



## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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July 8, 2024

Writer's direct dial: (512) 475-3896  
Email: [bobby.wilkinson@tdhca.state.tx.us](mailto:bobby.wilkinson@tdhca.state.tx.us)

Emanuel H. Glockzin  
Commonwealth Development, Inc  
1570 Crescent Pointe Parkway  
College Station, Texas 77845

RE: APPEAL OF TERMINATION OF 9% HOUSING TAX CREDIT APPLICATION  
#24263 – HWY 77 SENIORS (DEVELOPMENT)

Mr. Glockzin:

The Texas Department of Housing and Community Affairs (Department) received documentation associated with the Application named above on March 1, 2024, which was submitted to compete within the Rural 7 subregion and proposes the New Construction of 24 affordable units in Giddings. Applications are required to provide certain Third-Party Reports, and 10 TAC §11.205 establishes that, "if the reports, in their entirety, are not received by the deadline, the Application may be terminated." The Application for HWY 77 Seniors was terminated on June 27, 2024, because the Market Analysis was not submitted by the due date of April 4, 2024. The Market Analysis has not been submitted as of the issuance of this correspondence.

The Applicant timely appealed the termination notice on July 3, 2024, contending that, because the rule says that the Application "may be terminated," it is within the Executive Director's authority to reinstate it and allow the Application to continue in the review process. The appeal further notes the possibility of no Applications being funded in the Rural 7 subregion, contingent upon this Application and another, unrelated Application termination.

10 TAC §11.1(d)(2)(A) relating to matters that will be treated by Department staff as Administrative Deficiencies states:

For Applications that are substantially complete, a minor quantity of missing signatures, documents, or similar clerical matters, the curing of which will not create change within the Application, unless the missing documentation is required to have existed as of the appropriate deadline and did not, or is otherwise not susceptible to resolution.



I have reviewed the information contained within the appeal and find that the non-submission of the Market Analysis by the deadline exceeds the scope of an Administrative Deficiency, as the Market Analysis did not exist as of the deadline. Because of this, I find that the matter cannot be curable in accordance with the definition of "Administrative Deficiency" found at 10 TAC §11.1(d)(2). Accordingly, your appeal is denied.

In anticipation that you will request that this appeal be heard by the Department's Governing Board, this matter is being included in the agenda for the meeting to be held on July 11, 2024. Please contact the Department as soon as possible if you are satisfied with this response to do not want to appeal directly to the Board.

If you have any questions or concerns, please contact Cody Campbell at [cody.campbell@tdhca.texas.gov](mailto:cody.campbell@tdhca.texas.gov).

Sincerely,

A handwritten signature in blue ink that reads "R D Wil II". The signature is fluid and cursive, with the letters "R", "D", and "Wil" being more prominent, followed by a stylized "II" at the end.

Bobby Wilkinson  
Executive Director