plans, once final, will constitute exhibits to the EUL.

1. SITE PLAN

Plan showing the existing EUL Site and its immediate surroundings.

2. DESIGN PLAN

Architectural drawings to include floor plans, landscape plans, elevations, and renderings of the development. A future site plan should also be included as part of the Design Plan.

3. DEVELOPMENT PLAN

(a) Project Overview

- (1) The specific type of project contemplated as defined in the EUL statute and a comprehensive plan for the redevelopment of the EUL Site;
- (2) Project feasibility, including any anticipated barriers and a plan to overcome those barriers at the early stage of development engage local officials for utility providers (e.g., water and sewer);
- (3) Plan to ensure proposed uses are compatible with VA's mission;
- (4) Development schedule;
- (5) Development team composition;
- (6) Community awareness strategies;
- (7) Use of small and local businesses, such as Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) and Veteran-Owned Small Businesses (VOSBs);
- (8) Plans to hire Veterans during the lifecycle of the project;
- (9) Plan to secure applicable zoning, permits and other building and land use requirements, noting any expected obstacles and a strategy to overcome those obstacles.

(b) Transaction Terms

- (1) Proposed entity that would serve as the Lessee (on behalf of the selected Offeror) under the EUL, including all ownership structures associated with the Lessee;
- (2) Proposed term of EUL (i.e., up to a maximum of 99 years); and,

(c) Project Financing

- (1) Financing plan, including sources of funds and any proposed tax abatements;
- (2) Development budgets;
- (3) Pro forma statements for a minimum of the lease term;

- (4) Supportive/resident services budget;
- (5) Sources and uses of funds;
- (6) Plan to obtain Financing Commitment Letters that will provide written assurance(s) from the proposed funding sources that those sources will provide the project financing proposed as part of the selected Offeror's financing structure at the EUL closing, with all conditions required for such funding clearly articulated; and,
- (7) Plan to execute a performance bond that will provide a written commitment from a surety to provide a performance bond equal to the total development cost at the EUL closing.

(d) Construction and Development Narrative

- (1) Analysis of existing land use restrictions governing the EUL Site, development and land use recommendations, variances required, and plan for obtaining them;
- (2) Preliminary utilities, parking, site accessibility, traffic mitigation, and landscape plans;
- (3) Impact of proposed Development Plan on historic properties, including documentation required to comply or facilitate compliance with NHPA;
- (4) Plan for obtaining all necessary public/private entitlements; and,
- (5) Development and construction management plan to include delineated laydown and contractor / subcontractor parking area(s), days and times that construction will occur, construction signage, temporary utility connections, etc.
- (6) As-builts to be delivered to OAEM within 30 days of Final Certificate of Occupancy.
- (7) Plan for United States Postal Service (USPS) for establishing direct USPS mail delivery to the property/properties, as applicable.

(e) Energy Conservation and Sustainable Design

Plans for the building design, construction and other administrative work necessary to both 1) comply with the Guiding Principles outlined in VA's Sustainable Design and Energy Reduction Manual; and 2) apply for and receive a minimum of the Silver Certification for the Leadership in Energy and Environmental Design for Homes (LEED-H) of the U.S. Green Building Council's (USGBC) Green Building rating system for homes or equivalent by their respective rating organizations (per VA's review and approval). Sustainability certification should be delivered to OAEM within 60 days of Final Certificate of Occupancy.

4. OPERATIONS AND MAINTENANCE PLAN

(a) Goals and Objectives

Goals and objectives of the plan and any guiding principles or overarching philosophy to support the success of the project.

(b) Property Management

- (1) Description of the property management entity.
- (2) Description of supportive services geared towards enabling Veterans to achieve self-sufficiency and plans to address helping residents attain long-term employment, minimizing legal substance use, and ensuring resident assimilation into the community through access to neighborhood facilities, activities, and services.
- (3) On-site staffing plan for resident management, service needs, and other operational considerations to include an organization chart depicting the staff reporting structure and delineating whether staff is located on-site or off-site (e.g., at a regional corporate office) and whether staff is full-time or part-time.
- (4) Processes for rent collection and lease enforcement.
- (5) Plans for forming and maintaining a Resident Council and/or fostering tenant engagement.
- (6) Coordination with VA and VA oversight.
- (7) Description of parking areas and procedures.
- (8) Description of common areas and rules for usage.
- (9) Description of policies related to service animals, emotional support animals and pets, if applicable.

(c) Maintenance

Maintenance plans to include housekeeping / custodial maintenance, grounds maintenance / landscaping, service requests, routine maintenance and inspections, and turnover maintenance.

(d) Utilities

Utilities and infrastructure plans, including the provider names and connection locations for water, gas, sewer, telecommunications, and electricity sources and arrangements with VA or utility companies for payment, maintenance, and any necessary easements.

(e) Substance, Alcohol, Smoking, Vaping and Weapons Policy

Statement that the project is a weapons-, alcohol-, smoke-, and drug-free (other than properly prescribed medication) community or description of the specific policies allowing for alcohol consumption (e.g., within the units but not in common areas, etc.) if a waiver has been obtained from the VAMC Director.

(f) Safety and Security

Property and asset protection (e.g., security, police, fire, ambulance, etc. arrangements) description, containing a detailed explanation of how security will be assured in the project that may include but not be limited to:

- (1) A list of emergency contacts and description of emergency procedures.
- (2) Information on emergency preparedness drills.
- (3) Information for animal control.
- (4) Description of fire safety plans and processes (e.g., equipment, inspections, drills, etc.)
- (5) Description of the types of natural disasters (flooding, earthquake, wildfires, etc.) most likely to occur and procedures to follow in the event of a natural disaster. Include a description of drills, if applicable.
- (6) Description of how the EUL site and building(s) will be kept secure (e.g., cameras, on-site guard, lights and lighting placement, key fobs, entry access restrictions, etc.) and information on proper maintenance and inspection of devices that enhance security.
- (7) Procedures in the case of a tenant death.

5. TENANT SELECTION PLAN

(a) Legal Requirements

Necessary language to ensure nondiscrimination and tenant privacy of personal information.

(b) Marketing and Leasing Plan

- (1) Initial outreach methods for lease-up; and
- (2) Ongoing outreach plan to identify and screen eligible Veteran residents to ensure that the facility is fully occupied (Note: It is not the responsibility of VA to provide selected Offeror with eligible Veterans.).

(c) Application and Selection Process

Description of the tenant application and selection process to include accessing applications, processing applications, eligibility criteria, reasons for rejection, notification of acceptances and rejections, appeals process, assignment of units, and security deposit, if applicable.

(d) House Rules

Acknowledgement of House Rules as part of the tenant's lease.

(e) Non-Compliance

Enforcement of rules and policies.

(f) Occupancy and Waitlist Management

(1) Responsibility for and frequency of generating and analyzing occupancy reports;
and

(2) Description of how the waitlist will be managed, including Veteran priority.

(g) Tenant Recertification

Procedures for ongoing tenant income recertification or other eligibility recertification.

(h) Move-in and Move-out

Move-in and move-out procedures including any unit inspections.



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

December 22, 2023

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, TX 78701

Re: Letter of Support for Solutions for Veterans, Inc.'s Low-Income Housing Tax Credit Application to Create Permanent Housing at the Kerrville, TX Veterans Affairs Medical Center – South Texas Veterans Healthcare System

Dear Mr. Campbell:

The purpose of this letter is to express the U.S. Department of Veterans Affairs (VA) support of Solutions for Veterans, Inc. (SFV) multifamily tax credit application with the Texas Department of Housing and Community Affairs. If approved, the financing would help support SFV's development of approximately 50 units of permanent supportive housing for at-risk, senior, and/or disabled Veterans and their families at the Kerrville VA Medical Center (VAMC) – South Texas Veterans Healthcare System on approximately three acres of vacant land. SFV was selected by VA to develop this project under an Enhanced-Use Lease (EUL). This selection affords SFV the ability to perform due diligence and other predevelopment activities in support of obtaining necessary financing for the proposed project.

VA will continue to work with SFV in anticipation of executing an EUL agreement for a term of up to 99 years. SFV will provide priority placement for and supportive services to Veterans and there is no monetary cost to SFV for this leasehold interest.

Should you have any questions or concerns, please do not hesitate to contact Kelli Emery, Reality Specialist at 202-590-8793 or via email at Kelli.Emery@va.gov.

{Signature page follows}

Page 2. Letter of Support for Solutions for Veterans, Inc.'s Low-Income Housing Tax Credit Application to Create Permanent Housing at the Kerrville, TX Veterans Affairs Medical Center – South Texas Veterans Healthcare System

Sincerely,

A handwritten signature in dark ink that reads "C. Brett Simms". The signature is written in a cursive, slightly slanted style.

C. Brett Simms
Designated VA Representative

Invoice

Freedom's Path Kerrville II
c/o Craig Taylor
email: ctaylor@sfveterans.org

Date	1/3/2024
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Invoice #	10623
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Field Survey, Plat and Field Notes Description for 3.00 acres of land out of the Veterans
Administration property in Kerr County, Texas.

Subtotal \$1,267.50

Sales Tax (8.25%) \$104.57

Total \$1,372.07

FIELD NOTES DESCRIPTION FOR 3.00 ACRES OF LAND
OUT OF THE V.A. HOSPITAL LAND OFF OF STATE
HIGHWAY NO. 27 IN KERR COUNTY, TEXAS

Being all of a certain tract or parcel of land containing 3.00 acres, more or less, out of Samuel Wallace Survey No. 111, Abstract No. 539 in Kerr County, Texas; part of a certain 731.75 acre tract conveyed from the State of Texas to the United States of America by a Warranty Deed executed the 31st day of December, 1925 and recorded in Volume 45 at Page 471 of the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron stake found near a chain link fence in the north line of a certain 15.92 acre tract conveyed from Brian McCarty and Marla McCarty to Kerr County by a General Warranty Deed executed the 28th day of January, 2021 and recorded in File No. 21-01025 of the Official Public Records of Kerr County, Texas for the southwest corner of the herein described tract and the southeast corner of a certain 5.00 acre tract described in a Memorandum of Lease between The Secretary of Veterans Affairs, an officer of the United States, on behalf of the Department of Veterans Affairs, and Kerrville Senior Apartments Limited Partnership executed the 21st day of November, 2014 and recorded in File No. 14-7919 of the Official Public Records of Kerr County, Texas; which point bears: 466.07 ft. N67°51'24"E from a P-K nail found for the west corner of 15.92 acre tract; and approximately 4930 ft. South and 5809 ft. West from the east corner of said Survey No. 111;

THENCE, upon, over and across said 731.75 acre tract with the east line of said 5.00 acre tract N00°50'16"E, 279.81 ft. to a ½" iron stake found for the northwest corner of the herein described tract and the northeast corner of 5.00 acre tract;

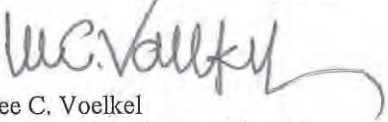
THENCE, continuing upon, over and across said 731.75 acre tract: N41°59'02"E, 314.79 ft. to a ½" iron stake set for the northeast corner of the herein described tract; and S39°22'40"E, 413.53 ft. to a ½" iron stake set near a chain link fence in the north line of said 15.92 acre tract for the southeast corner of the herein described tract;

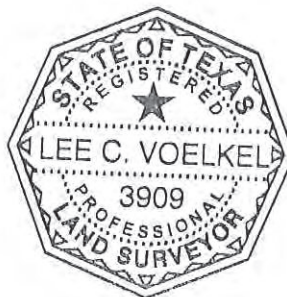
THENCE, continuing upon, over and across said 731.75 acre tract along or near a chain link fence with the north line of said 15.92 acre tract S67°51'24"W, 515.00 ft. to the PLACE OF BEGINNING.

I hereby certify that these field notes and accompanying plat are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown. All set ½" iron stakes are marked with a red plastic cap inscribed with "Voelkel Surveying". (Bearing basis = True North based on GPS observations)

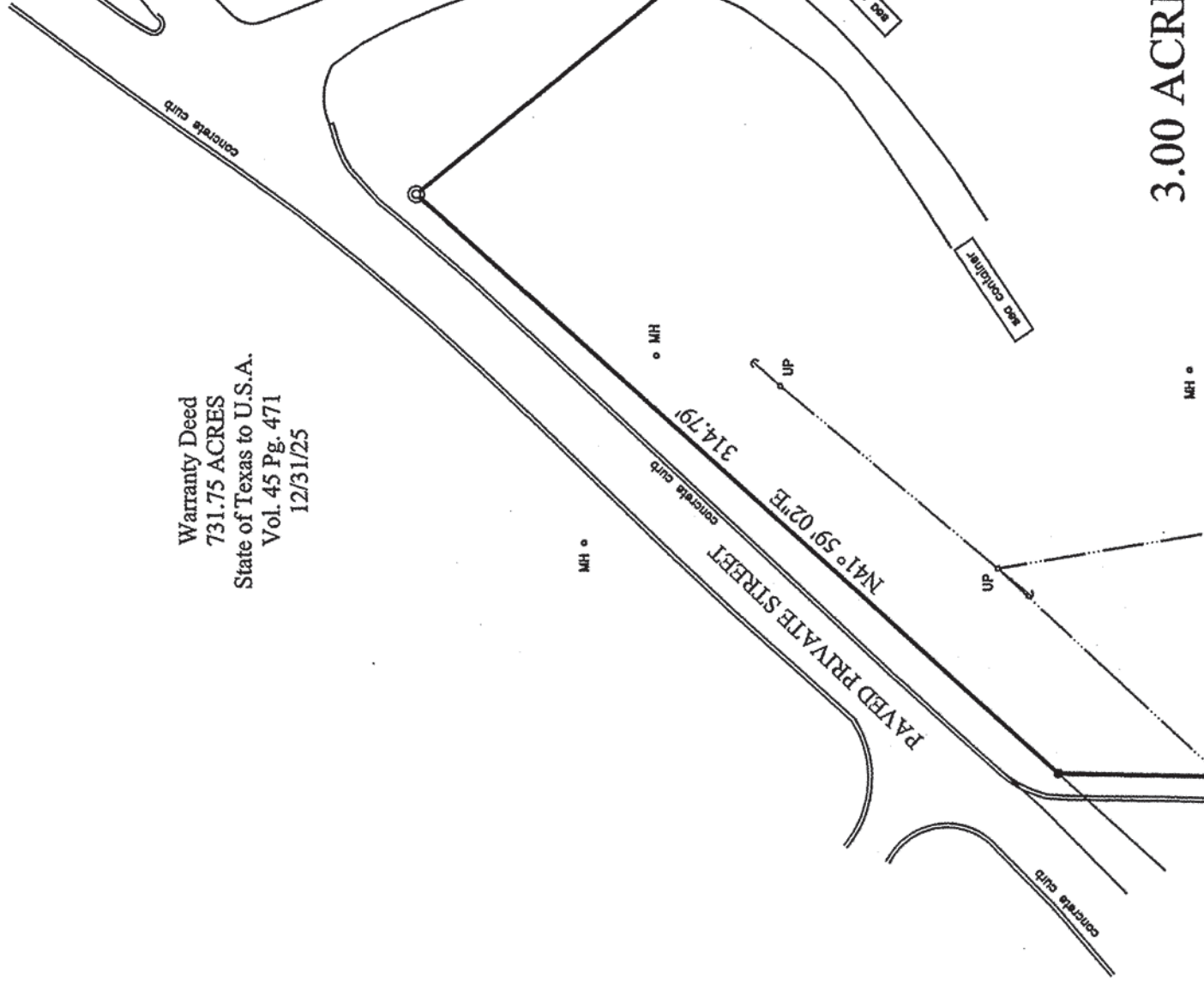
Date Surveyed: December 28, 2023

Dated this 3rd day of January, 2024


Lee C. Voelkel
Registered Professional Land Surveyor No. 3909
County Surveyor for Kerr County, Texas



Warranty Deed
731.75 ACRES
State of Texas to U.S.A.
Vol. 45 Pg. 471
12/31/25



3.00 ACRES

From: Lavery, Jim [mailto:jim.lavery@va.gov]
Sent: Monday, February 27, 2012 6:04 PM
To: 'Craig Taylor'
Subject: State of Texas Tax Credit Application

This email is to acknowledge the Enhanced Use Lease (EUL) project between the Department of Veterans Affairs (VA) and the Lessee "Kerrville Senior Apartments Limited Partnership" located at the VA South Texas Healthcare System, Kerrville Division. The approximately 5 acres is located on the VA Kerrville VA campus and is part of the VA Building Utilization Review and Repurposing (BURR) Initiative. The BURR initiative at Kerrville is an effort by VA to redevelop underutilized assets on its campus for the purpose of housing at risk veterans, senior veterans and their families. This process included a public hearing that took place on July 19, 2011.

It is the understanding of both parties that the Lessee is undertaking this lease to achieve public interest objectives that are mutually beneficial, namely through a Community based effort, to improve the availability of an affordable, safe, drug free Assisted Living Facility for Veterans and their families.

Lessee will finance develop, design, construct, operate and maintain the property into the "Project" in accordance with all applicable state, and local laws, codes, ordinances and permitting requirements. The lessee "Kerrville Senior Apartments" in consultation with VA, establishes specific procedures, regulations, rules, and/or standards to ensure that eligible Veterans receive supportive services offered within the facility; as in-kind consideration. VA and the lessee may during the term of this lease, engage in good faith negotiations, with the intent of entering into one of more separate agreements, by which the Lessee and VA may exchange additional consideration.

The VA Office of Asset Enterprise Management has provided the Appraisal (as required by the Texas Tax Credit Application) of the approximately 5 acre parcel of land (portion of VA Kerrville Campus) which defines this property prospectively appraised at \$381,150.

If you have any questions, please feel free to contact the Project Manager, Jim Lavery, VA office of Asset Enterprise Management at (202) 632-7084



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON DC 20420

January 20, 2012

Kerrville Senior Apartments Limited Partnership
c/o Beneficial Communities
Attention: Donald Paxton
2206 Jo-An Drive
Sarasota, FL 34231

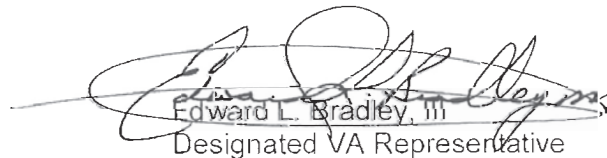
Dear Mr. Paxton:

We are pleased to inform you that the Department of Veterans Affairs (VA) has executed a lease with Kerrville Senior Apartments Limited Partnership at South Texas Veterans Health Care System - Kerrville Division. VA executed this lease with an effective date of December 27, 2011, using a modified process to allow sufficient time for the parties to complete a comprehensive development plan and the required due diligence (including the environmental and historic compliance), and for the lessees to obtain and close on financing, and complete all prerequisite project milestones, as set forth in Exhibit B of the enclosed lease.

Execution of a lease amendment to formalize transaction terms in their entirety for this project is conditioned upon completion of all of the aforementioned conditions.

Now that you have been notified of lease execution, you should begin immediately to engage in further negotiations and the required due diligence. If you have questions, please contact Mr. Jim Lavery by e-mail at jim.lavery@va.gov.

Sincerely,


Edward L. Bradley, III
Designated VA Representative

Enclosures

ENHANCED – USE LEASE

**of Certain Real Property and Facilities
at the South Texas Veterans Health Care System,
Kerrville Division
in Kerrville, Texas**

DATED: December 27, 2011

Enhanced-Use Lease

**of Certain Real Property and Facilities
at the South Texas Veterans Health Care System,
Kerrville Division
in Kerrville, Texas**

PREAMBLE

This **Enhanced-Use Lease** (hereinafter referred to as the “Lease”), is made and entered into this the 27 day of December, 2011, pursuant and subject to the terms and conditions set forth below, by and between the Secretary of Veterans Affairs, an officer of the United States on behalf of the U.S. Department of Veterans Affairs (hereinafter “Department” or “VA”), and Kerrville Senior Apartments Limited Partnership (hereinafter “Lessee”), a Limited Partnership organized under the laws of the State of Florida, for the portion of land described and depicted in Exhibit A, which is more particularly defined as the “Property.”

In consideration of the above Preamble, and other good and valuable consideration, receipt of which is hereby acknowledged and accepted, VA and the Lessee hereby acknowledge and agree as follows:

ARTICLE 1 – BACKGROUND FACTS & ACKNOWLEDGEMENTS

A. The Department has jurisdiction and control of the Property located at the South Texas Veterans Health Care System, Kerrville Division in Kerrville, Texas, which provides health care services to the nation’s Veterans. The Property consists of approximately five (5) acres of land, and all of the structures, improvements, utilities, fixtures, infrastructure, and any other improvements that are located, constructed, erected, or placed thereon.

B. 38 U.S.C. Section 8161, et seq. “Enhanced-Use Leases of Real Property,” permits the Department to enter into long-term leases of certain property under its jurisdiction and control.

C. In accordance with 38 U.S.C. § 8161, et seq. and the terms and conditions of this Lease, VA desires to lease the Property to Lessee, and Lessee desires to Lease the Property from VA, so VA and Lessee can then undertake the negotiations, due diligence, and prerequisites described in Article 1.E below (consistent with the Lessee’s milestone schedule listed in Exhibit B of this Lease), to further assess whether the Project is viable and mutually desired (“Further Assessment”).

D. A long-term use of the Property as the Facility through an Enhanced-Use Lease, as authorized by the provisions of 38 U.S.C. Section 8161, et seq., by Lessee, would result in the availability of 100 units of senior and non-senior independent living and assisted living housing

for Veterans and their families, and would permit more VA resources to be directed toward direct Veteran care.

E. The Further Assessment process shall include: (i) the parties coordinating and working together to complete certain activities required under applicable Federal, State, and local laws, codes, ordinances, and regulations, including the National Environmental Policy Act (42 U.S.C §§ 4321-4370d, as amended (“NEPA”)); Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470, et seq.); the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. §§ 9601-9675) (“CERCLA”); and the Resource Conservation Recovery Act, as amended (42 USC 6901, et seq.) (“RCRA”); and (ii) Lessee engaging in discussions and negotiations with its prospective lenders, and State and local authorities, to ensure that Lessee can finance and operate the contemplated Project in accordance with applicable law.

F. VA and Lessee agree that if both parties determine and conclude during Step K of Exhibit “B” of this Lease that the Project is viable, the Parties shall per Step L of Exhibit “B,” work together in good faith, to amend this “expedited Lease” (e.g., via their bilateral execution of an “Amended & Restated Lease”), and prepare appropriate lease exhibits (e.g., those exhibits denoted in Article 2.B below), and set forth in that Amended & Restated Lease the pertinent details, deal terms, and conditions regarding operation, construction, and maintenance of the Project. The Amended & Restated Lease would allow the Lessee to finance, design, develop, construct, operate, and maintain a 100-unit senior and non-senior independent living and assisted living facility (“the Facility”) on the Property, to provide supportive/resident services to eligible Veterans (as defined in 38 U.S.C. Section 101(2)), and eligible non-Veterans (the “Project”).

G. The Parties also hereby agree, that if either or both of the parties to this Lease determine in writing during or after the Further Assessment process, that the Project is not viable pursuant to Article 1.E above, the Parties shall not enter into an Amended and Restated Lease as discussed in Article 1.F above. Instead, the parties shall proceed to expressly and mutually terminate this Lease at no cost to either party, with neither party having any further rights, liabilities, or obligations to or against the other under, related to, or stemming from, this Lease, or at law or equity.

H. The Parties also hereby acknowledge and agree that this Lease is not assignable and shall not be assigned by either party to any third party. The Parties also hereby acknowledge and agree that this Lease does not convey or otherwise grant the Lessee with any right to enter upon or to commence any activities on the Property, except for soil testing, and any other pre-construction activities that VA first approves in writing.

I. The Parties hereby agree that they possess the requisite authority to execute and enter into this Lease, and to abide by its terms and conditions, and subject to such terms and conditions herein, the Department hereby grants to Lessee, and Lessee accepts a five (5) year Lease term (the “Term”).

ARTICLE 2 – EXHIBITS AND DEFINITIONS

A. **Current Exhibits**: The current Exhibits to this Lease are:

1. Exhibit “A”: Legal Description and Depiction of Property
2. Exhibit “B”: Lessee’s Milestone Schedule for the Project

B. **Future Exhibits**: The Parties currently envision that the following documents shall be part of or constitute the Exhibits to the potential Amended & Restated Lease discussed in Article 1.F above:

1. Exhibit “A”: Legal Description and Depiction of Property
2. Exhibit “B”: Site Plan
3. Exhibit “C”: Design Plan
4. Exhibit “D”: Development and Financing Plan
5. Exhibit “E”: Operations, Maintenance, Security and Tenant Selection Plan
6. Exhibit “F”: Memorandum of Lease
7. Exhibit “G”: Financing Commitment Letters
8. Exhibit “H”: Historic Preservation Agreements (if applicable)
9. Exhibit “I” VA Enhanced-Use Lease (EUL) Capital Contribution “Commitment Agreement” (if applicable)

C. **Definitions**: The following constitute the definitions to this Lease:

“Designated VA Representative” or “DVR”: means the individual of the VA who: (a) is designated by the Secretary to act on matters of Lease administration but (b) is not designated to execute amendments or modifications to the Lease or its exhibits unless the individual has or acquires such authority through a written “Delegation of Authority” from the Secretary.

“Force Majeure”: means any of the following that directly cause any of Lessee’s obligations hereunder not to be performed in a timely manner: (a) an earthquake, hurricane, tornado, flood, or other similar act of God; (b) fire; (c) strikes or similar labor disputes provided such strike or similar dispute is beyond Lessee’s control and provided Lessee takes all steps reasonably possible to remediate such strike or similar dispute; (d) acts of the public enemy; (v) inability to obtain labor or materials or clear access to the Project by reason of acts or omissions of any governmental body not caused by Lessee’s actions or omissions; (e) rebellions, riots, insurrections, or civil unrest; (f) unusually severe weather conditions that actually cause similar construction or development activities in the area of the Project to be suspended; (g) discovery,

remediation, and abatement of any unknown environmental hazard or unknown hazardous substance (i.e., a hazardous substance, covered by any environmental law or regulation, whose existence on the Property is unknown to Lessee by the Effective Date and) which is affecting the Property; (h) discovery of any ancient, historical, archeological, architectural, or cultural artifacts, relics, or remains on the Property; and (i) any act or omission of a governmental body other than VA not caused by Lessor's or Lessee's actions or omissions.

"Lease": means this EUL between VA and Lessee.

ARTICLE 3 - NOTICES

A. All notices, or other correspondence required under or arising from the terms of this Lease from the Department to Lessee shall be served on or mailed to Lessee's designated representative, who shall notify the DVR in writing of any change in Lessee's designated representative, and/or the address or office to be notified. All notices or other correspondence required or arising from the terms of this Lease from Lessee to the Department shall be served on or mailed to the DVR who shall notify Lessee's designated representative in writing of any change in the DVR, and/or the address or office to be notified.

B. All notices, reviews, approvals and other communications required or permitted under this Lease shall be in writing and will only be deemed properly given and received (a) when actually given and received, if delivered in person to a party who acknowledges receipt in writing; or (b) one (1) business day after deposit with a private courier or overnight delivery service, if such courier or service obtains a written acknowledgment of receipt; or (c) three (3) business days after deposit in the United States mails, certified or registered mail with return receipt requested and postage prepaid. The designated representatives shall be:

Department:

Department of Veterans Affairs
Office of Asset Enterprise Management (044)
810 Vermont Avenue, NW
Washington, DC 20420
Attn: DVR

With copies to:

Department of Veterans Affairs
VA South Texas Health Care System
Attention: Marie Weldon, Director
7400 Merton Minter
San Antonio, Texas 78229

Department of Veterans Affairs
Office of Asset Enterprise Management (044C)
810 Vermont Avenue, NW
Washington, DC 20420
Attn: Director, Investment & Enterprise Development Service

Department of Veterans Affairs
Office of Asset Enterprise Management (044D)

810 Vermont Avenue, NW
Washington, DC 20420
Attn: Post-Transaction Team Lead

Department of Veterans Affairs
Office of General Counsel (025A)
810 Vermont Avenue, NW
Washington, DC 20420
Attn: Deputy Assistant General Counsel (EU Leasing)

Lessee: Kerrville Senior Apartments Limited Partnership
c/o Beneficial Communities
2206 Jo-An Drive
Sarasota, Florida 34231
Fax 941-929-1271
Attn: Don Paxton, Manager of General Partner

With Copies To: Craig Taylor
Project Director
191 Edgewood Avenue
Atlanta, Georgia 30303

ARTICLE 4 – EVENTS OF DEFAULT & VA’S NO COST TERMINATION RIGHT

A. **Events of Default.** Upon the occurrence of an event of default by either of the Parties, where an “Event of Default” is defined as a failure of the underlying party to abide by the terms and conditions of this Lease, the other party may after notifying the defaulting party in writing and granting them not less than thirty (30) days to cure the underlying default, exercise any right, remedy or privilege, including termination of this Lease, which may be available under this Lease, or under applicable law. All remedies shall be cumulative and the election of one shall not preclude the exercise of another, at the same time or subsequently. Failure to exercise a remedy shall not constitute a waiver thereof.

B. **VA’s “No Cost Termination For Convenience” Right.** Notwithstanding anything to the contrary, including any other provision of this Lease (including Article 1.G, regarding the parties’ potential decision to mutually terminate this Lease if the Project is deemed not viable during or after the Further Assessment process), VA shall have right to unilaterally and unconditionally terminate this Lease for the convenience of and at no cost to VA, with the Lessee having no further rights, liabilities, or obligations against VA under or relating to this Lease, or at law or equity if the Secretary of VA or his designee deems such a no cost termination is necessary and/or appropriate due to: (1) a change in law, including but not limited to the Obama Administration’s Civilian Property Realignment Act; or (2) a change in, or a need to avoid an adverse impact on, VA’s ongoing mission and operations; (3) a VA security event, or a national security event; or (4) Lessee fails or refuses to acknowledge or “accept” after ten (10) business days following receipt of VA’s respective written decision & determination

communicated to Lessee per Article 1.G above, that the Project is **not** viable, and that no Amended & Restated Lease should be entered pursuant to Article 1.F above.

ARTICLE 5 - DISPUTES

A. Lessee and the Department acknowledge and agree that disputes under this Lease shall be resolved under the Contract Disputes Act of 1978 (41 U.S.C. Sec. 601-613) (the "Disputes Act"), and that both Lessee and the Department will utilize Alternative Dispute Resolution procedures on all matters appealed by Lessee to the VA Board of Contract Appeals (including its successor, the Civilian Board of Contract Appeals, effective January 6, 2007, and any successor authority thereto), to the extent permitted under the Disputes Act, unless the Parties then should otherwise agree.

B. In the event that the Disputes Act is not available or permissible under applicable law to resolve a dispute under this Lease, Lessee and the Department shall, to the extent permitted by applicable law and regulation, resolve the dispute by arbitration. In that regard, the arbitration shall take place in Washington, D.C. unless the Department and Lessee otherwise agree in writing.

C. Interest Payable. Regardless of whether the dispute is resolved under the Disputes Act or otherwise, if the claim is resolved in favor of Lessee the Department shall pay interest in accordance with the Prompt Payment Act, 31 U.S.C. Section 3901, et seq.

D. Unless and until the Department otherwise agrees in writing, Lessee shall proceed diligently with performance of this Lease pending final resolution of any request for relief, claim, appeal or action arising under or relating to the Lease.

ARTICLE 6 - MISCELLANEOUS PROVISIONS

A. Complete Agreement. This Lease and the Exhibits hereto contain the entire agreement between the parties with respect to the transactions contemplated by this Lease, and supersede all previous oral and written and all contemporaneous oral negotiations, commitments, writings and understandings. In the event of a conflict between the Lease and its Exhibits, the terms of the Lease shall control, unless and to the extent VA and Lessee otherwise agree in writing.

B. Counterparts. This Lease may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute but one and the same instrument.

C. Amendment; Waiver. This Lease may not be amended or modified except in a writing signed by Lessee and the Department, nor may any rights hereunder be waived except by a writing signed by the party waiving such rights.

D. Article Headings. The headings contained in this Lease are for reference purposes only and shall not affect in any way the meaning or interpretation of this Lease. When a provision, article, section or other provision of this Lease is referred to by number, the reference shall be

deemed to be the correspondingly-numbered provision, article, section, or provision of this Lease unless another agreement, instrument or document is expressly identified, or unless the context otherwise clearly refers to another agreement, instrument or document.

E. Severability. Any provision of this Lease which is invalid, illegal or unenforceable in any applicable jurisdiction shall, as to that jurisdiction, be ineffective to the extent of such invalidity, illegality or unenforceability, without affecting in any way the remaining provisions hereof in such jurisdiction or rendering that or any other provision of this Lease invalid, illegal or unenforceable in any other jurisdiction.

F. Third Party Beneficiaries. No Person, firm or corporation that is not a party to this Lease shall be entitled to rely on or be deemed to be accorded any rights under any provision of or statement in this Lease.

G. Governing Law. This Lease shall be governed by and enforced in accordance with the laws of the United States and, to the extent such laws do not apply, then by the laws of the State where the Project is located, without regard to its principles of conflicts of law.

H. Interpretation. Whenever the context or circumstance so requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any part thereof, and any gender shall include both other genders. The Department and Lessee have negotiated this Lease, have had an opportunity to be advised by legal counsel respecting the provisions contained herein and have had the right to approve each and every provision hereof. Therefore, this Lease shall not be construed against either the Department or Lessee as a result of the preparation of this Lease by or on behalf of either party.

I. Survival. All monetary obligations (together with any late payment interest payable under the Prompt Payment Act – 31 U.S.C. § 3901, et seq.) accruing before expiration of the Lease Term shall survive the expiration or other termination of this Lease.

J. No Merger. There shall be no merger of this Lease or the leasehold estate created by this Lease with any other estate or interest in the Property by reason of the fact that the same person or entity may acquire, hold or own directly or indirectly: (a) this Lease, the leasehold interest created by this Lease or any interest therein; and (b) any such other estate or interest in the Property, or any portion thereof. No merger shall occur unless and until all persons and entities having an interest (including a security interest) in this Lease or the leasehold estate created thereby and any such other estate or interest in the Property, or any portion thereof, shall join in a written instrument expressly effecting such merger and shall duly record the same.

K. Relationship of the Parties. This Lease does not create the relationship of principal and agent, partnership, joint venture, association or any other relationship between the Department and Lessee.

L. Lease Supersedes. This Lease supersedes any and all prior negotiations, agreements or understandings between VA and Lessee related to the subject matter hereof. None of the provisions of this Lease may be altered or modified except through an instrument in writing signed by both parties.

M. Force Majeure. Neither party to this Lease shall be required to perform any of its obligations under this Lease, nor be liable for loss or damage for failure to do so, where such failure arises from Force Majeure, but only to the extent and for the duration that the Department or Lessee, as the case may be, is so prevented from performing such obligations by Force Majeure. Further, and without limiting the generality of the foregoing, any period afforded to a party or within which a party is required under the terms and conditions of the Lease to perform an obligation of this Lease shall be extended by (1) the actual applicable period of Force Majeure; and (2) any period during which a party was prevented from performing any such obligation as a direct result of failure by the other party to commence or complete a specific activity or activities that the Lease requires be commenced or completed as a condition precedent to such performance of such obligation.

N. Non-Recourse. The parties agree that VA's and Lessee's respective recourse against each other under this Lease shall be limited by and to the extent of applicable Federal, State, and local law.

O. Anti-Deficiency Act. Consistent with the Anti-Deficiency Act (31 U.S.C. §§ 1341 and 1501), any payments of VA with respect to this Lease shall not exceed appropriations available to VA which can be lawfully expended for such purposes at the time of the claim; and nothing in this Lease may be construed as implying that the United States Congress will at a later date appropriate funds to meet any deficiencies.

P. Confidential Data.

(1) Lessee hereby agrees that the creation, maintenance, use, disclosure, and disposal of any and all drawings, documents, records, data, and written information provided by VA to Lessee during the Term, if any, (collectively, the "VA Data"), shall be governed solely by all applicable Federal law, Executive Orders, and regulations. Lessee further agrees that the VA Data shall at all times constitute and remain the sole and absolute property of VA, and shall not be disclosed to any person (aside from the Lessee's permitted contractors under this Lease, if any, where necessary to perform the Lease) without the prior written authorization of VA. Furthermore, Lessee agrees to and shall immediately contact VA telephonically and in writing should any request be made by a third party (aside from Lessee's permitted contractors and subcontractors under this Lease) for copies of or to review or receive any VA Data in the Lessee's (and/or any of its contractors') possession and control. Under all circumstances, VA shall be responsible for and permitted to independently and unilaterally address any such requests as it deems appropriate. Lessee shall ensure that all agreements with its contractors (and any agreements such contractors may have with any subcontractors) incorporate this Clause (1) and make it applicable to such contractors and subcontractors.

(2) VA hereby agrees that any drawings, documents, records, data, and written information provided by Lessee to VA during the Term, if any (collectively, the "Lessee Data"), shall be kept, maintained, and handled by VA as such according and subject to all applicable Federal law, Executive Orders, and regulations. Furthermore, VA agrees to and shall contact Lessee telephonically and in writing should any request be made by a third party outside of VA ("Third Party") for copies of or to review or receive any Lessee Data in VA's possession and control, unless such Third Party making the request is officially doing so on behalf of the Executive branch; the United States Congress; the Government Accountability Office; the Federal Bureau of Investigations; the VA Office of Inspector General; or a Federal court.

(3) The parties hereby agree that the understandings and obligations set forth in this Section R shall control during and shall survive the Term, notwithstanding any contrary confidential obligations, statements, or representations that may be contained in VA Data or Lessee Data submitted, as applicable, by VA to Lessee or vice versa.

**THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
ENHANCED-USE LESSOR**

By: _____

Name: W. Todd Grams

Title: Executive In Charge for the Office of Management
and Chief Financial Officer

CITY OF Washington)

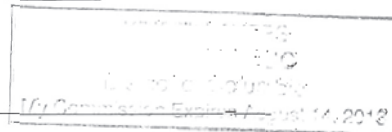
)

DISTRICT OF Columbia)

The foregoing instrument was acknowledged before me in Washington, DC,
this 21st day of December, 2011 by W. Todd Grams of
Dept of Veteran Affairs.

Kristin Ayers
Notary Public

My commission expires: _____



**KERRVILLE SENIOR APARTMENTS LIMITED PARTNERSHIP
ENHANCED-USE LESSEE**

Kerrville Senior Apartments Limited Partnership a Florida Limited Partnership

By (Sign):  _____
Donald W. Paxton

Name (Print): Donald W. Paxton

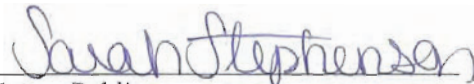
Title: Manager of General Partner

STATE OF FLORIDA)

)

COUNTY OF SARASOTA)

The foregoing instrument was acknowledged before me in Sarasota, Florida, this 12th day of December, 2011 by Donald W. Paxton of Kerrville Senior Apartments, LP. Donald W. Paxton is personally known to me.


Notary Public

My commission expires: 11/02/2014

NOTARY PUBLIC-STATE OF FLORIDA
Sarah Stephenson
Commission # EE039275
Expires: NOV. 02, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

EXHIBIT "A"

LEGAL DESCRIPTION & DEPICTION OF THE PROPERTY

FIELD NOTES DESCRIPTION FOR 5.00 ACRES OF LAND OUT OF THE V.A. HOSPITAL LAND OFF OF STATE HIGHWAY NO. 27 IN KERR COUNTY, TEXAS

Being all of a certain tract or parcel of land containing 5.00 acres, more or less out of Samuel Wallace Survey No. 11 I, Abstract No. 539 in Kerr County, Texas; part of a certain 731.75 acre tract conveyed from the State of Texas to the United States of America by a Warranty Deed executed the 31 st day of December, 1925 and recorded in Volume 45 at Page 471 of the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a P-K nail found at or near a chain link fence cornerpost for the south corner of the herein described tract, the east corner of a certain 1.87 acre tract conveyed from Southern Pacific Transportation Co. to the United States of America by a General Warranty Deed executed the 24th day of July, 1974 and recorded in Volume 174 at Page 612 of the Deed Records of the Kerr County, Texas, and the west corner of a certain 15.51 acre tract conveyed from John Bradley Roberson, et ux to Brian McCarty and Marla McCarty by an Assumption Warranty Deed executed the 28th day of September, 200 I and recorded in Volume 11 48 at Page 610 of the Real Property Records of Kerr County, Texas; which point bears, approximately, 7750 ft. S45°W and 848 ft. N63°48'W from the east corner of said Survey No. 111; THENCE, along or near a chain link fence with the northeast line of said 1.87 acre tract: N63° 19'59"W, 177.02 ft. to a Y2" iron stake found at the beginning of a 03 °05' curve to the right; and 332.69 ft. along the arc of said curve to the right subtended by a 10°14'53" central angle and 1860.00 ft. radius (long chord : N58°24'06"W, 332.24 ft.) to a YZ"" iron stake set on the east side of the private entry street into the V.A. Hospital property for the west corner of the herein described tract; THENCE, upon, over and across said 731.75 acre tract along the east and south sides of the private street accessing the V.A. Hospital property, all calls to set Y2" iron stakes unless otherwise stated: N39°25'49"E, 32.50 ft.; N59°52'36"E, 33.02 ft.; N89° 16'09"E, 72.16 ft. to an "X" cut in a concrete drainage structure; N67° 19'41 "E, 81.20 ft.; N32°56'05"E. 26.09 ft.; N28°57'52"E, 38.02 ft.; N46°52'13"E, 46.65 ft.; N86°52'50"E, 42.71 ft. ; S69°36'57"E, 60.02 ft. ; S65°20'22"E. 131.54 ft. ; S75°29'01"E, 85 .74 ft.; S89°08'52"E, 68.98 1"1.; N74°59'03"E, 47.33 ft.; N61°58'5J"E, 164.24 ft.; and N48°03'49"E, 71.14 ft. to a Yz" iron stake set for the northeast corner of the herein described tract; THENCE, continuing upon. over and across said 731.75 acre tract SOoo50'16"W, 279.81 ft. to a Iii" iron stake set on ttle southeast side of a chain link fence in the north line of said 15.51 acre tract for the east corner of the herein describe tract; THENCE, near a chain link fence (approximately parallel with and 0.4 ft. southeast from fence) with the said north line of 15.51 acre tract continuing upon, over and across said 731.75 acre tract S67°51 '24"W, 466.07 ft. to the PLACE OF BEGINNING.

I hereby certify that these field notes and accompanying plat are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners al'e as shown. (Bearing basis = True to north based on G PS observations)

Date Surveyed: April 28, 2010

May 4, 2010

Lee C. Voelkel
Registered Professional Land Surveyor No. 3909
County Surveyor for Kerr County, Texas

LAND

EXHIBIT "B"

LESSEE'S MILESTONE SCHEDULE FOR THE PROJECT

The Lessee's "milestone schedule" for this contemplated Enhanced-Use Lease will at execution of the Lease, be attached to this Page #1 of Exhibit "B." It will identify the targeted dates for completion of the key milestones for the project, as listed below. These milestones constitute part of the Parties' "Further Assessment" process for this contemplated EU Lease, as discussed in Articles 1.C and 1.E of the Lease.

Major Milestone Steps:

A.	Project Site Plan	12/14/12
B.	Project Design Plan	3/14/12
C.	Development and Financing Plan	3/31/12
D.	Operations, Maintenance, Security, and Tenant Selection Plan	3/31/12
E.	Financing Commitment Letters	12/14/12
F.	Zoning Agreement Between Lessee and Local Authorities	10/1/12
G.	Taxation Agreement Between Lessee and Local Authorities	3/14/12
H.	Historic Preservation Agreements (if applicable) Between Lessee and Local Authorities	3/14/12
I.	Environmental Reviews and NEPA Finding of No Significant Impact	8/1/2013
J.	Permit Approvals From Local Authorities	
K.	Parties' Joint Determination of Whether this Enhanced-Use Lease Is Viable or Not ¹	12/31/12
L.	Execution of the Amended & Restated Enhanced-Use Lease	1/31/13
M.	Construction Start	10/1/2013
N.	Certificate of Occupancy From Local Authorities or Independent Inspector	11/28/14
O.	Full Occupancy of the Facility, and Commencement of Operations	12/1/14

¹ Note: If the Parties determine that the Amended & Restated Enhanced-Use Lease discussed in Article 1.F of the Lease is not viable, the parties will, per Article 1.G above, mutually terminate this Enhanced-Use Lease Agreement at no cost or recourse to either party, and Steps L-O listed above in this Exhibit "B" will not be performed.

DEPARTMENT OF VETERANS AFFAIRS**Enhanced-Use Lease (EUL) of Department of Veterans Affairs (VA) Real Property for the Development of a Senior Housing Facility in Kerrville, TX****AGENCY:** Department of Veterans Affairs.**ACTION:** Notice of Intent to Enter into an Enhanced-Use Lease (EUL).

SUMMARY: The Secretary of VA intends to enter into an EUL on an approximately 5.0-acre parcel of land at the VA South Texas Healthcare System—Kerrville campus in Kerrville, Texas. The selected lessee will finance, design, develop, construct, manage, maintain and operate the EUL development. As consideration for the lease, the lessee will be required to construct, renovate, operate and maintain a senior housing facility; provide preference and priority placement for senior and disabled Veterans and their families; and provide a supportive services program.

FOR FURTHER INFORMATION CONTACT: Edward Bradley, Office of Asset Enterprise Management (044), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461-7778 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Title 38 U.S.C. 8161 *et seq.* states that the Secretary may enter into an enhanced-

use lease if he determines that implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease for the provision of medical care and services would result in a demonstrable improvement of services to eligible Veterans in the geographic service-delivery area within which the property is located. This project meets this requirement.

Approved: October 21, 2011.

Eric K. Shinseki,*Secretary of Veterans Affairs.*

[FR Doc. 2011-27912 Filed 10-27-11; 8:45 am]

BILLING CODE 8320-01-P**DEPARTMENT OF VETERANS AFFAIRS****Enhanced-Use Lease (EUL) of Department of Veterans Affairs (VA) Real Property for the Development at the Roseburg VA Medical Center (VAMC) in Roseburg, OR****AGENCY:** Department of Veterans Affairs.**ACTION:** Notice of Intent to Enter into an Enhanced-Use Lease (EUL).

SUMMARY: The Secretary of VA intends to enter into an EUL on an approximately 9.3-acre parcel of land at the Roseburg VAMC in Roseburg, Oregon. The selected lessees will finance, design, develop, construct, manage, maintain and operate the EUL development. As consideration for the

lease, the lessees will be required to construct, renovate, operate, and maintain a permanent and transitional housing facility; provide preference and priority placement for homeless Veterans and Veterans at risk of homelessness and their families; and provide a supportive services program that guides resident Veterans toward attaining long-term independence and self-sufficiency.

FOR FURTHER INFORMATION CONTACT:

Edward Bradley, Office of Asset Enterprise Management (044), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461-7778 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Title 38 U.S.C. 8161 *et seq.* states that the Secretary may enter into an enhanced-use lease if he determines that implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease for the provision of medical care and services would result in a demonstrable improvement of services to eligible Veterans in the geographic service-delivery area within which the property is located. This project meets this requirement.

Approved: October 21, 2011.

Eric K. Shinseki,*Secretary of Veterans Affairs.*

[FR Doc. 2011-27907 Filed 10-27-11; 8:45 am]

BILLING CODE 8320-01-P

24103

Pleasant Pointe

**Request for Administrative
Deficiency**

April 26, 2024

Mr. Joshua Goldberger
9% Competitive Housing Tax Credit Program Manager
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: 24103 Pleasant Pointe Apartments – Mount Pleasant, TX

Via Email

Dear Mr. Goldberger:

Please accept this Third-Party Request for an Administrative Deficiency (RFAD) for TDHCA Application #24103 Pleasant Pointe Apartments. Included in this Request is new information, not provided by the Applicant. The identified items are as follows:

- The Applicant has selected 17 points under Local Government Support in Tab 46 without providing a resolution of support from the City of Mount Pleasant. The Applicant has provided a resolution from the City of Angleton.
- Inaccurate coordinates for the tie breakers were provided under Tab 48.

Resolution of Support

Under Local Government Support, an Application qualifies for 17 points if a resolution is provided from the Governing Body of the appropriate municipality explicitly stating support for the Development. 10 TAC §11.9(d)(1) states:

The resolution(s) must be dated prior to Final Input from Elected Officials Delivery Date and must be submitted to the Department no later than the Final Input from Elected Officials Delivery Date as identified in §11.2(a) of this chapter, relating to Competitive HTC Deadlines. Such resolution(s) must specifically identify the Development whether by legal description, address, Development name, Application number or other verifiable method... Once a resolution is submitted to the Department it may not be changed or withdrawn.

The Final Input from Elected Officials Delivery Date referenced above is March 1, 2024. As shown in Exhibit A, the Resolution of Support provided in the Application is from the City of Angleton for the development Amber Ridge Apartments. A resolution from the City of Mount Pleasant, the correct Municipality for Pleasant Pointe Apartments, was not included in the Application by the March 1st Delivery Date. The resolution also fails to specifically identify Pleasant Pointe Apartments. Furthermore, per 10 TAC §11.9(d)(1), the Applicant cannot change or withdraw the resolution. With no resolution from the appropriate municipality, Pleasant Pointe Apartments **does not qualify for the 17 points** selected under Tab 46: Community Input Scoring Items.

Tie Breakers

Per 10 TAC §11.7(2)(B):

The linear measurement will be performed from closest parcel boundary of the Development Site to closest parcel boundary of each feature. The Department may prescribe a specific form to be used for the calculation of these distances using GPS coordinates provided by the Applicant.

Inaccurate development site and amenity coordinates for the tie breakers were provided under Tab 48 (Exhibit B). The linear measurements performed from the closest parcel boundary of the Development Site to the closest parcel boundary for all of the 4 amenities have incorrect measurements as summarized below:

Amenity	Development Site	Distance Misrepresentation
Park		7.8'
Grocery Store	162.9'	-
Library	160.7	7,675.6 – wrong amenity
Elementary School	-	5307.7 – wrong amenity

Exhibit C demonstrates the development site lat long parcels for the grocery store and library are not within the development site using the free and easily accessible Titus County Appraisal District online map. Furthermore, in the case of the elementary and library coordinates, the amenity coordinates are for the wrong locations – a child development center and municipal court.

QAP excerpt:

*(D) In the event that one of the top three features is disqualified due to not conforming to the definitions provided or a substantial misrepresentation of distance from the development, the fourth will be used as an opportunity to replace the disqualified feature. If multiple features are disqualified, **the Application will not receive preference**. If the competing application(s) also has multiple disqualified features the tie will persist.*

The submitted coordinates are substantially misrepresented, given that a tie between applications persists when the combined distance of the closest three amenities differs by fewer than 100 feet. Accordingly, the Application has nonconforming features per the QAP and the Application forfeits its preferential status.

Conclusion

The Applicant has failed to comply with the requirements of the 2024 QAP regarding Local Government Support and tie breakers. Accordingly, the Application is subject to a reduction of 17 points and does not qualify for the requested tie breaker distance and lose the requested tiebreaker status preference.

Thank you for assessing this request. Please let me know if you have any further questions or require any additional documentation by contacting me at (513) 256-3810. Thank you for your consideration.

Sincerely



Brian McGeady

Exhibits

Exhibit A – Tab 46 Community Input Scoring Items

Exhibit B – Tab 48 Tie Breakers

Exhibit C – Tie Breaker Linear Measurements\

Exhibit A

Community Input Scoring Items

TDHCA# pp. Cove

Self Score Total: 138

1. Local Government Support - §11.9(d)(1) - Only check the box if support documents are included in the Application.

☒ Resolution(s) of either "no objection" or "support" is included behind this tab.**

Points Requested 17

City of Mt. Pleasant

Name of Local Government Body

Name of Local Government Body (if applicable)

** Note that resolutions are due March 1, 2024

2. Quantifiable Community Participation - §11.9(d)(4)

☒ Application expects to receive QCP points.

Points Requested 4

** Note that QCP Packets are due March 1, 2024 and MAY NOT be submitted by the Applicant. Packets MUST be received from Neighborhood Organization!

3. Input from State Representative - §11.9(d)(5)

☐ Letter of either support, neutrality, or opposition is included behind this tab.**

Points Requested 0

OR

☐

Letter stating that no letter will be provided is included behind this tab.**

☒ No letter from a State Representative is included behind this tab.

Points Requested 8

** Note that if there is no Representative, both items will be scored as neutral. Letters are due March 1, 2024.

8

4. Input from Community Organizations - §11.9(d)(6)

☒ Applicant has included one or more letters of support or opposition behind this tab.

Points Requested 4

A. Expectant Heart Pregnancy Resource Center

Name of Community Organization

Marsha Morris

Contact Name

☒ Support☐ Opposition

B. East Texas Literacy Council

Name of Community Organization

Natasha Duncan

Contact Name

☒ Support☐ Opposition

C. Portfolio Resident Services

Name of Community Organization

Belinda Garza

Contact Name

☒ Support☐ Opposition

D. The Salvation Army

Name of Community Organization

Michael Rice

Contact Name

☒ Support☐ Opposition

E.

Name of Community Organization

Contact Name

☐ Support☐ Opposition

F.

Name of Community Organization

Contact Name

☐ Support☐ Opposition

RESOLUTION NO. 20230124-005

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, INDICATING SUPPORT FOR THE APPLICATION OF AMBER RIDGE APARTMENTS, LP AND ITS AFFILIATES, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE 2023 COMPETITIVE 9% HOUSING TAX CREDIT PROGRAM, AND APPROVING AWAIVER OF DEVELOPMENT AND PERMIT FEES.

WHEREAS, AMBER RIDGE APARTMENTS, LP has proposed a development for affordable rental housing at 114 WOODWAY DRIVE named AMBER RIDGE APARTMENTS in ANGLETON, TEXAS 77515, BRAZORIA COUNTY; and

WHEREAS, AMBER RIDGE APARTMENTS, LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2022 Competitive 9% Housing Tax Credits for AMBER RIDGE APARTMENTS; and

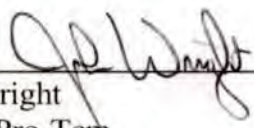
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANGLETON TEXAS:

SECTION 1. The CITY OF ANGLETON, acting through its governing body, hereby confirms that it supports the proposed AMBER RIDGE APARTMENTS AT 114 WOODWAY DR., (TDHCA Application) and that this formal action has been taken to put on record the opinion expressed by the ANGLETON, TEXAS on January 24, 2023, and

SECTION 2. The City of Angleton, acting through its governing body, hereby confirms it shall provide a financial contribution in the form of reduced building or development permit fees in the amount of Two Hundred Fifty Dollars (\$250.00) to Amber Ridge Apartments, LP, if the Texas Department of Housing and Community Affairs awards 9% Housing Tax Credits to Amber Ridge Apartments LP.

PASSED AND APPROVED THIS THE 24TH DAY OF JANUARY 2023.

CITY OF ANGLETON, TEXAS



John Wright
Mayor Pro-Tem

Exhibit B

Tie-Breaker Information (Competitive HTC Only)

Tie-Breaker #1 (§11.7(1) of the QAP)

For Applications funded through the USDA Set-Aside; Applications proposed to rehabilitate the property with the earliest year of initial construction as a residential development. Year submitted must be evidenced by the initial USDA loan documentation. A tie will persist if two Applications have the same year.

Year of Initial Construction:

Matching loan documentation
included behind tab?

Tie-Breaker #2 (§11.7(2) of the QAP)

For all other competitive Applications; Applications proposed to be located in closest proximity to the following features as of the Full Application Delivery Date:

- (1) A Park,
- (2) The elementary school of attendance,
- (3) A full service grocery store, and
- (4) A Public Library

The linear measurement will be performed from the closest parcel boundary of the Development Site to closest parcel boundary of each feature. In calculating the proximity, each feature's distance will be required for submittal, with the sum of the three closest features being used to produce the result. The Application with the lowest sum of proximity will receive preference. In the event that one of the top three features is disqualified (due to not conforming to definition or a substantial misrepresentation of distance), the fourth will be used as an opportunity to replace the disqualified feature. The tie will persist if the two tied Applications differ by 100 feet or fewer.

Amenity	Name	Address
Park	Heritage Park	1713 N Edwards, Mount Pleasant, TX 75455
Elementary School	Vivian Fowler	502 North O'Tyson St, Mount Pleasant, TX 75455
Grocery Store	Super Bueno	1210 W Ferguson Rd, Mount Pleasant, TX 75455
Library	Mt Pleasant Public Library	601 N Madison, Mount Pleasant, TX 75455

Site Boundary		Park	
Latitude	Longitude	Latitude	Longitude
33.168695	-94.994703	33.169237	-94.988386
		Elementary School	
Latitude	Longitude	Latitude	Longitude
33.165505	-94.994995	33.158957	-94.985414
		Grocery Store	
Latitude	Longitude	Latitude	Longitude
33.165	-94.994972	33.158047	-94.980452
		Library	
Latitude	Longitude	Latitude	Longitude
33.165	-94.995	33.16	-94.97

Coordinates
boxed in red are
outside their
respective parcel.

Distance (feet)	
Park	1939
Elementary School	3777
Grocery Store	5109
Library	7850
Tie-Breaker:	10,825.64

Tie-Breaker #3 (§11.7(3) of the QAP)

Applications proposed to be located the greatest linear distance from the nearest Housing Tax Credit assisted Development that serves the same Target Population and that was awarded less than 15 years ago according to the Department's property inventory tab of the Site Demographic Characteristics Report.

Development Longitude: -94.995489

Development Latitude: 33.166967

Target Population: General

Closest Development serving
same Population:

Logan's Pointe

Click on link to go to property inventory tab of site demographics

Application Number: 22458

Address: 101 Logans Pointe Drive, Mount Vernon, TX 75457

Year of Award: 2022

Target Population for Closest
Development

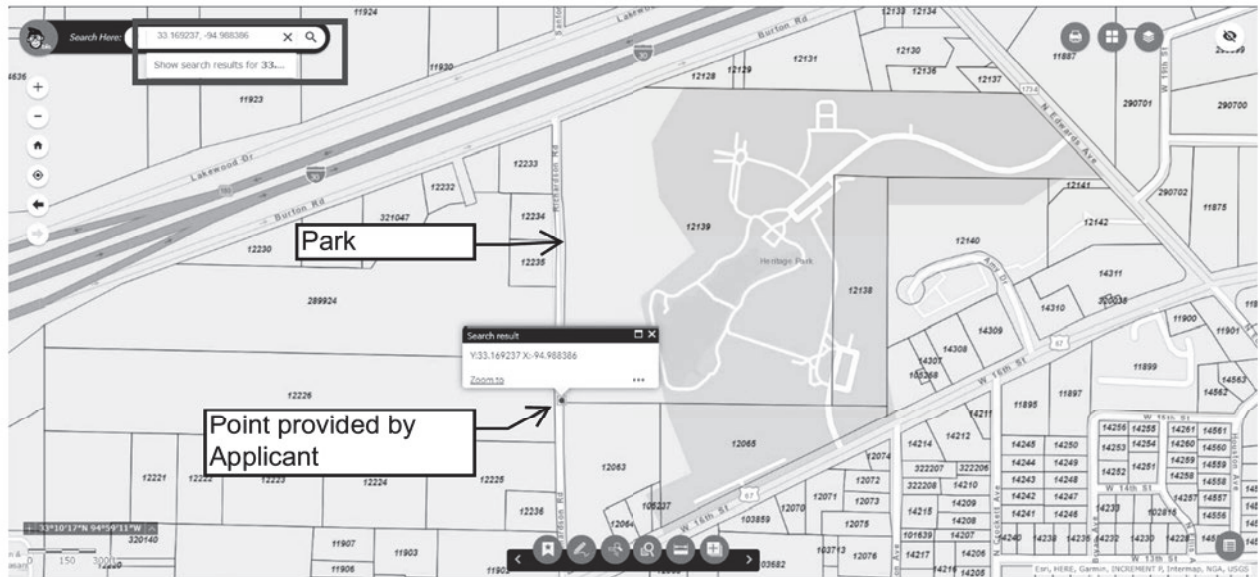
General

Exhibit C

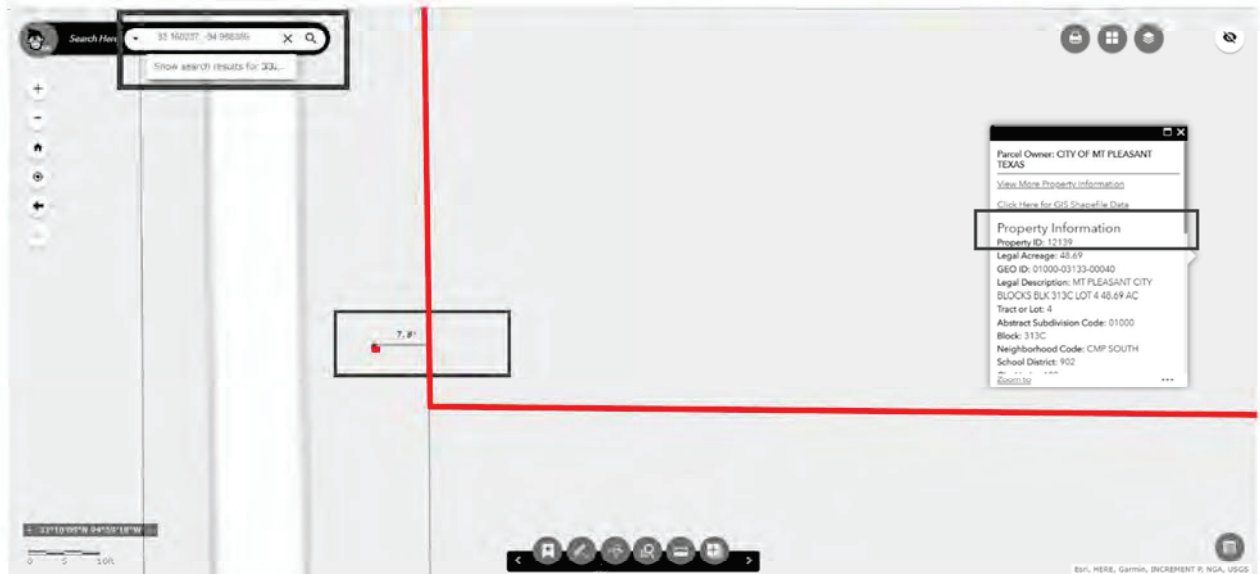
Park

(lat long used for the park site is outside the park parcel)

Park Tie Breaker. As shown below, when the coordinates provided by the Applicant are input into the Titus CAD interactive map, the point is outside boundaries of the selected park.



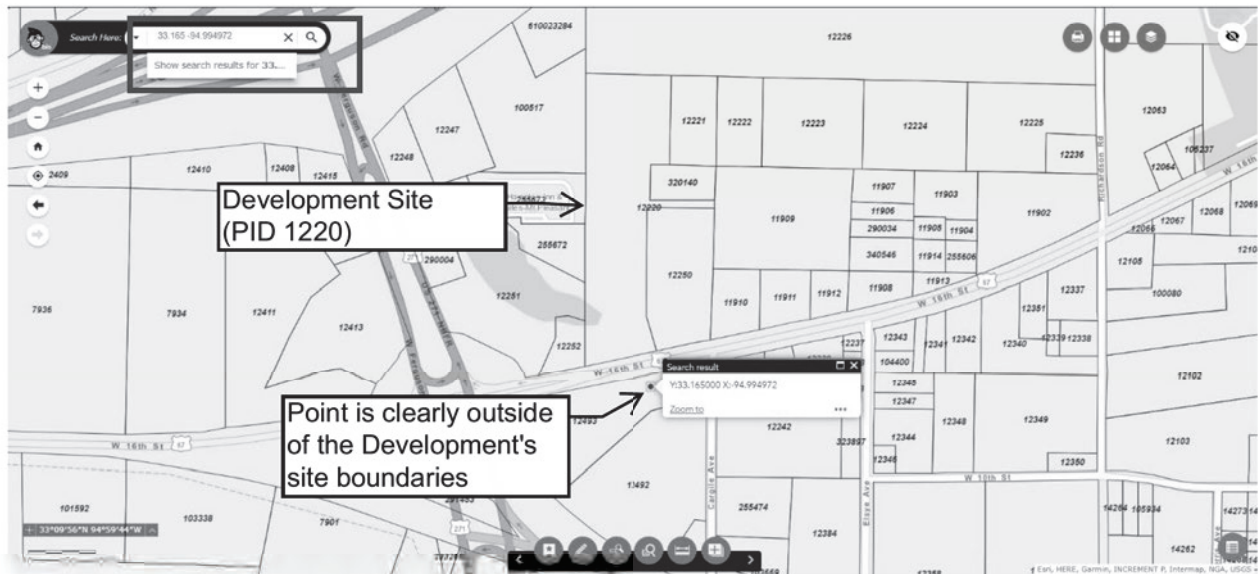
Park Tie Breaker – zoomed in, shown below. When zooming in and using the measurement tool provided in the Titus CAD interactive map, the point provided by the Applicant is **7.8 feet** away from the park parcel boundary.



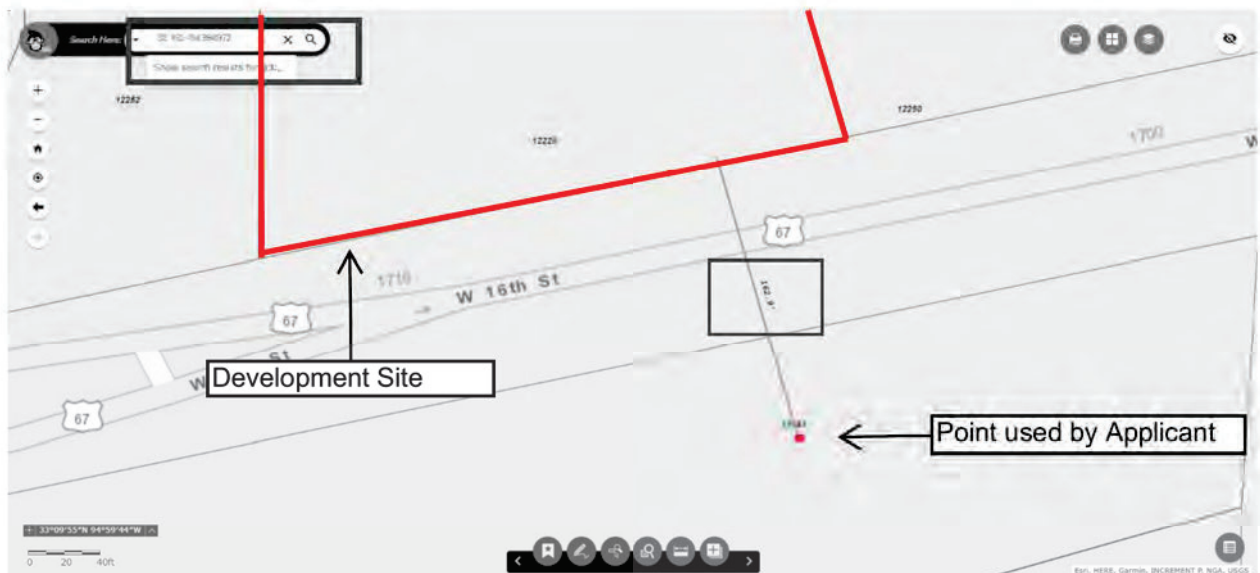
Grocery Store

(lat long used for the development site is outside the development parcel)

Site Boundaries (for grocery store tie breaker). As shown below, when the coordinates provided by the Applicant are input into the Titus CAD interactive map, the point is outside the Development Site parcel boundary.



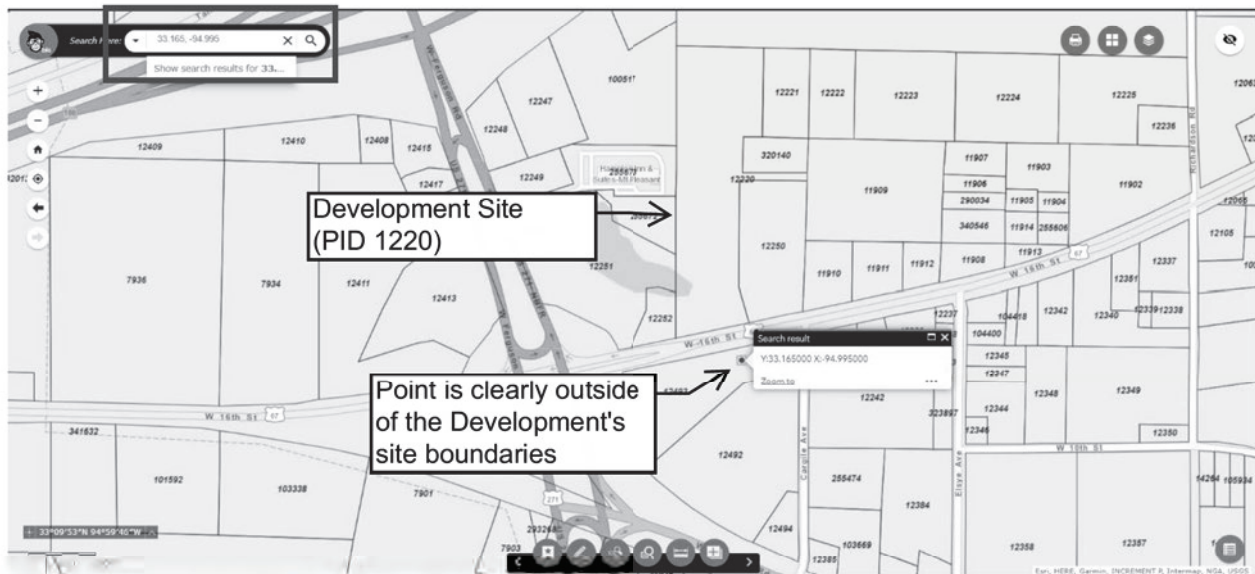
Site Boundaries (for grocery store tie breaker) – zoomed in, shown below. When zooming in and using the measurement tool provided in the Titus CAD interactive map, the point provided by the Applicant is 162.9 feet away from the Development Site parcel boundary.



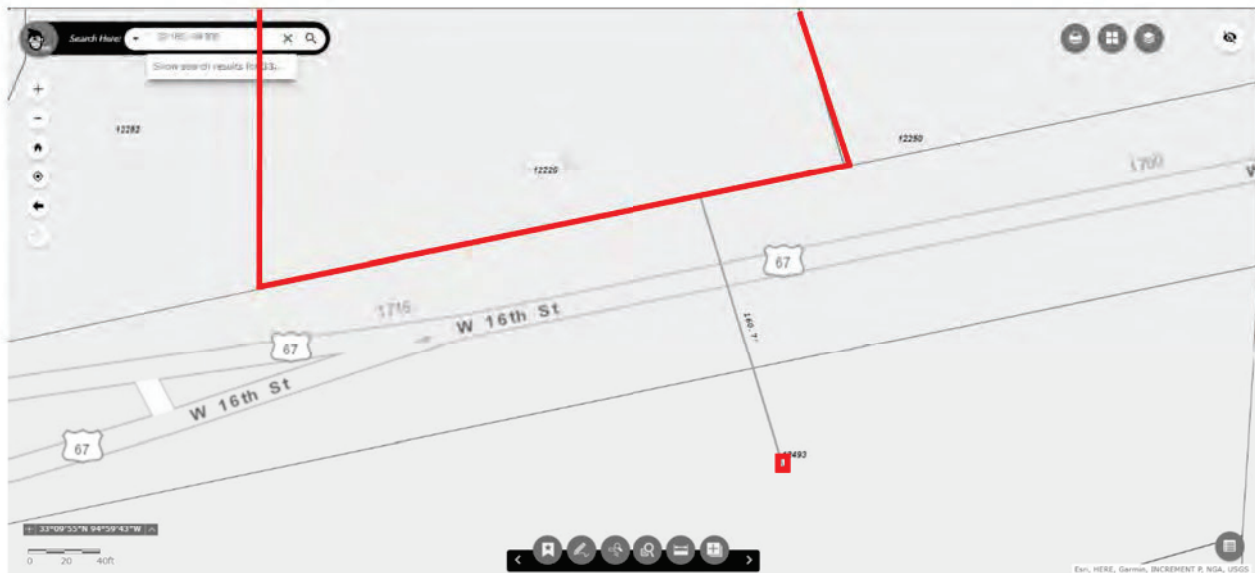
Library

(lat long used for the development site is outside the development parcel)

Site Boundaries (for library tie breaker). As shown below, when the coordinates provided by the Applicant are input into the Titus CAD interactive map, the point is outside the Development Site parcel boundary.



Site Boundaries (for library tie breaker) – zoomed in, shown below. When zooming in and using the measurement tool provided in the Titus CAD interactive map, the point provided by the Applicant is **160.7 feet** from the Development Site parcel boundary.



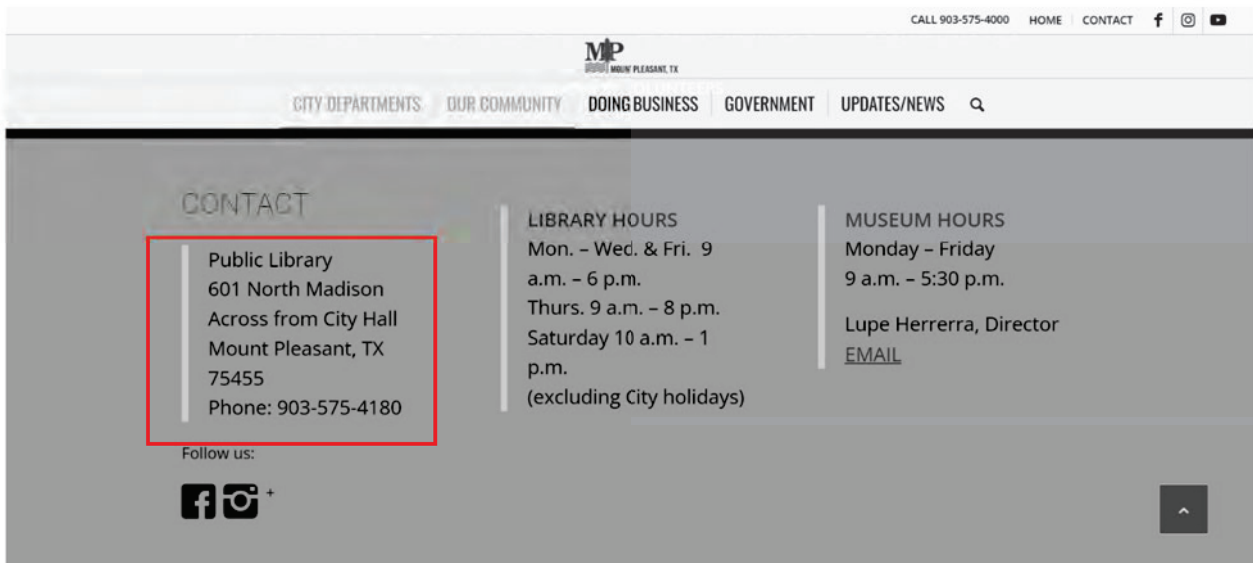
Library

(lat long provided is not for a library)

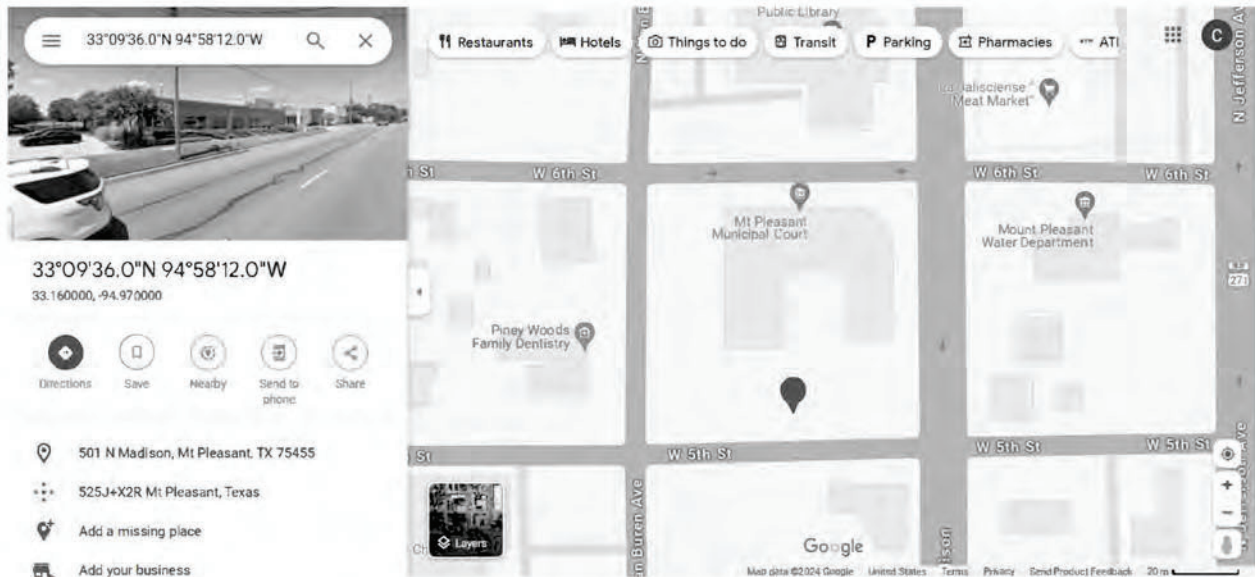
Library Tie Breaker. According to the Mount Pleasant city website, the library's address is 601 N Madison, Mt Pleasant, TX 75455. This address yields a different location point than the coordinates provided in the Application. The library coordinates provided in the Application are shown below.



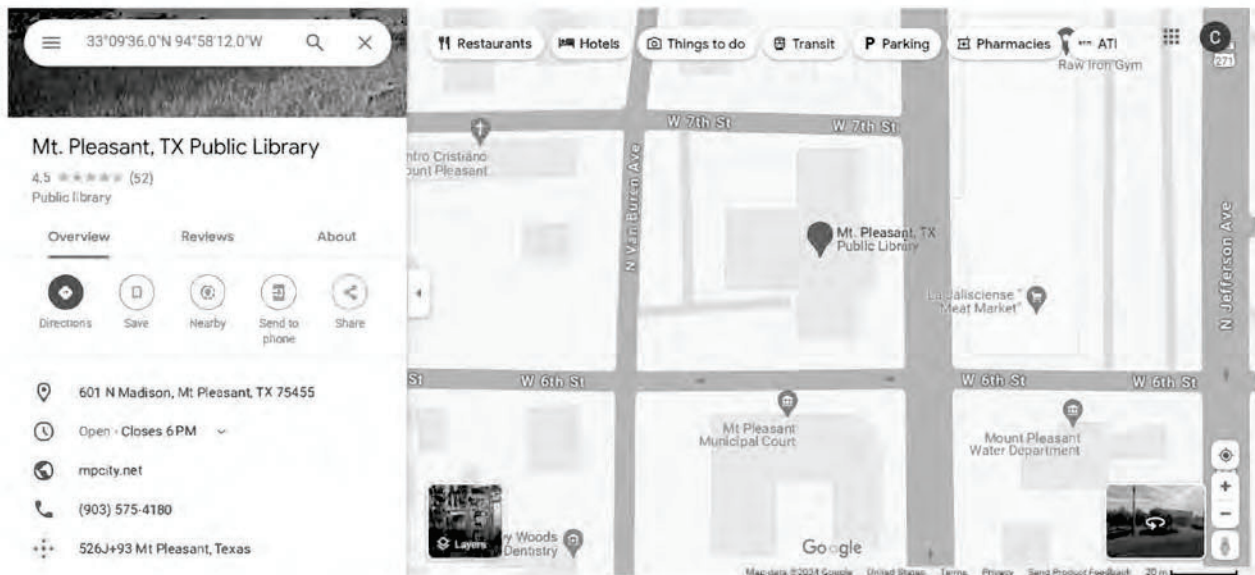
Library webpage

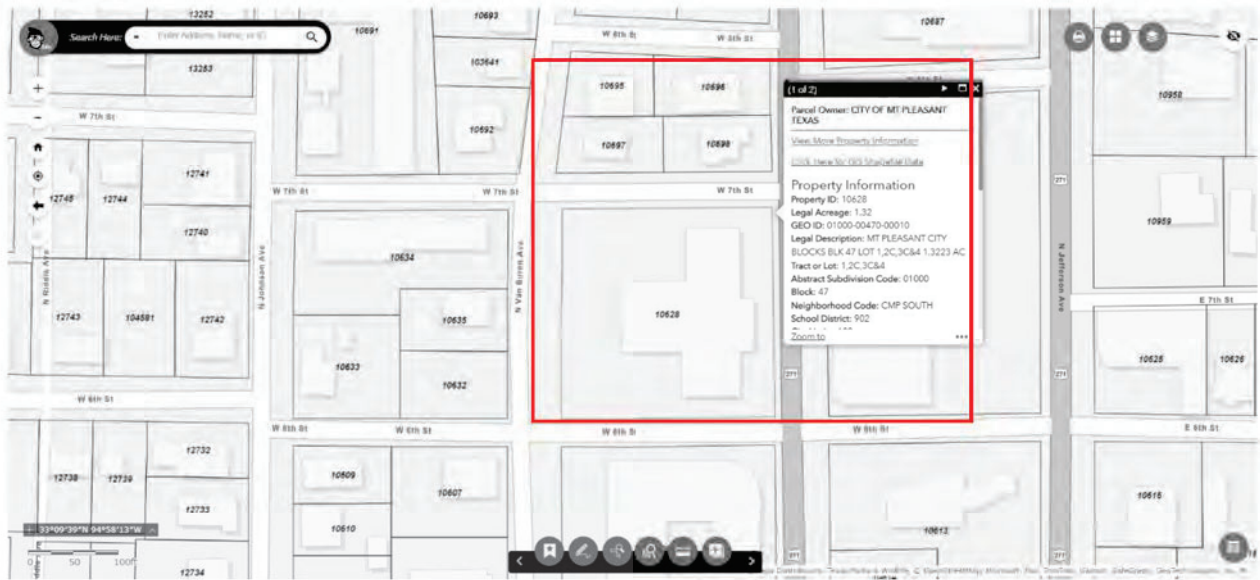


When the Applicant's coordinates are input in Google Maps, the coordinates take you to the following location. Municipal Court, not a library

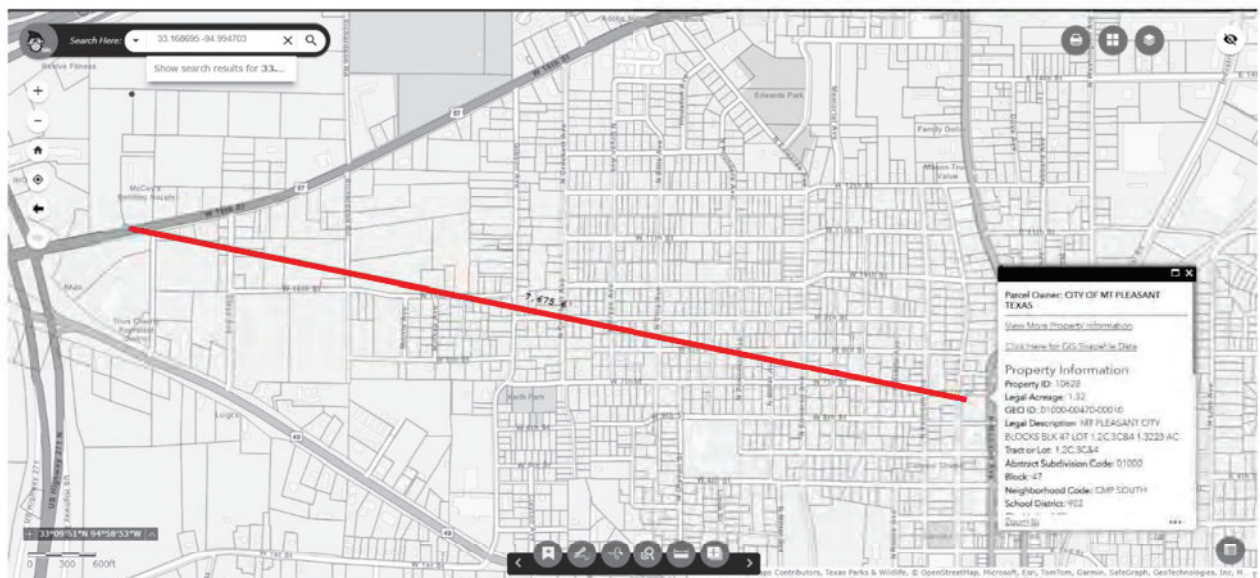


The *correct* location is shown below.



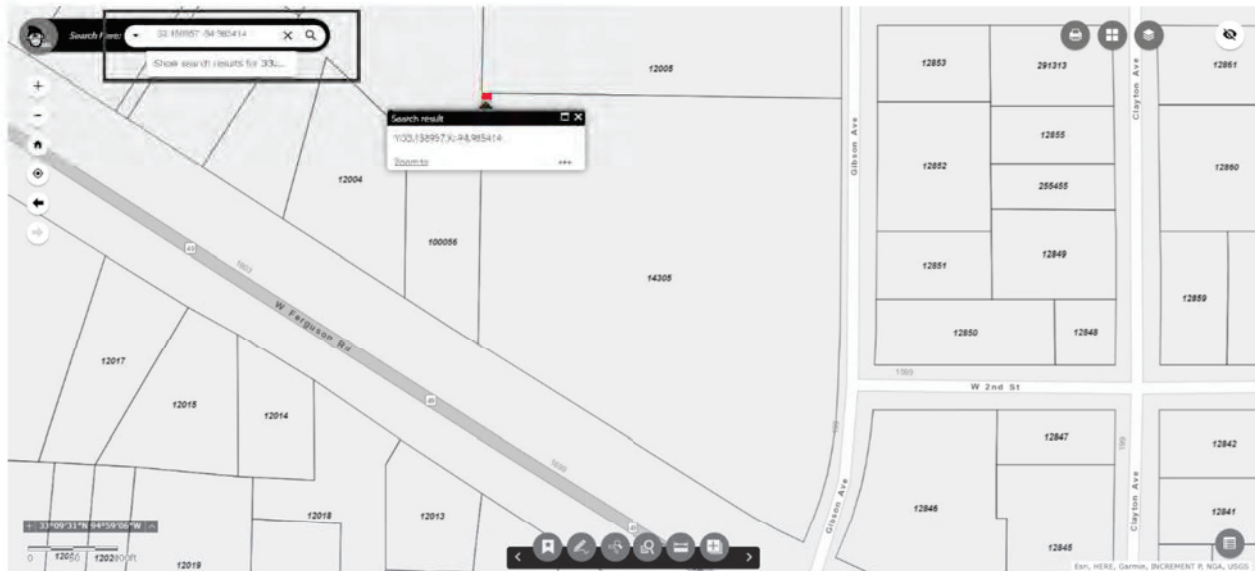


The actual distance between the Development Site and the library is approximately 7,675.6 feet.



(lat long is the MPISD Child Development Center)

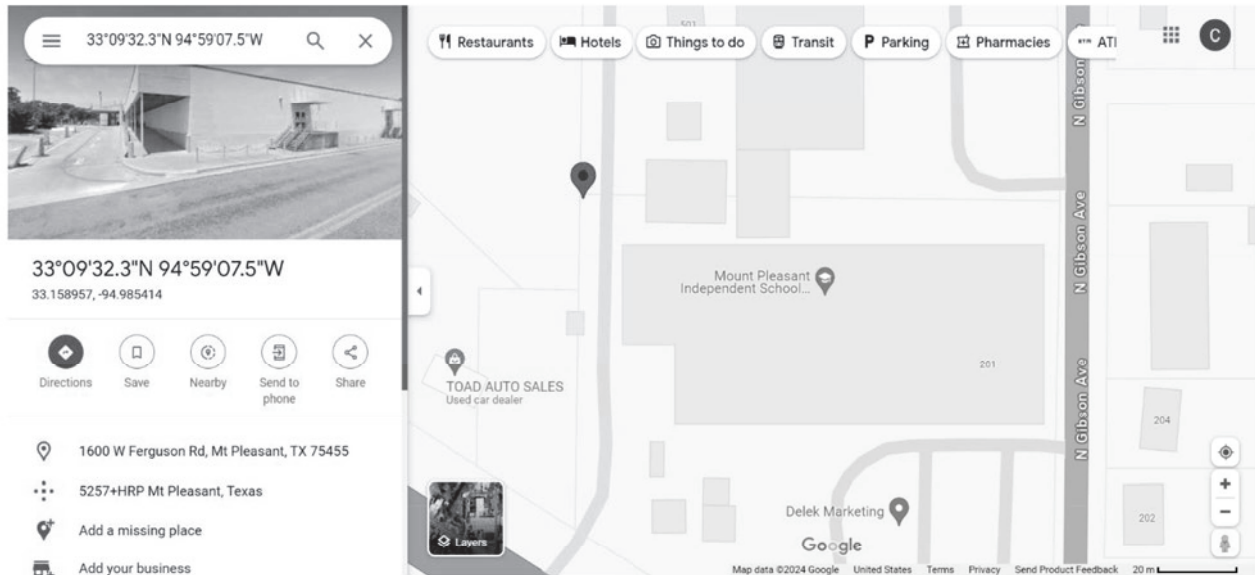
Elementary Tie Breaker. According to the Vivian Fowler school page on the Mount Pleasant ISD website, the elementary school's address is 502 N O'Tyson Ave, Mt Pleasant, TX 75455. This address yields a different location point than the coordinates provided in the Application. The elementary coordinates from the Application are shown below.



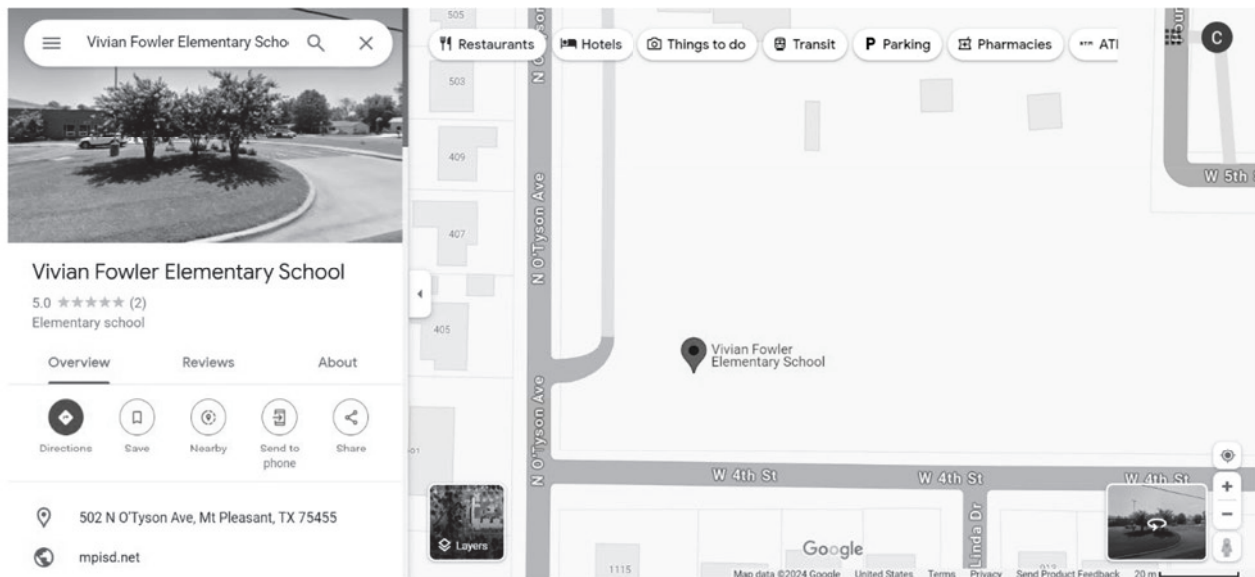
School webpage

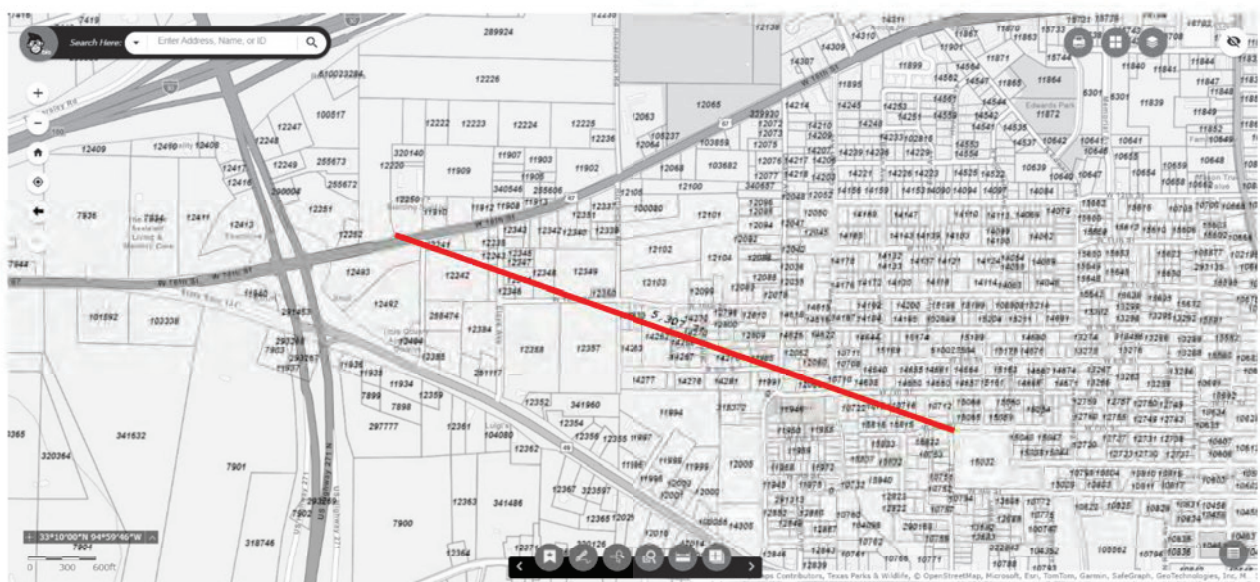


When the Applicant's coordinates are input in Google Maps, the coordinates take you to the following location.



The *correct* location is shown below.





24110

Northpark Garden Villas

**Request for Administrative
Deficiency**

May 3, 2024

Mr. Joshua Goldberger
9% Competitive Housing Tax Credit Program Manager
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: 24110 Northpark Garden Villas – RFAD Houston ETJ

Dear Mr. Goldberger:

I am submitting a Third-Party Request for an Administrative Deficiency (RFAD) for TDHCA Application #24110 Northpark Garden Villas. Included in this Request is ***new information, not provided by the Applicant***. The Applicant has failed to disclose that the Development Site is in the Houston Extraterritorial Jurisdiction (ETJ). No resolution of support was provided by Harris County despite the Applicant claiming full 17 points under Local Government Support. Accordingly, the Application warrants 8.5 fewer points.

The development site is in the City of Houston ETJ. This is demonstrated by the City's maps and lack municipal taxation. While the site is also in the Houston limited services area with a Council representative, it is clearly in the ETJ. The online Houston Map Viewer shows Northpark Garden Villas is in the Houston ETJ (Exhibit A). Though the Development receives limited services, no taxes are paid to the City of Houston as shown on the Harris County Appraisal District website (Exhibit B). The Applicant has marked the Development Site as ***not*** being in the ETJ under Tab 7 Site Information Form Part I (Exhibit C), which is contradictory to the aforementioned information that is readily available online.

Furthermore, §11.9(d)(1) of the 2024 QAP states:

*If a Development site is located partially within a municipality and partially within a county or extraterritorial jurisdiction, positive points will **only** be awarded if a resolution is obtained from **both entities**.*

The Applicant has applied for 17 points under Tab 46 Local Government Support (Exhibit D). Based on the Development's location and the rules of the 2024 QAP, the Application requires **two** resolutions of support to qualify for the 17 points – one from the City of Houston and another from Harris County. However, the Applicant has only provided a resolution from the City of Houston. Consequently, the Applicant cannot claim the full 17 points under Tab 46.

For reference, in 2023 #23008 Park Row Katy Living is an example of the same jurisdiction situation; the Development is also in the Houston ETJ and Houston limited service area. The Park Row Katy Living application appropriately stated the Development as in ETJ and submitted both the City and County resolutions (Exhibit E).

Conclusion

The Applicant has failed to comply with the requirements of the 2024 QAP regarding Local Government Support. Accordingly, the Application is subject to a reduction of 17 points of its Application Score. Thank you for assessing this request.

Please let me know if you have any further questions or require any additional documentation by contacting me at (512) 203-3854. Thank you for your consideration.

Sincerely,

Greg Whiteley



Exhibits

Exhibit A – Houston Map Viewer Map

Exhibit B – Parcel Information from Harris County Appraisal District

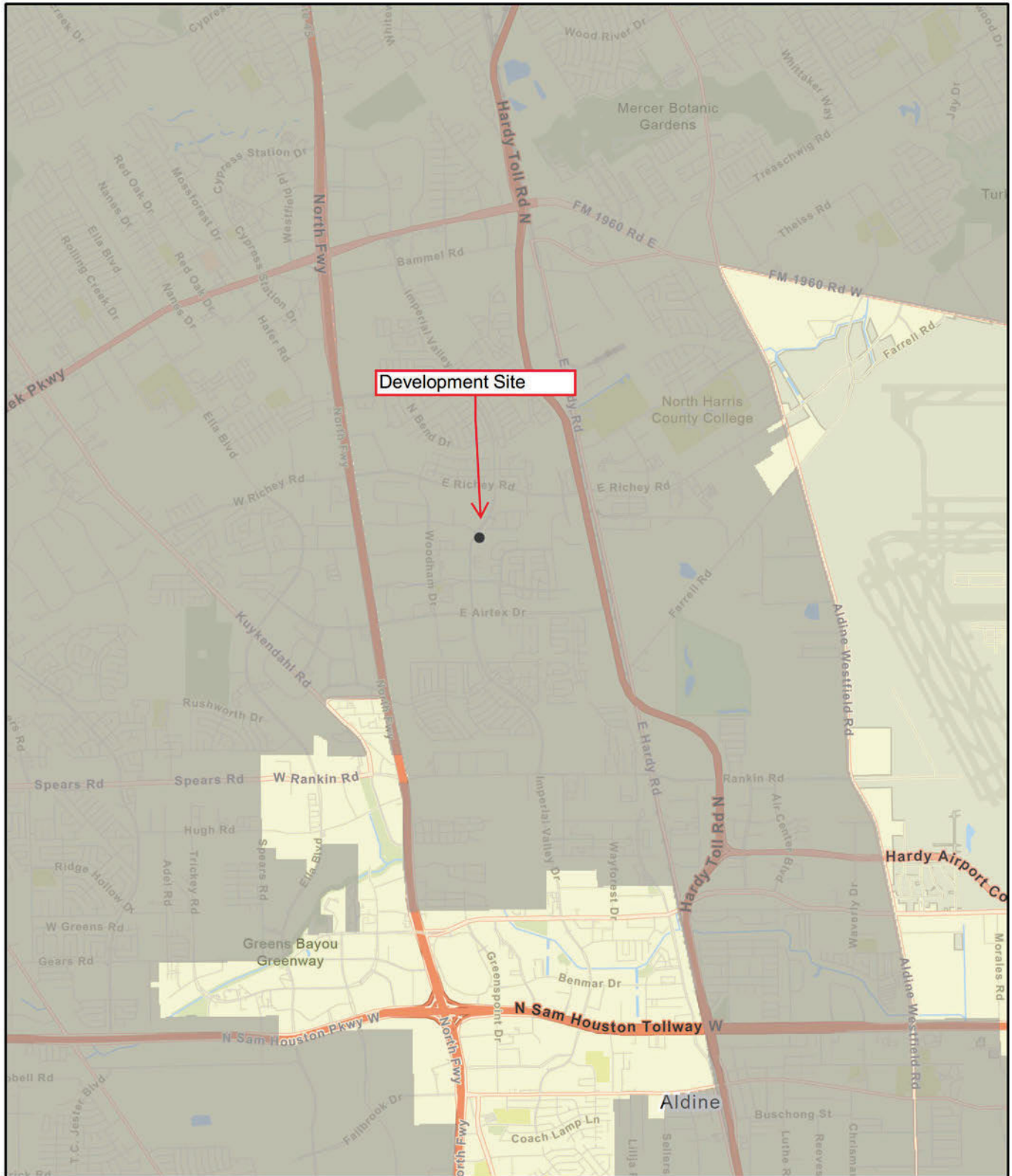
Exhibit C – Tab 7 Site Information Form Part I

Exhibit D – Tab 46 Community Input: Local Government Support

Exhibit E – Park Row Katy Living, Extracted Pages

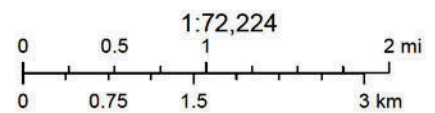
Exhibit A

MyCity Houston



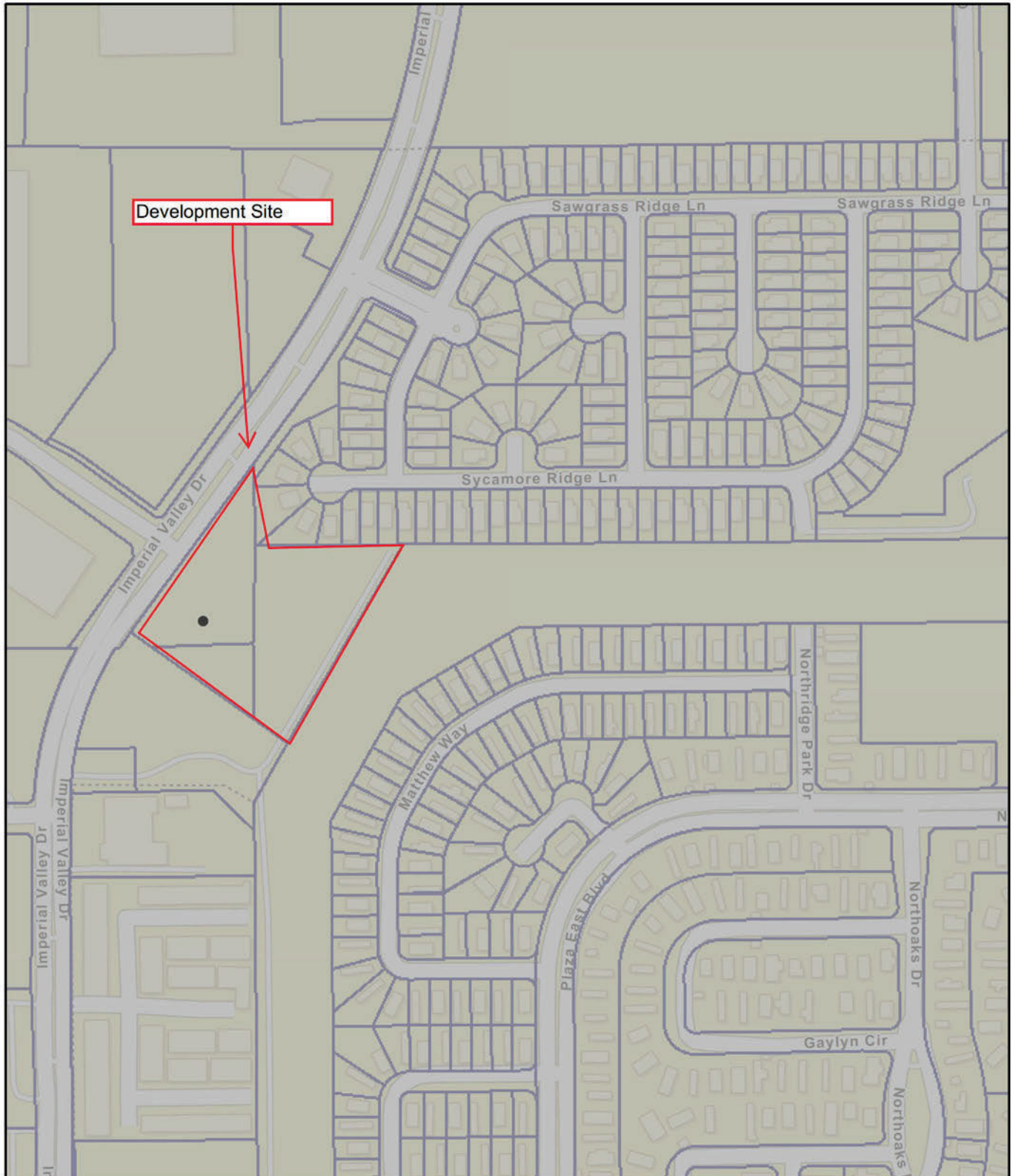
5/3/2024, 2:17:36 PM

City of Houston ETJ



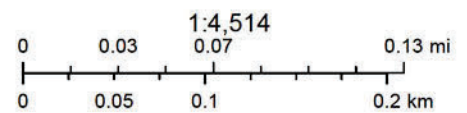
Baylor University, City of Houston, HPB, Texas Parks & Wildlife, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

MyCity Houston



5/3/2024, 2:19:10 PM

-  City of Houston ETJ
-  Parcels



Esri Community Maps Contributors, Baylor University, City of Houston, HPB, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Exhibit B

Tax Year: 2024		HARRIS CENTRAL APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION ACCOUNT NUMBER 0440320000035				Print E-mail					
File A Protest		Similar Owner Name		Nearby Addresses		Same Street Name		Related Map 5267D			
Ownership History Related Accounts											
Owner and Property Information											
Owner Name & Mailing Address: GUNIGANTI PRABHAKAR R 50 WATERFORD CT NACOGDOCHES TX 75965-8709				Legal Description: TR 6D ABST 608 S L NOBLE Property Address: 0 IMPERIAL VALLEY DR HOUSTON TX 77073							
State Class Code		Land Use Code			Building Class			Total Units			
C2 -- Real, Vacant Commercial		8001 -- Land Neighborhood Section 1						0			
Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area		Map Facet	Key Map®				
85,669 SF	0	0	5987.01	382 -- ISD 24 - South of FM 1960		5267D	332Z				
Value Status Information											
Value Status		Notice Date			Shared CAD						
Noticed		04/19/2024			No						
Exemptions and Jurisdictions											
Exemption Type	Districts	Jurisdictions	Exemption Value		ARB Status	2023 Rate	2024 Rate				
None	024	SPRING ISD			Not Certified	1.109200					
	040	HARRIS COUNTY			Not Certified	0.350070					
	041	HARRIS CO FLOOD CNTRL			Not Certified	0.031050					
	042	PORT OF HOUSTON AUTHY			Not Certified	0.005740					
	043	HARRIS CO HOSP DIST			Not Certified	0.143430					
	044	HARRIS CO EDUC DEPT			Not Certified	0.004800					
	045	LONE STAR COLLEGE SYS			Not Certified	0.107600					
	336	HC MUD 36			Not Certified	0.140000					
	639	HC EMERG SRV DIST 24			Not Certified	0.093755					
671	HC EMERG SRV DIST 1			Not Certified	0.082838						
Estimated taxes for this property can be found at www.harrispropertytaxes.org .											
Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at HCAD's information center at 13013 NW Freeway.											
Valuations											
Value as of January 1, 2023					Value as of January 1, 2024						
	Market	Appraised		Market	Appraised		Market	Appraised			
Land	367,086		Land	407,086							
Improvement	0		Improvement	0							
Total	367,086	367,086	Total	407,086	407,086						
5-Year Value History											
Value Notice											
Land											
Market Value Land											
Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	8001 -- Land Neighborhood Section 1 4300 -- General Commercial Vacant	SF	80,000	1.00	1.00	1.00	--	1.00	5.00	5.00	400,000.00
2	8001 -- Land Neighborhood Section 1 4300 -- General Commercial Vacant	SF	5,669	1.00	1.00	0.25	--	0.25	5.00	1.25	7,086.00

Tax Year: 2024		HARRIS CENTRAL APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION ACCOUNT NUMBER 0451940000044				Print E-mail					
File A Protest		Similar Owner Name		Nearby Addresses		Same Street Name		Related Map 5267D			
Ownership History Related Accounts											
Owner and Property Information											
Owner Name & Mailing Address: SUSHMA VIJAYAKUMAR INVESTMENT TRUST 4003 ABERDEEN WAY HOUSTON TX 77025-2305				Legal Description: TR 1B ABST 890 WCRR CO SEC 1 BLK 5		Property Address: 0 IMPERIAL VALLEY DR HOUSTON TX 77073					
State Class Code		Land Use Code			Building Class			Total Units			
C2 -- Real, Vacant Commercial		8001 -- Land Neighborhood Section 1						0			
Land Area	Building Area	Net Rentable Area	Neighborhood		Market Area		Map Facet	Key Map®			
96,703 SF	0	0	5987.01		280 -- ISD 09 - Airport Tiers Area		5267D	332Z			
Value Status Information											
Value Status		Notice Date			Shared CAD						
Noticed		04/19/2024			No						
Exemptions and Jurisdictions											
Exemption Type	Districts	Jurisdictions		Exemption Value	ARB Status	2023 Rate	2024 Rate				
None	009	ALDINE ISD			Not Certified	1.036300					
	040	HARRIS COUNTY			Not Certified	0.350070					
	041	HARRIS CO FLOOD CNTRL			Not Certified	0.031050					
	042	PORT OF HOUSTON AUTHY			Not Certified	0.005740					
	043	HARRIS CO HOSP DIST			Not Certified	0.143430					
	044	HARRIS CO EDUC DEPT			Not Certified	0.004800					
	045	LONE STAR COLLEGE SYS			Not Certified	0.107600					
	336	HC MUD 36			Not Certified	0.140000					
	639	HC EMERG SRV DIST 24			Not Certified	0.093755					
	671	HC EMERG SRV DIST 1			Not Certified	0.082838					
Estimated taxes for this property can be found at www.harrispropertytaxes.org .											
Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at HCAD's information center at 13013 NW Freeway.											
Valuations											
Value as of January 1, 2023					Value as of January 1, 2024						
	Market	Appraised				Market	Appraised				
Land	353,914				Land	353,914					
Improvement	0				Improvement	0					
Total	353,914	353,914	Total	353,914	Total	353,914	353,914				
5-Year Value History											
Value Notice											
Land											
Market Value Land											
Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	8001 -- Land Neighborhood Section 1 4300 -- General Commercial Vacant	SF	71,703	1.00	1.00	0.90	--	0.90	5.00	4.50	322,664.00
2	8001 -- Land Neighborhood Section 1 4300 -- General Commercial Vacant	SF	25,000	1.00	1.00	0.25	--	0.25	5.00	1.25	31,250.00
Building											

Tax Year: 2024		HARRIS CENTRAL APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION ACCOUNT NUMBER 1151470000050				Print E-mail					
File A Protest		Similar Owner Name		Nearby Addresses		Same Street Name		Related Map 5267D			
Ownership History Related Accounts											
Owner and Property Information											
Owner Name & Mailing Address: GUNIGANTI PRABHAKAR 50 WATERFORD CT NACOGDOCHES TX 75965-8709				Legal Description: RES C4 CENTURY PLAZA Property Address: 20654 IMPERIAL VALLEY DR HOUSTON TX 77073							
State Class Code		Land Use Code			Building Class			Total Units			
C2 -- Real, Vacant Commercial		8001 -- Land Neighborhood Section 1			E			0			
Land Area	Building Area	Net Rentable Area	Neighborhood		Market Area		Map Facet	Key Map®			
44,044 SF	0	0	5987.01		382 -- ISD 24 - South of FM 1960		5267D	332Z			
Value Status Information											
Value Status			Notice Date			Shared CAD					
Noticed			04/19/2024			No					
Exemptions and Jurisdictions											
Exemption Type	Districts	Jurisdictions		Exemption Value		ARB Status	2023 Rate	2024 Rate			
None	024	SPRING ISD				Not Certified	1.109200				
	040	HARRIS COUNTY				Not Certified	0.350070				
	041	HARRIS CO FLOOD CNTRL				Not Certified	0.031050				
	042	PORT OF HOUSTON AUTHY				Not Certified	0.005740				
	043	HARRIS CO HOSP DIST				Not Certified	0.143430				
	044	HARRIS CO EDUC DEPT				Not Certified	0.004800				
	045	LONE STAR COLLEGE SYS				Not Certified	0.107600				
	336	HC MUD 36				Not Certified	0.140000				
	639	HC EMERG SRV DIST 24				Not Certified	0.093755				
671	HC EMERG SRV DIST 1				Not Certified	0.082838					
Estimated taxes for this property can be found at www.harrispropertytaxes.org.											
Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at HCAD's information center at 13013 NW Freeway.											
Valuations											
Value as of January 1, 2023					Value as of January 1, 2024						
	Market	Appraised		Market	Appraised		Market	Appraised			
Land	220,220		Land	220,220		Land	220,220				
Improvement	0		Improvement	0		Improvement	0				
Total	220,220	220,220	Total	220,220	220,220	Total	220,220	220,220			
5-Year Value History											
Value Notice											
Land											
Market Value Land											
Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	8001 -- Land Neighborhood Section 1 4300 -- General Commercial Vacant	SF	44,044	1.00	1.00	1.00	--	1.00	5.00	5.00	220,220.00
Building											
Vacant (No Building Data)											

EARNEST MONEY CONTRACT

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

This Earnest Money Contract (“**Agreement**”) is made by and between PRABHAKAR R. GUNIGANTI and SUSHMA VIJAYKUMAR TRUST (C/O: PRABHAKAR R. GUNIGANTI) (hereinafter referred to collectively as “**Seller**”), and TEXAS INTER-FAITH HOUSING CORPORATION (“TIFHC”), a Texas non-profit corporation, or its assigns (hereinafter referred to as “**Purchaser**”), upon the terms and conditions set forth herein. In consideration of the mutual covenants and agreements contained herein, and intending to be legally bound hereby, the parties hereto agree:

Parcel Identification
Information, as shown
in Site Control

ARTICLE I. PURCHASE AND SALE

Upon satisfaction of the conditions herein, Seller will sell and convey, and Purchaser will purchase and pay for the real property described as follows:

A tract or tracts of unimproved land consisting of approx. 5.25 acres being all or a portion of TRACT 6D ABSTRACT 608 S L NOBLE and TRACT 1B ABSTRACT 890 WCRR CO SEC 1 BLK 5 and RESERVE C4 CENTURY PLAZA City of Houston, Harris County, Texas and being more particularly described on Exhibit “A” attached hereto and incorporated herein by reference.

The conveyance shall be together with all and singular the rights, appurtenances and entitlements pertaining to the property, including the Seller’s right, title, and interest in any utilities, adjacent streets on which the property fronts (all of such real property, rights, and appurtenances being hereinafter referred to as the “**Property**”), for the consideration and upon and subject to the terms, provisions, and conditions hereinafter set forth.

ARTICLE II. PURCHASE PRICE

Amount of Purchase Price

2.01 The purchase price for said Property shall be ONE MILLION THREE HUNDRED AND FIFTEEN THOUSAND DOLLARS (\$1,315,000) (the “Purchase Price”).

Exhibit C

Site Information Form Part I

Development Name (All Programs)

Self Score Total: 138

Northpark Garden Villas

App Number: 24110

1. Development Address (All Programs)

East Side Imperial Valley Dr at Northpark Central Dr

Houston

ETJ?

No

Address

City

6

77073

Harris

Urban

Region

Zip

County

Rural/Urban

Rural via §11.204(5)(B) Rural

Designation

Latitude:

29.991192

Longitude:

-95.409619

2. Census Tract Information (All Programs)

48201240706

QCT? No

Median Household Income:

66364

Quartile: 3q

Poverty Rate: 14.1

11-digit 2020 Census Tract
(Type with no dashes)

The poverty rate for the Census Tract is above 40% (55% for Regions 11 or 13), and the Governing Body resolution has been submitted behind Tab 8. Rehabilitation Developments are exempt.

3. Resolutions (Competitive HTC and Tax-Exempt Bonds, if applicable) (10 TAC §11.3)

Check the boxes of true statements below. Resolutions must be provided to demonstrate eligibility for any **unchecked** item.

☒ **Twice the State Average Per Capita.** The proposed Development is **NOT** located in a municipality or a county that has more than twice the state average of units per capita supported by Tax Credits or Private Activity Bonds. (§11.3(c)).

☒ **One Mile Three Year Rule.** The proposed Development is **NOT** a New Construction or Adaptive Reuse development that will be located one mile or less from a New Construction HTC or Bond Development serving the same type of household and awarded within the applicable three-year period, **including Supplemental Allocations**, and has not been withdrawn or terminated, **OR** the Development meets one of the exceptions in §11.3(d)(2) of the QAP (provide evidence of exception). (§11.3(d)).

☒ **Limitations on Developments in Certain Census Tracts (20% Rule).** The proposed Development is **NOT** a New Construction or Adaptive Reuse development that will be located in a census tract that has more than 20% HTC units per total households. (§11.3(e)).

4. Two Mile Same Year Rule (Competitive HTC Only) (10 TAC §11.3(b))

☐ The Development Site is not located in a county with a population that exceeds one million.

☒ The site is located in a municipality with a population of two million or more where a federal disaster has been declared, and the municipality is authorized to administer disaster recovery funds as a subgrant recipient.

☐ The site is located in a county with a population that exceeds one million and is not located within 2 linear miles of the proposed Development Site of any eligible Pre-application(s) in the same county.

☐ The site is located in a county with a population that exceeds one million and is located within 2 linear miles of the site of the following eligible Pre-application(s) within the same county:

5. Proximity of Development Sites (Competitive HTC Only) (10 TAC §11.3(f))

☒ The Development Site is not located in a county with a population less than one million.

☐ The site is located in a county with a population less than one million and is not contiguous to or within 1,000 feet of the site for any other eligible Pre-application(s) serving the same Target Population.

Exhibit D

Community Input Scoring Items

TDHCA# pp. Cove

Self Score Total: 138

1. Local Government Support - §11.9(d)(1) - Only check the box if support documents are included in the Application.

☒ Resolution(s) of either "no objection" or "support" is included behind this tab.**

Points Requested 17

City of Houston

Name of Local Government Body

Name of Local Government Body (if applicable)

** Note that resolutions are due March 1, 2024

2. Quantifiable Community Participation - §11.9(d)(4)

☒ Application expects to receive QCP points.

Points Requested 4

** Note that QCP Packets are due March 1, 2024 and MAY NOT be submitted by the Applicant. Packets MUST be received from Neighborhood Organization!

3. Input from State Representative - §11.9(d)(5)

☐ Letter of either support, neutrality, or opposition is included behind this tab.**

Points Requested 0

OR

☐

Letter stating that no letter will be provided is included behind this tab.**

☒ No letter from a State Representative is included behind this tab.

Points Requested 8

** Note that if there is no Representative, both items will be scored as neutral. Letters are due March 1, 2024.

8

4. Input from Community Organizations - §11.9(d)(6)

☒ Applicant has included one or more letters of support or opposition behind this tab.

Points Requested 4

A. Crime Stoppers of Houston

Name of Community Organization

Rania Mankarious

Contact Name

☒ Support☐ Opposition

B. Goodwill of Houston

Name of Community Organization

Tanya Majied

Contact Name

☒ Support☐ Opposition

C. Houston Food Bank

Name of Community Organization

Nicole Browning

Contact Name

☒ Support☐ Opposition

D. Society of St Vincent de Paul

Name of Community Organization

Pura Santangelo

Contact Name

☒ Support☐ Opposition

E. Rupani Foundation

Name of Community Organization

Jonita Fair-Payton

Contact Name

☒ Support☐ Opposition

F.

Name of Community Organization

Contact Name

☐ Support☐ Opposition

Exhibit E

Site Information Form Part I

Development Name (All Programs)

Park Row Katy Living

Self Score Total: 137

App Number: 23008

1. Development Address (All Programs)

NWQ of Park Row & Greenhouse Rd

Houston ETJ

ETJ? Yes

Address

City

6

77084

Harris

Urban

No

Rural via §11.204(5)(B) Rural

Region

Zip

County

Rural/Urban

Designation

Latitude: 29.7911825

Longitude: -95.70688184

2. Census Tract Information (All Programs)

48201541801

No

Median Household Income:

60146

Quartile: 3q

Poverty Rate:

19.7

11-digit 2020 Census Tract # (Type with no dashes)

QCT?

2010 Census tract for tiebreaks

48201541800

The poverty rate for the Census Tract is above 40% (55% for Regions 11 or 13), and the Governing Body resolution has been submitted behind Tab 8. Rehabilitation Developments are exempt.

3. Resolutions (Competitive HTC and Tax-Exempt Bonds, if applicable) (10 TAC §11.3)

Check the boxes of true statements below. Resolutions must be provided to demonstrate eligibility for any **unchecked** item.

☒ **Twice the State Average Per Capita.** The proposed Development is **NOT** located in a municipality or a county that has more than twice the state average of units per capita supported by Tax Credits or Private Activity Bonds. (§11.3(c)).

☒ **One Mile Three Year Rule.** The proposed Development is **NOT** a New Construction or Adaptive Reuse development that will be located one mile or less from a New Construction HTC or Bond Development serving the same type of household and awarded within the applicable three-year period, **including Supplemental Allocations**, and has not been withdrawn or terminated, **OR** the Development meets one of the exceptions in §11.3(d)(2) of the QAP (provide evidence of exception). (§11.3(d)).

☒ **Limitations on Developments in Certain Census Tracts (20% Rule).** The proposed Development is **NOT** a New Construction or Adaptive Reuse development that will be located in a census tract that has more than 20% HTC units per total households. (§11.3(e)).

4. Two Mile Same Year Rule (Competitive HTC Only) (10 TAC §11.3(b))

☐ The Development Site is not located in a county with a population that exceeds one million.

☒ The site is located in a municipality with a population of two million or more where a federal disaster has been declared, and the municipality is authorized to administer disaster recovery funds as a subgrant recipient.

☐ The site is located in a county with a population that exceeds one million and is not located within 2 linear miles of the proposed Development Site of any eligible Pre-application(s) **or Supplemental Allocation** in the same county.

☐ The site is located in a county with a population that exceeds one million and is located within 2 linear miles of the site of the following eligible Pre-application(s) **or Supplemental Allocation** within the same county:

Community Input Scoring Items

TDHCA# op. Cove

Self Score Total: **137**

1. Local Government Support - §11.9(d)(1) - Only check the box if support documents are included in the Application.

☒ Resolution(s) of either "no objection" or "support" is included behind this tab.** Points Requested **17**

City of Houston

Name of Local Government Body

Harris County

Name of Local Government Body (if applicable)

Appropriately
provided both
resolutions

** Note that resolutions are due March 1, 2023

2. Quantifiable Community Participation - §11.9(d)(4)

☐ Application expects to receive QCP points. Points Requested **4**

**** Note that QCP Packets are due March 1, 2023 and MAY NOT be submitted by the Applicant. Packets MUST be received from Neighborhood Organization!**

3. Input from State Representative - §11.9(d)(5)

☐ Letter of either support, neutrality, or opposition is included behind this tab.** Points Requested **0**

OR

☐ Letter stating that no letter will be provided is included behind this tab.**

☒ No letter from a State Representative is included behind this tab. Points Requested **8**

**** Note that if there is no Representative, both items will be scored as neutral. Letters are due March 1, 2023.**

4. Input from Community Organizations - §11.9(d)(6)

☒ Applicant has included one or more letters of support or opposition behind this tab. Points Requested **4**

A. Catholic Charities

Name of Community Organization

Cynthia N. Colbert

Contact Name

☒ Support

☐ Opposition

B. Raise Up Families

Name of Community Organization

Angela Burgess

Contact Name

☒ Support

☐ Opposition

C. SEARCH

Name of Community Organization

Alexis Loving

Contact Name

☒ Support

☐ Opposition

D. Coalition for Barrier Free Living, Inc.

Name of Community Organization

Frankie Watson

Contact Name

☒ Support

☐ Opposition

E.

Name of Community Organization

Contact Name

☐ Support

☐ Opposition

F.

Name of Community Organization

Contact Name

☐ Support

☐ Opposition

City of Houston, Texas, Resolution No. 2023- 6

A RESOLUTION CONFIRMING SUPPORT FOR THE PROPOSED DEVELOPMENT OF CERTAIN PROPERTIES AS AFFORDABLE RENTAL HOUSING, EACH LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HOUSTON, TEXAS OR HAVING BEEN ANNEXED INTO THE CITY OF HOUSTON ONLY FOR LIMITED PURPOSES, AND THE SUBMITTAL OF AN APPLICATIONS FOR HOUSING TAX CREDITS FOR SUCH DEVELOPMENTS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

* * *

WHEREAS, the City Council (the “City Council”) of the City of Houston (the “City”) finds that entity whose name is listed in the column on Schedule I captioned “Applicant Name” (“Applicant”) has proposed a development for affordable rental housing whose name and location are set forth beside the name of such Applicant in the columns on Schedule I captioned “Project Name” and “Project Address” (“Applicant’s Project”), located in the extraterritorial jurisdiction of the City of Houston, Texas or having been annexed into the City of Houston only for limited purposes pursuant to an agreement between the City and the applicable municipal utility or other special purpose district, which provides that the areas remain in the extraterritorial jurisdiction of the City of Houston Texas for all other purposes; and

WHEREAS, the City Council finds that the Applicant has advised that it has submitted or intends to submit an application, bearing the number set forth beside the name of such Applicant in the column on Schedule I captioned “TDHCA Number” (“Applicant’s Application”), to the Texas Department of Housing and Community Affairs for 2023 Competitive 9% Housing Tax Credits for the Applicant’s Project; and

WHEREAS, the City Council, as the governing body of the City, supports the Applicant’s Project and the submittal of Applicant’s Application related thereto; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOUSTON:


Section 1. That the findings contained in the preamble of this Resolution are determined to be true and correct and are hereby adopted as a part of this Resolution.

Section 2. That the City Council hereby confirms that it supports the Applicant’s Project and the submittal of Applicant’s Application related to such project and that this formal action has been taken to put on record the opinion expressed herein.

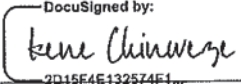
Section 3. That, for and on behalf of the City Council, the City Secretary is hereby authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs.

Section 4. That this Resolution shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Resolution within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 15th day of February, 2023.


Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Resolution is _____.

(Prepared by Legal Dept. )
2D15F4E132574F1...
Senior Assistant City Attorney

City Secretary

(Requested by Keith W. Bynam, Director, Housing and Community Development Department)

Meeting

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
Absent due to being ill		Jackson
✓		Kamin
Absent		Evans-Shabazz
✓		Martin
✓		Thomas
✓		Huffman
✓		Cisneros
✓		Gallegos
✓		Pollard
Absent due to being ill		Castex-Tatum
✓		Knox
✓		Robinson
✓		Kubosh
✓		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW

Date:

Housing and Community Development Department
Schedule I - Resolutions of Support - ETJ Projects

Applicant Name	Project Name	Project Address	TDHCA Number
Stewardship SCV, LP	Saddle Creek Village	Approx 16000 Kuykendahl Road	23049
Park Row Katy Living, Ltd.	Park Row Katy Living	NW Quadrant of Park Row Drive and Greenhouse Rd	23008

Local Government Resolution of Support (9% Tax Credits)

WHEREAS, **Palladium USA International, Inc., and RIVA Switzerland, Inc.,** has proposed a development for affordable rental housing at **Northwest Quadrant of Park Row Dr and Greenhouse Rd, Houston, Texas 77084** / TDHCA Application # **23008** named **Park Row Katy Living** in the **County of Harris/ETJ of City of Houston**; and

WHEREAS, **Palladium USA International, Inc., and RIVA Switzerland, Inc.,** has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for **2023 9% Housing Tax Credits for Park Row Katy Living**;

It is hereby

RESOLVED, that the **County of Harris**, acting through its governing body, hereby confirms that it **SUPPORTS** the proposed **Park Row Katy Living** development located at **Northwest Quadrant of Park Row Dr and Greenhouse Rd, Houston, Texas 77084** / TDHCA Application # **23008** and that this formal action has been taken to put on record the opinion expressed by the County of **Harris** on **February 21, 2023**, and

FURTHER RESOLVED, that, for and on behalf of the Governing Body, Harris County Commissioners Court and Harris County Judge **Lina Hidalgo** are hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

Passed and Adopted this 21st day of February **2023**.

Approved this 21st day of February **2023**.

By:  DocuSigned by:
286C1B1FCB5A4DC...

County Judge Lina Hidalgo,
Harris County, Texas

	YES	NO	ABSTAIN
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lesley Briones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presented to Commissioners Court

February 21, 2023

Approve: G/E

24136

Moore Grocery Lofts

**Request for Administrative
Deficiency**

May 3, 2024

Joshua Goldberger
Texas Department of Housing and Community Affairs
221 E 11th Street
Austin, Texas 78701

Re: RFAD for HTC Application 24136 Moore Grocery Lofts

Dear Mr. Goldberger:

This is a formal Third Party Request for Administrative Deficiency (RFAD) regarding TDHCA Application 24136 Moore Grocery Lofts. This RFAD concerns the Applicant's ability to be awarded credits under Section 11.6(3)(C)(iii) of the 2024 QAP.

Section 11.6(3) outlines the Award Recommendation Methodology that the Department must follow in reviewing applications and making recommendations to the Board. Section 11.6(3)(C) outlines the Initial Application Selection in Each Subregion and includes a list of 5 priority subparagraphs that "will be followed in the order reflected in this subparagraph." The first three subparagraphs from the redline version of the 2024 QAP are copied below:

(i) In Uniform State Service Regions containing a county with a population that exceeds one million, the Board may not allocate more than the maximum percentage of credits available for Elderly Developments, unless there are no other qualified Applications in the subregion. The Department will, for each such Urban subregion, calculate the maximum percentage in accordance with Tex. Gov't Code §2306.6711(h), and will publish such percentages on its website. ~~The Supplemental Allocation amount for any Supplemental Allocations made in such a county to an Elderly Development will be attributed to the total of 2023 credits made to Elderly Developments for that Uniform State Service Region.~~

(ii) In accordance with Tex. Gov't Code, §2306.6711(g), in Uniform State Service Regions containing a county with a population that exceeds 1.7 million, the Board shall allocate competitive tax credits to the highest scoring Development, if any, that is part of a concerted revitalization plan that meets the requirements of §11.9(d)(7) (except for §11.9(d)(7)(A)(ii)(III) and §11.9(d)(7)(B)(iii)), is located in an Urban subregion, and is within the boundaries of a municipality with a population that exceeds 500,000.

(iii) In Urban subregions, not including the calculation of At-Risk Applications awarded, no more than 50% of all credits in a subregion will be awarded to Applications proposing Rehabilitation or Reconstruction, unless only Rehabilitation or Reconstruction Applicants are eligible in the subregion.

Section 11.6(3)(C)(iii) was added to the 2023 QAP. According to attached excerpts from the November 10, 2022, Board Book including the 2023 QAP Draft Public Comment Summary, it does not appear that there was any public comment opposing the addition of this subparagraph.

I am also unaware of any public comment that opposed this subparagraph during the development of the 2024 QAP.

Moore Grocery Lofts is located in Region 4 Urban. Because Region 4 Urban does not contain a county with a population that exceeds one million, subparagraphs (i) and (ii) will not apply. Subparagraph (iii) states that in Urban subregions, no more than 50% of all credits in the subregion will be awarded to Applications proposing Rehabilitation or Reconstruction, unless only Rehabilitation or Reconstruction Applications are eligible in the subregion.

The 2024 9% Housing Tax Credit Application Log dated April 9 lists three applications in the Region 4 Urban: Moore Grocery Lofts as an AcR application and two NC applications.

Region 4/Urban														
24136	Moore Grocery Lofts	410 N Broadway Ave	Tyler	75702	Smith	4	Urban		AcR	88	0	88	General	1,851,712
24216	Longview Terrace	1320 Reel Rd	Longview	75604	Gregg	4	Urban		NC	84	0	84	Elderly	1,851,711
24047	Reserve at Tyler	1005 S Southeast Loop 323	Tyler	75701	Smith	4	Urban		NC	45	0	45	Elderly	1,234,474
Estimated Amount Available to Allocate		\$1,276,766								Total HTCs Requested			4,937,897	

The Moore Grocery Lofts Full Application confirms that the Application proposes the Rehabilitation of an existing multifamily residential community. The attached Development Narrative states that the 2024 Moore Grocery Lofts Application will rehabilitate an existing HTC development and requests \$1,851,712 in Housing Tax Credits. Per the attached 2007 Final HTC Award List, the original Moore Grocery Lofts HTC award was for 88 units and the 2024 Application proposes the rehabilitation of the same number of units.

Per Section 11.6(3)(C)(iii) of the 2024 QAP, TDHCA cannot award more than 50% of all credits in the subregion to Applications proposing Rehabilitation unless only Rehabilitation Applications are eligible. Moore Grocery Lofts is requesting \$1,851,712 in credits, which is nearly 150% of the \$1,276,766 credits currently estimated to be available. Because there are two presumably eligible New Construction applications in the subregion, no more than 50% of the \$1,276,766 estimated available credits can be awarded to Moore Grocery Lofts.

In the Certification of Development Owner, the Applicant certified that a Waiver of Rules is not necessary.

Waiver of Rules (10 TAC §11.207)

☒ The Development Owner certifies that waiver of rules under 10 TAC §11.207 is **not** necessary.

☐ The Development Owner requests waiver of _____ (specify section); and

☐ Documentation to support waiver was previously provided or is in the Application; and

☐ Documentation submitted establishes how the need for the waiver was not within the control of the Applicant or is due to an overwhelming need and plans for mitigation or alternative solutions has been submitted (as applicable); and

☐ Documentation submitted establishes how, by granting the waiver, it better serves the policies and purposes articulated in referenced sections of Tex. Gov't Code than not granting the waiver.

Moore Grocery Lofts would not be able to request a Waiver at this time. Per Section 11.207 of the 2023 QAP, "An Applicant may request a waiver from the Board in writing at or prior to the submission of the pre-application (if applicable) or the Application or subsequent to an award. Waiver requests on Competitive HTC Applications will not be accepted between submission of the Application and any award for the Application."

Without an existing Waiver or the ability to request a Waiver of Section 11.6(3)(C)(iii) of the 2024 QAP, Moore Grocery Lofts is limited to an award of no more than 50% of the credits available in Region 4 Urban if there is an eligible New Construction application in the subregion.

Thank you for your attention to this matter.

Regards,

A handwritten signature in dark ink, consisting of a stylized, cursive 'A' followed by a long, horizontal, slightly wavy line that extends to the right.

Alyssa Carpenter

BOARD ACTION REQUEST

MULTIFAMILY FINANCE DIVISION

NOVEMBER 10, 2022

Presentation, discussion, and possible action on the adoption of the repeal of 10 TAC Chapter 11 concerning the Housing Tax Credit Program Qualified Allocation Plan, adoption of new 10 TAC Chapter 11 concerning the Housing Tax Credit Program Qualified Allocation Plan, and directing their publication for adoption in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, the Texas Department of Housing and Community Affairs (the Department) is authorized by Tex. Gov't Code Ch. 2306, Subchapter DD, to make Housing Tax Credit allocations for the State of Texas;

WHEREAS, pursuant to Tex. Gov't Code §2306.053 the Department is authorized to adopt rules governing the administration of the Department and its programs;

WHEREAS, the Department, as required by Internal Revenue Code §42(m)(1) and Tex. Gov't Code §2306.67022, developed this proposed Qualified Allocation Plan (QAP) to establish the procedures and requirements relating to an allocation of Housing Tax Credits;

WHEREAS, after approval with modifications by the Department's Board on September 1, 2022, the rule was made available for public comment in the *Texas Register* and on the Department's website through October 14, 2022;

WHEREAS, public comment was received from 27 commenters, staff has prepared a reasoned response to those comments summarized in the preambles attached, and where applicable, has proposed responsive revisions for adoption;

WHEREAS, pursuant to Tex. Gov't Code §2306.6724, the Board shall adopt the QAP and, on or before November 15, submit it to the Governor to approve, reject, or modify and approve not later than December 1; and

WHEREAS, upon action by the Governor, the Department will submit the QAP for its publication in the *Texas Register*;

NOW, therefore, it is hereby

RESOLVED, that the adoption of the repeal of 10 TAC Chapter 11, and adoption of new 10 TAC Chapter 11 concerning the Housing Tax Credit Qualified Allocation Plan together with the preambles presented to this meeting, are hereby approved and recommended to the Governor; and

FURTHER RESOLVED, that the Executive Director and his designees be and each of them are hereby authorized, empowered, and directed, for and on behalf of the Department, to cause the Qualified Allocation Plan, together with the changes, if any, made at this meeting and the preambles, in the form presented to this meeting, to be delivered to the Governor, not later than November 15, 2022, for his review and approval, and to cause the Qualified Allocation Plan, as approved, approved with changes, or rejected by the Governor, to thereafter be published in the *Texas Register* for adoption and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

Comment Period: The Board approved the proposed 10 TAC Chapter 11, the QAP, on September 1, 2022. The draft QAP was made available on the Department's website on September 27, 2022, and was published in the *Texas Register* edition dated September 23, 2022. Staff hosted three in-person round table discussions on March 30, 2022; April 26, 2022; and May 24, 2022, in Austin to discuss a variety of QAP topics, including the continuation of Supplemental Credit Allocation. The round tables were not considered hearings for accepting comment, but rather served as a forum at which staff could engage with potential commenters and stakeholders to answer questions and brainstorm ideas, with the intent that each attendee could then make informed comment prior to the comment deadline. Staff also hosted four virtual work group discussions that focused primarily on a specific topic on March 31, 2022; April 28, 2022; May 26, 2022; and August 2, 2022, in order for staff to gather information from stakeholders regarding various QAP topics. The virtual work groups were not considered hearings for accepting comment.

It should be noted that staff of the *Texas Register* has required changes to the QAP – these are purely administrative, syntactical, or grammatical preferences of the Secretary of State and are reflected in the document attached.

The document attached has “accepted” the changes proposed in the draft QAP and now is presented as only a black-line that reflects changes made to the draft.

Staff received written comments from 27 commenters by the deadline. Staff has reviewed all comments and provided a reasoned response to these comments in the following preamble.

Rule-Making Timeline: Upon Board approval, the QAP will be submitted to the Office of the Governor no later than November 15, 2022, for him to approve, approve with changes, or reject. Upon the Governor's approval, approval with modifications, or rejection, which occur no later than December 1, 2022, the 2023 QAP will be published in the *Texas Register* and posted to the Department's website.

Summary of Changes from Draft: While not inclusive of all changes recommended in response to comment, a brief description of the primary revisions made are described below. A more thorough recounting is provided in the preamble.

10 TAC Chapter 11, Subchapter A

§11.1(b) – Due Diligence and Applicant Responsibility. (2) Procedures clarified for Applicants proposing to submit an Application requesting an award of Housing Tax Credits or a Direct Loan for a Development that already has a LURA in place.

§11.1(d) – Definitions. (2) The definition of Administrative Deficiency has been modified to clarify the Administrative Deficiency process. (38) The definition of Development has been revised to clarify requirements for a Development for which several parcels comprise the Development Site and are separated only by a private road controlled by the Development Owner, or a public road or similar barrier. (43) The definition of Direct Loan has been revised to include HOME American Rescue Plan (HOME-ARP).

§11.1(e) – Data. This section was updated to require the use of 2020 Census boundaries and clarify the potential need for older data.

§11.1(i) – Scattered Site. This section was added to clarify procedure regarding the calculation of distances and scoring for scattered site applications

§11.2 – Program Calendar. This section is modified to reflect dates for the 2023 Application round.

§11.4 – Tax Credit Request, Award Limits and Increase in Eligible Basis. (c)(2) Non-metro Difficult Development Areas (DDA) are eligible for Increase in Eligible Basis (4) Language changed to include non-metro DDA. Updated to include an elevated value for Supplemental Credits that will be announced no later than December 1, 2022.

§11.6 – Competitive HTC Allocation Process. Staff has made several changes to this section as noted below.

§11.6(c) — Initial Application Selection in Each Subregion. Language modified to account for changes below.

§11.6(c)(iii) — Rehabilitation and Reconstruction limits. With some exceptions, no more than 50% of all credits in a region will be awarded to Applications proposing Rehabilitation or Reconstruction In Urban Subregions

§11.6(c)(v) — HUD Choice Neighborhood Planning or Implementation Grant. In certain Subregions the board shall allocate competitive tax credits to the highest scoring development, if any, which is located in a neighborhood which is a recipient of a HUD Choice Neighborhood Planning or Implementation grant in the preceding five years provided certain conditions are met.

§11.7 – Tie Breaker Factors. (1) The poverty rate threshold for the first tie-breaker is updated from a three-year average to a fixed threshold. (2) Section is updated to clarify counting methodology when determining the nearest Housing Tax Credit Development that was awarded Page 4 of 15 15 or fewer years ago.

§11.8 – Pre-Application Requirements. (b)(1)(I) Section included to require the name and address of nearest Housing Tax Credit assisted Development that serves the same Target Population and was awarded 15 or fewer years ago. (b)(1)(J) Requirement to disclose neighborhood risk factors has been removed.

2023 QAP DRAFT PUBLIC COMMENT SUMMARY

SUMMARY OF PUBLIC COMMENT. The public comment period was held September 23, 2022, to October 14, 2022, to receive stakeholders comment on the new proposed sections. Comment was received from 27 commenters as listed below:

(1) Lakewood Property Management, (2) Purple Martin Real Estate, (3) Mark-Dana Corporation, (4) Jeremy Mears, (5) The Brownstone Group, (6) National Church Residences, (7) Dakota Courville, (8) Evolie Housing Partners, (9) Jennifer Hicks, (10) Nathan Kelly, (11) TAAHP, (12) Grace Ford, (13) Joan Hill, (14) Rural Rental Housing Association of Texas, (15) Denise Day, (16) Miranda Sprague, (17) Lincoln Avenue Capital, (18) BETCO, (19) Tropicana Properties, (20) Alyssa Carpenter, (21) Foundation Communities, (22) Disability Rights Texas, (23) Texas Housers, (24) ARX Advantage, (25) Sierra Club, (26) Katpody LLC, and (27) Dominium.

It should be noted that in the interest of brevity, some of the more extensive comments received have been summarized significantly. However, copies of all comments received have the commenter's number denoted, are all available on the Department Website.

§11.1(d)(38)(B) Requirement for Agreement with Local Jurisdiction for Sites Divided by Public Road

COMMENT SUMMARY: Commenter 2 suggests removing the requirement for developments divided by a public road to seek a LURA with a public entity ensuring a continuous accessible route. They suggest instead conditioning the award on providing the route and monitoring this during the compliance period.

STAFF RESPONSE: Staff believes more internal research is needed to determine the impact of this removal and the feasibility of Commenter 2's suggested alternative, as well as the potential statutory ramifications of this suggestion as it relates to accessibility. Additionally, Staff believes Commenter 2's proposed change would require additional public comment as this concept was not contemplated in the draft QAP. The timing of the QAP process does not allow for additional rounds of public comment. Staff has recommended no change at this time.

§11.1(c)(124) Definitions – Supplemental Credits

COMMENT SUMMARY: Commenter 18 recommends clarifying the language for the definition of Supplemental Credits to only apply to 2021 Competitive Housing Tax Credit Developments.

STAFF RESPONSE: Staff concurs with Commenter 18, a responsive revision has been made to the definition.

11.1(d)(125) Supportive Housing

COMMENT SUMMARY: Commenter 1 believes the requirement for certain supportive housing developments to be located within a half mile of public transportation limits eligibility to larger

urban areas as many smaller cities and rural towns do not have services that qualify. Commenter 1 suggests amending this section to include on-demand transit services which would expand eligible areas. Commenter 9 supports the removal of §11.1(d)(125)(B)(v)(I) and (II) related to criminal history criteria. Commenter 9 suggests this is an easy and no impact way to help get more Supportive Housing on the ground in Texas. Commenter 9 points out the population intended to be served by Supportive Housing is in direct conflict with the criminal history criteria.

STAFF RESPONSE: In regards to Commenter 1's suggested revision of the public transportation requirement, Staff believes more internal discussion is needed. Staff believes this change cannot be made without additional research regarding what would constitute "on-demand transit" and its usability for this target population. On-demand transit services vary in scheduling procedures and availability. Staff requires more analysis and additional public input to determine if these services provide an equivalent service to the current requirement. Staff has recommended no change at this time.

Staff appreciates Commenter 9's suggestion to remove §11.1(d)(125)(B)(v)(I) in order to produce more supportive housing throughout the state; however, staff would like to emphasize that mitigation related to criminal screening criteria in accordance with §11.1(d)(125)(B)(v)(II) is available and required. Accordingly, staff does not believe that the criteria is a significant barrier to housing and recommends no change.

§11.1(d)(138) Unit Type

COMMENT SUMMARY: Commenter 2 suggests removing the word "features" from this section. They believe the term is too vague and will introduce ambiguity. Commenter 2 also suggests full bathrooms alone is a sufficient differentiator.

STAFF RESPONSE: Features are already a required part of Unit Type for the purposes of 10 TAC §11.101(b)(8)(E) and the term is referenced in the federal requirements for Direct Loan Developments pursuant to 24 CFR §92.205(d) and 93.200(c)(1). No change is recommended.

§11.1(e) Data

COMMENT SUMMARY: Commenter 20 recommends removing language relating to "American Community Survey" within the section, as some data required is census data but not necessarily "ACS" data. Commenter 20 also proposes that the deadline for the final Site Demographics Report be published within the QAP, stating developers need time to use reports and determine potential development sites.

STAFF RESPONSE: While Commenter 20 is correct that some items do not rely on the American Community Survey, staff does not believe the use of this term impacts the interpretation of any

key items. Staff also is concerned that a responsive change may cause additional inconsistencies. Staff recommends no changes.

Regarding a Site Demographics Report deadline, staff understands the desire for clarity on this matter but believes the suggested timeline may not always be feasible. Substantial revisions by the Governor's office, as provided for by the statutory method for adopting the QAP, can impact the site demographics report and may push back the publication date. Staff recommends no change based on this comment.

§11.2 Program Calendar

COMMENT SUMMARY: Commenter 2 requests the deadline for Multifamily Direct Loan Request for Preliminary Determination be added to the Program Calendar. Commenter 2 also requests the February 11th deadline be revised as it falls on a Saturday.

STAFF RESPONSE: A responsive revision has been made regarding both the February 11th deadline and the presence of the Multifamily Direct Loan Request for Preliminary Determination deadline on the Program Calendar.

§11.4(a) Credit Amount, Value Assigned to Supplemental Credits

COMMENT SUMMARY: Commenter 2 requests the amount assigned to Supplemental Credits be defined in the final QAP rather than in a later determination.

STAFF RESPONSE: Staff continues to monitor market conditions and will announce the final limit for Supplemental Credits in accordance with the QAP.

§11.5(3)(D)(ii) At-Risk Demolition and Relocation of Redevelopment Units

COMMENT SUMMARY: Commenter 2 suggests inserting the term "at least" into this section to allow developments that demolish existing units to create more than the original number.

STAFF RESPONSE: Staff agrees that this addition would improve flexibility and may provide an opportunity to create more affordable units. This addition is reflected in the attached rule, with the caveat that other rules, limitations, approvals, and potential conflicting requirements based on fund source, number and unit type may be implicated by creating more units than the original number.

Comment on 11.6 starts here and no comments about the Rehabilitation clause

§11.6(3)(C)(iv) HUD Choice Neighborhood Awards

COMMENT SUMMARY: Commenter 2 is supportive of this addition.

STAFF RESPONSE: No change is necessary as a result of this comment.

§11.6(3)(C)(iv) Highest Scoring Supportive Housing

COMMENT SUMMARY: Commenters 21, and 23 support the proposal of automatically awarding the highest scoring Supportive Housing application with an Urban Region.

STAFF RESPONSE: No change is necessary as a result of this comment.

§11.7 Tie Breaker Factors

COMMENT SUMMARY: Commenters 2 and 14 support the poverty rate metric changes proposed in this section. However, they suggest language changes to create three distinct tie-breakers.

Commenter 20 recommends not changing the current tiebreakers this late before an upcoming cycle, as it could potentially impact future development sites. Commenter 20 recommends Tiebreakers need more discussion and official public comments.

Commenter 21 recommends adding a tie breaker for the lowest average income, stating it would fit well with the 1st tie breaker of poverty and keep distance as the last tie breaker. Commenter 22 recommends adding a tie breaker incentivizing developers to create more affordable units to address the large demand for affordable living.

Commenter 24 supports the change of fixed poverty percentage of 20% with the additional increase for Regions 11 and 13.

STAFF RESPONSE: Staff understands the desire for more precise language, but believes the current rule is sufficiently clear. Staff will consider revisions for upcoming QAP planning cycles.

Regarding Commenters 21 and 22, staff appreciates the new suggestions for tie breakers, however Staff believes it would be too late to include additional ideas before the upcoming 9% Cycle. In this regard, Staff concurs with Commenter 20.

No change is necessary regarding Commenter 24.

§11.8(b)(2)(C) Pre-Application Notification Contents

COMMENT SUMMARY: Commenter 20 recommends removing the re-renotification requirement, as at the time of pre-application, development sites do not have a survey of Applicants. Commenter 20 called the new language a “gotcha” situation where the county or assumed acreage was incorrect and could result in a density change, which ultimately terminates an application.

STAFF RESPONSE: In response to Commenter 20, staff has included a responsive revision regarding the renotification requirement.

TAB 17. Dev. Narr.

Development Narrative

1. The proposed Development is: (Check all that apply)

Acquisition/Rehab

and/or:

4% or 9% HTC Adaptive Reuse: select New Construction here and Adaptive Reuse in next box. MFDL:
select New Construction or Rehab here and Adaptive Reuse in the next.

NOTE: If "Adaptive Reuse", review 10 TAC §11.1(d)(1) to ensure compliance.

Previous TDHCA #

07096/060201

If Acquisition/Rehab or Rehab, original construction year:

1908/1930/2008

If Reconstruction:

Units Demolished

Units Reconstructed

If Additional Phase:

Development Name:

Application Number

2. The Target Population will be:

General

NOTE: If "Elderly Development", review 10 TAC §11.1(d)(47) to ensure compliance.

If Elderly is selected (10 TAC §11.1(d)(47)):

- ☐ Development meets the requirements of the Housing for Older Persons Act under the Fair Housing Act.
- ☐ Development receives federal funding that has a requirement for a preference or limitation for elderly persons or households, but must accept qualified households with children.
Selection is based on funding from (Include citation)
- ☐ Development will receive other funding that has a requirement for a preference or limitation with regard to the population(s) served. If so, please explain in the box below.

Certification for Supportive Housing Applications

If Supportive Housing is selected (10 TAC §11.1(d)(125)), the Applicant or General Partner confirms that:

- ☐ The proposed Development is intended for and targets occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living.
- ☐ Supportive services are tailored for members of a household with specific non-medical needs (select all that apply):
 - ☐ Homeless or Persons at-risk of homelessness
 - ☐ Persons with physical, intellectual, and/or developmental disabilities
 - ☐ Youth aging out of foster care
 - ☐ Persons eligible to receive primarily non-medical home or community-based services
 - ☐ Persons transitioning out of institutionalized care
 - ☐ Persons unable to secure permanent housing elsewhere due to high barriers
 - ☐ Persons with Special Housing Needs (alcohol or drug addictions, VAWA protections, HIV/AIDS, Veterans with Disabilities)
 - ☐ Other target populations that are served by a federal or state housing program (provide documentation behind this Tab)

Describe:

- ☐ Services will be provided by the Applicant or an Affiliate of the Applicant.
- ☐ Services will be provided by a Third Party provider and evidence that the provider has at least a three-year record of providing substantive services similar to those proposed in the subject Application in residential settings is provided behind this Tab.
- ☐ Supportive services will meet the minimum requirements provided in clauses (i) –(iv) of §11.1(d)(125)(D) of the Qualified Allocation Plan.

- ☐ Documentation that the Applicant or General Partner has secured or will secure sufficient funds necessary to maintain the Supportive Housing Development's operations throughout the entire Affordability Period is included behind this Tab.
- ☐ Evidence of the Applicant's or General Partner's history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses is included behind this Tab.
- ☐ Behind this tab, the Applicant or General Partner provides a fully executed guaranty agreement whereby the Applicant or its Affiliate assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period.
- ☐ Development will comply with the Tenant Selection Criteria requirements at §11.1(d)(125)(B)(v)
- ☐ Development financing meets all requirements of 10 TAC §11.1(d)(125)(E)(i)
- ☐ Development financing meets the requirements of 10 TAC §11.1(d)(125)(E)(ii) and Development will include:
 - ☐ Evidence of project-based rental or operating subsidies for a minimum of 25% of Units;
 - ☐ Documentation of how resident feedback has been incorporated into Development design;
 - ☐ Evidence that the Development is located less than ½ mile from regularly-scheduled public transportation, including evening and weekend service;
 - ☐ Evidence that at least 10% of the Units in the proposed Development meet the 2010 ADA standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" 79 Federal Register 29671 for persons with mobility impairments;
 - ☐ Multiple systems will be in place for residents to provide feedback to Development staff;
 - ☐ The Development will have a comprehensive written eviction prevention policy that includes an appeal process; and
 - ☐ The Development will have a comprehensive written services plan that describes the available services, identifying whether they are provided directly or through referral linkages, by whom, and in what location and during what days and hours. A copy of the services plan will be readily accessible to residents.

3. Staff Determinations or Waivers Previously Approved

- ☐ If a determination under 10 TAC §11.1(l) was made prior to Application submission, provide a copy of such determination behind this tab. If a waiver was previously approved by the Board, provide a copy of the Board write-up behind this tab.

4. Narrative

- ☒ The Development will not provide continual or frequent nursing, medical or psychiatric services to the residents.
- ☒ The Development does not violate the general public use requirement of Treasury Regulation §1.42-9 regarding units for use by the general public.
 - ☐ The Development does violate TR 1.42-9 and the Application includes a private letter ruling (PLR).
 - ☐ Development financing includes a funding source that specifically allows for the intended Target Population. A copy of that funding sources' authority to target the intended population is included behind this tab.
- ☒ Development does not violate the Department's Integrated Housing Rule under 10 TAC §1.15 regarding restricting occupancy to persons with disabilities or in combination with other populations with special needs.

Briefly describe the proposed Development, including any relevant information not already identified above. If Adaptive Reuse, or Scattered Site, or if any of the three main boxes above are not checked, include detailed information below.

Moore Grocery Lofts is an existing 88-unit multifamily residential community located in Tyler, TX. Moore Grocery Lofts Rehab, LLC will acquire and, upon receipt of an allocation of Housing Tax Credits, rehabilitate the development. Two of the four existing buildings are Historic structures and at least 55% of the post-rehab units will be housed in the Historic structures. Budget include line item for Historic Preservation consultant to ensure renovations result in maintaining Historic designation. All units were initially occupied in 2007 and the development currently operates under a LIHTC LURA. No amendment of the existing LURA is necessary as the proposed income set-aside and income targeting meet the current requirements. The identity of interest transaction is supported by a 10-year hold by seller, an appraisal (attached separately) and a proposed owner-structure with identity of interest Principals with less than 50% interest. The development consists of one-, two-, and three-bedroom units in multistory structures. As of January 31, 2024, occupancy is at 92%.

If a revised form is submitted, date of submission:

5. Funding Request:

Complete the table below to describe this Application's funding request. If applying for Multifamily Direct Loan funds, please select only one type of loan.

****NOTE: For Tax-Exempt Bond Developments, pursuant to §11.201(2), if at the time of Application submission, other Department funding (i.e. MFDL or HOME-ARP) is over-subscribed, the submitted Application CANNOT include a request for such funds.****

Department Funds applying for with this Application	Source of Funds	Requested Amount	If funds will be in the form of a Direct Loan or Private Activity Bonds by the Department, the terms will be:		
			Interest Rate (%)	Amortization (Years)	Permanent Term (Years)
Choose a Dropdown			2.00%		
Choose a Dropdown					
HOME-ARP Nonprofit Operating Cost and/or Capacity Building Assistance		\$ -			
HOME-ARP Capitalized Operating Cost Assistance		\$ -			
Housing Tax Credits		\$ 1,851,712			
Private Activity Bonds (TDHCA Issuer Only)					
CHDO Operating Expenses Grant					

6. Set-Aside (For Competitive HTC (10 TAC §11.5) and/or Multifamily Direct Loan (10 TAC §13.4(a)) Applications Only)

Identify any and all set-asides the application will be applying under with an "x".

Set-Asides cannot be added or dropped from pre-application to full Application for Competitive HTC Applications.

High-Quality Pre-Kindergarten

☐ Application elects to provide a High-Quality Pre-Kindergarten (HQ Pre-K)

Competitive HTC				Multifamily Direct Loan	
Select Set-Aside if applicable				Enter NOFA and Set-Aside	
At-Risk	Nonprofit	USDA		Enter NOFA	Enter Set-Aside
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Selections for At-Risk and USDA are independent of each other. Only select both if both apply.				HOME ARP	
				Enter NOFA	Enter Set-Aside

7. Previously Awarded State and Federal Funding

Has this site/activity previously applied for TDHCA funds?

☐ Yes

Has this site/activity previously received TDHCA funds?

☐ Yes

If "Yes" Enter Project Number:

07096/060201

and TDHCA funding source (4%, 9%, MFDL, etc.)

9% LIHTC

Has this site/activity previously received non-TDHCA federal funding?

☐ No

If yes, source:

Will this site/activity receive non-TDHCA federal funding for costs described in this Application?

☐ No

8. Qualified Low Income Housing Development Election (HTC Applications only)

Pursuant to §42(g)(1)(A) - (C), the term "qualified low income housing development" means any project for residential rental property, if the Development meets one of the requirements below, whichever is elected by the taxpayer. Once an election is made, it is irrevocable. Select only one:

☐ At least 20% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 50% or less of the area median gross income, adjusted for family size.

☒ At least 40% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 60% or less of the median gross income, adjusted for family size.

☐ Applicant elects to use the Average Income for the Development.

9. For Rehabilitation (excluding Reconstruction) and Adaptive Reuse Tax-Exempt Bond Developments that do not include a request for Direct Loan or where the Department is not the bond issuer, a Scope and Cost Review is not required. However, the application must include a Scope of Work Narrative as described in §11.306(k) of the QAP. (note: Rehabilitation Developments funded by the national Housing Trust Fund are required to meet the Multifamily Minimum Rehabilitation Standards approved by HUD, as posted on the Department's website at <https://www.tdhca.state.tx.us/multifamily/home/index.htm>, in addition to the Department's rules and NOFA requirements.)

If a revised form is submitted, date of submission:

2007 Final Competitive HTC Awards - As of December 31, 2007
Sorted by Region, Allocation, Award Status and Final Score

State Ceiling to be Allocated: \$49,085,817**

Region	File #	Status	1	Development Name	Address	City	Alloc.	2	Set-Asides	3	Housing	4	LI	Total	Target	5	ACQ	6	Recommended	Owner	TDHCA	Final	1 Mile,	Comment	7			
Region:	1																											
Allocation Information for Region 1:																												
Total Credits Available for Region:													\$2,262,644				Urban/Exurban Allocation:				\$1,118,219		Rural Allocation:				\$1,144,425	
15% Required for At-Risk:													\$339,397				5% Required for USDA: \$113,132											
Applications Submitted in Region 1:																												
07016		1	BA	Stone Hollow Village	1510 Cornell	Lubbock	U/EX	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NC	112	140	G	<input type="checkbox"/>	\$18,676	Ron Hance	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement								
Total:													112		140													
07219		1	A	Canyons Retirement Community	2200 W. 7th Ave.	Amarillo	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	RH	106	111	E	<input checked="" type="checkbox"/>	\$876,745	Jamie Hayden	<input type="checkbox"/>	203	<input type="checkbox"/>	Competitive in Region								
Total:													106		111													
Total:													218		251													
Applications Submitted in Region 1:																												
07074		1	BA	La Mirage Villas	309 S.E. 15th	Perryton	R	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RH	47	47	G	<input checked="" type="checkbox"/>	\$6,218	Patrick A. Barbolla	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement								
Total:													47		47													
07137		1	A	Hampton Villages	1600 Blk of Alcock St.	Pampa	R	<input type="checkbox"/>	<input type="checkbox"/>	NC	76	76	G	<input type="checkbox"/>	\$1,038,857	Tim Lang	<input type="checkbox"/>	190	<input type="checkbox"/>	Significant Sub-Regional Shortfall in State Collapse								
07117		1	A	Deer Creek Apartments	SE Corner of W. Ellis St. & MLK St.	Levelland	R	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NC	63	64	G	<input type="checkbox"/>	\$507,059	Justin Zimmerman	<input type="checkbox"/>	149	<input type="checkbox"/>	Competitive in USDA Allocation								
Total:													139		140													
Total:													186		187													
Region Total:													404		438													
5 Applications in Region																												

1 = Status Abbreviation: Received Award of 2007 Housing Tax Credits=A, 2004 Developments Awarded Binding Allocation Agreements from the 2007 Ceiling=BA,

2006 Developments Awarded Credits from the 2007 Ceiling=2006FWD

2 = Allocation Abbreviation: Rural Regional Allocation=R, Urban/Exurban Regional Allocation=U/EX

3 = Set-Aside Abbreviation: TX-USDA-RHS=USDA, Nonprofit=NP, At-Risk=AR

4 = Housing Activity: Rehabilitation=RH, Reconstruction=RC, New Construction=NC

5 = Target Population Abbreviation: Intergenerational=Intg, Elderly/Transitional=ET, Elderly=E, General=G

6 = Acquisition=ACQ, Developments for which acquisition Housing Tax Credits are being awarded

7 = Comment: Reason for Award

** = The State Housing Credit Ceiling is based on 2007 population figures, plus all returned credits from previous awards.

Region:

2

Allocation Information for Region 2:

Total Credits Available for Region: \$1,565,713

Urban/Exurban Allocation: \$760,634

Rural Allocation: \$805,079

15% Required for At-Risk: \$234,857

5% Required for USDA: \$78,286

Applications Submitted in Region 2:										Urban/Exurban												
07114	2	A	Washington Village Apartments	600 Flood St.	Wichita Falls	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	96	96	G	<input type="checkbox"/>	\$877,338	Rick J. Deyoe	<input type="checkbox"/>	195	<input type="checkbox"/>	Significant Sub-Regional Shortfall in Regional Collapse, and 07133 Removed from Recommended List by Board		
Total:										96	96	\$877,338										
Total:										96	96	\$877,338										
Applications Submitted in Region 2:										Rural												
07058	2	BA	Wildwood Trails Apartments	1500 Davis Ln.	Brownwood	R	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	75	75	G	<input type="checkbox"/>	\$10,338	Vaughn Zimmerman	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement		
Total:										75	75	\$10,338										
07294	2	A	Grove at Brushy Creek	NE Corner of El Dorado & Patterson	Bowie	R	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	42	48	G	<input type="checkbox"/>	\$506,036	Eric Hartzell	<input type="checkbox"/>	186	<input type="checkbox"/>	Competitive in Region and USDA Allocation		
07194	2	A	377 Villas	4236 Hwy 377 S.	Brownwood	R	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	73	76	G	<input type="checkbox"/>	\$687,210	Justin MacDonald	<input type="checkbox"/>	184	<input type="checkbox"/>	Significant Sub-Regional Shortfall in State Collapse		
Total:										115	124	\$1,193,246										
Total:										190	199	\$1,203,584										
Region Total:										286	295	\$2,080,922										
4 Applications in Region																						

Region: 3

Allocation Information for Region 3:										Total Credits Available for Region: \$9,281,473										Urban/Exurban Allocation: \$8,569,043										Rural Allocation: \$712,431										15% Required for At-Risk: \$1,392,221										5% Required for USDA: \$464,074											
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Applications Submitted in Region 3: Urban/Exurban

07001	3	2006 FWD	Fairway Crossing	7229 Ferguson Rd.	Dallas	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RH	297	310	G	<input checked="" type="checkbox"/>	\$1,297,498	Len Vilicic	<input type="checkbox"/>	301	<input type="checkbox"/>	Forward Commitment of 2007 Credits Made in 2006																
07091	3	2006 FWD	City Walk at Akard	511 N. Akard	Dallas	U/EX	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RH	204	209	G	<input checked="" type="checkbox"/>	\$1,242,595	John P. Greenan	<input type="checkbox"/>	301	<input type="checkbox"/>	Forward Commitment of 2007 Credits Made in 2006																
07053	3	BA	Primrose at Highland	2100 Highland Ave.	Dallas	U/EX	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NC	120	150	E	<input type="checkbox"/>	\$56,484	Deepak Sulakhe	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement																
07040	3	BA	Samaritan House	929 Hemphill Ave.	Fort Worth	U/EX	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RH	126	126	G	<input checked="" type="checkbox"/>	\$33,916	Steve Dutton	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement																
07037	3	BA	Renaissance Courts	308 S. Ruddell St.	Denton	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	120	150	G	<input type="checkbox"/>	\$65,771	Shirley Nell Hensley	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement																
07031	3	BA	Frazier Fellowship	4700-4900 Hatcher St.	Dallas	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NC	60	76	G	<input type="checkbox"/>	\$27,233	Tim Lott	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement																
07017	3	BA	Spring Oaks Apartments	4317 Shepherd Ln.	Balch Springs	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	128	160	G	<input type="checkbox"/>	\$41,342	Ron Pegram	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement																
07025	3	BA	Villas of Seagoville	600 E. Malloy Bridge Rd.	Seagoville	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	78	100	E	<input type="checkbox"/>	\$36,406	Deborah A. Griffin	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement																
07024	3	BA	Villas of Forest Hill	7400 Forest Hill Dr.	Forest Hill	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	78	100	E	<input type="checkbox"/>	\$36,434	Deborah A. Griffin	<input type="checkbox"/>	300	<input type="checkbox"/>	Binding Allocation Agreement																
											Total:	1,211	1,381												\$2,837,679											
07289	3	A	Peachtree Seniors	5009 S. Peachtree Rd.	Balch Springs	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	144	144	E	<input type="checkbox"/>	\$1,161,000	Ron Pegram	<input type="checkbox"/>	200	<input type="checkbox"/>	Competitive in Region																
07254	3	A	Evergreen at Farmers Branch	11701 Mira Lago Blvd.	Farmers Branch	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	90	90	E	<input type="checkbox"/>	\$1,194,940	Bradley E. Forslund	<input type="checkbox"/>	200	<input type="checkbox"/>	Competitive in Region																
07149	3	A	Residences at Eastland	5500 Eastland St.	Fort Worth	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	140	146	G	<input type="checkbox"/>	\$1,200,000	Dan Algeier	<input type="checkbox"/>	195	<input type="checkbox"/>	Competitive in Region																
07166	3	A	Jeremiah Seniors	909 W. Hurst Blvd.	Hurst	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	135	135	E	<input type="checkbox"/>	\$989,447	Tim Valentine	<input type="checkbox"/>	193	<input type="checkbox"/>	Competitive in Region																
07303	3	A	Villas on Raiford	Raiford Rd.	Carrollton	U/EX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NC	172	180	E	<input type="checkbox"/>	\$465,534	Chan Il Pak	<input type="checkbox"/>	190	<input type="checkbox"/>	Not Competitive in Region																
											Total:	681	695												\$5,010,921											
											Total:	1,892	2,076												\$7,848,600											

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4 = Housing Activity: Rehabilitation=RH, Reconstruction=RC, New Construction=NC
5 = Target Population Abbreviation: Intergenerational=Intg, Elderly/Transitional=ET, Elderly=E, General=G
6 = Acquisition=ACQ, Developments for which acquisition Housing Tax Credits are being awarded
7 = Comment: Reason for Award
** = The State Housing Credit Ceiling is based on 2007 population figures, plus all returned credits from previous awards.

Region	File #	Status	1 Development Name	Address	City	Alloc.	2	Set-Asides	3	Housing	4	LI	Total	Units	Target	5	ACQ	6	Recommended	Owner	Contact	HOME	Score	1 Year	Comment	7
Applications Submitted in Region 3:																										
	07069	3	BA	Brianwood Apartments	513 E. 6th St.	Kaufman	R	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	RH		48	48		G	<input checked="" type="checkbox"/>		\$6,364	Patrick A. Barbolla		<input type="checkbox"/>	300		<input type="checkbox"/>		Binding Allocation Agreement
	07032	3	BA	Churchill at Commerce	731 Culver	Commerce	R	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NC		90	100		G	<input type="checkbox"/>		\$52,598	Bradley E. Forslund		<input type="checkbox"/>	300		<input type="checkbox"/>		Binding Allocation Agreement
	Total:												138	148												
	07167	3	A	Meadowlake Village Apartments	209 Grand Ave.	Mabank	R	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RH		40	40		G	<input checked="" type="checkbox"/>		\$174,797	Warren Maupin		<input type="checkbox"/>	113		<input type="checkbox"/>		Competitive in At-Risk Set-Aside
	Total:												40	40												
	Total:												178	188												
	Region Total:												2,070	2,264												
17 Applications in Region																										
	Region Total:												2,070	2,264												

24146 (1)

Stella Haven

**Request for Administrative
Deficiency**

May 3, 2024

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Third-Party Request for Administrative Deficiency – TDHCA #24146 Stella Haven

Dear Mr. Campbell,

Please accept this letter as a formal Third-Party Request for Administrative Deficiency (RFAD) for §11.7(2)(A)(i) to consider whether the Tie Breaker Factor amenity provided as a park meets the 2024 QAP definition. The amenity feature used as a park in the application is “*Elem Playground and Field*” located at *3100 Teasley Ln, Denton, TX 76205* which is part of Sam Houston Elementary School and is not a public park or a parcel of land dedicated for public use. **Please see Exhibit A.**

The QAP states the following definition for §11.7(2)(A)(i):

- (i) ***A park, or a parcel of land dedicated for public use by a Municipal, County, State, or Federal entity and used as parkland or for a recreational purpose. This feature must have been designated by the relevant authority one year prior to the Full Application Delivery Date.***

The rationale for why an elementary school playground and field do not align with the definition of a park, as outlined in the QAP, is as follows:

Ownership and Authority:

The public school, Sam Houston Elementary School, is owned and operated by Denton ISD, the local school district, rather than directly by a Municipal, County, State, or Federal entity. Denton Parks and Recreation department, Jane Riddle, confirmed that, “School Districts (in this case, Denton ISD) maintains the playgrounds at their schools.” **Please see Exhibit B.** Moreover, there is no documented evidence that “Elem Playground and Field” located at “3100 Teasley Ln, Denton, TX 76205” which is part of Sam Houston Elementary School is on “*land dedicated for public use by a Municipal, County, State, or Federal entity and used as parkland or for a recreational purpose*”. While the public school serves certain members of the community, their primary purpose is education. The authority responsible for designating land as a park is not the same as the one overseeing the school system, Denton ISD.

Designation and Purpose:

The “Elem Playground and Field” is on private land owned by Denton ISD and not for “public use”. TDHCA’s QAP requires that land used as “parkland or for a recreational purpose” be designated for public use by the relevant authority. **“Elem Playground and Field” has not been specifically designated as public use land for “parkland or for a recreational purpose” by the relevant authority. Please see Exhibit C.** Sam Houston Elementary School’s playground and field is focused on supporting those students only attending that school rather than providing general public “parkland or for a recreational purpose” space for the broader community.

Access Restrictions:

Schoolyards are typically accessible only during school hours and are often closed to the public outside those times. The definition of a park in the QAP emphasizes public access, which does not align with restricted schoolyard access. Sam Houston Elementary School’s playground is fenced, does not have designated parking, and does not allow for ease of public access. **Please see Exhibit D.** Denton ISD’s 2023-2024 Student and Parent Code of Conduct Handbook includes campus playgrounds as part of their designated Gang-Free Zones on page 50. The Handbook clarifies safety measures for all of the facilities within the campus on pages 70-74 and includes a campus visitor and volunteer policy on pages 82 & 83. **Please see Exhibit E.**

In summary, while elementary school parks serve important educational purposes, they do not conform to the provided definition for a park as defined by the 2024 TDHCA Qualified Allocation Plan and should be disqualified. We request that TDHCA use the fourth Tie Breaker amenity provided by the applicant be used to replace the disqualified feature.

Sincerely,



Thomas E. Huth
8000 Walton Irving Living, LTD
Authorized Representative
13455 Noel Rd, Suite 400
Dallas, TX 75240

CC: alice@saigebrook.com

EXHIBIT A

Tie-Breaker Information (Competitive HTC Only)

Tie-Breaker #1 (§11.7(1) of the QAP)

For Applications funded through the USDA Set-Aside; Applications proposed to rehabilitate the property with the earliest year of initial construction as a residential development. Year submitted must be evidenced by the initial USDA loan documentation. A tie will persist if two Applications have the same year.

Year of Initial Construction:

NA

Matching loan documentation
included behind tab?

Tie-Breaker #2 (§11.7(2) of the QAP)

For all other competitive Applications; Applications proposed to be located in closest proximity to the following features as of the Full Application Delivery Date:

- (1) A Park,
- (2) The elementary school of attendance,
- (3) A full service grocery store, and
- (4) A Public Library

The linear measurement will be performed from the closest parcel boundary of the Development Site to closest parcel boundary of each feature. In calculating the proximity, each feature's distance will be required for submittal, with the sum of the three closest features being used to produce the result. The Application with the lowest sum of proximity will receive preference. In the event that one of the top three features is disqualified (due to not conforming to definition or a substantial misrepresentation of distance), the fourth will be used as an opportunity to replace the disqualified feature. The tie will persist if the two tied Applications differ by 100 feet or fewer.

Amenity	Name	Address
Park	Elem Playground and Field	3100 Teasley Ln, Denton, TX 76205
Elementary School	Sam Houston Elem	3100 Teasley Ln, Denton, TX 76205
Grocery Store	Walmart Neigh Market	3930 Teasley Ln, Denton, TX 76210
Library	South Branch Library	3228 Teasley Ln, Denton, TX 76210

Site Boundary		Park	
Latitude	Longitude	Latitude	Longitude
33.17325	-97.1129	33.173455	-97.114816
Elementary School		Grocery Store	
Latitude	Longitude	Latitude	Longitude
33.17325	-97.1129	33.173455	-97.114816
Latitude	Longitude	Latitude	Longitude
33.172762	-97.111768	33.160842	-97.107289
Library		Library	
Latitude	Longitude	Latitude	Longitude
33.17325	-97.1129	33.173261	-97.113246



EXHIBIT B

Elizabeth Perrot <elizabeth@dynamiccre.com>

Question about Sam Houston Elementary School

2 messages

Elizabeth Perrot <elizabeth@dynamiccre.com>
To: jane.riddle@cityofdenton.com

Tue, Apr 16, 2024 at 2:58 PM

Hi Jane,

Can you verify whether [Sam Houston Elementary School playground](#) is a public park under City of Denton Parks and Recreation Department jurisdiction?

Thank you kindly,

Elizabeth



Elizabeth Deitchman
Manager of Acquisitions and Marketing

a: Dynamic Commercial Real Estate, LLC
13355 Noel Rd Ste 1100 | Dallas, TX 75240
e: Elizabeth@DynamicCRE.com

Riddle, Jane D. <Jane.Riddle@cityofdenton.com>
To: Elizabeth Perrot <elizabeth@dynamiccre.com>

Tue, Apr 16, 2024 at 3:48 PM

School Districts (in this case, Denton ISD) maintains the playgrounds at their schools.

Jane

From: Elizabeth Perrot <elizabeth@dynamiccre.com>
Sent: Tuesday, April 16, 2024 2:59 PM
To: Riddle, Jane D. <Jane.Riddle@cityofdenton.com>
Subject: Question about Sam Houston Elementary School

This message has originated from an **External Source**. Please be cautious regarding links and attachments.

[Quoted text hidden]

EXHIBIT D



Sam Houston Elementary School Playground is only accessible by bus or emergency vehicle.



Sam Houston Elementary School Playground is fenced.

EXHIBIT D



Elem
Playground

Private
Driveway



INDEPENDENT SCHOOL DISTRICT

DIVISION OF ACADEMIC PROGRAMS

Student & Parent Handbook



**2023-2024
Academic
School Year**

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Revisions to the Student and Parent Handbook are subject to change due to updates from the Texas Legislative session. Updates will be added as received in an addendum format to the 2023-2024 Student and Parent Handbook.

Each year, your child’s school will require that you provide contact information, such as your current phone number and email address, for the school to communicate items specific to your child, your child’s school, or the district. The district or school may generate automated or pre-recorded messages, text messages, or real-time phone or email communications that are specifically related to your child. Denton ISD will rely on contact information on file with the district to communicate with parents for a variety of reasons such as; an emergency situation, health and wellbeing, academic progress, offer needed support or resources, and in the event of remote learning, contact information may be used to support student learning. For these reasons prompt notification of any change in contact information is crucial to your child’s campus maintaining timely communication with you. If you have specific requests or needs related to how the district contacts you, please contact your child’s principal.

SECTION I: PARENTAL RIGHTS

This section includes information related to certain rights of parents as specified in state or federal law.

CONSENT, OPT-OUT, AND REFUSAL RIGHTS

CONSENT TO CONDUCT A PSYCHOLOGICAL EVALUATION

Unless required under state or federal law, a district employee will not conduct a psychological examination, test, or treatment, without obtaining prior written parental consent.

CONSENT TO HUMAN GROWTH AND DEVELOPMENT INSTRUCTION

As a part of the district's instructional resources, students receive instruction related to human growth and development. The School Health Advisory Council (SHAC) is involved with the selection of course materials for such instruction.

CONSENT TO INSTRUCTION ON PREVENTION OF CHILD ABUSE, FAMILY VIOLENCE, DATING VIOLENCE, AND HUMAN TRAFFICKING

Before a student receives instruction on the prevention of child abuse, family violence, dating violence and human trafficking, the district must obtain written consent from the student's parent. Parents will be sent a request for written consent at least 14 days before the instruction will begin.

Students in middle school and high school receive instruction related to the prevention of child abuse, family violence, dating violence, and human trafficking. The School Health Advisory Council (SHAC) makes recommendations for instructional resources, and the school board adopts the materials and determines the specific content of the instruction.

In accordance with state law, a parent may:

- Review, receive a copy of, or purchase a copy of instructional materials depending on the copyright of the materials. As required by law, any instructional materials in the public domain used in this instruction will be posted on the district's website at the location indicated above,
- Remove his or her child from any part of this instruction without academic, disciplinary, or other penalties,
- Become involved in the development of this curriculum by becoming a member of the district's SHAC or attending SHAC meetings (See the campus principal for details).

Use the district's grievance procedure concerning a complaint. See **Complaints and Concerns** and FNG for information on the grievance and appeals process.

CONSENT TO PROVIDE A MENTAL-HEALTH CARE SERVICE

The district will not provide a mental health care service to a student or conduct a medical screening of a student as part of the district's intervention procedures except as permitted by law.

The district has established procedures for recommending to a parent an intervention for a student with early warning signs of mental health concerns, substance abuse, or suicide risk. The district's mental health liaison will notify the student's parent within a reasonable amount of time after the liaison learns that a student has displayed early warning signs and provide information about available counseling options.

Campus staff are trained on the Denton Multi-Tiered System of Supports (DMTSS) referral process. Through the DMTSS process students with early warning signs of mental health concerns are identified. The DMTSS committee works collaboratively with parents and staff to develop appropriate interventions to remove barriers to academic and mental health success.

The district has also established procedures for staff to notify the mental health liaison regarding a student who may need intervention. The mental health liaison can be reached at: rdepeochristner@dentonisd.org or 940-369-0610.

The mental health liaison can provide further information regarding these procedures as well as instructional resources on identifying risk factors, accessing resources for treatment or support on and off campus, and accessing available student accommodations provided on campus. For further information, see **Mental Health Support**.

CONSENT TO DISPLAY A STUDENT'S ORIGINAL WORKS AND PERSONAL INFORMATION

Teachers may display student's work in classrooms or elsewhere on campus as recognition of student achievement without seeking prior parental consent. These displays may include personally identifiable student information. Student work includes artwork, special projects, photographs, original videos or voice recordings, and other original works. However, the district will seek parental consent before displaying a student's work on the district's website, a website affiliated or sponsored by the district (such as a campus or classroom website), or in district publications, which may include printed materials, videos, or other methods of mass communication.

CONSENT TO RECORD A STUDENT WHEN NOT OTHERWISE PERMITTED BY LAW (INCLUDES VIDEO & AUDIO)

State law permits the school to make a video or voice recording without parental permission when it:

- Is to be used for school safety,
- Relates to classroom instruction or a cocurricular or extracurricular activity,
- Relates to media coverage of the school, or
- Relates to the promotion of student safety as provided by law for a student receiving special education services in certain settings.

In other circumstances, the district will seek written parental consent before making a video or voice recording of a student.

Please note that parents and visitors to a classroom, both virtual and in person, may not record video or audio or take photographs or other still images without permission from the teacher or other school official.

LIMITING ELECTRONIC COMMUNICATIONS WITH STUDENTS BY DISTRICT EMPLOYEES

The district permits teachers and other approved employees to use electronic communications with students within the scope of professional responsibilities, as described by district guidelines.

For example, teachers may set up social networking pages for their classes that have information related to class work, homework, and tests. As a parent, you are welcome to join or become a member of such a page.

However, text messages sent to an individual student are only allowed if a district employee with responsibility for an extracurricular activity needs to communicate with a student participating in the extracurricular activity.

An employee described above may also contact a student individually through electronic media to communicate about items directly related to class, such as homework or upcoming tests.

A parent who does not want his or her child to receive one-to-one electronic communications from a district employee should contact the campus principal (DH Local).

OBJECTING TO THE RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act, or FERPA, permits the district to disclose appropriately designated “directory information” from a child’s education records without written consent.

Directory information is information that is generally not considered harmful or an invasion of privacy if released. Examples include:

- A student’s photograph (for publication in the school yearbook);
- A student’s name and grade level (for communicating class and teacher assignments);
- The name, weight, and height of an athlete (for publication in a school athletic program);
- A list of student birthdays (for generating schoolwide or classroom recognition),
- A student’s name and photograph (posted on a district-approved and managed social media platform); and
- The names and grade levels of students submitted by the district to a local newspaper or other community publication (to recognize the A/B honor roll for a specific grading period).

This directory information will be released to anyone who follows procedures for requesting it. However, a parent or eligible student may object to the release of a student’s directory information. This objection must be made in writing to the principal within ten school days of your child’s first day of instruction for this school year.

The district requests that families living in a shelter for survivors of family violence or trafficking notify district personnel that the student currently resides in such a shelter. Families may want to opt out of the release of directory information so that the district does not release any information that might reveal the location of such a shelter.

As allowed by state law, the district has identified two directory information lists—one for school-sponsored purposes and a second for all other requests. For district publications and announcements, the district has designated the following as directory information: student name, address, telephone listing, electronic mail address, photograph, date of birth, major field of study, honors and awards received, dates of attendance, grade level, most recent educational institution attended, participation in officially recognized activities and sports, weight, and height of members of athletic teams, and enrollment status.

If a parent does not object to the use of his or her child’s information for these school-sponsored purposes, the school will not ask permission each time the district wants to use the information for these purposes.

For all other purposes, the district has identified the following as directory information: student name. If a parent does not object to the use of the student’s information for these purposes, the school must release this information when requested by an outside entity or individual

Note: Review the information at **Authorized Inspection and Use of Student Records**.

OBJECTING TO THE RELEASE OF STUDENT INFORMATION TO MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER EDUCATION (SECONDARY GRADE LEVELS ONLY)

Unless a parent has advised the district not to release his or her student’s information, the Every Student Succeeds Act (ESSA) requires the district to comply with requests by military recruiters or institutions of higher education for the student’s:

- Name,

- Address, and
- Telephone listing

Military recruiters may also have access to a student's district-provided email address, unless a parent has advised the district not to release this information.

PARTICIPATION IN THIRD-PARTY SURVEYS

CONSENT REQUIRED BEFORE STUDENT PARTICIPATION IN A FEDERALLY FUNDED SURVEY

The Protection of Pupil Rights Amendment (PPRA) provides parents certain rights regarding participation in surveys, the collection and use of information for marketing purposes, and certain physical exams. A parent has the right to consent before a student is required to submit to a survey funded by the U.S. Department of Education that concerns any of the following protected areas:

- Political affiliations or beliefs of the student or the student's parent;
- Mental or psychological problems of the student or the student's family;
- Illicit, antisocial, self-incriminating, or demeaning behavior/attitudes;
- Critical appraisals of individuals with whom the student has a close family relationship;
- Relationships privileged under law, such as relationships with lawyers, physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or parent; or
- Income, except when the information is required by law and will be used to determine the student's eligibility to participate in or receive financial assistance under a program.

A parent can inspect the survey or other instrument and any corresponding instructional materials used in connection with such a survey, analysis, or evaluation. [For more information, see policy EF(LEGAL).]

“OPTING OUT” OF PARTICIPATION IN OTHER TYPES OF SURVEYS OR SCREENINGS AND THE DISCLOSURE OF PERSONAL INFORMATION

The PPRA gives parents the right to receive notice and an opportunity to opt a student out of:

- Activities involving the collection, disclosure, or use of personal information gathered from the child for the purpose of marketing, selling, or otherwise disclosing that information to others.
- Any nonemergency, invasive physical examination or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of the student.

Exceptions are hearing, vision, or spinal screenings, or any physical examination or screening permitted or required under state law. [See policies EF and FFAA for more information.]

As a parent, you may inspect:

- A survey created by a third party before the survey is administered or distributed to your child.
- Protected information surveys of students and surveys created by a third party;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instructional materials used as part of educational resources.

The US Department Of Education provides extensive information about the Protection of Pupil Rights Amendment, including a PPRA Complaint Form <https://studentprivacy.ed.gov/resources/protection-pupil-rights-amendment-ppra-general-guidance>.

REMOVING A STUDENT FROM INSTRUCTION OR EXCUSING A STUDENT FROM A REQUIRED COMPONENT OF INSTRUCTION

RECITING A PORTION OF THE DECLARATION OF INDEPENDENCE IN GRADES 3–12

State law designates the week of September 17 as Celebrate Freedom Week and requires all social studies classes provide:

- Instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, and
- A specific recitation from the Declaration of Independence for students in grades 3–12.

Per state law, a student may be excused from recitation of a portion of the Declaration of Independence if:

- A parent provides a written statement requesting that his or her child be excused,
- The district determines that the student has a conscientious objection to the recitation, or
- A parent is a representative of a foreign government to whom the U.S. government extends diplomatic immunity. [See policy EHBK(LEGAL).]

RECITING THE PLEDGES TO THE U.S. AND TEXAS FLAGS

As a parent, you may request that your child be excused from participation in the daily recitation of the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag. The request must be in writing. State law does not allow your child to be excused from participation in the required minute of silence or silent activity that follows. [See **Pledges of Allegiance and a Minute of Silence** and policy EC (LEGAL).]

RELIGIOUS OR MORAL BELIEFS

A parent may remove his or her child temporarily from the classroom if a scheduled instructional activity conflicts with the parent's religious or moral beliefs. The removal may not be used to avoid a test and may not extend for an entire semester. Further, the student must satisfy grade-level and graduation requirements as determined by the school and by state law.

SAFETY EDUCATION

The Community Safety Education Act (TAC, §74.39) requires school districts and charter schools to provide instruction to students in grades 9-12 on proper interaction with peace officers during traffic stops and other in-person encounters. In Denton ISD, this instruction will be provided in the student's sophomore year through their World History class.

TUTORING OR TEST PREPARATION

Based on informal observations, evaluative data such as grades earned on assignments or tests, or results from diagnostic assessments, a teacher may determine that a student needs additional targeted assistance for the student to achieve mastery in state-developed essential knowledge and skills. The school will always attempt to provide tutoring and strategies for test-taking in ways that prevent removal from other instruction as much as possible. In accordance with state law and policy EC, the school will not remove a student from a regularly scheduled class for remedial tutoring or test preparation for more than ten percent of the school days on which the class is offered, unless the student's parent consents to this removal. The school may also offer tutorial services, which students whose grades are below 70 will be required to attend. [Refer to policies EC and EHBC. Contact your student's teacher regarding tutoring programs provided by the school.]

RIGHT OF ACCESS TO STUDENT RECORDS, INSTRUCTIONAL MATERIALS, AND DISTRICT RECORDS

INSTRUCTIONAL MATERIALS

As a parent, you have a right to review teaching materials, textbooks, and other teaching aids and instructional materials used for the classroom, and to examine tests that have been administered, whether instruction is delivered in-person, virtually or remotely. A parent is also entitled to request that the school allow the student to take home instructional materials the student uses. The school may ask the student to return the materials at the beginning of the next school day. A parent must contact the school principal if the student does not have reliable access to technology at home.

NOTICES OF CERTAIN STUDENT MISCONDUCT TO NONCUSTODIAL PARENT

A noncustodial parent may request in writing that he or she be provided, for the remainder of the school year, a copy of any written notice usually provided to a parent related to his or her child's misconduct that may involve placement in a disciplinary alternative education program (DAEP) or expulsion. [See policy FO (LEGAL) and the Student Code of Conduct.]

STUDENT RECORDS

ACCESSING STUDENT RECORDS

A parent may review their child's student records. These records include:

- Attendance records,
- Test scores,
- Grades,
- Disciplinary records,
- Counseling records,
- Psychological records,
- Applications for admission,
- Health and immunization information,
- Other medical records,
- Teacher and school counselor evaluations,
- Reports of behavioral patterns,
- Records relating to assistance provided for learning difficulties, including information collected during any intervention strategies used with your child, as the term intervention strategy is defined by law,
- State assessment instruments that have been administered to your child,
- Teaching materials and tests used in your child's classroom.

AUTHORIZED INSPECTION AND USE OF STUDENT RECORDS

A federal law, known as the Family Educational Rights and Privacy Act, or FERPA, affords parents and eligible students certain rights with respect to the student's education records. For purposes of student records, an "eligible" student is one who is 18 or older or who is attending an institution of postsecondary education. These rights, as discussed in this section as well as at OBJECTING TO THE RELEASE OF DIRECTORY INFORMATION, are:

- The right to inspect and review student records within 45 days after the day the school receives a request for access.

- The right to request an amendment to a student record the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of FERPA.
- The right to provide written consent before the school discloses personally identifiable information from the student's records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning failures by the school to comply with FERPA requirements.

For more information about how to file a complaint, see <https://studentprivacy.ed.gov/file-a-complaint>.

Both FERPA and state laws safeguard student records from unauthorized inspection or use and provide parents and eligible students certain rights of privacy.

Before disclosing any personally identifiable information from a student's records, the district must verify the identity of the person, including a parent or the student, requesting the information.

Virtually all information pertaining to student performance, including grades, test results, and disciplinary records, is considered confidential educational records.

Inspection and release of student records is primarily restricted to an eligible student or a student's parents unless the school is given a copy of a court order terminating parental rights or the right to access a student's education records. A parent's rights regarding access to student records are not affected by the parent's marital status.

Federal law requires that control of the records goes to the student as soon as the student:

- Reaches the age of 18,
- Is emancipated by a court, or
- Enrolls in a postsecondary educational institution.

However, the parent may continue to have access to the records if the student is a dependent for tax purposes and, under limited circumstances, when there is a threat to the health and safety of the student or other individuals.

FERPA permits the disclosure of personally identifiable information from a student's education records without written consent of the parent or eligible student when school officials have what federal law refers to as a "legitimate educational interest" in a student's records.

Legitimate educational interest may include:

- Working with the student;
- Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
- Compiling statistical data;
- Reviewing an educational record to fulfill the official's professional responsibility; or
- Investigating or evaluating programs.

School officials may include:

- Board members and employees, such as the superintendent, administrators, and principals;
- Teachers, school counselors, diagnosticians, and support staff (including district health or medical staff);
- A person or company with whom the district has contracted or allowed to provide a specific institutional service or function (such as an attorney, consultant, third-party vendor that offers

online programs or software, auditor, medical consultant, therapist, student resource officer, or volunteer);

- A person appointed to serve on a team to support the district's safe and supportive school program;
- A parent or student serving on a school committee; or
- A parent or student assisting a school official in the performance of his or her duties.

FERPA also permits the disclosure of personally identifiable information without written consent:

- To authorized representatives of various governmental agencies, including juvenile service providers, the U.S. Comptroller General's office, the U.S. Attorney General's office, the U.S. Secretary of Education, the Texas Education Agency, the U.S. Secretary of Agriculture's office, and Child Protective Services (CPS) caseworkers or, in certain cases, other child welfare representatives.
- To individuals or entities granted access in response to a subpoena or court order.
- To another school, school district/system, or institution of postsecondary education to which a student seeks or intends to enroll or in which he or she is already enrolled.
- In connection with financial aid for which a student has applied or which the student has received.
- To accrediting organizations to carry out accrediting functions.
- To organizations conducting studies for, or on behalf of, the school, to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- To appropriate officials in connection with a health or safety emergency.
- When the district discloses directory information-designated details [see OBJECTING TO THE RELEASE OF DIRECTORY INFORMATION for opportunities to prohibit this disclosure].

Release of personally identifiable information to any other person or agency—such as a prospective employer or for a scholarship application— will occur only with parental or student permission as appropriate.

The principal is custodian of all records for currently enrolled students at the assigned school. The principal is also the custodian of all records for students who have withdrawn or graduated.

A parent or eligible student who wishes to inspect the student's records should submit a written request to the records custodian identifying the records he or she wishes to inspect.

Records may be inspected by a parent or eligible student during regular school hours. The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records. A parent or eligible student who provides a written request and pays copying costs of ten cents per page may obtain copies. If circumstances prevent inspection during regular school hours and the student qualifies for free or reduced-price meals, the district will either provide a copy of the records requested or make other arrangements for the parent or student to review these records. The address for each campus principal is at <https://www.dentonisd.org/>.

A parent or eligible student may inspect the student's records and request a correction or amendment if the records are considered inaccurate, misleading, or otherwise in violation of the student's privacy rights.

A request to correct a student's record should be submitted to the appropriate records custodian. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information in the record is inaccurate. If the district denies the request to amend the records, the parent or eligible student has the right to request a hearing. If the records are not amended because of the

hearing, the parent or eligible student has 30 school days to exercise the right to place a statement commenting on the information in the student's record.

Although improperly recorded grades may be challenged, contesting a student's grade in a course or on an examination is handled through the general complaint process found in policy FNG(LOCAL). A grade issued by a classroom teacher can be changed only if, as determined by the board of trustees, the grade is arbitrary, erroneous, or inconsistent with the district's grading policy.

[See FINALITY OF GRADES at FNG (LEGAL), **Report Cards/Progress Reports and Conferences**, and **Complaints and Concerns** for an overview of the process.]

The district's policy regarding student records found at policy FL is available from the district's website at www.dentonisd.org/trustees

Note: The parent's or eligible student's right of access to and copies of student records do not extend to all records. Materials that are not considered educational records—such as a teacher's personal notes about a student that are shared only with a substitute teacher—do not have to be made available to the parents or student.

TEACHER AND STAFF PROFESSIONAL QUALIFICATIONS

A parent may request information regarding the professional qualifications of his or her child's teachers, including whether the teacher:

- Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction,
- Has an emergency permit or other provisional status for which state requirements have been waived, and
- Is currently teaching in the field of discipline of his or her certification.

A parent has the right to request information about the qualifications of any paraprofessional who may provide services to the child.

STUDENTS WITH EXCEPTIONALITIES OR SPECIAL CIRCUMSTANCES

CHILDREN OF MILITARY FAMILIES

Children of military families will be provided flexibility regarding certain district requirements, including:

- Immunization requirements.
- Grade level, course, or educational program placement.
- Eligibility requirements for participation in extracurricular activities.
- Graduation requirements.

The district will excuse absences related to a student visiting a parent, including a stepparent or legal guardian, who is:

- Called to active duty,
- On leave, or
- Returning from a deployment of at least four months.

The district will permit **no more than five** excused absences per year for this purpose. For the absence to be excused, the absence must occur no earlier than the 60th day before deployment or no later than the 30th day after the parent's return from deployment.

Additional information may be found at [Military Family Resources at the Texas Education Agency](#).

PARENTAL ROLE IN CERTAIN CLASSROOM AND SCHOOL ASSIGNMENTS

MULTIPLE BIRTH SIBLINGS

State law permits a parent of multiple-birth siblings (e.g., twins, triplets) assigned to the same grade and campus to request in writing that the children be placed in either the same classroom or separate classrooms.

Written requests must be submitted by the 14th day after the students' enrollment. [See policy FDB(LEGAL).]

SAFETY TRANSFERS/ASSIGNMENTS

As a parent, you may:

- Request the transfer of your child to another classroom or campus if your child has been determined by the district to have been a victim of bullying, which includes cyberbullying, as the term is defined by Education Code 37.0832. Transportation is not provided for a transfer to another campus. See your campus principal for information.
- Consult with district administrators if your child has been determined by the district to have engaged in bullying and the board decides to transfer your child to another classroom or campus. The board will consult with the parent of a child who has engaged in bullying before deciding to transfer the child to another campus. Transportation is not provided for a transfer to another campus. See the principal for more information. [See **Bullying**, policy FDB, and policy FFI.]
- Request the transfer of your child to attend a safe public school in the district if your child attends school at a campus identified by TEA as persistently dangerous or if your child has been a victim of a violent criminal offense while at school or on school grounds. [See policy FDE.]
- Request the transfer of your child to another district campus if your child has been the victim of an assault by another student assigned to the same campus, whether the assault occurred on or off campus, and that student has been convicted of or placed on deferred adjudication for that assault. If the victim does not wish to transfer, the district will transfer the assailant in accordance with policy FDE.

SERVICE/ASSISTANCE ANIMAL USE BY STUDENTS

A parent of a student who uses a service/assistance animal because of the student's disability must submit a written request to the principal before bringing the service/assistance animal on campus. The district will try to accommodate a request as soon as possible but will do so within ten district business days.

STUDENTS IN FOSTER CARE (ALL GRADE LEVELS)

A student in the conservatorship (custody) of the state who enrolls in the district after the beginning of the school year will be allowed credit-by examination opportunities at any point during the year.

The district will assess the student's available records to determine transfer of credit for subjects and courses taken before the student's enrollment in the district.

The district will award partial course credit when the student only passes one half of a two-half course.

To provide educational stability, the district will assist any student who is currently placed or newly placed in foster care (temporary or permanent custody of the state) with the enrollment and registration process, as well as other educational services throughout the student's enrollment in the district.

A student in the conservatorship of the state who is moved outside the district's or school's attendance boundaries—or who is initially placed in the conservatorship of the state and moved outside the district's or school's boundaries—is entitled to remain at the school the student was attending prior to the placement or move until the student reaches the highest grade level at that particular school.

If a student in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, the student can request a diploma from the previous district if the student meets its graduation criteria.

For a student in the conservatorship of the state who is eligible for a tuition and fee exemption under state law and likely to be in care on the day preceding the student's 18th birthday, the district will:

- Assist the student with the completion of applications for admission or financial aid;
- Arrange and accompany the student on campus visits;
- Assist in researching and applying for private or institution- sponsored scholarships;
- Identify whether the student is a candidate for appointment to a military academy;
- Assist the student in registering and preparing for college entrance examinations, including (subject to the availability of funds) arranging for the payment of examination fees by the Texas Department of Family and Protective Services (DFPS); and
- Coordinate contact between the student and a liaison officer for students formerly in the conservatorship of the state.

Please contact the district's foster care liaison, at (940) 369-0599 with any questions.

[See **Credit by Examination for Advancement/Acceleration and Students in Foster Care**]

HOMELESS STUDENTS

Parents are encouraged to inform the district if you or your child are experiencing homelessness. District staff can share resources with you that may be able to assist you and your family. For more information on services for homeless students, contact the campus principal.

Children who are homeless will be provided flexibility regarding certain district provisions, including:

- Proof of residency requirements;
- Immunization requirements;
- Educational program placement (if the student is unable to provide previous academic records or misses an application deadline during a period of homelessness);
- Credit-by-examination opportunities at any point during the year (if the student enrolled in the district after the beginning of the school year), per State Board of Education (SBOE) rules;
- Assessment of the student's available records to determine transfer of credit for subjects and courses taken before the student's enrollment in the district;
- Awarding partial credit when a student passes only one semester of a two-semester course;
- Eligibility requirements for participation in extracurricular activities;
- Graduation requirements.

Federal law allows a homeless student to remain enrolled in the "school of origin" or to enroll in a new school in the attendance area where the student is currently residing.

If a homeless student in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, state law allows the student to request a diploma from the previous district if the student meets the criteria to graduate from the previous district.

A student or parent who is dissatisfied by the district's eligibility, school selection, or enrollment decision may appeal through policy FNG(LOCAL). The district will expedite local timelines, when possible, for prompt dispute resolution. Please contact the district's Homeless Liaison, at (940) 369-0599 with any questions. [See **Credit by Examination for Advancement/Acceleration and Homeless Students**]

STUDENTS WHO HAVE LEARNING DIFFICULTIES OR WHO NEED SPECIAL EDUCATION SERVICES OR SECTION 504 SERVICES

For those students who are having difficulty in the regular classroom, all school districts must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Multi-Tiered System of Supports (MTSS). The implementation of MTSS has the potential to have a positive impact on the ability of districts to meet the needs of all struggling students.

This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine whether the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

The Individuals with Disabilities Education Act, also known as IDEA, is a federal law that gives eligible students with disabilities the right to receive special education services and assistance in school. To be eligible for special education services, a student with a disability must need instruction that is specially designed to meet the student's unique needs based on that disability. For more information, please click on the following link: <https://www.dentonisd.org/Page/101971>.

SPECIAL EDUCATION REFERRALS

If a parent makes a **written request** for an initial evaluation for special education services to the director of special education services or to a district administrative employee of the school district, the district must respond no later than **15 school days** after receiving the request. At that time, the district must give the parent prior written notice of whether it agrees or refuses to evaluate the student, along with a copy of the Notice of Procedural Safeguards. If the district agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Note: A request for a special education evaluation may be made verbally; it does not need to be made in writing. Districts must still comply with all federal prior written notices and procedural safeguard requirements as well as the requirements for identifying, locating, and evaluating children who are suspected of having a disability and in need of special education. However, a verbal request does not require the district to respond within the 15 school-day timeline.

If the district decides to evaluate the student, it must complete the student's initial evaluation and evaluation report no later than 45 school days from the day it receives a parent's written consent. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period will be extended by the number of school days equal to the number of school days that the student is absent.

There is an exception to the 45-school-day timeline. If the district receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, it must complete the written report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30 due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

Upon completing the evaluation, the district must give the parent a copy of the evaluation report at no cost.

Additional information regarding special education is available from the school district in a companion document titled Parent's Guide to the Admission, Review, and Dismissal Process.

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is the campus principal.

For questions regarding post-secondary transitions, including the transition from education to employment, for students receiving special education services, contact the district's special education Transition and Employment designee at 940-369-4096.

504 REFERRALS

Each school district must have standards and procedures in place for the evaluation and placement of students in the district's Section 504 program. Districts must also implement a system of procedural safeguards that includes:

- Notice,
- An opportunity for a parent or guardian to examine relevant records,
- An impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and
- A review procedure.

CONTACT PERSON FOR SECTION 504 REFERRALS

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is the district Coordinator of Intervention Services at 940-369-0443. [See **A Student with Physical or Mental Impairments Protected under Section 504.**]

Visit these websites for information regarding students with disabilities and the family:

- [Legal Framework for the Child-Centered Special Education Process](#)
- [Partners Resource Network](#)
- [Special Education Information Center](#)
- [Texas Project First](#)
- [Special Education – Texas Education Agency](#)

NOTIFICATION TO PARENTS OF INTERVENTION STRATEGIES FOR LEARNING DIFFICULTIES PROVIDED TO STUDENTS IN GENERAL EDUCATION

In accordance with state law, the district will annually notify parents if their child receives assistance for learning difficulties. Details of such assistance can include intervention strategies. This notice is not intended for those students already enrolled in a special education program.

A STUDENT WHO RECEIVES SPECIAL EDUCATION SERVICES WITH OTHER SCHOOL-AGED CHILDREN IN THE HOME

If a student is receiving special education services at a campus outside his or her attendance zone, state law permits the parent or guardian to request that other students residing in the household be transferred to the same campus if the grade level for the transferring student is offered on that campus. Requests will be considered based on available capacity at the grade level.

The student receiving special education services would be entitled to transportation; however, the district is not required to provide transportation to other children in the household.

The parent or guardian should contact the school principal regarding transportation needs prior to requesting a transfer for other children in the home. [See policy FDB(LOCAL).]

STUDENTS WHO SPEAK A PRIMARY LANGUAGE OTHER THAN ENGLISH

A student may be eligible to receive specialized language support if his or her primary language is not English, and the student is identified as an emergent bilingual formerly known as English Language Learner.

If the student meets eligibility criteria, the Language Proficiency Assessment Committee (LPAC) will determine the types of services the student needs, including language accommodations related to classroom instruction, state and local assessments, placement in Dual Language, English as a Second Language (ESL), English for Speakers of Other Languages (ESOL), and/or ESL core content classes.

[See **Emergent Bilinguals**.]

STUDENTS WITH PHYSICAL OR MENTAL IMPAIRMENTS PROTECTED UNDER SECTION 504

A student determined to have a physical or mental impairment that substantially limits a major life activity, as defined by law, and who does not otherwise qualify for special education services, may qualify for protections under Section 504 of the Rehabilitation Act.

Section 504 is a federal law designed to prohibit discrimination against individuals with disabilities. When an evaluation is requested, a committee will be formed to determine if the child needs services and supports under Section 504 to receive a free appropriate public education (FAPE), as this defined in federal law.

The designated person to contact regarding a referral for evaluation applicable to Section 504 is the Coordinator of Intervention Services at 940-369-0443. [Also see policy FB.]

[See **A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services** and policy FB for more information.]

TRANSFERS

The District provides opportunities for students to transfer from one school to another if space is available and/or an extenuating or special circumstance exists. Please view this information on the district's transfer information website: <https://www.dentonisd.org/Domain/12751>.

UIL eligibility rules apply. Parents can see these rules on the UIL website: <https://www.uil texas.org/policy/constitution/general/eligibility>.

SECTION II: OTHER IMPORTANT INFORMATION FOR PARENTS AND STUDENTS

This section contains important information on academics, school activities, and school operations and requirements. It is organized alphabetically to serve as a quick-reference guide. Where applicable, the topics are further organized by grade level. Parents and students should take a moment together to become familiar with the issues addressed in this section. For guidance on a particular topic, please contact your campus administrator.

ABSENCES/ATTENDANCE

Regular school attendance is essential. Absences from class may result in serious disruption of a student's education. The student and parent should avoid unnecessary absences.

Two important state laws—one dealing with compulsory attendance and the other with how attendance affects the award of a student's final grade or course credit—are discussed below.

COMPULSORY ATTENDANCE Required State Law

PREKINDERGARTEN AND KINDERGARTEN

Students who voluntarily enroll in prekindergarten or kindergarten are required to attend school and are subject to the compulsory attendance requirements if they remain enrolled.

AGE 6 – 18

State law requires that a student who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached their 19th birthday, shall attend school, as well as any applicable accelerated instruction program, extended-year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt.

State law requires that a student between the ages of six and 18 attend school, as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt.

[See policies FEA(LEGAL) and FED(LEGAL) for more information.]

AGE 19 AND OLDER

A student who voluntarily attends or enrolls after his or her 19th birthday is required to attend each school day until the end of the school year. If the student incurs more than five unexcused absences in a semester, the district may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing. [See policy FEA for more information.]

COMPULSORY ATTENDANCE EXEMPTIONS

ALL GRADE LEVELS

State law allows exemptions to the compulsory attendance requirements for the following activities and events, if the student makes up all work:

- Religious holy days;
- Required court appearances;
- Activities related to obtaining U.S. citizenship;
- Documented health-care appointments for the student or a child of the student, including absences for recognized services for students diagnosed with autism spectrum disorders, **if the student comes to school or returns to school on the same day as the appointment.** A note from the health-care provider must be submitted upon the student's arrival or return to campus; and
- Absences resulting from a serious or life-threatening illness or related treatment that makes a student's attendance infeasible, with certification by a physician.

For students in the conservatorship (custody) of the state,

- An activity required under a court-ordered service plan; or
- Any other court-ordered activity provided it is not practicable to schedule the student's participation in the activity outside of school hours.

As listed in Section I in **Children of Military Families**, absences of up to five days will be excused for a student to visit with a parent, stepparent, or legal guardian who has been called to duty for, is on leave from, or immediately returned from certain deployments.

SECONDARY GRADE LEVELS

The district will allow a student who is 15 years of age or older to be absent for one day to obtain a learner license and one day to obtain a driver's license. The student will be required to provide documentation of their visit to the driver's license office for each absence and must make up any missed work.

In addition, a junior or senior student's absence of up to two days related to visiting a college or university will be considered an exemption, provided this has been authorized by the board under policy FEA(LOCAL), the student receives approval from the campus principal, follows the campus procedures to verify such a visit, and makes up any work missed.

An absence will also be considered an exemption if a student 17 years of age or older is pursuing enlistment in a branch of the U.S. armed services or Texas National Guard, provided the absence does not exceed four days and the student provides verification to the district of these activities.

Absences of up to two days in a school year will also be considered an exemption for:

- A student serving as an early voting clerk, provided the district's board has authorized this in policy FEA(LOCAL), the student notifies his or her teachers, and the student receives approval from the principal prior to the absences, and
- A student serving as an election clerk if the student makes up any work missed.

An absence of a student in grades 6–12 for the purpose of sounding “Taps” at a military honors funeral for a deceased veteran will also be excused by the district.

COMPULSORY ATTENDANCE FAILURE TO COMPLY

ALL GRADE LEVELS

School employees must investigate and report violations of the state compulsory attendance law.

A student who is absent without permission from school; from any class; from required special programs, such as additional special instruction, termed “accelerated instruction” by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

Denton ISD will enforce the Texas Compulsory Attendance Laws as follows:

- Automated phone calls and emails will be sent to parents or guardians notifying them when a student has been marked as absent. It is the parent's or guardian's responsibility to ensure that he/she provides current and up to date contact information to the school.
- All students will be issued a warning letter and request for conference when attendance records reflect that the student has absences without an excuse on three days or parts of days in a four-week period.
- After a student has been issued a warning notice and his/her verified attendance record reflects that he/she has three unexcused absences within a four-week period, the campus will begin implementation of Truancy Prevention Measures for the student.
- If a student fails to attend school on ten or more days or parts of days within a six-month period in the same school year and those absences have been verified by the campus as unexcused, students 12 and older may be referred to the prosecutor of the truancy court of the county in which the

school is located. At this point, the court could also file a criminal complaint against parents who contribute to the nonattendance of their child, regardless of their child's age.

- Each campus will provide truancy prevention measures for students who exhibit attendance issues to develop a plan to improve the student's overall attendance.
- Since the law addresses absences for "all or part" of a school day, chronic tardies or Parts of Day Absences (POD) may be referred to the appropriate authorities as unexcused absences.

STUDENTS WITH DISABILITIES

If a student with a disability is experiencing attendance issues, the student's ARD committee or Section 504 committee will be notified, and the committee will determine whether the attendance issues warrant an evaluation, a reevaluation, and/or modifications to the student's individualized education program or Section 504 plan, as appropriate.

AGES 6-18

When a student ages 6–18 incurs three or more unexcused absences within a four-week period, the law requires the school to send notice to the parent. The notice will:

- Remind the parent of his or her duty to monitor the student's attendance and require the student to attend school;
- Request a conference between school administrators and the parent; and
- Inform the parent that the district will initiate truancy prevention measures, which may include a behavior improvement plan, school-based community service, referrals to counseling or other social services, or other appropriate measures.

For any questions about student absences, parents should contact the campus attendance clerk/liaison or any other campus administrator. You may also contact Student Support Services at 940-369-0431 with questions about student absences you may also review the district's [Attendance Matters](#) website.

A court of law may impose penalties against the parent if a school-aged student is deliberately not attending school. The district may file a complaint against the parent if the student incurs ten or more unexcused absences within a six-month period in the same school year.

If a student aged 12–18 incurs ten or more unexcused absences within a six-month period in the same school year, the district, in most circumstances, will refer the student to truancy court.

AGE 19 AND OLDER

After a student aged 19 or older incurs a third unexcused absence, the district is required by law to send the student a letter explaining that the district may revoke the student's enrollment for the remainder of the school year if/when the student accumulates more than five unexcused absences in a semester. As an alternative to revoking a student's enrollment, the district may implement a behavior improvement plan.

ADDITIONAL ATTENDANCE GUIDELINES

According to TEC 25.086, a child is exempt from compulsory school attendance if the child:

- Attends a private or parochial school
- Is eligible for Special Education services but cannot be properly served by the district
- Has temporary physical or mental condition certified by a physician making the child's attendance infeasible
- Is legally expelled and mandatory JJAEP attendance is not required
- Is at least 17 years of age and:

- Is attending GED classes with parent permission, court order, is residing separate and apart from the parent, or is homeless.
- Has received a high school diploma or GED.
- Is at least 16 years of age and is attending GED classes if:
 - The child is recommended by a public agency with supervision or court order.
 - Is enrolled in Job Corps.

ATTENDANCE FOR CREDIT OR FINAL GRADE (ALL GRADE LEVELS)

In **high school** classes that are blocked and meet every other day, **a student with more than 4 absences in the fall semester or 5 absences in the spring semester may lose credit in that class.** Students in **unblocked high school, or middle school and elementary school classes** that meet every day, **may lose credit if they have more than 8 absences in the fall semester or 9 absences in the spring semester.**

A student who attends at least 75 percent but fewer than 90 percent of the days the class is offered may receive credit or a final grade for the class if he or she completes a plan, approved by the principal that allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit or a final grade for the class.

If a student attends less than 75 percent of the days a class is offered or has not completed the plan approved by the principal, then the student will be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit or a final grade lost because of absences. [See policy FEC (LOCAL).]

Except for absences due to serious or life-threatening illness or related treatment, **all absences, whether excused or unexcused, must be considered in determining whether a student has attended the required percentage of days.** In determining whether there were extenuating circumstances for the absences, the attendance review committee will use the following guidelines:

- If makeup work is completed, absences for the reasons listed above at **Exemptions to Compulsory Attendance** will be considered extenuating circumstances for purposes of attendance for credit or the award of a final grade.
- A transfer or migrant student begins to accumulate absences only after he or she has enrolled in the district.
- In reaching a decision about a student's absences, the committee will attempt to ensure that it is in the best interest of the student.
- The committee will review absences incurred based on the student's participation in board-approved extracurricular activities. These absences will be considered by the attendance committee as extenuating circumstances in accordance with the absences allowed under FM(LOCAL) if the student made up the work missed in each class.
- The committee will consider the acceptability and authenticity of documented reasons for the student's absences.
- The committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.
- The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
- The student or parent will be given an opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit or a final grade.

The student or parent may appeal the committee's decision to the board by following policy FNG(LOCAL).

The actual number of days a student must be in attendance to receive credit or a final grade will depend on whether the class is for a full semester or for a full year.

OFFICIAL ATTENDANCE TAKING TIME (ALL GRADE LEVELS)

The district will take official attendance for traditional in-person instruction every day at 9:30 am (elementary) 10:30 am (secondary).

A student absent for any portion of the day should follow the procedures below to provide documentation of the absence.

DOCUMENTATION AFTER AN ABSENCE (ALL GRADE LEVELS)

When a student is absent from school, the reason for that absence must be provided in writing to the school, **within 3 days of the students' return to school**. Documentation for a student's absence can be uploaded at: <https://forms.dentonisd.org/Forms/absence-note>

Phone calls will not be accepted as documentation. A note signed by the student, even with the parent's permission, will not be accepted unless the student is 18 or older or is an emancipated minor under state law.

The campus will document in its attendance records for the student whether the absence is considered by the district to be excused or unexcused.

Note: The district is not required to excuse any absence, even if the parent provides a note explaining the absence, unless the absence is an exemption under compulsory attendance laws.

UNEXCUSED/UNVERIFIED ABSENCES

Unexcused or Unverified absences can be defined by, but are not limited to, the following:

- Being absent without parental consent or knowledge
- Leaving campus during class or a lunch period without permission from the campus administration
- Being in an unauthorized area of the school or campus without permission
- Willfully failing or refusing to attend school
- Being absent without written notification from a parent or legal guardian
- Religious festivals, ceremonies or other events not recognized as a Religious Holy Day
- Parts of Day Absence (POD) without an accompanying note from a health care provider (this includes arriving late or leaving early)
- Weddings
- Graduations
- Vacations/Trips
- Any other absence that is not covered under district policy or state law.

DOCTOR'S NOTE AFTER AN ABSENCE FOR ILLNESS (ALL GRADE LEVELS)

Upon return to school, **a student absent for five or more consecutive days because of a personal illness must provide a statement from a doctor or health clinic verifying the illness or condition that caused the student's extended absence from school**. Otherwise, the student's absence may be considered unexcused and, if so, would be in violation of compulsory attendance laws. A doctor's note must have an actual return-to-school date. Doctor's notes that indicate a student may return to school 'when symptoms are no longer present' will cover 4 days of absences.

Should the student develop a questionable pattern of absences, the principal or attendance review committee may require a statement from a doctor or health clinic verifying the illness or condition that

caused the student's absence from school to determine whether the absence or absences will be excused or unexcused. [See policy FEC(LOCAL).]

CERTIFICATION OF ABSENCE DUE TO SEVERE ILLNESS OR TREATMENT

If a student is absent because of a serious or life-threatening illness or related treatment that makes a student's attendance infeasible, a parent must provide certification from a physician licensed to practice in Texas specifying the student's illness and the anticipated period of absence related to the illness or treatment.

DRIVER LICENSE ATTENDANCE VERIFICATION (SECONDARY GRADE LEVELS ONLY)

A currently enrolled student seeking a driver's license shall submit the Texas Department of Public Safety Verification of Enrollment and Attendance Form (VOE), signed by the parent, to the campus central office at least 10 days before it is needed. The district will issue a VOE only if the student meets class credit or attendance requirements. The VOE form is available at:

[Texas Verification Of Enrollment Form](#). Further information may be found on the Texas Department of Public Safety website: [Texas Department of Public Safety](#).

The VOE form verifies the student's enrollment and 90% or greater attendance in the most recently completed semester of school. Students with an attendance record of less than 90% may not be issued a VOE form and may not be able to obtain a Texas driver license.

See **Compulsory Attendance-Exemptions for Secondary Grade Levels** for information on excused absences for obtaining a learner or driver's license.

ACCOUNTABILITY UNDER STATE AND FEDERAL LAW (ALL GRADE LEVELS)

The Denton Independent School District and each of its campuses are held to certain standards of accountability under state and federal law. A key component of the accountability requirements is the dissemination and publication of certain reports and information, which include:

- The Texas Academic Performance Report (TAPR) for the district, compiled by TEA, the state agency that oversees public education, based on academic factors and ratings;
- A School Report Card (SRC) for each campus in the district compiled by TEA based on academic factors and ratings;
- The district's financial management report, which will include the financial accountability rating assigned to the district by TEA; and
- Information compiled by TEA for the submission of a federal report card that is required by federal law.
- Information about these can be found on the district's website at <https://www.dentonisd.org/> and copies of these reports are available upon request in each principal's office.

TEA also maintains additional accountability and accreditation information at [TEA Performance Reporting Division](#).

ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST

A student in grades 10–12 will be offered an opportunity to take the Armed Services Vocational Aptitude Battery test and consult with a military recruiter. Please contact the campus career counselor for information about this opportunity.

BULLYING (ALL GRADE LEVELS)

The district strives to prevent bullying, in accordance with the district's policies, by promoting a respectful school climate; encouraging reporting of bullying incidents, including anonymous reporting; and investigating and addressing reported bullying incidents.

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- Infringes on the rights of the victim at school.

Bullying includes cyberbullying. Cyberbullying is defined in state law as bullying that is done using any electronic communication device, including using:

- A cellular or other type of telephone
- A computer
- A camera
- Electronic mail
- Instant messaging
- Text messaging
- A social media application
- An internet website
- Any other internet-based communication tool.
- Bullying is prohibited by the district and could include:
- Hazing
- Threats
- Taunting
- Teasing
- Confinement
- Assault
- Demands for money
- Destruction of property
- Theft of valued possessions
- name-calling
- Rumor-spreading
- Ostracism.

If a student believes that he or she has experienced bullying or has witnessed bullying of another student, it is important for the student or parent to notify a teacher, school counselor, principal, or another district employee as soon as possible to obtain assistance and intervention. The administration will investigate

any allegations of bullying or other related misconduct. The district will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying. Any student may anonymously report an alleged incident of bullying through the STOPit App. Each campus has its own access code. For more information, review the campus website or contact the campus principal.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action and may notify law enforcement in certain circumstances. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying.

Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying.

Retaliation against a student who reports an incident of bullying is prohibited.

Upon the recommendation of the administration, the board may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student may also be transferred to another campus in the district.

The parent of a student who has been determined by the district to be a victim of bullying may request that his or her child be transferred to another classroom or campus within the district. [See **Safety Transfers/Assignments**]

A copy of the district's policy is available in the principal's office, superintendent's office, and on the district's website, and is included at the end of this handbook in the form of an appendix. Procedures related to reporting allegations of bullying may also be found on the district's website.

A student or parent who is dissatisfied with the outcome of an investigation may appeal through policy FNG(LOCAL).

[See **Safety Transfers/Assignments, Dating Violence, Discrimination, Harassment, and Retaliation, Hazing**, policy FFI, and the district improvement plan, a copy of which can be viewed in the campus office.]

CAREER AND TECHNICAL EDUCATION (CTE) PROGRAMS (SECONDARY GRADE LEVELS ONLY)

The district offers career and technical education programs in the following career clusters:

Agriculture, Food, & Natural Resources, Architecture & Construction, Arts, A/V Technology, & Communications, Business, Marketing, & Finance, Education & Training, Health Science, Hospitality & Tourism, Human Services, Information Technology, Law & Public Service, Manufacturing, Science, Technology, Engineering & Math, Transportation, Distribution, & Logistics.

Admission to these programs is based on completion of required prerequisites, student interest and aptitude, age appropriateness and class space availability.

District policy prohibits discrimination based on race, color, national origin, sex, or handicap in its vocational programs, services, or activities, as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

District policy also prohibits discrimination based on race, color, national origin, sex, handicap, or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

The district will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

[See **Nondiscrimination Statement** for the name and contact information for the Title IX coordinator and ADA/Section 504 coordinator, who will address certain allegations of discrimination.]

CELEBRATIONS (ALL GRADE LEVELS)

Although a parent or grandparent is not prohibited from providing food for a school-designated function or for children in the child's or grandchild's classroom for the child's birthday, please be aware that children in the school may have severe allergies to certain food products. Therefore, it is imperative to discuss this with the child's teacher prior to bringing any food in this circumstance. Occasionally, the school or a class may host certain functions or celebrations tied to learning that will involve food. The school or teacher will notify students and parents of any known food allergies when soliciting potential volunteers for bringing food products.

CHILD FIND PROCEDURES

Denton ISD is required to implement a comprehensive Child Find Process in which district personnel actively search for all individuals, birth through 21 years of age with disabilities [32 CFR §300.111(a-c), and §300.131(b); 300§534]; [19 TAC §89.1011].

The Child Find process is to identify, locate and evaluate all children with disabilities who need special education and related services who reside within the school district's boundaries.

Denton ISD offers a comprehensive system of "Child Find" for identifying, locating, and evaluating all individuals ages birth through 21. The Denton ISD Child Find process seeks to identify all individuals who fall within the district's jurisdiction regardless of whether they may or may not be in school and severity of the disability. As is required by law, Child Find activities apply to high mobility children with disabilities, such as children who are migrant or homeless, and to children who are suspected of having a disability although they are advancing from grade to grade.

Denton ISD promotes "Child Find" through public awareness activities and through ongoing contact with childcare facilities, preschools, private schools, parochial schools, and home schools when applicable. These activities are comparable to the "Child Find" activities utilized to identify children with disabilities who are in public school. Denton ISD consults with representatives from private schools and other agencies to determine how to best carry out these activities.

If you determine that you are knowledgeable about an individual who may need special education or related services and that individual is between the ages of birth and 21 years, please contact Denton ISD special education services at 940-369-4075, or the school campus most near you.

CHILD ABUSE, TRAFFICKING, AND OTHER MALTREATMENT OF CHILDREN (ALL GRADE LEVELS)

The district has established a plan for addressing child abuse, trafficking, and other maltreatment of children, which may be accessed at <https://www.dentonisd.org/>. Trafficking includes both sex and labor trafficking.

Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent this conduct with a child. A person who compels or encourages a child to engage in this conduct commits abuse. It is illegal to make or possess child pornography or to display such material to a child.

WARNING SIGNS OF SEXUAL ABUSE

Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent this conduct with a child. A person who compels or encourages a child to engage in this conduct commits abuse. It is illegal to make or possess child pornography or to display such material to a child.

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

A child who has been or is being sexually abused may exhibit physical, behavioral, or emotional warning signs, including:

- Difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches;
- Verbal references or pretend games of sexual activity between adults and children, fear of being alone with adults of a particular gender, or sexually suggestive behavior; or
- Withdrawal, depression, sleeping and eating disorders, and problems in school.

Be aware that children and adolescents who have experienced dating violence may show similar physical, behavioral, and emotional warning signs. [See **Dating Violence, Discrimination, Harassment, and Retaliation**]

WARNING SIGNS OF TRAFFICKING

Child trafficking of any sort is prohibited by the Penal Code. Trafficking involves forcing a person, including a child, into sexual abuse, assault, indecency, prostitution, or pornography. Labor trafficking involves forcing a person, including a child, to engage in forced labor or services.

Traffickers are often trusted members of a child's community, such as friends, romantic partners, family members, mentors, and coaches, although traffickers frequently contact victims online.

Possible warning signs of human trafficking in children include:

- Changes in school attendance, habits, friend groups, vocabulary, demeanor, and attitude;
- Sudden appearance of expensive items (for example, manicures, designer clothes, purses, technology);
- Tattoos or branding;
- Refillable gift cards;
- Frequent runaway episodes;
- Multiple phones or social media accounts;
- Provocative pictures posted online or stored on the phone;
- Unexplained injuries;
- Isolation from family, friends, and community; and
- Older boyfriends or girlfriends.

Additional warning signs of labor trafficking in children include:

- Being unpaid, paid very little, or paid only through tips;
- Being employed but not having a school-authorized work permit;
- Being employed and having a work permit but clearly working outside the permitted hours for students;
- Owning a large debt and being unable to pay it off
- Not being allowed breaks at work or being subjected to excessively long work hours;
- Being overly concerned with pleasing an employer and/or deferring personal or educational decisions to a boss;

- Not being in control of his or her own money;
- Living with an employer or having an employer listed as a student's caregiver; and
- A desire to quit a job but not being allowed to do so.

REPORTING AND RESPONDING TO CHILD ABUSE, TRAFFICKING, AND OTHER MALTREATMENT OF CHILDREN

Anyone who suspects that a child has been or may be abused, trafficked, or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

A child who has experienced any type of abuse or neglect should be encouraged to seek out a trusted adult. Children may be more reluctant to disclose sexual abuse than physical abuse and neglect and may only disclose this abuse indirectly. As a parent or trusted adult, it is important to be calm and comforting if your child or another child confides in you. Reassure the child that he or she did the right thing by telling you.

If your child is a victim of abuse, trafficking, or other maltreatment, the school counselor or principal will provide information on counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (DFPS) also manages early intervention counseling programs.

To find out what services may be available in your county, see [Texas Department of Family and Protective Services, Programs Available in Your County](#).

Reports of abuse, trafficking, or neglect may be made to the CPS division of the DFPS at 1-800-252-5400 or on the web at [Texas Abuse Hotline Website](#).

The following websites might help you become more aware of child abuse and neglect:

- [Child Welfare Information Gateway Factsheet](#)
- [KidsHealth, For Parents, Child Abuse](#)
- [Office of the Texas Governor's Child Sex Trafficking Team](#)
- [Human Trafficking of School-aged Children](#)
- [Child Sexual Abuse: A Parental Guide from the Texas Association Against Sexual Assault](#)
- [National Center of Safe Supportive Learning Environments: Child Labor Trafficking](#)

CLASS RANK / HIGHEST RANKING STUDENT

All the eligible students with a 5.0 GPA shall be recognized as valedictorians. All eligible students with the next highest GPA shall be recognized as salutatorians. To be eligible for such recognition, a student must:

1. Have been continuously enrolled in the same high school in the District for his or her entire senior year immediately preceding graduation;
2. Have completed the Advanced/Distinguished Achievement Program or the distinguished level of achievement under the foundation program with endorsements;
3. Be graduating after exactly eight semesters of enrollment in high school; however, students who will not be classified as seniors during both the fall and spring semesters of the graduating and awarding year may become eligible for the honor by filing a written declaration of intent to graduate with the building principal on or before the tenth day of school; and
4. Have carried at least six classes each semester; however, exceptions must be approved by the administration, (e.g., students on homebound instruction or students concurrently enrolled in a university).

The local eligibility criteria for recognition as the valedictorian shall not affect recognition of the highest ranking graduate for purposes of receiving the scholarship certificate from the state of Texas.

In case of a tie for the highest-ranking student, the District shall compute the weighted numerical grade average to a sufficient number of decimal places until the tie is broken.

CLASS RANK/ADDITIONAL TOPICS

Additional policies, practices, and guidelines related to class rank, GPA calculation, the grade points system are found in the Denton ISD Course Planning Guide which is updated annually and approved by the Board of Trustees to align with the course planning timeline: <https://www.dentonisd.org/Page/46084>

CLASS SCHEDULES (SECONDARY ONLY)

Policies, practices, and guidelines related to class schedules and dismissals are found in the Denton ISD Course Planning Guide which is updated annually and approved by the Board of Trustees to align with the course planning timeline: <https://www.dentonisd.org/Page/46084>

COLLEGE AND UNIVERSITY ADMISSIONS

Upon a student's registration for his or her first course that is required for high school graduation, the district will provide written notice concerning automatic college admission, the curriculum requirements for financial aid, and the benefits of completing the requirements for automatic admission and financial aid.

For two school years following his or her graduation, a district student who graduates in the top ten percent and, in some cases, the top 25 percent, of his or her class is eligible for automatic admission into four-year public universities and colleges in Texas if the student:

- Completes the distinguished level of achievement under the foundation graduation program (a student must graduate with at least one endorsement and must have taken Algebra II as one of the four required math courses); or
- Satisfies the ACT College Readiness Benchmarks.

In addition, the student must submit a completed application for admission in accordance with the deadline established by the college or university. The student is ultimately responsible for ensuring that he or she meets the admission requirements of the university or college to which the student applies.

The University of Texas at Austin may limit the number of students automatically admitted to 75 percent of the University's enrollment capacity for incoming resident freshmen. For students who are eligible to enroll in the University of Texas at Austin during the summer or fall 2023 term, the University will be admitting the top 6% of the high school's graduating class who meet the above requirements. Additional applicants will be considered by the University through a holistic review process.

Should a college or university adopt an admissions policy that automatically accepts the top 25 percent of a graduating class, the provisions above will also apply to a student ranked in the top 25 percent of his or her class.

Students and parents should contact the school counselor for further information about automatic admissions, the application process, and deadlines. [See also **Class Rank/Highest Ranking Student** for information specifically related to how the district calculates a student's rank in class and **Graduation Requirements** for information associated with the foundation graduation program].

COLLEGE CREDIT COURSES (SECONDARY ONLY)

Policies, practices, and guidelines related to earning college credit courses while in high school are found in the Denton ISD Course Planning Guide which is updated annually and approved by the Board of Trustees to align with the course planning timeline: <https://www.dentonisd.org/Page/46084>.

COMMUNICATIONS – AUTOMATED (ALL GRADE LEVELS)

PARENT CONTACT INFORMATION

A parent is legally required to provide in writing the parent's contact information, including address, phone number, and email address.

A parent must provide the contact information to the district upon enrollment and again within two weeks after the beginning of each following school year while the student is enrolled in the district.

If the parent's contact information changes during the school year, the parent must update the information in writing no more than two weeks after the date the information changes.

A parent may update contact information by contacting the school's registrar.

EMERGENCY

The district will rely on contact information on file with the district to communicate with parents in an emergency, which may include real-time or automated messages. An emergency purpose may include early dismissal or delayed opening because of severe weather or another emergency, or if the campus must restrict access due to a security threat. It is crucial to notify your child's school when a phone number previously provided to the district has changed.

[See **Safety** for information regarding contact with parents during an emergency.]

NON-EMERGENCY

Each year, your child's school will require that you provide contact information, such as your current phone number and email address, in order for the school to communicate items specific to your child, your child's school, or the district.

The district or school may generate automated or pre-recorded messages, text messages, or real-time phone or email communications that are specifically related to your child. Denton ISD will rely on contact information on file with the district to communicate with parents for a variety of reasons such as; an emergency situation, health and wellbeing, academic progress, offer needed support or resources, and in the event of remote learning, contact information may be used to support student learning. For these reasons prompt notification of any change in contact information is crucial to your child's campus maintaining timely communication with you.

Standard messaging rates of your wireless phone carrier may apply.

If you have specific requests or needs related to how the district contacts you, or if you wish to opt out of text messages, please contact your child's principal.

EMERGENCY SCHOOL CLOSING INFORMATION

Each year, parents are asked to complete an emergency release form to provide contact information in the event that the district needs to notify parents of early dismissal, delayed opening, or restricted access to a campus because of severe weather, a security threat, or another emergency cause.

The district will rely on contact information on file with the district to communicate with parents in an emergency, which may include real-time or automated messages. It is crucial to notify your child's school when a phone number changes.

If the campus must close, delay opening, or restrict access to the building because of an emergency, the district will also alert the community in the following ways:

- Post a notice on the district’s website at www.dentonisd.org;
- Post information on Social Media outlets; and
- Post information on local TV sources.

COMPLAINTS AND CONCERNS

Usually, student or parent complaints or concerns can be addressed informally by a phone call or a conference with the teacher or principal. For those complaints and concerns that cannot be handled so easily, the board has adopted a standard complaint policy at FNG(LOCAL) in the district’s policy manual. A copy of this policy may be obtained in the principal’s office or on the district’s website at: <https://www.dentonisd.org/>.

Should a parent or student feel a need to file a formal complaint, the parent or student should file a district complaint within the timelines established in policy FNG(LOCAL). In general, the student or parent should submit the written complaint form to the campus principal. If the concern is not resolved, a request for a conference should be sent to the district’s Student Services department. If still unresolved, the district provides for the complaint to be presented to the board of trustees.

COMMUNITIES IN SCHOOLS

Communities in Schools of North Texas is administered by the Texas Education Agency and is part of an innovative national approach to dropout prevention. Daytime mentoring and social service support programs through CISNT. CISNT programs offer services through six components: supportive guidance and counseling; health and human services; parental and family involvement; career awareness and employment; enrichment activities and educational enhancement. For more information about Communities in Schools, North Texas visit. www.cisnt.org.

CONDUCT – ALL GRADE LEVELS

APPLICABILITY OF SCHOOL RULES

As required by law, the board has adopted a Student Code of Conduct that prohibits certain behaviors and defines standards of acceptable behavior, both on and off campus, during remote and in-person instruction as well as on district vehicles, and the consequences for violation of these standards.

The district has disciplinary authority over a student in accordance with the Student Code of Conduct. Students and parents should be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules.

During any periods of instruction during the summer months, the Student Handbook and Student Code of Conduct in place for the year immediately preceding the summer period shall apply, unless the district amends either or both documents for the purposes of summer instruction.

CAMPUS BEHAVIOR COORDINATOR

By law, each campus has a campus behavior coordinator to apply discipline management techniques and administer consequences for certain student misconduct, as well as provide a point of contact for student misconduct.

Contact your campus principal to find the designated campus behavior coordinator.

DELIVERIES

Except in emergencies, delivery of messages or packages to students will not be allowed during instructional time. A parent may leave a message or a package, such as a forgotten lunch, for the student to pick up from the front office during a passing period or lunch.

Delivery of foods for students from third party vendors will not be permitted.

DISRUPTIONS OF SCHOOL OPERATIONS

Disruptions of school operations are not tolerated and may constitute a misdemeanor offense. As identified by law, disruptions include the following:

- Interference with the movement of people at an exit, entrance, or hallway of a district building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to district property.
- Use of force, violence, or threats to prevent people from entering or leaving district property without authorization from an administrator.

Disruption of classes or other school activities while on district property or on public property that is within 500 feet of district property includes: making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; and entering a classroom without authorization and disrupting the activity with loud or profane language or any misconduct.

Interference with the transportation of students in vehicles owned or operated by the district is also considered a disruption.

FIGHTING PHYSICAL CONTACT MUTUAL COMBAT

Physical contact with the implied intent to harm will not be tolerated on school property or while attending a school sponsored or school-related event, on or off school property. If an individual is physically confronted by another student, the student should avoid striking back and alert an adult or administrator who can handle the situation. Regardless of who starts a fight, if both students participate, both students will be disciplined according to the student code of conduct. While administrators may consider whether a student acted in self-defense, a claim of self-defense is not a complete defense to avoid disciplinary action unless there is documented evidence that the student could not flee. Any time one person makes physical contact with another with the implied intent to harm, the act, depending on the severity, may be considered physical contact, assault by contact, or assault with bodily injury. However, at the point when the receiver of the physical contact retaliates, the infraction then becomes mutual combat/fighting for both students. School administration may issue consequences according to the student code of conduct for either or both students.

PUBLIC DISPLAYS OF AFFECTION

To maintain a mature and respectful atmosphere, students are reminded that public displays of affection are considered unsuitable in an educational setting. These displays include, but are not limited to, kissing, embracing, and/or other forms of physical fraternization. Students may be disciplined according to the student code of conduct.

SOCIAL EVENTS

School rules apply to all school social events. Guests attending these events are expected to observe the

same rules as students, and a student inviting a guest will share responsibility for the conduct of his or her guest.

Students seeking to bring a guest to a social event should follow the guidelines established by the campus. Anyone leaving before the official end of the event will not be readmitted.

If you are interested in serving as a chaperone for a school social event, contact the campus principal after completing a volunteer application.

COUNSELING

The district has a comprehensive school counseling program that includes:

- Guidance resources to help students develop their full educational potential, including the student's interests and career objectives;
- A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk;
- An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development;
- Systems to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

ACADEMIC

ELEMENTARY AND MIDDLE SCHOOL

The school counselor is available to students and parents to talk about the importance of postsecondary education and how best to plan for postsecondary education, including appropriate courses to consider and financial aid availability and requirements.

In either grade 7 or 8, each student will receive instruction related to how the student can best prepare for high school, college, and a career.

HIGH SCHOOL

High school students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn more about course offerings, graduation requirements, and early graduation procedures.

Each year, students in grades 5-12 will be provided information on anticipated course offerings for the next school year and other information that will help them make the most of academic and CTE opportunities, as well as information on the importance of postsecondary education.

The school counselor will also provide information each year a student is enrolled in high school regarding:

- The importance of postsecondary education;
- The advantages of earning an endorsement and completing the foundation program with the distinguished level of achievement;
- The disadvantages of pursuing a high school equivalency exam (GED) as opposed to earning a high school diploma;
- Financial aid eligibility and how to apply for financial aid;
- Automatic admission to state-funded Texas colleges and universities;
- Eligibility requirements for the TEXAS Grant;
- Availability of district programs that allow students to earn college credit;

- Availability of tuition and fee assistance for postsecondary education for students in foster care; and
- Availability of college credit awarded by institutions of higher education to veterans and military service members for military experience, education, and training.

Additionally, the school counselor can also provide information about workforce opportunities after graduation or technical and trade school opportunities, including opportunities to earn industry-recognized certificates and licenses.

PERSONAL COUNSELING

The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, emotional or mental health issues, or substance abuse.

A student who wishes to meet with the school counselor should make an appointment at the campus. As a parent, if you are concerned about your child's mental or emotional health, please speak with the school counselor for a list of resources that may be of assistance.

If your child has experienced trauma, contact the school counselor for more information.

COURSE CREDIT (SECONDARY ONLY)

A student at any grade level enrolled in a high school course will earn credit for the course only if the final grade is 70 or above. For a two-part (two-semester, 1-credit course), the student's grades from both halves (semesters) will be averaged and credit will be awarded if the combined average is 70 or above. If the student's combined average is less than 70, the student will be awarded credit only for the half (semester) with the passing grade.

CREDIT BY EXAM: IF A STUDENT HAS TAKEN THE COURSE/SUBJECT

A student who has previously taken a course or subject—but did not receive credit or a final grade for it—may, in circumstances determined by the principal or attendance committee, be permitted to earn credit by passing an exam approved by the district's board of trustees on the essential knowledge and skills defined for that course or subject.

Prior instruction may include, for example, incomplete coursework due to a failed course or excessive absences, homeschooling, or coursework by a student transferring from a nonaccredited school. The opportunity to take an examination to earn credit for a course or to be awarded a final grade in a subject after the student has had prior instruction is sometimes referred to as "credit recovery."

The attendance review committee may also offer a student with excessive absences an opportunity to earn credit for a course by passing an examination.

If a student is granted approval to take an examination for credit, the student must score at least 70 on the examination to receive credit for the course or subject.

[For further information, see the school counselor and policy EHDB(LOCAL).]

CREDIT BY EXAM ADVANCEMENT/ACCELERATION: IF A STUDENT HAS NOT TAKEN THE COURSE/SUBJECT

A student will be permitted to take an exam to earn credit for an academic course or subject area for which the student has had no prior instruction, i.e., for advancement or to accelerate to the next grade level.

The exams offered by the district are approved by the district's board of trustees, and state law requires the use of certain exams, such as College Board Advanced Placement (AP) and College Level Examination Program (CLEP) tests, when applicable. The dates on which exams are scheduled during the 2021-2022 school year will be published on the district's Credit by Exam for Acceleration website. The only exceptions to the published dates will be for a request made by a student who is homeless or involved in the foster care system or for exams administered by another entity besides the district. In this case, a student and the district must comply with the testing schedule of the other entity. During each testing window provided by the district, a student may attempt a specific exam only once.

The Exam for Acceleration (EA) provides an opportunity to earn grade level or course credit in which no prior formal instruction was completed. The EA is designed for learners who have both the academic and emotional need to advance a course. The EA is for those who display an extremely advanced level of understanding of the learning objectives assessed. EA is not designed for grade level recovery when a student is retained in a previous grade level.

If a student plans to take an exam, the student (or parent) must register with the school counselor no later than 30 days prior to the scheduled testing date. [For further information, see policy EHDC.]

STUDENTS IN GRADES 1–5

A student in elementary school will be eligible to accelerate to the next grade level if the student scores at least 80 on each exam in the subject areas of language arts, mathematics, science, and social studies, a district administrator recommends that the student be accelerated, and the student's parent gives written approval of the grade advancement.

STUDENTS IN GRADES 6–12

A student in grade 6 or above will earn course credit with a passing score of at least 80 on the exam, a scaled score of 60 or higher on an exam administered through the CLEP, or a score of 3 or higher on an AP exam, as applicable. A student may take an exam to earn high school course credit no more than twice. If a student fails to achieve the designated score on the applicable exam before the beginning of the school year in which the student would need to enroll in the course according to the school's high school course sequence, the student must complete the course.

DATING VIOLENCE, DISCRIMINATION, HARASSMENT, RETALIATION, AND HAZING (ALL GRADE LEVELS)

All students learn best in an environment free from dating violence, discrimination, harassment, and retaliation.

Students are expected to treat other students and district employees with courtesy and respect, to avoid behaviors known to be offensive, and to stop those behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect.

The board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors that are based on a person's race, color, religion, sex gender, national origin, disability, age, or any other basis prohibited by law. A copy of the district's policy is available at <https://www.dentonisd.org/> [See policy FFH.]

DATING VIOLENCE

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing

the offense. This type of conduct is considered harassment if the conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of dating violence against a student may include, but are not limited to,

- Physical or sexual assaults;
- Name-calling;
- Put-downs;
- Threats to hurt the student, the student's family members, or members of the student's household;
- Destroying property belonging to the student;
- Threats to commit suicide or homicide if the student ends the relationship; Threats to harm a student's current dating partner;
- Attempts to isolate the student from friends and family;
- Stalking; or
- Encouraging others to engage in these behaviors

DISCRIMINATION

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law that negatively affects the student.

HARASSMENT

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to:

- Offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation;
- Threatening, intimidating, or humiliating conduct;
- Offensive jokes, name-calling, slurs, or rumors;
- Physical aggression or assault;
- Graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or
- Other aggressive conduct such as theft or damage to property.

Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited.

Examples of sexual harassment may include, but not be limited to:

- Touching private body parts or coercing physical contact that is sexual in nature;
- Sexual advances;
- Jokes or conversations of a sexual nature; and
- Other sexually motivated conduct, communications, or contact.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible

physical contact not reasonably construed as sexual in nature, such as comforting a child with a hug or taking the child's hand. However, romantic and other inappropriate social relationships, as well as all sexual relationships, between students and district employees are prohibited, even if consensual.

Gender-based harassment includes physical, verbal, or nonverbal conduct based on a student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity.

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include, but not be limited to:

- Offensive jokes, name-calling, slurs, or rumors;
- Physical aggression or assault;
- Threatening or intimidating conduct; or
- Other kinds of aggressive conduct such as theft or damage to property.

REPORTING PROCEDURES

Any student who believes that he or she has experienced dating violence, discrimination, harassment, or retaliation should immediately report the problem to a teacher, school counselor, principal, or other district employee. The report may be made by the student's parent. [See policy FFH(LOCAL) for other appropriate district officials to whom to make a report.]

Upon receiving a report of prohibited conduct as defined by policy FFH, the district will determine whether the allegations, if proven, would constitute prohibited conduct as defined by that policy. If not, the district will refer to policy FFI to determine if the allegations, if proven, would constitute bullying, as defined by law and that policy. If the alleged prohibited conduct, if proven, would constitute prohibited conduct and would also be considered bullying as defined by law and policy FFI, an investigation of bullying will also be conducted.

The district will promptly notify the parents of any student alleged to have experienced prohibited conduct involving an adult associated with the district. In the event alleged prohibited conduct involves another student, the district will notify the parents of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy FFH.

INVESTIGATION OF REPORT

To the extent possible, the district will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated.

If a law enforcement or other regulatory agency notifies the district that it is investigating the matter and requests that the district delay its investigation, the district will resume the investigation at the conclusion of the agency's investigation.

During an investigation and when appropriate, the district will take interim action to address the alleged prohibited conduct.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary action, and, in some cases, corrective action, will be taken to address the conduct. The district may take disciplinary and corrective action even if the conduct that is the subject of the complaint was not unlawful.

All involved parties will be notified of the outcome of the district investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act (FERPA).

A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with policy FNG(LOCAL).

RETALIATION

Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

HAZING

Hazing is defined as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

- Any type of physical brutality;
- Any type of physical activity that subjects the student to an unreasonable risk of physical or mental harm, such as sleep deprivation, exposure to the elements, confinement to small spaces, or calisthenics;
- Any activity involving consumption of food, liquids, drugs, or other substances that subjects the student to unreasonable risk of physical or mental harm;
- Any activity that adversely affects the mental health or dignity of the student, such as ostracism, shame, or humiliation; and
- Any activity that induces, causes, or requires the student to violate the Penal Code.

Hazing will not be tolerated by the district. If an incident of hazing occurs, disciplinary consequences will be handled in accordance with the Student Code of Conduct. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to the principal or superintendent.

[See **Bullying** and policies FFI and FNCC for more information.]

DISTANCE LEARNING (ALL GRADE LEVELS)

Distance learning and correspondence courses include courses that encompass the state-required essential knowledge and skills but are taught through multiple technologies and alternative methodologies such as the internet, audio-conferencing, video-conferencing, or other electronic transmission.

The distance learning and correspondence course opportunities that are available to students in Denton ISD are found in the Denton ISD Course Planning Guide which is updated annually and approved by the Board of Trustees to align with the course planning timeline: <https://www.dentonisd.org/Page/46084>.

TEXAS VIRTUAL SCHOOL NETWORK (TXVSN) (SECONDARY GRADE LEVELS)

The Texas Virtual School Network (TxVSN) has been established by the state as one method of distance learning. A student has the option, with certain limitations, to enroll in a course offered through the TxVSN to earn course credit for graduation.

Depending on the TxVSN course in which a student enrolls, the course may be subject to the “no pass, no play” rules. In addition, for a student who enrolls in a TxVSN course for which an end-of-course (EOC) assessment is required, the student must still take the corresponding EOC assessment.

If you have questions or wish to make a request that your child be enrolled in a TxVSN course, please contact the school counselor. Unless an exception is made by the principal, a student will not be allowed to enroll in a TxVSN course if the school offers the same or a similar course. A copy of policy EHDE is available for review by all parents at <https://www.dentonisd.org/>

DISTRIBUTION OF LITERATURE, PUBLISHED MATERIALS OR OTHER DOCUMENTS (ALL GRADE LEVELS)

SCHOOL MATERIALS

Publications prepared by and for the school may be posted or distributed, with the prior approval of the principal, sponsor, or teacher. Such items may include school posters, brochures, flyers, etc. The school newspaper and the yearbook are available to students. All school publications are under the supervision of a teacher, sponsor, and the principal.

NON-SCHOOL MATERIALS FROM STUDENTS

Students must obtain prior approval from the campus principal before selling, posting, circulating, or distributing copies of written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that were not developed under the oversight of the school. To be considered, any non-school material must include the name of the sponsoring person or organization. The principal has designated a specific location at each campus for approved non-school materials to be placed for voluntary viewing or collection by students. [See policy FNAA.]

A student may appeal a decision in accordance with policy FNG(LOCAL). Any student who sells, posts, circulates, or distributes non-school material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without approval will be removed.

[See policy FNG(LOCAL) for student complaint procedures.]

NON-SCHOOL MATERIALS FROM OTHERS

No person or group will sell, circulate, distribute, or post on any district premises written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that is not sponsored by the district or by a district-affiliated school-support organization, except as permitted by policy GKDA.

The principal has designated a specific location at each campus for approved non-school materials to be placed for voluntary viewing or collection.

Prior review will not be required for:

- Distribution of materials by an attendee to other attendees of a school-sponsored meeting intended for adults and held after school hours.
- Distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy GKD(LOCAL) or a noncurricular-related student group meeting held in accordance with FNAB(LOCAL).
- Distribution for electioneering purposes during the time a school facility is being used as a polling place, in accordance with state law.

All non-school materials distributed under these circumstances must be removed from district property immediately following the event at which the materials are distributed.

DRESS CODE

PRINCIPAL AUTHORITY

The Denton ISD dress code is established to teach hygiene, instill self-discipline, prevent disruptions, promote safety, prepare students for life after high school, minimize safety hazards, and maintain a positive learning climate. When there is a question on the dress or appearance of a student, the building administrator and school staff will use their discretion concerning the dress code.

The principal, in cooperation with the Campus Leadership Team may add detail to the following dress code and the details may be gender specific. Students must honor the decision of the administrator in charge and make any dress and/or grooming change required. If the principal determines that a student's grooming or clothing violates the school's dress code, the student will be given an opportunity to correct the problem and return to the classroom. If the problem cannot be corrected at school, the principal will work with the student and parent to obtain an acceptable change of clothing for the student in a way that minimizes loss of instructional time.

Repeated or severe offenses (persistent misconduct) may result in more serious disciplinary action in accordance with the Student Code of Conduct. The principal has the final authority to determine the appropriateness of all dress code issues.

PARENT AND STUDENT RESPONSIBILITY

It is the responsibility of the parents and students to ensure that attire worn to school meets district requirements. The student and parent may determine the student's personal dress and grooming standards, provided the decision complies with the general district guidelines set out in the student dress code, outlined in the student & parent handbook.

GENERAL GUIDELINES

Denton ISD reserves the right to establish rules during the school year regarding new fashions in dress and grooming.

Students shall not wear any clothing, that in the principal's judgment is startling, unusual, disruptive, immodest, brings undue attention to the student and/or interferes with the educational/learning process. Students shall not wear any item that is lewd, offensive, vulgar, obscene, or depicts nudity. Students' dress and grooming must be modest, decent, not distract other students and/or staff, and should contribute to a safe, healthy, and positive learning environment. All students are to present a clean, well-groomed appearance at school and all school related activities. All clothing must be sized to fit properly.

The following items have been determined to be unacceptable for wear at school:

- Accessories which create a disruption
- Accessories applied to the facial area, tongue, or body such as safety pins to the eye area, studs, or rings through the nose
- Any headgear other than part of approved school uniform
- Bandanas
- Bare midriffs
- Chains or accessories which can be used as a weapon (such as spiked collars/bracelets)
- Display of undergarments
- Flip-flops (except in high schools, or as determined by administration on all campuses)
- Garments containing offensive or obscene words or phrases, pictures, symbols or images
- Garments which promote or advertise alcohol, tobacco or other prohibited products
- Halter tops or tank tops
- Mesh/net clothing

- Pajamas, slippers or house shoes
- Ragged or intentionally cut-torn clothing as determined inappropriate by the campus principal or designee
- Saggy/baggy pants
- See-through apparel, including leggings
- Shirts open at the sides (excessively large armholes)
- Short shorts/skirts
- Steel-toed shoes (except in identified CTE classes)
- Strapless dresses/blouses
- Sunglasses
- Unnatural cosmetic contact lens colors (considered distracting)
- Inappropriate hairstyles that cause a disruption
- Visible tattoos and body art which promote nudity, obscenity or gang activity are unacceptable and must be covered.

DUAL LANGUAGE/ESL FOR EMERGENT BILINGUAL STUDENTS

The district provides dual language and ESL programs for eligible emergent bilinguals to acquire and develop competence in the English language, which will empower students to be successful in their content area courses and post-secondary studies, valuing each student's rich cultural heritage and language background.

Dual Language is the bilingual program offered in the district. In this program we provide the one-way and two-way dual language models. The goals of both dual language models is to develop bilingualism and biliteracy, bolster high academic achievement, and promote cross-cultural competence.

The English as a Second Language program (ESL) is an intensive English language instruction program provided by ESL certified teachers who are trained in effective second language acquisition methods. The goal of ESL programs is for English learners to attain full proficiency in English to participate equitably in school. Denton ISD has the ESL program in grades Pre K-12 at all campuses.

For more information, contact the Director of Bilingual/ESL Programs at 940-369-0590, or visit the [Bilingual/ESL Program website](#).

ELECTRONIC DEVICES AND TECHNOLOGY RESOURCES (ALL GRADE LEVELS)

POSSESSION AND USE OF PERSONAL TELECOMMUNICATIONS DEVICES, INCLUDING CELL PHONES

For instructional and safety purposes, the district permits students to possess personal mobile telephones; however, these devices must remain turned off during the instructional day, including during all testing, unless they are being used for approved instructional purposes.

A student must have administrative or teacher approval to possess personal telecommunications devices on campus such as laptops, tablets, or other portable computers.

The use of mobile telephones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.

Except when being used for principal or teacher approved purposes, telecommunication and electronic devices shall not be visible, audible, or used during school hours as determined by the principal.

If a student uses a telecommunications device without authorization during the school day, a district employee may confiscate the device. The parent may pick up the confiscated telecommunications device from the principal's office for a fee of \$15.

Confiscated telecommunications devices that are not retrieved by the student or the student's parent will be disposed of after the notice required by law. [See policy FNCE.]

In limited circumstances and in accordance with law, a student's personal telecommunications device may be searched by authorized personnel. [See **Searches** and policy FNF.]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for damaged, lost, or stolen telecommunications devices.

POSSESSION AND USE OF OTHER PERSONAL ELECTRONIC DEVICES

Students are not permitted to possess or use personal electronic devices such as video game consoles, cameras, e-readers, or other electronic devices at school, unless prior permission has been obtained. Without such permission, district employees may collect the items and turn them in to the principal's office. The principal will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

In limited circumstances and in accordance with law, a student's personal electronic device may be searched by authorized personnel. [See **Searches** and policy FNF.] Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for any damaged, lost, or stolen electronic device.

INSTRUCTIONAL USE OF PERSONAL TELECOMMUNICATIONS & OTHER ELECTRONIC DEVICES

In some cases, students may find it beneficial or might be encouraged to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must obtain prior approval before using personal telecommunications or other personal electronic devices for instructional use. Students must also sign a user agreement that contains applicable rules for use (separate from this handbook). When students are not using the devices for approved instructional purposes, all devices should be turned off during the instructional day. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

ACCEPTABLE USE OF DISTRICT TECHNOLOGY RESOURCES

To prepare students for an increasingly technological society, the district has made an investment in the use of district-owned technology resources for instructional purposes; specific resources may be issued individually to students. Use of these technological resources, which include the district's network systems and use of district equipment, is restricted to approved purposes only. Students and parents will be asked to sign a user agreement (separate from this handbook) regarding use of these district resources. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

UNACCEPTABLE AND INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined

according to the Student Code of Conduct, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child Before You Text" Sexting Prevention Course, a program that addresses the consequences of engaging in inappropriate behavior using technology.

In addition, any student who engages in conduct that results in a breach of the district's cyber security will be disciplined in accordance with the Student Code of Conduct, and, in some cases, the consequence may rise to the level of expulsion.

EMERGENT BILINGUALS (ALL GRADE LEVELS)

A student who is an emergent bilingual is entitled to receive specialized services from the district. To determine whether the student qualifies for services, a Language Proficiency Assessment Committee (LPAC) will be formed, which will consist of both district personnel and at least one parent representative. The student's parent must consent to any services recommended by the LPAC for an emergent bilingual. However, pending the receipt of parental consent or denial of services, an eligible student will receive the services to which the student is entitled and eligible.

To determine a student's level of proficiency in English, the LPAC will use information from a variety of assessments. If the student qualifies for services, and once a level of proficiency has been established, the LPAC will then designate instructional accommodations or additional special programs that the student will require to eventually become proficient at grade level work in English. Ongoing assessments will be conducted to determine a student's continued eligibility for the program.

The LPAC will also determine whether certain accommodations are necessary for any state-mandated assessments. The STAAR Spanish, as mentioned at **Standardized Testing**, may be administered to an emergent bilingual for a student up to grade 5. In limited circumstances, a student's LPAC may exempt the student from an otherwise required state-mandated assessment or may waive certain graduation requirements related to the English I end-of-course (EOC) assessment. The Texas English Language Proficiency Assessment System (TELPAS) will also be administered to emergent bilinguals who qualify for services.

If a student is considered an emergent bilingual and receives special education services because of a qualifying disability, the student's ARD committee will make instructional and assessment decisions in conjunction with the LPAC.

EXTRACURRICULAR ACTIVITIES, CLUBS, AND ORGANIZATIONS (ALL GRADE LEVELS)

SCHOOL SPONSORED ACTIVITIES

Participation in school-sponsored activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships with other students; participation, however, is a privilege, not a right. Participation in some of these activities may result in events that occur off-campus. When the district arranges transportation for these events, students are required to use the transportation provided by the district to and from the events. Exceptions to this may only be made with the approval of the activity's coach or sponsor. [Also see **Transportation**.]

Eligibility for initial and continuing participation in many of these activities is governed by state law and the rules of the University Interscholastic League (UIL)—a statewide association overseeing inter-district competition. If a student is involved in an academic, athletic, or music activity governed by UIL, the student and parent are expected to know and follow all rules of the UIL organization. Students involved in UIL athletic activities and their parents can access the UIL Parent Information Manual at <https://www.uil texas.org/athletics/manuals>; a hard copy can be provided by the coach or sponsor of the activity on request.

To report a complaint of alleged noncompliance with required safety training or an alleged violation of safety rules required by law and the UIL, please contact the curriculum division of TEA at (512) 463-9581 or curriculum@tea.texas.gov.

[See UIL Texas for additional information on all UIL-governed activities.]

In addition, the following provisions apply to all extracurricular activities:

- A student who receives at the end of a grading period a grade below 70 in any academic class—other than an Advanced Placement or International Baccalaureate course; or an honors or dual credit course in English language arts, mathematics, science, social studies, economics, or language other than English—may not participate in extracurricular activities for at least three school weeks.
- A student who receives special education services and who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse but may not participate in any competitive activity.
- An absence for participation in an activity that has not been approved will receive an unexcused absence.

A student is allowed in a school year up to 10 absences not related to post-district competition, a maximum of 4 absences for post-district competition prior to state, and a maximum of 2 absences for state competition. All extracurricular activities and public performances, whether UIL activities or other activities approved by the board, are subject to these restrictions.

STANDARDS OF BEHAVIOR

Sponsors of student clubs and performing groups such as the band, choir, and drill and athletic teams may establish standards of behavior—including consequences for misbehavior—that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by board policy will apply in addition to any consequences specified by the organization's standards of behavior.

To be considered for an elected honor, a student must be regularly enrolled as a student in the school. Students holding positions of honor and who are determined to have engaged in serious misconduct may be removed from the position of honor.

FEES (ALL GRADE LEVELS)

Materials that are part of the basic educational program are provided with state and local funds at no charge to a student. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay certain other fees or deposits, including:

- Costs for materials for a class project that the student will keep.
- Membership dues in voluntary clubs or student organizations and admission fees to extracurricular activities.
- Security deposits.
- Personal physical education, athletic, visual and performing arts equipment, and apparel.
- Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, etc.
- Voluntarily purchased student accident insurance.
- Musical instrument rental and uniform maintenance when uniforms are provided by the district.
- Personal apparel used in co-curricular and/or extracurricular activities that becomes the property of the student.
- Parking fees and student identification cards.
- Fees for lost, damaged, or overdue library books.
- Fees associated with the 1:1 device initiative, including usage, repair and replacement of school owned devices.
- Fees for driver training courses, if offered.
- Fees for optional courses offered for credit that require use of facilities not available on district premises.
- Summer school for courses that are offered tuition-free during the regular school year.
- A fee not to exceed \$50 for costs of providing an educational program outside of regular school hours for a student who has lost credit or has not been awarded a final grade because of absences and whose parent chooses the program in order for the student to meet the 90 percent attendance requirement. The fee will be charged only if the parent or guardian signs a district-provided request form.
- In some cases, a fee for a course taken through the Texas Virtual School Network (TxVSN).

Any required fee or deposit may be waived if the student and parent are unable to pay. Application for such a waiver may be made to the principal. [For further information, see policy FP.]

FUNDRAISING

Student groups or classes and/or parent groups may be permitted to conduct fundraising drives for approved school purposes. An application for permission must be made to the principal at the beginning of the semester. [For further information, see policies FJ and GE.]

GANG-FREE ZONES

Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

GRADE LEVEL CLASSIFICATION

After the ninth grade, students are classified according to the number of credits earned toward graduation.

Credits Earned	Classification
6	Grade 10 (Sophomore)
12	Grade 11 (Junior)
18	Grade 12 (Senior)
26	Graduate

GRADING GUIDELINES (ALL GRADE LEVELS)

Grading guidelines for each grade level or course will be communicated and distributed by the classroom teacher. These guidelines have been reviewed by the district instruction department and approved by the campus principal. They establish how each student's mastery of concepts and achievement will be communicated (i.e., letter grades, numerical averages, checklist of required skills, etc.) and how students may qualify to relearn and reassess over content when their first grade indicates non-mastery of critical course content.

Additional information on practices and guidelines related to grading and assessment are found on the Denton ISD Family Resources site at <https://www.dentonisd.org/Page/99575>.

GRADES PRE-K – 5TH GRADE REPORTING

Standards Based report cards will be sent home electronically every nine weeks.

GRADES 6TH – 12TH GRADE REPORTING

The purpose of the grading system (including progress reports and report cards) is to provide accurate and timely information regarding students' mastery of course standards so that students may continuously improve their academic performance and their understanding of course content. Teachers' grading practices are designed to provide students with feedback regarding their academic progress so that they will be more aware of what they have learned well and what might require greater effort. Clear feedback helps students identify academic strengths and areas for improvement and promotes students to become more self-directed learners.

During each academic grading period, students will learn new content through a variety of teacher designed experiences. These experiences will include reading, studying and completing assignments as directed by the teacher in class and independently outside of school. Thorough completion of these assignments is expected and is essential for students to be fully prepared to demonstrate their learning on the quizzes, tests, projects, and presentations that are the summative measures of their learning and make up their grades for each course.

Because we know that students learn in different ways and at different rates and because we believe our students strive to do well, our teachers are committed to assisting students who continue to demonstrate improved understanding of difficult course content during a grading period. Students scoring less than 90 on an assessment and have invested the necessary effort to meet deadlines and complete any regularly assigned or additional work in a high-quality manner, may reassess on a summative assignment to demonstrate their improved learning. Specific processes for reassessment and each students' readiness to reassess will be determined by the classroom teacher. Students who do not complete work according to

deadlines established by the teacher will not fully benefit from course instruction and may be subject to academic and behavioral interventions.

In each course, students will be graded on a numerical scale with 100 being the highest grade. A grade of less than 70 is considered failing. There are two grading periods in the fall semester and two in the spring. Report cards are issued each grading period. Students in danger of failing will be issued a progress report at the midpoint of each grading period. Parents are encouraged to access to their student's grades and attendance 24/7 via the Home Access Center available at Home Access Center Parents are also encouraged to request email notifications through the Home Access Center to inform them when their students do not complete an assignment on time or when the grade earned does not meet the minimum passing standard. Instructions for accessing this system will be provided by each campus.

GRADUATION (SECONDARY ONLY)

REQUIREMENTS FOR A DIPLOMA

Policies, practices, and guidelines related to graduation requirements are found in the Denton ISD Course Planning Guide which is updated annually and approved by the Board of Trustees to align with the course planning timeline: <https://www.dentonisd.org/Page/46084>.

FOUNDATION GRADUATION PROGRAM

Every Texas public school student will graduate under the foundation graduation program. Within the foundation graduation program are “endorsements,” which are paths of interest that include:

- Science, Technology, Engineering, and Mathematics (STEM);
- Business and Industry;
- Public Services;
- Arts and Humanities; and
- Multidisciplinary Studies.

Endorsements earned by a student will be noted on the student's transcript. The foundation graduation program also involves the term “distinguished level of achievement,” which reflects the completion of at least one endorsement and Algebra II as one of the required advanced mathematics credits. A Personal Graduation Plan will be completed for each high school student.

State law and rules prohibit a student from graduating solely under the foundation graduation program without an endorsement unless, after the student's sophomore year, the student and student's parent are advised of the specific benefits of graduating with an endorsement and submit written permission to the school counselor for the student to graduate without an endorsement. A student who anticipates graduating under the foundation graduation program without an endorsement and who wishes to attend a four-year university or college after graduation must carefully consider whether this will satisfy the admission requirements of the student's desired college or university.

Graduating under the foundation graduation program will also provide opportunities to earn “performance acknowledgments” that will be acknowledged on a student's transcript. Performance acknowledgments are available for outstanding performance in bilingualism and biliteracy; in a dual credit course; on an AP or IB exam; on the PSAT, ACT- Aspire, SAT, or ACT exam, which are national exams; or for earning a nationally or internationally recognized license or certificate. The criteria for earning these performance acknowledgments are prescribed by state rules, and the school counselor can provide more information about these acknowledgments.

School districts are required to notify parents of the role that Algebra II plays in graduation requirements and the potential consequences to a student of not completing an Algebra II course. In Texas, a student may only earn a “Distinguished Level of Achievement” and be eligible for automatic admission to a Texas public college or university as an undergraduate if the student successfully completes high school Algebra II. To earn an endorsement, students must successfully complete a fourth mathematics course; Algebra II is often the pre-requisite to the fourth math course and may be required specifically by an endorsement. The TEXAS Grant program and the Texas Educational Opportunity Grant program may require the completion of Algebra II as a pathway to earn initial eligibility. Although to graduate under the “Foundation High School Program,” a student is not required to complete an Algebra II course, the Foundation plan is not recommended for most students.

FAFSA OR TASFA

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

Denton ISD counselors will help students and families understand the basics of federal student aid by providing tips, hosting events, group presentations and communicating through social media and email. Counselors will engage with students and parents across all grade levels to provide direct and indirect support as it relates to the college planning process and completing the FAFSA or TASFA.

A student is not required to complete and submit a FAFSA or TASFA if:

- The student’s parent submits a form provided by the district indicating that the parent authorizes the student to opt out;
- A student who is 18 years of age or older or a legally independent minor submits a form provided by the district indicating that the student opts out; or
- A school counselor authorizes the student to opt out for good cause.

Please contact the school counselor for more information.

PERSONAL GRADUATION PLANS

A personal graduation plan will be developed for each high school student. The district encourages all students to pursue a personal graduation plan that includes the completion of at least one endorsement and to graduate with the distinguished level of achievement. Attainment of the distinguished level of achievement entitles a student to be considered for automatic admission to a public four-year college or university in Texas, depending on his or her rank in class.

The school will review personal graduation plan options with each student entering grade 9 and his or her parent. Before the end of grade 9, a student and his or her parent will be required to sign off on a personal graduation plan that includes a course of study that promotes college and workforce readiness and career placement and advancement, as well as facilitates the transition from secondary to postsecondary education.

The student’s personal graduation plan will denote an appropriate course sequence based on the student’s choice of endorsement.

Please also review [TEA's Graduation Toolkit](#).

A student may, with parental permission, amend his or her personal graduation plan after the initial confirmation.

AVAILABLE COURSE OPTIONS FOR ALL GRADUATION PROGRAMS

Information regarding available courses offered and required is found in the Denton ISD Course Planning Guide which is updated annually and approved by the Board of Trustees to align with the course planning timeline: <https://www.dentonisd.org/Page/46084>.

CERTIFICATES OF COURSEWORK COMPLETION

A certificate of coursework completion will not be issued to a student who has successfully completed state and local credit requirements for graduation but has not yet demonstrated satisfactory performance on the state-mandated tests required for graduation.

STUDENTS WITH DISABILITIES

Admission, review, and dismissal (ARD) committees will make instructional and assessment decisions for students with disabilities who receive special education services in accordance with state law.

Upon the recommendation of the admission, review, and dismissal (ARD) committee, a student with a disability who receives special education services may be permitted to graduate under the provisions of his or her IEP and in accordance with state rules.

To earn an endorsement under the foundation program, a student must perform satisfactorily on the EOC assessments and receive no modified curriculum in the student's chosen endorsement area. A student may still be awarded an endorsement when the student fails to perform satisfactorily on no more than two EOC assessments but meets the other requirements for graduation under state law.

A student who receives special education services and has completed four years of high school but has not met the requirements of his or her IEP may participate in graduation ceremonies and receive a certificate of attendance.

The student may then remain enrolled to complete the IEP and earn his or her high school diploma but will only be allowed to participate in one graduation ceremony.

[See policy FMH (LEGAL) for more information.]

GRADUATION ACTIVITIES

Students who have met coursework requirements for graduation but have not yet demonstrated satisfactory performance on end-of-course assessments will be allowed to participate in graduation activities. However, please keep in mind that participating in the activities and ceremonies is not synonymous with graduating. Ultimately, the final awarding of a diploma will be contingent upon the student's completion of all applicable requirements for graduation. To ensure students with disabilities participate in the campus graduation ceremony, all necessary accommodations will be provided.

GRADUATION SPEAKERS

Certain graduating students will be given an opportunity to have speaking roles at graduation ceremonies.

A student must meet local eligibility criteria, which may include requirements related to student conduct, to have a speaking role. Only those students who are identified by FNA (LOCAL) will be eligible to give these remarks; however, if the student was assigned to disciplinary placement at any time during the spring semester, he or she will not be eligible to speak at graduation. Students eligible for speaking roles will be notified by the principal and given an opportunity to volunteer. In the event there are more eligible students volunteering than there are speaking roles at the graduation ceremony, the names of all eligible students who volunteered shall be randomly drawn. The student whose name is drawn first will give the opening remarks and the student whose name is drawn second will give the closing remarks.

In addition to the opening and closing remarks, the students who have attained special positions of honor based on neutral criteria as identified by FNA (LOCAL) may also have speaking roles at the graduation ceremony.

[See FNA (LOCAL) and the Student Code of Conduct.]

GRADUATION EXPENSES

Because students and parents will incur expenses in order to participate in the traditions of graduation—such as the purchase of invitations, senior ring, cap and gown, and senior picture—both the student and parent should monitor progress toward completion of all requirements for graduation. The expenses often are incurred in the junior year or first semester of the senior year. [See **Student Fees**.]

SCHOLARSHIPS AND GRANTS

Students who have a financial need according to federal criteria and who complete the foundation graduation program, may be eligible under the TEXAS Grant Program for tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions. Contact the school counselor for information about other scholarships and grants available to students.

HEALTH: PHYSICAL AND MENTAL

ASTHMA AND SEVERE ALLERGIC REACTIONS

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and to the school nurse the ability to use the prescribed medication, including any device required to administer the medication. If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal.

BACTERIAL MENINGITIS

State law requires the district to provide information about bacterial meningitis:

<https://www.dentonisd.org/Page/1006>

CONTAGIOUS DISEASES/CONDITIONS

To protect other students from contagious illnesses, students infected with certain diseases are not allowed to come to school while contagious. If the school nurse suspects that a student may have a contagious disease based on signs or symptoms the student has, the nurse will exclude the student from attendance until all suspicious symptoms are gone, or the child's physician documents that the child may return to school. If a parent suspects that his or her child has a contagious disease, the parent should keep the child home, consult with the child's physician, and contact the school nurse or principal so that other students who might have been exposed to the disease can be alerted if a confirmed diagnosis is made.

Denton ISD follows guidelines from the Texas Department of Health Services and all information regarding exclusion from school may be found on the DISD health services webpage.

DIABETES

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF (LEGAL).]

EMERGENCY MEDICAL TREATMENT AND INFORMATION

If a student has a medical emergency at school or a school-related activity when the parent cannot be reached, the school may have to rely on previously provided written parental consent to obtain emergency medical treatment, and information about allergies to medications, foods, insect bites, etc. Therefore, parents are asked each year to complete an emergency care consent form. Parents should keep emergency care information up to date (name of doctor, emergency phone numbers, allergies, etc.). Please contact the school nurse to update any information that the nurse or the teacher needs to know.

EXAMS AND SCREENINGS (OTHER)

Students are required to undergo a risk assessment for type 2 diabetes at the same time the district screens students for hearing and vision issues, or for abnormal spinal curvatures. [See policy FFAA.]

FIRST AID/SCHOOL EXCLUSION FOR HEALTH REASONS

In case of serious illness or injury:

- A parent will be called at once. It is critical that school officials have the names and the current home, work, and cell phone numbers for all parents and guardians.
- If neither parent can be reached, an emergency contact will be made. Please make sure the school has the phone number of your doctor and three other names and phone numbers of neighbors or relatives who have agreed to be contacted.
- If neither parent nor emergency contacts can be reached, the student will be taken by ambulance to the emergency room written on the health card. The nurse or someone designated by the principal will stay with the student until a responsible adult arrives to be with the student. The parent is responsible for incurred costs.

A student may not leave school or be taken home by any school personnel unless an adult has been contacted or will be at home to receive the student. Any exception to this policy will be approved by the principal. School nurses cannot provide transportation.

FOOD ALLERGIES

The district requests to be notified when a student has been diagnosed with a food allergy, especially those allergies that could result in dangerous or possibly life-threatening reactions either by inhalation, ingestion, or skin contact with the particular food. It is important to disclose the food to which the student is allergic, as well as the nature of the allergic reaction. Please contact the school nurse or campus principal if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

The district has developed and annually reviews a food allergy management plan, based on the Texas Department of State Health Services' (DSHS) "Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis" found on the DSHS website at Allergies and Anaphylaxis.

When the district receives information that a student has a food allergy that puts the student at risk for anaphylaxis, individual care plans will be developed to assist the student in safely accessing the school environment. The district's food allergy management plan can be accessed by contacting your campus nurse.

[Also see policy FFAF and **Celebrations**.]

LICE (ALL LEVELS)

Head lice, although not an illness or a disease, is very common among children and is spread very easily through head-to-head contact during play, sports, or nap time, and when children share things like brushes, combs, hats, and headphones.

If careful observation indicates that a student has head lice, the school nurse will contact the student's parent to determine whether the student will need to be picked up from school and to discuss a plan for treatment with an FDA-approved medicated shampoo or cream rinse that may be purchased from any drug or grocery store. After the student has undergone one treatment, the parent should check in with the school nurse to discuss the treatment used. The nurse can also offer additional recommendations, including subsequent treatments and how best to get rid of lice and how to prevent lice from returning.

Notice will also be provided to parents of elementary school students in an affected classroom. More information on head lice can be obtained from the DSHS website [Managing Head Lice in School Settings and at Home](#).

[See policy FFAA.]

IMMUNIZATIONS

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized.

For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. This form may be obtained by writing the DSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347; or online at [Affidavit Request for Exemption from Immunization](#).

The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student.

The immunizations required include:

- Diphtheria, Tetanus, and Pertussis;
- Polio;
- Measles, Mumps, and Rubella;
- Hepatitis B;
- Varicella (Chicken Pox);
- Meningococcal and
- Hepatitis A;

The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by TDSHS. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. registered and licensed physician stating that, in the doctor's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or a member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a lifelong condition.

As noted at **Bacterial Meningitis**, entering college students must also, with limited exception, furnish evidence of having received a bacterial meningitis vaccination within the five years prior to enrolling in and attending classes at an institution of higher education. A student wanting to enroll in a dual credit course taken off campus may be subject to this or other vaccination requirement.

[For further information, see policy FFAB(LEGAL) and the DSHS website: [Texas School & Child Care Facility Immunization Requirements](#).]

MEDICINE AT SCHOOL (ALL GRADE LEVELS)

Medication that must be administered to a student during school hours must be provided by the student's parent. All medication, whether prescription or nonprescription, must be kept in the nurse's office and administered by the nurse or another authorized district employee, unless the student is authorized to possess his or her own medication because of asthma or a severe allergy as described below or as otherwise allowed by law.

The district will not purchase nonprescription medication to give to a student.

Only authorized employees, in accordance with policy FFAC, may administer:

- Prescription medication, in the original, properly labeled container, provided by the parent, along with a written request.
- Prescription medication from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee from the original, properly labeled container.
- Nonprescription medication, in the original, properly labeled container, provided by the parent along with a written request.

Note: Insect repellent is considered a nonprescription medication.

- Herbal or dietary supplements provided by the parent only if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.

Students may not share medicine with another student under any circumstance. Violations shall be subject to consequences in accordance with the Student Code of Conduct and discipline management program.

Students whose schedules provide for regular time spent outdoors, including for recess and physical education classes, should apply sunscreen before coming to school.

For students at the elementary level, the student's teacher or other district personnel will apply sunscreen to a student's exposed skin if the student brings the sunscreen to school and requests assistance with the application of the sunscreen. Nothing prohibits a student at this level from applying his or her own sunscreen if the student can do so.

For students at the secondary level, a student may possess and apply sunscreen when necessary. If the student will need assistance with this application, please address the need for assistance with the school nurse.

Whether a student is at the elementary or secondary level, if sunscreen needs to be administered to treat any type of medical condition, this should be handled through communication with the school nurse so that the district is made aware of any safety and medical issues.

Exceptions to this policy are rare. No exceptions can be made unless a discussion with the student's doctor, parents, and school nurse occurs, the request is made in writing, and it is required by the Individual Education Plan or Section 504 Plan of a student with disabilities.

In our district, the school RN usually administers medication at elementary and middle school levels (See more information below for high school students). There are times at campuses when school employees other than the school nurse may administer medication; in those circumstances the nurse will provide training to school personnel who are assigned to administer medications to ensure safe administration and accurate dosage.

Non-nursing school staff may be assigned to administer medications:

- When the campus nurse is not available or states that he or she is unable to do so safely. [See DG (LEGAL)] or in accordance with the Texas Nurse Practice Act.
- When a student suffers from a life-threatening condition, including, but not limited to, diabetes

(hyperglycemia or hypoglycemia) and/or severe allergies (anaphylaxis).

- When a student is unable to go to the health room for his or her medication without experiencing discomfort or a significant loss of instructional time, provided it is agreed upon by the parent and/or included in the student's individualized health plan (IHP).

In accordance with the Nurse Practice Act, Texas Code, Section 217.11, the school nurse has the responsibility and authority to clarify any order or treatment regimen that the nurse has reason to believe is inaccurate, non-efficacious or contraindicated by consulting with the appropriate licensed practitioner. The school nurse also has the right to refuse to administer medications that, in the nurse's professional judgment, are not in the best interest of the student.

Please review our Medication policy: <https://www.dentonisd.org/Page/92606>

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and to the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse. In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse for information. [See policy FFAF (LEGAL).]

PSYCHOTROPIC DRUGS

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood or behavior altering substance.

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [For further information, see policy FFAC.]

SEIZURES (ALL GRADE LEVELS)

To address the care of a student with a seizure disorder while at school or participating in a school activity, a parent may submit a seizure management and treatment plan to the district before the beginning of the school year, upon enrollment of the student, or as soon as practicable following diagnosis of a seizure disorder. Contact the school nurse for more information.

[See **A Student with Physical or Mental Impairments Protected under Section 504**]

STUDENT WELLNESS POLICY/WELLNESS PLAN (ALL GRADE LEVELS)

Denton ISD is committed to encouraging healthy students and therefore has developed a board-adopted wellness policy at FFA(LOCAL) and corresponding plans and procedures to implement the policy. You

are encouraged to contact the district's coordinator of health services at 940-369-0200 with questions about the content or implementation of the district's wellness policy and plan.

SPINAL SCREENING PROGRAM

School-based spinal screening helps identify adolescents with abnormal spinal curvature and refer them for appropriate follow-up by their physician. Screening can detect scoliosis at an early stage when the curve is mild and may go unnoticed. Early detection is key to controlling spinal deformities.

All students who meet the Texas Department of State Health Services criteria will be screened for abnormal spinal curvature before the end of the school year. As appropriate, students will be referred for follow-up with their physician.

For information on spinal screening by an outside professional or exemption from spinal screening based on religious beliefs, see policy FFAA(LEGAL) or contact the campus principal.

STUDENT ILLNESS (ALL GRADE LEVELS)

When your child is ill, please contact the school to let us know he or she will not be attending that day.

It is important to remember that schools are required to exclude students with certain illnesses from school for periods of time as identified in state rules. For example, if your child has a fever over 100 degrees, he or she must stay out of school until fever-free for 24 hours without fever-reducing medications. In addition, students with diarrheal illnesses must stay home until they are diarrhea-free without diarrhea-suppressing medications for at least 24 hours.

A parent should contact the school nurse if a student has been diagnosed with COVID-19 or may have COVID-19.

A full list of conditions for which the school must exclude children can be obtained from the school nurse.

If a student becomes ill during the school day, he or she must receive permission from the teacher before reporting to the school nurse. If the nurse determines that the child should go home, the nurse will contact the parent.

The district is also required to report certain contagious (communicable) diseases or illnesses to the Texas Department of State Health Services (TDSHS) or our local/regional health authority. The school nurse can provide information from TDSHS on these notifiable conditions.

Contact the school nurse if you have questions or if you are concerned about whether your child should stay home.

STEROIDS

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use. Bodybuilding, muscle enhancement, or the increase of muscle bulk or strength using an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

STUDENT HEALTH AND SAFETY WHEN BEHAVIOR IS A CONCERN

When a student displays behavior of concern in the school environment, it is the responsibility of Denton ISD to ascertain the nature of the behavior as quickly and objectively as possible, especially in the situation where students may be getting behind the wheel to drive or operating other machinery. There are many reasons why a student might be behaving in an "untoward" manner – lack of sleep, effects of prescription

medicine, emotional issues, mental illness, substance abuse or low blood sugar to name a few. Any of these reasons could cause that student and others to be in an unsafe situation if not acknowledged and addressed appropriately.

PHYSICAL ACTIVITY FOR STUDENTS IN ELEMENTARY AND MIDDLE SCHOOL

In accordance with policies at EHAB, EHAC, EHBG, and FFA, the district will ensure that students in kindergarten through grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week. Students in middle or junior high school will engage in 30 minutes of moderate or vigorous physical activity per day for at least four semesters OR at least 225 minutes of moderate or vigorous physical activity within each two-week period for at least four semesters.

For additional information on the district's requirements and programs regarding elementary, middle, and junior high school student physical activity requirements, please see the campus principal.

PHYSICAL EDUCATION TEMPORARY RESTRICTIONS FROM PARTICIPATION

Students who are temporarily restricted from participation in physical education will not actively participate in skill demonstration but will remain in class to learn the concepts of the lessons.

PHYSICAL EXAMINATIONS ATHLETICS PARTICIPATION (SECONDARY GRADE LEVELS ONLY)

For certain extracurricular activities, a student must submit certification from an authorized health-care provider. The certification must state that the student has been examined and is physically able to participate in the relevant program, including:

- A district athletics program.
- District marching band.
- Any district extracurricular program identified by the superintendent.

This examination is required in the first year of middle school competition and the first and third years of high school competition. During alternate years, the student must complete a medical appraisal form, and the results of this appraisal may prompt the district to require a physical examination.

Students should be aware of the rare possibility of sudden cardiac arrest, which in athletes is usually caused by a previously unsuspected heart disease or disorder. A student may request an electrocardiogram (ECG or EKG) to screen for such disorders, in addition to his or her required physical examination.

See the UIL's explanation of sudden cardiac arrest for more information.

PHYSICAL FITNESS ASSESSMENT

Annually, the district will conduct a physical fitness assessment of students in grades 3–12 who are enrolled in a physical education course or a course for which physical education credit is awarded. At the end of the school year, a parent may submit a written request to the campus principal to obtain the results of his or her child's physical fitness assessment conducted during the school year.

MENTAL HEALTH SUPPORT (ALL GRADE LEVELS)

The district has implemented programs to address the following mental health, behavioral health, and substance abuse concerns:

- Mental health promotion and early intervention;
- Building skills to manage emotions, establish and maintain positive relationships, and engage in responsible decision-making;
- Substance abuse prevention and intervention;
- Suicide prevention, intervention, and postvention (interventions after a suicide in a community);

- Grief, trauma, and trauma-informed care;
- Positive behavior interventions and supports;
- Positive youth development; and
- Safe, supportive, and positive school climates.

In Denton ISD we employ a Multi-Tier Systems of Support framework to address the needs of the whole child. Specific programs utilized to support students' mental health include QPR, an evidenced based suicide prevention program; Mental Health First Aid, a national program to teach the skills to respond to the signs of mental illness and substance abuse; Trust-Based Relational Intervention, an attachment-based, trauma-informed intervention educational program; National Educators for Restorative Practices, a relationship building and positive behavior response program; and STOPit, an anonymous incident reporting system.

If a student has been hospitalized or placed in residential treatment for a mental health condition or substance abuse, the district has procedures to support the student's return to school. Please contact the district's mental health liaison for further information.

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication that is intended to alter perception, emotion, mood, or behavior.

A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [See policy FFEB for more information.]

SCHOOL HEALTH ADVISORY COUNCIL (SHAC)

Parents are encouraged to participate in this district advisory committee. The duties of the SHAC range from recommending educational resources to developing strategies for integrating resources into a coordinated school health program encompassing issues such as school health services, counseling services, a safe and healthy school environment, recess recommendations, improving student fitness, mental health concerns, and employee wellness. Additional information is available at [Student Health Advisory Committee](#). See policies at BDF and EHAA.

HOMEWORK

Homework may be any preparation, work, or activity that a pupil does on non-school time as requested by the teacher or with teacher consent. This definition is broad in meaning to allow for many different types of homework assignments. Homework may include the following categories:

- library research;
- make-up work when absent;
- limited remedial work;
- special reports and long-range study assignments;
- drill on basic skills;
- collections or "show and tell" materials;
- guided and recreational reading;
- creative writing;
- recommended TV programs, movies, plays;

- use of community resources; and
- unfinished work assigned in class.

LAW ENFORCEMENT AGENCIES

STUDENT RESOURCE OFFICER

Secondary campuses and some elementary campuses are staffed with a Student Resource Officer (SRO). Student Resource Officers are police officers licensed by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) assigned to the schools in the Denton Independent School District. Each officer is a direct, full-time, employee of his or her respective Departments. As certified police officers, they have arrest powers endorsed by the State of Texas and are authorized to use the force necessary to effect arrests and protect third parties and themselves. They may be authorized by their department to carry the following equipment: firearms, Oleoresin capsicum (OC) spray, impact batons, Tasers, handcuffs, and portable radios and body cameras.

Student Resource Officers are responsible for promoting a safe environment for students, faculty, and staff, reducing criminal offenses committed by juveniles and young adults by diversion or detention/arrest, and establishing rapport with students, faculty, administrative staff, and parents.

INTERVIEWING/QUESTIONING OF STUDENTS

When law enforcement officers or other lawful authorities wish to question or interview a student at school, the principal will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation. In other circumstances:

- The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student at school.
- The principal ordinarily will make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.

The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

STUDENTS TAKEN INTO CUSTODY

State law requires the district to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a law enforcement officer to obtain fingerprints or photographs for comparison in an investigation.
- By a law enforcement officer to obtain fingerprints or photographs to establish a student's identity, where the child may have engaged in conduct indicating a need for supervision, such as running away.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- By an authorized representative of Child Protective Services (CPS), Texas Department of Family and Protective Services (DFPS), a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.
- To comply with a properly issued directive from a juvenile court to take a student into custody.

Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student.

The principal will immediately notify the superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a law enforcement officer, any notification will likely be after the fact.

NOTIFICATION OF LAW VIOLATIONS

The district is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody, arrested, or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors that occur in school, on school property, or at a school-sponsored or school-related activity on or off school property. These personnel will also be notified if the principal has reasonable grounds to believe the student has engaged in certain conduct.
- All appropriate district personnel regarding a student who is required to register as a sex offender.

[For further information, see policy GRAA (LEGAL).]

LEAVING CAMPUS

Please remember that student attendance is crucial to learning. We ask that appointments be scheduled outside of school hours as much as reasonably possible. Also note that picking up a student early on a regular basis result in missed opportunities for learning. Unless the principal has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the school day.

State rules require that parental consent be obtained before any student can leave campus for any part of the school day. The district has put the following procedures in place to document parental consent:

- For students in elementary and middle school, a parent or otherwise authorized adult must come to the office and sign the student out. Please be prepared to show identification. Once an identity is verified, a campus representative will then call for the student or collect the student and bring him or her to the office. For safety purposes and stability of the learning environment, we cannot allow you to go to the classroom or other area unescorted to pick up the student. If the student returns to campus the same day, the parent or authorized adult must sign the student back in through the main office upon the student's return. Documentation regarding the reason for the absence will also be required.
- For students in high school, the same process will be followed if a parent picks the student up from campus. If the student's parent will authorize the student to leave campus unaccompanied, a note provided by the parent must be submitted to the main office in advance of the absence, no later than two hours prior to the student's need to leave campus. A phone call received from the parent may be accepted, but the school may ultimately require a note to be submitted for documentation purposes. Once the office has received information that the student's parent consents to the student leaving campus, a pass will be issued to the student to hand to his or her teacher with the necessary information. The student must sign out through the main office and sign in upon his or her return, if the student returns the same day.

- If a student is 18 years of age or is an emancipated minor, the student may produce a note on his or her own behalf. Documentation regarding the reason for the absence will be required.
- If a student becomes ill during the school day and the school nurse or other district personnel determines that the student should go home, the nurse will contact the student's parent and document the parent's wishes regarding release from school.
- Unless directed by the parent to release the student unaccompanied, the parent or other authorized adult must follow the sign-out procedures as listed above. If a student is allowed to leave campus by himself or herself, as permitted by the student's parent, or if the student is age 18 or is an emancipated minor, the nurse will document the time of day the student was released. Under no circumstances will a student in elementary or middle school be released unaccompanied by a parent or adult authorized by the parent.

Students are not authorized to leave campus during regular school hours for any other reason, except with the permission of the principal. Students who leave campus in violation of these rules will be subject to disciplinary action in accordance with the Student Code of Conduct.

LOST AND FOUND

A "lost and found" collection area is located at each campus. If your child has lost an item, please encourage him or her to check the lost and found box. The district discourages students from bringing to school personal items of high monetary value, as the district is not responsible for lost or stolen items. The campus will dispose of lost and found items at the end of each semester.

MAKEUP WORK

MAKE UP WORK DUE TO ABSENCE (ALL GRADE LEVELS)

For any class missed, the teacher may assign the student makeup work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements. A student will be responsible for obtaining and completing the makeup work in a satisfactory manner and within the time specified by the teacher, usually the number of consecutive days missed plus one more day.

A student is encouraged to speak with his or her teacher if the student knows of an absence ahead of time, including absences for extracurricular activities, so that the teacher and student may plan any work that can be completed before or shortly after the absence. Please remember the importance of student attendance at school and that, even though absences may be excused or unexcused, all absences account for the 90 percent threshold in regard to the state laws surrounding "attendance for credit or final grade."

A student involved in an extracurricular activity must notify their teachers ahead of time about any absences. A student will be permitted to make up tests and turn in projects due in any class missed because of absence.

MAKEUP WORK DAEP (GRADES 9–12)

A high school student removed to a disciplinary alternative education program (DAEP) during the school year will have an opportunity to complete, before the beginning of the next school year, a foundation curriculum course in which the student was enrolled at the time of removal. The district may provide the opportunity to complete the course through an alternative method, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FOCA (LEGAL)].

MAKEUP WORK ISS AND OSS (ALL GRADE LEVELS)

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FO (LEGAL)].

NONDISCRIMINATION STATEMENT (ALL GRADE LEVELS)

In its efforts to promote nondiscrimination and as required by law, Denton ISD does not discriminate on the basis of race, religion, color, national origin, gender, sex, disability, age, or any other basis prohibited by law, in providing education services, activities, and programs, including CTE programs, and provides equal access to the Boy Scouts and other designated youth groups.

In accordance with Title IX, the district does not and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon the district receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described at FFH(LOCAL).

The following district representatives have been designated to address concerns or inquiries about other kinds of discrimination:

- For concerns regarding discrimination on the basis of disability, see the ADA/Section 504 Coordinator: [Dr. Lacey Rainey, Area Superintendent, 940-369-0570].
- For concerns regarding discrimination on the basis of sex, including sexual harassment or gender-based harassment, see Title IX Coordinator: [Dr. Lesli Guajardo, Director of District & Student Support Services, 940-369-0585].
- For all other concerns regarding discrimination: Contact the superintendent's office at 940-369-0002.

[See policies FB, FFH, and GKD.]

PARENT AND FAMILY ENGAGEMENT WORKING TOGETHER (ALL GRADE LEVELS)

Both experience and research tell us that a child's education succeeds best when there is good communication and a strong partnership between home and school. Your involvement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child every day to make the most of the educational opportunities the school provides.
- Ensuring that your child completes all homework assignments and special projects and comes to school each day prepared, rested, and ready to learn.

- Becoming familiar with all of your child's school activities and with the academic programs, including special programs, offered in the district.
- Discussing with the school counselor or principal any questions you may have about the options and opportunities available to your child.
- Reviewing the requirements and options for graduation with your child in middle school and again while your child is enrolled in high school.
- Monitoring your child's academic progress and contacting teachers as needed.
- Attending scheduled conferences and requesting additional conferences as needed. To schedule a telephone or in-person conference with a teacher, school counselor, or principal, please call the school office for an appointment. The teacher will usually return your call or meet with you during his or her conference period or before or after school.
- Becoming a school volunteer. [For further information, see policy GKG and Volunteers.]
- Participating in campus parent organizations.
- Serving as a parent representative on the district-level or campus-level planning committees, assisting in the development of educational goals and plans to improve student achievement.
- Serving on the School Health Advisory Council (SHAC), assisting the district in ensuring local community values are reflected in health education instruction and other wellness issues. [See policies at BDF, EHAA, FFA, and information in this handbook at School Health Advisory Council.]
- Being aware of the school's ongoing bullying and harassment prevention efforts.
- Contacting school officials if you are concerned with your child's emotional or mental well-being.
- Attending board meetings to learn more about district operations. Regular board meetings are typically held on the second and fourth Tuesday of each month at 6:00 pm at the Dennis Stephens Central Administration Building, located at 1307 N. Locust St., in Denton. [See policies at BE and BED for more information.]

PARKING AND PARKING PERMITS (SECONDARY ONLY)

A student must present a valid driver's license and proof of insurance to be eligible for a parking permit.

Students must request a parking permit for a fee to park in a school parking lot. So long as space is available, parking permits may be issued throughout the year.

Students will not be permitted to:

- Speed
- Double-park
- Park across a white or yellow line
- Park in a fire lane
- Sit in parked cars during school hours

Students may be subject to disciplinary action for violation of these rules. The district may tow cars that are parked in violation of these rules.

PLEDGES OF ALLEGIANCE AND A MINUTE OF SILENCE (ALL GRADE LEVELS)

Each school day, students will recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag. Parents may submit a written request to the principal to excuse their child from reciting a pledge.

State law requires that one minute of silence follow recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that minute so long as the silent activity does not interfere with or distract others.

In addition, state law requires that each campus provide for the observance of one minute of silence at the beginning of the first-class period when September 11 falls on a regular school day in remembrance of those who lost their lives on September 11, 2001. [See policy EC for more information.]

PRAYER

Each student has a right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt instructional or other activities of the school. The school will not encourage, require, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

PROMOTION & RETENTION

A student will be promoted only based on academic achievement or demonstrated proficiency in the subject matter of the course or grade level.

The district considers:

- Teacher recommendation;
- Grades;
- The score received on any criterion-referenced or state-mandated assessment; and
- Any other necessary academic information as determined by the district.

[See policy EIE (LOCAL) for more information about promotion and retention.]

PRE-K - GRADE 3

A parent may request in writing that a student repeat prekindergarten, kindergarten, or grade 1, 2, or 3. Before granting the request, the district may convene a retention committee to meet and discuss the request and will invite the parent to participate.

ELEMENTARY & MIDDLE GRADE LEVELS

A student will be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level, the recommendation of the student's teacher, the score received on any criterion-referenced or state-mandated assessment, and any other necessary academic information as determined by the district.

In grades 6-8, mastery of course standards shall be determined as follows:

- Course assignments and unit evaluation shall be given to determine student grades in a subject. An average of 70 or higher shall be considered a passing grade.
- Mastery of the skills necessary for success at the next level shall be validated by assessments that may either be incorporated into unit, grading period, and final exams, or may be administered separately.

Mastery of at least 70 percent of the objectives shall be required.

Students in grades 6-8 must have an overall average of 70 or above and have grades of 70 or above in three of the four core subjects of English language arts, math, science, and social studies in order to be promoted to the next grade.

If a student in grades 3–8 is enrolled in a class or course intended for students above his or her current grade level in which the student will be administered a state-mandated assessment, the student will be

required to take an applicable state-mandated assessment only for the course in which he or she is enrolled, unless otherwise required to do so by federal law.

A student in grades 3–8 shall be assessed at least once in high school with the ACT or the SAT if the student completes the high school end-of-course assessments in mathematics, reading/language arts, or science prior to high school.

Parents of a student at or above grade level 3 who does not perform satisfactorily on his or her state-mandated exams will be notified that their child will participate in special instructional programs designed to improve performance. The student may be required to participate in this instruction before or after normal school hours or outside of the normal school year. Failure of a student to attend these programs may result in violations of required school attendance as well as the student not being promoted to the next grade level.

A Personal Graduation Plan (PGP) will be prepared for any student at the middle school level who did not perform satisfactorily on a state-mandated assessment or is determined by the district as not likely to earn a high school diploma before the fifth school year following enrollment in grade 9. The PGP will be designed and implemented by a school counselor, teacher, or other staff member designated by the principal. The plan will, among other items, identify the student's educational goals, address the parent's educational expectations for the student, and outline an intensive instruction program for the student.

[For additional information, see the campus principal and policy EIF(LEGAL).] For a student receiving special education services, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

HIGH SCHOOL GRADE LEVELS

To earn credit in a course, a student must receive a grade of at least 70 based on course-level or grade-level standards.

A student in grades 9–12 will be advanced a grade level based on the number of course credits earned. [See **Grade Level Classification**.]

Students will also have multiple opportunities to retake EOC assessments. [See **Graduation and Standardized Testing** for more information about EOC assessments.]

Students are usually re-classified at the beginning of each school year. The principal has the final authority to determine grade placement and reclassification. In extreme circumstances, students may be reclassified at mid-term. A student will be promoted only based on academic achievement or demonstrated proficiency in the subject matter of the course or grade level.

REMOTE INSTRUCTION

The district may offer remote instruction when authorized by TEA. To ensure a positive and productive learning environment, students and guardians must adhere to the virtual learning expectations that include behaviors for students and privacy guidelines for guardians. Students shall not video record, audio record, photograph, live stream, or transmit any part of a virtual session, including posting on any social media platform. Confidential or identifiable information related to students during virtual sessions should not be collected, discussed, or shared.

REPORT CARDS, PROGRESS REPORTS & CONFERENCES (ALL GRADE LEVELS)

Report cards with each student's grades or performance and absences in each class or subject are issued to parents at least once every grading period.

At the midpoint of a nine-weeks grading period, parents will be given a written progress report if their child's performance in any course is near or below 70 or below the expected level of performance. If the student receives a grade lower than 70 in any class or subject at the end of a grading period, the parent is expected to schedule a conference with the teacher of that class or subject. [See **Parent and Family Engagement - Working Together** for how to schedule a conference.]

Elementary Progress Reports are sent home for students who are at-risk as identified by the following criteria:

- Has a 1 (beginning) in any core content area
- 2 (developing) "too long" students who receive a 2 for two consecutive nine-week grading periods

Secondary Progress Reports shall be issued in accordance with law for a student who demonstrates consistent unsatisfactory performance, EIA (Local).

Teachers follow grading guidelines that have been approved by the principal pursuant to the board-adopted policy and are designed to reflect each student's relative mastery of each assignment for the grading period, semester, or course. State law provides that a test or course grade issued by a teacher cannot be changed unless the board determines that the grade was arbitrary or contains an error, or that the teacher did not follow the district's grading policy.

Questions about grade calculation should first be discussed with the teacher; if the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG(LOCAL).

The district may use an electronic program to communicate academic information about your child, including for report card and progress reporting purposes. An electronic signature of the parent will be accepted by the district, but you may also request the option to provide a handwritten signature of acknowledgment.

SAFETY (ALL GRADE LEVELS)

CAMPUS SAFETY

Denton ISD takes the responsibility for student safety very seriously. Campus administrators are required to conduct safety drills including building and site evacuations, shelters in place, duck and cover exercises, lockdowns, and reverse evacuations for many different situations including fires, weather emergencies, intruders on campus, etc. The district's Emergency Operations Plan is developed with city and county emergency planners and responders and is reviewed annually.

For a variety of safety and logistical reasons, it is not the practice in Denton ISD to have late starts to the school day or unscheduled early closings due to emergency or weather-related events. Parents may, however, choose to pick up their children from school at any time during a critical event, if usual safety procedures are followed, and immediate access does not compromise overall campus or individual student safety.

In an event when an emergency or weather-related circumstance causes the need for an early dismissal, the district shall inform families whose children receive district transportation of any changes in those measures through email. Announcements will also be made through the district website and through social media channels. Families are also highly encouraged to register for additional efforts provided by their

respective campus(es) to contact them as Denton ISD will only use district-wide communication measures if an emergency or weather- related event affects all of the district's students.

For emergency situations affecting only an individual student or family, the campus will attempt to contact authorized parents or guardians first. If an authorized parent or guardian cannot be reached, the campus will attempt to reach any authorized persons as listed by the parent or guardian during the registration process. Families are welcome to add additional authorized persons as emergency contacts at their respective campus(es) at any time but must do so in person for security reasons.

Student safety on campus, at school-related events, and on district vehicles is a high priority of the district. Although the district has implemented safety procedures, the cooperation of students is essential to ensuring school safety. A student is expected to:

- Avoid conduct that is likely to put the student or others at risk.
- Follow the behavioral standards in this handbook and the
- Student Code of Conduct, as well as any additional rules for behavior and safety set by the principal, campus behavior coordinator, teachers, or bus drivers.
- Remain alert to and promptly report to a teacher or the principal any safety hazards, such as intruders on campus or threats made by any person toward a student or staff member.
- Know emergency evacuation routes and signals.

Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

ACCIDENT INSURANCE

The school district is not liable for costs associated with accidents or injuries at school. Information about low-cost student accident insurance that could help meet medical expenses in the event of injury is available at <https://www.dentonisd.org/>.

Soon after the school year begins, parents will have the opportunity to purchase low-cost accident insurance that would help meet medical expenses in the event of injury to their child.

EMERGENCY MEDICAL TREATMENT AND INFORMATION

All parents are asked each year to complete a medical care authorization form, providing written parental consent to obtain emergency treatment and information about allergies to medications or drugs.

The district may consent to medical treatment, which includes dental treatment, if necessary, for a student if:

- The district has received written authorization from a person having the right to consent;
- That person cannot be contacted; and
- That person has not given the district actual notice to the contrary.

The emergency care authorization form will be used by the district when a student's parent or authorized designee is unable to be contacted. A student may provide consent if authorized by law or court order.

Regardless of parental authorization for the district to consent to medical treatment, district employees will contact emergency medical services to provide emergency care when required by law or when deemed necessary, such as to avoid a life-threatening situation.

Please keep emergency care information up to date (name of doctor, emergency phone numbers, allergies, etc.) with the school and contact the school nurse to update any information that the nurse or the teacher needs to know.

EMERGENCY PREPAREDNESS DRILLS

Occasionally, students, teachers and other district employees will participate in preparedness drills of emergency procedures including evacuations, severe weather, and other emergencies. When the command is given or alarm is sounded, students need to follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

EMERGENCY PREPAREDNESS TRAINING CPR AND STOP THE BLEED

The district will annually offer instruction in CPR at least once to students enrolled in grades 7–12. The instruction can be provided as part of any course and is not required to result in CPR certification.

The district will annually offer students in grades 7–12 instruction on the use of bleeding control stations to respond to traumatic injury. For more information, see Homeland Security's Stop the Bleed and Stop the Bleed Texas.

SCHOOL FACILITIES

AFTER SCHOOL PROGRAM

The Denton Independent School District offers the best possible after school program for all our elementary students. Our Extended School Day (ESD) program allows elementary students to remain at the school (between 3-6 p.m. Monday-Friday) in a structured program that provides academic, enrichment and recreational activities. This is an ideal situation for working or busy parents. For information about the Extended School Day program, please contact the ESD office at 940-369-0080.

ASBESTOS MANAGEMENT PLAN

The district works diligently to maintain compliance with federal and state law governing asbestos in school buildings. A copy of the district's Asbestos Management Plan is available at each district facility. If you have any questions or would like to examine the district's plan in more detail, please call the district's designated asbestos coordinator at (940) 369-0200.

BICYCLES AND SKATEBOARDS

Please make sure that your child crosses the street at the crosswalks. In addition, students should walk their bicycles at the crosswalks and on school grounds. Students are encouraged to wear an approved bicycle helmet while riding a bicycle. All bicycles must be locked and kept at the bicycle racks. No skateboards, scooters, skates, or shoes with skates will be allowed on campus or in the buildings.

CAFETERIA SERVICES

Denton ISD participates in the National School Lunch Program and School Breakfast Program. These programs offer students nutritionally balanced meals daily in accordance with USDA and TDA standards.

Free and reduced-price meals will be available based on financial need for the 2023-2024 school year. Applications can be found at your school, the Child Nutrition office or may be completed at www.schoolcafe.com. Questions regarding program benefits can be directed to the Child Nutrition Office at 1303 N. Elm Street, or by calling 940-369-0270.

Parents can monitor the following from www.schoolcafe.com:

- Apply for meal benefits
- Pay for meals online
- Set up automated payments
- View and print student purchase activity
- Receive low balance reminders

- Receive immediate email confirmation of all transactions

Daily menu and price information is found on www.schoolcafe.com or [Meal & A La Carte Prices](#).

Child Nutrition allows students to charge meals in conjunction with Texas Department of Agriculture policies. Each student can charge up to 5 breakfast meals and 5 lunch meals. Ala carte items are not available to charge. Low balance notifications will begin after the second charged meal to update households of their student's account balance.

CLOSED CAMPUS

Students are not authorized to leave campus during regular school hours for any other reason, except with the permission of the principal. Students who leave campus in violation of these rules will be subject to disciplinary action in accordance with the Student Code of Conduct.

CONDUCT BEFORE AND AFTER SCHOOL

Teachers and administrators have full authority over student conduct at before- or after-school activities on district premises and at school-sponsored events off district premises, such as play rehearsals, club meetings, athletic practices, and special study groups or tutorials. Students are subject to the same rules of conduct that apply during the instructional day and will be subject to consequences established by the Student Code of Conduct or any stricter standards of behavior established by the sponsor for extracurricular participants.

HALLWAY USE DURING CLASS TIME

Loitering or standing in the halls during class is not permitted. During class time, a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action in accordance with the Student Code of Conduct.

MEETINGS OF NON-CURRICULUM-RELATED GROUPS (SECONDARY GRADE LEVELS ONLY)

Student-organized, student led non-curriculum related groups are permitted to meet during the hours designated by the principal before and after school. These groups must comply with the requirements of policy FNAB(LOCAL). A list of these groups is available in the principal's office.

PEST MANAGEMENT PLAN

The district is required to follow integrated pest management (IPM) procedures to control pests on school grounds. Although the district strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, pesticide use is sometimes necessary to maintain adequate pest control and ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the United States Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area.

Parents who have further questions may contact the district's IPM coordinator, at (940) 369-0200.

USE BY STUDENTS DURING SCHOOL

To ensure the comfort and safety of all students, all district-owned and operated facilities shall be used applicably as the facility was designed as it relates to purpose, function, and/or birth certificate assigned gender. Any request for accommodations or variations from this practice must be discussed with the campus principal before any such accommodations can be arranged.

USE BY STUDENTS BEFORE AND AFTER SCHOOL

Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place. Unless the teacher or sponsor overseeing an activity gives permission, a student will not be permitted to go to another area of the building or campus.

After dismissal from school in the afternoon, unless a student is involved in an activity under the supervision of a teacher or other authorized employee or adult, or unless students are granted permission to remain on campus in accordance with policy FNAB, students must leave campus immediately.

VENDING MACHINES

The district has adopted and implemented the state and federal policies and guidelines for food service, including the guidelines to restrict student access to vending machines. For more information regarding these policies and guidelines, see the campus principal. [See policies at CO and FFA].

SCHOOL SPONSORED FIELD TRIPS (ALL GRADE LEVELS)

The district periodically takes students on field trips for educational purposes. A parent provides permission, during the PowerSchool enrollment process, for a student to participate in a field trip.

The district may ask the parent to provide information about a student's medical provider and insurance coverage and may also ask the parent to electronically sign a waiver allowing for emergency medical treatment in the case of a student accident or illness during the field trip.

The district may require a fee for student participation in a field trip to cover expenses such as transportation, admission, and meals; however, a student will not be denied participation because of financial need. The district is not responsible for refunding fees paid directly to a third-party vendor.

SEARCHES (ALL GRADE LEVELS)

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, district officials may occasionally conduct searches.

District officials may conduct searches of students, their belongings, and their vehicles in accordance with law and district policy. Searches of students will be conducted without discrimination, based on, for example, reasonable suspicion, voluntary consent, or pursuant to district policy providing for non-suspicious security procedures, including the use of metal detectors/wands.

In accordance with the Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on district property.

If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a district official may conduct a search in accordance with law and district regulations.

Searches will be conducted out of view of other students. A person of the same gender will always conduct the search with a witness present in the room. Administrators and teachers have the duty to question students regarding their conduct or the conduct of others outside of the presence of parents.

DISTRICT PROPERTY (ALL GRADE LEVELS)

Students' desks, lockers, district-provided technology, and similar items are school property and remain

under the control and jurisdiction of the school even when assigned to an individual student.

Students are fully responsible for the security and contents of their assigned desks and lockers and cubicles. Students must be certain that their lockers are locked, and that the combinations are not available to others.

Searches of desks, lockers, district-provided technology, and similar items may be conducted at any time there is reasonable suspicion to believe that they contain articles or materials prohibited by policy, whether or not a student is present. Students are responsible for any prohibited items found in their lockers, desks, cubicles, or vehicles parked on district property. A parent will be notified if any prohibited items are found in a student's desk, locker, cubicle, or vehicle.

METAL DETECTORS (ALL GRADE LEVELS)

To maintain a safe learning environment, the district reserves the right to subject students to metal detector searches when at a district campus and at off-campus, school-sponsored activities.

The District employs hand-held metal detectors at all campuses and walk-through metal detectors at secondary campuses. Walk-through detectors are used regularly on a random basis throughout the year. The hand-held detectors are used after an alert is sounded by the walk-through device to pinpoint the location of the item that is triggering the detector.

TELECOMMUNICATIONS AND OTHER ELECTRONIC DEVICES (ALL GRADE LEVELS)

Use of district-owned technology and its networks is not private and will be monitored by the district. [See policy CQ for more information.]

Any searches of personal telecommunications or other personal electronic devices will be conducted in accordance with law, and the device may be confiscated to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed. [See policy FNF(LEGAL) and Electronic Devices and Technology Resources for more information.]

TRAINED DOGS

The district will use trained dogs to screen for concealed or prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in an area that is going to be screened, such as a classroom, a locker, or a vehicle. Searches of classrooms, common areas, or student belongings may also be conducted by trained dogs when students are not present. If a dog alerts to an item or an area, it may be searched by district officials.

VEHICLES ON CAMPUS (SECONDARY GRADE LEVELS ONLY)

A student has full responsibility for the security and content of his or her vehicle parked on district property and must make certain that it is locked and that the keys are not given to others. [See also the Student Code of Conduct.] Vehicles parked on district property are under the jurisdiction of the district.

School officials may search any vehicle any time there is reasonable suspicion to do so, with or without the permission of the student. If a vehicle subject to search is locked, the student will be asked to unlock the vehicle. If the student refuses, the student's parent will be contacted. If a search is also refused by the student's parent, the district will turn the matter over to law enforcement. The district may, in certain circumstances, contact law enforcement even if permission to search is granted.

SPECIAL PROGRAMS (ALL GRADE LEVELS)

The district provides special programs for gifted and talented students, homeless students, students in foster care, migrant students, students with limited English proficiency or who are emergent bilinguals, students diagnosed with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the district or by other organizations. If you have questions about these programs, contact the coordinators of these programs at (940) 369-0000.

The Texas State Library and Archives Commission's Talking Book Program provides audiobooks free of charge to qualifying Texans, including students with visual, physical, or reading disabilities such as dyslexia.

DYSLEXIA PROGRAM

Texas Education Code (TEC) §38.003 defines dyslexia and related disorders in the following way: "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity. "Related disorders" include disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

The International Dyslexia Association defines "dyslexia" in the following way: Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

Denton Independent School District provides a multisensory, systematic, explicit, evidence-based dyslexia intervention program in English to students in grades K-12 and in Spanish to students in grades K-5 who meet eligibility criteria.

Students in the English program are instructed using an Orton-Gillingham based program, Alphabetic Phonics through the Dyslexia Teaching Program, which uses multi-sensory techniques to teach the structure of the English language. Students in the Spanish program are instructed using the Esperanza reading program, which uses multi-sensory techniques to teach the structure of the Spanish language. Students in the Esperanza program solidify reading in their native language then transition into the English dyslexia classes.

Both programs utilize small-group instruction that is intensive, systematic, sequential, and cumulative. The critical, evidence-based components of the dyslexia instruction program include: Phonological Awareness, Sound-symbol association, Syllabication, Orthography, Morphology, Syntax, Reading comprehension and Reading fluency.

Students in the dyslexia program are served through Section 504 or IDEA and are supported with appropriate accommodations and/or modifications to ensure academic success.

Texas Education Code (TEC) §38.003 mandates all Kindergarten students be screened at the end of their Kindergarten school year and all 1st grade students be screened no later than January 31 of their 1st grade school year to support early interventions and identification of students who may be at risk for reading difficulties or dyslexia.

EXPO PROGRAM FOR GIFTED AND TALENTED STUDENTS

A special program is provided for academically talented students in all grades who have demonstrated Exceptional Potential. Teachers, who have received extensive training, work with the students in developing higher level thinking skills and creative problem-solving abilities. Referrals may come from faculty/staff, parents, community members, or by self-referral. Please refer to the EXPO website for referring and testing windows. Persons referring students must complete a Referral Form which is found on the following website: <http://https://www.dentonisd.org/expo>.

READING RECOVERY/DESCUBRIENDO LA LECTURA (DLL)

Denton ISD offers a short-term intervention for English-speaking or Spanish-speaking first graders who are struggling with the acquisition of literacy skills. In Reading Recovery and Descubriendo La Lectura, individual students receive a half-hour lesson each school day for 12 to 20 weeks with a specially trained Reading Recovery/DLL teacher. As soon as students reach grade-level literacy expectations and demonstrate that they can continue to learn through their own efforts, their lessons are discontinued, and new students begin individual instruction. The Reading Recovery/DLL teacher also works with small groups of kindergarten, first and second grade students needing supplemental literacy instruction.

READING & MATH INTERVENTION

State law requires a student in kindergarten–grade 2 to attend any assigned accelerated reading instruction program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program based on a diagnostic reading instrument.

Reading and Math intervention will be provided for students performing below proficient levels in grades 3-8. Scientifically based research methods will be utilized to provide fast-paced lessons to help students accelerate their academic growth.

SECTION 504

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) requires that the Denton Independent School District not discriminate based on disability in any District program or activity. The District will identify, evaluate, and provide appropriate public education to each qualified student with a disability under Section 504.

For additional information about the rights of parents of eligible children or for answers to any questions you might have about identification, evaluation or placement into Section 504 program, please contact the Denton ISD Coordinator of Intervention Services at 940-369-0443, or the campus principal.

STANDARDIZED TESTING

LOCALLY ADOPTED ASSESSMENTS (ELEMENTARY LEVEL ONLY)

Students will be assessed through TX-KEA (Kindergarten) and TPRI/Tejas LEE (1st and 2nd grade) throughout the year. These early literacy inventories have been locally adopted to meet Texas Education Agency (TEA) requirements. Primary Numeracy Assessment (K-2) and school ability test are also locally adopted and will be offered to select grades. These assessment results are shared with parents after each administration and are used to guide classroom instruction, as well as provide data for consideration of placement in special programs.

SAT/ACT (SCHOLASTIC APTITUDE TEST AND AMERICAN COLLEGE TEST)

Many colleges require either the American College Test (ACT) or the Scholastic Aptitude Test (SAT) for admission. Students are encouraged to talk with the school counselor early during their junior year to

determine the appropriate examination to take; these examinations are usually taken at the end of the junior year. The Preliminary SAT (PSAT) and ACT-Aspire are the corresponding preparatory and readiness assessments for the SAT and ACT, and more information can be obtained on these assessments from the school counselor.

Note: Participation in these assessments may qualify a student to receive a performance acknowledgment on his or her transcript under the foundation graduation program and may qualify as a substitute for an end-of-course testing requirement in certain circumstances. A student's performance at a certain level on the SAT or ACT also makes the student eligible for automatic admission to a Texas public institution of higher education.

TEXAS SUCCESS INITIATIVE ASSESSMENT 2.0 (TSIA2)

Prior to enrollment in a Texas public college or university, most students must take a standardized test called the Texas Success Initiative Assessment (TSIA2). In some instances, Denton ISD provides this assessment to high school students. The purpose of the TSIA2 is to assess the reading, mathematics, and writing skills that entering freshmen-level students should have if they are to perform effectively in undergraduate certificate or degree programs in Texas public colleges and universities. This assessment may be required before a student enrolls in a dual credit course offered through the district as well. Achieving certain benchmark scores on this assessment for college readiness may also waive certain end-of-course assessment requirements in limited circumstances.

STAAR (STATE OF TEXAS ASSESSMENTS OF ACADEMIC READINESS) (GRADES 3–8)

In addition to routine tests and other measures of achievement, students at certain grade levels are required to take the state assessment, called STAAR, in the following subjects:

- Mathematics, annually in grades 3–8
- Reading, annually in grades 3–8
- Science in grades 5 and 8
- Social Studies in grade 8

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain state-established criteria as determined by the student's ARD committee.

STAAR Spanish is available for eligible students for whom a Spanish version of STAAR is the most appropriate measure of academic progress.

HIGH SCHOOL END-OF-COURSE (EOC) ASSESSMENTS

STAAR end-of-course (EOC) assessments are administered for the following courses:

- Algebra I
- English I and English II
- Biology
- U.S. History

Satisfactory performance on the applicable assessments will be required for graduation, unless otherwise waived or substituted as allowed by state law and rules. There are three testing windows during the year in which a student may take an EOC assessment, which will occur during the fall, spring, and summer months. If a student does not meet satisfactory performance, the student will have additional opportunities to retake the assessment.

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain criteria established by the state as determined by the student's ARD committee.

An admission, review, and dismissal (ARD) committee for a student receiving special education services will determine whether successful performance on the EOC assessments will be required for graduation within the parameters identified in state rules and the student's personal graduation plan (PNP). [See **Graduation** for additional information.]

PARTICIPATION IN FEDERALLY REQUIRED, STATE MANDATED, & DISTRICT ASSESSMENTS (ALL GRADE LEVELS)

The Every Student Succeeds Act (ESSA) does not include a federal right to opt-out of standardized assessments. Because an opt-out policy is not applicable in the state of Texas, it is not necessary for school districts in Texas to provide parents with information regarding an opt-out policy. Districts must, however, provide parents with information regarding their child's participation in the assessment.

Texas Education Code 26.010 addresses the fact that students may not opt-out of standardized or any other tests.

All eligible students present at school on a testing date must be included in the test administration. Campus officials must return a test booklet for every student, in accordance with TEA test administration guidelines.

Note: It is important to note that missing school on a single designated test date will not necessarily cause the student to have missed his or her testing opportunity. Most tests are administered from a testing window set by TEA. If a student who has been absent returns to school during the testing window, he or she may be asked to sit for the exam at that time. Makeup test dates that extend beyond the test window are in place for most STAAR tests.

In accordance with ESSA, a parent may request information regarding any federal, state, or district policy related to his or her child's participation in required assessments. Contact the campus principal for more information.

STUDENT ID CARD

For security reasons, all Denton ISD students are required to wear a school issued ID badge in a visible manner on or above the waist. To properly identify the student whom the ID badge belongs to, the ID should clearly display the campus name, student name, and student photo.

STUDENT SPEAKERS

The district provides students the opportunity to introduce a number of school events. If a student meets the eligibility criteria and wishes to introduce a school event, the student should submit his or her name in accordance with policy FNA(LOCAL).

STUDENT TUTORIAL PROGRAM

The district offers tutoring services for any student not meeting grade level academic standards or earning less than 75 on the report card in integrated language arts, mathematics, science, or social studies. A student may also receive tutoring if the regular schoolwork has been changed to meet individual needs. This is a program where students may choose to receive extra help at least twice a week. Each school will provide more information.

SUMMER SCHOOL

The district offers several summer learning opportunities for students.

The Jump Start program is offered for elementary students, middle school students, and 9th graders enrolling in Algebra I as an opportunity to pre-learn concepts important for success in the coming school year.

Other programs available include a emergent bilingual/ESL PreK/K program, a high school credit recovery program, and ESL credit recovery program, an extended school year program, and an AP Boost program.

High school students wishing to earn original credit have options including TWU Dual Credit, TTU ISD, UT High School, and TxVSN. A special course offering is available for seniors who still need to earn their state-required world language credits for graduation.

Please call the school for more information.

SUMMER ASSIGNMENTS

Courses taken in Denton ISD do not have required assignments and/or readings during the summer months; this includes advanced academics courses such as honors, AP, dual credit. The district encourages students to engage in activities that enrich their lives and pursue their passions. Denton ISD campuses and teachers are encouraged to promote learning throughout the summer by recommending reading, study aids (including websites), and/or content and skills-based learning. Please contact the campuses for summer programming which includes “boost” camps or suggestions for summer enrichment learning. Denton ISD believes this approach will help students stay engaged with learning while pursuing success in their future honors, Advanced Placement, and dual credit courses.

TEXTBOOKS, ELECTRONIC TEXTBOOKS, TECHNOLOGICAL EQUIPMENT, AND OTHER INSTRUCTIONAL MATERIALS

Textbooks and other district-approved instructional materials are provided to students free of charge for each subject or class. Any books must be covered by the student, as directed by the teacher, and treated with care. Electronic textbooks and technology may also be provided to students, depending on the course and course objectives.

A student who is issued a damaged item should report the damage to the teacher.

Any student failing to return an item in acceptable condition loses the right to free textbooks and technology until the item is returned or the damage paid for by the parent; however, the student will be provided the necessary alternative instructional resources and equipment for use at school during the school day.

TOBACCO AND E-CIGARETTES PROHIBITED AND ALL OTHERS ON SCHOOL PROPERTY

Students are prohibited from possessing or using any type of tobacco product, electronic cigarettes (e-cigarettes), or any other electronic vaporizing device, while on school property at any time or while attending an off-campus school-related activity.

The district and its staff strictly enforce prohibitions against the use of all tobacco products, e-cigarettes, or any other electronic vaporizing device, by students and all others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies at FNCD and GKA.]

TRANSPORTATION

BUSES AND OTHER SCHOOL VEHICLES (ALL GRADE LEVELS)

The district makes school bus transportation available to all students living two or more miles from school (not including transfer students), and by ARD or Section 504 Committee decision, for Special Education or Section 504 students who require transportation as an educational need.

Bus routes and stops will be designated annually and will be posted to the student's Home Access Center (HAC) Account. For the safety of the operator of the vehicle and all passengers, students must board buses or other vehicles only at authorized stops, and drivers must unload passengers only at authorized stops.

All items carried on the bus must fit in the student's lap or under the seat. Items such as large gym bags, book bags, or musical instruments must follow those rules and cannot take a seat space from another student. Bus drivers oversee student behavior on the bus and their instructions must be followed. Disciplinary action, including temporary or permanent removal from the bus may be taken against any student violating bus rules. To register and determine eligibility for transportation services and secure routing information, contact DISD Transportation at 940-369-0300.

Students are expected to assist district staff in ensuring that buses and other district vehicles remain in good condition and that transportation is provided safely. When riding in district vehicles, including buses, students are held to behavioral standards established in this handbook and the Student Code of Conduct. Students must:

- Always follow the driver's directions.
- Maintain their assigned student ID card on their person when boarding or off-loading a district school bus.
- Enter and leave the bus or van in an orderly manner at the designated stop nearest home.
- Keep feet, books, instrument cases, and other objects out of the aisle.
- Not deface the bus, van, or its equipment.
- Not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the bus or van.
- Not possess or use any form of tobacco on school buses.
- Observe all usual classroom rules.
- Be seated while the vehicle is moving.
- Fasten their seat belts, if available.
- Wait for the driver's signal upon leaving the bus or van and before crossing in front of the vehicle.
- Follow any other rules established by the operator of the vehicle

When riding in district vehicles, students are held to behavioral standards established in this handbook and the Student Code of Conduct; bus riding privileges may be suspended.

SCHOOL-SPONSORED TRIPS (ALL GRADE LEVELS)

Students who participate in school-sponsored trips are required to use transportation provided by the school to and from the event. As approved by the principal, a coach or sponsor of an extracurricular activity may establish procedures related to making an exception to this requirement when a parent requests that the student be released to the parent or to another adult designated by the parent.

VANDALISM (ALL GRADE LEVELS)

Littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

VIDEO CAMERAS (ALL GRADE LEVELS)

For safety purposes, video and audio recording equipment is used to monitor student behavior, including on buses and in common areas on campus. Students will not be told when the equipment is being used.

The principal will review the video and audio recordings routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

Video recordings obtained from surveillance cameras that contain images of students may be student records, which are protected under the Family Educational Rights and Privacy Act (FERPA). Requests for such video records shall be processed with respect to FERPA requirements. [See FL(LEGAL)]

Videos that contain images of multiple students shall be released only with written consent from the parents of all students whose images are included. If the District determines that it is unable to release a video record to a parent/guardian requestor, the District shall provide an oral or written summary of the students' behavior or actions recorded in the video. [See FL(LEGAL), and 2017 Letter to Wachter]

In accordance with state law, a parent of a student who receives special education services, a staff member (as this term is defined by law), a principal or assistant principal, or the board may make a written request for the district to place video and audio recording equipment in certain self-contained special education classrooms. The district will provide notice before placing a video camera in a classroom or other setting in which your child receives special education services. For more information or to request the installation and operation of this equipment, speak with the campus principal. [See EHBAF(LOCAL).]

VISITORS TO THE SCHOOL (ALL GRADE LEVELS)

GENERAL VISITORS

Parents and others are welcome to visit district schools. Classroom visits should be scheduled through the principal and teacher at least one day in advance and are typically limited to one class period or 45 minutes in length. For the safety of those within the school and to avoid disruption of instructional time, all visitors must first report to the main office and must comply with all applicable district policies and procedures. When arriving on campus, all parents and other visitors should be prepared to show identification.

Visits to individual classrooms during instructional time are permitted only with prior approval of the principal and teacher and only so long as their duration or frequency does not interfere with the delivery of instruction or disrupt the normal school environment. Even if the visit is approved prior to the visitor's arrival, the individual must check in at the main office first.

Visits by school-age friends are not allowed and deliveries for students will not be accepted.

All visitors are expected to demonstrate the highest standards of courtesy and conduct; disruptive behavior will not be permitted.

Note: Denton ISD may limit school visitors and or volunteers to help ensure that students and staff have a safe and healthy learning environment. If a visit is necessary, visitors and or volunteers must adhere to Denton ISD requirements regarding safety protocols and social distancing. Please contact the school principal (or appointed designee) to determine if your visit is deemed necessary prior to traveling to the campus.

UNAUTHORIZED PERSONS

In accordance with Education Code 37.105, a school administrator, student resource officer (SRO), or district police officer has the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

- The person poses a substantial risk of harm to any person; or
- The person behaves in a manner that is inappropriate for a school setting and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL).

BUSINESS, CIVIC, AND YOUTH GROUPS

The district may invite representatives from patriotic societies listed in Title 36 of the United States Code to present information to interested students about membership in the society.

SPECIAL PROGRAMS FOR STUDENTS

As part of our college and career preparation efforts, the district invites representatives from colleges and universities and other higher education institutions, prospective employers, and military recruiters to present information to interested students throughout the year.

VOLUNTEERS

We appreciate so much the efforts of parents, grandparents, and community volunteers that are willing to serve our district and students. If you are interested in volunteering, please contact any campus principal or the Student Support Services Office at 940-369-0431 for more information and to complete an application. Comprehensive background checks will be completed before volunteer assignments can be provided.

Note: Denton ISD may limit school visitors and or volunteers to help ensure that students and staff have a safe and healthy learning environment. If a visit is necessary, visitors and or volunteers must adhere to Denton ISD requirements regarding safety protocols and social distancing. Please contact the school principal (or appointed designee) to determine if your visit is deemed necessary prior to traveling to the campus.

VOTER REGISTRATION

A student who is eligible to vote in any local, state, or federal election may obtain a voter registration application at the main campus office.

WITHDRAWING FROM SCHOOL

A student under 18 may be withdrawn from school only by a parent. The school requests notice from the parent at least three days in advance so that records and documents may be prepared. The parent may obtain a withdrawal form from the principal's office.

On the student's last day, the withdrawal form must be presented to each teacher for current grade averages and book and equipment clearance; to the librarian to ensure a clear library record; to the clinic for health records; to the school counselor for the last report card and course clearance; and finally, to the principal. For secondary students, a copy of the withdrawal form will be given to the student, and a copy will be placed in the student's permanent record. However, if a student did not hear high school credits, the withdrawal form will be placed in their non-permanent file, which is kept for 5 years after the date of withdrawal.

A student who is 18 or older, who is married, or who has been declared by a court to be an emancipated minor may withdraw without parental signature.

24146 (2)

Stella Haven

**Request for Administrative
Deficiency**



May 3, 2024

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, TX 78701
Email: cody.campbell@tdhca.state.tx.us

Re: Third Party Request for Administrative Deficiency ("RFAD"), §11.10 of 2024 Qualified Allocation Plan ("QAP") –
24146 Stella Haven

Dear Mr. Campbell,

Please accept this letter as a Third-Party Request for Administrative Deficiency ("RFAD") pursuant to §11.10 of 2024 Qualified Allocation Plan ("QAP") for application 24146 Stella Haven.

Application 24146 Stella Haven is deficient related to the following 2024 QAP section and we respectfully request the issuance of an Administrative Deficiency Notice related to these items. Further, as described below, the following actions are warranted:

1. Tie Breaker Analysis – Due to not conforming to definition per §11.7(2)(A)(i) of the QAP which requires a park amenity to be for public use, the park amenity labeled "Elem Playground & Field – 3100 Teasley Lane, Denton, Texas 76205" should be disqualified as a feature, and the fourth amenity should be used as an opportunity to replace the disqualified feature.

Summary of Threshold Deficiencies

1. §11.7(2)(A)(i) of the QAP outlines the following feature as one of the available features for determining a tiebreaker:

"A park, or a parcel of land dedicated **for public use** by a Municipal, County, State, or Federal entity and used as parkland or for recreational purpose."

Please see attached Denton Central Appraisal District (TCAD) map, which indicates that the park amenity is located at the elementary school owned by Denton ISD. Additionally, per the City of Denton Parks Map, this site is not dedicated as parkland or for recreational use by the municipality. Finally, the attached email from the Denton Independent School District's general counsel states that "[Denton ISD's] playgrounds are not considered public parks." Therefore, the proposed park amenity included in the Stella Haven application is not for public use, and therefore does not meet the requirements of §11.7(2)(A)(i) described above. As such, the selected park amenity should be disqualified as a feature, and the fourth amenity should be used as an opportunity to replace the disqualified feature.

If you have any questions, please feel free to reach me directly at (214) 613-6569 or via email at aiglesias@ghdevelopment.com

Sincerely,

Adrian Iglesias
Authorized Representative

Exhibit

Tie Breaker Analysis – Due to not conforming to definition per §11.7(2)(A)(i) of the QAP which requires a park amenity to be for public use, the park amenity labeled “Elem Playground and Field - 3100 Teasley Ln, Denton, TX 76205” should be disqualified as a feature, and the fourth amenity should be used as an opportunity to replace the disqualified feature.

From: [Robinson, Deron T](#)
To: [Adrian Iglesias](#)
Cc: [Gonzalez, Tiffany D](#); [Brownell, Robin M](#)
Subject: RE: Sam Houston Elem - Park and Land
Date: Thursday, April 18, 2024 10:49:40 AM

Good morning, Mr. Iglesias.

Ms. Gonzalez forwarded your email below. We are aware of the Stella Haven development, although to my knowledge no one from this development has reached out to Denton ISD to discuss any use of our facilities. While we may allow public use or playgrounds outside of school hours, we prohibit any use during school hours or when school related functions are occurring. We also reserve the right to prohibit individuals from being on school property. In addition, our playgrounds are not considered public parks.

I hope this provides you some clarity. Please let me know if you have any questions.

Deron Robinson
General Counsel
Denton Independent School District
1307 N. Locust Street
Denton, Texas 76201
Office: (940) 369-0036
www.dentonisd.org



Strategic | Positivity | Arranger | Ideation | Woo

CONFIDENTIALITY NOTICE: This e-mail and attachments may contain privileged or confidential information. If this email is not addressed to you, promptly notify the sender and delete the message.

From: Adrian Iglesias <aiglesias@ghdevelopment.com>
Sent: Wednesday, April 17, 2024 4:21:22 PM
To: Gonzalez, Tiffany D <tgonzalez2@dentonisd.org>
Subject: Sam Houston Elem - Park and Land

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Gonzalez: Good Afternoon!

We recently listened in on a City Council Meeting that was held in February for a new proposed multifamily development called Stella Haven. This proposed development is located at 3300 Sundown Blvd, Denton, TX (across from library). The developer representative stated that the future residents and/or Denton residents can utilize the school's playground equipment and land behind the

school as a recreational area and/or Public Use.

Can you please let me know the school's (Denton ISD) policy on the use of this area for Public use?

Thank you for your time and I look forward to your response.

Thank you,

Adrian Iglesias | Partner



**GENERATION
HOUSING
PARTNERS**

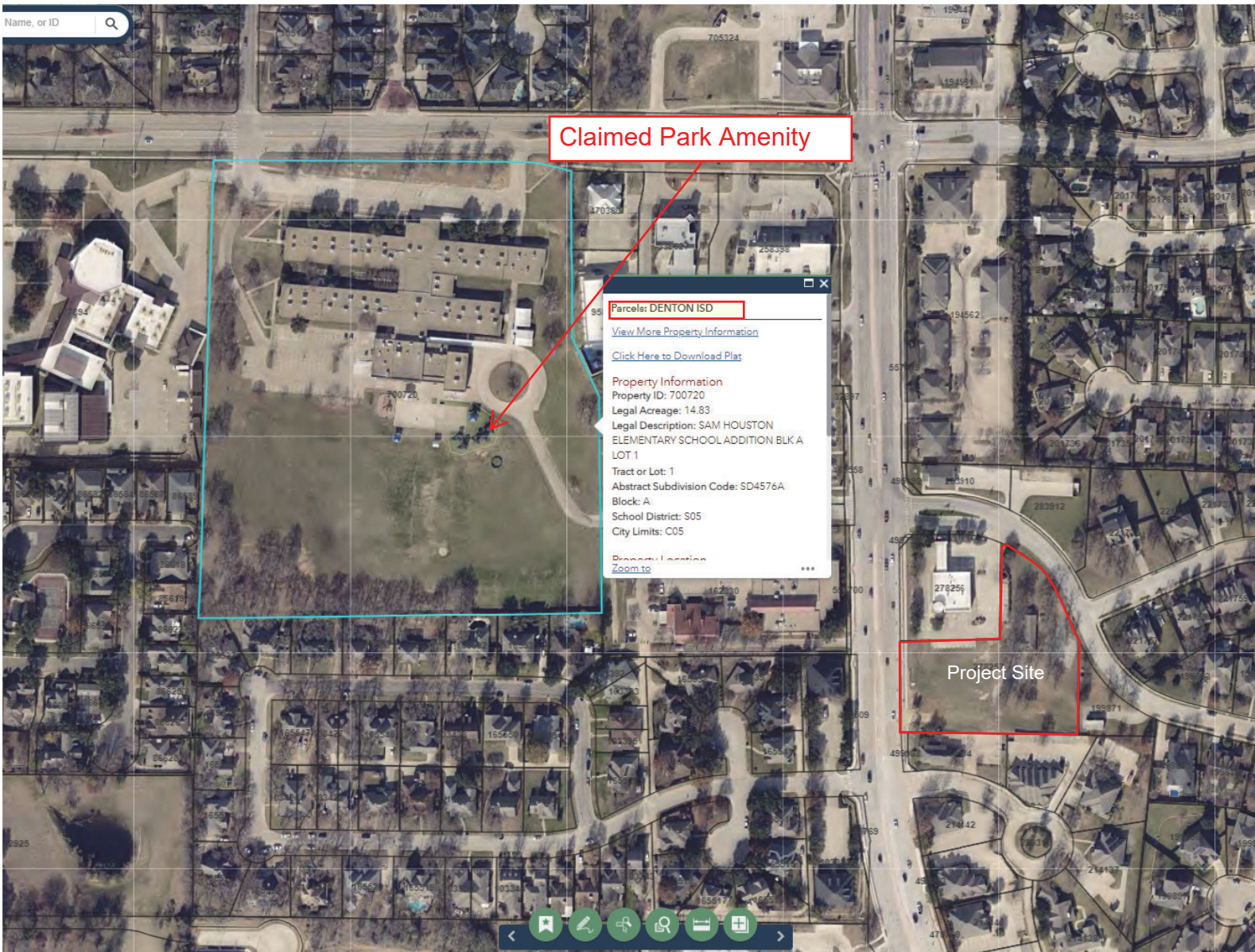
Generation Housing Partners, LLC

17440 North Dallas Parkway, Suite 120

Dallas, Texas 75287

Ph. (214) 613-6569 x0 | **Mb.** (512) 971-9127

Denton Central Appraisal District Parcel ID: Ownership: Denton ISD



City of Denton Public Facilities Webpage:

<https://www.cityofdenton.com/Facilities>

[Sam Houston Elementary School - NOT LISTED]

All

Reservable

Find A Facility

1 selected

0 selected

Number of People


Keywords

Facilities

Listing

Map

Sort by Name, A-Z




Avondale Park

2021 Devonshire Drive
Denton, TX 76201

- 17.85 Acres
- 2 Tennis courts
- 4 picnic tables (not movable)

[8 more...](#)




Bowling Green Park & Community Garden

2200 Bowling Green Street
Denton, TX 76201

- Benches and picnic tables
- Community garden
- New playground structure installed 2020

[1 more...](#)




Briercliff Park

3200 State School Road
Denton, TX 76201

- 0.27 miles of concrete trail
- 8 picnic tables (not movable)
- 840 square feet

[9 more...](#)




Carl Gene Young Sr. Park

327 S Wood Street
Denton, TX 76201

- 0.29 Miles of concrete trail
- 9.8 Acres
- Basketball and goals (soccer/football/rugby)

[5 more...](#)



Cooper Creek Trail Corridor



Cobblestone Row
Denton, TX 76201



Cross Timbers Park

7601 Waterside Place
Denton, TX 76201

- 1.17 Miles of trail (concrete and soft-surface)
- 2 Playgrounds with shade
- Basketball court

[7 more...](#)



Denia Park

1001 Parvin Street
Denton, TX 76201

- 0.63 Miles of trail (concrete)
- 1,090 Square feet
- 23 Acres

[13 more...](#)



Evers Park

3201 N Locust Street
Denton, TX 76201

- 29.41 Acres
- Baseball fields (benches, dugouts, scorer table)
- Benches and bleachers

[10 more...](#)



Fred Moore Park

500 S Bradshaw Street
Denton, TX 76201

- 0.83 Miles of trail (concrete)
- 10 Acres
- 2 Pavilions (East and West)

[9 more...](#)



Joe Skiles Park

1721 Stonegate Drive
Denton, TX 76201

- 3 Picnic tables (not movable)
- 5.5 Acres
- 575 Square feet

[9 more...](#)



Lake Forest Park

1760 E Ryan Road
Denton, TX 76201

- 0.47 Miles trail (concrete)
- 1.42 Miles trail (soft-surface)
- 69.32 Acres

[10 more...](#)



Mack Park

2000 E McKinney Street
Denton, TX 76201

- 2 Playgrounds
- 21.62 Acres
- 6 Picnic tables (not movable)

[13 more...](#)

**Milam Park**

256 Mockingbird Lane
Denton, TX 76201

- 1.02 Acres
 - 2 Benches
 - Drinking fountain
- [2 more...](#)

**MLK Jr. Recreation Center Park**

1300 Wilson Street
Denton, TX 76201

- 4 Picnic tables and 4 benches
 - 5 Acres
 - Drinking fountains
- [3 more...](#)

**Nette Shultz Park**

1517 Mistywood Lane
Denton, TX 76201

- 0.56 Mile trail (concrete)
 - 10 Acres
 - 2 Tennis courts
- [8 more...](#)

**North Lakes Park**

2001 W Windsor Drive
Denton, TX 76201

parksnrec@cityofdenton.com
[940-349-7275](tel:940-349-7275)

- 0.85 Mile trail (soft-surface)
 - 1.32 Mile trail (concrete)
 - 2 Lakes
- [17 more...](#)

**North Pointe Park**

West Hercules Lane
Denton, TX 76201

- 0.33 Acres
 - 0.68 Mile trail (concrete)
 - Benches
- [3 more...](#)

**Northwest Denton Trail**

W Windsor Street
Denton, TX 76201

**Owsley Park**

2425 Stella Street
Denton, TX 76201

- 0.5 Acres
 - 5 Picnic tables
 - Benches
- [2 more...](#)

**Quakertown Park**

700 Oakland Street
Denton, TX 76201

- 2 Bridges
- 32 Acres



parksnrec@cityofdenton.com • Drinking fountain
940-349-7275 [7 more...](#)



Rayzor Ranch Park

3230 Heritage Trail
Denton, TX 76201

- Amphitheater
- Benches
- Electrical services for food trucks

[5 more...](#)



RC Airfield

804 W Windsor Drive
Denton, TX 76201



South Lakes Park & Eureka Playground

556 Hobson Lane
Denton, TX 76205

- 0.85 Mile trail (soft-surface)
- 12 Grills
- 187.29 Acres

[14 more...](#)



Specialist Ernest W. Dallas Jr. Veterans Memorial Park

6100 Sun Ray Drive
Denton, TX 76201

- 5 Acres
- Benches
- Drinking fountains

[3 more...](#)



Wolff's Park

108 Industrial Street
Denton, TX 76201

- Benches and tables

[▲ Back to top](#)

24146

Stella Haven

Deficiency Response

#24146 Stella Haven

Deficiency 05-21-2024, Submitted 05-22-2024

1. Please explain how the Sam Houston Elementary School playground and field meets the requirements of §11.7(2)(A)(i). Clarify if the Sam Houston Elementary School playground and field has been dedicated for public use.

The QAP states the following (bolding is added):

- (i) A park, or a **parcel of land dedicated for public use by a Municipal, County, State, or Federal entity and used as parkland or for a recreational purpose**. This feature must have been designated by the relevant authority one year prior to the Full Application Delivery Date.

Therefore for the Sam Houston Elementary School playground and field to meet the requirements of §11.7(2)(A)(i), it must:

1. Be a parcel of land dedicated **for public use by a Municipal, County, State, or Federal entity**;
2. **Used** as parkland or **for a recreational purpose**; and
3. Must have been designated by the relevant authority one year prior to the Full Application Delivery Date.

With regard to item 1: Sam Houston Elementary is dedicated for public use as a public elementary school by Denton ISD, which is a Municipal, County, State, or Federal entity. Additionally, as part of the Texas Education Code 29.251, State law authorizes the community use of school buildings and property for recreation or other purposes.

With regard to item 2: As confirmed in the attached email, it may be used by the community for a recreational purpose. The attached email is from Tiffany Gonzalez, Principal of Sam Houston Elementary School, and states that “We have no problem allowing our community to use our playground and fields afterschool hours.” This was in response to the question “Are residents in the neighborhood allowed to use the Sam Houston Elementary Playground and Field after school hours?”

In fact, the email from Denton ISD General Counsel Deron Robinson, which was submitted by Adrian Iglesias in his RFAD, actually states that “While we may **allow public use** or playgrounds outside of school hours, we prohibit any use during school hours or when school related functions are occurring.” The email from Ms. Gonzalez does confirm that the community is allowed to use the playground and fields outside of school hours.

With regard to item 3: The Elementary School was established in 1982 – more than one year prior to the Full Application Delivery Date.

We believe the history of the development of this specific scoring item within the QAP rule making process is important to keep in mind when reviewing these requirements.

During the development of the 2024 QAP, Staff was asked specifically about the use of ISD school tracks or playgrounds for the Park Tie Breaker. Please see the attached email exchange regarding this subject and the statement that “Our impression is that under the current language, staff would not have justification to disallow using ISD recreational property so long as it otherwise aligns with the rule.”

Please also see the attached documents from the November 9, 2023, TDHCA Board Book. Commenter 38 makes public comment about the Park Tie Breaker and specifically asks “that this language be revised to clarify that the parkland or recreational purpose must be consistently available for use by the general public without restrictions caused by other uses located on the property (e.g. a playground at a school would not qualify if the playground is not available for use by the general public during school hours).” In the 2024 QAP DRAFT PUBLIC COMMENT SUMMARY that is in the Board

Book, Staff's response to this comment is "Staff acknowledges the concerns of Commenter 38 regarding usage restrictions. Staff plans to keep the current draft language but will monitor this issue in the upcoming round and is open to revisions for 2025."

The public comment and staff response regarding this item, including the reference to "a playground at a school," was available for the entire development community to review, and was ultimately approved by the TDHCA Board. The QAP as currently written and approved does not include any requirements regarding usage hours or consider restrictions due to other activities on the property. Per the Public Comment Summary, Staff specifically elected not to add such language to the 2024 QAP.

Conclusion

The Sam Houston Elementary School playground and fields clearly meets the definition and requirements of §11.7(2)(A)(i). The Applicant did significant due diligence prior to submission of the Application to ensure that it would meet the requirements. We contacted Staff with questions regarding the Park Tie Breaker and ISD school property, made additional public comment regarding the use of school property for the Park Tie Breaker, and received email confirmation from the ISD that the Elementary School playground and field is available for public use. If there are new opinions of what the Park Tie Breaker should include, the language can be changed for the 2025 application round; however, the 2024 application round must use the plain language of the 2024 QAP.

STATE POLICY DATABASE

Developed by the National Association of State Boards of Education (NASBE)



Texas Authorized

Community Use of Public School Facilities

State law authorizes the community use of school buildings and property for recreation or other purposes.

Collapse All

Texas Statutes Education Code 29.251 Definitions

In this subchapter:

- (1) to (3) [Repealed by Acts 2013, 83rd Leg., ch. 73 (S.B. 307), § 2.06(a)(2), effective September 1, 2013.]
- (4) "Community education" means the process by which the citizens in a school district, using the resources and facilities of the district, organize to support each other and to solve their mutual educational problems and meet their mutual lifelong needs. Community education may include:
 - (A) educational programs, including programs relating to cultural awareness, parenting skills education and parental involvement in school programs, and multilevel adult education and personal growth;
 - (B) community involvement programs, including programs for community economic development, school volunteers, partnerships between schools and businesses, coordination with community agencies, school-age child care, family literacy, and community use of facilities; and
 - (C) programs for youth enrolled in schools, including programs for dropout prevention and recovery programs, drug-free school programs, school-age parenting programs, and academic enhancement.

POLICY TYPE

Statute

SOURCE

Texas Statutes



Alyssa <ajcarpen@gmail.com>

Sam Houston Elementary Playground

Gonzalez, Tiffany D <tgonzalez2@dentonisd.org>

Thu, Nov 2, 2023 at 9:32 AM

To: Alyssa Carpenter <ajcarpen@gmail.com>

Cc: houston_staff <houston_staff@dentonisd.org>

Good morning-

Thank you so much for reaching out to me! We have no problem allowing our community to use our playground and fields after school hours. The only thing we ask, is for our guests to help maintain our facilities.

Have a wonderful day!

Tiffany

Thank you,

Tiffany Gonzalez, MS
Principal
Sam Houston Elementary
940.369.2901
tgonzalez2@dentonisd.org

Harmony*Restorative*Includer*Consistency*Developer

-----Original Message-----

From: Alyssa Carpenter <ajcarpen@gmail.com>

Sent: Wednesday, November 1, 2023 10:46 AM

To: Gonzalez, Tiffany D <tgonzalez2@dentonisd.org>

Subject: Sam Houston Elementary Playground

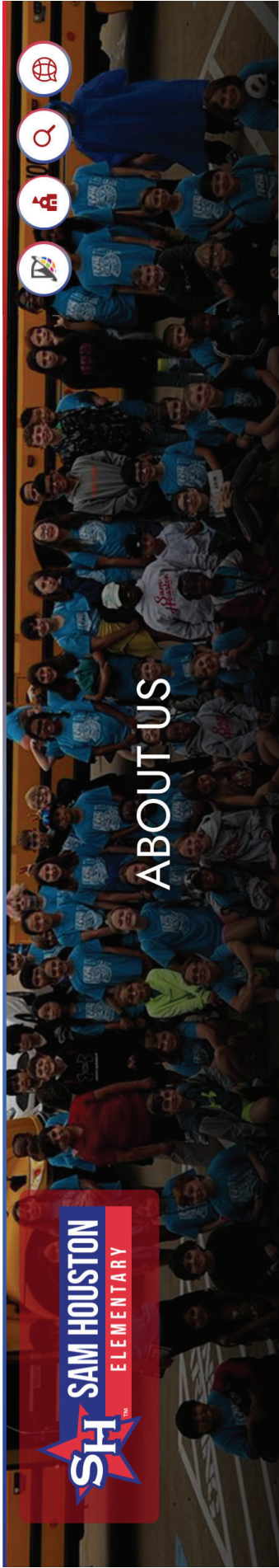
CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Principal Gonzalez:

Are residents in the neighborhood allowed to use the Sam Houston Elementary Playground and Field after school hours?

Thank you!

Alyssa Carpenter



About Our School

Houston Elementary was originally built in 1982 and received renovations and additions in 2002. The school received additional updates through a bond package in 2021. The school is named after Sam Houston, who defeated General Antonio Lopez de Santa Ana to secure Texas' independence and eventually was elected as the first President of the Republic of Texas.

Much like its namesake, Houston Elementary has earned a strong reputation among the Denton community for its development of educated students and engaged citizens.

The school's climate is known for being caring and friendly, while still challenging students to reach their potential in the classroom. That attitude is contagious outside the classroom as well, with strong family and local business involvement.

Students at Houston have a number of opportunities to showcase their academic, athletic, and social talents at school. There is an art club, student leadership team, choir, and orchestra.

Established: 1982

Mascot: Texans

Colors: Red, White and Blue



Park tie breaker question

Joshua Goldberger <joshua.goldberger@tdhca.state.tx.us>
To: Alyssa Carpenter <ajcarpen@gmail.com>
Cc: Cody Campbell <cody.campbell@tdhca.state.tx.us>

Fri, Sep 29, 2023 at 11:04 AM

Hi Alyssa,

Our impression is that under the current language, staff would not have justification to disallow using ISD recreational property so long as it otherwise aligns with the rule. However, following the public comment period changes may be made to this rule and others. Our eventual interpretation could differ depending on the final language.

Best,

Joshua Goldberger
Competitive (9%) Housing Tax Credit Manager
Texas Department of Housing and Community Affairs
Office: 512.475.2596
221 E. 11th Street | Austin, TX 78701

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b), there are important limitations and caveats (Also see 10 TAC §11.2(a)).

-----Original Message-----

From: Alyssa Carpenter <ajcarpen@gmail.com>
Sent: Wednesday, September 27, 2023 12:26 PM
To: Joshua Goldberger <joshua.goldberger@tdhca.state.tx.us>
Cc: Cody Campbell <cody.campbell@tdhca.state.tx.us>
Subject: Re: Park tie breaker question

Hi, Joshua and Cody:

Can you please confirm that I am understanding you correctly? This obviously makes a huge difference in a lot of areas.

Regards,

Alyssa Carpenter

On Wed, Sep 20, 2023 at 3:01 PM Alyssa Carpenter <ajcarpen@gmail.com> wrote:

>
> Hi, Joshua and Cody:

>
> Thank you for the response, but I want to confirm I understand correctly. So you are saying that, with the current language, the following would qualify to be counted as a park for the tie breaker? But if the final rule language changes, then the interpretation might change?
>
> ISD school property that the public can use, such as an elementary school playground or a high school sports field.

>
> Regards,

>
> Alyssa Carpenter

>
> Regards,

>
> Alyssa Carpenter

>
> On Mon, Sep 18, 2023 at 3:43 PM Joshua Goldberger <joshua.goldberger@tdhca.state.tx.us> wrote:

>>
>> Alyssa,

>>
>> As currently drafted the QAP does not seem to disallow this situation. However, please note that any application must meet the requirements of the final rule.

>>
>> Best,

>>
>> Joshua Goldberger

>>
>> Competitive (9%) Housing Tax Credit Manager

>>
>> Texas Department of Housing and Community Affairs

>>
>> Office: 512.475.2596

>>
>> 221 E. 11th Street | Austin, TX 78701

>>
>> Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b), there are important limitations and caveats (Also see 10 TAC §11.2(a)).
>>
>>
>>
>>
>>
>> From: Alyssa Carpenter <ajcarpen@gmail.com>
>> Sent: Monday, September 4, 2023 1:04 PM
>> To: Cody Campbell <cody.campbell@tdhca.state.tx.us>
>> Subject: Park tie breaker question
>>
>>
>>
>> Hi, Cody:
>>
>>
>>
>>
>>
>> Question for you. For the Park Tie Breaker language, would this include a track or playground on ISD school property that the public is allowed to use? The parcel is not "exclusively" dedicated for public use as parkland or for a recreational purpose, but part of the site could be used for a recreational purpose by the public and the ISD is a state entity.
>>
>>
>>
>> (i) A park, or a parcel of land dedicated for public use by a
>> Municipal, County, State, or
>>
>> Federal entity and used as parkland or for a recreational purpose.
>>
>>
>>
>> Regards,
>>
>>
>> Alyssa Carpenter

Comment 38

October 13, 2023

Dominic Deniro
Texas Department of Housing and Community Affairs
QAP Rule Public Comment
221 E. 11th Street
Austin, Texas 78701

RE: Comment on the Draft 2024 Qualified Allocation Plan

Dear Mr. Deniro:

The following comments are in response to the draft 2024 Qualified Allocation Plan (QAP). I thank Staff for their work on this document and the opportunity to provide input.

11.7 Tie Breaker Factors

Under subsection (2) For all other competitive Applications, please add that TDHCA staff will measure the distances based on the GPS coordinates provided by the Applicant and TDHCA's measurements will be used to calculate the final tiebreaker distance. There needs to be a consistent and unbiased measurement across all applications.

While the QAP states what would occur if there is "a substantial misrepresentation of distance from the development," if GPS coordinates are being required in the Application, then the misrepresentation language should also include reference to "inaccurate GPS coordinates."

In section 11.7(2)(A)(i) concerning the park, I ask that this language be revised to clarify that the parkland or recreational purpose must be consistently available for use by the general public without restrictions caused by other uses located on the property (e.g. a playground at a school would not qualify if the playground is not available for use by the general public during school hours).

11.8(b)(2)(B) Pre-Application Notifications and §11.203 Public Notifications.

The Draft strikes out "email" as a notification option; however, during the September 7, 2023, Board Meeting, it was my understanding that email notifications were to be reinstated in the QAP. Page 287 of 290 of the Board Transcript does state "We are going to reinstate the ability to issue public notifications through email."

11.9(b)(3) Quantity of Low-Income Units

I propose that this item be removed from the 2024 QAP so that it may be workshopped for 2025.

The concern is that the use of 2022 and 2023 HTC awards to calculate the average will be not consistent because it was only the 2023 QAP that required no more than 30% efficiency and 1-bedroom units in general developments. When you compare the average number of units in all urban general applications between the 2022 and 2023 award years, the average in 2022 was 86 while the average in 2023 was 67. When comparing 2022 general awards in region 3 and 6, only 2 of the 10 awards had no more than 30% efficiency and 1-bedroom units and 3 awards had over 50% efficiency and 1-bedroom units.

Application Number	Region	Name	Percent of Eff and 1-Bed Units	Total LI Units
22285	3	Jaipur Lofts	37%	71
22110	3	Cypress Creek Apartment Homes at Montfort Drive	55%	116
22250	3	Juniper Apartments	18%	64
22257	3	The Reserves at Magnolia	33%	54
22234	3	Westview Heights at Denton	36%	110
22139	6	Hartwood at Clarblak	38%	112
22193	6	Oak Avenue Lofts	41%	81
22023	6	Kirkwood Crossing Apartments	26%	114
22090	6	Lofts at Hartsook	50%	96
22018	6	Cole Creek Estates	67%	102

Staff appreciates the comments of support from Commenters 1, 2, 3, 52, 53, 54, and 69 regarding the importance of early childhood education.

Staff acknowledges the recommendation from Commenters 1, 2, 3, 52, and 69 to decrease the population threshold for the automatic award to regions with a county of 300,000. However staff does not have plans to change the population threshold for the 2024 QAP, as the impact of the item still need to be reviewed in the upcoming round. Staff is aware of concerns related to certain target populations being disadvantaged, and will monitor the 2024 9% Applications for these concerns brought up by Commenter 52.

Staff acknowledges Commenters 16, 17, and 39 recommendation to only allow the largest subregions that contain subpopulations of 2,500,000 to be qualified for the on-site Pre-K automatic award. Staff is also aware of the concerns regarding expectations and standards for developers to fully operate Pre-K facilities. Currently Staff have no plans of making changes to the population threshold amounts for the 2024 QAP. In regards to concerns of Commenters 16, 17, 27, and 39 regarding the impact among less populated subregions, Staff will monitor the potential impact with the current threshold, and address any concerns in the upcoming QAP 2025 Roundtables.

Staff appreciates the recommendation from Commenter 64 for increasing the population threshold to 1,500,000 in order to exclude certain subregions, however Staff does not have any current plans to increase this threshold for the 2024 QAP.

Staff acknowledges Commenters 42, 46, 58, 63, and 72 recommendation to remove the subparagraph on high scoring developments that provide Pre-K based upon financial infeasibility and lack of expertise for developers, however staff has no current plans to remove this subparagraph for the 2024 QAP. Staff understands the concerns of increased liability insurance, risk to investor regarding hazardous events, and owner management difficulties from Commenter 46. Staff recommends to bring up these concerns for the 2025 QAP Roundtable Discussions.

Staff appreciates the concerns from Commenter 76 around resident needs, long term impacts, and the suggestion to restrict automatic awards to location specific economic development policy development initiatives, and Staff will keep these concerns in mind for the 2025 QAP Planning Process.

§11.7 Tie Breaker Factors

COMMENT SUMMARY: Commenter 25 proposes a change for the threshold criteria for the final tie breaker to trigger at 10 feet or fewer as opposed to 100 feet or fewer. Commenter 25 cites the level of inaccuracy that common measuring tools include, among other specifications. Commenters 32, 34, 35, 47, 49, and 51 agree with Commenter 25 that 100 feet or fewer is too high.

Commenters 28, 41, 43, 66, and 68 suggest using a tie breaker that prioritizes the production of units at or below 30% AMI. Commenters 28, 41, 66, and 68 have provided language and discussion to this effect.

Commenter 31 states that changing the way the tiebreaker measurements are done make it more difficult for applicants and won't result in more amenities for residents. Commenter 31 suggests keeping the 2023 language.

Commenters 38, 46, 47, 49, and 51 suggest revised language regarding the process for providing GPS coordinates citing consistency in measurements across all applications. Commenter 38 suggests language to this effect. Commenter 46 cites similar concerns and has provided alternative language to that affect.

Commenter 38 suggests revision of section related to parks citing use restrictions at some parks such as school playgrounds. Commenter 38 suggested language to this effect.

Commenters 41 and 66 suggest the tie breaker should be adjusted to incentivize distance to healthcare facilities. Commenters 41 and 66 suggest language to this effect.

Commenter 67 suggests revising a proposed deletion related to 20% poverty rate threshold citing it is a necessary filter ensuring that developments are not built in high poverty areas.

Commenter 70 suggests removing language related to the 100 feet margin of error citing a burden of proof on the applicant.

Commenter 78 does not agree with the distance to amenities tie breaker metric citing the location of their congregation which performs well under the draft language, but is not a suitable location for affordable housing due in part to distance from the nearest grocery store.

STAFF RESPONSE:

In response to Commenter 25, staff acknowledges the recommendation to decrease the acceptable level of inaccuracy to 10 feet instead of 100 feet. Staff also acknowledges Commenters 32, 34, 35, 47, 49, 51, and 70 concerns of 100 feet being too high of an acceptable tiebreaker range. No change is recommended as Staff believes that for the initial year of a new tie-breaker it is appropriate to have a high standard for potential inaccuracy and measurement error. Staff will reevaluate this in the 2025 QAP development process.

Staff appreciates Commenters 28, 41, 43, 66, and 68 recommendations for a new tiebreaker prioritizing units at or below 30% AMI, however staff believes introducing a new tiebreaker at this time would not be feasible. Staff recommends speaking on this tiebreaker during a 2025 QAP Roundtable Discussion.

We appreciate the recommendation from Commenter 31 on keeping the existing 2023 Tiebreakers, however staff believes the new tiebreaker on emphasizing amenities for potential residents is a positive change that achieves policy goals.

Staff appreciates Commenters 38, 46, 47, 49, and 51 on their suggestion of revising the language on how to provide the GPS coordinates and concerns of consistency across all applications. Staff plans to keep the current drafted language for the 2024 QAP, however Staff recommends Commenters 38, 46, 47, 49, and 51 discuss these concerns in the upcoming 2025 QAP Roundtables.

Staff acknowledges the concerns of Commenter 38 regarding usage restrictions. Staff plans to keep the current draft language but will monitor this issue in the upcoming round and is open to revisions for 2025.

Staff appreciates Commenters 41 and 66 recommendations for including healthcare facilities in the amenities tiebreaker. Staff currently has no plans to add or remove any amenities for this tiebreaker.

In response to Commenter 67, Staff does not have current plans to keep the 20% poverty rate threshold language for tiebreakers in the 2024 QAP but will monitor the average development site's poverty rate in the coming round. Staff acknowledges the concerns of Commenter 78 regarding the amenities available at their site location. Staff believes that there are other scoring items in the QAP that determine what a quality site is beyond the proposed and current tiebreakers.

§11.8(b)(1) Pre-Application Requirements

COMMENT SUMMARY: Commenter 17 suggests that language regarding Pre-Application Pre-K requirements in §11.9(e)(3)(J) should be also included in §11.8(b) Pre-Application Threshold Criteria. Commenter 17 cites the need for Pre-Application requirement consistency throughout the QAP.

Commenter 17 states that Pre-Application Threshold Criteria regarding Property Tax Exemption Disclosures will unfairly impact developments that involve a nonprofit partner. Commenter 17 cites the various levels of tax exemption that nonprofits receive, cites notification and opposition factors, and discusses other unintended consequences if these disclosures are made at Pre-Application. Commenter 17 has provided language for a potential revision.

Commenter 46 suggests removing the item for disclosing Property Tax Exemptions at Pre-Application citing financing variability that typically occur at this time in the process.

Commenter 69 proposes a number of additions to the Pre-Application requirements to specify that common amenities must be of benefit to all residents in a proposed development. Existing language excludes this requirements. Commenter 69 includes suggested language to this effect.

24146 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.

Joshua Goldberger <Joshua.Goldberger@tdhca.texas.gov>

Tue 5/21/2024 11:05 AM

To:alice@saigebrook.com <alice@saigebrook.com>;'Alyssa Carpenter' <ajcarpen@gmail.com>;Meredith Edwards <meredith@meconsulting.ltd>

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(6), §11.201(6)(A) and §11.201(6)(B) of the 2024 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

- Please explain how the Sam Houston Elementary School playground and field meets the requirements of §11.7(2)(A)(i). Clarify if the Sam Houston Elementary School playground and field has been dedicated for public use.

The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(6)(B) of the 2024 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice [§11.2(b)(2)]. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Jason Burr at jason.burr@tdhca.state.tx.us or by phone at (512)475-4000.

All applicants should review §§11.1(b) and 11.1(c) of the 2024 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.

****All deficiencies must be corrected or clarified by 5 pm Austin local time on May 29, 2024. Please respond to this email as confirmation of receipt.****

Best,

Joshua Goldberger

Competitive (9%) Housing Tax Credit Manager
Texas Department of Housing and Community Affairs
Office: 512.475.2596
221 E. 11th Street | Austin, TX 78701

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b), there are important limitations and caveats (Also see 10 TAC §11.2(a)).

24171

**Sherry Pointe Apartments
Request for Administrative
Deficiency**

May 3, 2024

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Third-Party Request for Administrative Deficiency – TDHCA #24171 Sherry Pointe Apartments

Dear Mr. Campbell,

Please accept this letter as a formal Third-Party Request for Administrative Deficiency (RFAD) for §11.7(2)(A)(i) to consider whether the Tie Breaker Factor amenity provided as a park meets the 2024 QAP definition. The amenity feature used as a park in the application is “Elem Playground” located at “2220 Sherry St, Arlington, TX 76010” which is part of Adams Elementary School and is not a public park or a parcel of land dedicated for public use. **Please see Exhibit A.**

The QAP states the following definition for §11.7(2)(A)(i):

- (i) ***A park, or a parcel of land dedicated for public use by a Municipal, County, State, or Federal entity and used as parkland or for a recreational purpose. This feature must have been designated by the relevant authority one year prior to the Full Application Delivery Date.***

The rationale for why an elementary school playground does not align with the definition of a park, as outlined in the QAP, is as follows:

Ownership and Authority:

The public school, Adams Elementary School, is owned and operated by Arlington ISD, the local school district, rather than directly by a Municipal, County, State, or Federal entity. Arlington Parks and Recreation department Asset Manager, Dan Withers, confirmed that, “Arlington Parks and Recreation does not own or manage any property or facilities at Adams Elementary.” **Please see Exhibit B.** Moreover, there is no documented evidence that “Elem Playground” located at “2220 Sherry St, Arlington, TX 76010” which is part of Adams Elementary School is on “***land dedicated for public use by a Municipal, County, State, or Federal entity and used as parkland or for a recreational purpose***”. While the public school serves certain members of the community, their primary purpose is education. The authority responsible for designating land as a park is not the same as the one overseeing the school system, Arlington ISD.

Designation and Purpose:

The “Elem Playground” is on private land owned by Adams Elementary School and not for “public use”. TDHCA’s QAP requires that land used as “parkland or for a recreational purpose” be designated for public use by the relevant authority. **“Elem Playground” has not been specifically designated as public use land for “parkland or for a recreational purpose” by the relevant authority. Please see Exhibit C.** Adams Elementary School’s playground is focused on supporting those students only attending that school rather than providing general public “parkland or for a recreational purpose” space for the broader community. The two playgrounds that Adams Elementary School have are distinguished between serving Grades Pre-K – 3 and Grades 4-6 as shown in **Exhibit D**, again, neither playgrounds are open to the general public as “parkland or for a recreational purpose”.

Access Restrictions:

Schoolyards are typically accessible only during school hours and are often closed to the public outside those times. The definition of a park in the QAP emphasizes public access, which does not align with restricted schoolyard access. Adams Elementary School’s playground is fenced, does not have designated parking, and does not allow for ease of public access. **Please see Exhibit E.** Arlington ISD has specific security measures in place which allow a school administrator, school resource officer, or school district peace officer of a school district to refuse to allow a person to enter on or may eject a person from property under the district's control. **Please see Exhibit F.**

In summary, while elementary school parks serve important educational purposes, they do not conform to the provided definition for a park as defined by the 2024 TDHCA Qualified Allocation Plan and should be disqualified. We request that TDHCA use the fourth Tie Breaker amenity provided by the applicant be used to replace the disqualified feature.

Sincerely,



Thomas E. Huth
8000 Walton Irving Living, LTD
Authorized Representative
13455 Noel Rd, Suite 400
Dallas, TX 75240

CC: dsulakhe@omhousing.com

EXHIBIT A

Tie-Breaker Information (Competitive HTC Only)

Tie-Breaker #1 (§11.7(1) of the QAP)

For Applications funded through the USDA Set-Aside; Applications proposed to rehabilitate the property with the earliest year of initial construction as a residential development. Year submitted must be evidenced by the initial USDA loan documentation. A tie will persist if two Applications have the same year.

Year of Initial Construction:

NA

Matching loan documentation
included behind tab?

Tie-Breaker #2 (§11.7(2) of the QAP)

For all other competitive Applications; Applications proposed to be located in closest proximity to the following features as of the Full Application Delivery Date:

- (1) A Park,
- (2) The elementary school of attendance,
- (3) A full service grocery store, and
- (4) A Public Library

The linear measurement will be performed from the closest parcel boundary of the Development Site to closest parcel boundary of each feature. In calculating the proximity, each feature's distance will be required for submittal, with the sum of the three closest features being used to produce the result. The Application with the lowest sum of proximity will receive preference. In the event that one of the top three features is disqualified (due to not conforming to definition or a substantial misrepresentation of distance), the fourth will be used as an opportunity to replace the disqualified feature. The tie will persist if the two tied Applications differ by 100 feet or fewer.

Amenity	Name	Address
Park	Elem Playground	2220 Sherry St, Arlington, TX 76010
Elementary School	Adams Elem	2220 Sherry St, Arlington, TX 76010
Grocery Store	Hiệp Thái Food Store	2430 E Pioneer Pkwy, Arlington, TX 76010
Library	East Libr at Bob Cooke Park	1817 New York Ave at 2025 Craig Hanking Dr.

Site Boundary		Park	
Latitude	Longitude	Latitude	Longitude
32.707957	-97.071695	32.708164	-97.072119
		Elementary School	
Latitude	Longitude	Latitude	Longitude
32.707957	-97.071695	32.708164	-97.072119
		Grocery Store	
Latitude	Longitude	Latitude	Longitude
32.709736	-97.068833	32.710294	-97.068366
		Library	
Latitude	Longitude	Latitude	Longitude
32.709286	-97.070621	32.714183	-97.07477



EXHIBIT B

Elizabeth Perrot <elizabeth@dynamiccre.com>

RE: [EXTERNAL EMAIL] Question about Adams Elementary School

1 message

Dan Withers <Dan.Withers@arlingtontx.gov>
To: Elizabeth Perrot <elizabeth@dynamiccre.com>

Tue, Apr 16, 2024 at 3:22 PM

Elizabeth,

No, Arlington Parks and Recreation does not own or manage any property or facilities at Adams Elementary.



Dan Withers

Asset Manager

[817.459.5486](tel:817.459.5486) | dan.withers@arlingtontx.gov

Arlington Parks and Recreation
717 W. Main St. | Arlington, TX 76013

naturallyfun.org • arlingtongolf.com

From: Elizabeth Perrot <elizabeth@dynamiccre.com>
Sent: Tuesday, April 16, 2024 2:54 PM
To: Dan Withers <Dan.Withers@arlingtontx.gov>
Subject: [EXTERNAL EMAIL] Question about Adams Elementary School

External Email: Stop, Look, Think before clicking attachment or link. Report Phishing.

Hello,

Can you verify whether [Adams Elementary School playground](#) is a public park under City of Arlington Parks and Recreation Department jurisdiction?

Thank you kindly,

EXHIBIT C

0212045967

10/2

2012

Catherine Haddix

AFFIDAVIT OF Robert Carlisle

THE STATE OF TEXAS §
COUNTY OF TARRANT §

Before me the undersigned authority on this day personally appeared Robert Carlisle, known to me to be the person whose name is subscribed below, being by me duly sworn, on his oath, stated the following:

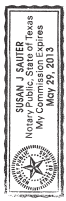
1. My name is Robert Carlisle.
2. I am the Executive Director of Plant Services of the Arlington Independent School District in the County of Tarrant, and acting as such.
3. I hereby attest and affirm that the Arlington Independent School District purchased, through a plat, a certain portion of the land and premises, real property located in Tarrant County Texas.
4. The Arlington Independent School District is a political subdivision of the State of Texas, and a legally constituted Independent School District located within Arlington, Tarrant County, Texas and a taxing entity. Accordingly, under the Texas Property Code § 12.002(e)(2), the Arlington Independent School District is not required to attach an original tax certificate with the plat which is being recorded in the Office of the County Clerk, of Tarrant County, Texas.

FURTHER, AFFIANT SAYETH NOT.

Robert Carlisle
Robert Carlisle
Executive Director of Plant Services

SUBSCRIBED AND SWORN TO before me this 9th day of February, 2012, to certify which witness my hand and seal of office.

Susan J. Sauter
Susan J. Sauter
Notary Public | State of Texas



MARY LOUISE GARCIA

COUNTY CLERK



CITY OF ARLINGTON
P O BOX 90231
ARLINGTON, TX 76004-3231

Submitter: MJTHOMAS ENGINEERING
LLC

DO NOT DESTROY
WARNING - THIS IS PART OF THE OFFICIAL RECORD.

Filed For Registration: 2/24/2012 2:00 PM
Instrument #: D212045967
PLAT A 4 PGS \$69.00

By: *Mary Louise Garcia*

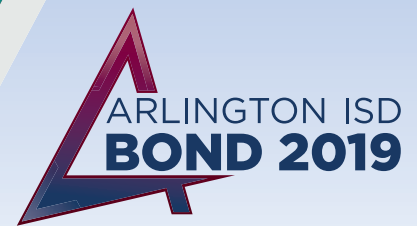
D212045967

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Prepared by: SLDAVES



Playgrounds



EARLY VOTING Oct. 21 - Nov. 1, 2019
ELECTION DAY November 5, 2019



Adams Elementary's playground (pictured here) is the closest the District has to the proposed standard, which includes an accessible play surface and shade structure. This playground would receive new accessible equipment.

Bond 2019 would fund new playgrounds at all elementary schools.

The Arlington ISD is implementing a new playground standard and would use the 2019 Bond to bring all schools up to that standard. Most Arlington ISD elementary playgrounds are more than 15-years old. Some of the playground equipment and surfaces are not fully accessible for all children, and most playgrounds lack shade structures.

Each elementary would receive two playgrounds:

- Grades Pre-K - 3
- Grades 4 - 6

Each playground would include:

- ADA-accessible play surfaces and equipment
- Shade structures

EXHIBIT E





Adams Elementary School playgrounds are only accessible by students, faculty, and school visitors.



Adams Elementary School playground perimeter is fenced.



Adams Elementary School playgrounds are only accessible by students, faculty, and school visitors.



The perimeter of Adams Elementary School playground is fully fenced.

Elem
Playground

Security
Cameras
Monitoring
Access Gate

EXHIBIT F**HOME****OUR SCHOOLS****CORE PROGRAMS****FAMILY SUPPORT****STUDENT SUPPORT**

Search...

**PROGRAMS AND SERVICES****BOARD OF TRUSTEES****BOND 2019****REGISTRATION****PRE-K****KINDERGARTEN****SPECIALIZED PROGRAMS****TRANSFERS****QUICK LINKS****SECURITY TRACKER****BLOG****CALENDARS****DEPARTMENTS****INTRANET****JOBS****SELF SERVE PORTALS****HOW DO I?**

SECURITY

[Arlington ISD](#) > [District](#) > [Departments](#) > [Administration](#) > Security

LINKS

[Athletics](#)[Engagement, Equity and Access](#)[Fine Arts](#)[Health Services](#)**Select Language**

The Arlington ISD Security Department is dedicated to enhancing a safe and secure environment by protecting and serving the needs of our students, parents, staff, citizens, and property.

We believe that building collaborative partnerships, through trust and respect, with the community, schools, students, and staff assists enhancing a safe educational environment. We are committed to developing goodwill for the district through a service-oriented approach to help keep the schools safer by identifying potential safety concerns in advance.

Teamwork and professionalism are core elements, along with excellent customer service in being successful. Security's administration challenges each team member to become a role model for our students by maximizing his or her individual

[Security](#)[► Multidisciplinary Threat Assessment Team](#)[Student Behavioral Support Systems](#)[Transportation](#)

CONTACTS



DAVID STEVENS

Directordsteven2@aisd.net**SECURITY DISPATCH (24/7):**

(682) 867-7730

(817) 459-7699

contributions and encouraging the team through support to fulfill our mission.

NOTICE REGARDING REFUSAL OF ENTRY OR EJECTION AND APPEALS PROCESS

In accordance with Texas [Education Code 37.105](#) UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION -

(a) A school administrator, school resource officer, or school district peace officer of school district may refuse to allow a person to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

- (1) The person poses a substantial risk of harm to any person; or
- (2) The person behaves in a manner that is inappropriate for a school setting and:
 - (A) The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
 - (B) The person persists in that behavior.

(b) Identification may be required of any person on the property.

(c) Each school district shall maintain a record of each verbal warning issued under Subsection (a) (2) (A), including the name of the person to whom the warning was issued and the date of issuance.

(d) At the time a person is refused entry to or ejected from a school district's property under this section, the district shall provide to the person written information explaining the appeal process established under Subsection (h).

(e) If a parent or guardian of a child enrolled in a school district is refused entry to the district's property under this section, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

(f) The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.

(g) A school district shall post on the district's internet website and each campus shall post on any internet website of the campus a notice regarding the provisions of this section, including the appeal process established under Subsection (h).

(h) The commissioner shall adopt rules to implement this section, including rules establishing a process for a person to appeal to the board of trustees of the school district the decision under Subsection (a) to refuse the person's entry to or eject the person from the district's property.

A person ejected from or refused entry to District property under this provision may appeal this action by filing an appeal under [FNG\(LOCAL\)](#) or [GF\(LOCAL\)](#) and shall be permitted to address the Board in person within 90 days of the commencement of the appeal if the grievance is not resolved at a previous level before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Texas Education Code 7.057.

24171(2)

**Sherry Pointe Apartments
Request for Administrative
Deficiency**



May 3, 2024

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, TX 78701
Email: cody.campbell@tdhca.state.tx.us

Re: Third Party Request for Administrative Deficiency ("RFAD"), §11.10 of 2024 Qualified Allocation Plan ("QAP") – **24171 Sherry Pointe Apartments**

Dear Mr. Campbell,

Please accept this letter as a Third-Party Request for Administrative Deficiency ("RFAD") pursuant to §11.10 of 2024 Qualified Allocation Plan ("QAP") for application 24171-Sherry Pointe Apartments.

Application 24171-Sherry Pointe Apartments is deficient related to the following 2024 QAP sections and we respectfully request the issuance of an Administrative Deficiency Notice related to these items. Further, as described below, the following actions are warranted:

1. Tie Breaker Analysis – Due to not conforming to definition per §11.7(2)(A)(i) of the QAP which requires a park amenity to be for public use, the park amenity labeled "Elem Playground – 2220 Sherry St. Arlington, Texas 76010" should be disqualified as a feature, and the fourth amenity should be used as an opportunity to replace the disqualified feature.
2. Phase 1 ESA – Termination for failure to meet threshold requirements for environmental documentation in accordance with §11.305(b)(7) under Environmental Site Assessment Rules and Guidelines.

Summary of Threshold Deficiencies

1.

§11.7(2)(A)(i) of the QAP outlines the following feature as one of the available features for determining a tiebreaker:

"A park, or a parcel of land dedicated **for public use** by a Municipal, County, State, or Federal entity and used as parkland or for recreational purpose."

Based on the attached Tarrant Central Appraisal District (TCAD) map, City of Arlington Parks Map, and attached email from Adam Elementary School Principal, the proposed park feature is not for public use, and therefore does not meet the requirements of §11.7(2)(A)(i) described above. As such, the selected park amenity should be disqualified as a feature, and the fourth amenity should be used as an opportunity to replace the disqualified feature.



2.

Per the Phase 1 ESA, survey, and architectural site plan, two natural gas transmission lines run through the project site contained within a 30-foot-wide Pipeline Right-of-Way Agreement dedicated to DFW Midstream Services.

Per the QAP §11.305(b)(7) under Environmental Site Assessment Rules and Guidelines, the Phase 1 ESA must:

“Identify and assess the presence of oil, gas or chemical pipelines, processing facilities, storage facilities or other potentially hazardous explosive activities (does not include liquified petroleum gas containers with a capacity of less than 125 gallons) on-site or within 0.25 miles of the site that could potentially adversely impact the Development. Location of these items must be shown on a drawing or map in relation to the Development Site and all existing of future improvements. **The drawing must depict any blast zones (in accordance with HUD guidelines) and include HUD blast zone calculations...**”

The location Pipeline Right-of-Way easement has been provided on the architectural site plan, and a map showing the location of the two natural gas pipelines has been provided the Phase 1 ESA, however both the site plan and Phase 1 ESA do not provide blast zone mitigation or HUD blast zone calculations. Due to the proximity of the existing pipelines being on-site and estimated to be within the range of 50-75 feet from the residential buildings, information regarding the blast zones should have been provided.

Furthermore, the application did not select to disclose the undesirable site feature in accordance with §11.204(1) Certification, Acknowledgement, and Consent of Development Owner.

If you have any questions, please feel free to reach me directly at (214) 613-6569 or via email at chris.applequist@ghdevelopment.com.

Sincerely,

Chris Applequist

Chris Applequist
Authorized Representative

Exhibit 1.

Tie Breaker Analysis – Due to not conforming to definition per §11.7(2)(A)(i) of the QAP which requires a park amenity to be for public use, the park amenity labeled “Elem Playground – 2220 Sherry St. Arlington, Texas 76010” should be disqualified as a feature, and the fourth amenity should be used as an opportunity to replace the disqualified feature.

Tarrant Central Appraisal District

Parcel ID: Ownership: Arlington ISD

Tarrant County Public Map Viewer

Property Search

Layer List

Customize Legend

- Zip Codes
- Wet/Dry
- Voting Precinct
- Schools
- School Districts
- Property
- Mapscot

Facilities

Crime Map Portal

Links

JP 7

Property Details

TAD Address	TAD Account
2220 SHERRY ST	41587995
Owner	ARLINGTON ISD

View Documents Remove

Powered by Esri



Filter Parks By Area:

North West East Southwest Southeast

Filter Parks By Amenities:

- The diagram illustrates the layout of a sports complex. The facilities are arranged as follows:

 - Baseball Playing Field** (Baseball icon)
 - Baseball Practice Field** (Baseball icon)
 - Basketball** (Basketball icon)
 - Disc Golf** (Disc icon)
 - Dog Park** (Dog icon)
 - Boat Ramp** (Boat icon)
 - Equestrian** (Horse icon)
 - Football Playing Field** (Football icon)
 - Football Practice Field** (Football icon)
 - Golf** (Golf icon)
 - Grill** (Grill icon)
 - Hike/Bike Trails** (Hiker/Biker icon)
 - Horseshoe Courts** (Horseshoe icon)
 - Mountain Biking** (Bicycle icon)
 - Natural Area** (Tree icon)
 - Outdoor Exercise Stations** (Person icon)
 - Pavilion** (Pavilion icon)
 - Pickleball** (Pickleball icon)

Travis Barber

From: Corey ROBINSON <crobins5@aisd.net>
Sent: Friday, May 3, 2024 3:25 PM
To: Travis Barber
Cc: Ryan PIERCE
Subject: RE: Inquiry about Adams Elementary - Public Use?

Mr. Barber,

Thank you for speaking with me over the phone to provide clarification on your inquiry. Following up, Adams and all our elementary school playgrounds or fields are typically not open to the public for use at any time during school hours. This presents a security issue for our students and the district restricts all access to campus playgrounds and fields to district-use only. Beyond school hours, some of our elementary playgrounds and fields that are not under lock and key may sometimes be accessed by the local community; however, majority of our campuses have locked gates.

I hope this helps.

Thanks,

Corey B. Robinson
Executive Director - Facility Services
Arlington ISD
1201 Colorado Lane
Arlington, TX 76015
Office: 682-867-7611
Fax: 817-459-7677
Crobins5@aisd.net

From: Ryan PIERCE <rpierce1@aisd.net>
Sent: Tuesday, April 30, 2024 3:03 PM
To: Corey ROBINSON <crobins5@aisd.net>
Subject: Fw: Inquiry about Adams Elementary - Public Use?

Hey Corey,

I'm forwarding you this email because I think the question is probably one you or your team could answer.

Thanks.

Ryan Pierce

Sr. Communications Specialist

Arlington ISD

1203 W. Pioneer Pkwy.

Arlington, TX 76013

682-867-7369

From: Ryan PIERCE <rpierce1@aisd.net>

Sent: Tuesday, April 30, 2024 9:27 AM

To: Meredith TORRESMEJIA <mtorre11@aisd.net>

Subject: Re: Inquiry about Adams Elementary - Public Use?

I can do it. Thanks!

Ryan Pierce

Sr. Communications Specialist

Arlington ISD

1203 W. Pioneer Pkwy.

Arlington, TX 76013

682-867-7369

From: Meredith TORRESMEJIA <mtorre11@aisd.net>

Sent: Tuesday, April 30, 2024 9:18 AM

To: Ryan PIERCE <rpierce1@aisd.net>

Subject: Re: Inquiry about Adams Elementary - Public Use?

Good morning,

Mr. Corey Robinson could answer this question. Would you like for me to forward the email or would you?

Thank you for being awesome,

Meredith Torres Mejia

Secretary to Wm. Kelly Horn

Asst. Superintendent of Facility Services

690 E Lamar Blvd, Arlington, TX. 76011

682-867-4645

mtorre11@aisd.net



From: Ryan PIERCE <rpierce1@aisd.net>
Sent: Tuesday, April 30, 2024 8:34 AM
To: Meredith TORRESMEJIA <mtorre11@aisd.net>
Subject: Fw: Inquiry about Adams Elementary - Public Use?

Good morning, Meredith,

Do you know who could answer the email below?

Thanks.

Ryan Pierce

Sr. Communications Specialist

Arlington ISD

1203 W. Pioneer Pkwy.

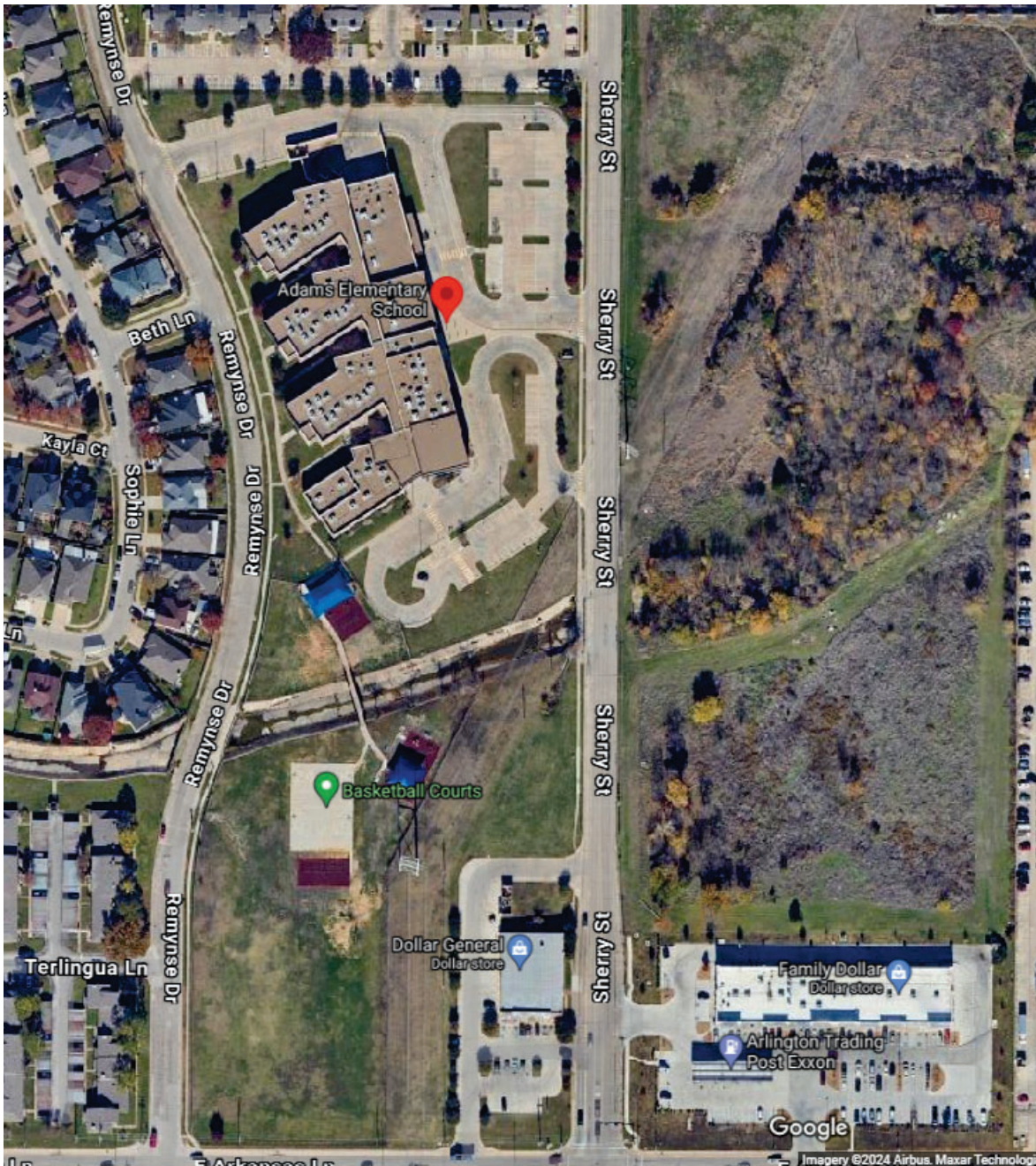
Arlington, TX 76013

682-867-7369

From: Travis Barber <Travis.Barber@ghdevelopment.com>
Sent: Monday, April 29, 2024 4:36 PM
To: Comm PIO <pio@aisd.net>
Subject: Inquiry about Adams Elementary - Public Use?

Good afternoon!

We'd like to understand if the playground, basketball court, or any of the land south of Adams Elementary School is open to public for use, or considered a public park? Can you please let me know the school's district's policy on the use of this area for the Public? We are trying to confirm and identify if this is considered a public park or is restricted for school use only. Thank you for your time and I look forward to your response.



Travis Barber | Development Associate



**GENERATION
HOUSING
PARTNERS**

Generation Housing Partners, LLC

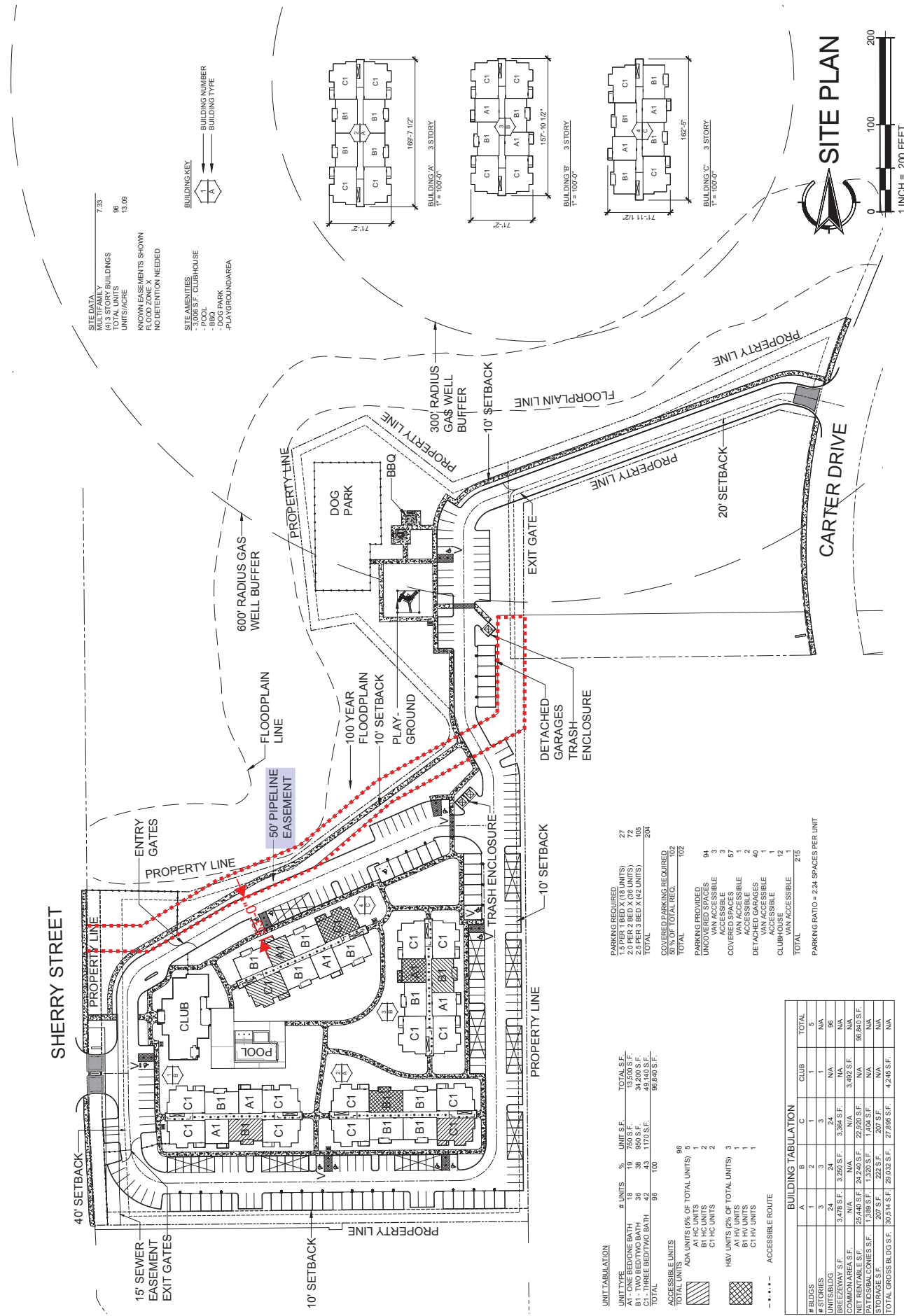
17440 North Dallas Parkway, Suite 120

Dallas, Texas 75287

Ph. (214) 613-6569 x2 | Mb. (806) 577-0292

Exhibit 2.

Phase 1 ESA – Termination for failure to meet threshold requirements for environmental documentation in accordance with §11.305(b)(7) under Environmental Site Assessment Rules and Guidelines.



SITE DATA

MULTIFAMILY	7.33
(4) 3 STORY BUILDINGS	96
UNITS/ACRE	13.09

KNOWN EASEMENTS SHOWN
FLOOD ZONE
NO DETENTION NEEDED

- SITE AMENITIES
- 100' ST. CLUBHOUSE
 - POOL
 - BBQ
 - DOG PARK
 - PLAYGROUND AREA



PARKING REQUIRED

1.5 PER BED (1.5 UNITS)	27
2.0 PER 2 BED X (10 UNITS)	72
2.5 PER 3 BED X (42 UNITS)	105
TOTAL	204

COVERED PARKING REQUIRED
50% OF TOTAL REQ.

TOTAL	102
-------	-----

PARKING PROVIDED

UNCOVERED SPACES	94
VAN ACCESSIBLE	3
COVERED SPACES	57
VAN ACCESSIBLE	1
DETACHED GARAGES	4
VAN ACCESSIBLE	2
CLUBHOUSE	1
VAN ACCESSIBLE	12
TOTAL	215

PARKING RATIO = 2.24 SPACES PER UNIT

UNIT TABULATION

UNIT TYPE	# UNITS	%	UNIT G.F.	TOTAL S.F.
A1 - ONE BED/ONE BATH	16	19	260 S.F.	13,500 S.F.
B1 - TWO BED/TWO BATH	36	38	950 S.F.	34,200 S.F.
C1 - THREE BED/TWO BATH	42	43	1,170 S.F.	49,140 S.F.
TOTAL	96	100		96,840 S.F.

ACCESSIBLE UNITS

TOTAL UNITS	96
A1 HC UNITS (% OF TOTAL UNITS)	1
B1 HC UNITS	2
C1 HC UNITS	2
HAV UNITS (% OF TOTAL UNITS)	3
A1 HV UNITS	1
B1 HV UNITS	1
C1 HV UNITS	1

ACCESSIBLE ROUTE

BUILDING TABULATION

# BLDGS	A	B	C	CLUB	TOTAL
# STORIES	3	3	3	1	N/A
UNITS/BLDG	24	24	24	N/A	96
BREEZEWAY S.F.	3,478 S.F.	3,259 S.F.	3,364 S.F.	N/A	N/A
COMMON AREA S.F.	N/A	N/A	N/A	3,492 S.F.	N/A
NET RENTABLE S.F.	29,440 S.F.	24,240 S.F.	22,920 S.F.	N/A	96,840 S.F.
PATIO/BALCONIES S.F.	1,389 S.F.	1,329 S.F.	1,404 S.F.	N/A	N/A
TOTAL GROSS BLDG S.F.	30,214 S.F.	29,932 S.F.	27,895 S.F.	4,245 S.F.	N/A

Google Street View

Depicting Natural Gas Transmission Lines

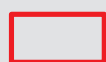
Marked On-site



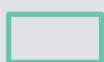


Explosive and Flammable Facilities

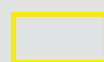
Acceptable Separate Distance (ASD) from Explosive and Flammable Operations



Subject Property



1/4 Mile Radius



ASD for People

Certification, Acknowledgement, and Consent of Development Owner (10 TAC §11.204(1))

- ☒ The *Certification, Acknowledgement, and Consent of Development Owner* is included behind this tab.

****The form should be executed, notarized, and included in the full application document.****

The form for the certification will be posted to the Department's website at
<http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>

Please indicate whether any of the following required disclosure on the *Certification, Acknowledgement, and Consent of Development Owner* (to be used for data capture for application processing):

☐ **10 TAC §11.101(a)(2) - Undesirable Site Features.**

- ☐ Development Site is within 300 feet of a junkyard.
- ☐ Development Site is within 300 feet of an active solid waste facility, sanitary landfill facility, waste transfer station, or illegal dumping sites.
- ☐ Development Site is within 300 feet of a sexually-oriented business.
- ☐ Development Site is within 500 feet of active railroad tracks.
- ☐ Development Site is within 500 feet of heavy industry.
- ☐ Development Site is within 10 miles of a nuclear plant.
- ☐ Development Site has buildings within accident potential zones or runway clear zones of any airport.
- ☐ Development Sites contains one or more pipelines, situated underground or aboveground, which carry highly volatile liquids or Development Sites located adjacent to a pipeline easement (for a pipeline carrying highly volatile liquids), the Application must include a plan for developing near the pipeline(s) and mitigation, if any, in accordance with a report conforming to the Pipelines and Informed Planning Alliance (PIPA)
- ☐ Development Site is within 2 miles of refineries capable of refining more than 100,000 barrels of oil per day.
- ☐ Development Site in proximity to environmental factor that may adversely affect residents' health and safety or render the Site inappropriate for housing use.
- ☐ Development Sites that are located in a Clear Zone, any Accident Potential Zone, or within any Noise Contour of 65 decibels or greater, as reflected in a Joint Land Use Study for any military Installation.

Provide information behind this tab regarding mitigation for any item selected above.

Unchecked box.

☒ **10 TAC §11.101(a)(3) - Neighborhood Risk Factors (NRF).**

- ☒ Development Site is located within a census tract that has a poverty rate above 40% for individuals, or 55% for Developments in regions 11 and 13. **Include resolution from Governing Body behind Tab 8. Rehabs are exempt.**
- ☐ Development Site is located in a census tract (or for any adjacent census tract) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons (annually) as reported on neighborhoodscout.com. **(New or Reconstruction only)**
- ☒ The Development Site is located within the attendance zone of an elementary school, a middle school or a high school that had a TEA Accountability Rating of "Not Rated: Senate Bill 1365" for 2022. **Elderly Developments, and Supportive Housing SRO Developments or Supportive Housing Developments where all Units are Efficiency Units, and Applications in the USDA Set-Aside for Rehabilitation of existing properties are exempt and are not required to provide mitigation for this subparagraph, but are still required to provide rating information in the Application and disclose the presence of the Neighborhood Risk Factor. The following two items apply:**
 - ☒ -Documentation from a person authorized to speak on behalf of the school district with oversight of the school in question that indicates the specific plans in place and current progress towards meeting the goals and performance objectives identified in the Campus Improvement Plan and in restoring the school(s) to an acceptable rating status.
 - ☒ -The Applicant has committed that it will operate an after school learning center that offers at a minimum 15 hours of weekly, organized, on-site educational services provided to elementary, middle and high school children

☐ **10 TAC §11.202(1)(M) - Termination of Relationship in an Affordable Housing Transaction**

☐ **10 TAC §11.202(1)(N) - Voluntary Compliance Agreement**

(or any similar agreement resulting from negotiations regarding noncompliance)

☐ **10 TAC §11.901(15) - Unused Credit or Penalty Fee (Competitive HTC Only)**

Submit documentation regarding any disclosures behind this Tab.

(12) Photographs. Provide good quality color photographs of the subject Property (front, rear, and side elevations, on-site amenities, interior of typical Units if available). Photographs should be properly labeled. Photographs of the neighborhood, street scenes, and comparables should be included. An aerial photograph is desirable but not mandatory.

(d) Additional Appraisal Concerns. The appraiser(s) must be aware of the Department program rules and guidelines and the appraisal must include analysis of any impact to the subject's value.

2024 QAP Guidelines for ESAs - See #7 Below.

§11.305.Environmental Site Assessment Rules and Guidelines.

(a) General Provisions. The Environmental Site Assessments (ESA) prepared for the Department must be conducted and reported in conformity with the standards of the American Society for Testing and Materials (ASTM). The initial report must conform with the Standard Practice for Environmental Site Assessments: Phase I Assessment Process (ASTM Standard Designation: E1527-13 or any subsequent standards as published). Any subsequent reports should also conform to ASTM standards and such other recognized industry standards as a reasonable person would deem relevant in view of the Property's anticipated use for human habitation. The ESA shall be conducted by a Third Party environmental professional at the expense of the Applicant, and addressed to the Department as a User of the report (as defined by ASTM standards). Copies of reports provided to the Department which were commissioned by other financial institutions must either address Texas Department of Housing and Community Affairs as a co-recipient of the report or letters from both the provider and the recipient of the report may be submitted extending reliance on the report to the Department. The ESA report must also include a statement that the person or company preparing the ESA report will not materially benefit from the Development in any other way than receiving a fee for performing the ESA, and that the fee is in no way contingent upon the outcome of the assessment. The report must also include the following statement, "any person signing this Report acknowledges that the Department may publish the full report on the Department's website, release the report in response to a request for public information and make other use of the report as authorized by law." The ESA report must contain a statement indicating the report preparer has read and understood the requirements of this section.

(b) In addition to ASTM requirements, the report must:

(1) State if a noise study is recommended for a property in accordance with current HUD guidelines and identify its proximity to industrial zones, major highways, active rail lines, civil and military airfields, or other potential sources of excessive noise;

(2) Provide a copy of a current survey, if available, or other drawing of the site reflecting the boundaries and adjacent streets, all improvements on the site, and any items of concern described in the body of the ESA or identified during the physical inspection;

(3) Provide a copy of the current FEMA Flood Insurance Rate Map showing the panel number and encompassing the site with the site boundaries precisely identified and superimposed on the map;

(4) If the subject Development Site includes any improvements or debris from pre-existing improvements, state if testing for Lead Based Paint or asbestos containing materials would be required pursuant to local, state, and federal laws, or recommended due to any other consideration;

(5) State if testing for lead in the drinking water would be required pursuant to local, state, and federal laws, or recommended due to any other consideration such as the age of pipes and solder in existing improvements. For all Rehabilitation Developments, the ESA provider must state whether the on-site plumbing is a potential source of lead in drinking water;

(6) Assess the potential for the presence of Radon on the Development Site, and recommend specific testing if necessary;

(7) Identify and assess the presence of oil, gas or chemical pipelines, processing facilities, storage facilities or other potentially hazardous explosive activities (does not include liquified petroleum gas containers with a capacity of less than 125 gallons on-site or within 0.25 miles of the site that could potentially adversely impact the Development. Location of these items must be shown on a drawing or map in relation to the Development Site and all existing or future improvements. The drawing must depict any blast zones (in accordance with HUD guidelines) and include HUD blast zone calculations; and

(8) Include a vapor encroachment screening in accordance with the ASTM "Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions" (E2600-10 or any subsequent standards as published).

(c) If the report recommends further studies or establishes that environmental hazards currently exist on the Property, or are originating off-site, but would nonetheless affect the Property, the Development Owner must act on such a recommendation, or provide a plan for either the abatement or elimination of the hazard. Evidence of action or a plan for the abatement or elimination of the hazard must be presented upon Application submittal.

(d) For Developments in programs that allow a waiver of the Phase I ESA such as an existing USDA funded Development, the Development Owners are hereby notified that it is their responsibility to ensure that the Development is maintained in compliance with all state and federal environmental hazard requirements.

16

FILED
TARRANT COUNTY TEXAS
2011-09-28 PM 5:12
SUZANNE NEWBERRY
COUNTY CLERK

PIPELINE RIGHT-OF-WAY AGREEMENT

STATE OF TEXAS §

COUNTY OF TARRANT §

KNOW ALL MEN BY THESE PRESENTS:

For and in consideration of the sum of TEN Dollars (\$10.00) and other good and valuable consideration, in hand paid, the receipt and sufficiency of which is hereby acknowledged, the undersigned (hereinafter called GRANTOR, whether one or more) does hereby GRANT, BARGAIN, SELL, and CONVEY to DFW Midstream Services LLC, 1601 Bryan Street, Dallas, Texas 75201, its successors and assigns (hereinafter called GRANTEE), a permanent right-of-way and easement (the "**Easement**") to construct, lay, maintain, operate, repair, alter, replace, and remove or abandon in place one (1) pipeline (the "**Pipeline**") not to exceed twenty-four inches (24") in nominal diameter, and all appurtenant facilities, including and limited to pipeline markers, and any such facilities and appurtenances as may be required for cathodic protection, for the transportation of natural gas, and any byproducts thereof (collectively, the "**Facilities**"), on, in, under, over, through and across, the real property described and depicted in Exhibits "A-1," "B-1," "A-2," and "B-2," attached hereto and incorporated herein and made a part hereof for all purposes (the "**Land**"), together with all other rights necessary or convenient for the enjoyment of the Easement.

The Easement, being of variable width, is described and depicted in Exhibits "A-1" and "B-1," which exhibits are attached hereto, incorporated herein and made a part hereof for all purposes.

The Easement, being fifty feet (50') in width, is described and depicted in Exhibits "A-2" and "B-2," which exhibits are attached hereto, incorporated herein and made a part hereof for all purposes.

For the same consideration Grantor does hereby convey unto Grantee temporary workspace easements (the "**Temporary Workspace Easements**") on, in, under, over, through and across such portions of the Land as may be reasonably necessary from time to time for the use by Grantee, its agents, employees, contractors and subcontractors only in connection with and during the original construction of the Pipeline on the Easement. The description of the Temporary Workspace Easements, and the Land out of which the same is being acquired, are described and depicted in Exhibits "A-1" and "B-1" attached hereto and made a part hereof for all purposes. The Temporary Workspace Easements may be used by Grantee for twelve (12) months from the date hereof or upon completion of construction of the Pipeline whichever is sooner.

GRANTEE shall have all of the rights and benefits necessary and convenient for the full enjoyment and use of the rights herein granted, including but not limited to the right of ingress to and egress over and across said lands to and from said right-of-way and easement and to the surface easement valve site on the land described in Exhibits "A-2" and "B-2," and the right from time to time to cut and/or remove all trees, undergrowth, and the other obstructions that, in

its judgment, may injure, endanger or interfere with the exercise by GRANTEE of the rights, privileges and easements herein granted. The GRANTEE shall have the right to assign the grant, or any rights herein granted, in whole or in part.

TO HAVE AND TO HOLD unto GRANTEE, its successors and assigns with special warranty for the term as hereinafter set forth, and subject to the terms, conditions, and limitations contained herein.

GRANTEE shall be responsible for all permits and stormwater control measures related to initial construction, repair and maintenance of the Facilities.

All fences that must be cut in order to accomplish initial construction and installation or repair or replacement or maintenance of the Facilities (or for any other purpose herein granted), shall be braced on each side of that portion of the fence which is cut, and the fence wire shall be secured by GRANTEE so that when the fence is cut, the remainder of the fence shall not go slack or be slackened, and after such initial construction and installation or repair or replacement or maintenance or any other action taken by GRANTEE is complete, said fences shall be replaced in as good or better condition as said fences existed before cutting.

To the extent reasonably practicable GRANTEE shall use the normal standards of pipeline construction in the industry for terrain similar to that encountered along the Easement.

The Pipeline shall be buried so that it meets or exceeds applicable industry standards. After initial construction and installation of the Facilities, and after any maintenance, repair or replacement of the Facilities as may be provided herein, GRANTEE shall restore the surface of all land (including, but not limited to, any landscaping or improvements located thereon) which was disturbed by the construction and installation, repair, maintenance or replacement of the Facilities to as near the condition that the land was in prior to such construction and installation, repair, maintenance, or replacement, as applicable, as is reasonably practicable under the circumstances. In addition to the foregoing, after any construction, repair, removal, replacement or other operations, GRANTEE will backfill pack and level any such ditch or trench opened, and fill, grade and restore the surface of the Easement as near as practicable within typical pipeline construction industry practices to its original level and contours and in such a manner that the surface or rain water may pass and flow undisturbed and unimpeded from one side of the Easement to the other. GRANTEE also agrees, within reason but not to exceed six (6) months after the completion of the Facilities' installation, to return, at the request of GRANTOR, to correct and/or restore the surface mentioned hereinabove due to settlement, erosion or otherwise. During and after construction, GRANTOR will adhere to all applicable environmental practices, as provided herein, as well as its own responsible practices, to prevent or minimize erosion.

With respect to any excavation of soil by GRANTEE pursuant to the rights granted herein, GRANTEE shall not deposit any excess soil on any property other than the strip of property approved herein for construction and installation of the Pipeline unless otherwise expressly approved in writing by GRANTOR. GRANTEE shall also be required to remove any excess soil remaining after the completion of the initial installation and construction of the Facilities or any repair, replacement or removal thereof within fifteen (15) days of the completion of such activity at its sole cost and expense. Any excess soil placed on property

other than the Easement without the express written consent of GRANTOR shall also be removed at GRANTEE'S sole cost and expense.

GRANTEE shall never erect, maintain or construct any telephone, telegraph, fiber optic, electric transmission, or other utility lines, of any nature whatsoever, on, above, or below the Easement or on the surface easement valve site without GRANTOR'S express written permission, which may be withheld in GRANTOR'S sole and absolute discretion.

After construction, GRANTEE shall remove all stakes, posts (other than marking posts or signs required by law or regulatory agencies), welding rods and parts thereof, pipe coating material, paper rubbish and other material used in construction, repair or removal of the Facilities, so as to leave the entire cleared area free of deleterious material.

Within thirty (30) days after completion of construction of the Facilities, GRANTEE will provide to the City of Arlington and to Grantor a complete set of "as built" plans reflecting the location of the Pipeline and any other related facilities, including their respective depths. Such as-built plans will be on file with the City of Arlington for GRANTOR'S use.

GRANTEE also hereby agrees that it shall timely pay all charges, expenses, costs, claims or fees associated with the initial construction and installation of the Facilities and any future repair, maintenance, and replacement of the Facilities so as to prevent the filing of any mechanic's or materialman's liens on or against the Easement or any of the adjacent property owned by GRANTOR and GRANTEE hereby agrees to **indemnify and hold harmless** GRANTOR from any of the aforementioned charges, expenses, costs, claims, and fees. In the event a contractor, subcontractor, or other agent of GRANTEE does file a mechanic's or materialman's lien on or against the Easement or any other adjacent property of GRANTOR, GRANTEE hereby agrees to initiate action (legal or otherwise) within ten (10) days of the notice thereof to contest or discharge such lien.

All construction of the Facilities shall be completed within twelve (12) months from the effective date of this Pipeline Right-of-Way Agreement, excluding construction time delays of more than two (2) consecutive days due to weather or other events reasonably beyond the control and actions of GRANTEE.

GRANTOR hereby reserves the right to use said land for any purpose, except for the purposes herein granted to GRANTEE, but GRANTOR shall not construct, nor permit to be constructed, any house, building, improvements, or obstructions within the Easement, except as provided for in the following sentence, without the express prior consent of GRANTEE. GRANTOR reserves the right, after review by GRANTEE and subject to the approval of GRANTEE which approval shall not be unreasonably withheld, conditioned or delayed, to construct, maintain, repair and operate pipelines, fences, roads, streets, alleys, sidewalks, bridges, railroad tracks, underground communication conduits, electric transmission and distribution lines, telephone lines, gas, water, drainage and sewer pipelines, and other utilities, across the Easement at any angle of not less than forty-five degrees (45°) to the pipeline; and the right to use the land covered by the Easement for recreation or other similar purposes, not inconsistent or conflicting with GRANTEE's use and enjoyment of the Easement for the purposes set forth herein; provided, however, GRANTOR shall exercise any of the rights reserved in such a manner

so that (i) GRANTEE's pipeline and facilities located on the Easement shall not be endangered, obstructed, injured or interfered with; (ii) GRANTEE's reasonable access to the Easement and its pipeline and facilities located thereon is not interfered with; (iii) GRANTEE shall not be prevented from traveling within and along the entire length of the Easement on foot or in vehicles or machinery; (iv) the pipeline is left with the amount of cover originally installed to allow safe operation of the pipeline; (v) the pipeline is left with proper, sufficient and permanent support; and (vi) GRANTEE's use of the Easement for the purposes set forth herein is not unreasonably impaired or interfered with.

GRANTOR shall provide GRANTEE at least thirty (30) days' prior written notice prior to commencing construction on, across, over or under the Easement, and shall otherwise observe all other terms and provisions of this Pipeline Right-of-Way Agreement with regard to any construction by GRANTOR on, across, over or under the Easement.

GRANTOR shall not impound water, plant or place any trees, construct nor permit to be constructed any house, structures, or other obstructions on or over the Easement, or permit any other activities that will endanger, obstruct, or interfere with the construction, maintenance or operation of the Pipeline or appurtenances constructed or any rights conferred hereunder. GRANTOR will not change the grade or remove the cover over the Pipeline.

Notwithstanding anything to the contrary contained or implied elsewhere herein, GRANTOR has the right to request GRANTEE to relocate one time such portions of the Facilities as is reasonably necessary for GRANTOR to construct pipelines, fences, roads, streets, alleys, sidewalks, bridges, railroad tracks, underground communication conduits, electric transmission and distribution lines, telephone lines, gas, water, drainage and sewer pipelines, and other utilities across the Easement Property to the remainder of GRANTOR's property. GRANTEE agrees that within a reasonable time, not to exceed 180 days after receiving written notice from GRANTOR and delivery of GRANTOR's Relocation Deposit (as hereinafter defined), subject to delay caused by force majeure (including material availability), to relocate such portions of the Facilities reasonably designated by GRANTOR in such written notice to another location within the Easement Property and/or on other property owned by GRANTOR, as designated by GRANTOR and approved by GRANTEE, which approval will not be unreasonably withheld, conditioned or delayed. Any relocation requested by GRANTOR shall be at the sole cost and expense of GRANTOR and shall include payment by GRANTOR to GRANTEE of all costs and expenses of relocation, as well as any loss of revenue by GRANTEE associated with such relocation. GRANTOR shall provide any additional easements required for such relocation at no cost to GRANTEE. Prior to commencement of any relocation work requested by GRANTOR, GRANTOR will cause to be deposited with GRANTEE or a title company reasonably acceptable to GRANTEE and GRANTOR the costs and expenses reasonably estimated by GRANTEE to relocate the portion of the pipeline requested by GRANTOR to be relocated, which costs and expenses shall include all associated costs with relocation of the Pipeline, including any loss by GRANTEE of revenue associated with the requested relocation (the "Relocation Deposit"). In the event of any relocation, GRANTEE shall promptly, after the relocation, remove from the portion of the prior Easement Property to be released and no longer utilized by virtue of such relocation all of the Facilities located therein and restore such portion of the Easement Property to its original condition prior to the

installation of the pipeline to the extent reasonably practicable. GRANTEE and GRANTOR mutually agree to promptly execute and acknowledge a written amendment to this Agreement in form and substance reasonably acceptable to GRANTOR and GRANTEE to evidence such relocation and the corresponding relocation and reconfiguration of the Easement Property.

GRANTEE covenants and agrees that no employee, agent, contractor or subcontractor of GRANTEE, or any employee, agent, contractor or subcontractor thereof shall carry any firearms when present on the Easement, on any routes providing access to the Facilities or on any portion of any adjoining or contiguous property, and GRANTEE agrees to inform all such parties listed herein of such prohibition prior to their first entrance thereon.

During and upon completion of the initial construction and installation of the Facilities, repair of the Facilities, and removal and/or replacement of the Facilities, and at all other times, GRANTEE shall keep the Facilities, all access routes to the Facilities, and all surrounding property free and clear of any and all trash, litter and debris, and GRANTEE agrees to store all building and other materials used during such construction and installation, repair, removal and/or replacement in an orderly and organized manner only on the Facilities. In no event shall GRANTEE be entitled to store any explosives, chemicals or other Hazardous Substances as herein defined on the Easement or the area of the Approved Surface Appurtenances or any other property surrounding same. GRANTEE also hereby agrees that upon completion of the initial installation and construction of the Facilities, it shall plant grass or other cover requested by GRANTOR (unless GRANTOR requests in writing prior to the planting of grass or other cover by GRANTEE to do otherwise, that such request is reasonable and practicable within GRANTEE'S pipeline operations, and provided GRANTEE, by its compliance therewith, can still reasonably maintain the Easement to prevent erosion and adhere to federal safety regulations) over the Easement. GRANTEE shall mark the location of the Pipeline with signs at fence and roadway crossings and at such other locations as may be required by law or as reasonably requested by GRANTOR. Each such sign shall indicate the diameter and depth of each Pipeline and shall provide a 24-hour contact number for GRANTEE.

If GRANTEE, in GRANTOR'S opinion, breaches any of its obligations hereunder, GRANTOR may give GRANTEE written notice of such breach with sufficient detail to enable GRANTEE to understand the scope of GRANTOR'S claim. GRANTEE shall have a period of thirty (30) days from the receipt of such written notice (the "Cure Period") to initiate steps to cure said breach, provided, GRANTEE agrees that it has committed such breach. To the extent GRANTEE agrees or disagrees that it has committed a breach of its obligations hereunder pursuant to GRANTOR'S claim, GRANTEE shall so notify GRANTOR of same in writing within the first ten (10) business days of the Cure Period, and if it agrees it has committed a breach, will provide GRANTOR with a list of the steps it intends to take to remedy said breach. Within five (5) business days after GRANTOR'S receipt of GRANTEE'S remedy, GRANTOR shall have five (5) business days to respond in writing to GRANTEE of its agreement with GRANTEE'S remedy or objections thereto (if any) and offer alternative or supplemental actions it believe GRANTEE should take to effect a remedy. If GRANTEE agrees to GRANTOR'S alternate or supplemental remedy steps, it shall employ commercially reasonable efforts, within the scope of the breach, to immediately effect the agreed upon remedy as soon as is reasonably practicable.

In any litigation involving this Easement, the prevailing party shall be entitled to recover all expenses, attorney's fees and costs which are reasonable in amount and which are incurred by the prevailing party in the prosecution of such litigation, whether at the trial or appellate levels.

IN ADDITION TO ANY OTHER INDEMNITY PROVISIONS CONTAINED HEREIN, GRANTEE SHALL **DEFEND, INDEMNIFY AND HOLD HARMLESS** GRANTOR, ITS OFFICERS, DIRECTORS, PARTNERS, MEMBERS, MANAGERS, EMPLOYEES, AGENTS, REPRESENTATIVES, AFFILIATES, SUCCESSORS AND ASSIGNS (THE "GRANTOR INDEMNIFIED PARTIES") FROM AND AGAINST ANY AND ALL CLAIMS, CAUSES OF ACTION, LIABILITIES, DEMANDS, DAMAGES, LOSSES, SUITS, JUDGMENTS, LEGAL FEES OR OTHER EXPENSES (INCLUDING, BUT NOT LIMITED TO, ANY AND ALL CLAIMS, CAUSES OF ACTION, LIABILITIES, DEMANDS, DAMAGES, LOSSES, SUITS, JUDGMENTS, OR EXPENSES WHICH ARE THE RESULT OF A DEATH, PERSONAL INJURY, ENVIRONMENTAL CONTAMINATION, OR PROPERTY DAMAGE) WHICH ARISE OUT OF THE FACILITIES, OR ARISE IN CONNECTION WITH THE PIPELINE, THE GAS CONTAINED THEREIN, OR ANY EXERCISE OF ANY RIGHTS GRANTED HEREIN, TO THE EXTENT ANY OF THE FOREGOING RESULT FROM THE ACTIONS OR OMISSIONS OF GRANTEE OR ITS AGENTS.

During the initial construction and installation of the Facilities, and at all times thereafter while this Easement remains in effect, and during any and all periods of removal of the Pipeline should this Easement be terminated for any reason, GRANTEE shall maintain general liability insurance in an amount not less than Two Million Dollars (\$2,000,000.00). GRANTEE also agrees to maintain all other forms of insurance, including, but not limited to, workers' compensation insurance, that may be required by federal, state, or local law. GRANTOR will be named as an additional insured on GRANTEE'S general liability policy, and GRANTEE will provide GRANTOR with evidence thereof at GRANTOR'S request. Whether or not GRANTEE is so named, GRANTOR hereby waives all rights of subrogation any third party, including any insurer, may have by, through or under it against GRANTEE or any GRANTEE Indemnified Party.

In no event shall this Pipeline Right-of-Way Agreement be construed or deemed to convey or grant to GRANTEE any rights, of any nature whatsoever, over, on, or under any property other than the Easement, the area for the Facilities, or the temporary construction easements specified herein. GRANTEE acknowledges and agrees that no mineral interests of GRANTOR are or have been conveyed hereunder and that GRANTEE has no claim to such mineral interests by virtue of this Easement.

For the purposes hereof, the term "Hazardous Substances" shall include (i) those substances defined as 'hazardous substances' in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), (ii) any pesticides regulated under the Federal Insecticide, Fungicide and Rodenticide Act, (iii) asbestos, PCBs, and other toxins regulated under the Toxic Substances Control Act, as amended, (iv) any radioactive or corrosive materials, (v) any substance defined as a 'hazardous substance' under the Federal Water Pollution Control Act, (vi) any industrial process or pollution control waste regulated under the Resource Conservation and Recovery Act, and (vii) those substances defined as "hazardous

substances" (other than those substances which GRANTEE may normally transport within the Pipeline specified herein) or otherwise regulated by any and all other Environmental Laws. As used herein, the term "Environmental Laws" means any and all laws or regulations related to environment or to emissions, discharges, releases or threatened releases of pollutants, contaminants, chemicals or industrial, toxic or hazardous substances or wastes into the environment including ambient air, surface water, ground water, or land, or otherwise relating to the manufacturing, processing, distribution, use, treatment, storage, disposal, transport or handling of pollutants, contaminants, chemicals, or industrial, toxic or hazardous substances or wastes. To the extent not otherwise specified herein, GRANTEE shall comply with all state and federal laws concerning the Pipeline hereunder and any related environmental matters.

In the event GRANTEE permanently ceases to directly or via third parties operate and maintain the Pipeline, formally abandons the Pipeline by act of line retirement and subsequent written notification of same to the Texas Railroad Commission or other authority, or fails to operate or maintain the Pipeline for the transportation of natural gas for a continuous period of twenty-four (24) consecutive months (for reasons other than either favorable gas marketing alternative(s) made available to GRANTEE, or an event of force majeure beyond the control of GRANTEE), then GRANTOR may give written notice to GRANTEE of such "failure to use" the Pipeline. If GRANTEE does not take reasonable steps to use, operate or maintain the Pipeline within six (6) months of its receipt of any written notice by GRANTOR of GRANTEE'S "failure to use the Pipeline", then all rights granted to GRANTEE herein shall terminate and revert to GRANTOR.

Either GRANTEE or GRANTOR shall each have the right to assign the rights and privileges respectively herein granted to them, in whole or in part, and the assigning party agrees to provide the other party with written notice of any such assignment within thirty (30) days of its effective date. If GRANTOR sells or otherwise transfers its interest in the property burdened hereby, it shall provide written notice thereof to GRANTEE and GRANTOR shall thereupon be released from further liability or obligation hereunder. This Easement shall in no way be construed as, or be deemed to constitute, the creation of a joint venture, partnership, or other business combination between the parties hereto.

This Easement contains the entire agreement between the parties relating to this Easement and there are not any other representations or statements, verbal or written, that have been made modifying, adding to, or changing the terms of this Easement.

Wherever the term "GRANTOR" is used herein, such term shall include GRANTOR'S successors and assigns. Wherever the term "GRANTEE" is used herein, such term shall include GRANTEE'S successors and assigns.

This Easement shall be binding upon the parties hereto, their successors and assigns.

TO HAVE AND TO HOLD unto GRANTEE, its successors and assigns, GRANTOR warrants and defends the portion of the Land or Property covered by the Easement and Temporary Workspace Easements unto GRANTEE against every person whomsoever lawfully claims the same or any part thereof, when the claim is made by, through or under GRANTOR, but not otherwise, and subject to any and all existing leases, easements, conditions, restrictions,

liens, encumbrances, reservations (specifically including those of GRANTOR herein) and other matters of record affecting the Easement Property and/or Temporary Easement Property, and those that a current survey or physical inspection would reveal.

3rd IN WITNESS WHEREOF, the parties hereto have executed this Easement on this day of July, 2009.

GRANTOR:

LONE STAR DEVELOPMENT, LLC,
a Texas limited liability company

By: Theresa Pham
Name: Theresa Pham
Title: President

GRANTEE:

DFW MIDSTREAM SERVICES LLC,
a Texas limited liability company

By: Kyle Ray
Name: KYLE RAY
Title: Authorized Agent

ACKNOWLEDGMENT

STATE OF TEXAS

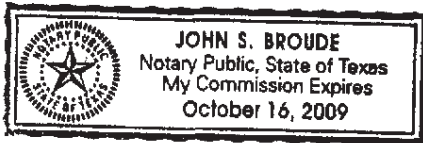
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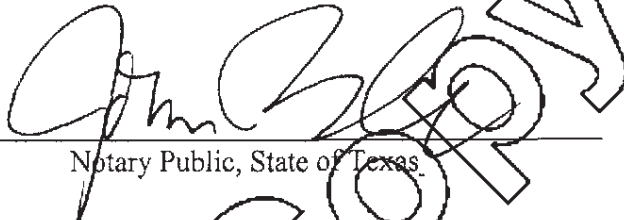
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COUNTY OF TARRANT

*

This instrument was acknowledged before me on the 3rd day of July, 2009, by Theresa Pham, president of Lone Star Development, LLC, a Texas limited liability company, on behalf of said limited liability company as GRANTOR.





Notary Public, State of Texas

Unofficial Copy

ACKNOWLEDGMENT

STATE OF TEXAS

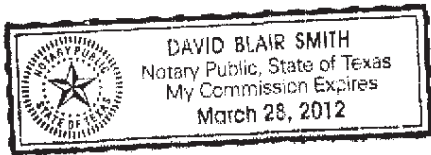
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*

COUNTY OF TARRANT

*

This instrument was acknowledged before me on the 7th day of July, 2009, by W.Kyle Ray, Reg. Agent of DFW Midstream Services LLC, a Texas limited liability company, on behalf of said limited liability company as GRANTEE.



David B. Smith
Notary Public, State of Texas

After Recording, Return To:



After Recording Return To:
U.S. ROW
512 Main Street, Ste. 600
Fort Worth, Texas 76102

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EXHIBIT A-1

**East Arlington, Phase II
Proposed Variable Width
Permanent Easement
0.843 Acre (36,713 square feet)
Along with a 15 foot wide
Temporary Work Space Easement
Out of
Lone Star Development
D207146738
Tarrant County, Texas**

DESCRIPTION of a 0.843 acre (36,713 square feet) of land, and being a variable width Proposed Permanent Easement, situated in the Pinckney Caldwell Survey, Abstract No. 364, City of Arlington, Tarrant County, Texas, and being a portion of a called 28.29 acre tract of land described by deed to Lone Star Development, recorded in D207146738, of the Official Public Records of Tarrant County Texas (O.P.R.T.C.T.). Said 0.843 acre (36,713 square feet), variable width Proposed Permanent Easement being more particularly described by metes and bounds as follows;

COMMENCING at 1/2" iron rod found at an angle point in the west line of said Lone Star Development tract same point being in the east Right-of-Way (R.O.W.) line of Sherry Street (a variable width R.O.W.), and the east line of a called 1.517 acre easement described by deed to TESCO, recorded in Volume 6005, Page 543, of the Deed Records of Tarrant County, Texas D.R.T.C.T.;

THENCE: South 00 Degrees 29 Minutes 24 Seconds East, with the west line of said Lone Star Development tract and the common east R.O.W. line of said Sherry Street, a distance of 180.01 feet to the POINT OF BEGINNING at a point (Y=6,943,467.89, X=2,407,803.18);

THENCE: leaving said common line, over and across said Lone Star Development tract the following calls;

North 89 Degrees 59 minutes 53 Seconds East, a distance of 62.70 feet to a point for corner;

North 59 Degrees 39 Minutes 20 Seconds East, a distance of 101.99 feet to a point for corner;

North 66 Degrees 27 Minutes 07 Seconds East, a distance of 103.33 feet to a point for corner;

North 50 Degrees 16 Minutes 39 Seconds East, a distance of 113.82 feet to a point for corner;

North 60 Degrees 55 Minutes 12 Seconds East, a distance of 159.92 feet to a point for corner;

North 00 Degrees 22 Minutes 29 Seconds West, a distance of 112.65 feet to a point for corner;

North 89 Degrees 22 Minutes 48 Seconds East, a distance of 353.15 feet to a point for corner in the east line of said Lone Star Development tract and the common west R.O.W. line of Carter Drive (a 66 foot R.O.W.) and at the beginning of a non-tangent curve to the Left;

THENCE: continuing with said common line and along said non-tangent curve to the left having a radius of 692.84 feet, a chord bearing of South 08 Degrees 13 Minutes 02 Seconds East, a delta angle of 04 Degrees 10 Minutes 20 Seconds, chord distance of 50.44 and arc length of 50.45 to a point at the northwest corner of a called 11.30 acre tract of land described as Pear Tree Addition, Lot 1 Block 2, an addition to the city of Arlington, Tarrant County, Texas, recorded in Volume 338-166, Page 3 of the plat records of Tarrant County, Texas (P.R.T.C.T.);

THENCE: South 89 Degrees 22 Minutes 45 Seconds West, with the north line of said Pear Tree Addition, a distance of 330.03 feet to a point at the northwest corner of said Pear Tree Addition;

THENCE: South 00 Degrees 22 Minutes 29 Seconds East, with the west line of said Pear Tree Addition, a distance of 80.55 feet to a point for corner;

THENCE: leaving said west line, over and across said Lone Star Development tract the following calls;



EXHIBIT A-1

South 60 Degrees 55 Minutes 12 Seconds West, a distance of 174.90 feet to a point for corner;

South 50 Degrees 15 Minutes 39 Seconds West, a distance of 115.29 feet to a point for corner;

South 66 Degrees 27 Minutes 07 Seconds West, a distance of 105.82 feet to a point for corner;

South 59 Degrees 39 Minutes 20 Seconds West, a distance of 108.34 feet to a point for corner;

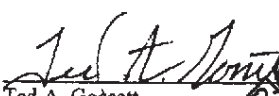
West, a distance of 70.58 feet to a point for corner in the west line of said Lone Star Development tract same point being in the common east R.O.W. line of said Sherry Street;

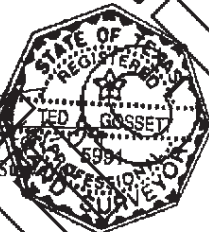
THENCE: North 00 Degrees 29 Minutes 24 Seconds West, continuing with said common line, a distance of 30.00 feet to **POINT OF BEGINNING**. Said easement that is within the property contains 0.843 acre (36,713 square feet). Along with a 15 foot wide Work Space Easement as described below.

Along with the proposed variable width easement described above, there is a 15 foot wide Temporary Work Space easement running parallel to and 15 foot north and west of lines L1 through L6 as shown on the Survey Plat representing a graphic image of this description styled as Lone Star Development, Page No. 3 of 3 that accompanies this document.

NOTE: A Survey Plat representing a graphic image of this description styled as Lone Star Development, Page No. 3 of 3 accompanies this document. The Basis of Bearing is Texas State Plane Coordinate System, Zone 4202, and NAD 83. This description and the accompanying Survey Plat were prepared from record data furnished by the client and was done without the benefit of a Title Report. Surveyor has made no investigation or search for easements or other matters of record that a Title Report would disclose and this survey does not represent a warranty of title or a guarantee of ownership.

I, Ted A. Gossett, do hereby state that the above and foregoing description was prepared from a survey made on the ground, under my direction and supervision during the month of July 2009.


Ted A. Gossett
Registered Professional Land Surveyor
State of Texas No. 5991



July 2009
Job No. 0903018

EXHIBIT B-1

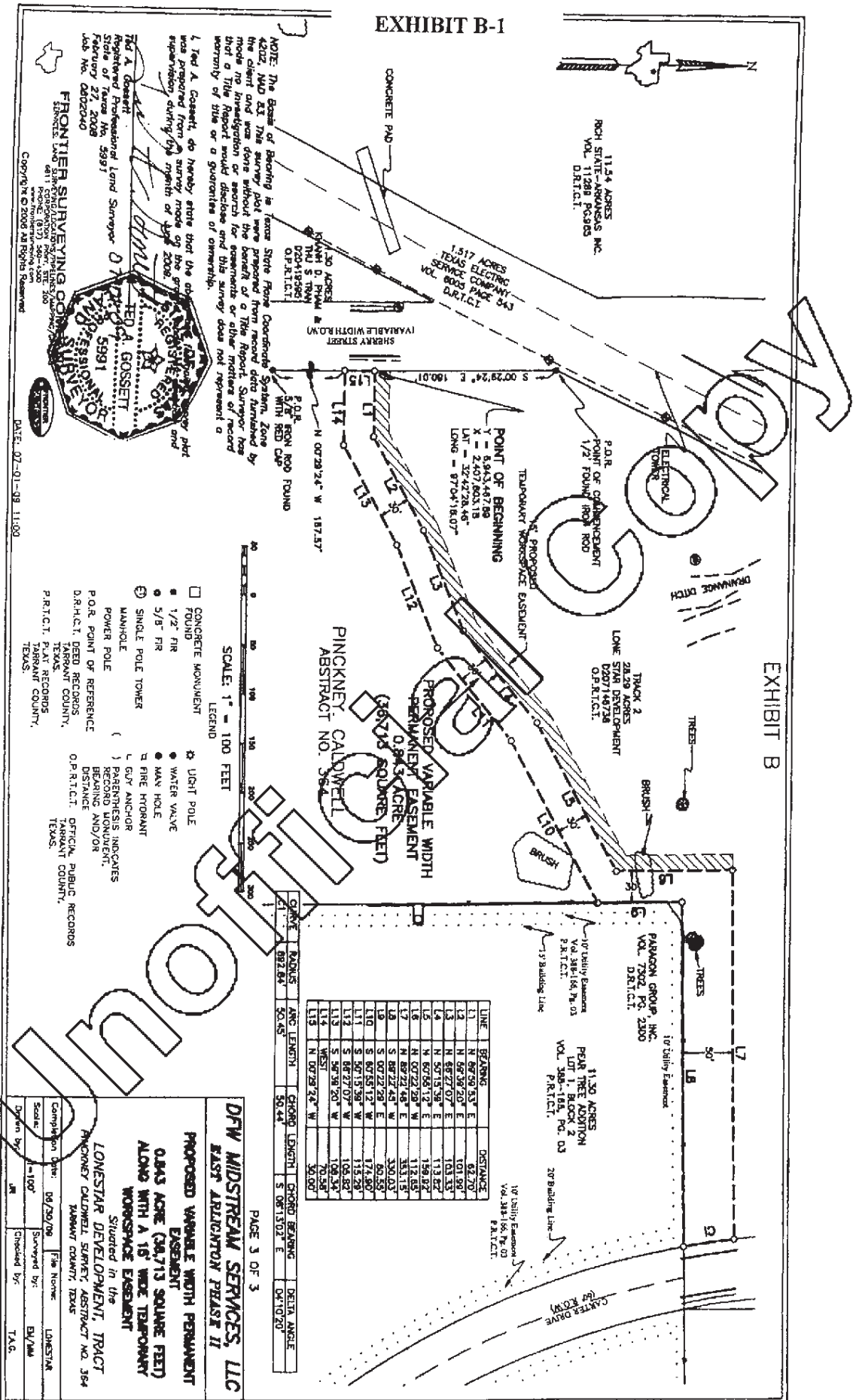


EXHIBIT A-2

Tract No. 59D
0.772 Acre (33,650 SQ. FT.)
Pinckney Caldwell Survey
Abstract No. 364
City of Arlington
Tarrant County, Texas

DESCRIPTION of a 0.772 acre (33,650 SQ. FT.) 50 foot wide permanent easement, being a tract of land located in the Pinckney Caldwell Survey, Abstract No. 364, Tarrant County, Texas, being a portion of a called 5.95 acre tract of land, described as Tract 3 in the deed to Lone Star Development L.L.C. as recorded in Document No. 207146738 of the Official Public Records of Tarrant County, Texas, said 0.772 acre (33,650 SQ. FT.) 50 foot wide permanent easement and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap found on the west line of said 5.95 acre tract, and being on the east right-of-way line of Carter Drive (60' wide right-of-way), and being the northwest corner of a called 11.052 acre tract of land, described as Lot1, Block 1 in The Final Plat of Pear Tree Addition as recorded in Volume 388-153, Page 98 of the Plat Records of Tarrant County, Texas, and also being the southwest corner and POINT OF BEGINNING of the tract described herein, from which a 5/8 inch iron rod with cap found on the west right-of-way line of said Carter Drive bears, South 89° 23' 02" West, a distance of 60.93 feet;

THENCE along said right-of-way line with the arc of a curve to the right, a distance of 50.55 feet, through a central angle of 04° 34' 58", having a radius of 632.00 feet and whose chord bears North 08° 54' 42" West, a distance of 50.54 feet to a calculated point at the northwest corner of the tract described herein, from which a 1/2 inch iron rod found on said right-of-way line bears, with a curve to the right, a distance of 321.16 feet, through a central angle of 29° 06' 56", having a radius of 632.00 feet and whose chord bears North 07° 56' 15" East, a distance of 317.72 feet;

THENCE crossing through the interior of said 5.95 acre tract North 89° 24' 29" East, a distance of 676.53 feet to a calculated point on the east line of said 5.95 acre tract, and on the west line of a called 3.062 acre tract of land, described in the deed to Kim Le Inc., as recorded in Document No. D205148083 of the Official Records of Tarrant County, Texas and being the northeast corner of the tract described herein;

THENCE with the common line of said 5.95 acre tract and said 3.062 acre tract South 00° 08' 07" East, a distance of 50.00 feet to a 1/2 inch iron rod found at the northeast corner of said 11.052 acre tract, and also being the southeast corner of the tract described herein;

THENCE leaving said common line of said 5.95 acre tract, and said 11.052 acre tract South 89° 24' 29" West, a distance of 668.82 feet to the POINT OF BEGINNING and containing 0.772 acre (33,650 SQ. FT.) of land.

EXHIBIT A-2

This property description is accompanied by a separate sketch (PROP-SK_59D.dwg) of even date.

All bearings shown hereon are based on the Texas State Plane Coordinate System, North Central Zone, NAD 83 (CORS 2002) and adjusted to the surface using a combined scale factor of 1.00012. Record information referenced is based on public records researched by United States Right of Way Company.

THE STATE OF TEXAS

§

§

COUNTY OF TRAVIS

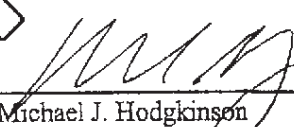
§

KNOW ALL MEN BY THESE PRESENTS:

That I, Michael J. Hodgkinson, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 11th day of November, 2008 A.D.

Surveying and Mapping, Inc.
5508 W. Highway 290, Building B
Austin, Texas 75247

 11-11-08
Michael J. Hodgkinson Date
Registered Professional Land Surveyor
Texas Registration Number 5704

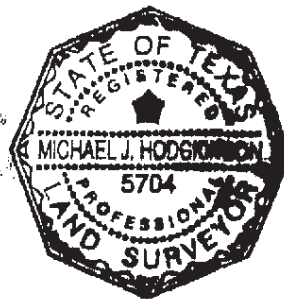
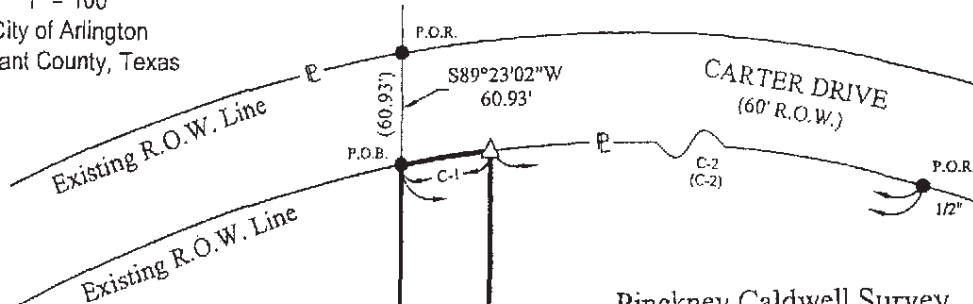


EXHIBIT B-2



City of Arlington
Tarrant County, Texas



Paragon Group, Inc.
Vol. 7057, Pg. 2002
D.R.T.C.T.

Pinckney Caldwell Survey
Abstract No. 364

Final Plat
Pear Tree Addition
Lot 1, Block 1
Called 11.052 Acres
Vol. 388-153, Pg. 98
P.R.T.C.T.

Lone Star Development L.L.C.
Called 5.95 Acres
Tract 3
Doc. No. 207146738
O.P.R.T.C.T.

SURVEYOR'S NOTES:

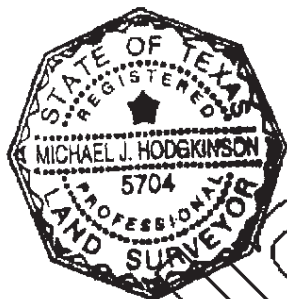
1. ALL BEARINGS ARE BASED ON THE TEXAS
STATE PLANE COORDINATE SYSTEM, NORTH
CENTRAL ZONE, NAD 83(CORS 2002)
DETERMINED BY GPS OBSERVATION.

2. RECORD INFORMATION SHOWN HEREON IS
BASED ON PUBLIC RECORDS RESEARCHED BY
UNITED STATES RIGHT OF WAY COMPANY.

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	4°34'58"	632.00'	50.55'	N08°54'42"W	50.54'
C2	29°06'58"	632.00'	321.16'	N07°56'15"E	317.72'
(C2)	33°11'15"	632.00'	366.37'	N06°19'24"E	366.37'

LEGEND

D.R.T.C.T. DEED RECORDS TARRANT
COUNTY TEXAS
O.R.T.C.T. OFFICIAL RECORDS TARRANT
COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS TARRANT
COUNTY TEXAS
P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
() RECORD INFORMATION
● 5/8" IRON ROD FOUND
(UNLESS NOTED)
△ CALCULATED POINT
ℙ PROPERTY LINE



(N00°24'58"E)

Kim Le Inc.
Called 3.062 Acres
Doc. No. D205148083
O.R.T.C.T.

Michael J. Hodgkinson
Registered Professional Land Surveyor
Texas Registration Number 5704

Date

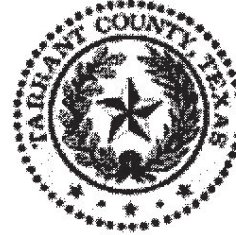
11-11-08

PROJECT: DFW MIDSTREAM
JOB NUMBER: 174848
DATE: 11-11-2008
SURVEYOR: MB
PARTY CHIEF: JL
FIELDBOOK: 353,6132,6133,6149
FIELDNOTE: FM4853REV1111
TECHNICIAN: JO
DRAWING: PROP-5K-360.0WG
SCALE: 1"=100'



5508 West Highway 280
Building B
Austin Texas, 78735
(612) 447-0575
Fax: (612) 326-3029
EMAIL: SAM@SAMINC.BIZ

Tract 59D
0.772 acre (33,650 Sq. Ft.)
DFW Mid Stream
Phase II of East Arlington Gathering System
Sheet 3 of 3



U.S. ROW
512 MAIN ST STE 600

FT WORTH TX 76102

Submitter: UNITED STATES RIGHT OF WAY ACQUISITION CO

SUZANNE HENDERSON
TARRANT COUNTY CLERK
TARRANT COUNTY COURTHOUSE
100 WEST WEATHERFORD
FORT WORTH, TX 76196-0401

DO NOT DESTROY
WARNING - THIS IS PART OF THE OFFICIAL RECORD.

Filed For Registration: 07/09/2009 09:43 AM
Instrument #: D209182232
17 PGS \$76.00

By: _____



D209182232

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR
RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Printed by: MC

24171

Sherry Pointe Apartments

Deficiency Response

#24171 Sherry Pointe

Deficiency 05-21-2024, Submitted 05-22-2024

1. Please explain how the Adams Elementary School playground meets the requirements of §11.7(2)(A)(i). Clarify if the Adams Elementary School playground has been dedicated for public use.

The QAP states the following (bolding is added):

- (i) A park, or **a parcel of land dedicated for public use by a Municipal, County, State, or Federal entity and used as parkland or for a recreational purpose**. This feature must have been designated by the relevant authority one year prior to the Full Application Delivery Date.

Therefore for the Adams Elementary School playground to meet the requirements of §11.7(2)(A)(i), it must:

1. Be a parcel of land dedicated **for public use by a Municipal, County, State, or Federal entity**;
2. **Used** as parkland or **for a recreational purpose**; and
3. Must have been designated by the relevant authority one year prior to the Full Application Delivery Date.

With regard to item 1: Adams Elementary is dedicated for public use as a public elementary school by Arlington ISD, which is a Municipal, County, State, or Federal entity. Additionally, as part of the Texas Education Code 29.251, State law authorizes the community use of school buildings and property for recreation or other purposes.

With regard to item 2: As confirmed in the attached email, it may be used by the public for a recreational purpose. The attached email is from Ryan Pierce, Sr. Communications Specialist with Arlington ISD, and states that “Yes, residents can use the playgrounds after hours.” This was in response to the question “Are residents in the neighborhood able to use the playground at Adams Elementary School after school hours?”

Additionally, the email from Arlington ISD Facility Services Executive Director Corey B. Robinson, which was submitted by Chris Applequist in his RFAD, does not state that the public cannot use the playground at Adams Elementary. In fact, the email states that “**Beyond school hours, some of our elementary playgrounds and fields that are not under lock and key may sometimes be accessed by the local community**; however, majority of our campuses have locked gates.” The email from Mr. Pierce does confirm that residents can use the Adams Elementary playground after school hours.

With regard to item 3: The Elementary School was established in 2013 – more than one year prior to the Full Application Delivery Date.

We believe the history of the development of this specific scoring item within the QAP rule making process is important to keep in mind when reviewing these requirements.

During the development of the 2024 QAP, Staff was asked specifically about the use of ISD school tracks or playgrounds for the Park Tie Breaker. Please see the attached email exchange regarding this subject and the statement that “Our impression is that under the current language, staff would not have justification to disallow using ISD recreational property so long as it otherwise aligns with the rule.”

Please also see the attached documents from the November 9, 2023, TDHCA Board Book. Commenter 38 makes public comment about the Park Tie Breaker and specifically asks “that this language be revised to clarify that the parkland or recreational purpose must be consistently available for use by the general public without restrictions caused by other uses located on the property (e.g. a playground at a school would not qualify if the playground is not available for use by the general public during school hours).” In the 2024 QAP DRAFT PUBLIC COMMENT SUMMARY that is in the Board Book, Staff’s response to this comment is “Staff acknowledges the concerns of Commenter 38 regarding usage

restrictions. Staff plans to keep the current draft language but will monitor this issue in the upcoming round and is open to revisions for 2025.”

The public comment and staff response regarding this item, including the reference to “a playground at a school,” was available for the entire development community to review, and was ultimately approved by the TDHCA Board. The QAP as currently written and approved does not include any requirements regarding usage hours or consider restrictions due to other activities on the property. Per the Public Comment Summary, Staff specifically elected not to add such language to the 2024 QAP.

Conclusion

The Adams Elementary School playground clearly meets the definition and requirements of §11.7(2)(A)(i). The Applicant did significant due diligence prior to submission of the Application to ensure that it would meet the requirements. We contacted Staff with questions regarding the Park Tie Breaker and ISD school property, made additional public comment regarding the use of school property for the Park Tie Breaker, and received email confirmation from the ISD that the Elementary School playground is available for public use. If there are new opinions of what the Park Tie Breaker should include, the language can be changed for the 2025 application round; however, the 2024 application round must use the plain language of the 2024 QAP.

Texas Authorized

Community Use of Public School Facilities

State law authorizes the community use of school buildings and property for recreation or other purposes.

✕ Collapse All

— Texas Statutes Education Code 29.251 Definitions

In this subchapter:

- (1) to (3) [Repealed by Acts 2013, 83rd Leg., ch. 73 (S.B. 307), § 2.06(a)(2), effective September 1, 2013.]
- (4) "Community education" means the process by which the citizens in a school district, using the resources and facilities of the district, organize to support each other and to solve their mutual educational problems and meet their mutual lifelong needs. Community education may include:
 - (A) educational programs, including programs relating to cultural awareness, parenting skills education and parental involvement in school programs, and multilevel adult education and personal growth;
 - (B) community involvement programs, including programs for community economic development, school volunteers, partnerships between schools and businesses, coordination with community agencies, school-age child care, family literacy, and community use of facilities; and
 - (C) programs for youth enrolled in schools, including programs for dropout prevention and recovery programs, drug-free school programs, school-age parenting programs, and academic enhancement.

POLICY TYPE
Statute
SOURCE
Texas Statutes



Alyssa <ajcarpen@gmail.com>

Adams Elementary Playground

Ryan PIERCE <rpierce1@aisd.net>
To: Alyssa Carpenter <ajcarpen@gmail.com>

Wed, Nov 1, 2023 at 9:42 AM

Hello,

Yes, residents can use the playgrounds after hours.

Thank you.

Ryan Pierce
Sr. Communications Specialist
Arlington ISD
[1203 W. Pioneer Pkwy.](#)
[Arlington, TX 76013](#)
682-867-7369

From: Alyssa Carpenter <ajcarpen@gmail.com>
Sent: Wednesday, November 1, 2023 8:01 AM
To: Comm PIO <pio@aisd.net>
Subject: Adams Elementary Playground

Hello!

Are residents in the neighborhood able to use the playground at Adams Elementary School after school hours?

Thank you,

Alyssa Carpenter

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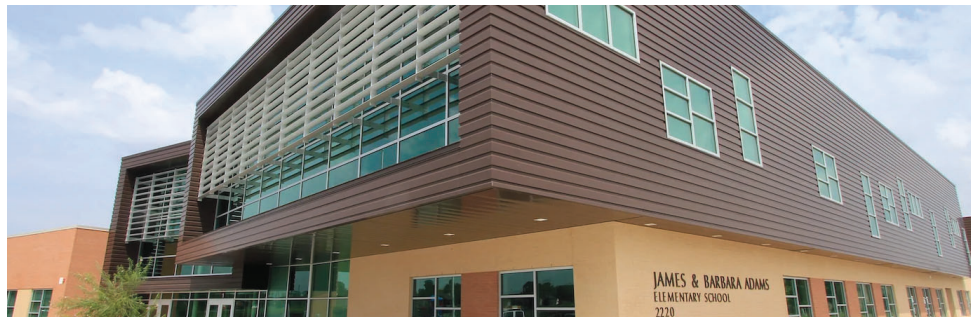
[SECURITY TRACKER](#)[BLOG](#)[CALENDARS](#)[DEPARTMENTS](#)[INTRANET](#)[JOBS](#)[SELF SERVE PORTALS](#)[HOW DO I?](#)

ADAMS ELEMENTARY

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STATUS

Design and construction update

SCOPE

Scope of work planned for the campus

DETAILS

Phase, schedule, architect and construction manager

QUESTIONS

Questions about Adams? Contact us.

PROJECT STATUS

UPDATE: The Bond 2019 project at Adams Elementary is in phase two of the five-year bond program and is now underway.

Adams Elementary was one of only two schools that didn't get any renovations in the 2014 Bond program, but that was because Adams was new at the time. The school first opened in 2013.

Now ten years have passed, and the 2019 Bond program does include a few improvements for Adams. Inside, exterior doors are getting new hardware, and the kitchen dock is getting a new generator connection. Outside, Adams is getting a new digital marquee, along with nearby landscaping, and the baseball field backstop will be replaced.

The new playgrounds for Adams are in phase three and are now open.

PROJECT SCOPE

+ **CONDITION PRIORITIES**

+ **SCHOOL PROGRAMMING**

+ **SAFETY, SECURITY & TECHNOLOGY**

PROJECT DETAILS



Alyssa <ajcarpen@gmail.com>

Park tie breaker question

Joshua Goldberger <joshua.goldberger@tdhca.state.tx.us>
To: Alyssa Carpenter <ajcarpen@gmail.com>
Cc: Cody Campbell <cody.campbell@tdhca.state.tx.us>

Fri, Sep 29, 2023 at 11:04 AM

Hi Alyssa,

Our impression is that under the current language, staff would not have justification to disallow using ISD recreational property so long as it otherwise aligns with the rule. However, following the public comment period changes may be made to this rule and others. Our eventual interpretation could differ depending on the final language.

Best,

Joshua Goldberger
Competitive (9%) Housing Tax Credit Manager
Texas Department of Housing and Community Affairs
Office: 512.475.2596
221 E. 11th Street | Austin, TX 78701

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b), there are important limitations and caveats (Also see 10 TAC §11.2(a)).

-----Original Message-----

From: Alyssa Carpenter <ajcarpen@gmail.com>
Sent: Wednesday, September 27, 2023 12:26 PM
To: Joshua Goldberger <joshua.goldberger@tdhca.state.tx.us>
Cc: Cody Campbell <cody.campbell@tdhca.state.tx.us>
Subject: Re: Park tie breaker question

Hi, Joshua and Cody:

Can you please confirm that I am understanding you correctly? This obviously makes a huge difference in a lot of areas.

Regards,

Alyssa Carpenter

On Wed, Sep 20, 2023 at 3:01 PM Alyssa Carpenter <ajcarpen@gmail.com> wrote:

>
> Hi, Joshua and Cody:

>
> Thank you for the response, but I want to confirm I understand correctly. So you are saying that, with the current language, the following would qualify to be counted as a park for the tie breaker? But if the final rule language changes, then the interpretation might change?
>
> ISD school property that the public can use, such as an elementary school playground or a high school sports field.
>

>
> Regards,

>
> Alyssa Carpenter

>
>
>

> Regards,

>
> Alyssa Carpenter

>
> On Mon, Sep 18, 2023 at 3:43 PM Joshua Goldberger <joshua.goldberger@tdhca.state.tx.us> wrote:

>>
>> Alyssa,
>>
>>
>> As currently drafted the QAP does not seem to disallow this situation. However, please note that any application must meet the requirements of the final rule.
>>
>>

>>
>> Best,

>>
>>
>> Joshua Goldberger
>>
>> Competitive (9%) Housing Tax Credit Manager
>>
>> Texas Department of Housing and Community Affairs
>>
>> Office: 512.475.2596
>>
>> 221 E. 11th Street | Austin, TX 78701
>>
>>

>>
>> Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b), there are important limitations and caveats (Also see 10 TAC §11.2(a)).

>>
>>
>>
>>
>> From: Alyssa Carpenter <ajcarpen@gmail.com>
>> Sent: Monday, September 4, 2023 1:04 PM
>> To: Cody Campbell <cody.campbell@tdhca.state.tx.us>
>> Subject: Park tie breaker question

>>
>>
>>
>> Hi, Cody:

>>
>>
>>
>>
>>
>> Question for you. For the Park Tie Breaker language, would this include a track or playground on ISD school property that the public is allowed to use? The parcel is not "exclusively" dedicated for public use as parkland or for a recreational purpose, but part of the site could be used for a recreational purpose by the public and the ISD is a state entity.

>>
>>
>> (i) A park, or a parcel of land dedicated for public use by a
>> Municipal, County, State, or
>>
>> Federal entity and used as parkland or for a recreational purpose.

>>
>>
>> Regards,
>>
>>
>> Alyssa Carpenter

Comment 38

October 13, 2023

Dominic Deniro
Texas Department of Housing and Community Affairs
QAP Rule Public Comment
221 E. 11th Street
Austin, Texas 78701

RE: Comment on the Draft 2024 Qualified Allocation Plan

Dear Mr. Deniro:

The following comments are in response to the draft 2024 Qualified Allocation Plan (QAP). I thank Staff for their work on this document and the opportunity to provide input.

11.7 Tie Breaker Factors

Under subsection (2) For all other competitive Applications, please add that TDHCA staff will measure the distances based on the GPS coordinates provided by the Applicant and TDHCA's measurements will be used to calculate the final tiebreaker distance. There needs to be a consistent and unbiased measurement across all applications.

While the QAP states what would occur if there is "a substantial misrepresentation of distance from the development," if GPS coordinates are being required in the Application, then the misrepresentation language should also include reference to "inaccurate GPS coordinates."

In section 11.7(2)(A)(i) concerning the park, I ask that this language be revised to clarify that the parkland or recreational purpose must be consistently available for use by the general public without restrictions caused by other uses located on the property (e.g. a playground at a school would not qualify if the playground is not available for use by the general public during school hours).

11.8(b)(2)(B) Pre-Application Notifications and §11.203 Public Notifications.

The Draft strikes out "email" as a notification option; however, during the September 7, 2023, Board Meeting, it was my understanding that email notifications were to be reinstated in the QAP. Page 287 of 290 of the Board Transcript does state "We are going to reinstate the ability to issue public notifications through email."

11.9(b)(3) Quantity of Low-Income Units

I propose that this item be removed from the 2024 QAP so that it may be workshopped for 2025.

The concern is that the use of 2022 and 2023 HTC awards to calculate the average will be not consistent because it was only the 2023 QAP that required no more than 30% efficiency and 1-bedroom units in general developments. When you compare the average number of units in all urban general applications between the 2022 and 2023 award years, the average in 2022 was 86 while the average in 2023 was 67. When comparing 2022 general awards in region 3 and 6, only 2 of the 10 awards had no more than 30% efficiency and 1-bedroom units and 3 awards had over 50% efficiency and 1-bedroom units.

Application Number	Region	Name	Percent of Eff and 1-Bed Units	Total LI Units
22285	3	Jaipur Lofts	37%	71
22110	3	Cypress Creek Apartment Homes at Montfort Drive	55%	116
22250	3	Juniper Apartments	18%	64
22257	3	The Reserves at Magnolia	33%	54
22234	3	Westview Heights at Denton	36%	110
22139	6	Hartwood at Clarblak	38%	112
22193	6	Oak Avenue Lofts	41%	81
22023	6	Kirkwood Crossing Apartments	26%	114
22090	6	Lofts at Hartsook	50%	96
22018	6	Cole Creek Estates	67%	102

Staff appreciates the comments of support from Commenters 1, 2, 3, 52, 53, 54, and 69 regarding the importance of early childhood education.

Staff acknowledges the recommendation from Commenters 1, 2, 3, 52, and 69 to decrease the population threshold for the automatic award to regions with a county of 300,000. However staff does not have plans to change the population threshold for the 2024 QAP, as the impact of the item still need to be reviewed in the upcoming round. Staff is aware of concerns related to certain target populations being disadvantaged, and will monitor the 2024 9% Applications for these concerns brought up by Commenter 52.

Staff acknowledges Commenters 16, 17, and 39 recommendation to only allow the largest subregions that contain subpopulations of 2,500,000 to be qualified for the on-site Pre-K automatic award. Staff is also aware of the concerns regarding expectations and standards for developers to fully operate Pre-K facilities. Currently Staff have no plans of making changes to the population threshold amounts for the 2024 QAP. In regards to concerns of Commenters 16, 17, 27, and 39 regarding the impact among less populated subregions, Staff will monitor the potential impact with the current threshold, and address any concerns in the upcoming QAP 2025 Roundtables.

Staff appreciates the recommendation from Commenter 64 for increasing the population threshold to 1,500,000 in order to exclude certain subregions, however Staff does not have any current plans to increase this threshold for the 2024 QAP.

Staff acknowledges Commenters 42, 46, 58, 63, and 72 recommendation to remove the subparagraph on high scoring developments that provide Pre-K based upon financial infeasibility and lack of expertise for developers, however staff has no current plans to remove this subparagraph for the 2024 QAP. Staff understands the concerns of increased liability insurance, risk to investor regarding hazardous events, and owner management difficulties from Commenter 46. Staff recommends to bring up these concerns for the 2025 QAP Roundtable Discussions.

Staff appreciates the concerns from Commenter 76 around resident needs, long term impacts, and the suggestion to restrict automatic awards to location specific economic development policy development initiatives, and Staff will keep these concerns in mind for the 2025 QAP Planning Process.

§11.7 Tie Breaker Factors

COMMENT SUMMARY: Commenter 25 proposes a change for the threshold criteria for the final tie breaker to trigger at 10 feet or fewer as opposed to 100 feet or fewer. Commenter 25 cites the level of inaccuracy that common measuring tools include, among other specifications. Commenters 32, 34, 35, 47, 49, and 51 agree with Commenter 25 that 100 feet or fewer is too high.

Commenters 28, 41, 43, 66, and 68 suggest using a tie breaker that prioritizes the production of units at or below 30% AMI. Commenters 28, 41, 66, and 68 have provided language and discussion to this effect.

Commenter 31 states that changing the way the tiebreaker measurements are done make it more difficult for applicants and won't result in more amenities for residents. Commenter 31 suggests keeping the 2023 language.

Commenters 38, 46, 47, 49, and 51 suggest revised language regarding the process for providing GPS coordinates citing consistency in measurements across all applications. Commenter 38 suggests language to this effect. Commenter 46 cites similar concerns and has provided alternative language to that affect.

Commenter 38 suggests revision of section related to parks citing use restrictions at some parks such as school playgrounds. Commenter 38 suggested language to this effect.

Commenters 41 and 66 suggest the tie breaker should be adjusted to incentivize distance to healthcare facilities. Commenters 41 and 66 suggest language to this effect.

Commenter 67 suggests revising a proposed deletion related to 20% poverty rate threshold citing it is a necessary filter ensuring that developments are not built in high poverty areas.

Commenter 70 suggests removing language related to the 100 feet margin of error citing a burden of proof on the applicant.

Commenter 78 does not agree with the distance to amenities tie breaker metric citing the location of their congregation which performs well under the draft language, but is not a suitable location for affordable housing due in part to distance from the nearest grocery store.

STAFF RESPONSE:

In response to Commenter 25, staff acknowledges the recommendation to decrease the acceptable level of inaccuracy to 10 feet instead of 100 feet. Staff also acknowledges Commenters 32, 34, 35, 47, 49, 51, and 70 concerns of 100 feet being too high of an acceptable tiebreaker range. No change is recommended as Staff believes that for the initial year of a new tie-breaker it is appropriate to have a high standard for potential inaccuracy and measurement error. Staff will reevaluate this in the 2025 QAP development process.

Staff appreciates Commenters 28, 41, 43, 66, and 68 recommendations for a new tiebreaker prioritizing units at or below 30% AMI, however staff believes introducing a new tiebreaker at this time would not be feasible. Staff recommends speaking on this tiebreaker during a 2025 QAP Roundtable Discussion.

We appreciate the recommendation from Commenter 31 on keeping the existing 2023 Tiebreakers, however staff believes the new tiebreaker on emphasizing amenities for potential residents is a positive change that achieves policy goals.

Staff appreciates Commenters 38, 46, 47, 49, and 51 on their suggestion of revising the language on how to provide the GPS coordinates and concerns of consistency across all applications. Staff plans to keep the current drafted language for the 2024 QAP, however Staff recommends Commenters 38, 46, 47, 49, and 51 discuss these concerns in the upcoming 2025 QAP Roundtables.

Staff acknowledges the concerns of Commenter 38 regarding usage restrictions. Staff plans to keep the current draft language but will monitor this issue in the upcoming round and is open to revisions for 2025.

Staff appreciates Commenters 41 and 66 recommendations for including healthcare facilities in the amenities tiebreaker. Staff currently has no plans to add or remove any amenities for this tiebreaker.

In response to Commenter 67, Staff does not have current plans to keep the 20% poverty rate threshold language for tiebreakers in the 2024 QAP but will monitor the average development site's poverty rate in the coming round. Staff acknowledges the concerns of Commenter 78 regarding the amenities available at their site location. Staff believes that there are other scoring items in the QAP that determine what a quality site is beyond the proposed and current tiebreakers.

§11.8(b)(1) Pre-Application Requirements

COMMENT SUMMARY: Commenter 17 suggests that language regarding Pre-Application Pre-K requirements in §11.9(e)(3)(J) should be also included in §11.8(b) Pre-Application Threshold Criteria. Commenter 17 cites the need for Pre-Application requirement consistency throughout the QAP.

Commenter 17 states that Pre-Application Threshold Criteria regarding Property Tax Exemption Disclosures will unfairly impact developments that involve a nonprofit partner. Commenter 17 cites the various levels of tax exemption that nonprofits receive, cites notification and opposition factors, and discusses other unintended consequences if these disclosures are made at Pre-Application. Commenter 17 has provided language for a potential revision.

Commenter 46 suggests removing the item for disclosing Property Tax Exemptions at Pre-Application citing financing variability that typically occur at this time in the process.

Commenter 69 proposes a number of additions to the Pre-Application requirements to specify that common amenities must be of benefit to all residents in a proposed development. Existing language excludes this requirements. Commenter 69 includes suggested language to this effect.

FW: 24171 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.

Joshua Goldberger <Joshua.Goldberger@tdhca.texas.gov>

Tue 5/21/2024 11:13 AM

To: Meredith Edwards <meredith@meconsulting.ltd>

Hi Meredith,

Please also see the below notice.

Best,

Joshua Goldberger

Competitive (9%) Housing Tax Credit Manager

Texas Department of Housing and Community Affairs

Office: 512.475.2596

221 E. 11th Street | Austin, TX 78701

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b), there are important limitations and caveats (Also see 10 TAC §11.2(a)).

From: Joshua Goldberger

Sent: Tuesday, May 21, 2024 12:11 PM

To: dsulakhe@omhousing.com; 'Alyssa Carpenter' <ajcarpen@gmail.com>; 'Alyssa Carpenter' <ajcarpen@gmail.com>

Subject: 24171 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.

Importance: High

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(6), §11.201(6)(A) and §11.201(6)(B) of the 2024 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

- Please explain how the Adams Elementary School playground meets the requirements of §11.7(2)(A) (i). Clarify if the Adams Elementary School playground has been dedicated for public use.

The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(6)(B) of the 2024

Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice [§11.2(b)(2)]. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Jason Burr at jason.burr@tdhca.state.tx.us or by phone at (512)475-4000.

All applicants should review §§11.1(b) and 11.1(c) of the 2024 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.

****All deficiencies must be corrected or clarified by 5 pm Austin local time on May 29, 2024. Please respond to this email as confirmation of receipt.****

Best,

Joshua Goldberger

Competitive (9%) Housing Tax Credit Manager
Texas Department of Housing and Community Affairs
Office: 512.475.2596
221 E. 11th Street | Austin, TX 78701

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b), there are important limitations and caveats (Also see 10 TAC §11.2(a)).

24174

Villas at Primrose

**Request for Administrative
Deficiency**

May 3, 2024

Joshua Goldberger
Texas Department of Housing and Community Affairs
221 E 11th Street
Austin, Texas 78701

Re: RFAD for HTC Application 24174 Villas at Primrose

Dear Mr. Goldberger:

This is a formal Third Party Request for Administrative Deficiency (RFAD) regarding TDHCA Application 24174 Villas at Primrose. This RFAD concerns the Applicant's Tie Breaker selections under Section 11.7 of the 2024 QAP.

Section 11.7 Tie Breaker Factors outlines the factors that will be used in the event that there are HTC Applications that receive the same number of points. For Applications not funded through the USDA Set-Aside, the Tie Breaker Factors and requirements are copied below:

(2) For all other competitive Applications

(A) Applications proposed to be located in closest proximity to the following features as of the Full Application Delivery Date:

(i) A park, or a parcel of land dedicated for public use by a Municipal, County, State, or Federal entity and used as parkland or for a recreational purpose. This feature must have been designated by the relevant authority one year prior to the Full Application Delivery Date.

(ii) The elementary school of attendance. In districts with district-wide enrollment or choice, the Applicant shall use the closest elementary. If a school is configured to serve grades that do not align with the Texas Education Agency's conventions for defining elementary schools, the closest campus of attendance that serves any grade from kindergarten to fifth grade shall be used.

(iii) A full service grocery store of sufficient size and volume to provide for the needs of the surrounding neighborhood including the proposed Development; offering a wide variety of fresh, frozen, canned and prepared foods, including but not limited to a variety of fresh meats, poultry, and seafood; a wide selection of fresh produce including a selection of different fruits and vegetables; a selection of baked goods and a wide array of dairy products including cheeses, and a wide variety of household goods, paper goods and toiletry items.

(iv) A Public Library with indoor space, physical books that can be checked out and that are of general and wide-ranging subject matter, computers and internet access, and that is: Open 35 hours or more per week in an Urban Area and 25 hours or more per week in a Rural Area. The library must not be age or subject-restricted and must be at least partially funded with government funding.

(B) The linear measurement will be performed from closest parcel boundary of the Development Site to closest parcel boundary of each feature. The Department may prescribe a specific form to be used for the calculation of these distances using GPS coordinates provided by the Applicant.

(C) In calculating this proximity, each feature's distance will be required for submittal, with the sum of the three closest features being used to produce the result. The Application with the lowest sum of proximity will receive preference.

(D) In the event that one of the top three features is disqualified due to not conforming to the definitions provided or a substantial misrepresentation of distance from the development, the fourth will be used as an opportunity to replace the disqualified feature. If multiple features are disqualified, the Application will not receive preference. If the competing application(s) also has multiple disqualified features the tie will persist.

(E) In the event that the sum proximities described under §11.7(2)(B) for two tied Applications differ by 100 or fewer feet, the tie will persist.

Section 11.7(2)(A)(iii) outlines the specific requirements for the “full service grocery store” feature. It specifically requires that the store offer “a wide variety of fresh, frozen, canned and prepared foods, including but not limited to a variety of fresh meats, poultry, and seafood; a wide selection of fresh produce including a selection of different fruits and vegetables.”

Application 24174 Villas at Primrose has indicated that the Target at 3600 Nolana Ave, McAllen, TX 78504 is the closest Grocery Store feature. However, this Target store does not meet the requirements of the QAP. Not all Target stores carry fresh fruits, fresh vegetables, fresh poultry, and fresh meat.

Amenity	Name	Address
Park	McAllen Sports Park	3301 Buddy Owens Blvd, McAllen, TX 78504
Elementary School	os E. Castaneda Elementary	4100 N 34th St, McAllen, TX 78504
Grocery Store	Target	3600 Nolana Ave, McAllen, TX 78504
Library	McAllen Public Library	4001 N 23rd St, McAllen, TX 78504

Distance (feet)	
Park	122
Elementary School	668
Grocery Store	664
Library	3590
Tie-Breaker:	1,454.26

According to the Target website, the 3600 Nolana Ave location is the “McAllen Northwest” store. When using the website to shop for fresh fruit, fresh vegetables, and fresh raw chicken at the McAllen Northwest store, the items are available for Same Day Delivery but not available for pickup. When clicking on a fresh item, they are “Not sold at McAllen Northwest,” but would be ready for pickup at a nearby store. Please see the attached examples for blueberries, carrots, and raw chicken breasts. In contrast, when searching for raw chicken at the “McAllen North” store at 7400 N 19th St, those items are “Ready within 2 hours with pickup” at the store location. When calling the McAllen Northwest store directly at telephone number (956) 618-7700 on March 18, 2024, the employee confirmed that the store did not sell any raw meat or fresh vegetables.

To confirm what grocery items were actually available at the Target McAllen Northwest store at 3600 Nolana Ave, the store was visited on March 20, 2024. The attached photos show a wide variety of dry, frozen, and canned foods as well as fresh dairy and juice, but no fresh meats, fresh poultry, fresh seafood, fresh vegetables, or a selection of different fresh fruits. No fresh vegetables or fruit were observed except for a single rack of bananas. The store has cured meats such as lunch meat, bacon, and sausage, as well as

frozen seafood and meats, but the store does not have fresh raw meat. Per the attached documentation from the US Department of Agriculture Food Safety and Inspection Service, poultry may only be called "fresh" if it has never been below 26 degrees and frozen. Additionally, cured or treated meats cannot be called "fresh."

Without a "variety of fresh meats, poultry, and seafood" and "a wide selection of fresh produce including a selection of different fruits and vegetables," The Target McAllen Northwest store at 3600 Nolana Ave does not meet the QAP requirement in 11.7(2)(A)(iii).

Section 11.7(2)(D) specifies what happens in the event that a feature is disqualified. Specifically, the QAP states "In the event that one of the top three features is disqualified due to not conforming to the definitions provided or a substantial misrepresentation of distance from the development, the fourth will be used as an opportunity to replace the disqualified feature." Because the Grocery Store indicated in Application 24174 does not conform to the QAP definition, it should be removed from the Tie Breaker calculation and replaced with the fourth feature.

In conclusion, Application 24174 Villas at Primrose has attempted to use a Grocery Store that does not conform to the QAP definition for the Tie Breaker. The Grocery Store feature should be disqualified and removed from the Tie Breaker calculation.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ellen Moskalik', with a stylized flourish at the end.

Ellen Moskalik
Acquisitions Manager
www.chavezfoundation.org

📍 Ship to 78504

🏠 McAllen Northwest

[Find a store](#)

McAllen Northwest

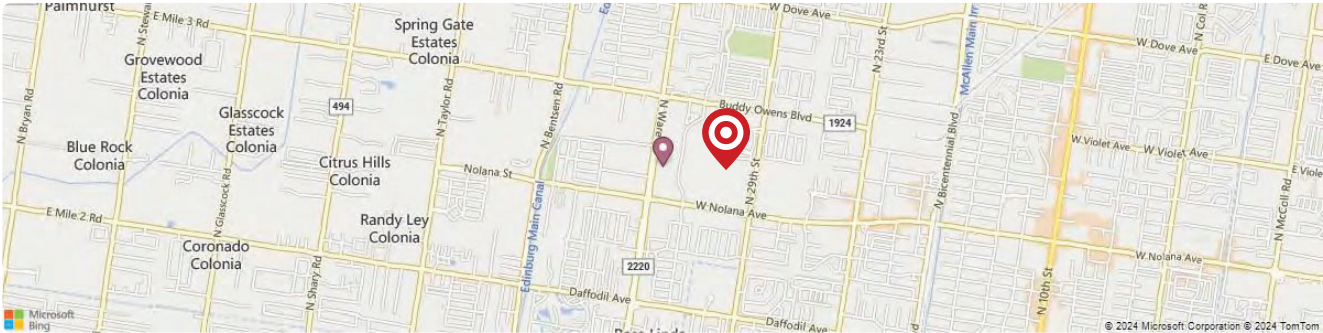
Currently shopping

3600 Nolana Ave
McAllen, TX 78504-4594
Phone: (956) 618-7700
Open until 11:00pm

🗺️ Get directions

📞 Call store

📍 Store map



Store Hours

Open until 11:00pm

CVS pharmacy

Opens at 10:00am

Wine & Beer Available

Open until 11:00pm

Starbucks Cafe

Open until 8:00pm

Prepaid Cell Phone Activations

Open until 10:00pm

ATT Cell Phone Activations

Opens at 11:00am

Shop pickup & delivery

Start an order at this store



Order Pickup

Order ahead and pickup in-store



Drive Up

Order ahead and use the Target app to pick up without leaving your car



Delivery

Brought to your door by a trusted shopper

Store features



What can we help you find?



Ship to 78504

McAllen Northwest



What can we help you find?



Fresh Fruit

[Target](#) / [Grocery](#) / [Produce](#) / Fresh Fruit

Effortless eats everyone will love
Shop tasty faves with same-day pick up & delivery.



Sponsored

Filter

Sort

Target Circle Deals

Deals

Type

Dietary Needs

Brand

Sold by

77 results

Pickup

Shop in store

Same Day Delivery

Shipping

Shopping at
McAllen Northwest
store. Only option
is Same Day
Delivery



Rockit Miniature Apples - 3lb Bag

★★★★★ 281

SNAP EBT eligible

\$8.99 (\$0.19/ounce)
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart

Sponsored



SugarBee Apples - 2lb Bag

★★★★★ 353

SNAP EBT eligible

\$5.59 (\$0.17/ounce)
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart

Sponsored



Strawberries - 1lb

★★★★★ 9462

SNAP EBT eligible

\$2.99 (\$0.19/ounce)
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart



Blueberries - 11.2oz

★★★★★ 4384

SNAP EBT eligible

\$3.29 (\$0.29/ounce)
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart



Raspberries - 12oz

★★★★★ 925

SNAP EBT eligible

\$4.99 (\$0.42/ounce) reg \$5.49
Sale
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery



Banana - each - Good & Gather™

Good & Gather

Only at

★★★★★ 11199

SNAP EBT eligible

\$0.29
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery



Once Upon A Farm Immunity Blend Variety Pack - 12.8oz/4ct

Once Upon a Farm

★★★★★ 62

SNAP EBT eligible

\$10.99 (\$2.75/count)
at McAllen Northwest

Shipping not available
Not available at McAllen Northwest



Once Upon a Farm Organic Immunity Blends Variety Pack ...

Once Upon a Farm

★★★★★ 28

SNAP EBT eligible

\$10.99 (\$0.86/ounce)
at McAllen Northwest

Shipping not available
Not available at McAllen Northwest

Add to cart

Add to cart

Check stores

Sponsored

Check stores

Sponsored

Effortless eats everyone will love
Shop tasty faves with same-day pick up & delivery.



Sponsored



Once Upon a Farm Organic Berry Bundle Variety Pack Kid...

Once Upon a Farm
★★★★☆ 812

SNAP EBT eligible

\$9.49 (\$0.74/ounce)

at McAllen Northwest

Shipping not available

Not available at McAllen Northwest

Check stores

Sponsored



Cantaloupe - each

★★★★☆ 711

SNAP EBT eligible

\$2.69

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart



Red Grapefruit - each

★★★★☆ 528

SNAP EBT eligible

\$0.99

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart



Raspberries - 6oz

★★★★☆ 2926

SNAP EBT eligible

\$2.69 (\$0.45/ounce)

[Buy 2 for \\$5 on raspberries - 6oz](#)

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart



Blackberries - 6oz

★★★★☆ 1973

SNAP EBT eligible

\$2.29 (\$0.38/ounce)

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart



Extra Large Green Seedless Grapes - 1.5lb Bag

★★★★☆ 2724

SNAP EBT eligible

\$4.49 (\$0.19/ounce)

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart



Premium Mango - each

★★★★☆ 1089

SNAP EBT eligible

\$1.59

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart



Extra Large Red Seedless Grapes - 1.5lb Bag

★★★★☆ 2362

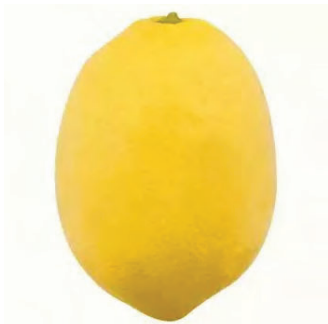
SNAP EBT eligible

\$4.49 (\$0.19/ounce)

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart











Lemon - each



<p>★★★★★ 2346</p> <p>SNAP EBT eligible</p> <p>\$0.59</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>	<p>Honeycrisp Apples - 3lb Bag - Good & Gather™</p> <p>Good & Gather Only at </p> <p>★★★★★ 1039</p> <p>SNAP EBT eligible</p> <p>\$4.49 (\$0.09/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>	<p>Organic Granny Smith Apples - 2lb Bag - Good & Gather™</p> <p>Good & Gather Only at </p> <p>★★★★★ 130</p> <p>SNAP EBT eligible</p> <p>\$3.99 (\$0.12/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>	<p>Pink Lady Apples - 3lb Bag - Good & Gather™</p> <p>Good & Gather Only at </p> <p>★★★★★ 874</p> <p>SNAP EBT eligible</p> <p>\$3.99 (\$0.08/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>
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Sponsored

 <p>Honeycrisp Apple - each</p> <p>★★★★★ 585</p> <p>SNAP EBT eligible</p> <p>\$1.29</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>	 <p>Organic Bananas - 2lb - Good & Gather™</p> <p>Good & Gather Only at </p> <p>★★★★★ 5695</p> <p>SNAP EBT eligible</p> <p>\$1.99 (\$0.06/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>	 <p>Sun Beams Mandarin Oranges - 3lb - Good & Gather™</p> <p>Good & Gather Only at </p> <p>★★★★★ 378</p> <p>SNAP EBT eligible</p> <p>\$3.79 (\$0.08/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>	 <p>Jumbo Blueberries - 9.8oz</p> <p>★★★★★ 335</p> <p>SNAP EBT eligible</p> <p>\$5.99 (\$0.61/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>
 <p>Organic Strawberries - 16oz</p> <p>★★★★★ 1087</p> <p>SNAP EBT eligible</p> <p>\$4.29 (\$0.27/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>	 <p>Hass Avocados - 4ct - Good & Gather™</p> <p>Good & Gather Only at </p> <p>★★★★★ 2077</p> <p>SNAP EBT eligible</p> <p>\$2.69 (\$0.11/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>	 <p>Mighty Kiwi Fruit - 1lb</p> <p>★★★★★ 892</p> <p>SNAP EBT eligible</p> <p>\$3.99 (\$0.25/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>	 <p>Tri-Colored Bell Peppers - 16oz/3ct - Good & Gather™...</p> <p>Good & Gather Only at </p> <p>★★★★★ 1932</p> <p>SNAP EBT eligible</p> <p>\$3.69 (\$0.23/ounce)</p> <p>at McAllen Northwest</p> <p>Get it as soon as 3pm today with Same Day Delivery</p> <p>Add to cart</p>

Ship to 78504

McAllen Northwest



What can we help you find?



Target / Grocery / Produce / Fresh Fruit



Not Sold at
McAllen Northwest
and Pickup is Not
Available

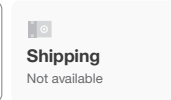
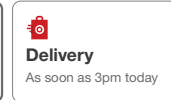
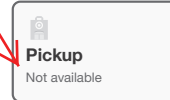
[Shop this collection](#)

Blueberries - 11.2oz

★★★★★ 4384

\$3.29 (\$0.29/ounce)

at McAllen Northwest



Not sold at [McAllen Northwest](#)

Available near you

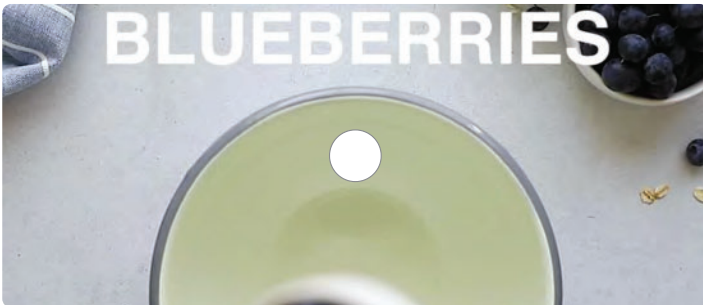
Ready within 2 hours for pickup inside the store

Show in-stock stores

Create or manage registry

Sign in


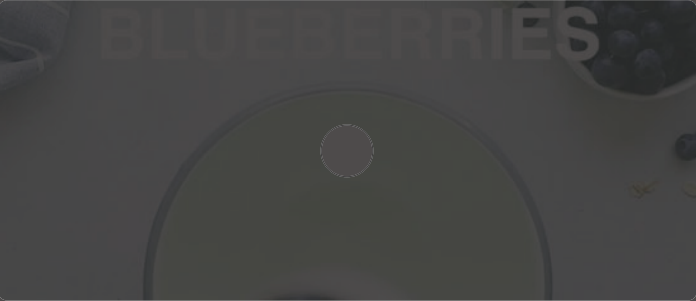

"Show in-stock
stores" is shown on
next page



Ship to 78504McAllen Northwest

What can we help you find?

Target / Grocery / Produce / Fresh Fruit



Shop this collection

Blueberries - 11.2oz

☆☆☆☆☆ 4384

\$3.29 (\$0.29/ounce)
at McAllen Northwest

Pickup

Not available

Delivery

As soon as 3pm today

Not sold at McAllen Northwest

Available near you
Ready within 2 hours for pickup inside the store

Show in-stock stores near you

Create or manage registry

Check Stores

78504

[Edit your location](#)

More near you

Show in-stock stores within 50 miles

McAllen North

1 mile [Next closest in stock](#)

Pick up here

In stock

Ready within 2 hours for pickup inside the store

Open until 11pm

[Store info](#)

Mission

6 miles

Pick up here

In stock

Ready within 2 hours for pickup inside the store

Open until 11pm

[Store info](#)

📍 Ship to 78504

🏠 McAllen Northwest



What can we help you find?



Fresh Vegetables

[Target](#) / [Grocery](#) / [Produce](#) / Fresh Vegetables

Effortless eats everyone will love
Shop tasty faves with same-day pick up & delivery.



Sponsored

Filter

Sort

Target Circle Deals

Deals

Type

Dietary Needs

Brand

Sold by

90 results

Pickup

Shop in store

🛒 Same Day Delivery

Shipping



Gourmet Garden Lightly Dried Cilantro - 0.35oz

Gourmet Garden

★★★★☆ 282

SNAP EBT eligible

\$4.19 (\$11.97/ounce)

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart

Sponsored



Gourmet Garden Gluten Free Ginger Stir-In Paste - 4oz

Gourmet Garden

★★★★☆ 150

SNAP EBT eligible

\$4.19 (\$1.05/ounce)

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart

Sponsored



Organic On-The-Vine Tomatoes - 1lb - Good & Gather™

Good & Gather

Only at

★★★★☆ 371

SNAP EBT eligible

\$3.89 (\$0.24/ounce)

Buy 1, get 1 50% off on select packaged tomatoes

at McAllen Northwest

Shipping not available

Not available at McAllen Northwest

Check stores



Baby-Cut Carrots - 1lb - Good & Gather™

Good & Gather

Only at

★★★★☆ 2529

SNAP EBT eligible

\$0.99 (\$0.06/ounce)

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

Add to cart



Russet Potatoes - 5lb - (Brand May Vary)

Good & Gather

Only at

★★★★☆ 2669

SNAP EBT eligible

\$3.39 (\$0.04/ounce)

at McAllen Northwest



Avocado Toast Chopped Salad Kit - 13.85oz - Good & Gather™

Good & Gather

Only at

★★★★☆ 1332

SNAP EBT eligible

\$3.99 (\$0.29/ounce)

at McAllen Northwest



Gourmet Garden Lightly Dried Basil - 0.42oz

Gourmet Garden

★★★★☆ 192

SNAP EBT eligible

\$4.19 (\$9.98/ounce)

at McAllen Northwest



Gourmet Garden Lightly Dried Parsley - 0.35oz

Gourmet Garden

★★★★☆ 148

SNAP EBT eligible

\$4.19 (\$11.97/ounce)

at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery	Get it as soon as 3pm today with Same Day Delivery	Get it as soon as 3pm today with Same Day Delivery	Shipping not available Not available at McAllen Northwest
Add to cart	Add to cart	Add to cart	<div>Check stores</div>
		Sponsored	Sponsored

Effortless eats everyone will love

Shop tasty faves with same-day pick up & delivery.

<div></div> <div>Classic Caesar Salad Kit - 10.3oz - Good & Gather™</div> <div>Good & Gather</div> <div>Only at </div> <div>★★★★☆ 1698</div> <div>SNAP EBT eligible</div> <div>\$3.99 (\$0.39/ounce)</div> <div>at McAllen Northwest</div> <div>Shipping not available</div> <div>Not available at McAllen Northwest</div> <div><div>Check stores</div></div>	<div></div> <div>Romaine Hearts - 3ct/22oz - Good & Gather™</div> <div>Good & Gather</div> <div>Only at </div> <div>★★★★☆ 2006</div> <div>SNAP EBT eligible</div> <div>\$2.89 (\$0.13/ounce)</div> <div>at McAllen Northwest</div> <div>Get it as soon as 3pm today with Same Day Delivery</div> <div>Add to cart</div>	<div></div> <div>Yellow Onions - 3lb Bag - Good & Gather™</div> <div>Good & Gather</div> <div>Only at </div> <div>★★★★☆ 1343</div> <div>SNAP EBT eligible</div> <div>\$3.49 (\$0.07/ounce)</div> <div>at McAllen Northwest</div> <div>Get it as soon as 3pm today with Same Day Delivery</div> <div>Add to cart</div>	<div></div> <div>Hearts of Romaine - 9oz - Good & Gather™</div> <div>Good & Gather</div> <div>Only at </div> <div>★★★★☆ 1298</div> <div>SNAP EBT eligible</div> <div>\$2.99 (\$0.33/ounce)</div> <div>at McAllen Northwest</div> <div>Shipping not available</div> <div>Not available at McAllen Northwest</div> <div><div>Check stores</div></div>
<div></div> <div>Organic Baby Spinach - 5oz - Good & Gather™</div> <div>Good & Gather</div> <div>Only at </div> <div>★★★★☆ 1624</div> <div>SNAP EBT eligible</div> <div>\$2.99 (\$0.60/ounce)</div> <div>at McAllen Northwest</div> <div>Get it as soon as 3pm today with Same Day Delivery</div> <div>Add to cart</div>	<div></div> <div>Chopped Kale - 16oz - Good & Gather™</div> <div>Good & Gather</div> <div>Only at </div> <div>★★★★☆ 839</div> <div>SNAP EBT eligible</div> <div>\$3.69 (\$0.23/ounce)</div> <div>at McAllen Northwest</div> <div>Get it as soon as 3pm today with Same Day Delivery</div> <div>Add to cart</div>	<div></div> <div>Italian Blend - 9oz - Good & Gather™</div> <div>Good & Gather</div> <div>Only at </div> <div>★★★★☆ 960</div> <div>SNAP EBT eligible</div> <div>\$2.99 (\$0.33/ounce)</div> <div>at McAllen Northwest</div> <div>Get it as soon as 3pm today with Same Day Delivery</div> <div>Add to cart</div>	<div></div> <div>Sweet Kale Chopped Salad Kit - 12oz - Good & Gather™</div> <div>Good & Gather</div> <div>Only at </div> <div>★★★★☆ 758</div> <div>SNAP EBT eligible</div> <div>\$3.99 (\$0.33/ounce)</div> <div>at McAllen Northwest</div> <div>Get it as soon as 3pm today with Same Day Delivery</div> <div>Add to cart</div>

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McAllen Northwest



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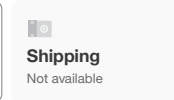
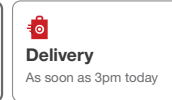
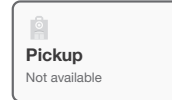
Baby-Cut Carrots - 1lb - Good & Gather™

★★★★★ 2529

Only at

\$0.99 (\$0.06/ounce)

at [McAllen Northwest](#)



Not sold at [McAllen Northwest](#)

Available near you

Ready within 2 hours for pickup inside the store

Show in-stock stores

Create or manage registry

[Sign in](#)




Good & Gather™
Baby-Cut
Carrots - 1lb



Ship to 78504McAllen Northwest

What can we help you find?

Target / Grocery / Produce / Fresh Vegetables



Shop all Good & Gather

Baby-Cut Carrots - 1lb - Good & Gather

☆☆☆☆☆ 2529 Only at

\$0.99 (\$0.06/ounce)

at McAllen Northwest

Pickup

Not available

Delivery

As soon as 3pm today

Not sold at McAllen Northwest

Available near you

Ready within 2 hours for pickup inside the store

Show in-stock stores near you

Create or manage registry

Check Stores

78504

Edit your location

More near you

Show in-stock stores within 50 miles

McAllen North

1 mile Next closest in stock

Pick up here

In stock

Ready within 2 hours for pickup inside the store

Open until 11pm

Store info

Mission

6 miles

Pick up here

In stock

Ready within 2 hours for pickup inside the store

Open until 11pm

Store info



What can we help you find?



Raw : Chicken

Target / Grocery / Meat & Seafood / Raw : Chicken

Effortless eats everyone will love
Shop tasty faves with same-day pick up & delivery.



Sponsored

Filter (1)

Sort

Target Circle Deals

Pre-Package Preparation (1)

Deals

Type

Brand

Meat Cut

State of Readiness

Sold by



Raw × [Clear all](#)

7 results

Pickup

Shop in store

Same Day Delivery

Shipping



Tyson Trimmed & Ready Boneless & Skinless Chicken Breast - 1.25-2.1 lbs.

Tyson

★★★★☆ 522

SNAP EBT eligible

\$10.53 max price (\$4.99/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

[Add to cart](#)



Tyson Trimmed & Ready Chicken Tenderloins - 1.25-2.1 lbs.

Tyson

★★★★☆ 203

SNAP EBT eligible

\$11.11 max price (\$5.29/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

[Add to cart](#)



Tyson All Natural Antibiotic Free Chicken Drumsticks - 1.49-2.93 lbs.

Tyson

★★★★☆ 252

SNAP EBT eligible

\$5.85 max price (\$1.99/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

[Add to cart](#)



Tyson All Natural Antibiotic Free Chicken Wings - 1.48-2.75 lbs.

Tyson

★★★★☆ 174

SNAP EBT eligible

\$10.97 max price (\$3.99/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

[Add to cart](#)



Tyson Trimmed & Ready Boneless & Skinless Thin Sliced Chicken Breasts - 1.25-2.1 lbs.

Tyson

★★★★☆ 262

SNAP EBT eligible

\$10.51 max price (\$5.29/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

[Add to cart](#)



Tyson All Natural Boneless & Skinless Antibiotic Free Chicken Thighs - 1.25-2.1 lbs.

Tyson

★★★★☆ 214

SNAP EBT eligible

\$10.25 max price (\$3.49/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

[Add to cart](#)



Tyson Trimmed & Ready Chicken Breast Strips - 0.84-2.5 lbs.

Tyson

★★★★☆ 172

SNAP EBT eligible

\$13.23 max price (\$5.29/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen Northwest

Get it as soon as 3pm today with Same Day Delivery

[Add to cart](#)

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Asian-Owned Brands at Target

Gift Ideas

Target Finds

New Arrivals
Target New Arrivals

Top Deals

Trending Chicken



Ship to 78504

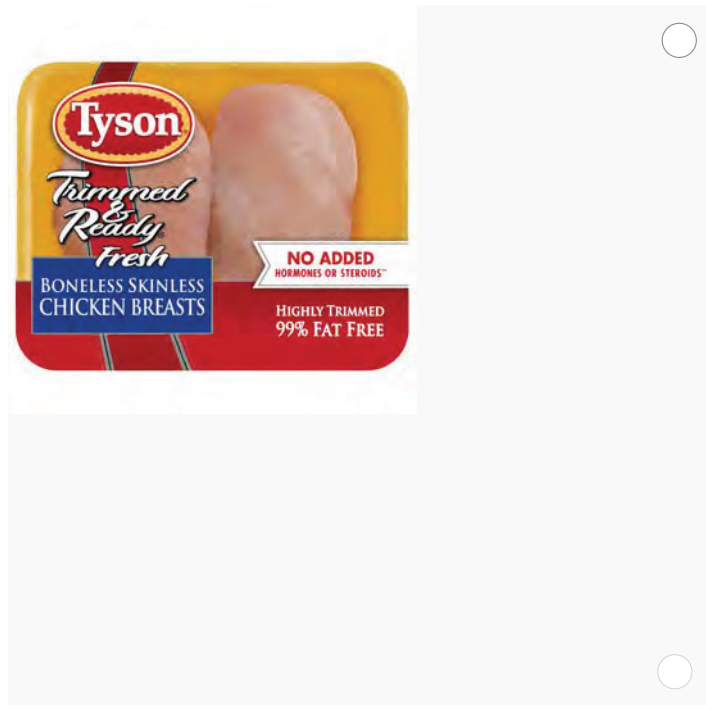
McAllen Northwest



What can we help you find?



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[Shop all Tyson](#)

Tyson Trimmed & Ready Boneless & Skinless Chicken Breast - 1-2.11lbs - price per lb

★★★★☆ 529

\$10.53 max price (\$4.99/lb)

Final price will be based on weight.

at McAllen Northwest

[See 1 deal for this item](#)

Pickup
Not available

Delivery
As soon as 3pm today

Shipping
Not available

Not sold at [McAllen Northwest](#)

Available near you

Ready within 2 hours for pickup inside the store

Show in-stock stores

Create or manage registry

Sign in

Available deals

Target Circle Deal: Buy 1, get 1 20% off on select packaged chicken
Eligible with Target Circle membership · Expires May 4 · [Details](#)



Ship to 78504McAllen Northwest

What can we help you find?

Tyson

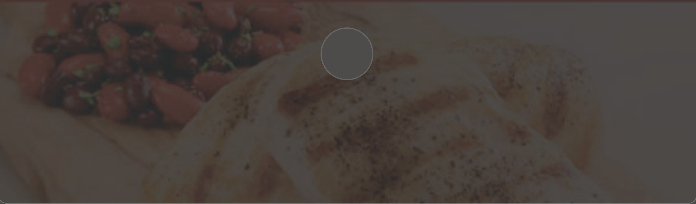
Trimmed Ready Fresh

BONELESS SKINLESS CHICKEN BREASTS

NO ADDED HORMONES OR STEROIDS

HIGHLY TRIMMED 99% FAT FREE

FAT FREE



Nutrition Facts

Calories 110

Shop all Tyson

Tyson Trimmed & Ready Boneless

2.11lbs - price per lb

☆☆☆☆☆ 529

\$10.53 max price (\$4.99/lb)

Final price will be based on weight.

at McAllen Northwest

See 1 deal for this item

Pickup

Not available

Delivery

As soon as 3pm today

Not sold at McAllen Northwest

Available near you

Ready within 2 hours for pickup inside the store

Show in-stock stores near you

Create or manage registry

Available deals

Target Circle Deal: Buy 1, get 1 20% off

Eligible with Target Circle membership

Check Stores

78504

Edit your location

More near you

Show in-stock stores within 50 miles

McAllen North

1 mileNext closest in stock

Pick up here

In stock

Ready within 2 hours for pickup inside the store

Open until 11pm

Store info

Mission

6 miles

Pick up here

In stock - only 5 left

Ready within 2 hours for pickup inside the store

Open until 11pm

Store info

Find a store

McAllen North

Currently shopping

7400 N 10th St
McAllen, TX 78504-7700
Phone: (956) 994-1815
Open until 11:00pm

McAllen North
store location

Get directions

Call store

Store map

- Store Hours

Open until 11:00pm
- CVS pharmacy

Open until 7:00pm
- Wine & Beer Available

Open until 11:00pm
- Prepaid Cell Phone Activations

Open until 10:00pm
- ATT Cell Phone Activations

Open until 7:00pm

Shop pickup & delivery

Start an order at this store

Order Pickup

Order ahead and pickup in-store

Drive Up

Order ahead and use the Target app to pick up without leaving your car

Delivery

Brought to your door by a trusted shopper

Store features

CVS pharmacy

Disney store at Target

ATT Cell Phone Activations

Prepaid Cell Phone...

Wine & Beer Available

Snack Bar - Pizza

Recently viewed items

Ship to 78504

McAllen North



What can we help you find?



Raw : Chicken

Target / Grocery / Meat & Seafood / Raw : Chicken

Effortless eats everyone will love
Shop tasty faves with same-day pick up & delivery.



Filter (1)

Sort

Target Circle Deals

Pre-Package Preparation (1)

Deals

Type

Brand

Meat Cut

State of Readiness

Raw [Clear all](#)

7 results

Pickup

Shop in store

Same Day Delivery

Shipping



Tyson Trimmed & Ready Boneless & Skinless Chicken Breast - 1.25-2.1 lbs.

Tyson
★★★★★ 522

SNAP EBT eligible

\$11.16 max price (\$5.29/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen North

Get it as soon as 3pm today with Same Day Delivery
Ready within 2 hours with pickup

Add to cart



Tyson Trimmed & Ready Chicken Tenderloins - 1.25-2.1 lbs.

Tyson
★★★★★ 203

SNAP EBT eligible

\$11.53 max price (\$5.49/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen North

Get it as soon as 3pm today with Same Day Delivery
Ready within 2 hours with pickup

Add to cart



Tyson All Natural Antibiotic Free Chicken Drumsticks - 1.49-2.93 lbs.

Tyson
★★★★★ 252

SNAP EBT eligible

\$5.85 max price (\$1.99/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen North

Get it as soon as 3pm today with Same Day Delivery
Ready within 2 hours with pickup

Add to cart



Tyson All Natural Antibiotic Free Chicken Wings - 1.48-2.75 lbs.

Tyson
★★★★★ 174

SNAP EBT eligible

\$12.35 max price (\$4.49/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen North

Get it as soon as 3pm today with Same Day Delivery
Ready within 2 hours with pickup

Add to cart



Tyson Trimmed & Ready Boneless & Skinless Thin Sliced Chicken - 1.25-2.1 lbs.

Tyson
★★★★★ 260

SNAP EBT eligible

\$10.91 max price (\$5.49/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen North

Get it as soon as 3pm today with Same Day Delivery
Ready within 2 hours with pickup

Add to cart



Tyson All Natural Boneless & Skinless Antibiotic Free Chicken Thighs - 1.25-2.1 lbs.

Tyson
★★★★★ 214

SNAP EBT eligible

\$13.19 max price (\$4.49/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen North

Get it as soon as 3pm today with Same Day Delivery
Ready within 2 hours with pickup

Add to cart



Tyson Trimmed & Ready Chicken Breast Strips - 0.84-2.5 lbs.

Tyson
★★★★★ 179

SNAP EBT eligible

\$14.98 max price (\$5.99/lb)

Buy 1, get 1 20% off on select packaged chicken

Final price will be based on weight.
at McAllen North

Get it as soon as 3pm today with Same Day Delivery
Ready within 2 hours with pickup

Add to cart

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Asian-Owned Brands at Target

Gift Ideas

Gift Ideas

Finds

Target Finds

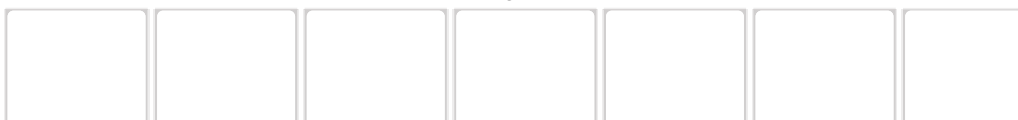
New Arrivals

Target New Arrivals

Top Deals

Top Deals

Trending Chicken



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What can we help you find?



Target / Grocery / Meat & Seafood / Chicken



McAllen North Store has items for pickup inside the store

[Shop all Tyson](#)

Tyson Trimmable & Ready Boneless & Skinless Chicken Breast - 1-2.11lbs - price per lb

★★★★☆ 529

\$11.16 max price (\$5.29/lb)

Final price will be based on weight.

at **McAllen North**

[See 1 deal for this item](#)



Pickup

Ready within 2 hours



Delivery

As soon as 3pm today



Shipping

Not available

Pick up at McAllen North [Check other stores](#)

Ready within 2 hours for pickup inside the store

We'll hold orders with fresh/frozen items until store close tomorrow.

Qty 1

Add to cart



Create or manage registry

Sign in

Available deals



Target Circle Deal: Buy 1, get 1 20% off on select packaged chicken

Eligible with Target Circle membership · Expires May 4 · [Details](#)

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! ALERT: Cargill Meat Solutions Recalls Ground... See more details</recalls-alerts/cargill-meat-solutions-recalls-ground-beef-products-due-possible-e--coli-o157h7>



The Poultry Label Says "Fresh"

"I am shopping for a fresh turkey because I do not want the hassle of thawing a frozen one. When should I buy it and how do I know if it is fresh? What does 'fresh' on the label really mean?"

Prior to 1997, poultry could be sold as "fresh" even if it was frozen "as solid as a block of ice". However, consumer concerns about "rock" frozen poultry being sold as "fresh" led USDA to reconsider the term "fresh" as it applies to raw whole poultry and cuts of poultry. Furthermore, national press coverage and testimonies at public hearings indicated strong interest in the term "fresh" being re-defined.

After lengthy hearings, surveys and reviews of science-based information, USDA published a "fresh" labeling rule that went into effect in December 1997. Today the definition of "fresh" is intended to meet the expectations of consumers buying poultry. Below are questions and answers about the "fresh" labeling rule and the terms "fresh" and "frozen."

Why is 26 °F the lowest temperature at which poultry remains fresh?

Below 26 °F, raw poultry products become firm to the touch because much of the free water is changing to ice. At 26 °F, the product surface is still pliable and yields to the thumb when pressed. Most consumers consider a product to be fresh, as opposed to frozen, when it is pliable or when it is not hard to the touch.

What are the labeling requirements for frozen, raw poultry?

Raw poultry held at a temperature of 0 °F or below must be labeled with a "keep frozen" handling statement.

What does the "fresh" rule mean to consumers?

For consumers, "fresh" means whole poultry and cuts have never been below 26 °F. This is consistent with consumer expectations of "fresh" poultry, i.e., not hard to the touch or frozen solid. Fresh poultry should always bear a "keep refrigerated" statement.

Is there an increased microbiological safety risk associated with raw poultry that is maintained at 26 °F?

No. The National Advisory Committee on the Microbiological Criteria for Foods, as well as several scientific organizations, agreed that there is no increased microbiological risk associated with raw product maintained at 40 °F or below.

How should consumers handle fresh or frozen raw poultry products?

Fresh or frozen raw poultry will remain safe with proper handling and storage.

Fresh, raw poultry is kept cold during distribution to retail stores to prevent the growth of harmful bacteria and to increase its shelf life. It should be selected from a refrigerated cooler which maintains a temperature of below 40 °F and above 26 °F. Select fresh poultry just before checking out at the store register. Put packages in disposable plastic bags (if available) to contain any leakage that could cross-contaminate cooked foods or fresh produce.

At home, immediately place fresh raw poultry in a refrigerator that maintains 40 °F or below and use it within 1 to 2 days, or freeze the poultry at 0 °F or below. Frozen poultry will be safe indefinitely. For best quality, use frozen, raw whole poultry within 1 year, poultry parts within 9 months, and giblets within 4 months.

Poultry may be frozen in its original packaging or repackaged. If you are freezing poultry longer than 2 months, you should wrap the porous store plastic packages with airtight heavy-duty foil, freezer plastic wrap or freezer bags, or freezer paper. Use freezer packaging materials or airtight freezer containers to repackage family-sized packages into smaller units.

Proper wrapping prevents "freezer burn" (drying of the surface that appears as grayish brown leathery spots on the surface of the poultry). It is caused by air reaching the surface of the food. You may cut freezer-burned portions away either before or after cooking the poultry. Heavily freezer-burned products may have to be discarded because they might be too dry or tasteless.

What is the difference in quality between fresh and frozen poultry?

Both fresh and frozen poultry are inspected by USDA's Food Safety and Inspection Service. The quality is the same. It is personal preference that determines whether you purchase fresh or frozen poultry.

What does the date on the package mean?

"Open Dating" (use of a calendar date as opposed to a code) on a food product is a date stamped on the package of a product to help the store management determine how long to display the product for sale. It is a quality date, not a safety date. "Open Dating" is found primarily on perishable foods such as meat, poultry, eggs, and dairy products. If a calendar date is used, it must express both the month and day of the month (and the year, in the case of shelf-stable and frozen products). If a calendar date is shown, immediately adjacent to the date must be a phrase explaining the meaning of that date such as "sell by" or "use before." A "sell-by" date tells the store how long to display the product for sale. You should buy the product before the date expires. A "use-by" date is the last date recommended for the use of the product while at peak quality. In both cases, the date has been determined by the food processor.

There is no uniform or universally accepted system used for "Open Dating" of food in the United States. Although dating of some foods is required by more than 20 states, there are areas of the country where much of the food supply has almost no dating.

What should you do if you find poultry that is frozen, but labeled "fresh"?

You can call the USDA Meat and Poultry Hotline </food-safety/safe-food-handling-and-preparation/usda-meat-and-poultry-hotline> and file a complaint.

Featured Factsheets & Resources



Slow Cookers and Food Safety

At any time of year, a slow cooker can make life a little more convenient because by planning ahead, you save time later.

Learn More



Cleanliness Helps Prevent Foodborne Illness

Cleanliness is a major factor in preventing foodborne illness. Washing hands with warm water and soap for at least 20 seconds can help eliminate germs from your hands.

Learn More



Leftovers and Food Safety

Handle leftovers with care: make sure the food is cooked to a safe temperature and refrigerate any leftovers promptly.

Learn More

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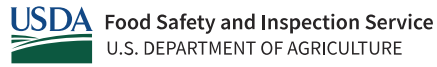
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policy>

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Federal government websites often end in .gov or .mil. Before sharing sensitive information, make sure you're on a federal government site.

**The site is secure.**

The **https://** ensures that you are connecting to the official website and that any information you provide is encrypted and transmitted securely.

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! ALERT: Cargill Meat Solutions Recalls Ground... See more details</recalls-alerts/cargill-meat-solutions-recalls-ground-beef-products-due-possible-e--coli-o157h>



Fresh, "Not Frozen" and Similar Terms when Labeling Meat and Poultry Products

GUIDELINE ID

FSIS-GD-2013-0013

ISSUE DATE

June 2013

This guidance document lists specific product types in which fresh cannot be used to describe. It helps firms in labeling meat and poultry products.

The word "fresh" may **not** be used to describe:

1. Any cured product, e.g., corned beef, smoked cured turkey or prosciutto.
2. Any canned, hermetically sealed shelf stable, dried, or chemically preserved product.
3. Any raw poultry, poultry part, or any edible portion thereof whose internal temperature has ever been below 26 degrees Fahrenheit.
4. Any injected, basted, marinated poultry, poultry part or any edible portion thereof whose internal temperature has ever been below 26 degrees Fahrenheit.
5. Any other finished processed poultry product (including cooked poultry products) where its temperature has ever been below 26 degrees Fahrenheit, e.g., turkey sausage, chicken meatballs, cooked breaded chicken nuggets, etc.
6. Any uncured red meat product permitted to be treated with a substance that delays discoloration, such as, ascorbic acid, erythorbic acid, or citric acid.
7. Any product treated with an antimicrobial substance or irradiated.
8. The phrase "never frozen" or similar verbiage is not permitted on an unprocessed or processed poultry product where the internal temperature of the product has ever been below 0 degrees Fahrenheit or on any red meat product that has ever been frozen. Further, the phrase "never frozen" or similar verbiage is not permitted on refrigerated secondary products where the meat or poultry component has ever been frozen, e.g., multi-component meals, dinners, etc.

Generally, trademarks, company names, fanciful names, etc., containing the word "fresh" are acceptable, even on products produced in a manner described in one through seven above, provided the term is used in such a manner that it remains clear to the purchaser that the product is not fresh.

Secondary products, e.g., pizza, multi-component meals, dinners, etc., sold in the refrigerated state, i.e., not frozen or previously frozen, may be labeled as "fresh" when the term is used to describe the product as a whole even when made from components processed in a manner described in one through seven above.

Disclaimer: The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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Photos from
McAllen Northwest
Store











Only "fresh"
produce observed













24174

Villas at Primrose

Deficiency Response

VILLAS AT PRIMROSE

May 29, 2024

Texas Department of Housing and Community Affairs
Multifamily Division
221 East 11th Street
Austin, Texas 78701
Attention: Joshua Goldberger

RE: Villas at Primrose – 2024 Application Deficiency Notice for TDHCA #24174

Dear Mr. Goldberger,

This letter is in response to your application deficiency email received on May 21, 2024. Below please find our response and additional information.

Deficiency: Please explain how the Target store at 3600 Nolana Ave., McAllen, TX 78504 meets the requirements of §11.7(2)(A)(iii). Clarify if the store carries a variety of fresh meats, poultry, and seafood. Clarify if the store carries a wide selection of fresh produce including a selection of different fruits and vegetables.

Response:

We respectfully suggest that the Target located at 3600 Nolana Avenue is a “full-service grocery store of sufficient size and volume...**offering** a wide variety of fresh, frozen, canned and prepared foods” as defined in §11.7(2)(A)(iii). We received a challenge regarding this subject from a competitor who is raising the issue purely to gain a competitive advantage and not because a true issue exists. The referenced challenge includes eleven pages of pictures showcasing aisle after aisle of “frozen, canned and prepared foods,” alongside a diverse “selection of baked goods and a wide array of dairy products including cheeses and a wide variety of household goods, paper goods and toiletry items.” By providing these pictures, our competitor has already documented that Target is a legitimate, full-service grocery store.

The crux of our competitor’s argument is that “fresh meat and produce” are not within the store but rather have to be ordered for same day delivery. Again, they document this critical caveat with page after page of screenshots from the Target website that verify that fresh meat and produce is available for same day delivery.

Firstly, we maintain that having fresh meat and produce available via same day delivery meets the definition of the store “**offering**” these items. In accordance with §11.7(2)(A)(iii), fresh meats, poultry and seafood as well as a wide selection of fresh produce is “offered” at this Target location by simply placing an online order that morning or going by the Target and requesting those items to be delivered to a resident’s home on the same day. In fact, while the online ordering system is simple to use, Target staff have confirmed that they will assist any customer in the store with ordering food online for delivery directly to their doorstep. Please see **Exhibit A** for a letter from Jose Flores, the manager of the Target store in question, that verifies that employees of the store are happy to help consumers who come by the store to order groceries.

Moreover, Target’s delivery service is specifically designed to preserve the freshness and quality of perishable items. By using appropriate packaging and timely delivery, Target ensures that customers receive

COM Housing Ware, LP
3933 Steck Avenue, Suite B120, Austin, TX 78759
Phone (512) 982-1342 | Fax (512) 900-2860
contact@madhousedevlopment.net

VILLAS AT PRIMROSE

fresh and high-quality produce and meats on the same day they are ordered. Target's commitment to providing fresh goods through delivery and online ordering demonstrates their dedication to meeting the needs of the community. This commitment aligns with the intent of the grocery store definition to effectively serve the neighborhood.

Secondly, Target's corporate office has announced plans to provide fresh groceries in-store starting in 2025, before the development's placed-in-service deadline. They are finalizing plans for a remodel that will expand the fresh meat and produce sections, allowing customers to purchase these items directly from the store. This upcoming enhancement will further reinforce Target's commitment to being a full-service grocery store that meets all the needs of the surrounding community. Please see **Exhibit A** for a letter from Jose Flores, the manager of the Target store in question, confirming the upcoming expansion.

The availability of high-quality frozen and prepared alternatives, combined with the extensive range of other grocery and household items, positions Target as a reliable provider capable of meeting the diverse needs of the community. As a full-service grocery store, Target boasts numerous aisles stocked with a wide variety of food items ranging from milk, eggs, and bread, to frozen meals, salmon, vegetables, and fruit, as well as snacks, granola bars, and more. Additionally, Target offers a vast selection of paper goods, plates, napkins, and other household essentials. By seamlessly integrating in-store shopping with online ordering and delivery services, Target provides a comprehensive solution that meets the diverse needs of the surrounding neighborhood. This hybrid approach effectively expands the store's **offerings** beyond its physical inventory, enhancing its capacity to cater to the community's requirements. Please see **Exhibit B** for more visual evidence showcasing the extensive range of grocery items available at this location.

In conclusion, Target significantly enriches the local food landscape by offering a wide array of grocery items and essential household goods, especially given its expansion plans slated for next year. Furthermore, Target's delivery service for fresh items further enhances food accessibility for the community and enhances the overall shopping experience by combining the availability of non-perishable groceries, household goods, and the option for online ordering and delivery of fresh items. This creates a holistic grocery experience that aligns with modern consumer preferences. We urge a fair and thorough assessment of Target's status as a full-service grocery store, taking into account the preponderance of products offered, the number of grocery aisles provided in the store and its provision of fresh goods through delivery and online ordering.

As stated previously, this Target meets the definition stated in the QAP: *A full service grocery store of sufficient size and volume to provide for the needs of the surrounding neighborhood including the proposed Development; offering a wide variety of fresh, frozen, canned and prepared foods, including but not limited to a variety of fresh meats, poultry, and seafood; a wide selection of fresh produce including a selection of different fruits and vegetables; a selection of baked goods and a wide array of dairy products including cheeses, and a wide variety of household goods, paper goods and toiletry items.*

VILLAS AT PRIMROSE

EXHIBIT A

May 13, 2024

Texas Department of Housing and Community Affairs
Multifamily Division
221 East 11th Street
Austin, Texas 78701
Attention: Joshua Goldberger

RE: Villas at Primrose

Dear Mr. Goldberger,

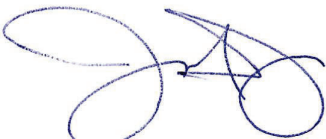
As Store Director of the Target at 3600 Nolana Avenue in McAllen, I wanted to express my excitement regarding the development of an elderly apartment community at the corner of N. Ware and Primrose near our location. We pride ourselves on being a full-service grocery store offering a wide array of fresh, frozen, canned, and prepared foods, including, through our same-day delivery program, a variety of fresh meats, poultry, and seafood and a wide selection of fresh produce including a selection of different fruits and vegetables. We also maintain a selection of baked goods, a wide array of dairy products including cheeses, and a varied assortment of household goods, paper goods and toiletry items.

By using appropriate packaging and timely delivery, Target ensures that customers receive fresh and high-quality produce and meats, poultry, and seafood on the same day they are ordered. Target's commitment to providing fresh goods through online ordering and delivery demonstrates our dedication to meeting the needs of the community. In addition, while our on-line ordering system is simple to use, we have highly trained customer service representatives available to assist any customer, but especially the elderly, to better understand and utilize our delivery program. In fact, Target's delivery service is designed to maintain the freshness and quality of perishable items.

The availability of high-quality frozen and prepared alternatives, combined with the extensive range of other grocery and household items, means Target can adequately serve the community's needs. Combining in-store shopping with online ordering and delivery services provides a comprehensive solution that meets the diverse needs of the surrounding neighborhood including the proposed Villas at Primrose. This hybrid approach effectively expands the store's offerings.

Lastly, let me add that our corporate office is finalizing the plans for a remodeling of this store in 2025 that will provide us the capacity to provide fresh meats, poultry, and seafood and a wide selection of fresh produce in our store without the need to order online.

Please let me know if you have any questions. Thank you.



Jose Flores, Store Director
Target at 3600 Nolana Avenue



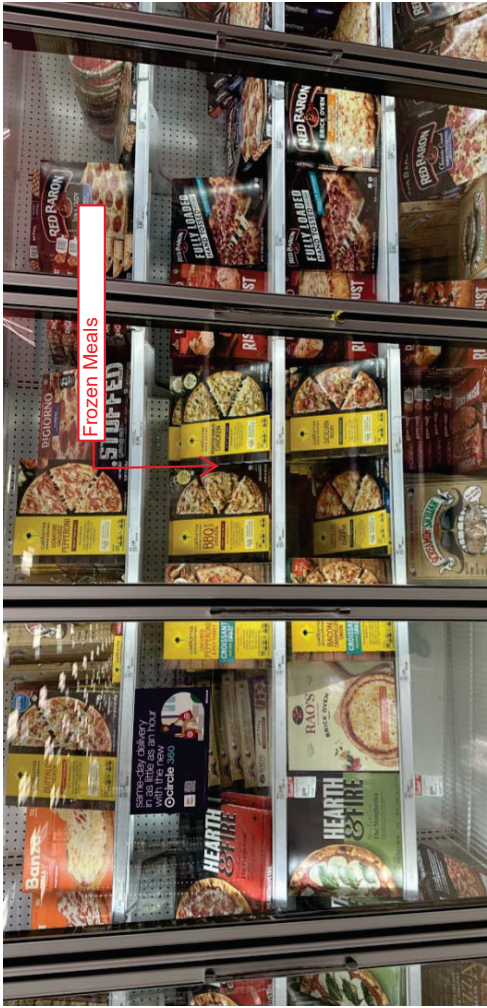
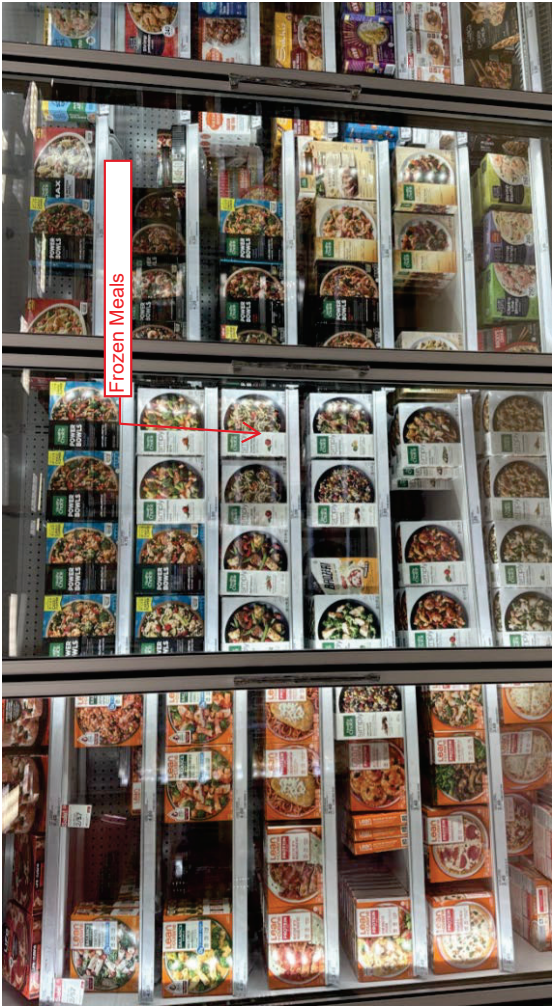
JOSE FLORES
Store Director

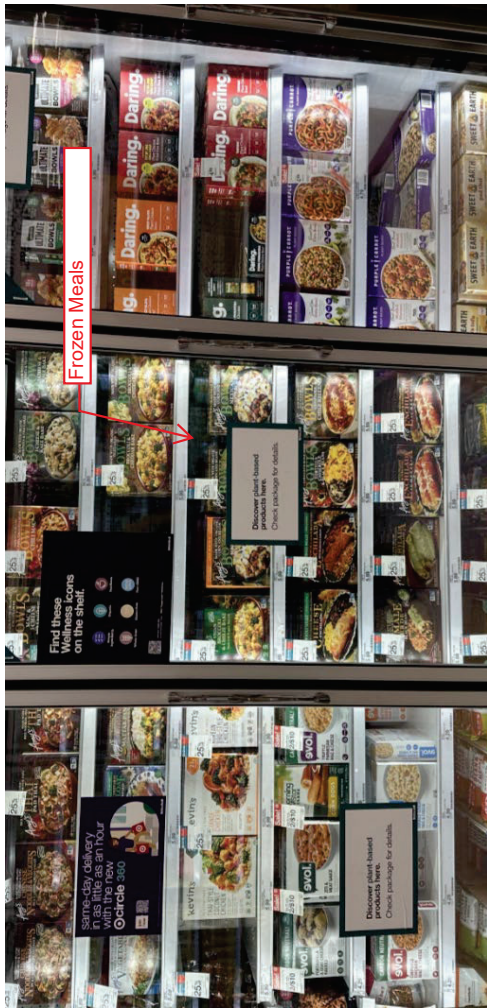
P 956 618 7700 | C 956 566 4138
Jose.Flores3@Target.com
3600 Nolana Ave, McAllen, TX 78504-4594

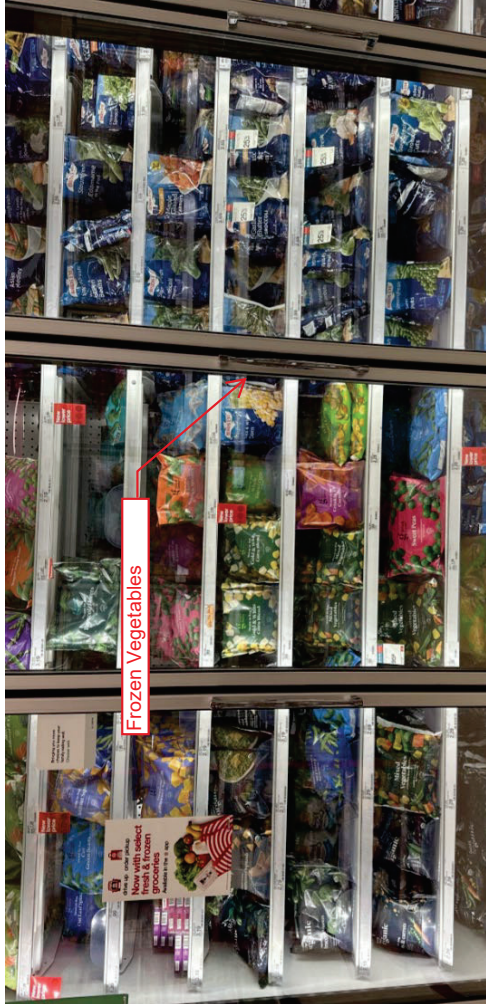
Target.com | Financial & Retail Services | Target Sourcing Services | Target India

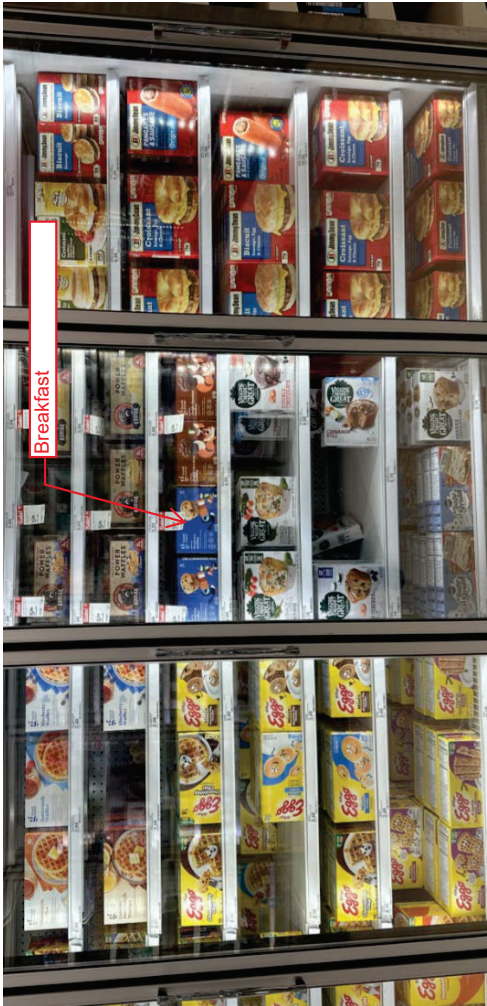
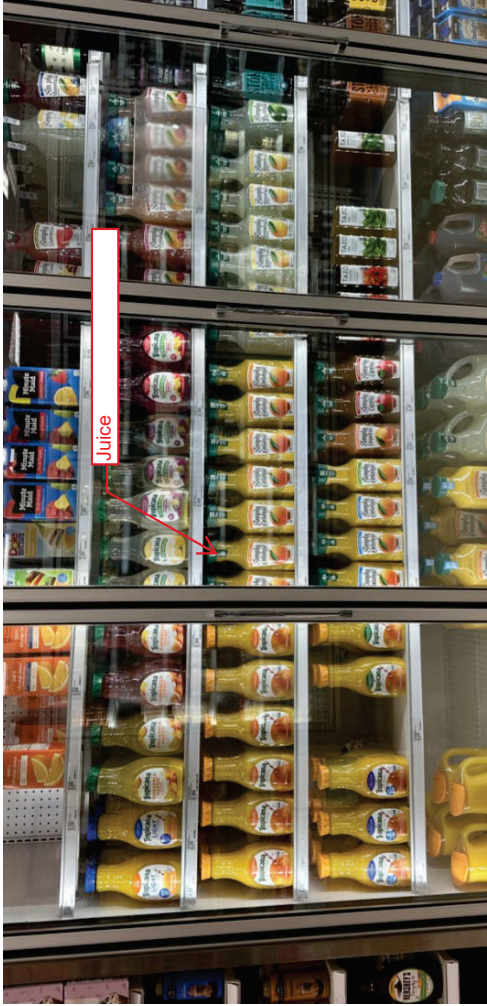
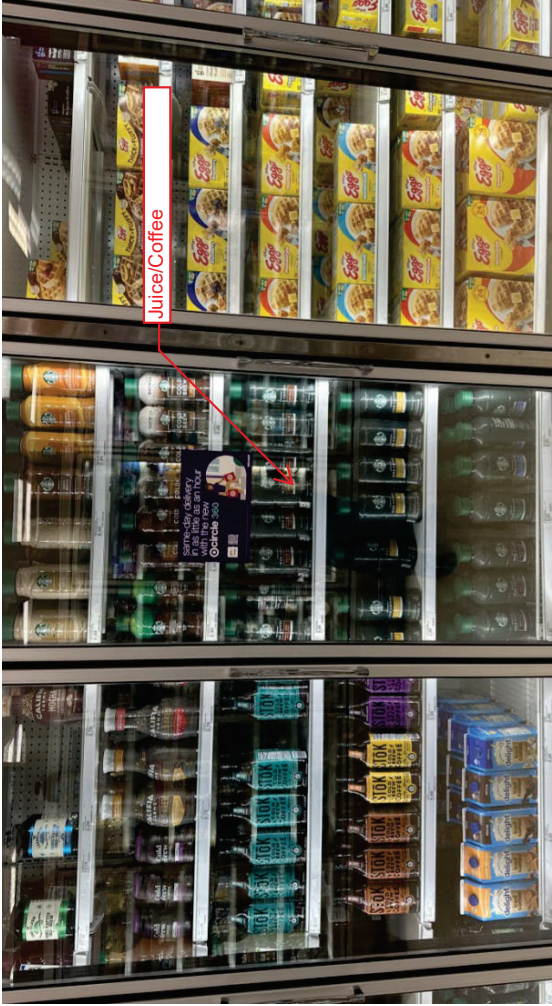
VILLAS AT PRIMROSE

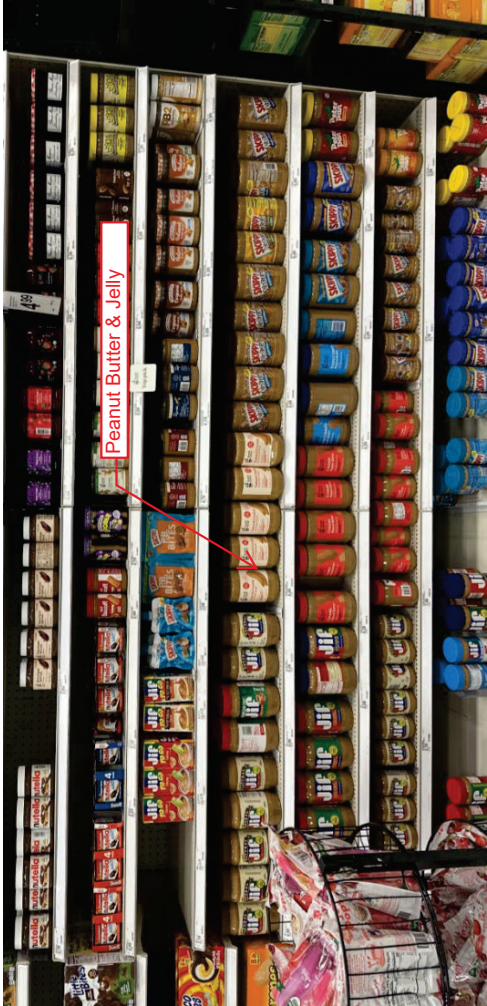
EXHIBIT B

















Granola Bars and Snacks



Water, sodas, drinks

24183

Navasota Manor

**Request for Administrative
Deficiency**

The applicant claims eligibility under the At-Risk Set-Aside in 3 ways, but is not eligible for the At-Risk set-aside per Texas Legislative Code, only the USDA set-aside:

- A. Expiring Subsidy under USDA, however, as noted below, these subsidies have automatic renewals as long as the USDA debt is outstanding and the subsidy documentation included was not for the proposed development. As such, the applicant doesn't qualify for At-Risk.
- B. Expiring HUD held or HUD insured debt, however, as noted, the applicant has USDA not HUD debt. Per legislation, debt must be HUD Held or HUD insured to qualify for At-Risk.
- C. An "expiring" TDHCA LURA, however, the LURA has already "expired" and thus is not eligible for At-Risk per GOV'T § 2306.6702

A. Eligibility via Rental Assistance from USDA:

Applicant claims eligibility under the At-Risk Set Aside claiming *The USDA Rental Assistance is not automatically renewed every year. The owner must actively request rental assistance from USDA every year. See Rental Assistance Agreement below.*

Under the USDA 515/521 program, rental assistance is automatically renewed every single year the 515 loan is outstanding. Every rental assistance contract, even 20 year contracts, require paper work from the owner/operator on an annual basis for subsidy to be received so this is not unique to this applicant or USDA. In addition, every single rental assistance contract is also subject to annual appropriations by Congress.

The applicant included a rental assistance contract from a different property, West Apartments, and did not include information regarding an expiring rental assistance on the Navasota property, the applicant.

Furthermore, the applicant notes in the "West Apartment" rental contract" that "The attachments, Form RD 3560-51 and RD 3560-55 to this agreement are not renewable" per the 2012 contract included in the application. These forms are related to an annual Obligation Fund Analysis (OFA). This OFA is renewed every year under a different form, RD3560-25, so the prior forms are replaced and renewed under a new USDA form. The new forms are typically submitted and approved well in advance of the due date to ensure there is no disruption in rental assistance during the automatic renewal for all USDA properties.

Please reference the rural rental handbook which governs the 515/521 program under CFR § 3560.255 confirming **automatic** renewal of USDA subsidies as long as the USDA debt remains outstanding. Renewal rental assistance for USDA specifically states:

Title 7 –Agriculture

Subtitle B –Regulations of the Department of Agriculture

Chapter XXXV –Rural Housing Service, Department of Agriculture

Part 3560 –Direct Multi-Family Housing Loans and Grants

Subpart F –Rental Subsidies

§ 3560.255 Requesting rental assistance.

- (a) **Submitting requests.** Borrowers seeking an allocation of rental assistance for MFH must request the rental assistance from the Agency as follows.

- (1) **Renewal rental assistance.** To the extent sufficient funds are available, the Agency will automatically renew expiring rental assistance agreements at the existing number of units.

As such, applicant does not qualify for At-Risk under an expiring rental assistance contract, even if they had included the correct subsidy documentation for the applicant since it is a USDA property.

B. Eligibility via HUD Held or HUD Insured Debt eligible for Prepayment:

The applicant also notes that *"The USDA 515 is eligible for prepayment which would remove the affordability restrictions. The USDA property inventory lists all USDA properties and notes if the 515 loan is eligible for prepayment. See printout for Navasota Manor below showing the loan is eligible for prepayment. The full list can be downloaded from USDA at <https://www.sc.egov.usda.gov/data/MFH.html>"*

Since the 515 Loan is from USDA and is not a HUD insured or HUD Direct debt, it does not qualify for the At-Risk Set Aside under this clause either.

C. Expiring TDHCA LURA argument for At Risk.

Texas Government Code - GOV'T § 2306.6702. Definitions states:

(ii) is subject to the following conditions:

(a) the stipulation to maintain affordability in the contract granting the subsidy is nearing expiration; or

(b) the HUD-insured or HUD-held mortgage on the development is eligible for prepayment or is nearing the end of its term; or

The Texas Legislative code specifically states "nearing expiration" and not "expired". The Navasota Manor TDHCA LURA expired in 2022 or 2023, 30 years after the first building was placed in service per the 8609s in February of 1993. As a result, the final year in the extended use period was 2022 (or at best 2023, if it was a partial year) and applications were due March 1, 2024. The LURA contract is "expired" and not "expiring" and not eligible for the At-Risk Set Aside via the S.42 route per statute.

Excerpt from LURA in the application:

"Compliance Period" means the period of 15 consecutive taxable years beginning with the first taxable year of the Credit Period.

"Credit Period" means, with respect to any building in the Project, the period of ten taxable years beginning with the taxable year in which such building is placed in service or (at the election of the Owner) the following taxable year.

"Department Compliance Monitoring Procedures" means those procedures and requirements adopted or imposed by the Department for the purpose of discharging its responsibilities pursuant to Section 42(m)(1)(B)(iii) of the Code to monitor compliance by the Project Owner and the Project with the provisions of Section 42 of the Code and to notify the Service of instances of noncompliance.

"Extended Use Period" means the period beginning with the first day of the Compliance Period and ending on the date which is 15 years after the close of the Compliance Period.

Excerpt from 8609s:

C Name and address of building owner receiving allocation: Navasota Manor, Ltd. PO Box 187 Pawnee View, TX 77446		D Employer identification number of agency: 74-2610542
		E Building identification number (BIN): TX-91-02822

1a Date of allocation	12/31/93	b Maximum housing credit dollar amount allowable	1b	4,637.00
2 Maximum allowable credit percentage allowable			2	3.67%
3a Maximum qualified basis			3a	126,351.00
b Check here <input type="checkbox"/> if the eligible basis used in the computation of line 3a was increased under the high-cost area provisions of section 42(d)(5)(C). Enter the percentage by which the eligible basis was increased (see instructions)			3b	
4 Percentage of the aggregate basis financed by tax-exempt bonds			4	0%
5 Date building placed in service	02/16/93			
6 Check the box that describes the allocation for the building (check one only):				
a <input checked="" type="checkbox"/> Newly constructed and federally subsidized	b <input type="checkbox"/> Newly constructed and not federally subsidized	c <input type="checkbox"/> Existing building		
d <input type="checkbox"/> Sec. 42(e) rehabilitation expenditures federally subsidized	e <input type="checkbox"/> Sec. 42(e) rehabilitation expenditures not federally subsidized			

Under penalties of perjury, I declare that the allocation made is in compliance with the requirements of section 42 of the Internal Revenue Code, and that I have examined Part I of this form and to the best of my knowledge and belief, the information is true, correct, and complete.

Signature of authorized officer	Henry Flores	Date
	Name (please type or print)	MAY 17 1994

Part II First-Year Certification—Completed by Building Owner for First Year of Credit Period Only

7a Date building placed in service	02/16/93	b Eligible basis of building (see instructions)	7b	126,351
8a Original qualified basis of the building at close of first year of credit period			8a	126,351

1st Tax Credit Year	1	1993
	2	1994
	3	1995
	4	1996
	5	1997
	6	1998
	7	1999
	8	2000
	9	2001
	10	2002
	11	2003
	12	2004
	13	2005
	14	2006
End Compliance	15	2007
	16	2008
	17	2009
	18	2010
	19	2011
	20	2012
	21	2013
	22	2014
	23	2015
	24	2016
	25	2017
	26	2018
	27	2019
	28	2020
	29	2021
End Extended Use	30	2022

The applicant thus does not qualify for the At-Risk Set aside outside of the USDA Set-Aside.

Multifamily Housing Rental Assistance

Application Window:

OPEN

Fact Sheet (/sites/default/files/fact-sheet/508_RD_FS_RHS_RentalAssistance.pdf)

Overview

What does this program do?

This program provides payments to owners of USDA-financed Rural Rental Housing or Farm Labor Housing projects on behalf of low-income tenants unable to pay their full rent.

Who may apply for this program?

- Project owners as part of their Rural Rental Housing or Farm Labor Housing new construction financing applications
- Projects must be established on a nonprofit or limited profit basis

What is an eligible area?

Rental Assistance can only be provided for apartments in new or existing Rural Rental Housing and Farm Labor Housing financed properties.

How may funds be used?

Payments are made on behalf of the tenants and become part of the property's income, which pays operational expenses

Who may receive assistance?

Properties with low- or very low-income [\(1\)](#) [\(#footnote1\)](#) tenants qualify to receive assistance. Properties with very low-income tenants receive first priority.

How do we get started?

Rental Assistance is coupled with an application for new construction financing under the Rural Rental Housing or Farm Labor Housing programs. For questions, contact your designated regional coordinator listed on the Contact tab.

Who can answer questions?

Find a regional contact on the Contact tab or you can find [Rural Rental Properties](#) (http://rdmfhrentals.sc.egov.usda.gov/RDMFHRentals/select_state.jsp).

What governs this program?

Link to Rental Assistance renewal info for USDA/RD - 3560.255 Requesting Rental Assistance

- Code of Federal Regulation, [7 CFR 3560-Subpart F](#) (<http://www.ecfr.gov/cgi-bin/text-idx?SID=7d361ea42bde51d689d331b59f76c18c&node=pt7.15.3560&rgn=div5>)
- This program is authorized by Title V of the Housing Act of 1949

NOTE: Because citations and other information may be subject to change please always consult the program instructions listed in the section above titled "What Law Governs this Program?" For questions, contact your designated regional director listed on the Contact tab.

[\(1\)](#) [\(\)](#) Very-low- and low-income: Very-low-income is below 50% of area median income; low-income is 50-80% of area median income.

To Apply

Information on how to apply can be provided by a Rural Development specialist in your area. Contact information can be found on the contact tab.

Other Requirements

There are no other additional requirements.

Contact

On October 11, 2020 Rural Development's Multifamily Housing Program finalized its structural realignment which, in some cases, redistributed the existing portfolio to a servicing Specialist within our new Field Operations Division. If you are looking for the servicing Specialist for a specific property, you will find a complete and sortable list here:

<https://www.sc.egov.usda.gov/data/MFH.html>
(<https://www.sc.egov.usda.gov/data/MFH.html>)

Our Field Operations Division maintains local relationships through regionally organized servicing teams and handles all day-today servicing of Multifamily housing properties to ensure that tenants have safe and affordable housing. The four regions and the contact information for each Regional Director follows:

Western Region: Becki Meyer, Regional Director,

MFHFODWest@usda.gov (<mailto:MFHFODWest@usda.gov>)

(AK, AZ, CA, CO, HI, ID, MT, NM, NV, OR, UT, WA, WY)

Southern Region: Byron Waters, Regional Director,

MFHFODSouth@usda.gov (<mailto:MFHFODSouth@usda.gov>)

(AL, AR, FL, GA, KY, LA, MS, NC, OK, PR, SC, TN, TX, VI)

Midwest Region: Eric Siebens, Regional Director,

MFHFODMidwest@usda.gov (<mailto:MFHFODMidwest@usda.gov>)



Displaying title 7, up to date as of 3/14/2024. Title 7 was last amended 3/11/2024.

Title 7 —Agriculture

Subtitle B —Regulations of the Department of Agriculture

Chapter XXXV —Rural Housing Service, Department of Agriculture

Part 3560 —Direct Multi-Family Housing Loans and Grants

Subpart F —Rental Subsidies

§ 3560.255 Requesting rental assistance.

(a) **Submitting requests.** Borrowers seeking an allocation of rental assistance for MFH must request the rental assistance from the Agency as follows.

(1) **Renewal rental assistance.** To the extent sufficient funds are available, the Agency will automatically renew expiring rental assistance agreements at the existing number of units.

(2) **New construction units.** Loan applicants proposing to use Agency rental assistance must include their request for rental assistance in their loan proposal in accordance with § 3560.56.

(3) **Servicing units.** Borrowers requesting rental assistance must have tenants or eligible tenant applicants on a waiting list who are RA eligible.

(b) **Denial of requests.**

(1) If a rental assistance request is denied due to the loan applicant's or borrower's ineligibility, the Agency will send the loan applicant or borrower written notification of the decision with an explanation of the denial.

(2) If a rental assistance request to renew expiring rental assistance agreements is denied because funding is not available, the Agency will notify the borrower and the borrower must notify the tenants of rent increases in accordance with their lease and state and local law. Tenants losing rental assistance due to a lack of Agency funding may quit the lease and vacate the housing without penalty in accordance with the terms of their lease.

(3) Loan applicants or borrowers determined to be eligible for RA as a result of an appeal or funding review will receive RA, if RA funding is available, beginning with the month following the date of the appeal or funding review decision or beginning in the first month that RA funding becomes available.

Article on proposed "decoupling" of USDA debt and rental assistance. As of now, outstanding USDA debt with Rental Subsidy is automatically renewed as long as debt is outstanding.

POLICY & LEGISLATION

[HOME](#) > [POLICY & LEGISLATION](#) > PILOT PROGRAM TO PRESERVE RENTAL ASSISTANCE AT RURAL PROPERTIES

Posted on: March 27, 2024



AFFORDABLE HOUSING FINANCE

Pilot Program to Preserve Rental Assistance at Rural Properties

The efforts will decouple Section 515 mortgages from Section 521 rental assistance.

By [Donna Kimura](#)

As Section 515 loans mature on a large number of rural housing properties, a pilot program will seek to preserve their affordability.



Adobe Stock/Jakub Krechowicz

The 2024 appropriations bill authorized the pilot, enabling the U.S. Department of Agriculture Rural Development (USDA RD) to preserve Section 521 rental assistance at properties past the maturity of their RD loans.

Rural housing advocates have been seeking the decoupling of the Section 515 loans from Section 521 rental assistance for years.

"This is a preservation tool that can be used to have rental assistance remain on the properties," says Colleen Fisher, executive director of the Council for

Affordable and Rural Housing. "The Section 515 portfolio is important for rural communities and the people who live there. Many of the residents are elderly, single female-headed households, and families that want to stay in their communities. This will be a tool that will allow them to do that."

Typically, when a Section 515 loan has matured, the rental assistance is automatically terminated.

The pilot opens the door for stand-alone project-based Section 521 rental assistance contracts. It allows for the renewal of rental assistance for up to 1,000 units when it's determined that a project cannot be reasonably restructured or modified with another USDA loan. The loan must also be maturing for a property to qualify. Section 515 loan maturities impact more than 1,500 units each year, and by 2030 that number will increase to more than 10,000 units annually, according to an alert from the Nixon Peabody law firm.

Overall, there are approximately 406,000 RD units across the country, and the number has been declining. This total includes some Section 514 farm labor housing. It's estimated that about 80% of the Section 515 units have Sec. 521 rental assistance.



Nominate Now: AHF Industry Leaders for Awards

By [Christine Serlin](#)

The deadline for Hall of Fame & Young Leader nominations is May 31. [Learn more](#)

Tags: [Leadership](#), [Awards](#), [Affordable Housing](#)

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TRENDING

"Decoupling is a good step toward preservation of a very much-needed tool that supports low-income families in the most rural communities across the country," says Rebecca Simon, counsel in the affordable housing practice at Nixon Peabody. "In a lot of these communities, the Rural Development properties are the only available affordable housing. Decoupling will mean preservation of that affordable housing stock for future generations, past the life of the Section 515 loans that have helped people for the last 30 to 40 years. Decoupling will put into place a permanent solution for keeping this rental assistance that's desperately needed in these communities."

Rental assistance agreements renewed under the pilot will be extended for at least 10 years but not more than 20 years. Owners need to continue to maintain the project as decent, safe, and sanitary housing. Rents will be based on current fair market rents determined by the Department of Housing and Urban Development.

The next steps will be for USDA to work with stakeholders to develop the pilot. Regulations still need to be drafted, says Fisher, who stresses the importance of creating a workable program.

ABOUT THE AUTHOR



Donna Kimura

Donna Kimura is deputy editor of Affordable Housing Finance. She has covered the industry for more than 20 years. Before that, she worked at an Internet company and several daily newspapers. Connect with Donna at dkimura@zondahome.com or follow her [@DKimura_AHF](https://twitter.com/DKimura_AHF).



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Multifamily
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Developers I
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Subject:

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People:

Rebecca Simon Colleen Fisher

Organization:

USDA Rural Development Nixon Peabody Council of Affordable and Rural Housing

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Section 2. Applicability

1-14. The following Table shows the Sections of the Act to which this handbook applies. (Reminder: Operating Loss loans are insured under the mortgage insurance program of the underlying first mortgage.)

USDA 515 or USDA 521 is not on the list of HUD insured mortgages.

Table 1. Mortgage Insurance Programs

Section Number	Program Description
207M	Mobile Home Courts
207	Multifamily Rental Housing, Pre-War Legislation
207	Formerly HUD-held Mortgages Sold with Insurance
207/223(c)	Formerly HUD-owned Projects
213S	Sales and Investor Cooperatives
213M	Management Cooperatives
213(i)	Consumer Cooperative
220	Urban Renewal/Declining Area Rental Housing
221(d)(3)	Market Rate, Moderate Income Families
221(d)(4)	Market Rate, Moderate Income Families
221(d)(5)	Below Market Interest Rate (BMIR)
221(h)	Rehab. Sales Projects
223(e)/220	Rehab./Refinance Existing, Declining Neighborhood
223(f)/207	Purchase/Refinancing Existing Housing
231	Housing for the Elderly
232	Nursing Homes, Intermediate Care Facilities
233	Experimental Housing
236	Housing for Lower Income Families
241	Supplemental Loans (Capital Improvement/Equity Takeout)
242	Hospitals
Title XI	Group Practice Facilities

1-15. All investing mortgagees and servicing mortgagees holding or servicing mortgages finally endorsed under any of the Sections of the Act shown in Table 1 are subject to the provisions of this handbook. Other multifamily mortgage insurance programs may be added from time to time; mortgagees involved in these programs will be subject to this handbook unless specifically and expressly excluded.

24215

Athens Trails

**Request for Administrative
Deficiency**

April 26, 2024

Mr. Joshua Goldberger
9% Competitive Housing Tax Credit Program Manager
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: 24215 Athens Trails - Athens, TX
Via Email

Dear Mr. Goldberger:

Please accept this Third-Party Request for an Administrative Deficiency (RFAD) for TDHCA Application #24215 Athens Trails. Included in this Request is new information, not provided by the Applicant. The identified items are as follows:

- Heavy industrial use within 500 feet of the Development was not disclosed.
- Inaccurate coordinates for the grocery and library tie breakers were provided for Tab 48.

Heavy Industrial Use

10 TAC §11.101(a)(2)(E)(v) describes what qualifies as heavy industry, as it pertains to Undesirable Site Features, as the following:

*Development Sites located within **500 feet of heavy industry** (i.e. facilities that require extensive use of land and machinery, produce high levels of external noise such as manufacturing plants, or **that maintain fuel storage facilities**, to the extent that these qualifying items are consistent with the general characteristics of heavy industry. Gas stations and other similar facilities that are not consistent with the characteristics of heavy industry are not considered an undesirable site feature.*

The Applicant has failed to disclose that a fuel supplier by the name of Hubert Glass Oil Co. is within 500 feet of the site, which is considered an Undesirable Site Feature. Hubert Glass Oil Co. is located at 314 W Corsicana St, Athens, TX 75751 and is approximately 325.6 feet away from the proposed Development. On Google Maps aerial and street view, four fuel storage tanks are easily visible (Exhibit A). On the Texas Commission on Environmental Quality (TCEQ) and shown here in Exhibit B, the address is actively registered for above ground petroleum storage tanks ranging from 10,000 to 14,600 gallons capacity. Under the TDHCA definition of heavy industry, Hubert Glass Oil Co. meets the definition based on the fact it is a fuel storage facility that is *not* a gas station or similar to one.

Regarding disclosure of undesirable site features, 10 TAC §11.101(a)(2)(A) states:

*An Undesirable Site Feature will render an Application ineligible unless acceptable mitigation as determined by staff or the Board is undertaken. **For Competitive HTC Applications, if staff identifies an undesirable site feature reflected in clause (i) - (x) of subparagraph (E) and it was not disclosed, the Application shall be terminated by staff.***



As shown in Tab 2: Developer Owner's Certification, Acknowledgement, and Consent, the Applicant did not select the appropriate boxes for Undesirable Site Features. On page 5 of the full Application, the Applicant should have checked off the box for heavy industry. Again, on page 11 "within 500 ft of heavy industry" is not selected (Exhibit C). With no disclosure or acknowledgement of the storage tanks, Application #24215 Athens Trails is ineligible to proceed and subject to **termination**.

Tie breakers

Per 10 TAC §11.7(2)(B):

The linear measurement will be performed from closest parcel boundary of the Development Site to closest parcel boundary of each feature. The Department may prescribe a specific form to be used for the calculation of these distances using GPS coordinates provided by the Applicant.

Inaccurate coordinates for the tie breakers were provided under Tab 48 (Exhibit D). The linear measurement was not performed from the closest parcel boundary of the Development Site to the closest parcel boundary of the park, zoned elementary school, and library. As shown in the attached Exhibit E, when the coordinates for the aforementioned amenities are entered into the free and easily accessible Henderson County Appraisal (CAD) map, the coordinates provided are not within the respective parcels stated by the Applicant.

QAP excerpt:

*(D) In the event that one of the top three features is disqualified due to not conforming to the definitions provided or a substantial misrepresentation of distance from the development, the fourth will be used as an opportunity to replace the disqualified feature. If multiple features are disqualified, **the Application will not receive preference**. If the competing application(s) also has multiple disqualified features the tie will persist.*

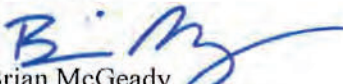
The submitted coordinates are misrepresented and nonconforming. Accordingly, an Application with nonconforming features forfeits its preferential status.

Conclusion

The Applicant has failed to comply with the requirements of the 2024 QAP regarding Undesirable Site Features and tie breakers. Accordingly, the Application is ineligible to proceed as a 2024 Tax Credit Application, and does not qualify for the tie breaker.

Thank you for assessing this Request. Please let me know if you have any further questions or require any additional documentation by contacting me at (513) 2560-3810. Thank you for your consideration.

Sincerely,


Brian McGeady

Exhibits

Exhibit A – Hubert Glass Oil Co. Maps

Exhibit B – TCEQ Registration

Exhibit C – Tab 2: Developer Owner's Certification, Acknowledgement, and Consent Pages

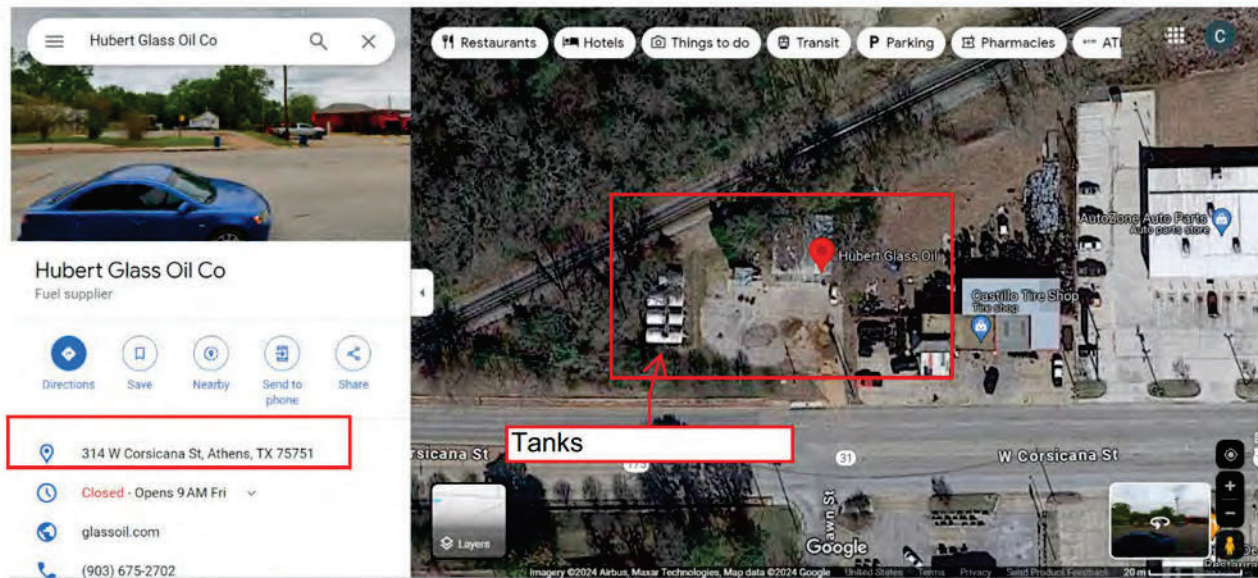


Exhibit D – Tab 48 Tie Breakers

Exhibit E – Tie Breaker Linear Measurements

Exhibit A

Aerial View of Hubert Glass Oil Co. on Google Maps.



Street View of Hubert Glass Oil Co. on Google Maps.



US 175 Bus, TX 31 Bus

US 175

Hubert Glass Oil Co.

Distance is less than 500 feet

Development Site

West College Street

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 Parcels
 Abstract
 Land Hd
 Lot Line

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

 Parcels
 Abstracts
 Lot Lines

Henderson County Appraisal District, BIS Consulting -
Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.



HUBERT GLASS
OIL CO.

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ABOUT US

Company History

Hubert Glass Oil Co. was founded in 1953 by Hubert Glass in Jacksonville, TX. Hubert started the company as a Sinclair consignee, and in 1974 acquired the Gulf distributorship. After his passing in 1992, Todd Travis, Hubert's grandson, took over the company which had 2 employees, 2 trucks, and 1800 square feet of warehouse space. Since then, the company has grown to have 38 employees, 12 trucks, 55,000 square feet of warehouse space, and 500,000 gallons of bulk storage. Hubert Glass Oil Co. now has it's own line of products, with blending and packaging taking place in-house as well as a lab to provide quality assurance to all of the Glass line of products.

Mission

Hubert Glass Oil Co. provides value to customers through knowledgeable staff, high quality products, and dependable service.



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Mobil 1



Mystik
LUBRICANTS



Shell
ROTELLA
HEAVY DUTY DIESEL ENGINE OIL



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Phone

Subject

Message

Send

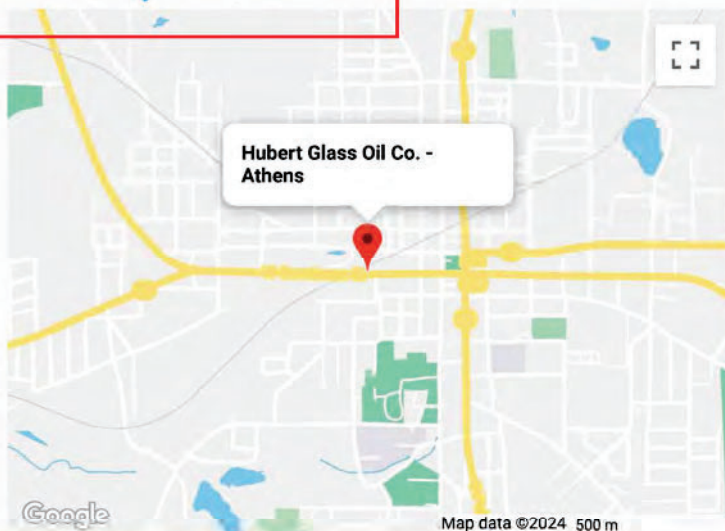
Jacksonville

36036 US Highway 69 N,
Jacksonville, TX 75766



Athens

314 W Corsicana,
Athens, TX 75751



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Exhibit B



Central Registry Query - Regulated Entity Information

Regulated Entity Information

RN Number: RN101841229

Name: TYLER MARKETING CHEVRON BULK PLANT

Primary Business: WHOLESALE

Street Address: 314 W CORSICANA ST, ATHENS TX 75751 2403

County: HENDERSON

Nearest City: No near city on file.

State: TX

Near ZIP Code: 75751

Physical Location: No physical location description ON file.

Address of Hubert
Glass Oil Co.

Affiliated Customers - Current

Your Search Returned **2** Current Affiliation Records ([View Affiliation History ...](#))

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

1-2 of 2 Records

CN Number ▲	Customer Name	Customer Role(s)	Details
CN601002579	TEJAS PETROLEUM PRODUCTS INC	OWNER	
CN601504012	TYLER MARKETING INC	OWNER	

Industry Type Codes

Code	Classification	Name
No NAICS or SIC Codes on file.		

Permits, Registrations, or Other Authorizations

There are a total of **2** programs and IDs for this regulated entity. Click on a column name to change the sort order.

1-2 of 2 Records

Program ▲	ID Type	ID Number	ID Status
LEAKING PETROLEUM STORAGE TANKS REMEDIATION	ID NUMBER	103816	INACTIVE
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	50316	ACTIVE

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Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: **Petroleum Storage Tank Registration 50316**

For: **TYLER MARKETING CHEVRON BULK PLANT (RN101841229 ...)**

314 W CORSICANA ST, ATHENS

Registration Status: **ACTIVE**

Held by: **TEJAS PETROLEUM PRODUCTS INC (CN601002579 ...)** View 'Issued To' History ...

OWNER Since 11/01/1995 View Compliance History ...

Now Known As: **Tejas Petroleum Products, Inc.**

Mailing Address: 314 W CORSICANA ST ATHENS, TX 75751 -2403

Financial Assurance

None

Self-Certification Status by Compartment

None

Registered Tanks and Their Associated Systems

Table 1. Underground Storage Tank Summary View Aboveground Storage Tanks

Tank	Capacity (Gallon)	Date Installed	Status	Substance Stored	Related Information
1	3000	08/31/1987	Removed from Ground (10/20/1994)	A:Empty	Tank Details Compartment Piping Vapor Recovery

Table 2. Tank Details

Tank	Design & Materials	Corrosion Protection	Release Detection	Spill Containment and Overfill Prevention	Installation Contractor	Installer	Test Result	Related Information
1	1:Single Wall (Steel)							Tank Summary Compartment Piping

Table 3. Compartment Details

Tank	Compartment	Capacity (gallons)	Principal Substance	Other Substance	Release Detection	Spill Containment and Overfill Prevention	Related Information
1	A	3000	Empty				Tank Summary Tank Details

Table 4. Piping Systems

Tank	Type of Piping	Piping Material	Design and External Containment	Connectors and valves	Corrosion Protection	Release Detection	Related Info
1	Suction	Steel	Single Wall				Tank Summa Tank Details

Table 5. Vapor Recovery Systems

Tank	Type of Stage 1	Date Installed	Type of Stage 2	Date Installed	Related Information
1	Not Reported				Tank Summary Tank Details Compartment Piping

Table 6. Aboveground Storage Tanks

Tank	Capacity	Status	Date Installed	Date Registered	Out of Use	Substance Stored	Material Of Construction	Containment	Vapor Recovery
1regular	14600	In Use	01/01/1954	02/26/1990		Gasoline	Steel		Stage 1: Not Reported
2unleaded	14600	In Use	01/01/1954	02/26/1990		Gasoline	Steel		Stage 1: Not Reported

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Table 5. Vapor Recovery Systems

Tank	Type of Stage 1	Date Installed	Type of Stage 2	Date Installed	Related Information
1	Not Reported				Tank Summary Tank Details Compartment Piping

Table 6. Aboveground Storage Tanks

2unleaded	14600	In Use	01/01/1954	02/26/1990		Gasoline	Steel		Stage 1: Not Reported
3super	10000	In Use	01/01/1954	02/26/1990		Gasoline	Steel		Stage 1: Not Reported

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Table 5. Vapor Recovery Systems

Tank	Type of Stage 1	Date Installed	Type of Stage 2	Date Installed	Related Information
1	Not Reported				Tank Summary Tank Details Compartment Piping

Table 6. Aboveground Storage Tanks

3super	10000	In Use	01/01/1954	02/26/1990		Gasoline	Steel		Stage 1: Not Reported
4diesel	14600	In Use	01/01/1954	02/26/1990		Diesel	Steel		Stage 1: Not Reported

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Exhibit C

Certification, Acknowledgement, and Consent of Development Owner (10 TAC §11.204(1))

- ☒ The *Certification, Acknowledgement, and Consent of Development Owner* is included behind this tab.

****The form should be executed, notarized, and included in the full application document.****

The form for the certification will be posted to the Department's website at

http://www.tdhca.state.tx.us/multifamily/apply_for_funds.htm

Please indicate whether any of the following required disclosure on the *Certification, Acknowledgement, and Consent of Development Owner* (to be used for data capture for application processing):

☐ **10 TAC §11.101(a)(2) - Undesirable Site Features.**

- ☐ Development Site is within 300 feet of a junkyard.
- ☐ Development Site is within 300 feet of an active solid waste facility, sanitary landfill facility, waste transfer station, or illegal dumping sites.
- ☐ Development Site is within 300 feet of a sexually-oriented business.
- ☐ Development Site is within 500 feet of active railroad tracks.
- ☐ Development Site is within 500 feet of heavy industry.
- ☐ Development Site is within 10 miles of a nuclear plant.
- ☐ Development Site has buildings within accident potential zones or runway clear zones of any airport.
- ☐ Development Sites contains one or more pipelines, situated underground or aboveground, which carry highly volatile liquids or Development Sites located adjacent to a pipeline easement (for a pipeline carrying highly volatile liquids), the Application must include a plan for developing near the pipeline(s) and mitigation, if any, in accordance with a report conforming to the Pipelines and Informed Planning Alliance (PIPA)
- ☐ Development Site is within 2 miles of refineries capable of refining more than 100,000 barrels of oil per day.
- ☐ Development Site in proximity to environmental factor that may adversely affect residents' health and safety or render the Site inappropriate for housing use.
- ☐ Development Sites that are located in a Clear Zone, any Accident Potential Zone, or within any Noise Contour of 65 decibels or greater, as reflected in a Joint Land Use Study for any military Installation.

Provide information behind this tab regarding mitigation for any item selected above.

☐ **10 TAC §11.101(a)(3) - Neighborhood Risk Factors (NRF).**

- ☐ Development Site is located within a census tract that has a poverty rate above 40% for individuals, or 55% for Developments in regions 11 and 13. **Include resolution from Governing Body behind Tab 8. Rehabs are exempt.**
- ☐ Development Site is located in a census tract (or for any adjacent census tract) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons (annually) as reported on neighborhoodscout.com. **(New or Reconstruction only)**
- ☐ The Development Site is located within the attendance zone of an elementary school, a middle school or a high school that had a TEA Accountability Rating of "Not Rated: Senate Bill 1365" for 2022. **Elderly Developments, and Supportive Housing SRO Developments or Supportive Housing Developments where all Units are Efficiency Units, and Applications in the USDA Set-Aside for Rehabilitation of existing properties are exempt and are not required to provide mitigation for this subparagraph, but are still required to provide rating information in the Application and disclose the presence of the Neighborhood Risk Factor. The following two items apply:**
 - ☐ -Documentation from a person authorized to speak on behalf of the school district with oversight of the school in question that indicates the specific plans in place and current progress towards meeting the goals and performance objectives identified in the Campus Improvement Plan and in restoring the school(s) to an acceptable rating status.
 - ☐ -The Applicant has committed that it will operate an after school learning center that offers at a minimum 15 hours of weekly, organized, on-site educational services provided to elementary, middle and high school children

☐ **10 TAC §11.202(1)(M) - Termination of Relationship in an Affordable Housing Transaction**

☐ **10 TAC §11.202(1)(N) - Voluntary Compliance Agreement**

(or any similar agreement resulting from negotiations regarding noncompliance)

☐ **10 TAC §11.901(15) - Unused Credit or Penalty Fee (Competitive HTC Only)**

Submit documentation regarding any disclosures behind this Tab.

which undesirable site feature applies from the list below; depending on the undesirable feature, staff may recommend mitigation as appropriate).

_____ The proposed Development is Historic Preservation pursuant to 10 TAC §11.9(e)(6), is located in an area with an undesirable site feature and an exemption was requested prior to the filing of an Application or is being requested with the Application. (Select which undesirable site feature applies from the list below).

_____ The proposed Development is New Construction, is located in an area with an undesirable site feature and a copy of the local ordinance that specifies the proximity of such feature to a multifamily development is included in the Application.

_____ The proposed Development is within the minimum separation from housing of a facility under the jurisdiction of a state or federal cognizant agency and documentation substantiating the minimum separation from such agency is included in the Application.

_____ The proposed Development is located in an area with an undesirable site feature and mitigation to be considered by staff and the Board is included in the Application (select all that apply):

_____ within 300 feet of junkyards as defined in Texas Transportation Code §396.001.

_____ within 300 feet of an active solid waste facility or sanitary landfill facility, waste transfer station or illegal dumping sites (as such dumping sites are identified by the local municipality.)

_____ within 300 feet of a sexually-oriented business as defined in Local Gov't Code §243.002, or as zoned, licensed and regulated as such by the local municipality.

*See attached documentation.

_____ within 500 feet of active railroad tracks (unless certain criteria apply pursuant to 10 TAC §11.101(a)(2)(E)(iv) and documentation to that effect is included in the Application).

_____ within 500 feet of heavy industry (i.e. facilities that require extensive use of land and machinery, produce high levels of external noise such as manufacturing plants, or that maintain fuel storage facilities, to the extent that these qualifying items are consistent with the general characteristics of heavy industry. Gas stations and other similar facilities that are not consistent with the characteristics of heavy industry are not considered an undesirable site feature; _____ within 10 miles of a nuclear plant.

_____ buildings are located within the accident potential zones or the runway clear zones of any airport.

Exhibit D

Tie-Breaker Information (Competitive HTC Only)

Tie-Breaker #1 (§11.7(1) of the QAP)

For Applications funded through the USDA Set-Aside; Applications proposed to rehabilitate the property with the earliest year of initial construction as a residential development. Year submitted must be evidenced by the initial USDA loan documentation. A tie will persist if two Applications have the same year.

Year of Initial Construction:

NA

Matching loan documentation
included behind tab?

Tie-Breaker #2 (§11.7(2) of the QAP)

For all other competitive Applications; Applications proposed to be located in closest proximity to the following features as of the Full Application Delivery Date:

- (1) A Park,
- (2) The elementary school of attendance,
- (3) A full service grocery store, and
- (4) A Public Library

The linear measurement will be performed from the closest parcel boundary of the Development Site to closest parcel boundary of each feature. In calculating the proximity, each feature's distance will be required for submittal, with the sum of the three closest features being used to produce the result. The Application with the lowest sum of proximity will receive preference. In the event that one of the top three features is disqualified (due to not conforming to definition or a substantial misrepresentation of distance), the fourth will be used as an opportunity to replace the disqualified feature. The tie will persist if the two tied Applications differ by 100 feet or fewer.

Amenity	Name	Address
Park	Ginger's Park	115 N Prairieville St, Athens, TX 75751
Elementary School	Bel Air Elem	215 Willowbrook Cir, Athens, TX 75751
Grocery Store	Super Mercado El Toro	531 W Tyler St, Athens, TX 75751
Library	Henderson County Library	121 S Prairieville St, Athens, TX 75751

Coordinates
boxed in red are
outside their
respective parcel.

Site Boundary		Park	
Latitude	Longitude	Latitude	Longitude
32.204149	-95.860302	32.204748	-95.855682
Elementary School		Grocery Store	
Latitude	Longitude	Latitude	Longitude
32.203077	-95.861497	32.182598	-95.860559
Latitude	Longitude	Latitude	Longitude
32.203607	-95.861484	32.204749	-95.864283
Library		Library	
Latitude	Longitude	Latitude	Longitude
32.20378	-95.860317	32.203654	-95.854921

Distance (feet)	
Park	1443
Elementary School	7477
Grocery Store	959
Library	1666
Tie-Breaker:	4,068.57

Tie-Breaker #3 (§11.7(3) of the QAP)

Applications proposed to be located the greatest linear distance from the nearest Housing Tax Credit assisted Development that serves the same Target Population and that was awarded less than 15 years ago according to the Department's property inventory tab of the Site Demographic Characteristics Report.

Development Longitude: -95.860747

Development Latitude: 32.203284

Target Population: Elderly

[Closest Development serving same Population:](#)

Fairview Cottages

Click on link to go to property inventory tab of site demographics

Application Number: 15036

Address: 1600 South Palestine, Athens

Year of Award: 2015

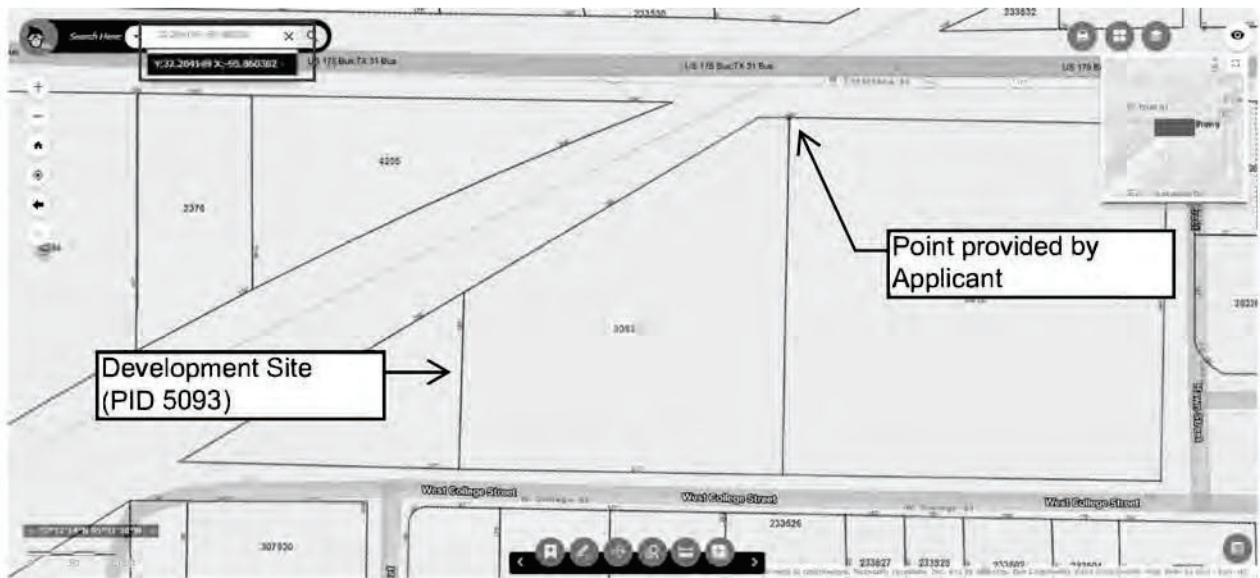
Target Population for Closest Development

Elderly

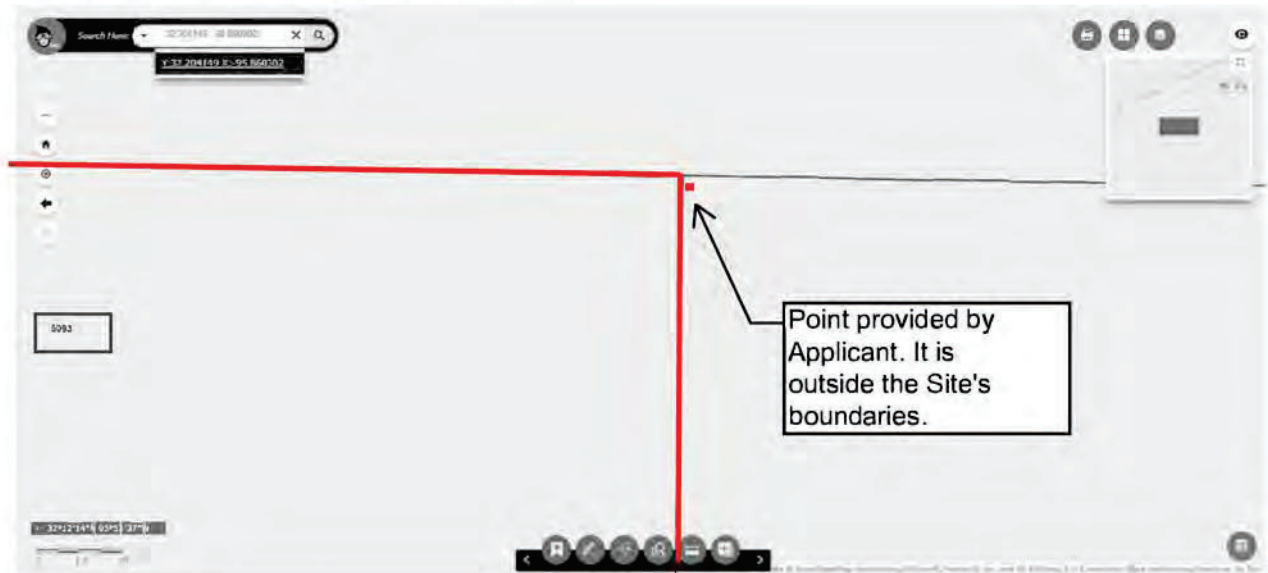
Exhibit E

Park

Site Boundaries (to park) Tie Breaker. As shown below, when the coordinates provided by the Applicant are input into the Henderson CAD interactive map, the point is outside boundaries of the Development Site.

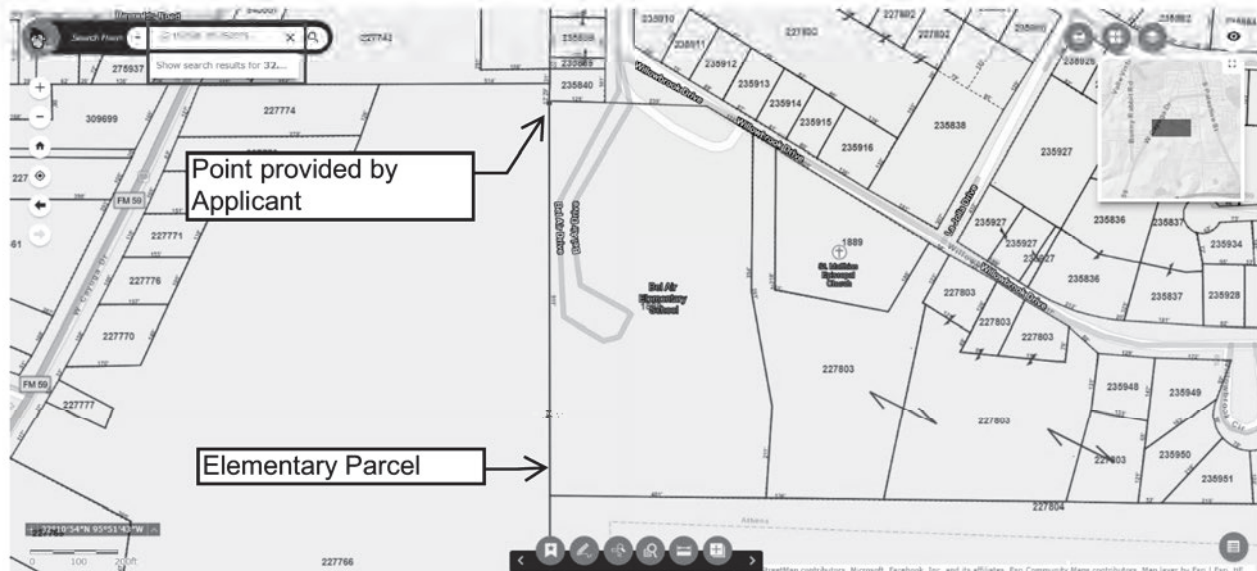


Site Boundaries (to park) Tie Breaker – Zoomed In.



Elementary School

Elementary Tie Breaker. As shown below, when the coordinates provided by the Applicant are input into the Henderson CAD interactive map, the point is outside boundaries of the selected elementary.

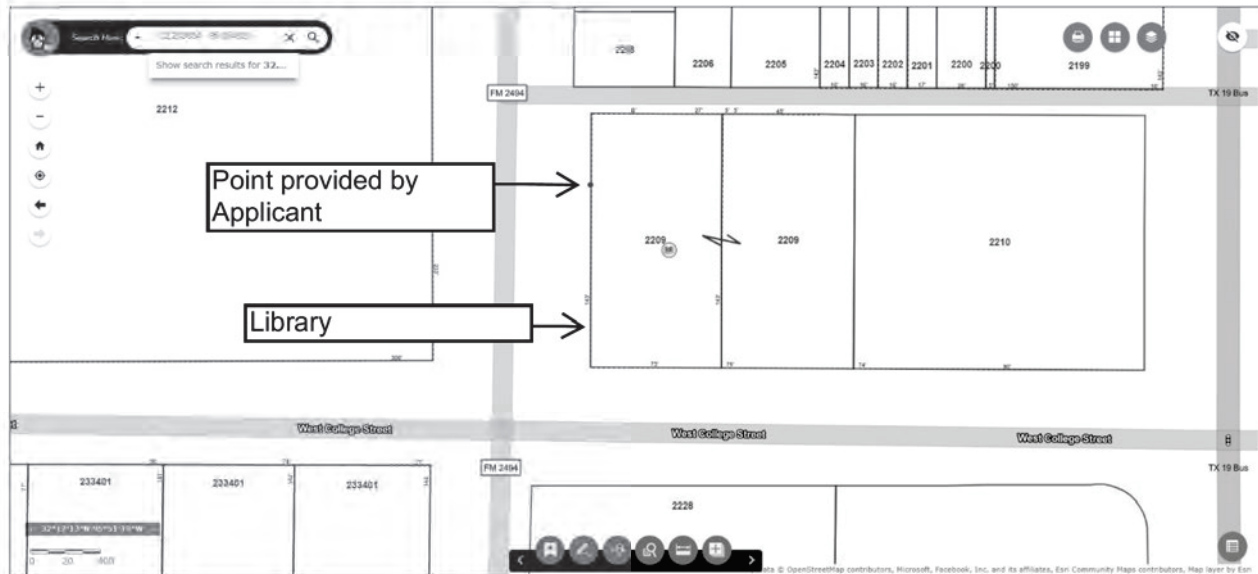


Elementary Tie Breaker – Zoomed In.

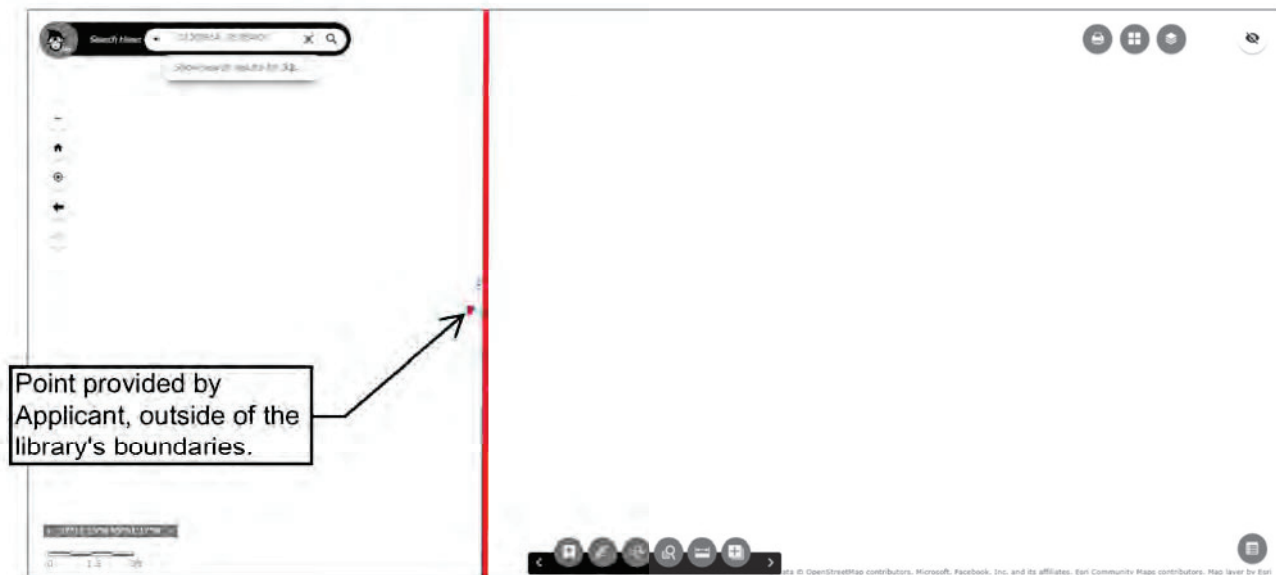


Library

Library Tie Breaker. As shown below, when the coordinates provided by the Applicant are input into the Henderson CAD interactive map, the point is outside boundaries of the selected library.



Library Tie Breaker – Zoomed In.



24221

Dashwood Trails

**Request for Administrative
Deficiency**

May 3, 2024

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Third-Party Request for Administrative Deficiency – TDHCA #24221 Dashwood Trails

Dear Mr. Campbell,

Please accept this letter as a formal Third-Party Request for Administrative Deficiency (RFAD) for §11.7(2)(A)(i) to consider whether the Tie Breaker Factor amenity provided as a park at pre-application by the applicant conforms to the 2024 QAP definition. The amenity feature used as a park in the application is “Alief Middle Track & Fields” located at “4415 Cook Rd, Houston, TX 77072” which is part of Alief Middle School and is not a public park or a parcel of land dedicated for public use. **Please see Exhibit A.**

The QAP states the following definition for §11.7(2)(A)(i):

- (i) A park, or a parcel of land dedicated for public use by a Municipal, County, State, or Federal entity and used as parkland or for a recreational purpose. This feature must have been designated by the relevant authority one year prior to the Full Application Delivery Date.*

The rationale for why a middle school playground does not align with the definition of a park, as outlined in the QAP, is as follows:

Ownership and Authority:

The public school, Alief Middle School, is owned and operated by Alief ISD, the local school district, rather than directly by a Municipal, County, State, or Federal entities. Houston Parks and Recreation department Deputy Director, Micheal Evans, confirmed that, “The playground and track/ballfield are not HPARD parks.” **Please see Exhibit B.** Moreover, there is no documented evidence that “Alief Middle Track & Fields” located at “4415 Cook Rd, Houston, TX 77072” which is part of Alief Middle School is on “*land dedicated for public use by a Municipal, County, State, or Federal entity and used as parkland or for a recreational purpose*”. While the public school serves certain members of the community, their primary purpose is education. The authority responsible for designating land as a park is not the same as the one overseeing the school system, Alief ISD.

Designation and Purpose:

The “Alief Middle Track & Fields” is on private land owned by Alief ISD and not for “public use”. TDHCA’s QAP requires that a park be designated for public use by the relevant authority. **“Alief Middle Track & Fields” has not been specifically designated as public use land for “parkland or for a recreational purpose”. Please see Exhibit C.** Alief Middle School’s track and field is focused on supporting the school’s mission rather than being a recreational area for the broader community.

Access Restrictions:

Schoolyards are typically accessible only during school hours and are often closed to the public outside those times. The definition of a park in the QAP emphasizes public access, which does not align with restricted schoolyard access. Photographs depicting the perimeter fencing around the “Alief Middle Track & Fields” are available in **Exhibit D**. Furthermore, Alief Independent School District (ISD) adheres to Texas Education Code Sec. 37.105, granting the school authority over individuals on their property. Unauthorized trespassers on school grounds are considered guilty of a Class C Misdemeanor. **Please see Exhibit E.**

In summary, while middle school parks serve important educational purposes, “Alief Middle Track & Fields” does not conform to the provided definition for a park as defined by the 2024 TDHCA Qualified Allocation Plan and should be disqualified. We request that TDHCA use the fourth Tie Breaker amenity provided by the applicant be used to replace the disqualified feature.

Sincerely,



Cody J. Hunt
10112 Bissonnet Development, LLC
Authorized Representative
13455 Noel Rd, Suite 400
Dallas, TX 75240

CC: mfogel@trinityhousingdevelopment.com

EXHIBIT A A

Tie-Breaker Information (Competitive HTC Only)

Tie-Breaker #1 (§11.7(1) of the QAP)

For Applications funded through the USDA Set-Aside; Applications proposed to rehabilitate the property with the earliest year of initial construction as a residential development. Year submitted must be evidenced by the initial USDA loan documentation. A tie will persist if two Applications have the same year.

Year of Initial Construction:

NA

Matching loan documentation
included behind tab?

Tie-Breaker #2 (§11.7(2) of the QAP)

For all other competitive Applications; Applications proposed to be located in closest proximity to the following features as of the Full Application Delivery Date:

- (1) A Park,
- (2) The elementary school of attendance,
- (3) A full service grocery store, and
- (4) A Public Library

The linear measurement will be performed from the closest parcel boundary of the Development Site to closest parcel boundary of each feature. In calculating the proximity, each feature's distance will be required for submittal, with the sum of the three closest features being used to produce the result. The Application with the lowest sum of proximity will receive preference. In the event that one of the top three features is disqualified (due to not conforming to definition or a substantial misrepresentation of distance), the fourth will be used as an opportunity to replace the disqualified feature. The tie will persist if the two tied Applications differ by 100 feet or fewer.

Amenity	Name	Address
Park	Alief Middle Track & Fields	4415 Cook Rd, Houston, TX 77072
Elementary School	Youens Elem	12141 High Star Dr, Houston, TX 77072
Grocery Store	La Michoacana Market	12496 Bellaire Blvd, Houston, TX 77072
Library	Alief Regional Library	11903 Bellaire Blvd, Houston, TX 77072

Site Boundary		Park	
Latitude	Longitude	Latitude	Longitude
29.707076	-95.593356	29.707402	-95.593367
Elementary School		Grocery Store	
Latitude	Longitude	Latitude	Longitude
29.707076	-95.593356	29.707402	-95.593367
Latitude	Longitude	Latitude	Longitude
29.706159	-95.593189	29.704809	-95.602333
Library		Library	
Latitude	Longitude	Latitude	Longitude
29.706159	-95.593189	29.703487	-95.592006



EXHIBIT B

Elizabeth Perrot <elizabeth@dynamiccre.com>

Question about Alief Middle School

2 messages

Elizabeth Perrot <elizabeth@dynamiccre.com>
To: micheal.evans@houston.tx.gov

Tue, Apr 16, 2024 at 3:37 PM

Hi Michael,

Can you verify whether [Alief Middle School playground and field](#) is a public park under City of Houston Parks and Recreation Department jurisdiction?

Thank you kindly,

Elizabeth



Elizabeth Deitchman
Manager of Acquisitions and Marketing

a: Dynamic Commercial Real Estate, LLC
13355 Noel Rd Ste 1100 | Dallas, TX 75240
e: Elizabeth@DynamicCRE.com

Evans, Micheal - PRD <Micheal.Evans@houston.tx.gov>
To: Elizabeth Perrot <elizabeth@dynamiccre.com>
Cc: "Degelia, Jeatawn - PRD" <Jeatawn.Degelia@houston.tx.gov>

Tue, Apr 16, 2024 at 4:19 PM

Elizabeth,

The playground and track/ballfield are not HPARD parks.

Micheal Evans

Deputy Director

Facilities Management & Development

Houston Parks and Recreation Department

Main: 832-395-7000 | Direct: 832-395-7026



*Mission: "To enhance the quality of urban life by
providing safe, well-maintained parks and offering
affordable programming for our community."*

EXHIBIT D



Alief Middle School track and field has perimeter fencing.

This Week's Happenings!

Saturday, April 27th: Taste of Alief and Alief International Parade

Home Enroll Our District Community Families



HOME OUR DISTRICT CALENDARS ENROLL DEPARTMENTS MORE

ALIEF ISD // UNAUTHORIZED PERSONS: REFUSAL OF ENTRY, EJECTION, IDENTIFICATION (TEXAS EDUCATION CODE SEC. 37.105)

[< Back To Handbooks and Policies](#)

Unauthorized Persons: Refusal of Entry, Ejection, Identification (Texas Education Code Sec. 37.105)

Board Policy GKA (Legal)

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and:
 - The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
 - The person persists in that behavior.

Identification may be required of any person on the property.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district's property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

- [Board Policy GKA \(LEGAL\)](#)

- Community Relations - Conduct on School Premises

- [Texas Education Code Sec. 37.105](#)

- Unauthorized Persons: Refusal of Entry, Ejection, Identification

The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these trespass provisions, including the appeal process.

[Education Code 37.105](#) >

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor.

[Education Code 37.107](#) >



Alief ISD
4250 Cook Road
Houston, TX 77072
Phone: [\(281\) 498-8110](tel:2814988110)

[AliefHUB!](#)

[Careers](#)

[Enrollment](#)

[Handbook & Policies](#)

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