

ENFORCEMENT ACTION AGAINST	§	BEFORE THE
ACCESSIBLE HOUSING AUSTIN! WITH	§	TEXAS DEPARTMENT OF
RESPECT TO ACCESSIBLE HOUSING	§	HOUSING AND COMMUNITY
AUSTIN (NSP # 77090000101,	§	AFFAIRS
CMTS #5169) AND AHA! AT BRIARCLIFF	§	
(TCAP-RF #13160017511, NHTF #	§	
82600017511, CMTS #5170)	§	

### **AGREED FINAL ORDER**

#### **General Remarks and official action taken:**

On this 4<sup>th</sup> day of September, 2025, the Governing Board (Board) of the Texas Department of Housing and Community Affairs (TDHCA or Department) considered the matter of whether enforcement action should be taken against **ACCESSIBLE HOUSING AUSTIN!**, a Texas nonprofit corporation (Respondent).

This Agreed Order is executed pursuant to the authority of the Administrative Procedure Act (APA), Tex. Gov't Code §2001.056, which authorizes the informal disposition of contested cases. In a desire to conclude this matter without further delay and expense, the Board and Respondent agree to resolve this matter by this Agreed Final Order. The Respondent agrees to this Order for the purpose of resolving this proceeding only and without admitting or denying the findings of fact and conclusions of law set out in this Order.

Upon recommendation of the Enforcement Committee, the Board makes the following findings of fact and conclusions of law and enters this Order:

### **WAIVER**

Respondent acknowledges the existence of their right to request a hearing as provided by Tex. Gov't Code §2306.044, and to seek judicial review, in the District Court of Travis County, Texas, of any order as provided by Tex. Gov't Code §2306.047. Pursuant to this compromise and settlement, the Respondent waives those rights and acknowledges the jurisdiction of the Board over Respondent.

### **FINDINGS OF FACT (FOF)**

#### **Jurisdiction:**

1. During 2008, Texas State Affordable Housing Corporation, a Texas public nonprofit corporation (Prior Owner), was awarded Neighborhood Stabilization Program (NSP) funds to acquire and operate three scattered-site single-family homes located at 7009 Thannas Way, 7624 Cayenne Lane, and 3705 Tamil, and two scattered-site duplexes located at 9215 Kempler Drive and 9407 Kempler Drive, all located in Austin, Travis County, Texas, and collectively known as Accessible Housing Austin (NSP # 77090000101, CMTS # 5169).
2. During 2016 and 2018, Respondent was awarded National Housing Trust Fund (NHTF) and Tax Credit Assistance Program Repayment Funds (TCAP-RF) funds to build and operate AHA! at Briarcliff (TCAP-RF #13160017511, NHTF # 82600017511, CMTS #5170), a twenty-sevenunit development located at 1915 Briarcliff Boulevard, in Austin, Travis County, Texas.
3. Respondent is subject to the following land use restriction agreements (LURAs):
  - a. NSP # 77090000101 collectively includes the following land use restriction agreements signed by Prior Owner for each of the following NSP properties:
    - i. 7009 Thannas Way: Texas Land Use Restriction Agreement effective August 26, 2016, and filed of record on August 29, 2016, at Document Number 2016142197 of the Official Records of Real Property of Travis County, Texas (the Records).
    - ii. 7624 Cayenne Lane: Land Use Restriction Agreement effective August 26, 2016, and filed of record on August 29, 2016, at Document Number 2016142180 of the Records.
    - iii. 3705 Tamil: Land Use Restriction Agreement effective August 26, 2016, and filed of record on August 29, 2016, at Document Number 2016142209 of the Records.
    - iv. 9215 Kempler Drive: Land Use Restriction Agreement effective August 26, 2016, and filed of record on August 29, 2016, at Document Number 2016142219 of the Records.
    - v. 9407 Kempler Drive: Land Use Restriction Agreement effective August 26, 2016, and filed of record on August 29, 2016, at Document Number 2016142220 of the Records.

Prior Owner transferred its interests in the five above NSP properties to Respondent on September 2, 2016, via General Warranty Deeds effective September 2, 2016, and filed of record at Document Numbers 2016148317, 2016149263, 2016148118, 2016148233, and 2016148169, respectively. The

above LURAs remained in place in accordance with Section 7.7 of each LURA, thereby binding Respondent to the terms of each agreement.

- b. TCAP RF #13160017511: Respondent signed this Land Use Restriction Agreement effective August 1, 2019, and filed of record on August 14, 2019, at Document Number 2019122612 of the Official Records of Real Property of Travis County, Texas (the Records).
  - c. NHTF # 82600017511: Respondent signed this Land Use Restriction Agreement effective August 1, 2019, and filed of record on August 14, 2019, at Document Number 2019122614 of the Records.
4. Respondent is subject to the regulatory authority of TDHCA.

Compliance Violations<sup>1</sup>:

- 5. The Department conducted a National Standards for the Physical Inspection of Real Estate (NSPIRE) inspection on February 4, 2025 for CMTS 5169. The inspection report at Exhibit 1 showed numerous property condition violations, a violation of 10 TAC § 10.621 (Property Condition Standards). The Department issued a notification of noncompliance setting a corrective action deadline of May 6, 2025, but Respondent failed to respond, and the TDHCA Compliance Division referred all identified noncompliance for an administrative penalty. Partial corrective documentation was received on May 29, 2025, after intervention by the Enforcement Committee, addressing all issues of noncompliance except for a damaged entry door. Complete corrective documentation was received on July 30, 2025.
- 6. The Department conducted a National Standards for the Physical Inspection of Real Estate (NSPIRE) inspection on February 5, 2025 for CMTS 5170. The inspection report at Exhibit 2 showed numerous property condition violations, a violation of 10 TAC § 10.621 (Property Condition Standards). The Department issued a notification of noncompliance setting a corrective action deadline of May 6, 2025, but Respondent failed to respond, and the TDHCA Compliance Division referred all identified noncompliance for an administrative penalty. Partial corrective documentation was received on May 29, 2025, after intervention by the Enforcement Committee, addressing all issues of noncompliance except for unwrapped kitchen sink supply lines in two accessible units. Complete corrective documentation was received on August 7, 2025.

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<sup>1</sup> Within this Agreed Final Order, all references to violations of TDHCA Compliance Monitoring rules at 10 TAC Chapter 10 refer to the versions of the code in effect at the time of the compliance monitoring reviews and/or inspections that resulted in recording each violation. All past violations remain violations under the current code and all interim amendments.

7. The Department conducted a Section 811 file monitoring review on July 22, 2024, to determine whether Respondent was in compliance with LURA requirements to lease units to low-income households and maintain records demonstrating eligibility for CMTS 5170. The monitoring review found violations of the LURA and TDHCA rules. Notifications of noncompliance were sent and an October 24, 2024, corrective action deadline was set, then extended through May 17, 2025. The following violations were not resolved before the extended corrective action deadline, and were referred for an administrative penalty:
  - a. Respondent failed to conduct the HUD-50059 annual income recertification with supporting documentation for units 112 and 132, a violation of 10 TAC §10.624 (Compliance Requirements for Developments with 811 PRA Units); and
  - b. Respondent failed to properly calculate resident portion of rent for units 112 and 132, a violation of 10 TAC §10.624 (Compliance Requirements for Developments with 811 PRA Units).
8. The following violations remain outstanding at the time of this order:
  - a. Annual income recertification violations described in FOF #7a; and
  - b. Rent calculation violations described in FOF #7b.

#### **CONCLUSIONS OF LAW**

1. The Department has jurisdiction over this matter pursuant to Tex. Gov't Code §§2306.041-.0503 and 10 TAC Chapter 2.
2. Respondent is a housing sponsor as that term is defined in Tex. Gov't Code §2306.004(14).
3. The Department is required to monitor for compliance with all program requirements pursuant to Tex. Gov't Code §2306.185.
4. Pursuant to 10 TAC §10.621(a), TDHCA has adopted HUD's National Standards for the Physical Inspection of Real Estate (NSPIRE) as the standard for its physical inspections;
5. Respondent violated 10 TAC § 10.621 in 2025, by failing to comply with NSPIRE when major violations were discovered and not timely corrected.
6. Respondent violated 10 TAC §10.624 in 2024, by failing to conduct the HUD-50059 annual income recertification with supporting documentation for units 112 and 132.
7. Respondent violated 10 TAC §10.624 in 2024, by failing to properly calculate resident portion of rent for units 112 and 132.

8. Because Respondent is a housing sponsor with respect to the Property, and has violated TDHCA rules, the Board has personal and subject matter jurisdiction over Respondent pursuant to Tex. Gov't Code §2306.041 and Tex. Gov't Code §2306.267.
9. Because Respondent is a housing sponsor, TDHCA may order Respondent to perform or refrain from performing certain acts in order to comply with the law, TDHCA rules, or the terms of a contract or agreement to which Respondent and TDHCA are parties, pursuant to Tex. Gov't Code §2306.267.
10. Because Respondent has violated rules promulgated pursuant to Tex. Gov't Code §2306.053 and has violated agreements with the Agency to which Respondent is a party, the Agency may impose an administrative penalty pursuant to Tex. Gov't Code §2306.041.
11. An administrative penalty of \$2,000.00 is an appropriate penalty in accordance with 10 TAC Chapter 2.

Based upon the foregoing findings of fact and conclusions of law, and an assessment of the factors set forth in Tex. Gov't Code §2306.042 to be considered in assessing such penalties as applied specifically to the facts and circumstances present in this case, the Governing Board of the Texas Department of Housing and Community Affairs orders the following:

**IT IS HEREBY ORDERED** that Respondent is assessed an administrative penalty in the amount of \$2,000.00, subject to deferral as further ordered below.

**IT IS FURTHER ORDERED** that Respondent shall fully correct the file monitoring violations as indicated at Exhibit 3, and submit full documentation of the corrections to TDHCA on or before October 4, 2025.

**IT IS FURTHER ORDERED** that if Respondent timely and fully complies with the terms and conditions of this Agreed Final Order, correcting all violations as required, the satisfactory performance under this order will be accepted in lieu of the assessed administrative penalty and the full amount of the administrative penalty will be deferred and forgiven.

**IT IS FURTHER ORDERED** that if Respondent fails to satisfy any conditions or otherwise violates any provision of this order, or the property is sold before the terms and conditions of this Agreed Final Order have been fully satisfied, then the full administrative penalty in the amount of \$2,000.00 shall be immediately due and payable to the Department. Such payment shall be made by check payable to the Texas Department of Housing and Community Affairs upon the earlier of (1) within thirty days of the date the Department sends written notice to Respondent that it has violated a provision of this Order, or (2) the property closing date if sold before the terms and conditions of this Agreed Final Order have been fully satisfied.

**IT IS FURTHER ORDERED** that corrective documentation must be uploaded to the Compliance Monitoring and Tracking System (CMTS) by following the instructions at this link:

<https://www.tdhca.texas.gov/sites/default/files/pmcdocs/CMTSUserGuide-AttachingDocs.pdf>.

After the upload is complete, an email must be sent to Ysella Kaseman at [ysella.kaseman@tdhca.texas.gov](mailto:ysella.kaseman@tdhca.texas.gov) to inform her that the documentation is ready for review. If it comes due and payable, the penalty payment must be submitted to the following address:

<b>If via overnight mail (FedEx, UPS):</b>	<b>If via USPS:</b>
TDHCA Attn: Ysella Kaseman 221 E 11 <sup>th</sup> St Austin, Texas 78701	TDHCA Attn: Ysella Kaseman P.O. Box 13941 Austin, Texas 78711

**IT IS FURTHER ORDERED** that Respondent shall follow the requirements of [10 TAC §10.406](#), and obtain approval from the Department prior to consummating a sale of the property, if contemplated.

**IT IS FURTHER ORDERED** that the terms of this Agreed Final Order shall be published on the TDHCA website.

*[Remainder of page intentionally blank]*

Approved by the Governing Board of TDHCA on \_\_\_\_\_, 2025.

By: \_\_\_\_\_

Name: Leo Vasquez

Title: Chair of the Board of TDHCA

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**THE STATE OF TEXAS §**

**§**

**COUNTY OF TRAVIS §**

Before me, the undersigned notary public, on this 4th day of September, 2025, personally appeared Leo Vasquez, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal)

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS §**

**§**

**COUNTY OF TRAVIS §**

Before me, the undersigned notary public, on this 4th day of September, 2025, personally appeared \_\_\_\_\_, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal)

\_\_\_\_\_  
Notary Public, State of Texas

[illegible]

BEFORE ME, \_\_\_\_\_ (*notary name*), a notary public in and for the State of \_\_\_\_\_, on this day personally appeared Trey Nichols, known to me or proven to me through circle one: personally known / driver's license / passport to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, who being by me duly sworn, deposed as follows:

1. My name is Trey Nichols, I am of sound mind, capable of making this statement, and personally acquainted with the facts herein stated.
2. I hold the office of Executive Director for Respondent. I am the authorized representative of Respondent, owner of the Property, which is subject to a Land Use Restriction Agreement monitored by the TDHCA in the State of Texas, and I am duly authorized by Respondent to execute this document.
3. The Taxpayer ID for Respondent is \_\_\_\_\_.
4. The mailing address for Respondent is \_\_\_\_\_.
5. Respondent knowingly and voluntarily enters into this Agreed Final Order, and agrees with and consents to the issuance and service of the foregoing Agreed Order by the Governing Board of the Texas Department of Housing and Community Affairs.

**RESPONDENT:**

**ACCESSIBLE HOUSING AUSTIN!**, a Texas nonprofit corporation

By: \_\_\_\_\_

Name: Trey Nichols

Title: Executive Director

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Signature of Notary Public

Printed Name of Notary Public

NOTARY PUBLIC IN AND FOR THE STATE OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



# Exhibit 1

## NSPIRE Report for CMTS 5169

Bldg	Apt	Location	Item	Result	Notes	Severity Level	Date Completed	Completed By
1	9407 B	Bathroom 1	Infestation	Evidence of cockroaches (Live, Dead, or Other Evidence)	Master bathroom	Mod	4/28/2025	ABC Pest Control
1	9407 B	Bedroom 1	Smoke Alarms	Smoke alarm does not produce an audio or visual alarm when tested		LT	4/16/2025	AHA Maintenance- Chris Bryant
1	9407 B	Bedroom 2	Smoke Alarms	Smoke alarm not installed in a sleeping room		LT	4/16/2025	AHA Maintenance- Chris Bryant
1	9407 B	Bedroom 3	Smoke Alarms	Smoke alarm not installed in a sleeping room		LT	4/16/2025	AHA Maintenance- Chris Bryant
1	9407 B	Hallways & Corridors	Smoke Alarms	Smoke alarm not installed outside a sleeping room		LT	4/16/2025	AHA Maintenance- Chris Bryant
1	9407 B	Kitchen	Water Heater	Hot water does not dispense from a faucet or other fixture		Severe	4/16/2025	AHA Maintenance- Chris Bryant
1	9407A	Bedroom 2	Door – General	A passage door component is damaged/missing/inoperable		Low	4/16/2025	AHA Maintenance- Chris Bryant
1	9407A	Bedroom 2	Smoke Alarms	Smoke alarm not installed in a sleeping room		LT	4/16/2025	AHA Maintenance- Chris Bryant
2	3705	Hallways & Corridors	Smoke Alarms	Smoke alarm not installed outside a sleeping room		LT	4/16/2025	AHA Maintenance- Chris Bryant
5	9215 A	Bathroom 1	Sink	Sink is clogged/not draining		Mod	4/16/2025	AHA Maintenance- Chris Bryant
5	9215 A	Bedroom 1	Smoke Alarms	Smoke alarm not installed in a sleeping room		LT	4/16/2025	AHA Maintenance- Chris Bryant
5	9215 A	Hallways & Corridors	Smoke Alarms	Smoke alarm not installed outside a sleeping room		LT	4/16/2025	AHA Maintenance- Chris Bryant
5	9215 B	Alternate Location -	Foundation	Crack is present with a width of 1/4-inch or greater and a length of 12in. or greater	Stress cracks throughout	Mod	5/23/2025	Quality Foundation Repair
5	9215 B	Kitchen	Fire Extinguisher	The fire extinguisher tag is missing or illegible		LT	4/16/2025	AHA Maintenance- Chris Bryant
5	9215 B	Rear Entry	Door Hardware - Entry (non-fire)	Entry door component is damaged, inoperable, or missing (does not affect privacy or security)	Back door	Low	6/6/2025	AHA Maintenance- Chris Bryant

**Exhibit 2**  
**NSPIRE Report for CMTS 5170**

Bldg	Apt	Location	Item	Result	Notes	Severity Level	Date Completed	Completed By
		Sink Pipe Wrap	ADA 606.4, 5	All hot/cold water supply lines, sharp or abrasive surfaces and flange where sink meets bowl must be wrapped: if doors present still needs to be wrapped	Kitchen plumbing exposed in several units		7/3/25	Bell or Restoration
1	121	Kitchen	Infestation	Evidence of cockroaches (Live, Dead, or Other Evidence)		Mod	4/23/25	ABC Pest Control
1	122	Alternate Location -	Door – General	A passage door component is damaged/missing/inoperable	Entry door doesn't latch but deadbolts work	Low	5/28/25	Accessible Housing Audit Maintenance
1	122	Mechanical/Utility Room	Water Heater	Pressure relief valve discharge piping is damaged, capped, has an upward slope, or is constructed of unsuitable material	PVC	Severe	5/29/25	Radiant Plumbing
1	122	Mechanical/Utility Room	Water Heater	Pressure relief valve terminates higher than 6in. or less than 2in. from the waste receptor flood level		Mod	5/29/25	Radiant Plumbing
1	133	Bathroom 1	Ceiling Covering and Finishes	Ceiling has a hole 2in. or more in diameter		Mod	2/20/25	Sheppard Construction
1	133	Hallways & Corridors	Ceiling Covering and Finishes	Ceiling component(s) is not functionally adequate	Sheetrock removed for mold remediation	Severe	2/20/25	Sheppard Construction
1	133	Hallways & Corridors	Smoke Alarms	Smoke alarm not installed outside a sleeping room		LT	2/20/25	Sheppard Construction
2	223	Main Entry	Door – Fire Labeled	A fire-labeled door has inoperable self-closing hardware	Entry door	Severe	5/30/25	Sheppard Construction
2	225	Bathroom 1	Bathtub/Shower	Bath/shower pan or basin damaged, missing, or inoperable		Mod	5/5/25	Sheppard Construction
2	225	Bathroom 1	Floor Covering and Finishes	Floor component(s) is not functionally adequate	Subfloor is missing	Mod	5/5/25	Sheppard Construction
2	225	Bathroom 1	Toilet	Toilet is missing (only toilet in unit)		LT	5/5/25	Sheppard Construction
2	225	Bathroom 1	Wall Covering and Finish – Interior	Wall has a loose or detached surface covering		Mod	5/5/25	Sheppard Construction
2	225	Hallways & Corridors	Floor Covering and Finishes	10% or more of the floor substrate area is exposed in any room		Mod	5/5/25	Sheppard Construction
2	225	Hallways & Corridors	Wall Covering and Finish – Interior	Interior wall has holes affecting an area greater than 6x6in.	Wall between hall and bathroom	Mod	5/5/25	Sheppard Construction
2	225	Kitchen	Cooking Appliance	Primary cooking appliance is missing	No stove	Severe	5/5/25	Sheppard Construction
2	225	Kitchen	Floor Covering and Finishes	10% or more of the floor substrate area is exposed in any room		Mod	5/5/25	Sheppard Construction
2	225	Kitchen	Wall Covering and Finish – Interior	Interior wall has holes affecting an area greater than 6x6in.		Mod	5/5/25	Sheppard Construction
2	233	Bedroom 1	Smoke Alarms	Smoke alarm not installed in a sleeping room		LT	5/30/25	Sheppard Construction
2	233	Bedroom 2	Smoke Alarms	Smoke alarm not installed in a sleeping room		LT	5/30/25	Sheppard Construction
2	233	Hallways & Corridors	Smoke Alarms	Smoke alarm not installed outside a sleeping room		LT	5/30/25	Sheppard Construction
2	235	Alternate Location -	Ceiling Covering and Finishes	Ceiling component(s) is not functionally adequate	Entire unit	Severe	5/5/25	Sheppard Construction
2	235	Alternate Location -	Ceiling Covering and Finishes	Ceiling has a hole that opens directly to outside environment	Entire unit	Mod	5/5/25	Sheppard Construction
2	235	Alternate Location -	Door – General	A passage door component is damaged/missing/inoperable	No bedroom or bathroom doors	Low	5/5/25	Sheppard Construction
2	235	Alternate Location -	Floor Covering and Finishes	10% or more of the floor substrate area is exposed in any room	Subfloor in entire unit exposed	Mod	5/5/25	Sheppard Construction
2	235	Alternate Location -	Light Fixtures (Interior)	Insufficient illumination in kitchen or bathroom	No light fixtures in unit	Mod	5/5/25	Sheppard Construction
2	235	Alternate Location -	Wall Covering and Finish – Interior	Interior wall component(s) is not functionally adequate	No drywall in entire unit	Mod	5/5/25	Sheppard Construction

2	235	Bathroom 1	Bathtub/Shower	Bath/shower component is damaged, missing, or inoperable	No shower head or faucet	Mod	5/5/25	Shepherd Construction
2	235	Bathroom 1	Bathtub/Shower	Bath/shower pan or basin damaged, missing, or inoperable		Mod	5/5/25	Shepherd Construction
2	235	Bathroom 1	Cabinets/Vanity	50%+ of vanity components are missing/damaged/inoperable in a bathroom or laundry	No cabinets	Mod	5/5/25	Shepherd Construction
2	235	Bathroom 1	Exhaust System	Bathroom ventilation system is inoperable		Mod	5/5/25	Shepherd Construction
2	235	Bathroom 1	⚡ Sink	Sink component is damaged or missing impacting functionality	No sink	Mod	5/5/25	Shepherd Construction
2	235	Bathroom 1	Toilet	Toilet is missing (only toilet in unit)		LT	5/5/25	Shepherd Construction
2	235	Bedroom 1	Smoke Alarms	Smoke alarm not installed in a sleeping room		LT	5/5/25	Shepherd Construction
2	235	Hallways & Corridors	HVAC Equipment	Air conditioning system is not operational	HVAC condenser and air handler missing.	Mod	5/5/25	Shepherd Construction
2	235	Hallways & Corridors	Smoke Alarms	Smoke alarm not installed outside a sleeping room		LT	5/5/25	Shepherd Construction
2	235	Kitchen	Cabinetry	50% or more of cabinet components are missing, damaged, or inoperable	No cabinets	Mod	5/5/25	Shepherd Construction
2	235	Kitchen	Conductors, Outlets, Switches	Exposed electrical conductor	Outlets and switches all missing covers	LT	5/5/25	Shepherd Construction
2	235	Kitchen	Cooking Appliance	Cooking range, cooktop, or oven component is damaged or missing	No stove or microwave	Mod	5/5/25	Shepherd Construction
2	235	Kitchen	Cooking Appliance	Primary cooking appliance is missing	No stove or microwave	Severe	5/5/25	Shepherd Construction
2	235	Kitchen	Countertop	The entire kitchen countertop is not adequate (in either size or function)	No countertop	Mod	5/5/25	Shepherd Construction
2	235	Kitchen	Kitchen Sink	Sink is missing or not installed within the primary kitchen	No kitchen sink	Mod	5/5/25	Shepherd Construction
2	235	Kitchen	Light Fixtures (Interior)	A kitchen or bathroom is missing a permanently installed light fixture	No light fixtures in unit	Mod	5/5/25	Shepherd Construction
2	235	Kitchen	Refrigerator	Refrigerator is missing		Mod	5/5/25	Shepherd Construction



### Exhibit 3

#### Section 811 File Monitoring Violation Resources and Instructions for CMTS 5170

**Resources:** Training regarding the Section 811 program is available in the “811 PRA” section of <https://www.tdhca.texas.gov/compliance-program-training-presentations>.

**Instructions:** Upload all of the following documentation to the TDHCA 811 Serv-U HTTP System, in the subfolder Corrective Action, within the folder 5170\_AHA at Briarcliff\_2024. This is the same system used to exchange previous documents with the Department’s Section 811 program staff. Do not upload Section 811 documentation to CMTS.

#### UNIT FINDINGS

Unit # 112	Bldg. # 1	BIN # BUILDING 1	
Finding	Failure to conduct annual income recertification (Section 811 PRA only.)		
Noncompliance Date	02/01/2024	Current Status	Uncorrected - Not Reportable to
Reason	IRS A HUD-50059 and documentation supporting the certification for the Annual Recertification due on February 1, 2024 were not found, but was required per Par. 7-5 of the current HUD Handbook 4350.3. By failing to conduct the recertification, the Owner failed to document tenant on-going eligibility for the 811 PRA program.		
Corrective Action	Submit through Serv-U 1) an executed HUD-50059 for the Annual Recertification due on February 1, 2024, 2) documentation screening the family for household composition, student eligibility, income, assets, and eligible deductions, reflecting the circumstances as of February 1, 2024, and 3) necessary verifications and clarifications regarding composition, student eligibility, income, assets, and eligible deductions, reflecting the circumstances as of February 1, 2024. Please note: additional findings of noncompliance may be cited upon review.		
Unit # 112	Bldg. # 1	BIN # BUILDING 1	
Finding	Failure to document, calculate, or collect income and/or rent as required		
Noncompliance Date	12/01/2023	Current Status	Uncorrected - Not Reportable to
Reason	IRS A HUD-50059-A for the gross rent change on December 1, 2023 was not found, but was required per Para. 7-17 and 7-18 of the current HUD Handbook 4350.3. A tenant file and tenant ledger were not found. Without conducting a gross rent change, the property failed to calculate the Tenant Rent, which resulted in unsupportable Tenant Rent charged during this time period.		
Corrective Action	Submit through Serv-U a HUD-50059-A for the gross rent change on December 1, 2023. If the total Tenant Rent charged between December 1, 2023 and January 31, 2024 does not reflect the required Tenant Rent on the HUD-50059-A, submit also: 1) a current tenant ledger with any necessary adjustments, 2) a letter notifying the tenant that during this time period a) the Tenant Rent and b) they are not either owed a refund for any overcharges (in the form of a check or a credit to their ledger per their election) if they overpaid, or are not responsible for any undercharges, and 3) if necessary, documentation to evidence the tenant was refunded as elected.		
Unit # 112	Bldg. # 1	BIN # BUILDING 1	
Finding	Failure to document, calculate, or collect income and/or rent as required		
Noncompliance Date	02/01/2024	Current Status	Uncorrected - Not Reportable to
Reason	IRS A HUD-50059 for the Annual Recertification due on February 1, 2024 was not found, but was required per Par. 7-5 of the current HUD Handbook 4350.3. A tenant file and ledger were not found. Without conducting a recertification, the property failed to calculate the Tenant Rent, which resulted in unsupportable Tenant Rent charged during this time period.		
Corrective Action	Submit through Serv-U a HUD-50059 for the Annual Recertification due February 1, 2024. If the total Tenant Rent charged between February 1, 2024 and June 30, 2024 does not reflect the required Tenant Rent on the HUD-50059, submit also: 1) a current tenant ledger with any necessary adjustments, 2) a letter notifying the tenant that during this time period a) the Tenant Rent and b) they are not either owed a refund for any overcharges (in the form of a check or a credit to their ledger per their election) if they overpaid, or are not responsible for any undercharges, and 3) if necessary, documentation to evidence the tenant was refunded as elected.		

<b>Unit # 132</b>	<b>Bldg. # 1</b>	<b>BIN # BUILDING 1</b>
<b>Finding</b>	Failure to conduct annual income recertification (Section 811 PRA only.)	
<b>Noncompliance Date</b>	07/01/2023	<b>Current Status</b> Uncorrected - Not Reportable to <b>Correction Date</b>
<b>Reason</b>	IRS A HUD-50059 and documentation supporting the certification for the Annual Recertification due on July 1, 2023 were not found, but was required per Par. 7-5 of the current HUD Handbook 4350.3. By failing to conduct the recertification, the Owner failed to document tenant on-going eligibility for the 811 PRA program.	
<b>Corrective Action</b>	Submit through Serv-U 1) an executed HUD-50059 for the Annual Recertification due on July 1, 2023, 2) documentation screening the family for household composition, student eligibility, income, assets, and eligible deductions, reflecting the circumstances as of July 1, 2023, and 3) necessary verifications and clarifications regarding composition, student eligibility, income, assets, and eligible deductions, reflecting the circumstances as of July 1, 2023. Please note: additional findings of noncompliance may be cited upon review.	

  

<b>Unit # 132</b>	<b>Bldg. # 1</b>	<b>BIN # BUILDING 1</b>
<b>Finding</b>	Failure to document, calculate, or collect income and/or rent as required	
<b>Noncompliance Date</b>	12/01/2023	<b>Current Status</b> Uncorrected - Not Reportable to <b>Correction Date</b>
<b>Reason</b>	IRS A HUD-50059-A for the gross rent change on December 1, 2023 was not found, but was required per Para. 7-17 and 7-18 of the current HUD Handbook 4350.3. A tenant file and tenant ledger were not found. Without conducting a gross rent change, the property failed to calculate the Tenant Rent, which resulted in unsupportable Tenant Rent charged during this time period.	
<b>Corrective Action</b>	Submit through Serv-U a HUD-50059-A for the gross rent change on December 1, 2023. If the total Tenant Rent charged between December 1, 2023 and June 30, 2024 does not reflect the required Tenant Rent on the HUD-50059-A, submit also: 1) a current tenant ledger with any necessary adjustments, 2) a letter notifying the tenant that during this time period a) the Tenant Rent and b) they are not either owed a refund for any overcharges (in the form of a check or a credit to their ledger per their election) if they overpaid, or are not responsible for any undercharges, and 3) if necessary, documentation to evidence the tenant was refunded as elected.	

  

<b>Unit # 132</b>	<b>Bldg. # 1</b>	<b>BIN # BUILDING 1</b>
<b>Finding</b>	Failure to document, calculate, or collect income and/or rent as required	
<b>Noncompliance Date</b>	07/01/2023	<b>Current Status</b> Uncorrected - Not Reportable to <b>Correction Date</b>
<b>Reason</b>	IRS A HUD-50059 for the Annual Recertification due on July 1, 2023 was not found, but was required per Par. 7-5 of the current HUD Handbook 4350.3. A tenant file and ledger were not found. Without conducting a recertification, the property failed to calculate the Tenant Rent, which resulted in unsupportable Tenant Rent charged during this time period.	
<b>Corrective Action</b>	Submit through Serv-U a HUD-50059 for the Annual Recertification due July 1, 2023. If the total Tenant Rent charged between July 1, 2023 and November 30, 2023 does not reflect the required Tenant Rent on the HUD-50059, submit also: 1) a current tenant ledger with any necessary adjustments, 2) a letter notifying the tenant that during this time period a) the Tenant Rent and b) they are not either owed a refund for any overcharges (in the form of a check or a credit to their ledger per their election) if they overpaid, or are not responsible for any undercharges, and 3) if necessary, documentation to evidence the tenant was refunded as elected.	