

Texas Department of Housing and Community Affairs



Thursday, December 7, 2023

10:00 AM

**Greer Bldg., Williamson Board Room
125 East 11th Street
Austin, TX 78701**

Governing Board

*Leo Vasquez III, Chair
Kenny Marchant, Vice-Chair
Ajay Thomas, Member
Anna Maria Farias, Member
Holland Harper, Member*

CALL TO ORDER**ROLL CALL****CERTIFICATION OF QUORUM**

Pledge of Allegiance - I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Texas Allegiance - Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

CONSENT AGENDA

Items on the Consent Agenda may be removed at the request of any Board member and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion or approval at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Chapter 551 of the Tex. Gov't Code, Texas Open Meetings Act. Action may be taken on any item on this agenda, regardless of how designated.

EXECUTIVE

1. Presentation, discussion, and possible action on the Board meeting minutes summaries for October 26, 2023, and November 9, 2023 Beau Eccles

ASSET MANAGEMENT

2. Presentation, discussion, and possible action regarding a material amendment to the Housing Tax Credit Application for Canyon Pass (HTC #20474) Rosalio Banuelos
3. Presentation, discussion, and possible action regarding a material amendment to the Housing Tax Credit Application for Grand Station (HTC #20476) Rosalio Banuelos
4. Presentation, discussion, and possible action regarding a material amendment to the Housing Tax Credit Application for Azalea Trails (HTC #22312) Rosalio Banuelos

RULES

5. Presentation, discussion, and possible action on an order proposing amendments to 10 TAC Chapter 2, Enforcement, Subchapter A General, Subchapter C Administrative Penalties, and Subchapter D, Debarment from Participation in Programs Administered by the Department, and directing their publication for public comment in the Texas Register Brooke Boston

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| 6. | Presentation, discussion, and possible action on an order proposing amendments to 10 TAC Chapter Chapter 8, Project Rental Assistance Program Rule, §8.4, Qualification Requirements for Existing Developments, and directing its publication for public comment in the Texas Register | Brooke Boston |
| 7. | Presentation, discussion, and possible action on order proposing the repeal of 10 TAC Chapter 23, Single Family HOME Program, and orders proposing new 10 TAC Chapter 23, Single Family HOME Program Rules, and directing their publication for public comment in the Texas Register | Abigail Versyp |
| 8. | Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 24, Texas Bootstrap Loan Program Rule, and an order proposing new 10 TAC Chapter 24, Texas Bootstrap Loan Program Rule, and directing their publication for public comment in the Texas Register | Abigail Versyp |
| 9. | Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 20, Single Family Programs Umbrella Rule, and an order proposing new 10 TAC Chapter 20, Single Family Programs Umbrella Rule, and directing their publication for public comment in the Texas Register | Abigail Versyp |
| 10. | Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 26, Texas Housing Trust Fund Rule, and an order proposing new 10 TAC Chapter 26, Texas Housing Trust Fund Rule, and directing their publication for public comment in the Texas Register | Abigail Versyp |

MULTIFAMILY FINANCE

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| 11. | Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 13, Multifamily Direct Loan Rule, and an order adopting the new 10 TAC Chapter 13, Multifamily Direct Loan Rule, and directing its publication in the Texas Register for adoption | Connor Jones |
| 12. | Presentation, discussion, and possible action regarding the approval for publication in the Texas Register of the 2024-1 Multifamily Direct Loan Notice of Funding Availability | Connor Jones |

CONSENT AGENDA REPORT ITEMS

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| 13. | Media Analysis and Outreach Report, October 2023 | Michael Lyttle |
| 14. | Report on the Draft Computation of Housing Finance Division Total and Unencumbered Fund Balances and Transfers to the State of Texas Housing Trust Fund. | Joe Guevara |

ACTION ITEMS

Executive Session: the Chair may call an Executive Session at this point in the agenda in accordance with the below-cited provisions

EXECUTIVE

15. Executive Director's Report Bobby Wilkinson

INTERNAL AUDIT

16. Report on the Meeting of the Internal Audit and Finance Committee Ajay Thomas
Board Member
17. Presentation, Discussion and Possible Action on approval of the Fiscal Year 2024 Internal Audit Work Plan. Mark Scott

ACTION REPORT ITEMS

18. Report and Presentation on TDHCA One-Time or Temporary Allocations - Pandemic Response and Other Initiatives Brooke Boston
19. Quarterly report relating to staff-issued Determination Notices for 2023 Non-competitive 4% Housing Tax Credit applications Teresa Morales

ASSET MANAGEMENT

20. Presentation, discussion, and possible action regarding a material amendment to the Housing Tax Credit Application for Lalita Senior Living (HTC #22227) Rosalio Banuelos
21. Presentation, discussion, and possible action regarding a material amendment to the Housing Tax Credit Application for 380 Villas (HTC #22609) Rosalio Banuelos

COMMUNITY AFFAIRS

22. Presentation, discussion, and possible action regarding authorization to release a Notice of Funding Availability for 2024 Community Services Block Grant Discretionary funds for education and employment initiatives for Native American and migrant seasonal farm worker populations Gavin Reid
23. Presentation, discussion, and possible action regarding authorization to reissue a Notice of Funding Availability for the 2024 Reentry Activities Pilot Program funded with Community Services Block Grant Discretionary funds Gavin Reid
24. Presentation, discussion, and possible action on a timely filed appeal to the Board under the Texas Department of Housing and Community Affairs' Request for Applications to administer the Bipartisan Infrastructure Law Department of Energy Weatherization Assistance Program Gavin Reid

25. Presentation, discussion, and possible action on the selection of International Center for Appropriate and Sustainable Technology to administer the Bipartisan Infrastructure Law Department of Energy Weatherization Assistance Program in El Paso and Hudspeth counties and authorization to re-release a Request for Applications

Gavin Reid

HOUSING RESOURCE CENTER

26. Presentation, discussion, and possible action on the draft 2024 State of Texas Low Income Housing Plan and Annual Report; proposed repeal of 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.23 concerning State of Texas Low Income Housing Plan and Annual Report; proposed new 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.23 concerning State of Texas Low Income Housing Plan and Annual Report; and directing their publication for public comment in the Texas Register

Elizabeth Yevich

LEGAL

27. Presentation, discussion, and possible action on recommendation to debar multiple parties for conduct relating to The Jones (HTC 93063 / CMTS 1137), and the adoption of an Agreed Final Order assessing an administrative penalty

Ysella Kaseman

MULTIFAMILY FINANCE

28. Presentation, discussion, and possible action on the adoption of the 2024 Multifamily Programs Application Procedures Manual
29. 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
30. Presentation, discussion, and possible action regarding a Material Amendment of the Housing Tax Credit Application of HTC #23013 The Laurel at Blackhawk.
31. Presentation, discussion, and possible action on amendment to the loan terms and waivers of 10 TAC Chapter 13 for Rio Manor (22204)
32. Presentation, discussion, and possible action regarding approval of an Invitation to Apply for Neighborhood Stabilization Program funding
33. Presentation, discussion, and possible action on an amendment to the 2023 One Year Action Plan regarding distribution and allocation priorities for the Department's multifamily Housing Trust Fund and HOME funds

Josh Goldberger

Josh Goldberger

Cody Campbell

Cody Campbell

Cody Campbell

Connor Jones

34. Presentation, discussion, and possible action regarding an award of Multifamily Direct Loan funds to Providence on Park (23509)

Connor Jones

PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS

The Board may go into Executive Session Pursuant to Tex. Gov't Code §551.074 for the purposes of discussing personnel matters including to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

Pursuant to Tex. Gov't Code §551.071(1) to seek the advice of its attorney about pending or contemplated litigation or a settlement offer;

Pursuant to Tex. Gov't Code §551.071(2) for the purpose of seeking the advice of its attorney about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Tex. Gov't Code Chapter 551; including seeking legal advice in connection with a posted agenda item;

Pursuant to Tex. Gov't Code §551.072 to deliberate the possible purchase, sale, exchange, or lease of real estate because it would have a material detrimental effect on the Department's ability to negotiate with a third person; and/or

Pursuant to Tex. Gov't Code §2306.039(c) the Department's internal auditor, fraud prevention coordinator or ethics advisor may meet in an executive session of the Board to discuss issues related to fraud, waste or abuse.

OPEN SESSION

If there is an Executive Session, the Board will reconvene in Open Session. Except as specifically authorized by applicable law, the Board may not take any actions in Executive Session.

ADJOURN

To access this agenda and details on each agenda item in the board book, please visit our website at www.tdhca.state.tx.us or contact Michael Lyttle, 512-475-4542, TDHCA, 221 East 11th Street, Austin, Texas 78701, and request the information. If you would like to follow actions taken by the Governing Board during this meeting, please follow TDHCA account (@tdhca) on Twitter.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Nancy Dennis, at 512-475-3959 or Relay Texas at 1-800-735-2989, at least five days before the meeting so that appropriate arrangements can be made. Non-English speaking individuals who require interpreters for this meeting should contact Danielle Leath, 512-475-4606, at least five days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Danielle Leath, al siguiente número 512-475-4606 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

This will be an open, public meeting conducted under Tex. Gov't Code, chapter 551, without COVID-19 emergency waivers. There will not be a remote online or telephone option for public participation. The meeting, however, will be streamed online for public viewing. Masks will be available for members of the public who wish to attend this public meeting.