

**Texas Department of Housing and Community Affairs Governing Board
Board Meeting Minutes Summary
November 9, 2023**

On Thursday, the ninth day of November 2023, at 10:00 a.m., the regular meeting of the Governing Board (Board) of the Texas Department of Housing and Community Affairs (“TDHCA” or “the Department”) was held in the Williamson Board Room of the TxDOT Greer Building, 125 E. 11th Street, Austin, Texas.

The following members, constituting a quorum, were present and voting:

- Leo Vasquez, III, Chair
- Holland Harper
- Kenny Marchant
- Ajay Thomas

Mr. Vasquez served as Chair, and James “Beau” Eccles, TDHCA General Counsel, served as Secretary.

1) The Board unanimously approved the Consent Agenda and Consent Agenda Report items as presented.

2) Action Item 9 – Executive Director’s Report – was presented by Bobby Wilkinson, TDHCA Executive Director. The Board heard the report and took no further action.

3) Action Item 10 – Presentation, discussion, and possible action authorizing the Department to submit an application in response to the U.S. Department of Housing and Urban Development’s Notice of Funding Opportunity for Section 811 Project Rental Assistance for Persons with Disabilities funds, and if successfully awarded to operate such program – was presented by Brooke Boston, TDHCA Deputy Executive Director, with additional information from Mr. Wilkinson. The Board unanimously approved staff recommendation to submit the referenced application to HUD.

4) Action Item 11 – Presentation, discussion, and possible action authorizing amendments to two Texas Homeowner Assistance Fund vendor contracts to extend the length of their contract terms: a contract with CohnReznick for quality assurance and quality control services and a contract with TexHahn Media for outreach and marketing services as required by Texas Government Code, Chapter 2155 – was presented by Ms. Boston with additional information from Mr. Wilkinson. The Board unanimously adopted staff recommendation to approve the contract amendments.

5) Action Item 12 – Presentation, discussion, and possible action on Resolution No. 24-012 authorizing the filing of one or more applications for reservation to the Texas Bond Review Board with respect to Qualified Mortgage Bonds and containing other provisions relating to the

subject – was presented by Scott Fletcher, TDHCA Director of Bond Finance. The Board unanimously adopted staff recommendation to approve the bond resolution.

6) Action Item 13 – Presentation, discussion, and possible action regarding a material amendment to the Housing Tax Credit Application for Gala at Ridgmar (HTC #22251) – was presented by Rosalio Banuelos, TDHCA Director of Asset Management. The Board unanimously approved staff recommendation to adopt the material amendment.

7) Action Item 14 – Presentation, discussion, and possible action regarding awards from the 2023-2 HOME American Rescue Plan Rental Notice of Funding Availability (NOFA) – was presented by Naomi Cantu, TDHCA Director of the HOME-ARP Program, with additional information from Jeanna Adams, TDHCA Director of Real Estate Analysis, and Megan Sylvester, TDHCA Federal Compliance Counsel. Following public comment (listed below), the Board unanimously adopted staff recommendation to approve the award as conditioned in the item.

- Jen Hicks, Tru Casa Consulting, provided information on the item
- Scott Marks, attorney for Duane Morris and counsel for the awardee, provided information on the item

8) Action Item 15 – Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning George Gervin Apartments (HTF FILE # 851X02/ HTF Loan # 7000987040 / CMTS # 2651) and George Gervin - Garden Apartments (HTF FILE # 859X 03/ HTF LOAN # 700851X02 / CMTS # 4206) – was presented by Ysella Kaseman, TDHCA Enforcement Committee Secretary, with additional information from Mr. Wilkinson and Mr. Eccles. The Board adopted an amended Agreed Final Order that assesses administrative penalties subject to partial forgiveness only if the above-mentioned apartments, the George Gervin Apartments and George Gervin Garden Apartments, are compliant with the TDHCA rules for the next 36 months.

9) Action Item 16 – Presentation, discussion, and possible action on the proposed amendment to specific sections of 10 TAC Chapter 10 Subchapter E, Post Award and Asset Management Requirements, and directing its publication for public comment in the *Texas Register* – was presented by Mr. Banuelos with additional information from Mr. Wilkinson. Following public comment (listed below), the Board unanimously adopted the draft rules, as amended at the meeting, to be published for public comment.

- Kathryn Saar, Brownstone Group, provided comment on the item
- Donna Rickenbacker, Marque Development, provided comment on the item

10) Action Item 17 – Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 12, concerning the Multifamily Housing Revenue Bond Rules, and an order adopting new 10 TAC Chapter 12 concerning the Multifamily Housing Revenue Bond Rules, and directing the publication in the *Texas Register* – was presented by Teresa Morales, TDHCA Director of Multifamily Bonds. Following public comment (listed below), the Board

unanimously approved staff recommendation to repeal the existing rules and adopt the new rules referenced in the item.

- Jean Latsha, Pedcor Investments, provided comment on the item

11) Action Item 18 – Presentation, discussion, and possible action to authorize the issuance of the 2024 HOME Investment Partnerships Program Single Family General Set-Aside Notice of Funding Availability and publication of the NOFA in the *Texas Register* – was presented by Abigail Versyp, TDHCA Director of Single Family and Homeless Programs. The Board unanimously approved staff recommendation to issue the referenced NOFA.

12) Action Item 19 – Presentation, discussion, and possible action regarding authorization to take necessary actions with respect to the development and issuance of an invitation for applications for a Veterans' Transitional Housing Pilot Program – was presented by Ms. Versyp. The Board unanimously adopted staff recommendation to develop and issue the application invitation as referenced in the item.

13) Action Item 20 – Presentation, discussion, and possible action on the adoption of the repeal of 10 TAC Chapter 11 concerning the Housing Tax Credit Program Qualified Allocation Plan, adoption of new 10 TAC Chapter 11 concerning the Housing Tax Credit Program Qualified Allocation Plan, and directing their publication for adoption in the *Texas Register* following the statutory opportunity for gubernatorial acceptance, revision, or rejection – was presented by Mr. Cody Campbell, TDHCA Director of Multifamily Finance, with additional information from Mr. Wilkinson, Mr. Eccles, and Ms. Morales.

Following public comment (listed below), the Board unanimously approved staff recommendation to repeal the existing rules and approve adoption of the new rules, as amended at the meeting, to be sent to the Governor for final review, prior to final adoption.

- Kathryn Saar, representing the Texas Affiliation of Affordable Housing Providers (TAAHP), provided comment in opposition to staff recommendation
- Audrey Martin, representing TAAHP, provided comment in opposition to staff recommendation
- Justin Meyer, representing Arx Advantage and TAAHP, provided comment in opposition to staff recommendation
- Darren Smith, Pivotal Housing and Auxano Development, provided comment on the item
- Robbye Meyer, representing Arx Advantage, provided comment in opposition to staff recommendation
- Jen Hicks, representing Tru Casa Consulting and TAAHP, provided comment in opposition to staff recommendation
- Tim Lang, representing Tejas Housing and TAAHP, provided comment in opposition to staff recommendation

- Janine Sisak, representing DMA Development, provided comment in opposition to staff recommendation
- Jason Arechiga, representing NRP and TAAHP, provided comment in opposition to staff recommendation
- Avis Chaisson, representing Palladium USA, provided comments both in support of and opposition to different portions of the draft rules recommended by staff
- Alan Null, developer, provided comment on the item
- Cody Hunt, representing Palladium USA, provided comment in opposition to staff recommendation
- Donna Rickenbacker, representing Marque Development, provided comment on the item
- Tracey Fine, representing National Church Residences, provided comment in opposition to staff recommendation
- Lora Myrick, representing Betco Consulting, provided comment in opposition to staff recommendation
- Cynthia Bast, representing Locke Lord, provided comment on the item
- Lisa Vecchietti, representing Fish Pond Development, provided comment on the item
- Khayree Duckett, representing Dominion, provided comment in opposition to staff recommendation
- Jean Latsha, representing Pedcor Investments, provided comment in opposition to staff recommendation

14) Action Item 21 – Presentation, discussion, and possible action on multiple requests for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events for Applications previously awarded 9% housing tax credits – was presented by Josh Goldberger, TDHCA Manager for the Competitive (9%) Housing Tax Credit Program. Additional information was provided by Mr. Campbell. Following public comment (listed below), the Board unanimously adopted staff recommendation to approve the force majeure credit requests.

- Derek Hamilton, representing Belmont Development, provided comment on the item
- Casey Rendón, representing Gardner Capital, provided comment on the item

Except as noted otherwise, all materials presented to and reports made to the Board were approved, adopted, and accepted. These minutes constitute a summary of actions taken. The full transcript of the meeting, reflecting who made motions, offered seconds, etc., questions and responses, and details of comments, is retained by TDHCA as an official record of the meeting.

There being no further business to come before the Board, the meeting adjourned at 2:07 p.m. The next meeting is set for Thursday, December 7, 2023.

Secretary

Approved:

Chair