



November 21, 2025

Bobby Wilkinson  
Executive Director  
Texas Department of Housing and Community Affairs  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701  
Email: [bobby.wilkinson@tdhca.state.tx.us](mailto:bobby.wilkinson@tdhca.state.tx.us)

Re: Heights at Crowley, TDHCA #23129 – Request for Extension of Placement in Service Deadline Pursuant to Force Majeure

Dear Mr. Wilkinson,

In September 2023, TX Crowley 2023, Ltd (the “Owner”) received a Commitment Notice from the Texas Department of Housing and Community Affairs (“TDHCA”) for 2023 9% tax credits (Tax Credits) for The Heights at Crowley (the “Development”). Due to the current state of the construction industry, specifically industry-wide shortages of materials and labor and the loan interest rate environment, the anticipated construction schedule for the Development will result in construction completion after the deadline for Placement in Service required by the Commitment Notice, which is December 31, 2025.

Because of materials and labor shortages that are outside the Owner’s control, the Owner is requesting TDHCA approval to utilize the Force Majeure provisions under Section 11.6(5) of the Qualified Allocation Plan (“QAP”) to return the allocation of 2023 9% housing tax credits and request a re-issuance of 2024 9% housing tax credits, resulting in a new Placement in Service deadline of December 31, 2026. Note also that the investor limited partner, R4 Capital, is requesting that the Owner seek this relief in order to close the transaction.

#### Development Summary and Description of Delays

The Heights at Crowley is a 96-unit new construction development for the general population. The Development is located in Fort Worth, in Urban Region 3. The development team has worked diligently to ensure a timely construction start with a realistic construction schedule is implemented. Like many other 2023 awardees, the development has had to manage rising construction cost due to shortages of materials and labor which has caused considerable delays. These construction-related delays have further pushed back the inspections required to receive a certificate of occupancy.



### Force Majeure Considerations

TX Crowley 2023, Ltd meets TDHCA's requirements for the relief requested under Force Majeure as outlined in Section 11.6(5) of the QAP:

- The delays experienced as a result of materials and labor shortages are Force Majeure events that significantly impeded the Owner's ability to engage in construction activities on a timeline that complies with the Placement in Service deadline applicable to the Development.
- The delays were unforeseen circumstances outside of the Owner's control. The initial construction schedule would have allowed the Placement in Service deadline to be met. However, the extension of the construction schedule will not allow the Owner to meet the current Placement in Service deadline.
- The Owner attempted to mitigate the situation by having weekly meetings with the general contractor in order to discuss and resolve matters related to the delays. Solutions to these problems included changes in materials that were readily available and pulling crews from other jobs sites in order to shorten the construction schedule.
- The Development continues to be financially feasible.

Based on the facts outlined above, we believe the Owner has met the QAP requirements for a return and re-issuance of tax credits described in Section 11.6(5). We respectfully request TDHCA Board consideration during the December 11, 2025 board meeting. We are hopeful that staff will recommend approval of this Force Majeure request.

Please contact me at (817)501-9577 or [Chris.Applequist@ghdevelopment.com](mailto:Chris.Applequist@ghdevelopment.com) with any questions.

Sincerely,

TX Crowley 2023, Ltd

By: TX Crowley GP 2023, LLC

By: Generation Housing Partners, LLC

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Chris Applequist, Partner