

February 13, 2026

Mr. Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

Re: Waiver Request for Park at Fort Bend, TDHCA #26401 (aka #99017T), 2026 4% Housing Tax Credit Application – 10 TAC §11.101(b)(8)(E) Accessible Unit Sizes

Dear Mr. Wilkinson,

Park at Fort Bend is an existing housing tax credit development providing 250 one-, two-, and three-bedroom units. All existing two- and three- bedroom units are two-story townhome style units. Accessible units were not incorporated into the original design for the two- and three- bedroom unit varieties. The proposed two-bedroom mobility accessible units are provided with two full bathrooms. The mobility accessible two-bedroom/two-bathroom unit is smaller than the smallest non-accessible two-bedroom townhouse style unit with two full bathrooms. Similarly, the mobility accessible three-bedroom units are provided with two full bathrooms. The mobility accessible three-bedroom/two-bathroom unit is smaller than the smallest non-accessible three-bedroom townhouse style unit with two full bathrooms.

In the review of the square footage, there are two factors affecting the square footage of the accessible two- and three-bedroom units. First, square footage for the stairs at the non-accessible units are added into the square footage of the unit, whereas on accessible units the interior entry area and stairs are being added to the above unit and thus subtracted from the accessible unit. The second factor is that the second floor of all the townhouse units have overhangs and a larger footprint. Therefore, when the proposed accessible units are keeping the existing first floor footprint, these are smaller than the second floor.

It is the goal of the project to not only provide a better living environment with equivalent numbers of units, but to also provide accessible units for residents needing two- and three-bedroom units where none existed previously.

This request will demonstrate that the Park at Fort Bend development meets all criteria necessary for granting a waiver of 10 TAC §11.101(b)(8)(E), including how the proposed development will further the purposes and policies of TDHCA's governing statute, Chapter 2306 (10 TAC §11.207).

Development Plan Summary

Park at Fort Bend is an existing 250-unit TDHCA tax credit development serving the general population, and proposed for acquisition and rehabilitation using an allocation of 2026 4% housing tax credits. Park at Fort Bend was originally awarded tax credits in 1999, and is currently in the Extended Use Period of the recorded Declaration of Land Use Restrictive Covenants/Land Use Restriction Agreement for Low-Income Housing Credits dated August 22, 2002. The redevelopment of the property will include interior and exterior improvements to all residential buildings at the property, as well improvements to common amenities in order to preserve the availability of quality affordable housing units for the next 30 years.

Accessibility Rule

10 TAC §11.101(b)(8)(E) lists the accessibility requirements for multifamily developments utilizing tax credits.

(E) For all Developments other than Direct Loan Developments, for the purposes of determining the appropriate distribution of accessible Units across Unit Types, assuming all the Units have similar features only the number of Bedrooms and Full Bathrooms will be used to define the Unit Type, ***but accessible Units must have an equal or greater square footage than the square footage offered in the smallest non-accessible Unit with the same number of Bedrooms and Full Bathrooms.*** [emphasis added]

As reflected in the Accessible Mobility Units Calculation and Accessible Hearing/Visual Units Calculation exhibits, the applicant, Park at Fort Bend (TX) Owner LP will provide the required 5% mobility units and 2% hearing/visual accessible units, all in proportional distributions across units of the same number of bedrooms. The applicant is requesting TDHCA approval for:

- A waiver of the requirement that the mobility accessible two-bedroom/two-bathroom and three-bedroom/two-bathroom units have an equal or greater square footage than the square footage offered in the smallest non-accessible Unit with the same number of bedrooms and full bathrooms.

Conclusion

The current design conditions of Park at Fort Bend preclude the provision of two-bedroom/two-bathroom and three-bedroom/two-bathroom mobility accessible units that have equal or greater square footage than the square footage offered in the smallest non-accessible Unit with the same number of bedrooms and full bathrooms. Therefore, the current design conditions preclude the satisfaction of the accessible unit size requirements of 10 TAC §11.101(b)(8)(E).

The Applicant respectfully requests that a waiver of 10 TAC §11.101(b)(8)(E) be granted. In accordance with 10 TAC § 11.207(2), a waiver must establish how granting the waiver will better serve specific sections of the TDHCA's governing statute, Chapter 2306, than not granting the waiver. Below is a citation for each provision in which Park at Fort Bend assists TDHCA in carrying out its mission.

Sec. 2306.001. PURPOSES. The purposes of the department are to: (1) assist local governments in: (A) providing essential public services for their residents; and (B) overcoming financial, social, and environmental problems;

Sec. 2306.001. PURPOSES. The purposes of the department are to: ... (2) provide for the housing needs of individuals and families of low, very low, and extremely low income and families of moderate income;

Sec. 2306.002. POLICY. (a) The legislature finds that: ... (2) government at all levels should be involved in assisting individuals and families of low income in obtaining a decent, safe, and affordable living environment; and

Sec. 2306.6701. PURPOSE. The department shall administer the low income housing tax credit program to: (1) encourage the development and preservation of appropriate types of rental housing for households that have difficulty finding suitable, affordable rental housing in the private marketplace;

Sec. 2306.6701. PURPOSE. The department shall administer the low income housing tax credit program to: ... (3) prevent losses for any reason to the state's supply of suitable, affordable residential rental units by enabling the rehabilitation of rental housing or by providing other preventive financial support under this subchapter; and

Park at Fort Bend is currently subject to rent and income restrictions associated with its initial development utilizing low-income housing tax credits. These restrictions will expire in 2031. As the property moves further into its Extended Use Period, more substantial rehabilitation as described in the tax credit application is needed to preserve the property. Park at Fort Bend currently provides 250 units of affordable housing in the City of Stafford's Extra Territorial Jurisdiction, Fort Bend County. Approving this waiver to preserve these affordable units, and extend the affordability period for this development would be consistent with the purpose and mission of TDHCA. In the absence of a waiver, it is likely that any rehabilitation of the property would be implemented outside the scope of any formal affordability regime, after expiration of the current income and rent restrictions, and that these affordable units would eventually be lost from the housing tax credit program.

This request for a waiver meets all elements of the QAP's provisions governing the granting of a waiver. Therefore, we respectfully request that staff and the board support any necessary waiver of 10 TAC §11.101(b)(8)(E). We believe that Park at Fort Bend, as a current low-income tax credit property with unique design characteristics, meets the waiver requirements set forth in the QAP. Should additional information to support this waiver request be necessary, we will make every effort to provide the information in a timely manner. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brad Fisher', with a long horizontal line extending to the right.

Brad Fisher
Authorized Representative, Park at Fort Bend (TX) Owner LP