

October 29, 2024

VIA EMAIL DELIVERY

Cody Campbell
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701-2410

Re: Vista at Thousand Oaks (the "**Property**")
TDHCA File No. 22063

Greetings:

We represent Vista at Thousand Oaks, L.P. ("**Owner**"), which received a commitment of low-income housing tax credits ("**Tax Credits**") in the 2022 9% competitive cycle. The Property closed its construction debt and Tax Credit equity financing on April 26, 2023, and Owner issued its Notice to Proceed to commence construction on the same day. Construction was initially scheduled to be completed on September 4, 2024; but, due to delays outside Owner's control, construction completion is now scheduled for November 19, 2024. The Property's placement-in-service deadline is currently December 31, 2024. In order to provide some room for any further delays, Owner is hereby proactively requesting relief to extend the placement-in-service deadline to March 31, 2025.

During the Property's construction the builder experienced material weather delays, resulting in a delay of approximately 54 days. As is typical on similarly-situated properties, the initial project schedule accounted for one rain day per week. These unexpected weather delays affected early construction activities such as framing, roofing, and paving, which have knock-on effects for other trades completing their subsequent work. Additionally, CPS Energy caused certain extended installations, resulting in a delay of an additional 22 days. The initial assumptions for the Property were based on a 7-day installation period for CPS to install meters in the three sections of the Property. This assumption was made after the pre-construction meetings with CPS during the design and development phase. However, due to current market conditions, the lead time for meter installation and project energization has increased. The waiting period is now 16 days for aluminum cable electrical services and 21 days for copper cable services. This extended duration impacts critical milestones, particularly the Hot Punch and HVAC start activities, which are key to the overall Property completion. Attached as Exhibit A is a Time Impact Analysis performed by a construction scheduler detailing the impact of these delays.

Relief Sought

Owner currently anticipates construction of the Property will be completed on November 19, 2024, but if there are any additional delays, Owner will risk meeting its placement-in-service deadline. Therefore, as a safety precaution, Owner is proactively seeking a three-month extension and is hereby

submitting this request to return the Tax Credits and that TDHCA reallocate the Tax Credits in the current year pursuant to the "Force Majeure" provisions in Section 11.6(5) of the 2022 Qualified Allocation Plan (the "**QAP**").

Factors for Consideration

In accordance with Section 11.6(5) of the QAP, we believe Owner meets TDHCA's requirements for the relief sought, in that:

1. The delay imposed by weather and the extended CPS Energy installations are a "force majeure" event that materially impeded Owner's ability to timely complete construction.
2. Owner could not have reasonably anticipated the extended weather delays or CPA energy installations caused by meter installation and project energization lead times.
3. Owner has endeavored to mitigate the delays and still currently anticipates completing construction in time, but any further delays would put that in jeopardy.
4. Owner believes there is a reasonable risk that it will not be able to meet the placement in service deadline because of the delays experienced.
5. The Property continues to be financially viable and on-target to meet other deadlines.

We believe Owner has satisfied TDHCA's requirements for a reallocation of Tax Credits under Section 11.6(5) of the QAP and requests that this matter be considered at the next available Board meeting with a recommendation for approval. If additional information is required, please feel free to contact us.

Sincerely,

A handwritten signature in blue ink, reading "Samuel R. Hager". The signature is fluid and cursive, with a long horizontal line extending to the right.

cc: Vista at Thousand Oaks, L.P

Attachment A

Vista at Thousand Oaks Weather and CPS Time Impact Analysis

October 23, 2024

SCOPE OF WORK: Solaris Project Solutions was asked to complete a Time Impact Analysis for the weather delays and CPS - extended installation for the Vista at Thousand Oaks project.

Weather Delays

Between November and May, the project experienced 41 working days of rain-related delays, resulting in an overall impact of 54 calendar days to the project schedule. These delays primarily affected weather-sensitive activities including paving, framing and roofing.

CPS Extended Installation Delay

The CPS installation process required an additional 16 working days, which extended the project timeline by 22 calendar days.

The Time Impact Analysis (TIA) method involves the insertion or addition of activities indicating delays or changes in a schedule. This allows for an assessment of the impact of those activities only.

OBSERVATIONS: Solaris Project Solutions conducted this TIA using Schedule Update 28, the latest schedule update available prior to the identification of these delays. The data date for this update is November 10, 2023.

OVERALL SCHEDULE IMPACT: According to Schedule Update 28, the project was originally forecasted to be completed by September 4, 2024. To accurately reflect the delays encountered, new activities have been integrated into the schedule, as shown in the blue box below. These adjustments have extended the critical path by 76 calendar days, shifting the projected completion date to November 19, 2024.

Activity ID	Activity Name	Update 28 Start	Update 28 Finish	TIA Start	TIA Finish	Original Duration	
Vista at Thousand Oaks Weather and CPS TIA							
Project Milestones							
A1030	NTP - START OF CONSTRUCTION	27-Apr-23	04-Sep-24	27-Apr-23 A	19-Nov-24	399	
A1280	Building Dry-In	27-Apr-23	26-Feb-24	27-Apr-23 A	04-Apr-24	0	
A1310	Drywall Begins	02-Apr-24		24-May-24		0	
A1830	Final Completion - Overall Project		04-Sep-24		19-Nov-24*	0	
Delays							
A8750	November Weather Days	05-Oct-23	27-Oct-23	16-Nov-23	16-Aug-24	191	
A8760	December Weather Days	05-Oct-23	06-Oct-23	18-Dec-23	29-Dec-23	8	
A8770	January Weather Days	26-Oct-23	26-Oct-23	26-Jan-24	01-Feb-24	4	
A8800	March Weather Days			12-Mar-24	25-Mar-24	9	
A8780	May Weather Days	27-Oct-23	27-Oct-23	01-May-24	15-May-24	10	
A8790	CPS - extended installation duration			25-Jul-24	16-Aug-24	16	
Construction							
Site Electrical							
A3670	Rough Grade	10-Nov-23	14-Nov-23	10-Nov-23	14-Nov-23	2	
Paving							
Paving Section 1							
A3500	Final Grading/Subbase	14-Nov-23	21-Nov-23	14-Nov-23	06-Dec-23	15	
A3510	Utility Adjustment and Electrical Secondaries	14-Nov-23	04-Dec-23	14-Nov-23	18-Dec-23	23	
Paving Section 2							
A3550	Utility Adjustments and Electrical Secondaries	21-Nov-23	27-Nov-23	06-Dec-23	11-Dec-23	3	
Paving Section 3							
A3590	Utility Adjustments	27-Nov-23	04-Dec-23	11-Dec-23	18-Dec-23	5	
A3610	Inspect	27-Nov-23	30-Nov-23	11-Dec-23	14-Dec-23	3	
A3620	Pour	30-Nov-23	01-Dec-23	14-Dec-23	15-Dec-23	1	
A3600	Reinforce	30-Nov-23	04-Dec-23	14-Dec-23	18-Dec-23	2	
Building							
Structural							
Framing							
A1220	1 - Framing - 1st Floor	11-Dec-23	14-Feb-24	29-Dec-23	12-Mar-24	51	
		11-Dec-23	18-Dec-23	29-Dec-23	08-Jan-24	5	