

24023 – 930 Military Parkway Living

From: [Cody Campbell](#)
To: [Cody Hunt](#); [Taylor Thomas](#); [Tom Huth](#)
Cc: [Joshua Goldberger](#)
Subject: 930 Military Parkway Living - Notice of Potential LIHTC Penalty
Date: Wednesday, May 28, 2025 3:15:00 PM

Good afternoon,

You are in receipt of this notification because you are associated with a 2024 Housing Tax Credit Application that elected points related to Readiness to Proceed as established at 10 TAC §11.9(e)(9). Based on available documentation, staff does not believe that the requirements of this scoring item were met, and therefore has determined that the Applicant may be eligible for a point penalty under 10 TAC §11.9(f). This email serves as the required 14-day notification that this matter will be presented to the Department's Governing Board at the meeting to be held on June 12, 2025.

If you believe that the Application in question did meet the requirements related to Readiness to Proceed and that staff's conclusion is incorrect, please contact Cody Campbell, Director of Multifamily Programs, at cody.campbell@tdhca.texas.gov as soon as possible.

Please let me know if you have any questions.

Thank you,

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



June 5th, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Readiness to Proceed Response for TDHCA Application #24023, 930 Military Parkway Living

Dear Mr. Campbell,

On behalf of 930 Military Parkway Living, Ltd., please see below response to the notice of potential LIHTC penalty related to the Readiness to Proceed points item elected in the 2024 9% Housing Tax Credit application for 930 Military Parkway Living. We ask that the Board consider the following in relation to any penalty that may be imposed under Readiness to Proceed.

1. Evidence that the Applicant applied for permits from the local permitting jurisdiction on or before March 31, 2025.

Evidence of building permit submission to the City of Mesquite was provided in the initial Readiness to Proceed response in March. This item should be considered fulfilled.

2. Documentation that the Development Site has been acquired in its entirety, dated on or before March 31, 2025.

930 Military Parkway Living, Ltd. applied for NHT Funds through the Multifamily Direct Loan Program's 2025-1 NOFA to close a financial gap caused by the state of the market. The development is in line to receive funding based on department review and underwriting. For the Multifamily Direct Loan Program, a National Housing Trust Funds Environmental Review was necessary before the award could be recommended. To avoid any potential choice limiting action, the land could not be acquired prior to receiving clearance from TDHCA. The development team did

c/o John C. Shackelford, Shackelford, Bowen, McKinley & Norton, LLP
9201 N. Central Expressway, Fourth Floor
Dallas, Texas 75231
Tel: (214) 780-1414

not want to take any action that could jeopardize receiving the necessary soft funding for completing this development. Since the Environmental Review was only finalized on May 5th, 2025, and the soft funding is scheduled to be voted on at the July 10th TDHCA Board meeting, we were not able to acquire the land for this development prior to March 31, 2025.

We believe an exception should be made for this rule for the 2024 9% housing tax credit awards. Our current economy is too volatile to punish developments that are unable to meet the above requirements due to circumstances outside of the developer's control. 930 Military Parkway Living is still moving forward with every intention to close on the financing and begin construction before the end of the year, this is shown with the evidence of building permit submission.

We ask that the Board not impose any point penalty on the Developer of 930 Military Parkway Living given the above information. We are happy to provide additional information regarding the specifics of our circumstance upon request.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CJH' or similar, written in a cursive style.

Cody J. Hunt

Authorized Representative of 930 Military Parkway Living, Ltd.

**c/o John C. Shackelford, Shackelford, Bowen, McKinley & Norton, LLP
9201 N. Central Expressway, Fourth Floor
Dallas, Texas 75231
Tel: (214) 780-1414**



March 28th, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Readiness to Proceed Documentation for TDHCA Application #24023, 930 Military Parkway Living

Dear Mr. Campbell,

On behalf of 930 Military Parkway Living, Ltd., please see below regarding the following items related to the Readiness to Proceed points item elected in the 2024 9% Housing Tax Credit application for 930 Military Parkway Living.

1. Evidence that the Applicant applied for permits from the local permitting jurisdiction on or before March 31, 2025.

See below evidence of building permit submission to the City of Mesquite. The attached screenshot from the City of Mesquite Civic Access portal and the email correspondence shows permit submission was on January 25th, 2025, and continues to be in process.

2. Documentation that the Development Site has been acquired in its entirety, dated on or before March 31, 2025.

It is important to know, as this deal is located in an urban market with extremely high land costs, it is very uncommon for developers to close on land prior to financial closing due to the increased risk we would have to assume. In July when we received our 9% housing tax credit award, our development team had every confidence the 10-year treasury was going down and felt confident about our ability to financially close on the deal and acquire the land by this March 31st deadline.

Unfortunately, the 10-year spiked and has held steady since then. Equity pricing has also dropped significantly. To combat these situations and still move forward with the deal, we have been fortunate enough to find a few local jurisdictions supplying soft funding to help construct affordable housing.

930 Military Parkway Living, Ltd. Has applied for NHT Funds through the Multifamily Direct Loan Program's 2025-1 NOFA. Based on the most recent application log, the development is in line to receive funding based on department review and underwriting. If these funds trigger an environmental clearance process, acquiring the land before receiving clearance to use the funds could result in a choice limiting action. The development team does not want to take any action that could jeopardize receiving the

necessary soft funding for completing this development. Since the soft funding and potential environmental clearance is still up in the air, we have not been able to acquire the land for this development prior to the deadline.

We submit this documentation with the understanding that it is only partially met yet given the tumultuous circumstances of the market at the moment, we believe an exception should be made for this rule for the 2024 9% housing tax credit awards. Our current economy is too volatile to punish developments that are unable to meet the above requirements due to circumstances outside of the developer's control. 930 Military Parkway Living is still moving forward with every intention to close on the financing and begin construction before the end of the year, this is shown with the evidence of building permit submission.

We ask that the Board consider the above in relation to any penalty that may be imposed under Readiness to Proceed. We are happy to provide additional information regarding the specifics of our circumstance upon request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cody J. Hunt".

Cody J. Hunt

Authorized Representative of 930 Military Parkway Living, Ltd.

My Work

MY INVOICES MY PERMITS

Search...		Display		Attention (All)								Export to Excel	
Permit Number		Project		Address		Permit Type		Status		State			
BC0924-4748		Palladium Military Parkway ...		940 MILITARY PKWY MES...		Building-New Commercial Building		Resubmission Re...		Attention, Pending (On Hold, Review Not Approved, Resubmi File)			
BC0924-4749		Palladium Military Parkway ...		950 MILITARY PKWY MES...		Building-New Commercial Building		Resubmission Re...		Attention, Pending (On Hold, Review Not Approved, Resubmi File)			

Showing 2 records.



Permit Application #BC0124-4299

From noreply-energov@cityofmesquite.com <noreply-energov@cityofmesquite.com>

Date Thu 1/25/2024 1:00 PM

To Lester Young <lyoung@hedk.com>; swykoff@bblbuildingco.com <swykoff@bblbuildingco.com>

Thank you for applying for Building (Commercial) New Primary Building located at 940 Military Parkway. You will be notified shortly of any additional information needed. Review time varies depending on the type of permit you applied for, but please allow up to fifteen (15) business days for a response. If you have any questions please contact Gleaves, Jenny Sue at (972)216-6212. Thank you, City of Mesquite, Building Inspection [0048]

24030 – 2910 Motley Senior Living

From: [Cody Campbell](#)
To: [Cody Hunt](#); [Taylor Thomas](#); [Tom Huth](#)
Cc: [Joshua Goldberger](#)
Subject: 2910 Motley Senior Living - Notice of Potential LIHTC Penalty
Date: Wednesday, May 28, 2025 3:16:00 PM

Good afternoon,

You are in receipt of this notification because you are associated with a 2024 Housing Tax Credit Application that elected points related to Readiness to Proceed as established at 10 TAC §11.9(e)(9). Based on available documentation, staff does not believe that the requirements of this scoring item were met, and therefore has determined that the Applicant may be eligible for a point penalty under 10 TAC §11.9(f). This email serves as the required 14-day notification that this matter will be presented to the Department's Governing Board at the meeting to be held on June 12, 2025.

If you believe that the Application in question did meet the requirements related to Readiness to Proceed and that staff's conclusion is incorrect, please contact Cody Campbell, Director of Multifamily Programs, at cody.campbell@tdhca.texas.gov as soon as possible.

Please let me know if you have any questions.

Thank you,

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

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June 5th, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Readiness to Proceed Response for TDHCA Application #24030, 2910 Motley Senior Living

Dear Mr. Campbell,

On behalf of 2910 Motley Senior Living, Ltd., please see below response to the notice of potential LIHTC penalty related to the Readiness to Proceed points item elected in the 2024 9% Housing Tax Credit application for 2910 Motley Senior Living.

1. Evidence that the Applicant applied for permits from the local permitting jurisdiction on or before March 31, 2025.

Evidence of building permit submission to the City of Mesquite was provided in the initial Readiness to Proceed response in March. This item should be considered fulfilled.

2. Documentation that the Development Site has been acquired in its entirety, dated on or before March 31, 2025.

2910 Motley Senior Living, Ltd. applied for NHT Funds through the Multifamily Direct Loan Program's 2025-1 NOFA to close a financial gap caused by the state of the market. The development is in line to receive funding based on department review and underwriting. For the Multifamily Direct Loan Program, a National Housing Trust Funds Environmental Review was necessary before the award could be recommended. To avoid any potential choice limiting action, the land could not be acquired prior to receiving clearance from TDHCA. The development team did not want to take any action that could jeopardize receiving the necessary soft funding for completing this development. Since the Environmental Review was only finalized on May 2nd, 2025, and the soft funding is scheduled to be voted on

c/o John C. Shackelford, Shackelford, Bowen, McKinley & Norton, LLP
9201 N. Central Expressway, Fourth Floor
Dallas, Texas 75231
Tel: (214) 780-1414

at the June 12th TDHCA Board meeting, we were not able to acquire the land for this development by March 31, 2025.

We believe an exception should be made for this rule for the 2024 9% housing tax credit awards. Our current economy is too volatile to punish developments that are unable to meet the above requirements due to circumstances outside of the developer's control. 2910 Motley Senior Living is still moving forward with every intention to close on the financing and begin construction before the end of the year, this is shown with the evidence of building permit submission.

We ask that the Board not impose any point penalty on the Developer of 2910 Motley Senior Living given the above information. We are happy to provide additional information regarding the specifics of our circumstance upon request.

Sincerely,



Cody J. Hunt

Authorized Representative of 2910 Motley Senior Living, Ltd.

c/o John C. Shackelford, Shackelford, Bowen, McKinley & Norton, LLP
9201 N. Central Expressway, Fourth Floor
Dallas, Texas 75231
Tel: (214) 780-1414



March 28th, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Readiness to Proceed Documentation for TDHCA Application #24030, 2910 Motley Senior Living

Dear Mr. Campbell,

On behalf of 2910 Motley Senior Living, Ltd., please see below regarding the following items related to the Readiness to Proceed points item elected in the 2024 9% Housing Tax Credit application for 2910 Motley Senior Living.

1. Evidence that the Applicant applied for permits from the local permitting jurisdiction on or before March 31, 2025.

See below evidence of building permit submission to the City of Mesquite. The attached screenshot from the City of Mesquite Civic Access portal shows that the initial permit submission was on January 27th, 2025, and continues to be in process.

2. Documentation that the Development Site has been acquired in its entirety, dated on or before March 31, 2025.

It is important to know, as this deal is located in an urban market with extremely high land costs, it is very uncommon for developers to close on land prior to financial closing due to the increased risk we would have to assume. In July when we received our 9% housing tax credit award, our development team had every confidence the 10-year treasury was going down and felt confident about our ability to financially close on the deal and acquire the land by this March 31st deadline.

Unfortunately, the 10-year spiked and has held steady since then. Equity pricing has also dropped significantly. To combat these situations and still move forward with the deal, we have been fortunate enough to find a few local jurisdictions supplying soft funding to help construct affordable housing.

2910 Motley Senior Living, Ltd. Has applied for NHT Funds through the Multifamily Direct Loan Program's 2025-1 NOFA. Based on the most recent application log, the development is in line to receive funding based on department review and underwriting. If these funds trigger an environmental clearance process, acquiring the land before receiving clearance to use the funds could result in a choice limiting action. The development team does not want to take any action that could jeopardize receiving the necessary soft funding for completing this development. Since the soft funding and

potential environmental clearance is still up in the air, we have not been able to acquire the land for this development prior to the deadline.

We submit this documentation with the understanding that it is only partially met yet given the tumultuous circumstances of the market at the moment, we believe an exception should be made for this rule for the 2024 9% housing tax credit awards. Our current economy is too volatile to punish developments that are unable to meet the above requirements due to circumstances outside of the developer's control. 2910 Motley Senior Living is still moving forward with every intention to close on the financing and begin construction before the end of the year, this is shown with the evidence of building permit submission.

We ask that the Board consider the above in relation to any penalty that may be imposed under Readiness to Proceed. We are happy to provide additional information regarding the specifics of our circumstance upon request.

Sincerely,



Cody J. Hunt

Authorized Representative of 2910 Motley Senior Living, Ltd.

My Work

MY INVOICESMY PERMITSMY PLANSMY EXISTING INSPECTIONSREQUEST INSPECTIONS

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Permit Number	Project	Address	Permit Type	Status	State	Applied	Es
BC0125-4959		2910 MOTLEY DR MESQUIL...	Building-Commercial Accessory Structure	Awaiting Payment	Attention, Recent, Pending (On Hold, Unpaid Fees)	01/27/2025	
BC0125-4958		2910 MOTLEY DR MESQUIL...	Building-New Commercial Building	Awaiting Payment	Attention, Recent, Pending (On Hold, Unpaid Fees)	01/27/2025	

24038 – 3606 S Cockrell Hill Road Senior Living

From: [Cody Campbell](#)
To: [Cody Hunt](#); [Tom Huth](#); [Taylor Thomas](#)
Cc: [Joshua Goldberger](#)
Subject: 3606 S Cockrell Hill Road Senior Living - Notice of Potential LIHTC Penalty
Date: Wednesday, May 28, 2025 3:17:00 PM

Good afternoon,

You are in receipt of this notification because you are associated with a 2024 Housing Tax Credit Application that elected points related to Readiness to Proceed as established at 10 TAC §11.9(e)(9). Based on available documentation, staff does not believe that the requirements of this scoring item were met, and therefore has determined that the Applicant may be eligible for a point penalty under 10 TAC §11.9(f). This email serves as the required 14-day notification that this matter will be presented to the Department's Governing Board at the meeting to be held on June 12, 2025.

If you believe that the Application in question did meet the requirements related to Readiness to Proceed and that staff's conclusion is incorrect, please contact Cody Campbell, Director of Multifamily Programs, at cody.campbell@tdhca.texas.gov as soon as possible.

Please let me know if you have any questions.

Thank you,

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



June 5th, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Readiness to Proceed Response for TDHCA Application #24038, 3606 S Cockrell Hill Road Senior Living

Dear Mr. Campbell,

On behalf of 3606 S Cockrell Hill Rd, Ltd., please see below response to the notice of potential LIHTC penalty related to the Readiness to Proceed points item elected in the 2024 9% Housing Tax Credit application for 3606 S Cockrell Hill Road Senior Living. We ask that the Board consider the following in relation to any penalty that may be imposed under Readiness to Proceed.

1. Evidence that the Applicant applied for permits from the local permitting jurisdiction on or before March 31, 2025.

Evidence of building permit submission to the City of Dallas was provided in the initial Readiness to Proceed response in March. This item should be considered fulfilled.

2. Documentation that the Development Site has been acquired in its entirety, dated on or before March 31, 2025.

3606 S Cockrell Hill Road Senior Living, Ltd. applied for and is in line to receive soft funding through the City of Dallas Housing Department's 2024 NOFA. These will be HOME Funds that will be used predominately for the land acquisition and scheduled to be approved by the Dallas City Council on June 25, 2025. This type of funding triggers a HUD environmental clearance process with Authority to Use Grant Funds; therefore, acquiring the land before receiving clearance to use the funds could result in a choice limiting action under 24 CFR 58.22. The development team does not want to take any action that could jeopardize receiving the necessary soft funding for completing this development. Since the environmental clearance is still in process and we are still awaiting an AUGF, we were not able to acquire the land for this development prior to March 31, 2025.

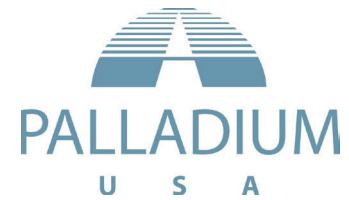
We believe this development should receive an exemption for the site acquisition portion of this rule due to HUD's Choice Limiting Action requirements. Our stance is the rule of the Code of Federal Regulations should supersede the QAP in specific instances and developments that are under HUD's regulations should not be penalized for circumstances outside of the developer's control. 3606 S Cockrell Hill Road Senior Living is still moving forward with every intention to close on the financing and begin construction before the end of the year, this is shown with the evidence of building permit submission.

We ask that the Board not impose any point penalty on the Developer of 3606 S Cockrell Hill Road Senior Living given the above information. We are happy to provide additional information regarding the specifics of our circumstance upon request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Huth', with a long horizontal flourish extending to the right.

Thomas E. Huth
Authorized Representative of 3606 S Cockrell Hill Rd, Ltd.



March 28th, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Readiness to Proceed Documentation for TDHCA Application #24038, 3606 S Cockrell Hill Road Senior Living

Dear Mr. Campbell,

On behalf of 3606 S Cockrell Hill Rd, Ltd., please see below regarding the following items related to the Readiness to Proceed points item elected in the 2024 9% Housing Tax Credit application for 3606 S Cockrell Hill Road Senior Living.

1. Evidence that the Applicant applied for permits from the local permitting jurisdiction on or before March 31, 2025.

See below evidence of building permit submission to the City of Dallas. The attached correspondence from the City of Dallas ProjectDox shows the initial permit submission and set up of our QTeams meeting. The statement that the minimum requirements for acceptance were not met was rectified in a conversation with our reviewer. This correspondence and submission occurred on March 10, 2025, and continues to be in process.

2. Documentation that the Development Site has been acquired in its entirety, dated on or before March 31, 2025.

It is important to know, as this deal is located in an urban market with extremely high land costs, it is very uncommon for developers to close on land prior to financial closing due to the increased risk we would have to assume. In July when we received our 9% housing tax credit award, our development team had every confidence the 10-year treasury was going down and felt confident about our ability to financially close on the deal and acquire the land by this March 31st deadline.

Unfortunately, the 10-year spiked and has held steady since then. Equity pricing has also dropped significantly. To combat these situations and still move forward with the deal, we have been fortunate enough to find a few local jurisdictions supplying soft funding to help construct affordable housing.

3606 S Cockrell Hill Road Senior Living, Ltd. has applied for soft funding through the City of Dallas Housing Department's 2024 NOFA. Based on recent conversations with the housing department, the development is in line to receive funding based on

underwriting. The type of funds the development will be receiving is still to be determined. If these funds trigger an environmental clearance process, acquiring the land before receiving clearance to use the funds could result in a choice limiting action. The development team does not want to take any action that could jeopardize receiving the necessary soft funding for completing this development. Since the soft funding and potential environmental clearance is still up in the air, we have not been able to acquire the land for this development prior to the deadline.

We submit this documentation with the understanding that it is only partially met yet given the tumultuous circumstances of the market at the moment, we believe an exception should be made for this rule for the 2024 9% housing tax credit awards. Our current economy is too volatile to punish developments that are unable to meet the above requirements due to circumstances outside of the developer's control. 3606 S Cockrell Hill Road Senior Living is still moving forward with every intention to close on the financing and begin construction before the end of the year, this is shown with the evidence of building permit submission.

We ask that the Board consider the above in relation to any penalty that may be imposed under Readiness to Proceed. We are happy to provide additional information regarding the specifics of our circumstance upon request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. E. Huth', with a long horizontal flourish extending to the right.

Thomas E. Huth

Authorized Representative of 3606 S Cockrell Hill Rd, Ltd.



ProjectDox Pre-Screen Correction Request Task Assignment for 2502281107 - QTEAM MEETING TBD

From DoNotReplyDATX@avolvesoftware.com <DoNotReplyDATX@avolvesoftware.com>
Date Mon 3/10/2025 2:53 PM
To Michael Delgado <mdelgado@crossarchitects.com>



Pre-Screen Correction Request Task Assignment

Attention Michael :

Your plan review submission for Project: **2502281107 - QTEAM MEETING TBD** has not met the minimum requirements for acceptance. You may review correction comments and requirements accessing the ProjectDox site.

When corrected plans and or documents are ready for re-submittal, please, [Login to ProjectDox](#) and follow the instructions provided for re-submittal.

Please be advised when re-submitting plans and or documents:

- All corrections must be uploaded using the same file names as the original submittal
- Once corrections have been uploaded for review, no additional submissions will be accepted unless requested
- Please make corrections within 180 days of this notice to avoid your Permit Application from expiring.

Project:	2502281107 - QTEAM MEETING TBD
Task:	Prescreen Corrections Task
Project Access	

Contact the City of Dallas at (214)-948-4480 or biadmin@dallascityhall.com if you have questions regarding this project.

Please do not reply to this email.

24042 – 10112 Bissonnet Living

From: [Cody Campbell](#)
To: [Cody Hunt](#); [Taylor Thomas](#); [Tom Huth](#)
Cc: [Joshua Goldberger](#)
Subject: 10112 Bissonnet Living - Notice of Potential LIHTC Penalty
Date: Wednesday, May 28, 2025 3:18:00 PM

Good afternoon,

You are in receipt of this notification because you are associated with a 2024 Housing Tax Credit Application that elected points related to Readiness to Proceed as established at 10 TAC §11.9(e)(9). Based on available documentation, staff does not believe that the requirements of this scoring item were met, and therefore has determined that the Applicant may be eligible for a point penalty under 10 TAC §11.9(f). This email serves as the required 14-day notification that this matter will be presented to the Department's Governing Board at the meeting to be held on June 12, 2025.

If you believe that the Application in question did meet the requirements related to Readiness to Proceed and that staff's conclusion is incorrect, please contact Cody Campbell, Director of Multifamily Programs, at cody.campbell@tdhca.texas.gov as soon as possible.

Please let me know if you have any questions.

Thank you,

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



June 5th, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Readiness to Proceed Response for TDHCA Application #24042, 10112 Bissonnet Living

Dear Mr. Campbell,

On behalf of 10112 Bissonnet, Ltd., please see below response to the notice of potential LIHTC penalty related to the Readiness to Proceed points item elected in the 2024 9% Housing Tax Credit application for 10112 Bissonnet Living. We ask that the Board consider the following in relation to any penalty that may be imposed under Readiness to Proceed.

1. Evidence that the Applicant applied for permits from the local permitting jurisdiction on or before March 31, 2025.

Evidence of building permit submission to the City of Houston was provided in the initial Readiness to Proceed response in March. This item should be considered fulfilled.

2. Documentation that the Development Site has been acquired in its entirety, dated on or before March 31, 2025.

10112 Bissonnet Living was fortunate to receive a recommendation for an award of \$4M in HOME funding from the City of Houston, but full approval of the funding is dependent on the Authority to Use Grant Funds (AUGF). The environmental clearance process started in September, and the AUGF was not received until April 25th, 2025. This was a problem as taking down the land prior to receiving the AUGF would have been a choice limiting action under 24 CFR 58.22 which we have been warned about by the City of Houston multiple times.

c/o John C. Shackelford, Shackelford, Bowen, McKinley & Norton, LLP
9201 N. Central Expressway, Fourth Floor
Dallas, Texas 75231
Tel: (214) 780-1414

We did receive our AUGF, but not in time to acquire the land for this development prior to March 31, 2025.

We believe this development should receive an exemption for the site acquisition portion of this rule due to HUD's Choice Limiting Action requirements. Our stance is the rule of the Code of Federal Regulations should supersede the QAP in specific instances and developments that are under HUD's regulations should not be penalized for circumstances outside of the developer's control. 10112 Bissonnet Living is still moving forward with every intention to close on the financing and begin construction before the end of the year, this is shown with the evidence of building permit submission.

We ask that the Board not impose any point penalty on the Developer of 10112 Bissonnet Living given the above information. We are happy to provide additional information regarding the specifics of our circumstance upon request.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CJH' or similar, written in a cursive style.

Cody J. Hunt
Authorized Representative of 10112 Bissonnet, Ltd.

c/o John C. Shackelford, Shackelford, Bowen, McKinley & Norton, LLP
9201 N. Central Expressway, Fourth Floor
Dallas, Texas 75231
Tel: (214) 780-1414



March 28th, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Readiness to Proceed Documentation for TDHCA Application #24042, 10112 Bissonnet Living

Dear Mr. Campbell,

On behalf of 10112 Bissonnet, Ltd., please see below regarding the following items related to the Readiness to Proceed points item elected in the 2024 9% Housing Tax Credit application for 10112 Bissonnet Living.

1. Evidence that the Applicant applied for permits from the local permitting jurisdiction on or before March 31, 2025.

See below evidence of building permit submission to the City of Houston. The attached Plan Review Workflow shows that the initial permit submission was on December 9th, 2024, and continues to be in process.

2. Documentation that the Development Site has been acquired in its entirety, dated on or before March 31, 2025.

It is important to know, as this deal is located in an urban market with extremely high land costs, it is very uncommon for developers to close on land prior to financial closing due to the increased risk we would have to assume. In July when we received our 9% housing tax credit award, our development team had every confidence the 10-year treasury was going down and felt confident about our ability to financially close on the deal and acquire the land by this March 31st deadline.

Unfortunately, the 10-year spiked and has held steady since then. Equity pricing has also dropped significantly. To combat these situations and still move forward with the deal, we have been fortunate enough to find a few local jurisdictions supplying soft funding to help construct affordable housing. These have mostly been HOME Funds and CDBG Funds.

The issue we are now running into is environmental clearance timelines. This development was fortunate to receive a recommendation for an award of \$4M in HOME funding from the City of Houston, but full approval of the funding is dependent on the Authorization to Use Grant Funds (AUGF). The environmental clearance process was started in September, and it is still in process today. This is a problem as taking down the land prior to receiving the AUGF is a choice limiting action which we have been warned

about by the City of Houston multiple times. As of submitting this documentation, we have not received the AUGF and therefore, have not been able to acquire the land for this development prior to the deadline

We submit this documentation with the understanding that it is only partially met yet given the tumultuous circumstances of the market at the moment, we believe an exception should be made for this rule for the 2024 9% housing tax credit awards. Our current economy is too volatile to punish developments that are unable to meet the above requirements due to circumstances outside of the developer's control. 10112 Bissonnet Living is still moving forward with every intention to close on the financing and begin construction before the end of the year, this is shown with the evidence of building permit submission.

We ask that the Board consider the above in relation to any penalty that may be imposed under Readiness to Proceed. We are happy to provide additional information regarding the specifics of our circumstance upon request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cody J. Hunt".

Cody J. Hunt

Authorized Representative of 10112 Bissonnet, Ltd.

Plan Review - Workflow Routing Slip

Report Generated: 03/13/2025 10:11 AM

Review Type: Commercial and Residential Building Permit

Number of Files: 427

Project Name: 24119373

Workflow: 24119373 - Pflow COM Template - 12/9/2024 3:12:16 PM

Total Review Comments: 83

Total Review Cycle: 1

Time Elapsed: 67 days 19 hrs

Time with Jurisdiction: 29 days 1 hr

Time with Applicant: 38 days 18 hrs

Completed Submission (Prescreen): 5 days 19 hrs

Completed Plan Review: Not Completed

TASK	TASK STATUS	REVIEW STATUS	CYCLE	ASSIGNED	ACCEPTED	COMPLETED	GROUP	USER	SUB TOTAL
Applicant Upload	Completed		0	12/09/2024 03:12 PM	12/16/2024 01:12 PM	12/16/2024 01:13 PM	Applicant	JILL SCHROEDER	4 days 22 hrs
Prescreen Review Task	Completed		0	12/16/2024 01:13 PM	12/17/2024 09:09 AM	12/17/2024 10:21 AM	Permit Tech	Ashley Harris	0 days 21 hrs
Assign Reviewers and Coordinator	Completed		0	12/17/2024 10:21 AM	12/17/2024 10:21 AM	12/17/2024 10:22 AM	Permit Tech	Ashley Harris	0 days 0 hrs
Planning (140) Department Review cycle #1	Completed	Rejected (RU)	1	12/17/2024 10:22 AM	12/26/2024 11:08 AM	12/26/2024 12:41 PM	Planning (140)	Ed Buckley	7 days 2.5 hrs
Health (130) Department Review cycle #1	Completed	NA	1	12/17/2024 10:22 AM	12/30/2024 03:23 PM	12/30/2024 04:35 PM	Health (130)	Gene Bowden	9 days 6 hrs
Flood Plain (250) Department Review cycle #1	Completed	Rejected (RU)	1	12/17/2024 10:22 AM	12/18/2024 08:21 AM	12/18/2024 08:44 AM	Flood Plain (250)	Lakeisha Gibson	0 days 22.5 hrs
Structural (330) Department Review cycle #1	Completed	Rejected (RU)	1	12/17/2024 10:22 AM	01/02/2025 02:20 PM	01/03/2025 05:26 PM	Structural (330)	Hannu Pihlaskari	13 days 7 hrs
Plumbing (320) Department Review cycle #1	Completed	Rejected (RU)	1	12/17/2024 10:22 AM	01/03/2025 08:26 AM	01/03/2025 01:51 PM	Plumbing (320)	Bobby Lewis	13 days 3.5 hrs
Storm Drain (360) Department Review cycle #1	Completed	Rejected (RU)	1	12/17/2024 10:22 AM	12/20/2024 12:06 PM	12/20/2024 02:12 PM	Storm Drain (360)	Michelle Moreno	3 days 4 hrs
Electrical (310) Department Review cycle #1	Completed	Rejected (RU)	1	12/17/2024 10:22 AM	12/31/2024 08:05 AM	12/31/2024 09:51 AM	Electrical (310)	Gabriel Maldonado	9 days 23.5 hrs

Plan Review - Workflow Routing Slip

Report Generated: 03/13/2025 10:11 AM

TASK	TASK STATUS	REVIEW STATUS	CYCLE	ASSIGNED	ACCEPTED	COMPLETED	GROUP	USER	SUB TOTAL
Util. Review (220) Department Review cycle #1	Completed	Rejected (RJ)	1	12/17/2024 10:22 AM	01/06/2025 08:06 AM	01/06/2025 09:18 AM	Util. Review (220)	Prashish Shrestha	13 days 23 hrs
Fire Access Roads (152) Department Review cycle #1	Completed	Rejected (RJ)	1	12/17/2024 10:22 AM	01/02/2025 02:52 PM	01/07/2025 09:35 AM	Fire Access Roads (152)	Oliver Ayes	14 days 23 hrs
Traffic (120) Department Review cycle #1	Completed	Rejected (RJ)	1	12/17/2024 10:22 AM	12/18/2024 02:12 PM	12/18/2024 02:12 PM	Traffic (120)	Mohammad Brati	1 day 4 hrs
Fire Marshal (150) Department Review cycle #1	Completed	Rejected (RJ)	1	12/17/2024 10:22 AM	01/24/2025 10:08 AM	01/24/2025 02:05 PM	Fire Marshal (150)	Jonathan Thornton	28 days 3.5 hrs
HVAC (340) Department Review cycle #1	Completed	Rejected (RJ)	1	12/17/2024 10:22 AM	12/26/2024 07:07 AM	01/03/2025 10:29 AM	HVAC (340)	Billy Tu	13 days 0 hrs
Applicant Resubmit Task	Accepted		1	01/24/2025 02:05 PM	03/07/2025 11:11 AM		Applicant	JILL SCHROEDER	33 days 20 hrs

24076 – New Faith Senior Village Apartments

From: [Cody Campbell](#)
To: donna@marqueconsultants.com; donna@dwrdevelopment.com; [Alyssa Carpenter](#); [Meredith Edwards](#)
Cc: [Joshua Goldberger](#)
Subject: New Faith Senior Village Apartments - Notice of Potential LIHTC Penalty
Date: Wednesday, May 28, 2025 4:24:00 PM

Good afternoon,

You are in receipt of this notification because you are associated with a 2024 Housing Tax Credit Application that elected points related to Readiness to Proceed as established at 10 TAC §11.9(e)(9). Based on available documentation, staff does not believe that the requirements of this scoring item were met, and therefore has determined that the Applicant may be eligible for a point penalty under 10 TAC §11.9(f). This email serves as the required 14-day notification that this matter will be presented to the Department's Governing Board at the meeting to be held on June 12, 2025.

If you believe that the Application in question did meet the requirements related to Readiness to Proceed and that staff's conclusion is incorrect, please contact Cody Campbell, Director of Multifamily Programs, at cody.campbell@tdhca.texas.gov as soon as possible.

Please let me know if you have any questions.

Thank you,

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

DWR Development Group, LLC

6300 West Loop South, Suite #670
Bellaire, Texas 77401
832-940-9940-Office
713-560-0068-Cell

April 4, 2025

Joshua Goldberger – **SERV-U**
Competitive (9%) Housing Tax Credit Manager
TDHCA
221 E. 11th Street
Austin, Texas 78701

RE: TDHCA No. 24076-New Faith Senior Village Apartments (Houston, TX); Readiness to Proceed

Dear Joshua,

Attached please find our Readiness to Proceed submittal package submitted in accordance with Section 11.9(e)(9)-Readiness to Proceed of the 2024 QAP.

Please let me know if you have any questions.

Thank you,



Donna Rickenbacker, Managing Member

April 4, 2025

Via Electronic Mail

Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701

Attention: Joshua Goldberger
Competitive (9%) Housing Tax Credit Manager

Re: Readiness to Proceed; Development: TDHCA No. 24076 – New Faith Senior Village
Apartments (Houston, Texas)

Greetings:

We represent New Faith Senior Village, LP, the Applicant of the Development referenced above. The Applicant took one point for “readiness to proceed” under Section 11.9(e)(9) of the 2024 QAP which requires the Applicant to (i) acquire the Development Site, and (ii) provide evidence of building permit submission to TDHCA on or before March 31, 2025. Affiliates of the Applicant have successfully met the “readiness to proceed” deadline for three (3) other Developments in prior Competitive HTC rounds. In this instance, the Applicant can provide confirmation from the City of Houston that it timely submitted its building permit package. See **Attachment A**-Evidence of Plan Submittal. However, the Applicant was not able to acquire the Development Site prior to the readiness to proceed deadline. Specifically, the Applicant received an award of HOME funds from the City of Houston on November 26, 2024. HOME funds require a sponsor to complete a Part 58 environmental clearance before acquiring land or engaging in any “choice limiting activity”. The Applicant engaged Phase Engineering to complete the environmental clearance. Phase Engineering started the process on December 9, 2024. In anticipation of completing the process within four months, the Applicant began preparing the land seller for a closing to occur on or before March 31, 2025.

As shown on the timeline attached hereto as **Attachment B**, both Phase Engineering and the City of Houston worked diligently to complete the process, utilizing the deadlines imposed by HUD. The Request for Release of Funds (RROF) was submitted on March 17, and it still awaits HUD’s issuance of the Authority to Use Grant Funding (AUGF). The Applicant is checking with the

City of Houston on a regular basis and has been told most recently that the AUGF should be available by April 10, 2025, just a few days shy of the “readiness to proceed” deadline. Upon receipt of the AUGF, the Applicant will close on the Development Site with the land seller.

The Applicant has a demonstrated history of meeting the “readiness to proceed” deadline and missed this one due to factors outside its control. The Applicant’s Affiliates are not participating in the 2025 Competitive HTC round, and no penalties are applicable. If additional information is necessary, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia L. Bast". The signature is written in a cursive, flowing style.

Cynthia L. Bast

cc: DWR Development Group, LLC, Affiliate of Applicant

Attachment A – Evidence of Plan Submittal

Attachment B – Timeline for Part 58 Clearance Activity from Phase Engineering

ATTACHMENT A

Evidence of Plan Submittal

Donna Rickenbacker

From: lramirez89@comcast.net
Sent: Wednesday, April 2, 2025 2:32 PM
To: Donna Rickenbacker
Subject: New Faith Permit Submittal Evidence 25001159 (Private)

New Faith (Private) – 25001159

Submittal Timeline

Original Submittal to the city 1/6/25 (document upload complete)

1st Review completed; plans returned 2/6/25

2nd Review submitted back to the city 2/25/25 (document upload complete)

Pending Utility Review

Plan Check Time-Line Information

Project Number: 25001159

Description: (M/6) 17,799 NEW APRTMNT (BLD-4) W/STWRK 1-3-5-

Address: 14715 MONRAD DR # BLD 4

PLAN CHECK STATUS 04/02/25 02:19:13

Department	Entry Description
CODE ENFORCEMENT 520 - Applicant finalized submission	Document upload complete
CODE ENFORCEMENT 300 - PRELIMINARY REVIEW	Review submission for completeness
CODE ENFORCEMENT 300 - PRELIMINARY REVIEW	Passed department/section review
CODE ENFORCEMENT 301 - INITIAL MANAGEMENT REVIEW	Assign a review coordinator
CODE ENFORCEMENT 33C - COMMERCIAL	Plan check scheduled
CODE ENFORCEMENT 301 - INITIAL MANAGEMENT REVIEW	Passed department/section review
CODE ENFORCEMENT 302 - DEPARTMENT ASSIGNMENTS	Passed department/section review
CODE ENFORCEMENT 310 - ELECTRICAL	Review requirement identified

152 - FIRE_ACCESS RD	Review requirement identified
CODE ENFORCEMENT 340 - HVAC	Review requirement identified
PLANNING 140 - PLANNING	Review requirement identified
CODE ENFORCEMENT 320 - PLUMBING	Review requirement identified
CODE ENFORCEMENT 360 - STORM DRAIN	Review requirement identified
CODE ENFORCEMENT 330 - STRUCTURAL P	Review requirement identified
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Review requirement identified
PUBLIC WORKS & ENGINEERING 220 - UTIL. REVIEW	Review requirement identified
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Plan check scheduled
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Did not pass dept/section review
CODE ENFORCEMENT 360 - STORM DRAIN	Plan check scheduled
CODE ENFORCEMENT 360 - STORM DRAIN	Did not pass dept/section review

PLANNING 140 - PLANNING	Plan check scheduled
PLANNING 140 - PLANNING	Did not pass dept/section review
PLANNING 140 - PLANNING	Did not pass dept/section review
HEALTH 130 - HEALTH	Plan check scheduled
CODE ENFORCEMENT 310 - ELECTRICAL	Plan check scheduled
HEALTH 130 - HEALTH	Did not pass dept/section review
CODE ENFORCEMENT 330 - STRUCTURAL P	Plan check scheduled
152 - FIRE_ACCESS RD	Plan check scheduled
152 - FIRE_ACCESS RD	Did not pass dept/section review
CODE ENFORCEMENT 310 - ELECTRICAL	Did not pass dept/section review
PUBLIC WORKS & ENGINEERING 220 - UTIL. REVIEW	Plan check scheduled

PUBLIC WORKS & ENGINEERING 220 - UTIL. REVIEW	Did not pass dept/section review
CODE ENFORCEMENT 320 - PLUMBING	Plan check scheduled
CODE ENFORCEMENT 340 - HVAC	Plan check scheduled
CODE ENFORCEMENT 320 - PLUMBING	Did not pass dept/section review
CODE ENFORCEMENT 340 - HVAC	Did not pass dept/section review
CODE ENFORCEMENT 330 - STRUCTURAL P	Did not pass dept/section review
HOUSTON FIRE 150 - FIRE MARSHAL	Plan check scheduled
CODE ENFORCEMENT 302 - DEPARTMENT ASSIGNMENTS	Determine review requirements
CODE ENFORCEMENT 33R - REVIEW COMPLETE - PERMIT DENIED	Correction/addition info required
RETURNED TO APPLICANT 100 - APPLICANT	Plans no longer with City
CODE ENFORCEMENT 520 - Applicant finalized submission	Document upload complete
CODE ENFORCEMENT 302 - DEPARTMENT ASSIGNMENTS	Passed department/section review

CODE ENFORCEMENT 303 - UNDER REVIEW	Plans release for general review
CODE ENFORCEMENT 303 - UNDER REVIEW	Current plan location
CODE ENFORCEMENT 360 - STORM DRAIN	Plan check scheduled
CODE ENFORCEMENT 360 - STORM DRAIN	Did not pass dept/section review
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Plan check scheduled
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Did not pass dept/section review
CODE ENFORCEMENT 330 - STRUCTURAL P	Plan check scheduled
CODE ENFORCEMENT 330 - STRUCTURAL P	Did not pass dept/section review
HEALTH 130 - HEALTH	Plan check scheduled
PLANNING 140 - PLANNING	Plan check scheduled
CODE ENFORCEMENT 340 - HVAC	Plan check scheduled

CODE ENFORCEMENT 340 - HVAC	Passed department/section review
PLANNING 140 - PLANNING	Did not pass dept/section review
CODE ENFORCEMENT 310 - ELECTRICAL	Plan check scheduled
CODE ENFORCEMENT 310 - ELECTRICAL	Did not pass dept/section review
152 - FIRE_ACCESS RD	Plan check scheduled
152 - FIRE_ACCESS RD	Did not pass dept/section review
CODE ENFORCEMENT 320 - PLUMBING	Plan check scheduled
CODE ENFORCEMENT 320 - PLUMBING	Did not pass dept/section review

ATTACHMENT B

Timeline for Part 58 Clearance Activity from Phase Engineering

New Faith

Received Part 58 Proposal (Standard completion time is 45-60 calendar days) Estimated draft due by early Feb.	Dec. 9, 2024
Section 106 submission prepared and submitted to COH for review and approval. COH initiated tribal consultations in Dec 2024 which are now completed.	Jan. 15, 2025
Draft ERR completed and submitted to COH	February 12 th
COH provided comments to the ERR	February 13 th
Phase responded to comments/revisions which was delayed by a few days due to the HEROS system being down. However, COH wanted to wait until the updated Phase I ESA was completed before reassigning HEROS for their additional review.	February 19 th
Updated Phase I ESA Completed, HEROS assigned back to COH	February 28 th
COH – provided comment that HEROS deleted all the EA Factors, and they wanted them to be reuploaded. HEROS system was down, so we sent over a PDF version of the report the same day.	March 3 rd
HEROS updated and submitted to COH. COH had additional comments which were addressed the same day.	March 4 th
COH Accepted the Final ERR	March 5 th
COH – Published FONSI	March 7 th
COH – Submitted RROF to HUD	March 25 th
COH – Date expected AUGF	April 10, 2025

June 5, 2025

Via Electronic Mail

Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701

Re: Potential Penalty Assessment – Readiness to Proceed Developments
TDHCA No. 24084 - Andover Village Apartments (Houston, Texas)
TDHCA No. 24076 – New Faith Senior Village Apartments (Houston, Texas)

Greetings:

We represent DWR Development Group, LLC (the “**Developer**”), an Affiliate¹ of Andover Village Apartments, LP and New Faith Senior Village, LP, the Applicants for the Developments referenced above. Each Applicant took one point for “readiness to proceed” under Section 11.9(e)(9) of the 2024 QAP which requires an Applicant to provide evidence that site acquisition and building construction permit submission occurred by March 31, 2025. Ultimately, the Applicants were unable to meet the site acquisition requirement by the deadline because the HUD Part 58 environmental clearance in connection with their HOME awarded financing from the City of Houston was not complete. The Applicants provided evidence of building construction permit submission and explained the status of the Part 58 clearance in their readiness submission packages to TDHCA on April 4, 2025.

The purpose of this letter is to reiterate the reasons why the Applicants were unable to meet the site acquisition requirement by the readiness to proceed deadline, and to address your email, dated May 28, 2025, indicating that the Applicant may be assessed a penalty for such failure. No penalty is applicable because none of the two Applicants, the Developer, or their Affiliates applied for Housing Tax Credits in the 2025 9% Application Round.

¹ Capitalized terms used but not defined in this letter shall have the meanings assigned to them in the 2025 Qualified Allocation Plan.

1. Site Acquisition Requirement:

Attached as Exhibit A are the readiness to proceed response packages submitted to TDHCA on April 4, 2025. The responses are self-explanatory and recognize the efforts by each Applicant to satisfy the site acquisition requirement. The Applicants received an award of HOME funds from the City of Houston on November 26, 2024. HOME funds require the sponsor to complete a Part 58 environmental clearance before acquiring land a “choice limiting activity.” The Applicants provided a detailed timeline in its response describing its efforts from the date of the HOME award through the then status of completing the Part 58 process. HUD’s issuance of the Authority to Use Grant Funds (AUGF) was still outstanding as of March 31, 2025. TDHCA provides HOME funding and understands the choice limiting activities associated with the awarding of these funds.

2. Readiness to Proceed – No Penalty is Applicable:

A. 2018 Implementation by Governor Abbott.

This point item was first included in the 2018 QAP at the requirement of Governor Abbott. The language inserted in Section 11.9(c)(8) of the QAP read as follows:

(8) Readiness to proceed in disaster impacted counties. Application for a proposed development, located in a county declared by the Federal Emergency Management Agency to be eligible for individual assistance within the year proceeding the Full Application Delivery Date, that provides evidence they will close all financing and fully execute the construction contract on or before the last business day of October. Evidence may include, but is not limited to, loan or equity commitments with evidence of completed due diligence, permit-ready architectural plans, and construction contracts or permits. Applications must include evidence that appropriate zoning will be in place at award. The Board cannot and will not waive the deadline and will not consider waiver under its general rule regarding waivers. Failure to close all financing and provide evidence of an executed construction contract by the October deadline will result in penalty under 10 TAC §11.9(f), as determined solely by the Board. (5 points)

The applicable penalty provisions in Section 11.9(f) of the 2018 QAP read as follows:

Staff may recommend to the Board and the Board may find that an Applicant or Affiliate should be *ineligible to compete in the 2019 Application Round* or that it should be assigned a penalty deduction of one (1) point for each submitted Application (Tex. Gov’t Code 2306.6710(b)(2)) because it made a deduction of up to five (5) points for any of the items listed in paragraphs (1) – (5) of this subsection,

unless the person approving the extension (the Board or Executive Director, as applicable) makes an affirmative finding setting forth that the facts which gave rise to the need for the extension were beyond the reasonable control of the Applicant and could not have been reasonably anticipated. Any such matter to be presented for final determination of deduction by the Board must include notice from the Department to the party affected not less than fourteen (14) days prior to the scheduled Board meeting. The Executive Director may, but is not required to, issue a formal notice after disclosure if it is determined that the matter does not warrant point deductions. (§2306.6710(b)(2))

(5) If the Applicant or Affiliate fails to meet the deadline to both close financing and provide evidence of an executed construction contract under 10 TAC § 11.9(c)(8) related to construction in specific disaster counties.

Thus, it was unambiguously established that an Applicant selecting points for “readiness to proceed” under the 2018 QAP and failing to meet the deadline would be penalized in the 2019 Application Round. The reference to Section 2306.6710(b)(2) of the Government Code is relevant. It requires the Department to use a point system that “uses criteria imposing penalties on applicants or affiliates who have requested extensions of department deadlines relating to developments supported by housing tax credit allocations *made in the application round preceding the current round.*” (emphasis added). The statute is clear. Each Application Round must have a scoring system that imposes penalties for failure to meet deadlines in the **prior** Application Round.

As it turns out, two Applicants² under the 2018 QAP failed to meet the “readiness to proceed” deadline. Consideration of a penalty was brought before the Board on December 6, 2018. In the transcript of that meeting, the Board Chair confirmed the possible consequences for these Applicants. The Board could make the Applicants ineligible to file Applications in 2019, deduct one point from each of their 2019 Applications, or do nothing.³ Ultimately, one Applicant lost a point for the 2019 Application Round, and one Applicant received no penalty.

² These two Applicants have no Affiliation with the Developer.

³ See Transcript of December 6, 2018, page 30, lines 12-25 and page 31, lines 1-19.

B. Readiness to Proceed –2019 Changes to QAP.

For the 2019 QAP, staff proposed certain revisions to Section 11.9(f) regarding penalties. The differences between the 2018 QAP and the 2019 QAP appear as follows:

Staff may recommend to the Board and the Board may find that an Applicant or Affiliate should be ineligible to compete in ~~the 2019~~following year's competitive Application Round or that it should be assigned a penalty deduction ~~of one (1) point in the following year's competitive Application Round of no more than two points~~ for each submitted Application (Tex. Gov't Code 2306.6710(b)(2)) because it ~~made a deduction of up to five (5) points~~meets the conditions for any of the items listed in paragraphs (1) – (54) of this subsection, ~~unless the person approving the extension (~~For those items pertaining to non-statutory deadlines, an exception to the penalty may be made if the Board or Executive Director, as applicable), makes an affirmative finding setting forth that the ~~facts which gave rise to the need for the an extension were of the deadline was~~ beyond the reasonable control of the Applicant and could not have been reasonably anticipated. Any such matter to be presented for final determination of deduction by the Board must include notice from the Department to the affected party not less than fourteen (14) days prior to the scheduled Board meeting. The Executive Director may, but is not required, to issue a formal notice after disclosure if it is determined that the matter does not warrant point deductions. The Executive Director may make a determination that the matter does not warrant point deduction only for paragraph (1). (§2306.6710(b)(2)) Any deductions assessed by the Board for paragraphs (1) through (4) of this subsection based on a Housing Tax Credit Commitment from a preceding Application round will be attributable to the Applicant or Affiliate of an Application submitted in the Application round referenced above.

~~(53) -If~~ the Applicant or Affiliate ~~fails, in the Competitive HTC round immediately preceding the current round, failed~~ to meet the deadline to both close financing and provide evidence of an executed construction contract under 10 TAC § 11.9(c)(8) related to construction in specific disaster counties.

There is no indication in the public record that Staff intended to change the original substance of this section. Changing from “the 2019” to “following year’s competitive” makes the provision evergreen, so that Staff does not need to amend it in each year’s QAP. The change to the language in subsection (3), referring to the Competitive HTC round immediately preceding the current round, is consistent with the concept. There is no indication that the “following year’s competitive Application Round” refers to the year following a Board determination of a penalty. Rather, reference is made to the “Competitive HTC round ***immediately preceding*** the current round.”

At the Board meeting on September 6, 2018, Staff asserted only that “the section regarding penalties has been modified for clarity.”⁴ This further supports the concept requested by the Governor in 2018 – that failure of a 2018 Applicant to meet the “readiness to proceed” deadline would result in a penalty in the 2019 Application Round.

⁴ See Transcript of September 6, 2018, page 91, lines 21-22.

There have been no substantive revisions to Section 11.9(f) of the QAP since 2019.

3. Failure of a 2024 Applicant to Meet the “Readiness to Proceed” Deadline Must Impact the 2025 Application Round Only:

As noted above, the Applicant and its Affiliates did not file an Application in the 2025 9% Application Round. Therefore, no penalty should apply and there should be no need for Board consideration. Any other result is inconsistent with the plain language of the statute and the rule.

Assuming the Board were to impose a penalty on the Developer for these 2024 Applications with the intent that it apply in the 2026 Application Round, and assuming that the QAP for 2026 retains the same language in Section 11.9(f) (which it has done for seven years now), TDHCA would not be able to impose a penalty on the Applicant under the 2026 QAP, based on the plain language of subsection (3):

If the Applicant or Affiliate ***in the Competitive HTC round immediately preceding the current round***, failed to meet the deadline (emphasis added)

For the 2026 Application Round using the 2026 QAP, the Department would only be able to impose a penalty on an Applicant in the immediately preceding Application Round, which would be 2025. These 2024 Applications could not be impacted.

I am happy to discuss further if needed.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia L. Bast". The signature is written in a cursive, flowing style.

Cynthia L. Bast

cc: DWR Development Group, LLC

EXHIBIT A

DWR Development Group, LLC

6300 West Loop South, Suite #670
Bellaire, Texas 77401
832-940-9940-Office
713-560-0068-Cell

April 4, 2025

Joshua Goldberger – **SERV-U**
Competitive (9%) Housing Tax Credit Manager
TDHCA
221 E. 11th Street
Austin, Texas 78701

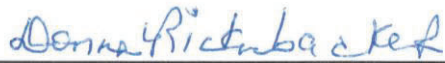
RE: TDHCA No. 24084-Andover Village Apartments (Houston, TX); Readiness to Proceed

Dear Joshua,

Attached please find our Readiness to Proceed submittal package submitted in accordance with Section 11.9(e)(9)-Readiness to Proceed of the 2024 QAP.

Please let me know if you have any questions.

Thank you,



Donna Rickenbacker, Managing Member

BakerHostetler

Baker & Hostetler LLP
111 Congress Avenue
Suite 810
Austin, TX 78701-4057
Phone: 512.215.3200

www.bakerlaw.com

April 4, 2025

Via Electronic Mail

Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701

Attention: Joshua Goldberger
Competitive (9%) Housing Tax Credit Manager

Re: Readiness to Proceed; Development: TDHCA No. 24084 - Andover Village Apartments (Houston, Texas)

Greetings:

We represent Andover Village Apartments, LP, the Applicant of the Development referenced above. The Applicant took one point for “readiness to proceed” under Section 11.9(e)(9) of the 2024 QAP which requires the Applicant to (i) acquire the Development Site, and (ii) provide evidence of building permit submission to TDHCA on or before March 31, 2025. Affiliates of the Applicant have successfully met the “readiness to proceed” deadline for three (3) other Developments in prior Competitive HTC rounds. In this instance, the Applicant can provide confirmation from the City of Houston that it timely submitted its building permit package. See **Attachment A**-Evidence of Plan Submittal. However, the Applicant was not able to acquire the Development Site prior to the readiness to proceed deadline. Specifically, the Applicant received an award of HOME funds from the City of Houston on November 26, 2024. HOME funds require a sponsor to complete a Part 58 environmental clearance before acquiring land or engaging in any “choice limiting activity.” The Applicant engaged Phase Engineering to complete the environmental clearance. Phase Engineering started the process on December 6, 2024. In anticipation of completing the process within four months, the Applicant began preparing the land seller for a closing to occur on or before March 31, 2025.

As shown on the timeline attached hereto as **Attachment B**, both Phase Engineering and the City of Houston worked diligently to complete the process, utilizing the deadlines imposed by HUD. The Request for Release of Funds (RROF) was submitted on March 17, and it still awaits HUD’s issuance of the Authority to Use Grant Funding (AUGF). The Applicant is checking with the

133480.000009 4930-6073-7073.2

Texas Department of Housing and Community Affairs
April 4, 2025
Page 2

City of Houston on a regular basis and has been told most recently that the AUGF should be available by April 4, 2025, just a few days shy of the “readiness to proceed” deadline. Upon receipt of the AUGF, the Applicant will close on the Development Site with the land seller.

The Applicant has a demonstrated history of meeting the “readiness to proceed” deadline and missed this one due to factors outside its control. The Applicant’s Affiliates are not participating in the 2025 Competitive HTC round, and no penalties are applicable. If additional information is necessary, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia L. Bast". The signature is written in a cursive, flowing style.

Cynthia L. Bast

cc: DWR Development Group, LLC, Affiliate of Applicant

Attachment A – Evidence of Plan Submittal

Attachment B – Timeline for Part 58 Clearance Activity from Phase Engineering

133480.000009 4930-6073-7073.2

ATTACHMENT A

Evidence of Plan Submittal

Donna Rickenbacker

From: lramirez89@comcast.net
Sent: Wednesday, April 2, 2025 2:41 PM
To: Donna Rickenbacker
Subject: Andover Submittal Evidence 25012508 (Private)

Andover (Private) – 25012508
Submittal Timeline
Original Submittal to the city 2/11/25 (document upload complete)
1st Review completed; plans returned 3/20/25

iPermits +

Contractor Menu

Maps ▼

User Profile ▼

Plan Check Time-Line Information

Project Number: 25012508
Description: 24,588 SF NEW APT BLD W/SITWRK(M/9)1-3-5-R2-B '21 IBC !
Address: 6935 BELLFORT ST # BLD 3

PLAN CHECK STATUS 04/02/25 02:34:12

Department	Entry Description	Add date
PLANNING 160 - H.A.S.	Review requirement identified	02/10/2025
CODE ENFORCEMENT 520 - Applicant finalized submission	Document upload complete	02/11/2025
CODE ENFORCEMENT 300 - PRELIMINARY REVIEW	Review submission for completeness	02/11/2025
CODE ENFORCEMENT 300 - PRELIMINARY REVIEW	Passed department/section review	02/12/2025
CODE ENFORCEMENT 301 - INITIAL MANAGEMENT REVIEW	Assign a review coordinator	02/12/2025
CODE ENFORCEMENT 33C - COMMERCIAL	Plan check scheduled	02/12/2025
CODE ENFORCEMENT 301 - INITIAL MANAGEMENT REVIEW	Passed department/section review	02/12/2025
CODE ENFORCEMENT 302 - DEPARTMENT ASSIGNMENTS	Passed department/section review	02/12/2025

Attachment A – Page 2

133480.000009 4930-6073-7073.2

Exhibit A – Page 5

133480.000009 4928-8489-0698.3

CODE ENFORCEMENT 310 - ELECTRICAL	Review requirement identified	02/12/2025
152 - FIRE_ACCESS RD	Review requirement identified	02/12/2025
PUBLIC WORKS & ENGINEERING 250 - FLOOD PLAIN	Review requirement identified	02/12/2025
HEALTH 130 - HEALTH	Review requirement identified	02/12/2025
CODE ENFORCEMENT 340 - HVAC	Review requirement identified	02/12/2025
PLANNING 140 - PLANNING	Review requirement identified	02/12/2025
CODE ENFORCEMENT 320 - PLUMBING	Review requirement identified	02/12/2025
CODE ENFORCEMENT 360 - STORM DRAIN	Review requirement identified	02/12/2025
CODE ENFORCEMENT 330 - STRUCTURAL P	Review requirement identified	02/12/2025
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Review requirement identified	02/12/2025
PUBLIC WORKS & ENGINEERING 220 - UTIL. REVIEW	Review requirement identified	02/12/2025
PUBLIC WORKS & ENGINEERING 250 - FLOOD PLAIN	Plan check scheduled	02/13/2025

PUBLIC WORKS & ENGINEERING 250 - FLOOD PLAIN	Did not pass dept/section review	02/13/2025
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Plan check scheduled	02/13/2025
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Did not pass dept/section review	02/13/2025
CODE ENFORCEMENT 360 - STORM DRAIN	Plan check scheduled	02/17/2025
CODE ENFORCEMENT 360 - STORM DRAIN	Did not pass dept/section review	02/17/2025
CODE ENFORCEMENT 360 - STORM DRAIN	Did not pass dept/section review	02/18/2025
CODE ENFORCEMENT 340 - HVAC	Plan check scheduled	02/21/2025
CODE ENFORCEMENT 340 - HVAC	Did not pass dept/section review	02/21/2025
152 - FIRE_ACCESS RD	Plan check scheduled	02/21/2025
CODE ENFORCEMENT 330 - STRUCTURAL P	Plan check scheduled	02/21/2025
PLANNING 160 - H.A.S.	Plan check scheduled	02/21/2025
PLANNING 160 - H.A.S.	Did not pass dept/section review	02/21/2025
CODE ENFORCEMENT 330 - STRUCTURAL P	Did not pass dept/section review	02/21/2025

HEALTH 130 - HEALTH	Plan check scheduled	02/24/2025
HEALTH 130 - HEALTH	Passed department/section review	02/24/2025
PLANNING 140 - PLANNING	Plan check scheduled	02/25/2025
PLANNING 140 - PLANNING	Did not pass dept/section review	02/25/2025
CODE ENFORCEMENT 310 - ELECTRICAL	Plan check scheduled	02/25/2025
CODE ENFORCEMENT 310 - ELECTRICAL	Did not pass dept/section review	02/26/2025
152 - FIRE_ACCESS RD	Did not pass dept/section review	02/26/2025
CODE ENFORCEMENT 320 - PLUMBING	Plan check scheduled	03/06/2025
CODE ENFORCEMENT 320 - PLUMBING	Did not pass dept/section review	03/06/2025
PUBLIC WORKS & ENGINEERING 220 - UTIL. REVIEW	Plan check scheduled	03/11/2025
CODE ENFORCEMENT 330 - STRUCTURAL P	Plan check scheduled	03/18/2025
PLANNING 160 - H.A.S.	Plan check scheduled	03/18/2025

PLANNING 160 - H.A.S.	Did not pass dept/section review	03/19/2025
CODE ENFORCEMENT 320 - PLUMBING	Plan check scheduled	03/19/2025
CODE ENFORCEMENT 320 - PLUMBING	Did not pass dept/section review	03/19/2025
PUBLIC WORKS & ENGINEERING 220 - UTIL REVIEW	Did not pass dept/section review	03/19/2025
CODE ENFORCEMENT 330 - STRUCTURAL P	Did not pass dept/section review	03/20/2025
CODE ENFORCEMENT 302 - DEPARTMENT ASSIGNMENTS	Determine review requirements	03/20/2025
CODE ENFORCEMENT 33R - REVIEW COMPLETE - PERMIT DENIED	Correction/addition info required	03/20/2025
RETURNED TO APPLICANT 100 - APPLICANT	Plans no longer with City	03/20/2025

ATTACHMENT B

Timeline for Part 58 Clearance Activity from Phase Engineering

Andover Village

Received Part 58 Proposal (Standard completion time is 45-60 calendar days) Estimated draft due by early Feb.	Dec. 6, 2024
Section 106 submission prepared and submitted to COH for review and approval	Jan. 15, 2025
Tribal Consultations initiated by COH	Jan 16 th (Ends Feb 16 th)
Early 8-Step Notice published	Feb 7 th (ends Feb 24 th)
Draft ERR completed and submitted to COH	Feb 7 th
Received signed proposal to updated Phase I ESA.	Feb 7 th (Due 2/26)
COH submitted comments to the Draft ERR	Feb 18 th
Phase responded to comments/revisions and assigned HEROS back to COH	Feb 20 th
Updated Phase I ESA Completed, HEROS assigned back to COH	February 28 th
COH – Published FONSI and Final 8-Step Notice	Feb 26 th
COH – Submitted RROF to HUD (delayed due to Melissa being out of the office on March 14 th – original date)	March 17 th
COH – Date expected AUGF	April 4 th

DWR Development Group, LLC

6300 West Loop South, Suite #670

Bellaire, Texas 77401

832-940-9940-Office

713-560-0068-Cell

April 4, 2025

Joshua Goldberger – **SERV-U**

Competitive (9%) Housing Tax Credit Manager

TDHCA

221 E. 11th Street

Austin, Texas 78701

RE: TDHCA No. 24076-New Faith Senior Village Apartments (Houston, TX); Readiness to Proceed

Dear Joshua,

Attached please find our Readiness to Proceed submittal package submitted in accordance with Section 11.9(e)(9)-Readiness to Proceed of the 2024 QAP.

Please let me know if you have any questions.

Thank you,



Donna Rickenbacker, Managing Member

BakerHostetler

Baker & Hostetler LLP
111 Congress Avenue
Suite 810
Austin, TX 78701-4057
Phone: 512.215.3200

www.bakerlaw.com

April 4, 2025

Via Electronic Mail

Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701

Attention: Joshua Goldberger
Competitive (9%) Housing Tax Credit Manager

Re: Readiness to Proceed; Development: TDHCA No. 24076 – New Faith Senior Village
Apartments (Houston, Texas)

Greetings:

We represent New Faith Senior Village, LP, the Applicant of the Development referenced above. The Applicant took one point for “readiness to proceed” under Section 11.9(e)(9) of the 2024 QAP which requires the Applicant to (i) acquire the Development Site, and (ii) provide evidence of building permit submission to TDHCA on or before March 31, 2025. Affiliates of the Applicant have successfully met the “readiness to proceed” deadline for three (3) other Developments in prior Competitive HTC rounds. In this instance, the Applicant can provide confirmation from the City of Houston that it timely submitted its building permit package. See **Attachment A**-Evidence of Plan Submittal. However, the Applicant was not able to acquire the Development Site prior to the readiness to proceed deadline. Specifically, the Applicant received an award of HOME funds from the City of Houston on November 26, 2024. HOME funds require a sponsor to complete a Part 58 environmental clearance before acquiring land or engaging in any “choice limiting activity”. The Applicant engaged Phase Engineering to complete the environmental clearance. Phase Engineering started the process on December 9, 2024. In anticipation of completing the process within four months, the Applicant began preparing the land seller for a closing to occur on or before March 31, 2025.

As shown on the timeline attached hereto as **Attachment B**, both Phase Engineering and the City of Houston worked diligently to complete the process, utilizing the deadlines imposed by HUD. The Request for Release of Funds (RROF) was submitted on March 17, and it still awaits HUD’s issuance of the Authority to Use Grant Funding (AUGF). The Applicant is checking with the

133480.000004 4899-3626-5778.1

Texas Department of Housing and Community Affairs
April 4, 2025
Page 2

City of Houston on a regular basis and has been told most recently that the AUGF should be available by April 10, 2025, just a few days shy of the "readiness to proceed" deadline. Upon receipt of the AUGF, the Applicant will close on the Development Site with the land seller.

The Applicant has a demonstrated history of meeting the "readiness to proceed" deadline and missed this one due to factors outside its control. The Applicant's Affiliates are not participating in the 2025 Competitive HTC round, and no penalties are applicable. If additional information is necessary, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia L. Bast". The signature is written in a cursive, flowing style.

Cynthia L. Bast

cc: DWR Development Group, LLC, Affiliate of Applicant

Attachment A – Evidence of Plan Submittal

Attachment B – Timeline for Part 58 Clearance Activity from Phase Engineering

133480.000004 4899-3626-5778.1

ATTACHMENT A

Evidence of Plan Submittal

Donna Rickenbacker

From: lramirez89@comcast.net
Sent: Wednesday, April 2, 2025 2:32 PM
To: Donna Rickenbacker
Subject: New Faith Permit Submittal Evidence 25001159 (Private)

New Faith (Private) – 25001159
Submittal Timeline
Original Submittal to the city 1/6/25 (document upload complete)
1st Review completed; plans returned 2/6/25
2nd Review submitted back to the city 2/25/25 (document upload complete)
Pending Utility Review

Attachment A – Page 1

133480.000004 4899-3626-5778.1

Plan Check Time-Line Information

Project Number: 25001159
Description: (M/6) 17,799 NEW APRTMNT (BLD-4) W/STWRK 1-3-5-
Address: 14715 MONRAD DR # BLD 4

PLAN CHECK STATUS 04/02/25 02:19:13

Department	Entry Description
CODE ENFORCEMENT 520 - Applicant finalized submission	Document upload complete
CODE ENFORCEMENT 300 - PRELIMINARY REVIEW	Review submission for completeness
CODE ENFORCEMENT 300 - PRELIMINARY REVIEW	Passed department/section review
CODE ENFORCEMENT 301 - INITIAL MANAGEMENT REVIEW	Assign a review coordinator
CODE ENFORCEMENT 33C - COMMERCIAL	Plan check scheduled
CODE ENFORCEMENT 301 - INITIAL MANAGEMENT REVIEW	Passed department/section review
CODE ENFORCEMENT 302 - DEPARTMENT ASSIGNMENTS	Passed department/section review
CODE ENFORCEMENT 310 - ELECTRICAL	Review requirement identified

152 - FIRE_ACCESS RD	Review requirement identified
CODE ENFORCEMENT 340 - HVAC	Review requirement identified
PLANNING 140 - PLANNING	Review requirement identified
CODE ENFORCEMENT 320 - PLUMBING	Review requirement identified
CODE ENFORCEMENT 360 - STORM DRAIN	Review requirement identified
CODE ENFORCEMENT 330 - STRUCTURAL P	Review requirement identified
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Review requirement identified
PUBLIC WORKS & ENGINEERING 220 - UTIL. REVIEW	Review requirement identified
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Plan check scheduled
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Did not pass dept/section review
CODE ENFORCEMENT 360 - STORM DRAIN	Plan check scheduled
CODE ENFORCEMENT 360 - STORM DRAIN	Did not pass dept/section review

PLANNING 140 - PLANNING	Plan check scheduled
PLANNING 140 - PLANNING	Did not pass dept/section review
PLANNING 140 - PLANNING	Did not pass dept/section review
HEALTH 130 - HEALTH	Plan check scheduled
CODE ENFORCEMENT 310 - ELECTRICAL	Plan check scheduled
HEALTH 130 - HEALTH	Did not pass dept/section review
CODE ENFORCEMENT 330 - STRUCTURAL P	Plan check scheduled
152 - FIRE_ACCESS RD	Plan check scheduled
152 - FIRE_ACCESS RD	Did not pass dept/section review
CODE ENFORCEMENT 310 - ELECTRICAL	Did not pass dept/section review
PUBLIC WORKS & ENGINEERING 220 - UTIL. REVIEW	Plan check scheduled

PUBLIC WORKS & ENGINEERING 220 - UTIL. REVIEW	Did not pass dept/section review
CODE ENFORCEMENT 320 - PLUMBING	Plan check scheduled
CODE ENFORCEMENT 340 - HVAC	Plan check scheduled
CODE ENFORCEMENT 320 - PLUMBING	Did not pass dept/section review
CODE ENFORCEMENT 340 - HVAC	Did not pass dept/section review
CODE ENFORCEMENT 330 - STRUCTURAL P	Did not pass dept/section review
HOUSTON FIRE 150 - FIRE MARSHAL	Plan check scheduled
CODE ENFORCEMENT 302 - DEPARTMENT ASSIGNMENTS	Determine review requirements
CODE ENFORCEMENT 33R - REVIEW COMPLETE - PERMIT DENIED	Correction/addition info required
RETURNED TO APPLICANT 100 - APPLICANT	Plans no longer with City
CODE ENFORCEMENT 520 - Applicant finalized submission	Document upload complete
CODE ENFORCEMENT 302 - DEPARTMENT ASSIGNMENTS	Passed department/section review

CODE ENFORCEMENT 303 - UNDER REVIEW	Plans release for general review
CODE ENFORCEMENT 303 - UNDER REVIEW	Current plan location
CODE ENFORCEMENT 360 - STORM DRAIN	Plan check scheduled
CODE ENFORCEMENT 360 - STORM DRAIN	Did not pass dept/section review
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Plan check scheduled
PUBLIC WORKS & ENGINEERING 120 - TRAFFIC	Did not pass dept/section review
CODE ENFORCEMENT 330 - STRUCTURAL P	Plan check scheduled
CODE ENFORCEMENT 330 - STRUCTURAL P	Did not pass dept/section review
HEALTH 130 - HEALTH	Plan check scheduled
PLANNING 140 - PLANNING	Plan check scheduled
CODE ENFORCEMENT 340 - HVAC	Plan check scheduled

CODE ENFORCEMENT 340 - HVAC	Passed department/section review
PLANNING 140 - PLANNING	Did not pass dept/section review
CODE ENFORCEMENT 310 - ELECTRICAL	Plan check scheduled
CODE ENFORCEMENT 310 - ELECTRICAL	Did not pass dept/section review
152 - FIRE_ACCESS RD	Plan check scheduled
152 - FIRE_ACCESS RD	Did not pass dept/section review
CODE ENFORCEMENT 320 - PLUMBING	Plan check scheduled
CODE ENFORCEMENT 320 - PLUMBING	Did not pass dept/section review

ATTACHMENT B

Timeline for Part 58 Clearance Activity from Phase Engineering

New Faith

Received Part 58 Proposal (Standard completion time is 45-60 calendar days) Estimated draft due by early Feb.	Dec. 9, 2024
Section 106 submission prepared and submitted to COH for review and approval. COH initiated tribal consultations in Dec 2024 which are now completed.	Jan. 15, 2025
Draft ERR completed and submitted to COH	February 12 th
COH provided comments to the ERR	February 13 th
Phase responded to comments/revisions which was delayed by a few days due to the HEROS system being down. However, COH wanted to wait until the updated Phase I ESA was completed before reassigning HEROS for their additional review.	February 19 th
Updated Phase I ESA Completed, HEROS assigned back to COH	February 28 th
COH – provided comment that HEROS deleted all the EA Factors, and they wanted them to be reuploaded. HEROS system was down, so we sent over a PDF version of the report the same day.	March 3 rd
HEROS updated and submitted to COH. COH had additional comments which were addressed the same day.	March 4 th
COH Accepted the Final ERR	March 5 th
COH – Published FONSI	March 7 th
COH – Submitted RROF to HUD	March 25 th
COH – Date expected AUGF	April 10, 2025

24079 – Park at Dogwood

From: [Cody Campbell](#)
To: byron@theparkcompanies.com; mark@theparkcompanies.com; kendra@betcohousinglab.com; [Lora Myrick](#)
Cc: [Joshua Goldberger](#)
Subject: Park at Dogwood - Notice of Potential LIHTC Penalty
Date: Wednesday, May 28, 2025 4:26:00 PM

Good afternoon,

You are in receipt of this notification because you are associated with a 2024 Housing Tax Credit Application that elected points related to Readiness to Proceed as established at 10 TAC §11.9(e)(9). Based on available documentation, staff does not believe that the requirements of this scoring item were met, and therefore has determined that the Applicant may be eligible for a point penalty under 10 TAC §11.9(f). This email serves as the required 14-day notification that this matter will be presented to the Department's Governing Board at the meeting to be held on June 12, 2025.

If you believe that the Application in question did meet the requirements related to Readiness to Proceed and that staff's conclusion is incorrect, please contact Cody Campbell, Director of Multifamily Programs, at cody.campbell@tdhca.texas.gov as soon as possible.

Please let me know if you have any questions.

Thank you,

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



June 6, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
221 E. 11th St.
Austin, TX 78701

Via Email: cody.campbell@tdhca.texas.gov

**RE: Potential Penalty Assessment - Readiness to Proceed Penalty
Park at Dogwood (TDHCA # 24079)**

Dear Mr. Campbell,

As indicated to staff, Park at Dogwood LP (the "Applicant") was unable to meet the closing requirement outlined in §11.9(e)(9) of the 2025 QAP related to Readiness to Proceed due to circumstances beyond the Applicant's control. We understand staff intends to take this item before the board at the June board meeting and we ask for staff's consideration of the factors below when making its presentation to the board.

Pursuant to §11.9(f), related to Factors Affecting Scoring and Eligibility in current and future Application Rounds, "Staff may recommend to the Board and the Board may find that an Applicant or Affiliate should be ineligible to compete in the following year's competitive Application Round or that it should be assigned a penalty deduction in the following year's competitive Application Round of no more than two points for each submitted Application (Tex. Gov't Code §2306.6710(b)(2)) because it meets the conditions for any of the items listed in paragraphs (1) - (4) of this subsection." The Applicant is comprised of The New Braunfels Housing Authority as general partner and Park at Dogwood, LLC as special limited partner. Park Group Properties II, LLC and BETCO Consulting, LLC (HUB) are both members of the special limited partner. No affiliates of Park Group Properties II, LLC submitted a 2025 competitive Application. BETCO Consulting, LLC was included as a HUB member on three 2025 competitive Applications in Regions 10 Rural and 12 Rural. The HUB should not be penalized for not meeting the acquisition requirement. The scope of the HUB's participation does not include ability to close on acquisition. Further, we do not believe it is the intent of §11.9(f) to penalize minority interest entities.

The Applicant has maneuvered around several circumstances outside of their control, especially when FEMA updated their flood maps after the application was submitted which put the vast majority of the site in a flood plain. The FEMA flood map change, among other factors, have significantly impacted the Applicant's ability to close acquisition by March 30, 2025. In March of 2025, the TDHCA Governing Board approved an amendment, waiver, and request of force majeure for Park at Dogwood. Within the

Lora Myrick

(512) 785-3710

lora@betcohousinglab.com

| 2201 Northland Drive, Austin, Texas 78756 | 812 San Antonio Street, Suite L-14, Austin, Texas 78701 |



materials submitted for the amendment and waiver request, the Applicant notified TDHCA of the impact the unforeseen circumstances would have on the timeline and requested a waiver of the penalty point deduction as outlined in §11.9(f). It is important to note the Applicant did submit for permits before the Readiness to Proceed deadline and we provided evidence of this in our RTP submittal package. The CLOMR and Endangered Species Report was submitted to FEMA and the City of New Braunfels in March of 2025. Even though the Applicant is confident the CLOMR will be approved, land closings while FEMA is in the process of reviewing a CLOMR is very challenging. It's not necessarily prohibited, but poses as an additional risk to the project as FEMA is determining how the project will affect flood hazards and they may require specific conditions be met before the property can be considered outside of the Special Flood Hazard Area (SFHA). Additionally, FEMA is determining if the project will meet the National Flood Insurance Program (NFIP) standards for removing areas from the SFHA. A \$1,700,000 land closing before approval of the CLOMR is received would pose a significant burden and excessive risk to the Applicant. We don't believe this was the intended use of the Readiness to Proceed points in the QAP given the circumstances.

The FEMA floodplain determination was beyond the reasonable control of the Partnership and could not have been reasonably anticipated. While the Applicant did elect one point for Readiness to Proceed, the Application would have still been funded without electing the point. Given these facts, the Applicant respectfully requests that the Board grant the exception under 10 TAC 11.9(f), and not assess a penalty against members of the Applicant.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me directly at (512) 785-3710 or via email at lora@betcohousinglab.com.

Sincerely,

Lora Myrick, Principal
BETCO Consulting, LLC

Evidence Applicant applied for permits from City of New Braunfels

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https://nbpermits.nbtexas.org/publicaccess/template/Home.aspx

NOTICES:

all credit/debit card transactions will incur a 2.75% processing fee paid directly to the credit card processor. an e-check payment option is available for Customers who prefer a payment method that does not include this fee. Please ensure cwmessenger@newbraunfels.gov and DonotReplyNBTX@avotvecloud.com are on your safe-senders list so that you receive automated messages from the City regarding your permits.

LINKS:

City of New Braunfels Development Services Information web page: www.newbraunfels.gov
ePlan Documents **UPLOAD** and **REVIEW** Site: NBTX.ePlan.Site

City Department Contact Information:

Building Safety: Building@newbraunfels.gov
Development Planning: Planning@newbraunfels.gov
Engineering Division: Engineering@newbraunfels.gov

Health & Food Safety: Health@newbraunfels.gov
Fire Safety: FMO@newbraunfels.gov
City Secretary: nbcitysecretary@newbraunfels.gov

>> To select a **NEW APPLICATION** or **INSPECTION REQUEST**, click the **[GO TO FORMS]** button in the header above <<

*** NOTICE: We will be performing **MONTHLY MAINTENANCE ON THE PERMIT PORTAL** this **SATURDAY NIGHT** from 9PM TO Midnight
During this time users **MAY EXPERIENCE INTERMITTENT CONNECTIVITY ISSUES** which may cause loss of data or incomplete processing. We apologize for any inconvenience.***

Open/Active Permits

ALL

6 to 7 of 7 items.

🔍 search

Commercial - New Build (epr)
CP2025-016

MCQUEENEY RD & DOGWOOD DR
Park at Dogwood Apartments

Incomplete
Actions...

Created
01/18/2025

Engineering - Infrastructure Const
PI2024-0076

MCQUEENEY RD & DOGWOOD DR
Park at Dogwood Apartments

Withdrawn
Actions...

Created
11/22/2024

Sort

Page Size 5

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Dates permits submitted

Sort

Created

Created

Page Size 5

>> To select a **NEW APPLICATION** or **INSPECTION REQUEST**, click the **[GO TO FORMS]** button in the header above <<

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LINKS:
City of New Braunfels Development Services Information web page: www.newbraunfels.gov/ePlan
Documents **UPL**OAD and **REVIEW** Site: [NBTX ePlan Site](http://NBTX.ePlan.Site)

City Department Contact information:
Building Safety: Building@newbraunfels.gov
Development Planning: Planning@newbraunfels.gov
Engineering Division: Engineering@newbraunfels.gov
Health & Food Safety: Health@newbraunfels.gov
Fire Safety: FMO@newbraunfels.gov
City Secretary: nbcitysecretary@newbraunfels.gov

Open/Active Permits

ALL

ALL

1 to 5 of 7 items. >

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Engineering - Infrastructure Const
PI2025-0016

McQueeney Road, near Dogwood Drive
Park at Dogwood Apartments

Application Submitted	Actions...
-----------------------	------------

Created
02/19/2025

Traffic Impact Analysis Determination
TIA25-0018

MCQUEENEY RD & DOGWOOD DR
Park at Dogwood Apartments

Closed

Created
02/7/2025

Letter of Certif - Preliminary Plat
LOC25-0008

MCQUEENEY RD & DOGWOOD DR
Park at Dogwood Apartments

Application Submitted	Actions...
-----------------------	------------

Created
01/31/2025

Stormwater Connection Eligibility
SWC25-0011

MCQUEENEY RD & DOGWOOD DR
Park at Dogwood Apartments

Application Submitted
Actions...

Created
01/31/2025

Floodplain Development Permit
FI 2025-0002

MCQUEENEY RD & DOGWOOD DR
Park at Dogwood

Revisions Required

Created
01/30/2025

Page Size 5 ▼

➤



RTP Closing Narrative

The site has not been acquired. Applicant requested a Force Majeure from TDHCA's board on March 6, 2025. The board approved the request "as described, conditioned, and authorized in the board action request, resolutions, and associated documents on this item." The associated documents for the item are attached, which included a request to waive the penalty associated with not meeting the requirements of RTP.



February 20, 2025

Mr. Cody Campbell
Director of Multifamily Programs
Texas Department of Housing and Community Affairs
211 E 11th Street
Austin, Texas 78701

Via Email: Cody.Campbell@tdhca.texas.gov

Re: Force Majeure Request - TDHCA HTC Application #24079 – Park at Dogwood, New Braunfels, TX

Mr. Campbell:

Comal Partners, L.P. (the “Owner”) received an allocation of Housing Tax Credits from the Texas Department of Housing and Community Affairs (“TDHCA”) for the construction of Park at Dogwood (the “Development”) in 2024. The 2024 allocation of tax credits currently requires the Development to meet the 10% test by July 1, 2025 and place the Development in service by December 31, 2026. Unfortunately, the Owner faces the possibility of not being able to meet these deadlines as required by §42(h)(1)(E)(i) & §42(h)(1)(E)(ii) of the Internal Revenue Code. The need for requesting an extension to meet the required 10% test and placed in service deadlines is the result of events that we believe should fall under the provisions of §11.6(5) of the 2024 Qualified Allocation Plan (“QAP”) relating to Force Majeure.

The Development is located in New Braunfels, Texas, in Comal County. At the time of Application, the Development Site contained a sliver of AE floodplain, estimated at 4% of the site (see Exhibit A). On May 8, 2024 FEMA unexpectedly updated the flood maps, significantly increasing the amount of floodplain on site to approximately 70% (see Exhibit B). In order to get a floodplain permit and building permits, the City of New Braunfels will require: completion of a grading plan to prove there will be “no-rise” impact to the floodplain, a hydraulic study report, preparation of elevation certificates for all proposed buildings, and submission and approval of a FEMA CLOMR application. These additional steps were unforeseeable at the time the Owner submitted its application to TDHCA. It is estimated the earliest these steps could be completed and permits received would be October of 2025. The additional time needed to accommodate these extra steps extends past our 10% test deadline and would not allow sufficient time to complete construction.

To mitigate the increased floodplain on the site, additional fill dirt must be hauled in to ensure finished ground floor elevations are at least two feet above floodplain and drive areas are no lower than six inches below the floodplain. The additional and unforeseeable costs related to hauling in off-site dirt to get the site above the 100-year floodplain is currently estimated at \$616,262.

Additionally, at the time of Application submission, Regions Bank proposed to purchase the tax credits at a rate of \$0.88 per dollar. Since then, tax credit pricing has been negatively affected by speculation of a proposed reduction to corporate tax rates by the incoming new administration, the saturation of energy credits in the market, and no bonus depreciation. Today’s proposed equity pricing from Regions is \$0.81 per dollar, which results in a loss of \$1,399,860 in total equity.

2202 which is pretty typical for a development that is on
2203 track.

2204

2205 It does appear as though the redesignation of this site
2206 as being substantially within the floodplain is what is
2207 delaying development at this point. One of the
2208 allowable provisions of the force majeure rule is a
2209 change in rule or regulation that causes delay. And so
2210 Staff reviewed this, we do believe that it meets the
2211 provision of the rule, and we recommend that the Board
2212 approve it.

2213

2214 **Leo Vasquez III (1:16:27):**

2215 Okay. Do board members have questions on this item?

2216 And Staff recommends --

2217

2218 **Cody Campbell (1:16:38):**

2219 Yes, sir.

2220

2221 **Leo Vasquez III (1:16:39):**

2222 -- approve it? Okay. I'll entertain a motion on item
2223 20 of the agenda.

2224

2225

2226 **Holland Harper (1:16:50):**

2227 I move the Board approve the requested treatment under
2228 application of force majeure rule at the Park at
2229 Dogwood, all as described, conditioned, and authorized
2230 in the board action request, resolutions, and associated
2231 documents on this item. I do feel that you are going to
2232 be back before this board and I hope that's not the
2233 case. I wish you the best in your project.

2234

2235 **Leo Vasquez III (1:17:08):**

2236 Motion made by Mr. Harper. Is there a second?

2237

2238 **Cindy Conroy (1:17:11):**

2239 I'll second.

2240

2241 **Leo Vasquez III (1:17:13):**

2242 Seconded by Ms. Conroy. All those in favor say aye.

2243

2244 **Ajay Thomas (1:17:17):**

2245 Aye.

2246

2247 **Holland Harper (1:17:17):**

2248 Aye.

2249



These unforeseeable events have impacted and delayed closing and construction commencement, which has had an adverse effect on meeting Readiness to Proceed, 10% Test and anticipated Placed in Service timelines.

The Owner has been working through gap issues to close this development as quickly as possible. A request to amend the Application to bring in the New Braunfels Housing Authority and reduce the total number of units to maintain financial feasibility has been submitted to TDHCA. The Owner is unable to close on the Development Site until a decision is made regarding the number of units to be built. A timeline of events is included as Exhibit C in this request.

We request that the Owner be permitted to return the Tax Credits and that TDHCA reallocate the Tax Credits to the Owner in the current year in accordance with §11.6(5) of the 2024 QAP relating to Force Majeure. We believe the Owner and Development meet all the requirements in Section 11.6(5), in that:

1. The events that caused the delay occurred before issuance of 8609s and were sudden, unforeseen circumstances outside the control of the Development Owner.
2. The delays were not caused by willful negligence or acts of Owner, any Affiliate, or any other Related Party.
3. The Owner has provided evidence and a timeline of the events that was the direct result of the delays.
4. Though there was little that could be done to mitigate the effects of a changed floodplain map and equity pricing issues, the Owner immediately contacted the proposed financial partners of the Development and began working out a viable financing option that we believe will assist in making the Development feasible once again. Should TDHCA approve the requested amendment request, the Development will become financially feasible once again.
5. The Force Majeure threatens to prevent the Owner from meeting the Readiness to Proceed deadline, 10% Test, and Place in Service requirements of the original allocation.
6. The requested current year Carryover Agreement would allocate the same amount of Tax Credits as those that would be returned.
7. If the proposed requests are granted, the Development will become financially feasible again.

Furthermore, because the aforementioned events were unforeseeable and beyond the reasonable control of the Applicant, we respectfully request to waive the penalty point deduction as outlined in §11.9(f).



If you have any questions or would like to discuss these items further, please do not hesitate to contact me directly at (512) 785-3710 or via email at lora@betcohousinglab.com.

Sincerely,

Lora Myrick, Principal
BETCO Consulting, LLC

EXHIBIT A - Flood Map from Application

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*

 **Future Conditions 1% Annual Chance Flood Hazard** *Zone X*

**Future Conditions 1% Annual
Chance Flood Hazard Zone X**

OTHER AREAS OF FLOOD HAZARD

Area with Flood Risk due to Levee Zone D

NO SCREEN	Area of Minimal Flood Hazard	Zone X
<input type="checkbox"/>	Effective LOMRs	




OTHER AREAS

GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer	Levee, Dike, or Floodwall
-----	Channel, Culvert, or Storm Sewer	Levee, Dike, or Floodwall
	Channel, Culvert, or Storm Sewer	Levee, Dike, or Floodwall

**Cross Sections with 1% Annual Chance
Water Surface Elevation**

8 — — — Coastal Transect
 ~~~~~ Base Flood Elevation Line (BFE)  
 === Limit of Study

--- Coastal Transect Baseline  
- Profile Baseline  
Hydrographic Feature

|  | Digital Data Available                                                            | No Digital Data Available                                                         | Unmapped                                                                           |
|--|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
|  |  |  |  |

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **2/26/2024 at 7:32 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

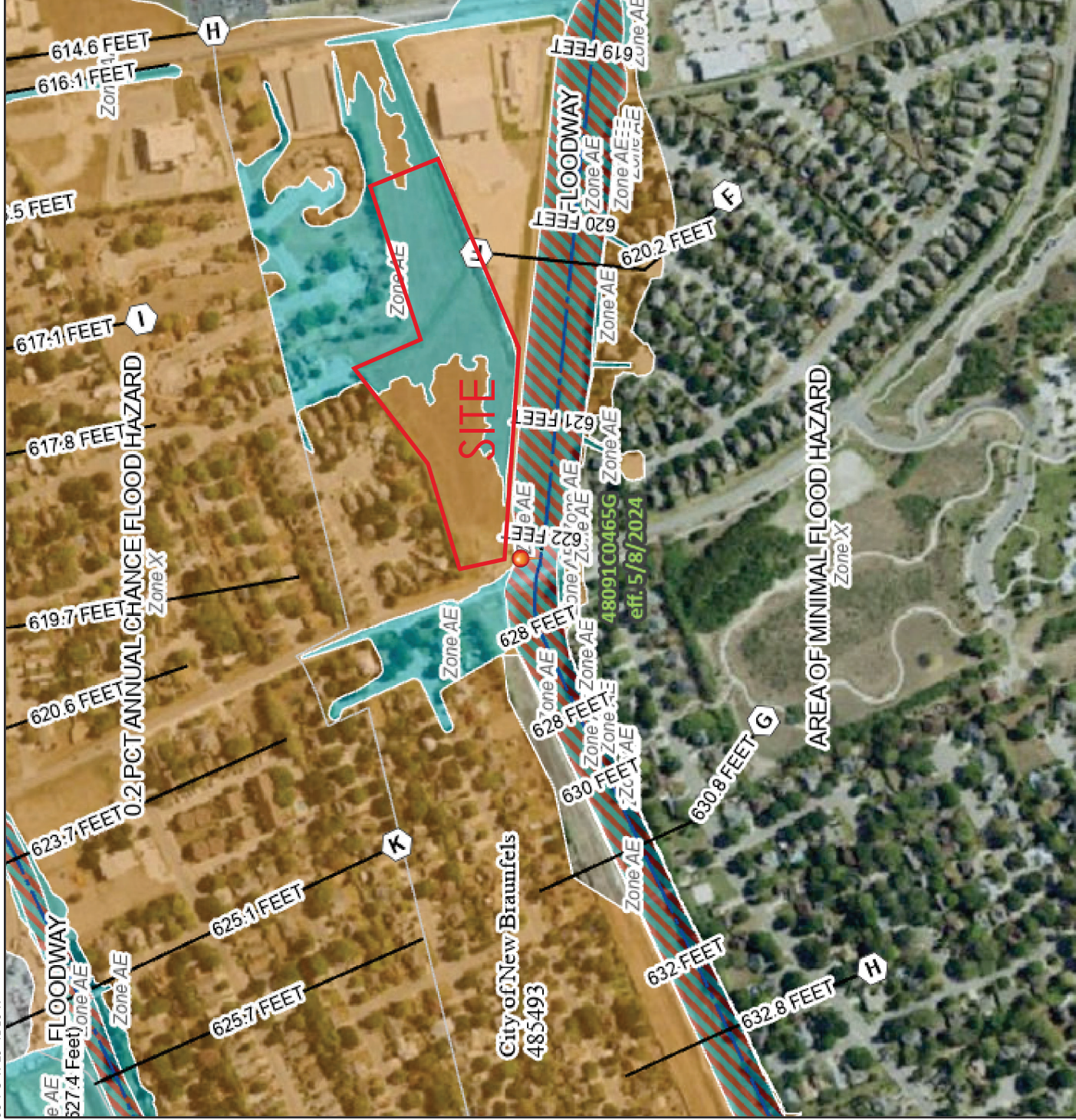


# National Flood Hazard Layer FIRMette

## EXHIBIT B - Current Flood Map



98°7'3"W 29°41'10"N



98°6'26"W 29°40'39"N



Basemap Imagery Source: USGS National Map 2023

### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE)  
Zone A, V, A99
- With BFE or Depth  
Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile  
Zone X
- Future Conditions 1% Annual Chance Flood Hazard  
Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee  
Zone D

**OTHER AREAS**

- Area of Minimal Flood Hazard  
Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard  
Zone D

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **12/20/2024 at 9:48 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



**Exhibit C**

|                 |                                                                              |
|-----------------|------------------------------------------------------------------------------|
| March 1, 2024   | Application submitted                                                        |
| May 8, 2024     | FEMA Updated flood maps                                                      |
| July 25, 2024   | Park at Dogwood Awarded tax credits                                          |
| August 26, 2024 | Park at Dogwood Received tax credit Commitment                               |
| September 2024  | Fully engaged architect and engineers to submit for building permits         |
| December 2024   | Architectural drawings & civil engineering drawings 95% complete             |
|                 | Received reduced equity pricing from investors                               |
|                 | Received construction pricing from contractors                               |
|                 | Began searching for non-profit partner                                       |
| February 2025   | Submitted building permits & floodplain permits to City                      |
|                 | Notified from City that CLOMR is required from FEMA to get building permits  |
| March 2025      | Submit CLOMR and Endangered Species Report to FEMA and City of New Braunfels |
| April 2025      | City's First Floodplain Review & Comments                                    |
| June 2025       | City's Second Floodplain Review & Comments                                   |
| July 2025       | City's Third Floodplain Review and Issue of Floodplain permit                |
| October 2025    | FEMA approval of CLOMR                                                       |
| November 2025   | Receive building permits from City                                           |
|                 | Close on LIHTC equity financing and construction loan                        |
|                 | Commence Construction                                                        |
| April 2027      | 100% of units Placed in Service                                              |
| June 2027       | 100% of units leased                                                         |



24084 – Andover Village Apartments



**From:** [Cody Campbell](#)  
**To:** [donna@dwrdevelopment.com](mailto:donna@dwrdevelopment.com); [jamie@marqueconsultants.com](mailto:jamie@marqueconsultants.com); [ajcarpen@gmail.com](mailto:ajcarpen@gmail.com); [Meredith Edwards](#)  
**Cc:** [Joshua Goldberger](#)  
**Subject:** Andover Village Apartments - Notice of Potential LIHTC Penalty  
**Date:** Wednesday, May 28, 2025 4:28:00 PM

---

Good afternoon,

You are in receipt of this notification because you are associated with a 2024 Housing Tax Credit Application that elected points related to Readiness to Proceed as established at 10 TAC §11.9(e)(9). Based on available documentation, staff does not believe that the requirements of this scoring item were met, and therefore has determined that the Applicant may be eligible for a point penalty under 10 TAC §11.9(f). This email serves as the required 14-day notification that this matter will be presented to the Department's Governing Board at the meeting to be held on June 12, 2025.

If you believe that the Application in question did meet the requirements related to Readiness to Proceed and that staff's conclusion is incorrect, please contact Cody Campbell, Director of Multifamily Programs, at [cody.campbell@tdhca.texas.gov](mailto:cody.campbell@tdhca.texas.gov) as soon as possible.

Please let me know if you have any questions.

Thank you,

**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](http://www.tdhca.state.tx.us)



# DWR Development Group, LLC

6300 West Loop South, Suite #670  
Bellaire, Texas 77401  
832-940-9940-Office  
713-560-0068-Cell

April 4, 2025

Joshua Goldberger – **SERV-U**  
Competitive (9%) Housing Tax Credit Manager  
TDHCA  
221 E. 11<sup>th</sup> Street  
Austin, Texas 78701

RE: TDHCA No. 24084-Andover Village Apartments (Houston, TX); Readiness to Proceed

Dear Joshua,

Attached please find our Readiness to Proceed submittal package submitted in accordance with Section 11.9(e)(9)-Readiness to Proceed of the 2024 QAP.

Please let me know if you have any questions.

Thank you,

  
Donna Rickenbacker, Managing Member



April 4, 2025

**Via Electronic Mail**

Texas Department of Housing and Community Affairs

221 East 11<sup>th</sup> Street

Austin, Texas 78701

Attention: Joshua Goldberger  
Competitive (9%) Housing Tax Credit Manager

Re: Readiness to Proceed; Development: TDHCA No. 24084 - Andover Village  
Apartments (Houston, Texas)

Greetings:

We represent Andover Village Apartments, LP, the Applicant of the Development referenced above. The Applicant took one point for “readiness to proceed” under Section 11.9(e)(9) of the 2024 QAP which requires the Applicant to (i) acquire the Development Site, and (ii) provide evidence of building permit submission to TDHCA on or before March 31, 2025. Affiliates of the Applicant have successfully met the “readiness to proceed” deadline for three (3) other Developments in prior Competitive HTC rounds. In this instance, the Applicant can provide confirmation from the City of Houston that it timely submitted its building permit package. See **Attachment A**-Evidence of Plan Submittal. However, the Applicant was not able to acquire the Development Site prior to the readiness to proceed deadline. Specifically, the Applicant received an award of HOME funds from the City of Houston on November 26, 2024. HOME funds require a sponsor to complete a Part 58 environmental clearance before acquiring land or engaging in any “choice limiting activity.” The Applicant engaged Phase Engineering to complete the environmental clearance. Phase Engineering started the process on December 6, 2024. In anticipation of completing the process within four months, the Applicant began preparing the land seller for a closing to occur on or before March 31, 2025.

As shown on the timeline attached hereto as **Attachment B**, both Phase Engineering and the City of Houston worked diligently to complete the process, utilizing the deadlines imposed by HUD. The Request for Release of Funds (RROF) was submitted on March 17, and it still awaits HUD’s issuance of the Authority to Use Grant Funding (AUGF). The Applicant is checking with the



City of Houston on a regular basis and has been told most recently that the AUGF should be available by April 4, 2025, just a few days shy of the “readiness to proceed” deadline. Upon receipt of the AUGF, the Applicant will close on the Development Site with the land seller.

The Applicant has a demonstrated history of meeting the “readiness to proceed” deadline and missed this one due to factors outside its control. The Applicant’s Affiliates are not participating in the 2025 Competitive HTC round, and no penalties are applicable. If additional information is necessary, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia L. Bast". The signature is written in a cursive, flowing style.

Cynthia L. Bast

cc: DWR Development Group, LLC, Affiliate of Applicant

Attachment A – Evidence of Plan Submittal

Attachment B – Timeline for Part 58 Clearance Activity from Phase Engineering



## ATTACHMENT A


### Evidence of Plan Submittal

**Donna Rickenbacker**

---

**From:** lramirez89@comcast.net  
**Sent:** Wednesday, April 2, 2025 2:41 PM  
**To:** Donna Rickenbacker  
**Subject:** Andover Submittal Evidence 25012508 (Private)

Andover (Private) – 25012508  
Submittal Timeline  
Original Submittal to the city 2/11/25 (document upload complete)  
1<sup>st</sup> Review completed; plans returned 3/20/25

**iPermits**  [Contractor Menu](#) [Maps ▼](#) [User Profile ▼](#)

### Plan Check Time-Line Information

---

**Project Number:** 25012508  
**Description:** 24,588 SF NEW APT BLD W/SITWRK(M/9)1-3-5-R2-B '21 IBC  
**Address:** 6935 BELLFORT ST # BLD 3

---



## PLAN CHECK STATUS 04/02/25 02:34:12

| Department                                               | Entry Description                  | Add date   |
|----------------------------------------------------------|------------------------------------|------------|
| PLANNING<br>160 - H.A.S.                                 | Review requirement identified      | 02/10/2025 |
| CODE ENFORCEMENT<br>520 - Applicant finalized submission | Document upload complete           | 02/11/2025 |
| CODE ENFORCEMENT<br>300 - PRELIMINARY REVIEW             | Review submission for completeness | 02/11/2025 |
| CODE ENFORCEMENT<br>300 - PRELIMINARY REVIEW             | Passed department/section review   | 02/12/2025 |
| CODE ENFORCEMENT<br>301 - INITIAL MANAGEMENT REVIEW      | Assign a review coordinator        | 02/12/2025 |
| CODE ENFORCEMENT<br>33C - COMMERCIAL                     | Plan check scheduled               | 02/12/2025 |
| CODE ENFORCEMENT<br>301 - INITIAL MANAGEMENT REVIEW      | Passed department/section review   | 02/12/2025 |
| CODE ENFORCEMENT<br>302 - DEPARTMENT ASSIGNMENTS         | Passed department/section review   | 02/12/2025 |



|                                                                    |                                      |                   |
|--------------------------------------------------------------------|--------------------------------------|-------------------|
| <b>CODE ENFORCEMENT</b><br><b>310 - ELECTRICAL</b>                 | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>152 - FIRE_ACCESS RD</b>                                        | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>PUBLIC WORKS &amp; ENGINEERING</b><br><b>250 - FLOOD PLAIN</b>  | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>HEALTH</b><br><b>130 - HEALTH</b>                               | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>CODE ENFORCEMENT</b><br><b>340 - HVAC</b>                       | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>PLANNING</b><br><b>140 - PLANNING</b>                           | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>CODE ENFORCEMENT</b><br><b>320 - PLUMBING</b>                   | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>CODE ENFORCEMENT</b><br><b>360 - STORM DRAIN</b>                | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>CODE ENFORCEMENT</b><br><b>330 - STRUCTURAL P</b>               | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>PUBLIC WORKS &amp; ENGINEERING</b><br><b>120 - TRAFFIC</b>      | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>PUBLIC WORKS &amp; ENGINEERING</b><br><b>220 - UTIL. REVIEW</b> | <b>Review requirement identified</b> | <b>02/12/2025</b> |
| <b>PUBLIC WORKS &amp; ENGINEERING</b><br><b>250 - FLOOD PLAIN</b>  | <b>Plan check scheduled</b>          | <b>02/13/2025</b> |



|                                                 |                                  |            |
|-------------------------------------------------|----------------------------------|------------|
| PUBLIC WORKS & ENGINEERING<br>250 - FLOOD PLAIN | Did not pass dept/section review | 02/13/2025 |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC     | Plan check scheduled             | 02/13/2025 |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC     | Did not pass dept/section review | 02/13/2025 |
| CODE ENFORCEMENT<br>360 - STORM DRAIN           | Plan check scheduled             | 02/17/2025 |
| CODE ENFORCEMENT<br>360 - STORM DRAIN           | Did not pass dept/section review | 02/17/2025 |
| CODE ENFORCEMENT<br>360 - STORM DRAIN           | Did not pass dept/section review | 02/18/2025 |
| CODE ENFORCEMENT<br>340 - HVAC                  | Plan check scheduled             | 02/21/2025 |
| CODE ENFORCEMENT<br>340 - HVAC                  | Did not pass dept/section review | 02/21/2025 |
| 152 - FIRE_ACCESS RD                            | Plan check scheduled             | 02/21/2025 |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P          | Plan check scheduled             | 02/21/2025 |
| PLANNING<br>160 - H.A.S.                        | Plan check scheduled             | 02/21/2025 |
| PLANNING<br>160 - H.A.S.                        | Did not pass dept/section review | 02/21/2025 |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P          | Did not pass dept/section review | 02/21/2025 |



|                                                  |                                  |            |
|--------------------------------------------------|----------------------------------|------------|
| HEALTH<br>130 - HEALTH                           | Plan check scheduled             | 02/24/2025 |
| HEALTH<br>130 - HEALTH                           | Passed department/section review | 02/24/2025 |
| PLANNING<br>140 - PLANNING                       | Plan check scheduled             | 02/25/2025 |
| PLANNING<br>140 - PLANNING                       | Did not pass dept/section review | 02/25/2025 |
| CODE ENFORCEMENT<br>310 - ELECTRICAL             | Plan check scheduled             | 02/25/2025 |
| CODE ENFORCEMENT<br>310 - ELECTRICAL             | Did not pass dept/section review | 02/26/2025 |
| 152 - FIRE_ACCESS RD                             | Did not pass dept/section review | 02/26/2025 |
| CODE ENFORCEMENT<br>320 - PLUMBING               | Plan check scheduled             | 03/06/2025 |
| CODE ENFORCEMENT<br>320 - PLUMBING               | Did not pass dept/section review | 03/06/2025 |
| PUBLIC WORKS & ENGINEERING<br>220 - UTIL. REVIEW | Plan check scheduled             | 03/11/2025 |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P           | Plan check scheduled             | 03/18/2025 |
| PLANNING<br>160 - H.A.S.                         | Plan check scheduled             | 03/18/2025 |



|                                                           |                                   |            |
|-----------------------------------------------------------|-----------------------------------|------------|
| PLANNING<br>160 - H.A.S.                                  | Did not pass dept/section review  | 03/19/2025 |
| CODE ENFORCEMENT<br>320 - PLUMBING                        | Plan check scheduled              | 03/19/2025 |
| CODE ENFORCEMENT<br>320 - PLUMBING                        | Did not pass dept/section review  | 03/19/2025 |
| PUBLIC WORKS & ENGINEERING<br>220 - UTIL. REVIEW          | Did not pass dept/section review  | 03/19/2025 |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P                    | Did not pass dept/section review  | 03/20/2025 |
| CODE ENFORCEMENT<br>302 - DEPARTMENT ASSIGNMENTS          | Determine review requirements     | 03/20/2025 |
| CODE ENFORCEMENT<br>33R - REVIEW COMPLETE - PERMIT DENIED | Correction/addition info required | 03/20/2025 |
| RETURNED TO APPLICANT<br>100 - APPLICANT                  | Plans no longer with City         | 03/20/2025 |



## **ATTACHMENT B**

### **Timeline for Part 58 Clearance Activity from Phase Engineering**

#### **Andover Village**

|                                                                                                                        |                                                   |
|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Received Part 58 Proposal (Standard completion time is 45-60 calendar days) Estimated draft due by early Feb.          | Dec. 6, 2024                                      |
| Section 106 submission prepared and submitted to COH for review and approval                                           | Jan. 15, 2025                                     |
| Tribal Consultations initiated by COH                                                                                  | Jan 16 <sup>th</sup> (Ends Feb 16 <sup>th</sup> ) |
| Early 8-Step Notice published                                                                                          | Feb 7 <sup>th</sup> (ends Feb 24 <sup>th</sup> )  |
| Draft ERR completed and submitted to COH                                                                               | Feb 7 <sup>th</sup>                               |
| Received signed proposal to updated Phase I ESA.                                                                       | Feb 7 <sup>th</sup><br>(Due 2/26)                 |
| COH submitted comments to the Draft ERR                                                                                | Feb 18 <sup>th</sup>                              |
| Phase responded to comments/revisions and assigned HEROS back to COH                                                   | Feb 20 <sup>th</sup>                              |
| Updated Phase I ESA Completed, HEROS assigned back to COH                                                              | February 28 <sup>th</sup>                         |
| COH – Published FONSI and Final 8-Step Notice                                                                          | Feb 26 <sup>th</sup>                              |
| COH – Submitted RROF to HUD (delayed due to Melissa being out of the office on March 14 <sup>th</sup> – original date) | March 17 <sup>th</sup>                            |
| COH – Date expected AUGF                                                                                               | April 4 <sup>th</sup>                             |



June 5, 2025

**Via Electronic Mail**

Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

Re: Potential Penalty Assessment – Readiness to Proceed Developments  
TDHCA No. 24084 - Andover Village Apartments (Houston, Texas)  
TDHCA No. 24076 – New Faith Senior Village Apartments (Houston, Texas)

Greetings:

We represent DWR Development Group, LLC (the “**Developer**”), an Affiliate<sup>1</sup> of Andover Village Apartments, LP and New Faith Senior Village, LP, the Applicants for the Developments referenced above. Each Applicant took one point for “readiness to proceed” under Section 11.9(e)(9) of the 2024 QAP which requires an Applicant to provide evidence that site acquisition and building construction permit submission occurred by March 31, 2025. Ultimately, the Applicants were unable to meet the site acquisition requirement by the deadline because the HUD Part 58 environmental clearance in connection with their HOME awarded financing from the City of Houston was not complete. The Applicants provided evidence of building construction permit submission and explained the status of the Part 58 clearance in their readiness submission packages to TDHCA on April 4, 2025.

**The purpose of this letter is to reiterate the reasons why the Applicants were unable to meet the site acquisition requirement by the readiness to proceed deadline, and to address your email, dated May 28, 2025, indicating that the Applicant may be assessed a penalty for such failure. No penalty is applicable because none of the two Applicants, the Developer, or their Affiliates applied for Housing Tax Credits in the 2025 9% Application Round.**

---

<sup>1</sup> Capitalized terms used but not defined in this letter shall have the meanings assigned to them in the 2025 Qualified Allocation Plan.



**1. Site Acquisition Requirement:**

Attached as Exhibit A are the readiness to proceed response packages submitted to TDHCA on April 4, 2025. The responses are self-explanatory and recognize the efforts by each Applicant to satisfy the site acquisition requirement. The Applicants received an award of HOME funds from the City of Houston on November 26, 2024. HOME funds require the sponsor to complete a Part 58 environmental clearance before acquiring land a “choice limiting activity.” The Applicants provided a detailed timeline in its response describing its efforts from the date of the HOME award through the then status of completing the Part 58 process. HUD’s issuance of the Authority to Use Grant Funds (AUGF) was still outstanding as of March 31, 2025. TDHCA provides HOME funding and understands the choice limiting activities associated with the awarding of these funds.

**2. Readiness to Proceed – No Penalty is Applicable:**

A. 2018 Implementation by Governor Abbott.

This point item was first included in the 2018 QAP at the requirement of Governor Abbott. The language inserted in Section 11.9(c)(8) of the QAP read as follows:

(8) Readiness to proceed in disaster impacted counties. Application for a proposed development, located in a county declared by the Federal Emergency Management Agency to be eligible for individual assistance within the year proceeding the Full Application Delivery Date, that provides evidence they will close all financing and fully execute the construction contract on or before the last business day of October. Evidence may include, but is not limited to, loan or equity commitments with evidence of completed due diligence, permit-ready architectural plans, and construction contracts or permits. Applications must include evidence that appropriate zoning will be in place at award. The Board cannot and will not waive the deadline and will not consider waiver under its general rule regarding waivers. Failure to close all financing and provide evidence of an executed construction contract by the October deadline will result in penalty under 10 TAC §11.9(f), as determined solely by the Board. (5 points)

The applicable penalty provisions in Section 11.9(f) of the 2018 QAP read as follows:

Staff may recommend to the Board and the Board may find that an Applicant or Affiliate should be *ineligible to compete in the 2019 Application Round* or that it should be assigned a penalty deduction of one (1) point for each submitted Application (Tex. Gov’t Code 2306.6710(b)(2)) because it made a deduction of up to five (5) points for any of the items listed in paragraphs (1) – (5) of this subsection,



unless the person approving the extension (the Board or Executive Director, as applicable) makes an affirmative finding setting forth that the facts which gave rise to the need for the extension were beyond the reasonable control of the Applicant and could not have been reasonably anticipated. Any such matter to be presented for final determination of deduction by the Board must include notice from the Department to the party affected not less than fourteen (14) days prior to the scheduled Board meeting. The Executive Director may, but is not required to, issue a formal notice after disclosure if it is determined that the matter does not warrant point deductions. (§2306.6710(b)(2))

(5) If the Applicant or Affiliate fails to meet the deadline to both close financing and provide evidence of an executed construction contract under 10 TAC § 11.9(c)(8) related to construction in specific disaster counties.

Thus, it was unambiguously established that an Applicant selecting points for “readiness to proceed” under the 2018 QAP and failing to meet the deadline would be penalized in the 2019 Application Round. The reference to Section 2306.6710(b)(2) of the Government Code is relevant. It requires the Department to use a point system that “uses criteria imposing penalties on applicants or affiliates who have requested extensions of department deadlines relating to developments supported by housing tax credit allocations *made in the application round preceding the current round.*” (emphasis added). The statute is clear. Each Application Round must have a scoring system that imposes penalties for failure to meet deadlines in the **prior** Application Round.

As it turns out, two Applicants<sup>2</sup> under the 2018 QAP failed to meet the “readiness to proceed” deadline. Consideration of a penalty was brought before the Board on December 6, 2018. In the transcript of that meeting, the Board Chair confirmed the possible consequences for these Applicants. The Board could make the Applicants ineligible to file Applications in 2019, deduct one point from each of their 2019 Applications, or do nothing.<sup>3</sup> Ultimately, one Applicant lost a point for the 2019 Application Round, and one Applicant received no penalty.

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<sup>2</sup> These two Applicants have no Affiliation with the Developer.

<sup>3</sup> See Transcript of December 6, 2018, page 30, lines 12-25 and page 31, lines 1-19.



B. Readiness to Proceed –2019 Changes to QAP.

For the 2019 QAP, staff proposed certain revisions to Section 11.9(f) regarding penalties. The differences between the 2018 QAP and the 2019 QAP appear as follows:

Staff may recommend to the Board and the Board may find that an Applicant or Affiliate should be ineligible to compete in ~~the 2019~~following year's competitive Application Round or that it should be assigned a penalty deduction ~~of one (1) point in the following year's competitive Application Round of no more than two points~~ for each submitted Application (Tex. Gov't Code 2306.6710(b)(2)) because it ~~made a deduction of up to five (5) points~~meets the conditions for any of the items listed in paragraphs (1) – (54) of this subsection, ~~unless the person approving the extension (~~For those items pertaining to non-statutory deadlines, an exception to the penalty may be made if the Board or Executive Director, as applicable), makes an affirmative finding setting forth that the ~~facts which gave rise to the need for the an extension were of the deadline was~~ beyond the reasonable control of the Applicant and could not have been reasonably anticipated. Any such matter to be presented for final determination of deduction by the Board must include notice from the Department to the affected party not less than fourteen (14) days prior to the scheduled Board meeting. The Executive Director may, but is not required, to issue a formal notice after disclosure if it is determined that the matter does not warrant point deductions. The Executive Director may make a determination that the matter does not warrant point deduction only for paragraph (1). (§2306.6710(b)(2)) Any deductions assessed by the Board for paragraphs (1) through (4) of this subsection based on a Housing Tax Credit Commitment from a preceding Application round will be attributable to the Applicant or Affiliate of an Application submitted in the Application round referenced above.

~~(53) -If~~ the Applicant or Affiliate ~~fails, in the Competitive HTC round immediately preceding the current round, failed~~ to meet the deadline to both close financing and provide evidence of an executed construction contract under 10 TAC § 11.9(c)(8) related to construction in specific disaster counties.

There is no indication in the public record that Staff intended to change the original substance of this section. Changing from “the 2019” to “following year’s competitive” makes the provision evergreen, so that Staff does not need to amend it in each year’s QAP. The change to the language in subsection (3), referring to the Competitive HTC round immediately preceding the current round, is consistent with the concept. There is no indication that the “following year’s competitive Application Round” refers to the year following a Board determination of a penalty. Rather, reference is made to the “Competitive HTC round ***immediately preceding*** the current round.”

At the Board meeting on September 6, 2018, Staff asserted only that “the section regarding penalties has been modified for clarity.”<sup>4</sup> This further supports the concept requested by the Governor in 2018 – that failure of a 2018 Applicant to meet the “readiness to proceed” deadline would result in a penalty in the 2019 Application Round.

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<sup>4</sup> See Transcript of September 6, 2018, page 91, lines 21-22.



There have been no substantive revisions to Section 11.9(f) of the QAP since 2019.

**3. Failure of a 2024 Applicant to Meet the “Readiness to Proceed” Deadline Must Impact the 2025 Application Round Only:**

As noted above, the Applicant and its Affiliates did not file an Application in the 2025 9% Application Round. Therefore, no penalty should apply and there should be no need for Board consideration. Any other result is inconsistent with the plain language of the statute and the rule.

Assuming the Board were to impose a penalty on the Developer for these 2024 Applications with the intent that it apply in the 2026 Application Round, and assuming that the QAP for 2026 retains the same language in Section 11.9(f) (which it has done for seven years now), TDHCA would not be able to impose a penalty on the Applicant under the 2026 QAP, based on the plain language of subsection (3):

If the Applicant or Affiliate ***in the Competitive HTC round immediately preceding the current round***, failed to meet the deadline . . . . (emphasis added)

For the 2026 Application Round using the 2026 QAP, the Department would only be able to impose a penalty on an Applicant in the immediately preceding Application Round, which would be 2025. These 2024 Applications could not be impacted.

I am happy to discuss further if needed.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia L. Bast". The signature is written in a cursive, flowing style.

Cynthia L. Bast

cc: DWR Development Group, LLC



**EXHIBIT A**

**DWR Development Group, LLC**

6300 West Loop South, Suite #670  
Bellaire, Texas 77401  
832-940-9940-Office  
713-560-0068-Cell

April 4, 2025

Joshua Goldberger – **SERV-U**  
Competitive (9%) Housing Tax Credit Manager  
TDHCA  
221 E. 11<sup>th</sup> Street  
Austin, Texas 78701

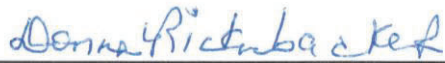
RE: TDHCA No. 24084-Andover Village Apartments (Houston, TX); Readiness to Proceed

Dear Joshua,

Attached please find our Readiness to Proceed submittal package submitted in accordance with Section 11.9(e)(9)-Readiness to Proceed of the 2024 QAP.

Please let me know if you have any questions.

Thank you,



---

Donna Rickenbacker, Managing Member



# BakerHostetler

Baker & Hostetler LLP  
111 Congress Avenue  
Suite 810  
Austin, TX 78701-4057  
Phone: 512.215.3200

[www.bakerlaw.com](http://www.bakerlaw.com)

April 4, 2025

**Via Electronic Mail**

Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

Attention: Joshua Goldberger  
Competitive (9%) Housing Tax Credit Manager

Re: Readiness to Proceed; Development: TDHCA No. 24084 - Andover Village Apartments (Houston, Texas)

Greetings:

We represent Andover Village Apartments, LP, the Applicant of the Development referenced above. The Applicant took one point for “readiness to proceed” under Section 11.9(e)(9) of the 2024 QAP which requires the Applicant to (i) acquire the Development Site, and (ii) provide evidence of building permit submission to TDHCA on or before March 31, 2025. Affiliates of the Applicant have successfully met the “readiness to proceed” deadline for three (3) other Developments in prior Competitive HTC rounds. In this instance, the Applicant can provide confirmation from the City of Houston that it timely submitted its building permit package. See **Attachment A**-Evidence of Plan Submittal. However, the Applicant was not able to acquire the Development Site prior to the readiness to proceed deadline. Specifically, the Applicant received an award of HOME funds from the City of Houston on November 26, 2024. HOME funds require a sponsor to complete a Part 58 environmental clearance before acquiring land or engaging in any “choice limiting activity.” The Applicant engaged Phase Engineering to complete the environmental clearance. Phase Engineering started the process on December 6, 2024. In anticipation of completing the process within four months, the Applicant began preparing the land seller for a closing to occur on or before March 31, 2025.

As shown on the timeline attached hereto as **Attachment B**, both Phase Engineering and the City of Houston worked diligently to complete the process, utilizing the deadlines imposed by HUD. The Request for Release of Funds (RROF) was submitted on March 17, and it still awaits HUD’s issuance of the Authority to Use Grant Funding (AUGF). The Applicant is checking with the

133480.000009 4930-6073-7073.2



Texas Department of Housing and Community Affairs  
April 4, 2025  
Page 2

City of Houston on a regular basis and has been told most recently that the AUGF should be available by April 4, 2025, just a few days shy of the “readiness to proceed” deadline. Upon receipt of the AUGF, the Applicant will close on the Development Site with the land seller.

The Applicant has a demonstrated history of meeting the “readiness to proceed” deadline and missed this one due to factors outside its control. The Applicant’s Affiliates are not participating in the 2025 Competitive HTC round, and no penalties are applicable. If additional information is necessary, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia L. Bast". The signature is written in a cursive, flowing style.

Cynthia L. Bast

cc: DWR Development Group, LLC, Affiliate of Applicant

Attachment A – Evidence of Plan Submittal

Attachment B – Timeline for Part 58 Clearance Activity from Phase Engineering

133480.000009 4930-6073-7073.2



**ATTACHMENT A**

**Evidence of Plan Submittal**

**Donna Rickenbacker**

---

**From:** lramirez89@comcast.net  
**Sent:** Wednesday, April 2, 2025 2:41 PM  
**To:** Donna Rickenbacker  
**Subject:** Andover Submittal Evidence 25012508 (Private)

Andover (Private) – 25012508  
Submittal Timeline  
Original Submittal to the city 2/11/25 (document upload complete)  
1<sup>st</sup> Review completed; plans returned 3/20/25

**iPermits** +

Contractor Menu

Maps ▼

User Profile ▼

**Plan Check Time-Line Information**

---

**Project Number:** 25012508  
**Description:** 24,588 SF NEW APT BLD W/SITWRK(M/9)1-3-5-R2-B '21 IBC !  
**Address:** 6935 BELLFORT ST # BLD 3

---



# PLAN CHECK STATUS 04/02/25 02:34:12

| Department                                               | Entry Description                  | Add date   |
|----------------------------------------------------------|------------------------------------|------------|
| PLANNING<br>160 - H.A.S.                                 | Review requirement identified      | 02/10/2025 |
| CODE ENFORCEMENT<br>520 - Applicant finalized submission | Document upload complete           | 02/11/2025 |
| CODE ENFORCEMENT<br>300 - PRELIMINARY REVIEW             | Review submission for completeness | 02/11/2025 |
| CODE ENFORCEMENT<br>300 - PRELIMINARY REVIEW             | Passed department/section review   | 02/12/2025 |
| CODE ENFORCEMENT<br>301 - INITIAL MANAGEMENT REVIEW      | Assign a review coordinator        | 02/12/2025 |
| CODE ENFORCEMENT<br>33C - COMMERCIAL                     | Plan check scheduled               | 02/12/2025 |
| CODE ENFORCEMENT<br>301 - INITIAL MANAGEMENT REVIEW      | Passed department/section review   | 02/12/2025 |
| CODE ENFORCEMENT<br>302 - DEPARTMENT ASSIGNMENTS         | Passed department/section review   | 02/12/2025 |

Attachment A – Page 2

133480.000009 4930-6073-7073.2

Exhibit A – Page 5

133480.000009 4928-8489-0698.3



|                                                  |                               |            |
|--------------------------------------------------|-------------------------------|------------|
| CODE ENFORCEMENT<br>310 - ELECTRICAL             | Review requirement identified | 02/12/2025 |
| 152 - FIRE_ACCESS RD                             | Review requirement identified | 02/12/2025 |
| PUBLIC WORKS & ENGINEERING<br>250 - FLOOD PLAIN  | Review requirement identified | 02/12/2025 |
| HEALTH<br>130 - HEALTH                           | Review requirement identified | 02/12/2025 |
| CODE ENFORCEMENT<br>340 - HVAC                   | Review requirement identified | 02/12/2025 |
| PLANNING<br>140 - PLANNING                       | Review requirement identified | 02/12/2025 |
| CODE ENFORCEMENT<br>320 - PLUMBING               | Review requirement identified | 02/12/2025 |
| CODE ENFORCEMENT<br>360 - STORM DRAIN            | Review requirement identified | 02/12/2025 |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P           | Review requirement identified | 02/12/2025 |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC      | Review requirement identified | 02/12/2025 |
| PUBLIC WORKS & ENGINEERING<br>220 - UTIL. REVIEW | Review requirement identified | 02/12/2025 |
| PUBLIC WORKS & ENGINEERING<br>250 - FLOOD PLAIN  | Plan check scheduled          | 02/13/2025 |



|                                                 |                                  |            |
|-------------------------------------------------|----------------------------------|------------|
| PUBLIC WORKS & ENGINEERING<br>250 - FLOOD PLAIN | Did not pass dept/section review | 02/13/2025 |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC     | Plan check scheduled             | 02/13/2025 |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC     | Did not pass dept/section review | 02/13/2025 |
| CODE ENFORCEMENT<br>360 - STORM DRAIN           | Plan check scheduled             | 02/17/2025 |
| CODE ENFORCEMENT<br>360 - STORM DRAIN           | Did not pass dept/section review | 02/17/2025 |
| CODE ENFORCEMENT<br>360 - STORM DRAIN           | Did not pass dept/section review | 02/18/2025 |
| CODE ENFORCEMENT<br>340 - HVAC                  | Plan check scheduled             | 02/21/2025 |
| CODE ENFORCEMENT<br>340 - HVAC                  | Did not pass dept/section review | 02/21/2025 |
| 152 - FIRE_ACCESS RD                            | Plan check scheduled             | 02/21/2025 |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P          | Plan check scheduled             | 02/21/2025 |
| PLANNING<br>160 - H.A.S.                        | Plan check scheduled             | 02/21/2025 |
| PLANNING<br>160 - H.A.S.                        | Did not pass dept/section review | 02/21/2025 |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P          | Did not pass dept/section review | 02/21/2025 |



|                                                  |                                  |            |
|--------------------------------------------------|----------------------------------|------------|
| HEALTH<br>130 - HEALTH                           | Plan check scheduled             | 02/24/2025 |
| HEALTH<br>130 - HEALTH                           | Passed department/section review | 02/24/2025 |
| PLANNING<br>140 - PLANNING                       | Plan check scheduled             | 02/25/2025 |
| PLANNING<br>140 - PLANNING                       | Did not pass dept/section review | 02/25/2025 |
| CODE ENFORCEMENT<br>310 - ELECTRICAL             | Plan check scheduled             | 02/25/2025 |
| CODE ENFORCEMENT<br>310 - ELECTRICAL             | Did not pass dept/section review | 02/26/2025 |
| 152 - FIRE_ACCESS RD                             | Did not pass dept/section review | 02/26/2025 |
| CODE ENFORCEMENT<br>320 - PLUMBING               | Plan check scheduled             | 03/06/2025 |
| CODE ENFORCEMENT<br>320 - PLUMBING               | Did not pass dept/section review | 03/06/2025 |
| PUBLIC WORKS & ENGINEERING<br>220 - UTIL. REVIEW | Plan check scheduled             | 03/11/2025 |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P           | Plan check scheduled             | 03/18/2025 |
| PLANNING<br>160 - H.A.S.                         | Plan check scheduled             | 03/18/2025 |



|                                                           |                                   |            |
|-----------------------------------------------------------|-----------------------------------|------------|
| PLANNING<br>160 - H.A.S.                                  | Did not pass dept/section review  | 03/19/2025 |
| CODE ENFORCEMENT<br>320 - PLUMBING                        | Plan check scheduled              | 03/19/2025 |
| CODE ENFORCEMENT<br>320 - PLUMBING                        | Did not pass dept/section review  | 03/19/2025 |
| PUBLIC WORKS & ENGINEERING<br>220 - UTIL REVIEW           | Did not pass dept/section review  | 03/19/2025 |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P                    | Did not pass dept/section review  | 03/20/2025 |
| CODE ENFORCEMENT<br>302 - DEPARTMENT ASSIGNMENTS          | Determine review requirements     | 03/20/2025 |
| CODE ENFORCEMENT<br>33R - REVIEW COMPLETE - PERMIT DENIED | Correction/addition info required | 03/20/2025 |
| RETURNED TO APPLICANT<br>100 - APPLICANT                  | Plans no longer with City         | 03/20/2025 |



**ATTACHMENT B**

**Timeline for Part 58 Clearance Activity from Phase Engineering**

**Andover Village**

|                                                                                                                        |                                                   |
|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Received Part 58 Proposal (Standard completion time is 45-60 calendar days) Estimated draft due by early Feb.          | Dec. 6, 2024                                      |
| Section 106 submission prepared and submitted to COH for review and approval                                           | Jan. 15, 2025                                     |
| Tribal Consultations initiated by COH                                                                                  | Jan 16 <sup>th</sup> (Ends Feb 16 <sup>th</sup> ) |
| Early 8-Step Notice published                                                                                          | Feb 7 <sup>th</sup> (ends Feb 24 <sup>th</sup> )  |
| Draft ERR completed and submitted to COH                                                                               | Feb 7 <sup>th</sup>                               |
| Received signed proposal to updated Phase I ESA.                                                                       | Feb 7 <sup>th</sup><br>(Due 2/26)                 |
| COH submitted comments to the Draft ERR                                                                                | Feb 18 <sup>th</sup>                              |
| Phase responded to comments/revisions and assigned HEROS back to COH                                                   | Feb 20 <sup>th</sup>                              |
| Updated Phase I ESA Completed, HEROS assigned back to COH                                                              | February 28 <sup>th</sup>                         |
| COH – Published FONSI and Final 8-Step Notice                                                                          | Feb 26 <sup>th</sup>                              |
| COH – Submitted RROF to HUD (delayed due to Melissa being out of the office on March 14 <sup>th</sup> – original date) | March 17 <sup>th</sup>                            |
| COH – Date expected AUGF                                                                                               | April 4 <sup>th</sup>                             |



# DWR Development Group, LLC

6300 West Loop South, Suite #670  
Bellaire, Texas 77401  
832-940-9940-Office  
713-560-0068-Cell

April 4, 2025

Joshua Goldberger – **SERV-U**  
Competitive (9%) Housing Tax Credit Manager  
TDHCA  
221 E. 11<sup>th</sup> Street  
Austin, Texas 78701

RE: TDHCA No. 24076-New Faith Senior Village Apartments (Houston, TX); Readiness to Proceed

Dear Joshua,

Attached please find our Readiness to Proceed submittal package submitted in accordance with Section 11.9(e)(9)-Readiness to Proceed of the 2024 QAP.

Please let me know if you have any questions.

Thank you,

  
Donna Rickenbacker, Managing Member



## BakerHostetler

Baker & Hostetler LLP  
111 Congress Avenue  
Suite 810  
Austin, TX 78701-4057  
Phone: 512.215.3200

[www.bakerlaw.com](http://www.bakerlaw.com)

April 4, 2025

**Via Electronic Mail**

Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

Attention: Joshua Goldberger  
Competitive (9%) Housing Tax Credit Manager

Re: Readiness to Proceed; Development: TDHCA No. 24076 – New Faith Senior Village  
Apartments (Houston, Texas)

Greetings:

We represent New Faith Senior Village, LP, the Applicant of the Development referenced above. The Applicant took one point for “readiness to proceed” under Section 11.9(e)(9) of the 2024 QAP which requires the Applicant to (i) acquire the Development Site, and (ii) provide evidence of building permit submission to TDHCA on or before March 31, 2025. Affiliates of the Applicant have successfully met the “readiness to proceed” deadline for three (3) other Developments in prior Competitive HTC rounds. In this instance, the Applicant can provide confirmation from the City of Houston that it timely submitted its building permit package. See **Attachment A**-Evidence of Plan Submittal. However, the Applicant was not able to acquire the Development Site prior to the readiness to proceed deadline. Specifically, the Applicant received an award of HOME funds from the City of Houston on November 26, 2024. HOME funds require a sponsor to complete a Part 58 environmental clearance before acquiring land or engaging in any “choice limiting activity”. The Applicant engaged Phase Engineering to complete the environmental clearance. Phase Engineering started the process on December 9, 2024. In anticipation of completing the process within four months, the Applicant began preparing the land seller for a closing to occur on or before March 31, 2025.

As shown on the timeline attached hereto as **Attachment B**, both Phase Engineering and the City of Houston worked diligently to complete the process, utilizing the deadlines imposed by HUD. The Request for Release of Funds (RROF) was submitted on March 17, and it still awaits HUD’s issuance of the Authority to Use Grant Funding (AUGF). The Applicant is checking with the

133480.000004 4899-3626-5778.1



Texas Department of Housing and Community Affairs  
April 4, 2025  
Page 2

City of Houston on a regular basis and has been told most recently that the AUGF should be available by April 10, 2025, just a few days shy of the "readiness to proceed" deadline. Upon receipt of the AUGF, the Applicant will close on the Development Site with the land seller.

The Applicant has a demonstrated history of meeting the "readiness to proceed" deadline and missed this one due to factors outside its control. The Applicant's Affiliates are not participating in the 2025 Competitive HTC round, and no penalties are applicable. If additional information is necessary, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia L. Bast". The signature is written in a cursive, flowing style.

Cynthia L. Bast

cc: DWR Development Group, LLC, Affiliate of Applicant

Attachment A – Evidence of Plan Submittal

Attachment B – Timeline for Part 58 Clearance Activity from Phase Engineering

133480.000004 4899-3626-5778.1



**ATTACHMENT A**

**Evidence of Plan Submittal**

**Donna Rickenbacker**

---

**From:** lramirez89@comcast.net  
**Sent:** Wednesday, April 2, 2025 2:32 PM  
**To:** Donna Rickenbacker  
**Subject:** New Faith Permit Submittal Evidence 25001159 (Private)

New Faith (Private) – 25001159  
Submittal Timeline  
Original Submittal to the city 1/6/25 (document upload complete)  
1<sup>st</sup> Review completed; plans returned 2/6/25  
2<sup>nd</sup> Review submitted back to the city 2/25/25 (document upload complete)  
Pending Utility Review

Attachment A – Page 1

133480.000004 4899-3626-5778.1



## Plan Check Time-Line Information

Project Number: 25001159  
Description: (M/6) 17,799 NEW APRTMNT (BLD-4) W/STWRK 1-3-5-  
Address: 14715 MONRAD DR # BLD 4

### PLAN CHECK STATUS 04/02/25 02:19:13

| Department                                               | Entry Description                  |
|----------------------------------------------------------|------------------------------------|
| CODE ENFORCEMENT<br>520 - Applicant finalized submission | Document upload complete           |
| CODE ENFORCEMENT<br>300 - PRELIMINARY REVIEW             | Review submission for completeness |
| CODE ENFORCEMENT<br>300 - PRELIMINARY REVIEW             | Passed department/section review   |
| CODE ENFORCEMENT<br>301 - INITIAL MANAGEMENT REVIEW      | Assign a review coordinator        |
| CODE ENFORCEMENT<br>33C - COMMERCIAL                     | Plan check scheduled               |
| CODE ENFORCEMENT<br>301 - INITIAL MANAGEMENT REVIEW      | Passed department/section review   |
| CODE ENFORCEMENT<br>302 - DEPARTMENT ASSIGNMENTS         | Passed department/section review   |
| CODE ENFORCEMENT<br>310 - ELECTRICAL                     | Review requirement identified      |



|                                                  |                                  |
|--------------------------------------------------|----------------------------------|
| 152 - FIRE_ACCESS RD                             | Review requirement identified    |
| CODE ENFORCEMENT<br>340 - HVAC                   | Review requirement identified    |
| PLANNING<br>140 - PLANNING                       | Review requirement identified    |
| CODE ENFORCEMENT<br>320 - PLUMBING               | Review requirement identified    |
| CODE ENFORCEMENT<br>360 - STORM DRAIN            | Review requirement identified    |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P           | Review requirement identified    |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC      | Review requirement identified    |
| PUBLIC WORKS & ENGINEERING<br>220 - UTIL. REVIEW | Review requirement identified    |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC      | Plan check scheduled             |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC      | Did not pass dept/section review |
| CODE ENFORCEMENT<br>360 - STORM DRAIN            | Plan check scheduled             |
| CODE ENFORCEMENT<br>360 - STORM DRAIN            | Did not pass dept/section review |



|                                                  |                                  |
|--------------------------------------------------|----------------------------------|
| PLANNING<br>140 - PLANNING                       | Plan check scheduled             |
| PLANNING<br>140 - PLANNING                       | Did not pass dept/section review |
| PLANNING<br>140 - PLANNING                       | Did not pass dept/section review |
| HEALTH<br>130 - HEALTH                           | Plan check scheduled             |
| CODE ENFORCEMENT<br>310 - ELECTRICAL             | Plan check scheduled             |
| HEALTH<br>130 - HEALTH                           | Did not pass dept/section review |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P           | Plan check scheduled             |
| 152 - FIRE_ACCESS RD                             | Plan check scheduled             |
| 152 - FIRE_ACCESS RD                             | Did not pass dept/section review |
| CODE ENFORCEMENT<br>310 - ELECTRICAL             | Did not pass dept/section review |
| PUBLIC WORKS & ENGINEERING<br>220 - UTIL. REVIEW | Plan check scheduled             |



|                                                           |                                   |
|-----------------------------------------------------------|-----------------------------------|
| PUBLIC WORKS & ENGINEERING<br>220 - UTIL. REVIEW          | Did not pass dept/section review  |
| CODE ENFORCEMENT<br>320 - PLUMBING                        | Plan check scheduled              |
| CODE ENFORCEMENT<br>340 - HVAC                            | Plan check scheduled              |
| CODE ENFORCEMENT<br>320 - PLUMBING                        | Did not pass dept/section review  |
| CODE ENFORCEMENT<br>340 - HVAC                            | Did not pass dept/section review  |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P                    | Did not pass dept/section review  |
| HOUSTON FIRE<br>150 - FIRE MARSHAL                        | Plan check scheduled              |
| CODE ENFORCEMENT<br>302 - DEPARTMENT ASSIGNMENTS          | Determine review requirements     |
| CODE ENFORCEMENT<br>33R - REVIEW COMPLETE - PERMIT DENIED | Correction/addition info required |
| RETURNED TO APPLICANT<br>100 - APPLICANT                  | Plans no longer with City         |
| CODE ENFORCEMENT<br>520 - Applicant finalized submission  | Document upload complete          |
| CODE ENFORCEMENT<br>302 - DEPARTMENT ASSIGNMENTS          | Passed department/section review  |



|                                             |                                  |
|---------------------------------------------|----------------------------------|
| CODE ENFORCEMENT<br>303 - UNDER REVIEW      | Plans release for general review |
| CODE ENFORCEMENT<br>303 - UNDER REVIEW      | Current plan location            |
| CODE ENFORCEMENT<br>360 - STORM DRAIN       | Plan check scheduled             |
| CODE ENFORCEMENT<br>360 - STORM DRAIN       | Did not pass dept/section review |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC | Plan check scheduled             |
| PUBLIC WORKS & ENGINEERING<br>120 - TRAFFIC | Did not pass dept/section review |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P      | Plan check scheduled             |
| CODE ENFORCEMENT<br>330 - STRUCTURAL P      | Did not pass dept/section review |
| HEALTH<br>130 - HEALTH                      | Plan check scheduled             |
| PLANNING<br>140 - PLANNING                  | Plan check scheduled             |
| CODE ENFORCEMENT<br>340 - HVAC              | Plan check scheduled             |



|                                      |                                  |
|--------------------------------------|----------------------------------|
| CODE ENFORCEMENT<br>340 - HVAC       | Passed department/section review |
| PLANNING<br>140 - PLANNING           | Did not pass dept/section review |
| CODE ENFORCEMENT<br>310 - ELECTRICAL | Plan check scheduled             |
| CODE ENFORCEMENT<br>310 - ELECTRICAL | Did not pass dept/section review |
| 152 - FIRE_ACCESS RD                 | Plan check scheduled             |
| 152 - FIRE_ACCESS RD                 | Did not pass dept/section review |
| CODE ENFORCEMENT<br>320 - PLUMBING   | Plan check scheduled             |
| CODE ENFORCEMENT<br>320 - PLUMBING   | Did not pass dept/section review |



**ATTACHMENT B**

**Timeline for Part 58 Clearance Activity from Phase Engineering**

**New Faith**

|                                                                                                                                                                                                                                         |                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Received Part 58 Proposal (Standard completion time is 45-60 calendar days)<br>Estimated draft due by early Feb.                                                                                                                        | Dec. 9, 2024              |
| Section 106 submission prepared and submitted to COH for review and approval. COH initiated tribal consultations in Dec 2024 which are now completed.                                                                                   | Jan. 15, 2025             |
| Draft ERR completed and submitted to COH                                                                                                                                                                                                | February 12 <sup>th</sup> |
| COH provided comments to the ERR                                                                                                                                                                                                        | February 13 <sup>th</sup> |
| Phase responded to comments/revisions which was delayed by a few days due to the HEROS system being down. However, COH wanted to wait until the updated Phase I ESA was completed before reassigning HEROS for their additional review. | February 19 <sup>th</sup> |
| Updated Phase I ESA Completed, HEROS assigned back to COH                                                                                                                                                                               | February 28 <sup>th</sup> |
| COH – provided comment that HEROS deleted all the EA Factors, and they wanted them to be reuploaded. HEROS system was down, so we sent over a PDF version of the report the same day.                                                   | March 3 <sup>rd</sup>     |
| HEROS updated and submitted to COH. COH had additional comments which were addressed the same day.                                                                                                                                      | March 4 <sup>th</sup>     |
| COH Accepted the Final ERR                                                                                                                                                                                                              | March 5 <sup>th</sup>     |
| COH – Published FONSI                                                                                                                                                                                                                   | March 7 <sup>th</sup>     |
| COH – Submitted RROF to HUD                                                                                                                                                                                                             | March 25 <sup>th</sup>    |
| COH – Date expected AUGF                                                                                                                                                                                                                | April 10, 2025            |



24094 – Freedom's Path at Kerrville II



**From:** [Cody Campbell](#)  
**To:** [ctaylor@sfveterans.org](mailto:ctaylor@sfveterans.org); [pmmurchison@gmail.com](mailto:pmmurchison@gmail.com); [Robbye Meyer](#)  
**Cc:** [Joshua Goldberger](#)  
**Subject:** Freedom's Path Kerrville II - Notice of Potential LIHTC Penalty  
**Date:** Wednesday, May 28, 2025 4:30:00 PM

---

Good afternoon,

You are in receipt of this notification because you are associated with a 2024 Housing Tax Credit Application that elected points related to Readiness to Proceed as established at 10 TAC §11.9(e)(9). Based on available documentation, staff does not believe that the requirements of this scoring item were met, and therefore has determined that the Applicant may be eligible for a point penalty under 10 TAC §11.9(f). This email serves as the required 14-day notification that this matter will be presented to the Department's Governing Board at the meeting to be held on June 12, 2025.

If you believe that the Application in question did meet the requirements related to Readiness to Proceed and that staff's conclusion is incorrect, please contact Cody Campbell, Director of Multifamily Programs, at [cody.campbell@tdhca.texas.gov](mailto:cody.campbell@tdhca.texas.gov) as soon as possible.

Please let me know if you have any questions.

Thank you,

**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](http://www.tdhca.state.tx.us)



# *Freedom's Path Kerrville II Limited Partnership*

235 Ponce de Leon Place, Suite M313 • Decatur, GA 30030 • Telephone (678) 232-0015

Email [ctaylor@sfveterans.org](mailto:ctaylor@sfveterans.org)

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March 28, 2025

Ms. Cody Campbell  
Director of Multifamily Finance  
Texas Department of Housing and Community Affairs  
P O Box 13941  
Austin, TX 78711

## **Re: Application #24094 Freedom's Path Kerrville II – Readiness to Proceed**

Dear Mr. Campbell,

Unfortunately, due to the turmoil at the federal level right now concerning layoffs with the Veterans Administration (the “VA”), an already slow system has been slowed even more. The Freedom's Path Kerrville II Limited Partnership (the “Owner”) has not been able to close on the land. The VA requires a full close on all financing in a transaction. A full closing by March 31, 2025, is not possible and was not foreseen when the application was submitted in March 2024.

The Owner has submitted the plans and necessary requirements for permits to the City of Waco and the receipt of those permits is pending payment. Evidence of the submission is attached with this letter.

The Owner has acted in good faith with this application and wants to continue to abide by the rules in place. The loss of the two points for the Readiness to Proceed selection would not have affected the application's award, as the other application in the subregion scored well below this application. The Owner will accept the penalty of having to sit out of the 2026 application cycle or for a reduction of points in 2026 should the board select the point penalty.

Yours truly,

Freedom's Path Kerrville II Limited Partnership

By: Solutions for Veterans, Inc  
Its: SLP Member

By: *William Craig Taylor*  
William Craig Taylor



## City of Kerrville - Building Inspections and Permits

200 Sidney Baker Street  
Kerrville, TX 78028  
Phone: (830) 258-1514



**Thursday, March 20, 2025**

### Invoice for Permit Number 2025-79

Katus Design Group - Steve Zoerner  
3604 Memorial Blvd.  
Kerrville TX 78028

### Two Convenient Payment Options Available

If paying by credit or debit card a 3% processing fee will apply.

### **Pay Online with your Debit or Credit card through the MyGovernmentOnline.org portal:**

Go to [www.mygovernmentonline.org](http://www.mygovernmentonline.org) and login with your user account. Click on the "Account" button at the top right section of the page. Scroll down to the "My Permits" section. Locate the permit number you wish to pay and click on "View Permit". Click on the "Payments" tab. Click on the "Pay Online" button near the bottom of the page to pay the balance with your Discover, Visa, MasterCard or Escrow Account. Once you have completed processing your payment, please allow the permit review staff sufficient time to review your project and follow-up with you.

**Plan review process will not begin until fees are paid**

### **Pay In-Person (Cash, Check, or Debit/Credit card):**

200 Sidney Baker Street  
Kerrville, TX 78028

| Fee Type                                                                                             | Amount Due             | Amount Paid        |
|------------------------------------------------------------------------------------------------------|------------------------|--------------------|
| Plan Review Fee (This fee is available for payment in the customer portal)                           | \$20,022.50            | \$20,022.50        |
| Water Tap (Custom Quote) (This fee is available for payment in the customer portal)                  | \$5,022.00             | \$0.00             |
| Water Meter (Existing Tap - Custom Quote) (This fee is available for payment in the customer portal) | \$4,502.57             | \$0.00             |
| Water Meter (Existing Tap - Custom Quote) (This fee is available for payment in the customer portal) | \$4,502.57             | \$0.00             |
| Water Meter (Existing Tap) (This fee is available for payment in the customer portal)                | \$576.45               | \$0.00             |
| New Account Fee (Water - Sewer - Garbage) (This fee is available for payment in the customer portal) | \$40.00                | \$0.00             |
| Parkland Dedication Fee East                                                                         | \$52,000.00            | \$0.00             |
|                                                                                                      | <b>\$86,666.09</b>     | <b>\$20,022.50</b> |
|                                                                                                      | <b>Balance to Pay:</b> | <b>\$66,643.59</b> |



City of Kerrville  
Building Services  
200 Sidney Baker Street North  
Kerrville, TX 78028



## Permit Payment Receipt

**2025-79**

3604 Memorial Blvd.  
Kerrville TX 78028

Paid By:  
N/A

,

Payment Description:  
Plan Review Fee Payment

### Payments

| Payment ID | Received Date | Payment Type | Reference Num | Fee             | Amount             |
|------------|---------------|--------------|---------------|-----------------|--------------------|
| 15548478   | 2/14/2025     | Check        | Chl# 3429     | Plan Review Fee | \$20,022.50        |
|            |               |              |               |                 | <b>\$20,022.50</b> |
| Total      |               |              |               |                 | <b>\$20,022.50</b> |

**THIS IS NOT A PERMIT.** This receipt does not authorize you to begin construction on your project.



24168 – The Bryan



**From:** [Cody Campbell](#)  
**To:** [emoskalik@chavezfoundation.org](mailto:emoskalik@chavezfoundation.org); [ajcarpen@gmail.com](mailto:ajcarpen@gmail.com); [meredith@meconsulting.ltd](mailto:meredith@meconsulting.ltd)  
**Cc:** [Joshua Goldberger](#)  
**Subject:** The Bryan - Notice of Potential LIHTC Penalty  
**Date:** Wednesday, May 28, 2025 4:31:00 PM

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Good afternoon,

You are in receipt of this notification because you are associated with a 2024 Housing Tax Credit Application that elected points related to Readiness to Proceed as established at 10 TAC §11.9(e)(9). Based on available documentation, staff does not believe that the requirements of this scoring item were met, and therefore has determined that the Applicant may be eligible for a point penalty under 10 TAC §11.9(f). This email serves as the required 14-day notification that this matter will be presented to the Department's Governing Board at the meeting to be held on June 12, 2025.

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Please let me know if you have any questions.

Thank you,

**Cody Campbell**

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