

# BOARD MEETING OF JUNE 13, 2013

**J. Paul Ozer, Chair**



Juan Muñoz, Vice-Chair  
Leslie Bingham Escareño, Member  
Lowell Keig, Member  
J. Mark McWatters, Member  
Tom Gann, Member

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
BOARD MEETING

A G E N D A

9:00 a.m.  
June 13, 2013

Dewitt C. Greer Building  
Ric Williamson Hearing Room, 125 E. 11<sup>th</sup> Street, Austin, TX

CALL TO ORDER, ROLL CALL  
CERTIFICATION OF QUORUM

J. Paul Ozer, Chairman

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

Adoption of Resolution No. 13-035 recognizing June as Home Ownership Month and announcement of Lenders and Loan Officers of the Year

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 Texas Government Code, Chapter 551, Texas Open Meetings Act.

ITEM 1: APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

**EXECUTIVE:**

- a) Presentation, Discussion, and Possible Action on the Board Minutes Summary for May 9, 2013
- b) Presentation, Discussion, and Possible Action to approve the dissolution of certain Governing Board committees and designation of Governing Board liaisons for certain management activities

Barbara Deane  
Board Secretary

**RULES:**

- c) Presentation, Discussion, and Possible Action on the re-adoption of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.4, concerning Protest Procedures for Contractors, pursuant to Texas Government Code §2001.039, and directing its publication in the *Texas Register*

Brooke Boston  
DED SF, CA & Metrics

**BOND FINANCE:**

- d) Presentation, Discussion, and Possible Action on Resolution No. 13-037 authorizing a Mortgage Credit Certificate Program (MCC) for first-time homebuyers (Program 81) along with related program documents to be administered by the Texas Department of Housing and Community Affairs
- e) Presentation, Discussion, and Possible Action on Resolution No. 13-038 authorizing amendments to Program 79 program documents to address HUD requirements regarding the Department's provision of down payment assistance

Tim Nelson  
Dir. Bond Finance

**TEXAS HOMEOWNERSHIP PROGRAM:**

- f) Presentation, Discussion, and Possible Action on the Single Family Mortgage Loan and Mortgage Credit Certificate (MCC) Programs Participating Lender List

Eric Pike  
Dir. Texas  
Homeownership

**MULTIFAMILY**

**Cameron Dorsey**  
Dir. Multifamily Finance

- g) Presentation, Discussion, and Possible Action on Inducement Resolution No. 13-036 for Multifamily Housing Revenue Bonds and an Authorization for Filing Applications for Private Activity Bond Authority – 2013 Waiting List

13601	Northcrest Apartments	Big Spring
13602	Pine Haven Apartments	Marshall
13603	Central Village Apartments	Plainview

- h) Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

13400	Villas at Colt Run	Houston
13407	The Gateway Northwest	Georgetown

**COMMUNITY AFFAIRS:**

**Michael DeYoung**  
Assist. DED, Network & Customer Service

- i) Presentation, Discussion, and Possible Action on Approval of the draft Community Services Block Grant Application and State Plan for Fiscal Years 2014 - 2015 and directing it for publication in the *Texas Register* for public comment

**HOME:**

**Jennifer Molinari**  
Dir. HOME

- j) Presentation, Discussion, and Possible Action on HOME Investment Partnerships Program (HOME) Amendments

1001548	City of Carrizo Springs	Carrizo Springs
1001425	City of Palacios	Palacios
1001391	City of Center	Center
1001355	City of Eagle Lake	Eagle Lake
1001550	City of Andrews	Andrews
1001395	City of Kilgore	Kilgore
1001213	Comm. Dev. Corp. Brownsville	Brownsville

**HOUSING TRUST FUND:**

**Homero Cabello**  
Dir. OCI/HTF

- k) Presentation, Discussion, and Possible Action on the approval of the proposed 2014 - 2015 Housing Trust Fund (HTF) Biennial Plan

**PROGRAM, PLANNING, POLICY, AND METRICS:**

**David Johnson**  
Manager, Program Planning, Policy & Metrics

- l) Presentation and Discussion on the Department Snapshot tool for the Neighborhood Stabilization Program (NSP)

**REPORT ITEMS:**

The Board accepts the following reports:

- Executive Report of Multifamily Program Amendments, Extensions, and Ownership Transfers
- Status Report on the HOME Program Contracts and Reservation System Participants
- Report on the status of the Community Services Agency of South Texas contracts for CEAP and CSBG
- Status Report and Clarification on the CSBG Discretionary NOFA funding amount for Transitional Funding for Migrant and Seasonal Farm Workers entities
- Report on Request for Qualifications (RFQs) for outside counsel for Single-family and Multifamily Bond Counsel, Low Income Housing Tax Credit Counsel, and Loan Document Preparation Counsel

**Cari Garcia**  
Dir. Asset Management

**Jennifer Molinari**  
Dir. HOME

**Michael DeYoung**  
Assist. DED, Network & Customer Service

**Michael DeYoung**  
Assist. DED, Network & Customer Service

**Jeffrey Pender**  
Deputy General Counsel

6. Report on a Request For Proposal (RFP) for a Master Servicer for the Single Family Mortgage Loan Program
7. Report on a Request For Proposal (RFP) for a Program Administrator for the Single Family Mortgage Loan and Mortgage Credit Certificate (MCC) Programs
8. TDHCA Outreach Activities, May 2013

**Eric Pike**  
Dir. Texas  
Homeownership

**Eric Pike**  
Dir. Texas  
Homeownership

**Michael Lyttle**  
Chief of External Affairs

**ACTION ITEMS:**

**ITEM 2: APPEALS:**

Presentation, Discussion, and Possible Action on Timely Filed Appeals under any of the Department's Program or Underwriting Rules

**Cameron Dorsey**  
Dir. Multifamily Finance

13000	Delta Estates Apartments	Edcouch
13018	Hudson Providence	Hudson
13081	River Bank Village	Laredo
13124	Serenity Place Apartments	Dallas
13138	Mariposa at Woodbridge	Wylie
13139	Stonebridge of Plainview	Plainview
13187	Barron's Branch	Waco

**ITEM 3: MULTIFAMILY FINANCE DIVISION:**

a) Presentation, Discussion, and Possible Action regarding Preclearance requests for Community Revitalization Plans filed with Pre-Applications in the 2013 Competitive Housing Tax Credit Cycle

**Cameron Dorsey**  
Dir. Multifamily Finance

13044	Villas of Vanston Park	Mesquite
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b) Presentation, Discussion, and Possible Action to Issue a list of Approved Applications for Housing Tax Credits ("HTC") in accordance with §2306.6724(e) of the Texas Government Code

13000	Delta Estates Apartments	Edcouch
13001	Sunset Place Apartments	Malakoff
13003	Crossing at Oak Grove	Kerens
13004	Stone Creek Apartments	Kilgore
13005	Tower Village	Nacogdoches
13006	Country Place Apartments	Atlanta
13007	Spring Creek Apartments	Linden
13010	Plum Creek Estates	Amarillo
13011	Villas at Henderson	Henderson
13013	Ana's Cove	Pleasanton
13016	Westridge	Midland
13018	Hudson Providence	Hudson
13020	The Manor at Currey Creek	Boerne
13021	The Manor at Commerce Park	Belton
13022	Liberty Manor	Liberty Hill
13023	Patriot's Crossing (fka Veteran's Place)	Dallas
13026	The Huntington at Sienna Plantation	Missouri City
13032	StoneLeaf at Eustace	Eustace
13033	StoneLeaf at Fairfield	Fairfield
13037	The Preserve at the Crossing	Tyler
13042	The Cottages at South Acres	Houston
13043	Progress Senior Living	Odessa
13044	Villas of Vanston Park	Mesquite
13045	Evergreen at Murphy Senior Community	Murphy
13046	La Esperanza Del Rio	Rio Grande City ETJ



13047	GardenWalk of La Grange, Schulenburg, and Weimar	La Grange, Schulenburg, and Weimar
13048	Shepherd Seniors Apartments	Shepherd
13051	Royal Gardens	Rio Grande City
13052	Southfork Plantation	Manvel
13053	Heritage Plaza	Montgomery
13058	Evergreen at Hebron Senior Community	Hebron
13059	Timberbrook Village	Willis
13062	The Retreat at Westlock	Tomball (Houston ETJ)
13064	HomeTowne on Magnolia	Savannah
13068	Mayorca Villas	Brownsville
13069	Grand Manor Apartments	Tyler
13071	Windy Ridge Apartments	Austin
13073	Lakeland Villas	Athens
13077	KIRON at Spring	Spring
13081	River Bank Village	Laredo
13082	Woodland Creek Apartments	Corpus Christi
13087	Villas del Rio	Rio Grande City
13088	Riverwood Apartments	Three Rivers
13089	Pinewood Park	Lufkin
13090	Residences at Caruth Lake	Rockwall
13091	Heritage Park Vista - Phase Two	Fort Worth
13096	Laureles del Este	Fabens
13097	Eastpointe Estates	El Paso
13098	Meadow Heights	El Paso
13099	Villas at West Mountain	El Paso
13100	Villages of Penitas	Penitas
13102	Reserve at McAlister	Fort Worth
13106	Playa Lake Apartments	Lubbock
13108	Skyway Studios	Austin
13109	Homestead Apartments	Austin
13110	El Dorado Green Apartments	Houston
13112	Liberty Trails Townhomes	Liberty Hill
13113	Reserve at Arcola Senior Living	Arcola
13114	Abbingtion Estates	Canton
13115	Abbingtion Meadows	Howe
13117	Red Bluff Apartment Homes	Houston
13118	Oak Ridge Apartments	Nolanville
13119	Emma Finke Villas	Beeville
13124	Serenity Place Apartments	Dallas
13125	Songhai at West Gate	Austin
13128	Winchester Arms Apartments	Comanche
13129	Rose Meadows Apartments	Levelland
13130	North Desert Palms	El Paso
13131	Montana Vista Palms	El Paso
13132	San Elizario Palms II	San Elizario
13133	Verde Palms	El Paso
13136	Concho Villas	San Angelo
13137	Mariposa at Ranch Road 12	Wimberley
13138	Mariposa at Woodbridge	Wylie
13139	Stonebridge of Plainview	Plainview
13140	Villas at Justin	Justin
13142	The Hills of Pflugerville	Pflugerville
13143	The Hamilton	Houston
13144	Mariposa at Pecan Park	La Porte
13145	Mariposa at Elk Drive	Burleson
13147	Eagles Crossing Apartments	Hillsboro
13151	Lafayette Plaza	Houston
13152	KIRON at Aubrey	Aubrey
13154	Trosper Apartments	Alton
13159	4800 Berkman	Austin

13160	Sands Terrace Apartments	Monahans
13166	Artspace El Paso Lofts	El Paso
13167	Freedoms Path at Kerrville	Kerrville
13173	Canton Village Homes	Canton
13177	Rosewood Apartments	Three Rivers
13180	Mission Village of Pecos	Pecos
13183	Newport Village	Crosby
13184	The Village at Forney Crossing	Forney
13186	Desoto Senior Living	Desoto
13187	Barron's Branch	Waco
13192	Shaenfield Apartments	San Antonio
13193	Balcones Lofts	Balcones Heights
13196	Emerald Village	San Antonio
13201	The Trails at Carmel Creek	Hutto
13203	Providence on Major	Beaumont
13207	Pecan Creek Village	Lampasas
13211	Mustang Springs Apartments	Andrews
13212	Prairie Village	El Campo
13213	Bailey Square	Cuero
13214	Flora Street Lofts	Dallas
13222	Gardens at Friendswood Lakes II	Friendswood
13223	Campanile at Jones Creek	Richmond
13232	Pine Lake Estates	Nacogdoches
13234	Wynnewood Family Housing	Dallas
13235	Pinecrest Park	Kilgore
13240	Summit Place	Dallas
13242	Saige Meadows	Tyler
13245	The Reserves at Sawgrass	Pampa
13246	The Reserves at Maplewood	Wichita Falls
13247	The Reserves at South Plains	Lubbock
13249	Old Town Plaza Apartments	Lewisville
13250	Hidden Glen	Salado
13251	River Terrace	Bastrop
13252	Oak Creek Village	Austin
13254	Rice Senior Housing	El Campo
13256	4320 Lofts	Houston
13259	The Millennium - McKinney	McKinney
13262	Paso Fino Apartment Homes	San Antonio
13263	Sunland Apartments	Combes
13270	Bella Terra Apartments	Brownsville
13273	Richland Meadows Apartments	San Antonio
13275	Bella Vista Apartments	Edinburg
13281	Sunquest Apartments	Primera

**PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS. PUBLIC COMMENT MAY INCLUDE REQUESTS THAT THE BOARD PLACE SPECIFIC MATTERS ON FUTURE AGENDAS FOR CONSIDERATION.**

**EXECUTIVE SESSION**

The Board may go into Executive Session (close its meeting to the public) with regard to any posted item.

**J. Paul Oxer**  
Chairman

1. Pursuant to Tex. Gov't. Code, §551.074 the Board may go into Executive Session 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
2. Pursuant to Tex. Gov't. Code, §551.071(1) the Board may go into Executive Session to seek the advice of its attorney about pending or contemplated litigation or a settlement offer, including:
  - a) *The Inclusive Communities Project, Inc. v. Texas Department of Housing and Community Affairs, et al, filed in federal district court, Northern District of Texas*

3. Pursuant to Tex. Gov't. Code, §551.071(2) the Board may go into Executive Session 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:
  - a) *Attorney General Opinion Request RQ-1106-GA, Rep. Leticia Van de Putte*
4. Pursuant to Tex. Gov't. Code, §551.072 the Board may go into Executive Session 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-
5. Pursuant to Tex. Gov't. Code, §2306.039(c) the Board may go into Executive Session to receive reports from the internal auditor, fraud prevention coordinator, or ethics advisor and discuss issues related to fraud, waste or abuse.

#### **OPEN SESSION**

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

#### **ADJOURN**

*To access this agenda & details on each agenda item in the board book, please visit our website at [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us) or contact Michele Atkins, 512-475-3930; TDHCA, 221 East 11<sup>th</sup> Street, Austin, Texas 78701, and request the information.*

*Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Gina Esteves, ADA Responsible Employee, at 512-475-3943 or Relay Texas at 1-800-735-2989, at least three (3) days before the meeting so that appropriate arrangements can be made.*

*Non-English speaking individuals who require interpreters for this meeting should contact Jorge Reyes, 512-475-4577 at least three (3) days before the meeting so that appropriate arrangements can be made.*

*Personas que hablan español y requieren un intérprete, favor de llamar a Jorge Reyes al siguiente número (512) 475-4577 por lo menos tres días antes de la junta para hacer los preparativos apropiados.*

**June 2013**  
**Home Ownership Month**  
**Resolution No. 13-035**

## **BOARD ACTION REQUEST**

### **TEXAS HOMEOWNERSHIP DIVISION**

#### **ADOPTION OF RESOLUTION NO. 13-035 RECOGNIZING JUNE AS HOMEOWNERSHIP MONTH AND ANNOUNCEMENT OF LENDERS AND LOAN OFFICERS OF THE YEAR**

**JUNE 13, 2013**

As part of June's celebration of Homeownership Month, the staff and TDHCA Governing Board would like to recognize the lending community for their contributions to affordable housing and their efforts to increase the homeownership rate in Texas during 2012/2013. Through the Single Family Mortgage Loan Program, TDHCA's network of participating mortgage lenders originated over \$342 million in first lien mortgage loans under its My First Texas Home Program. Through their efforts 2,694 individuals and families were able to experience the benefits of homeownership.

The Texas Mortgage Credit Certificate Program was also very successful as a result of our lender network with 1,127 Mortgage Credit Certificates (MCCs) issued. The certificates were issued on mortgage loans totaling in excess of \$153 million. MCCs provide up to \$2,000 annually towards a borrower's federal tax liability. Launched in 2003, the Texas Mortgage Credit Certificate Program has become one of the largest and most successful MCC Programs in the nation.

In recognition of their efforts, the TDHCA Governing Board is recognizing the top producing lending institutions and loan officers under the My First Texas Home and Texas Mortgage Credit Certificate Programs. The lending institutions were selected for their overall production of mortgage loans and/or issuance of mortgage credit certificates under each of the programs and the corresponding dollar volume. The loan officers were selected based on their overall production level under each of the programs.

The following mortgage lenders have been selected for recognition of their achievements.

#### **Cornerstone Home Lending "Lender of the Year"**

Cornerstone Home Lending originated an impressive 759 mortgage loans and/or MCCs resulting in \$98.7 million in production. They have participated in TDHCA's homebuyer programs for a number of years, have been prior recipients of lender of the year awards and have offices located in many areas of the state.

#### **DHI Mortgage Company "Lender of the Year"**

DHI originated 377 mortgage loans and/or MCCs resulting in \$53.7 million in production. They have also been prior recipients of lender of the year awards, have offices located in numerous areas of the state and have been a strong lending partner for many years.

#### **Ameripro Funding, Inc. "Lender of the Year"**

Ameripro Funding, Inc., a relatively new lending partner with TDHCA and first time lender of the year recipient, originated 302 mortgage loans and/or MCCs resulting in \$41.2 million in production. Ameripro has offices located in several cities within the state.

#### **Rocky Mountain Mortgage Company "Lender of the Year"**

Rocky Mountain Mortgage Company located and serving the Greater El Paso area originated 142 mortgage loans resulting in \$17.1 million in production. They have participated in TDHCA's homebuyer programs for a number of years, have been prior recipients of lender of the year and are being recognized for their outstanding level of production for serving a single area of the state.

**Andy Woodside, Cornerstone Home Lending, Houston “Loan Officer of the Year”**

In 2012/2013, Mr. Woodside closed 214 mortgage loans under the My First Texas Home Program. He has worked in the mortgage lending business for Cornerstone Home Lending for over nine years. He is an asset to the mortgage banking industry and is truly committed to providing affordable housing to all Texans.

**Kim Lewis, NTFN, Inc. dba Premier Nationwide Lending, Flower Mound “Loan Officer of the Year”**

In 2012/2013, Ms. Lewis closed 144 mortgage loans under the My First Texas Home Program and was responsible for the issuance of 124 certificates under the Texas Mortgage Credit Certificate Program; a truly impressive level of production. She has worked in the mortgage industry for over 30 years and has participated in TDHCA’s Homebuyer Programs for more than 20 years. This is the fourth year in a row Ms. Lewis has won this award. She is a key business partner for TDHCA’s homeownership programs.

**Texas Department of Housing and Community Affairs**  
**RESOLUTION No. 13-035**

WHEREAS, June 2013 is Homeownership Month in Texas;

WHEREAS, the goal of the Texas Department of Housing and Community Affairs is to ensure that all Texans have access to safe, decent, and affordable housing;

WHEREAS, the Texas Department of Housing and Community Affairs recognizes that owning a home provides a source of security and stability for many Texans, and offers a place to retreat to after a hectic day, raise a family, and make lasting memories;

WHEREAS, it is the policy of the Texas Department of Housing and Community Affairs to support equal housing opportunity in the administration of its home buyer and home ownership assistance programs and services;

WHEREAS, the Texas Department of Housing and Community Affairs works in partnership with private and non-profit sectors to effectively administer state and federal funds that support homeownership - from home purchase to rehabilitation, reconstruction, or replacement, to weatherization and accessibility modifications for enhanced affordability and safety;

WHEREAS, the Texas Department of Housing and Community Affairs applauds all those who work to achieve and maintain affordable, responsible home ownership, and recognize those who provide services and resources to all homebuyers and home owners, regardless of race, creed, color, or place of birth;

WHEREAS, the Texas Department of Housing and Community Affairs encourages Texans to explore the numerous home ownership resources available during Homeownership Month and throughout the year;

THEREFORE BE IT RESOLVED, that in the pursuit of the goal and responsibility of providing affordable home ownership opportunities for all, the Governing Board of the Texas Department of Housing and Community Affairs, does hereby celebrate and join Governor Rick Perry in proclaiming June 2013 as Homeownership Month in Texas and encourages all Texas individuals and organizations, public and private, to join and work together in this observance of Homeownership Month.

Signed this Thirteenth Day of June 2013.



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J. Paul Oxer, PE, Chair

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Dr. Juan Muñoz, Vice Chair

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Leslie Bingham Escareño,  
Member

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Tom H. Gann, Member

\_\_\_\_\_  
J. Mark McWatters, Member

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Timothy K. Irvine, Executive  
Director

# CONSENT AGENDA



1a

**BOARD ACTION REQUEST**

**BOARD SECRETARY**

**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on the Board Minutes Summary for May 9, 2013.

**RECOMMENDED ACTION**

Approve Board Meeting Minutes Summary for May 9, 2013.

**RESOLVED**, that the Board Meeting Minutes Summary for May 9, 2013, is hereby approved as presented.

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
BOARD MEETING**

**SUMMARY OF MINUTES**

**May 9, 2013; 9:00 a.m.**

Dewitt C. Greer Building  
Ric Williamson Hearing Room, 125 E. 11<sup>th</sup> Street, Austin, TX

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

The Board Meeting of the Texas Department of Housing and Community Affairs of May 9, 2013, was called to order by J. Paul Ozer, Chair, at 9:09 a.m. It was held at, 125 E. 11<sup>th</sup> Street, Austin, Texas. Roll call certified a quorum was present, and the Chairman clarified that a majority for purposes of Board action is a majority of a quorum.

**MEMBERS PRESENT**

J. Paul Ozer, Chair  
J. Mark McWatters  
Lowell Keig  
Tom H. Gann

**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 Texas Government Code, Chapter 551, Texas Open Meetings Act.

**AGENDA ITEM 1: APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:**

***EXECUTIVE:***

- a) Presentation, Discussion, and Possible Action on the Board Minutes Summary for April 11, 2013

***LEGAL:***

- b) Presentation, Discussion, and Possible Action on a proposed Agreed Final Order with respect to Wilshire Apartments (HTC #93062)

***RULES:***

- c) Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 5, Subchapter A, §§5.1, 5.2, 5.5, 5.8, 5.9, 5.14, 5.17, 5.21, and 5.23, concerning General Provisions, and directing its publication in the *Texas Register*
- d) Presentation, Discussion, and Possible Action on orders adopting amendments to 10 TAC Chapter 5, Subchapter E, §§5.502, 5.503, 5.505 - 5.508, 5.521 - 5.525, 5.531 and 5.532, and the repeal of §§5.504, 5.526, 5.527, 5.529, and 5.530, concerning the Weatherization Assistance Program General, and directing their publication in the *Texas Register*
- e) Presentation, Discussion, and Possible Action on orders adopting amendments to 10 TAC Chapter 5, Subchapter F, §§5.602, 5.604 - 5.606, and new §§5.610 - 5.613, concerning the Weatherization Assistance Program Department of Energy, and directing their publication in the *Texas Register*
- f) Presentation, Discussion, and Possible Action on orders adopting amendments to 10 TAC Chapter 5, Subchapter G, §§5.701 and 5.703; the repeal of §§5.702, 5.704, and 5.705; and new §§5.702, 5.704, and 5.705, concerning the Weatherization Assistance Program Low Income Home Energy Assistance Program, and directing their publication in the *Texas Register*
- g) Presentation, Discussion, and Possible Action on an order adopting 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, and directing its publication in the *Texas Register*

- h) Presentation, Discussion, and Possible Action on orders adopting amendments to 10 TAC Chapter 23, Single Family HOME Program, Subchapter B, Availability of Funds, Application Requirements, Review and Award Procedures, General Administrative Requirements, and Resale and Recapture of Funds, §23.26, concerning Reservation System Participant Agreements (RSP); amendments to Subchapter C, Homeowner Rehabilitation Assistance Program, §§23.31 and 23.32, concerning Homeowner Rehabilitation Assistance Program Requirements; and amendments to Subchapter D, Homebuyer Assistance Program, §23.41, concerning Homebuyer Assistance (HBA) Program Requirements, and directing their publication in the *Texas Register*

**FINANCIAL ADMINISTRATION:**

- i) Presentation and Discussion of the Department's 2nd Quarter Investment Report in accordance with the Public Funds Investment Act (PFIA)

**BOND FINANCE:**

- j) Presentation, Discussion, and Possible Action on Resolution No. 13-034 authorizing the filing of one or more applications for reservation with the Texas Bond Review Board with respect to qualified mortgage bonds
- k) Presentation, Discussion, and Possible Action on a Request for Proposal (RFP) for investment banking firms interested in providing investment banking services as Senior Manager and Co-Manager for one or more proposed single family mortgage revenue bonds starting in fiscal year 2014
- l) Presentation and Discussion of the Department's 2<sup>nd</sup> Quarter Investment Report relating to funds held under Bond Trust Indentures

**COMMUNITY AFFAIRS:**

- m) Presentation, Discussion, and Possible Action on Approval of the FFY 2013 Low Income Home Energy Assistance Program (LIHEAP) State Plan Amendment
- n) Presentation, Discussion, and Possible Action on Approval of the Draft FFY 2014 Low Income Home Energy Assistance Program (LIHEAP) State Plan, to be published in the *Texas Register* for Public Comment
- o) Presentation, Discussion, and Possible Action on Authorization to Release a Notice of Funding Availability (NOFA) for Fiscal Year 2013 Emergency Solutions Grants (ESG)

**NEIGHBORHOOD STABILIZATION:**

- p) Presentation, Discussion, and Possible Action to ratify amendments made to Neighborhood Stabilization Contracts in order to meet extended deadlines established by HUD
- |             |                             |          |
|-------------|-----------------------------|----------|
| 77090000163 | City of Beaumont            | Beaumont |
| 77090000213 | Austin Habitat for Humanity | Austin   |

**OFFICE OF COLONIA INITIATIVES:**

- q) Presentation, Discussion, and Possible Action on Colonia Self Help Center Program Award to El Paso County through Community Development Block Grant (CDBG) Funding

**ASSET MANAGEMENT:**

- r) Presentation, Discussion, and Possible Action to approve a Housing Tax Credit Application Amendment
- |       |                 |          |
|-------|-----------------|----------|
| 12067 | Amberwood Place | Longview |
|-------|-----------------|----------|
- s) Presentation, Discussion, and Possible Action to approve Material LURA Amendments
- |        |   |        |
|--------|---|--------|
| 852026 | Housing for Victims of Domestic Violence        | Denton |
| 98898  | Special Needs Housing (Bolivar and Elm Streets) | Denton |

**PROGRAM, PLANNING, POLICY, AND METRICS:**

- t) Presentation and Discussion on the Department Snapshot tool for the Housing Trust Fund and Colonia Self Help Center programs

**REPORT ITEMS:**

The Board accepts the following reports:

1. Executive Report of Housing Tax Credit Program Amendments, Extensions, and Ownership Transfers
2. Status Report on the HOME Program Contracts and the HOME Reservation System
3. Report on the status of possible amendments to the Compliance Monitoring Rules
4. TDHCA Outreach Activities, April 2013

**Motion by Lowell Keig to approve the Consent Agenda as presented; duly seconded by Tom Gann; motion passed.**

**ACTION ITEMS:** *AT THE DISCRETION OF THE BOARD CHAIR, ITEMS MAY BE TAKEN OUT OF ORDER.*

**AGENDA ITEM 2: MULTIFAMILY FINANCE DIVISION:**

- a) Presentation, Discussion, and Possible Action on Preclearance requests for Community Revitalization Plans filed with Pre-Applications in the 2013 Competitive Housing Tax Credit Cycle

**Motion by Tom Gann to accept staff's recommendation to deny preclearance requests for Community Revitalization Plans filed with Pre-Applications in the 2013 Competitive Housing Tax Credit Cycle for: 13113 Reserve at Arcola Senior Living, 13192 Shaenfield Apartments, 13196 Emerald Village, 13263 Sunland Apartments, and 13281 Sunquest Apartments; duly seconded by Lowell Keig; Motion passed.**

13140 Villas at Justin Justin

**Motion by Lowell Keig to accept staff's recommendation to deny the preclearance request for a Community Revitalization Plan filed with their Pre-Application in the 2013 Competitive Housing Tax Credit Cycle for Villas at Justin; duly seconded by J. Mark McWatters;**

Ashley Stathatos, City Manager for the City of Justin, provided testimony in opposition to staff recommendation. She also read for the record a support letter from the Honorable Senator Jane Nelson, for the record.

Kecia Boulware, AMTEX Multi-Housing, provided testimony in opposition to staff recommendation.

The Honorable Greg Scott, Mayor of Justin, provided testimony in opposition to staff recommendation.

Donna Rickenbacker, Marquis, provided testimony in opposition to staff recommendation.

**Motion passed.**

13152 KIRON at Aubrey Aubrey

**Motion by Lowell Keig to accept staff's recommendation to deny the preclearance request for a Community Revitalization Plan filed with their Pre-Application in the 2013 Competitive Housing Tax Credit Cycle for KIRON at Aubrey; duly seconded by Tom Gann;**

Chantal Kirkland, Director of Planning for the City of Aubrey, provided testimony in opposition to staff recommendation.

**Lowell Keig withdrew his motion; Tom Gann withdrew his second.**

**Motion by Lowell Keig to deny staff's recommendation and approve the preclearance request for Community Revitalization Plan filed with their Pre-Application in the 2013 Competitive Housing Tax Credit Cycle for KIRON at Aubrey; duly seconded by Tom Gann; Motion passed.**

The Board took a brief recess.

13234 Wynnewood Family Housing Dallas

**Motion by Tom Gann to accept staff's recommendation to deny preclearance request for Community Revitalization Plan filed with Pre-Applications in the 2013 Competitive Housing Tax Credit Cycle for Wynnewood Family Housing; duly seconded by J. Mark McWatters;**

John Greenan, part of the applicant's partnership and Executive Director of Central Dallas Community Development Corporation, provided testimony in opposition to staff recommendation.

Barry Palmer, Coats Rose, provided testimony in opposition to staff recommendation.

**Lowell Keig voted against motion; Motion passed.**

Annette Cornier, Board Assistant, read for the record, that Manish Verma registered support of the staff recommendation for Agenda Item 2a, projects 13192 and 13196.

## EXECUTIVE SESSION

At 12:04 p.m. Chairman Oxer convened the Executive Session.

1. Pursuant to Tex. Gov't. Code, §551.074 the Board may go into Executive Session 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
2. Pursuant to Tex. Gov't. Code, §551.071(1) the Board may go into Executive Session to seek the advice of its attorney about pending or contemplated litigation or a settlement offer, including:
  - a) *The Inclusive Communities Project, Inc. v. Texas Department of Housing and Community Affairs, et al* filed in federal district court, Northern District of Texas
3. Pursuant to Tex. Gov't. Code, §551.071(2) the Board may go into Executive Session 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:
  - a) *Attorney General Opinion Request RQ-1106-GA, Rep. Leticia Van de Putte*
4. Pursuant to Tex. Gov't. Code, §551.072 the Board may go into Executive Session 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-
5. Pursuant to Tex. Gov't. Code, §2306.039(c) the Board may go into Executive Session to receive reports from the internal auditor, fraud prevention coordinator, or ethics advisor and discuss issues related to fraud, waste or abuse.

## OPEN SESSION

At 1:15 p.m. Chairman Oxer reconvened the Open Session, announced that No Action had been taken during the Executive Session, and certified that the posted agenda had been followed.

- b) Presentation, Discussion, and Possible Action concerning the assessment of point deductions under 10 TAC §11.9(f)(1) to applications electing points for location in Economically Distressed Areas pursuant to 10 TAC §11.9(c)(6)(B)

**Chair Oxer recommended that action be deferred on this item until a specific fact situation regarding the penalty point is brought to the board to be determined on a case-by-case basis. Action deferred.**

### AGENDA ITEM 3: APPEALS:

Timely Filed Appeals under any of the Department's Program or Underwriting Rules  
13256      4320 Lofts      Houston

**Motion by Tom Gann to accept staff's recommendation to deny appeal; duly seconded by Lowell Keig;**

Diana McIver, DMA Development, provided testimony in opposition to staff recommendation.

Audrey Martin, DMA Development, provided testimony in opposition to staff recommendation.

Janine Sisik, General Counsel of DMA Development, provided testimony in opposition to staff recommendation.

**J. Mark McWatters opposed; Motion passed.**

### AGENDA ITEM 4: COMMUNITY AFFAIRS:

Presentation and Discussion on the status of Community Services Agency of South Texas (CSA)

**Motion by Lowell Keig to accept staff's recommendation as presented; duly seconded by J. Mark McWatters;**

David Ojeda, Executive Director, Community Services Agency of South Texas (CSA), provided testimony;

**Motion passed.**

**PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS. PUBLIC COMMENT MAY INCLUDE REQUESTS THAT THE BOARD PLACE SPECIFIC MATTERS ON FUTURE AGENDAS FOR CONSIDERATION.**

Barry Kahn, provided testimony concerning older tax credit properties and the expense of replacement air-conditioners.

Gary Cohen, Schutz and Bowen, provided testimony concerning the penalty point reduction issue that was discussed previously in this agenda, that hopefully Board and or staff will determine that something short of the letter from the Texas Water Development Board will suffice in staff's review, in order to avoid imposition of penalty points.

Doak Brown, Brownstone Affordable Housing, provided testimony concerning the penalty point reduction issue that was

discussed previously in this agenda.

Chairman Oxer recognized Lowell Keig and announced that this would be Mr. Keig's last meeting, and thanked him for his public service on this board and Audit Committee.

**ADJOURN**

Motion by Lowell Keig to adjourn; duly seconded by J. Mark McWatters; motion passed unanimously.

Since there was no other business to come before the Board, the meeting was adjourned at 3:35 p.m. on May 9, 2013.

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Michele Atkins, Assistant Board Secretary

FOR A FULL TRANSCRIPT OF THIS MEETING, PLEASE VISIT THE TDHCA WEBSITE AT [WWW.TDHCA.STATE.TX.US](http://WWW.TDHCA.STATE.TX.US)

1b



**BOARD ACTION REQUEST**  
**EXECUTIVE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action to approve the dissolution of certain Governing Board committees and designation of Governing Board liaisons for certain management activities

**RECOMMENDED ACTION**

**WHEREAS**, although the Governing Board (“Board”) of the Texas Department of Housing and Community Affairs (“TDHCA”) is a seven person body, at present it has only five members actively serving and participating in its affairs;

**WHEREAS**, committees of the Board have historically been three person committees;

**WHEREAS**, convening regular meetings of the Strategic Planning and Budgeting Committee, the Loan Policy Committee, and the Litigation Committee has become operationally difficult due to the multiple obligations placed on each actively serving Board member;

**WHEREAS**, the Board and Executive Director believe that there is tremendous benefit in having the Board appropriately engaged in depth on much of the work in the areas historically overseen by such its committees; and

**WHEREAS**, a Board liaison can effectively address these expressed needs of Board and management;

**Now, therefore, it is hereby**

**RESOLVED**, that the Strategic Planning and Budgeting Committee, the Loan Policy Committee, and the Litigation Committee of this Board are hereby dissolved; and

**FURTHER RESOLVED**, that the Board members indicated below are hereby designated as the liaisons to participate or monitor, as they deem appropriate, the areas of activity formerly overseen by such committees, coordinating such involvement through the corresponding management team members indicated:

	<b>Board Liaison</b>	<b>Management Coordinator</b>
Strategic Planning and Budgeting	J. Paul Oxer	Brooke Boston
Loan Policy	Tom Gann	Tom Gouris
Litigation	Mark McWatters	Barbara Deane

1c

**BOARD ACTION REQUEST**

**PROGRAM PLANNING, POLICY, AND METRICS (3PM)**

**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on the re-adoption of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.4, concerning Protest Procedures for Contractors, pursuant to Texas Government Code §2001.039, and directing its publication in the *Texas Register*

**RECOMMENDED ACTION**

**WHEREAS**, Texas Government Code §2001.039 requires a state agency to conduct rule review for each of its rules, soliciting public comment as to whether they are still necessary every four years;

**WHEREAS**, 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.4, Concerning Protest Procedures for Contractors is due to be reviewed under the agency's review plan;

**WHEREAS**, Notice of intent to review this rule was published in the *Texas Register* and public comment was taken by the Department from March 8, 2013, through April 8, 2013, and no public comment was received; and

**WHEREAS**, Staff finds the reasons for originally adopting the rule still exist and therefore recommends its 4 year re-adoption;

**NOW, therefore, it is hereby**

**RESOLVED**, that the final order re-adopting 10 TAC Chapter 1, §1.4, Protest Procedures for Contractors, is hereby approved, together with the preamble presented to this meeting, for publication in the *Texas Register*; and

**FURTHER RESOLVED**, that the Executive Director and his designees be and each them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the re-adopted rule, in the form presented to this meeting, to be published in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

**BACKGROUND**

The Texas Department of Housing and Community Affairs ("Department") has completed its rule review of Texas Administrative Code, Title 10, Community Development, Part 1, Texas Department of Housing and Community Affairs, Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.4, concerning Protest Procedures for Contractors, pursuant

to Texas Government Code §2001.039. The Department published Notice of Intent to Review this rule in the March 8, 2013, issue of the *Texas Register* (38 TexReg 1707).

The purpose of the review was to assess whether the reasons for adopting the chapter continue to exist. No comments were received regarding the review.

As a result of this review, the Department has determined that the rule enables staff to efficiently fulfill the duties under the rule and contributes value to the process. As such, the Department finds that the reasons for Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.4, concerning Protest Procedures for Contractors, continue to exist and recommends re-adoption of the section without changes in accordance with the requirements of the Texas Government Code §2001.039. Rules considered during this review may be subsequently revised in accordance with the Texas Administrative Procedures Act.

**Attachment A: Preamble for Adoption of the 4 Year Review of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.4, Concerning Protest Procedures for Contractors.**

The Texas Department of Housing and Community Affairs adopts the review of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.4, Concerning Protest Procedures for Contractors, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed review was published in the March 8, 2013, issue of the *Texas Register* (38 TexReg 1707).

No comments were received.

The Department reviewed the rule and determined that the reason for adopting the rule continues to exist.

This concludes the review of 10 TAC§1.4.

1d

**BOARD ACTION REQUEST**

**BOND FINANCE DIVISION**

**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Resolution No. 13-037 authorizing a Mortgage Credit Certificate Program (MCC) for first-time homebuyers (Program 81) along with related program documents to be administered by the Texas Department of Housing and Community Affairs.

**RECOMMENDED ACTION**

**WHEREAS**, the Governing Board desires to authorize the filing with the Texas Bond Review Board of an application for reservation of Volume Cap in an amount not-to-exceed \$260,000,000 for mortgage credit certificates (“MCCs”);

**WHEREAS**, the Department desires to convert an amount not-to-exceed \$260,000,000 of the amount of the State ceiling reserved for qualified mortgage bonds to MCCs, to be used for the Department’s 2013 Mortgage Credit Certificate Program to be designated as Program 81;

**WHEREAS**, the Governing Board desires to authorize the execution and delivery of the MCC Program Participation Agreement;

**WHEREAS**, the Governing Board desires to approve the Program Manual, setting forth the terms and conditions upon which MCCs will be issued by the Department;

**WHEREAS**, the Governing Board desires to approve the Program Summary setting forth the terms of the MCC Program 81;

**WHEREAS**, the Governing Board desires to approve the use of an amount not-to-exceed \$100,000 of Department funds to pay the costs of implementing the MCC Program 81,

**NOW, therefore, it is hereby**

**RESOLVED**, that Resolution No. 13-037 is hereby adopted in the form presented to this meeting.

**BACKGROUND**

TDHCA’s current MCC program was released on September 1, 2012 (Program 80). Under this program, over 80% of funds available have been originated or are in the pipeline. In order to ensure a continuous flow of available MCC funds, Staff is requesting approval of this resolution

which will allow us to continue issuing new MCCs under Program 81 and to obtain approval of the MCC program along with related program documents to be administered by TDHCA.

Today, Staff is seeking approval to submit an application to the Texas Bond Review Board for an amount not-to-exceed \$260 million from existing carry-forward single family private activity bond authority. The \$260 million in volume cap will be able to provide MCC certificates to support an estimated \$162.5 million in related mortgage loans.

A mortgage credit certificate is an instrument designed to assist persons of low to moderate income to better afford individual ownership. The procedures for issuing MCCs were established by the United States Congress as an alternative to the issuance of single family mortgage revenue bonds. As distinguished from a bond program, in an MCC program no bonds are issued, no mortgage money is actually used, many of the costs associated with a bond program are not incurred, and lenders are required to pay only nominal up-front fees.

### **MCC Program 81 Example**

Volume Cap Allocated for MCCs	\$260 million
IRS MCC Conversion Factor	\$0.25
MCC Issuance Authority	\$65 million
Average P80 Mortgage Credit Certificate Program Mortgage Amount	\$141,403
Market Mortgage Interest Rate	3.75%
First Year Mortgage Interest	\$5,302
MCC Certificate Credit Rate	40%
Tax Credit Amount	\$2,120 *
Maximum Tax Credit Allowed	\$2,000
Schedule A Mortgage Interest Deduction	\$3,182

\* \$120 would have to be carried forward due to cap.

Mortgage Credit Certificates help make ownership of a new or existing home more affordable by entitling the homeowner to a personal tax credit of up to \$2,000 against their federal tax liability for a portion of the interest paid on their home mortgage. For example, a homeowner that purchased a home with a mortgage loan in the amount of \$141,403 at a 3.75% interest rate for 30 years would have a monthly principal and interest payment of \$655. With an MCC, homeowners can submit a revised W-4 Withholding Form to his or her employer to reduce the federal withholding tax by up to \$166.67 per month (\$2,000 / 12). By reducing their federal income tax liability the borrower has more disposable income to service the mortgage and pay for living expenses. This same homeowner can continue to deduct the remaining yearly mortgage interest paid of approximately \$3,182 (\$5,302 less \$2,120) as an itemized deduction on their annual federal income tax return. Simply put, an MCC is a dollar for dollar reduction of income taxes owed.

In order to be eligible for an MCC, borrowers must comply with the same first-time homebuyer requirements stipulated by the Internal Revenue Code for mortgage revenue bonds. For example, MCC recipients must occupy the residence as their primary residence, comply with



income limits and comply with home purchase price limits. MCCs cannot be used when mortgages are funded with tax-exempt bond proceeds.

Under Federal guidelines, the Department, as an issuer of mortgage revenue bonds can trade \$1 of bond authority for \$0.25 of MCC authority. Today, staff is recommending using \$260 million of private activity volume cap authority for \$65 million in MCC authority.

Lenders participating in TDHCA's previous Mortgage Credit Certificate Programs have expressed continued interest in mortgage credit certificates. The proposed program would assist over 1,150 Texas families in attaining the "American Dream" of homeownership. The Department's MCC programs in the past three fiscal years have assisted 2,085 homebuyers and subsidized approximately \$274 million in mortgage loan financing. Currently, Program 80 has enough remaining MCC commitment authority to support approximately \$30 million in additional mortgage loan commitments. It is staff's intention to release Program 81 once Program 80 has been fully committed.

## RESOLUTION NO. 13-037

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR ALLOCATION WITH THE TEXAS BOND REVIEW BOARD WITH RESPECT TO QUALIFIED MORTGAGE BONDS; AUTHORIZING IMPLEMENTATION OF TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS MORTGAGE CREDIT CERTIFICATE PROGRAM 81; APPROVING THE FORM AND SUBSTANCE OF THE MASTER MCC PROGRAM PARTICIPATION AGREEMENT, THE PROGRAM MANUAL AND THE PROGRAM SUMMARY; AUTHORIZING THE EXECUTION OF DOCUMENTS AND INSTRUMENTS NECESSARY OR CONVENIENT TO CARRY OUT MORTGAGE CREDIT CERTIFICATE PROGRAM 81; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended from time to time (the "Act"), for the purpose, among others, of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe, and affordable living environments for persons and families of low and very low income (as defined in the Act) and families of moderate income (as described in the Act and determined by the Governing Board of the Department (the "Governing Board") from time to time) at prices they can afford; and

WHEREAS, the Act authorizes the Department: (a) to make, acquire and finance, and to enter into advance commitments to make, acquire and finance, mortgage loans and participating interests therein, secured by mortgages on residential housing in the State of Texas (the "State"); (b) to issue its bonds, for the purpose, among others, of obtaining funds to acquire or finance such mortgage loans, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such single family mortgage loans or participating interests, and to mortgage, pledge or grant security interests in such mortgages or participating interests, mortgage loans or other property of the Department, to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, Section 103 and Section 143 of the Internal Revenue Code of 1986, as amended (the "Code"), provide that the interest on obligations issued by or on behalf of a state or a political subdivision thereof the proceeds of which are to be used to finance owner-occupied residences shall be excludable from gross income of the owners thereof for federal income tax purposes if such issue meets certain requirements set forth in Section 143 of the Code; and

WHEREAS, Section 146(a) of the Code requires that certain "private activity bonds" (as defined in Section 141(a) of the Code) must come within the issuing authority's private activity bond limit for the applicable calendar year in order to be treated as obligations the interest on which is excludable from the gross income of the holders thereof for federal income tax purposes; and

WHEREAS, the private activity bond "state ceiling" (as defined in Section 146(d) of the Code) applicable to the State is subject to allocation, in the manner authorized by Section 146(e) of the Code, pursuant to Chapter 1372, Texas Government Code, as amended (the "Allocation Act"); and

WHEREAS, the Allocation Act requires the Department, in order to reserve a portion of the State ceiling for qualified mortgage bonds (the "Reservation") and satisfy the requirements of Section 146(a) of the Code, to file an application for reservation (the "Application for Reservation") with the Texas Bond Review Board (the "Bond Review Board"), stating the maximum amount of the bonds requiring an allocation, the purpose of the bonds and the section of the Code applicable to the bonds; and

WHEREAS, the Allocation Act and the rules promulgated thereunder by the Bond Review Board (the “Allocation Rules”) require that an Application for Reservation be accompanied by a copy of the certified resolution of the issuer authorizing the filing of the Application for Reservation; and

WHEREAS, the Governing Board has determined to authorize the filing of an Application for Reservation in the maximum amount of \$260,000,000 with respect to qualified mortgage bonds; and

WHEREAS, the Department desires to convert an amount not to exceed \$260,000,000 of the amount of the State ceiling reserved for qualified mortgage bonds to mortgage credit certificates (“MCCs”), to be used for the Department’s Mortgage Credit Certificate Program to be designated as Program 81 (“MCC Program 81”); and

WHEREAS, the Governing Board desires to authorize the execution and delivery of the Master MCC Program Participation Agreement (the “Participation Agreement”) in substantially the form attached hereto; and

WHEREAS, the Governing Board desires to approve the Program Manual (the “Program Manual”) in substantially the form attached hereto, setting forth the terms and conditions upon which MCCs will be issued by the Department; and

WHEREAS, the Governing Board desires to approve the Program Summary (the “Program Summary”) in substantially the form attached hereto setting forth the terms of MCC Program 81; and

WHEREAS, the Governing Board desires to approve the use of an amount not to exceed \$100,000 of Department funds to pay the costs of implementing MCC Program 81; and

WHEREAS, the Governing Board desires to approve the forms of the Participation Agreement, the Program Manual and the Program Summary, in order to find the form and substance of such documents to be satisfactory and proper and the recitals contained therein to be true, correct and complete; and has determined to implement MCC Program 81 in accordance with such documents by authorizing MCC Program 81, the execution and delivery of such documents and the taking of such other actions as may be necessary or convenient to carry out MCC Program 81; NOW, THEREFORE,

BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

## ARTICLE 1

### APPLICATION FOR RESERVATION; USE OF PRIVATE ACTIVITY BOND VOLUME CAP

Section 1.1--Application for Reservation. The Governing Board hereby authorizes Bracewell & Giuliani LLP, as Bond Counsel to the Department, to file on its behalf with the Bond Review Board an Application for Reservation in the amount of \$260,000,000 with respect to qualified mortgage bonds, together with any other documents and opinions required by the Bond Review Board as a condition to the granting of the Reservation.

Section 1.2--Authorization of Certain Actions. The Governing Board authorizes the Executive Director of the Department, the staff of the Department as designated by the Executive Director and Bond Counsel to take such actions on its behalf as may be necessary to carry out the actions authorized in Section 1.1.

Section 1.3--MCC Authority. The Department shall take such steps as are necessary to convert \$260,000,000 of its authority to issue qualified mortgage bonds to authority to issue MCCs in order to implement MCC Program 81.

## ARTICLE 2

### APPROVAL OF MCC DOCUMENTS

Section 2.1--Approval, Execution and Delivery of the Participation Agreement. The form and substance of the Participation Agreement are hereby approved, and the Authorized Representatives of the Department named in this Resolution are each hereby authorized to execute, attest and affix the Department's seal to the Participation Agreement, and to deliver the Participation Agreement to the other parties thereto.

Section 2.2--Approval of Program Manual and Program Summary. The form and substance of the Program Manual and Program Summary are hereby authorized and approved.

Section 2.3--Execution and Delivery of Other Documents and Waiver of Fees. The Authorized Representatives are each hereby authorized to execute, attest, affix the Department's seal to and deliver such other agreements, advance commitment agreements, assignments, bonds, certificates, contracts, documents, instruments, releases, financing statements, letters of instruction, notices of acceptance, written requests, public notices and other papers, whether or not mentioned herein, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution, the Participation Agreement, the Program Manual and the Program Summary. [The staff of the Department is authorized to waive the fees described in the Program Manual from time to time for marketing purposes.]

Section 2.4--Power to Revise Form of Documents. Notwithstanding any other provision of this Resolution, the Authorized Representatives are each hereby authorized to make or approve such revisions in the form of the documents attached hereto as exhibits as, in the judgment of such Authorized Representative, and in the opinion of Bracewell & Giuliani LLP, Bond Counsel to the Department, may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution, such approval to be evidenced by the execution of such documents by the Authorized Representatives.

Section 2.5--Exhibits Incorporated Herein. All of the terms and provisions of each of the documents listed below as an exhibit shall be and are hereby incorporated into and made a part of this Resolution for all purposes:

- Exhibit A - Master MCC Participation Agreement
- Exhibit B - Program Manual
- Exhibit C - Program Summary

Section 2.6--Authorized Representatives. The following persons are each hereby named as Authorized Representatives of the Department for purposes of executing and delivering the documents and instruments referred to in this Article II: the Chair of the Governing Board, the Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance of the Department, the Director of Texas Homeownership of the Department and the Secretary or any the Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives."

Section 2.7--Department Contribution. The Department authorizes the contribution of Department funds in an amount not to exceed \$100,000 to pay certain costs of implementing MCC Program 81.

ARTICLE 3

GENERAL PROVISIONS

Section 3.1--Purposes of Resolution. The Governing Board of the Department has expressly determined and hereby confirms that the implementation of MCC Program 81 contemplated by this Resolution accomplishes a valid public purpose of the Department by providing for the housing needs of individuals and families of low, very low and extremely low income and families of moderate income in the State.

Section 3.2--Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 3.3--Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

PASSED AND APPROVED this 13th day of June, 2013.

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Chair, Governing Board

ATTEST:

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Secretary to the Governing Board

(SEAL)

1e

**BOARD ACTION REQUEST**

**BOND FINANCE DIVISION**

**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Resolution 13-038 authorizing amendments to Program 79 program documents to address HUD requirements regarding the Department's provision of downpayment assistance.

**RECOMMENDED ACTION**

**WHEREAS**, pursuant to Resolution No. 13-003 adopted September 6, 2012, the Governing Board approved: (1) a taxable mortgage purchase program (the "Program") to fund all or a portion of the Department's single family loan production, (2) the Master Mortgage Origination Agreement (the "Master Mortgage Origination Agreement") for the Department's single family mortgage purchase programs, (3) the Servicing Agreement (the "Servicing Agreement") between the Department and U.S. Bank National Association, and (4) Program Guidelines setting forth the general terms of the Program (the "Program Guidelines" and collectively with the Master Mortgage Origination Agreement and the Servicing Agreement, the "Program Documents");

**WHEREAS**, under the Program, the Department provides, under terms described in the Program Documents, secondary financing in the form of downpayment assistance loans;

**WHEREAS**, the United States Department of Housing and Urban Development has released Mortgagee Letter 2013-14 (the "Mortgagee Letter") relating to its requirements for secondary financing provided by a state government;

**WHEREAS**, the Governing Board desires to amend the Program Documents in order to conform with the requirements of the Mortgagee Letter and to authorize the delivery of letters relating to individual mortgage loans and other documents required by HUD;

**WHEREAS**, the Governing Board desires to authorize the execution and delivery of a First Amendment to Master Mortgage Origination Agreement between the Department and U.S. Bank National Association, as servicer for Program 79 (the "Servicer"), in substantially the form attached hereto (the "Amendment to Master MOA") to address the requirements of the Mortgagee Letter;

**WHEREAS**, the Governing Board also desires to approve amendments to the Program Guidelines in substantially the form attached hereto (the "Amendment to

Program Guidelines”) and the Servicing Agreement (the “Amendment to Servicing Agreement”) addressing the documentation required by the Mortgagee Letter,

**NOW, therefore, it is hereby**

**RESOLVED**, that Resolution No. 13-038 is hereby adopted in the form presented to this meeting.

### **BACKGROUND**

The United States Department of Housing and Urban Development (“HUD”) has historically recognized the benefits of providing “special status” to governmental entities and non profits and how governmental entities, in particular, positively impact the delivery of affordable housing loan products. Beginning with Mortgagee Letter 94-2 (Secondary Financing Provided by Nonprofit Agencies and Transferability Restrictions Permitted for Property with a HUD Insured Mortgage), HUD has outlined the requirements that governmental entities must meet in order to allow the down payment assistance that the Department provides to count toward the borrower’s “Minimum Cash Investment. The Housing and Economic Recovery Act of 2008 introduced further restrictions to the use of third-party monies to meet the borrower “minimum cash investment” required by HUD. In the fall of 2012, HUD released a document to clarify the procedures that Governmental entities must follow in order to allow the assistance provided by the Department to count toward the borrowers “minimum cash investment”. As a result of guidance outlined in the document, the Department changed its funding mechanism to provide for “table funding” of each DPA loan at the initial closing of the related 1<sup>st</sup> lien loan. In May 2013 HUD released Mortgagee Letter 2013-14 which contained further prescriptions on how the Department must operate its downpayment assistance program in order to meet ever more strict HUD guidelines.

Today, staff is seeking Board approval to amend the following documents:

- Amendment to Master MOA
- Amendment to Program Guidelines
- Amendment to P79 Servicing Agreement

These proposed amendments will allow the Department to meet the highly prescriptive requirements set forth in Mortgagee Letter 2013-14. None of the changes recommended by staff substantively change the programmatic requirements of the originally approved Program 79 guidelines; the proposed changes are merely technical corrections which are intended to allow the program to meet the newly released HUD guidelines effective July 1, 2013, to follow the requirements set-forth in Mortgage Letter 2013-14. A copy of the Mortgagee Letter 2013-14 has been included for your convenience.



**RESOLUTION NO. 13-038**

RESOLUTION APPROVING AMENDMENTS TO PROGRAM DOCUMENTS FOR TAXABLE MORTGAGE PURCHASE PROGRAM; AUTHORIZING THE EXECUTION OF DOCUMENTS AND INSTRUMENTS RELATING TO THE FOREGOING; MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code (the "Act"), as amended from time to time, for the purpose of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe and sanitary housing for individuals and families of low and very low income and families of moderate income (as described in the Act as determined by the Governing Board of the Department (the "Governing Board") from time to time) at prices they can afford; and

WHEREAS, the Act authorizes the Department (a) to purchase notes and other obligations evidencing loans or interests in loans for individuals and families of low and very low income and families of moderate income and (b) to sell, at public or private sale, with or without public bidding, a mortgage or other obligation held by the Department; and

WHEREAS, pursuant to Resolution No. 13-003 adopted September 6, 2012, the Governing Board approved: (1) a taxable mortgage purchase program (the "Program") to fund all or a portion of the Department's single family loan production, (2) the Master Mortgage Origination Agreement (the "Master Mortgage Origination Agreement") for the Department's single family mortgage purchase programs, (3) the Servicing Agreement (the "Servicing Agreement") between the Department and U.S. Bank National Association, and (4) Program Guidelines setting forth the general terms of the Program (the "Program Guidelines" and collectively with the Master Mortgage Origination Agreement and the Servicing Agreement, the "Program Documents"); and

WHEREAS, under the Program, the Department provides, under terms described in the Program Documents, secondary financing in the form of down payment assistance loans; and

WHEREAS, the United States Department of Housing and Urban Development has released Mortgagee Letter 2013-14 (the "Mortgagee Letter") relating to its requirements for secondary financing provided by a state government; and

WHEREAS, the Governing Board desires to amend the Program Documents in order to conform with the requirements of the Mortgagee Letter and to authorize the delivery of letters relating to individual mortgage loans and other documents required by HUD pursuant to the Mortgagee Letter; and

WHEREAS, the Governing Board desires to authorize the execution and delivery of a First Amendment to Master Mortgage Origination Agreement between the Department and various mortgage lenders participating in the Program, in substantially the form attached hereto (the "Amendment to Master MOA") to address the requirements of the Mortgagee Letter; and

WHEREAS, the Governing Board also desires to approve amendments to the Program Guidelines in substantially the form attached hereto (the "Amendment to Program Guidelines") and the Servicing Agreement (the "Amendment to Servicing Agreement") addressing the documentation required by the Mortgagee Letter;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Approval, Execution and Delivery of Amendment to Master MOA. The form and substance of the Amendment to Master MOA are hereby approved and the Authorized Representatives named in this Resolution each are hereby authorized to execute the Amendment to Master MOA and to deliver the Amendment to Master MOA to the Servicer and the mortgage lenders.

Section 1.2 Approval of Amendment to Program Guidelines and Amendment to Servicing Agreement. The form and substance of the Amendment to Program Guidelines and Amendment to Servicing Agreement are hereby approved.

Section 1.3 Execution and Delivery of Other Documents. The Authorized Representatives are each hereby authorized to execute and deliver all agreements, certificates, contracts, documents, instruments, releases, financing statements, letters, notices, written requests and other papers, whether or not mentioned herein, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution including, without limitation, any letter required by HUD pursuant to the Mortgagee Letter.

Section 1.4 Power to Revise Form of Documents. Notwithstanding any other provision of this Resolution, the Authorized Representatives of the Department named in this Resolution each are hereby authorized to make or approve such revisions in the form of the documents attached hereto as exhibits as, in the judgment of such Authorized Representative may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution, such approval to be evidenced by the execution of such documents by the Authorized Representatives of the Department named in this Resolution.

Section 1.5 Exhibits Incorporated Herein. All of the terms and provisions of each of the documents listed below as an exhibit shall be and are hereby incorporated into and made a part of this Resolution for all purposes:

- Exhibit A - Amendment to Master MOA
- Exhibit B - Amendment to Program Guidelines
- Exhibit C - Amendment to Servicing Agreement

Section 1.6 Authorized Representatives. The following persons are hereby named as Authorized Representatives of the Department for purposes of executing, attesting, affixing the Department’s seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance of the Department, the Director of Texas Home Ownership of the Department and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the “Authorized Representatives.”

Section 1.7 Ratifying Other Actions. All other actions taken or to be taken by the Executive Director and the Department’s staff in connection with the Mortgagee Letter and Program 79 are hereby ratified and confirmed.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings

Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

(EXECUTION PAGE FOLLOWS)

PASSED AND APPROVED this 13th day of June, 2013.

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Chair, Governing Board

ATTEST:

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Secretary to the Governing Board

(SEAL)



ASSISTANT SECRETARY FOR HOUSING-  
FEDERAL HOUSING COMMISSIONER

**Date:** May 9, 2013

**To:** All FHA-Approved Mortgagees

## Mortgagee Letter 2013-14

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**Subject** Minimum Cash Investment and Secondary Financing Requirements – Acceptable Documentation for Funds Provided by Federal, State, or Local Governments, their Agencies or Instrumentalities

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**Purpose** This Mortgagee Letter sets forth the documentation mortgagees must provide to demonstrate eligibility for FHA mortgage insurance of loans when a Federal, State, or local government, its agency or instrumentality directly provides the borrower's required Minimum Cash Investment in accordance with the principles set forth in the December 5, 2012 Interpretive Rule ("Interpretive Rule"), Docket No. FR-5679-N-01.

This Mortgagee Letter also provides mortgagees with guidance on resolving concerns with extending secondary financing by the Federal, State, or local government, its agency or instrumentality when those entities provide the borrower's required Minimum Cash Investment through secondary financing.

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**Effective Date** This Mortgagee Letter is effective July 1, 2013.

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**Affected Topics** HUD Handbook 4155.1 Sections 5.B.1.a, 5.C.2.c, 5.B.5.b and Mortgagee Letter 2008-23 are affected by this guidance. The changes will be integrated into the FHA Single Family On-Line Handbooks.

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## Mortgagee Letter 2013-14, Continued

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**Background** The originating FHA-approved mortgagee must document that all funds for the borrower's required Minimum Cash Investment necessary to close the FHA-insured mortgage belong to the borrower or were provided by a permissible source in accordance with FHA requirements. Section 2113 of the Housing and Economic Recovery Act of 2008 (HERA), amended section 203(b)(9) of the National Housing Act (NHA). This amendment requires the borrower to provide a required Minimum Cash Investment equal to but not less than 3.5 percent of the appraised value of the property. None of this required minimum cash investment can be provided by the seller of the property or any other person or entity who financially benefits from the transaction, or from any person who is reimbursed by any prohibited source. Mortgagees must ensure compliance with sections 203(b)(9)(A) and (C) of the NHA in order for the borrower's mortgage to be eligible for FHA insurance.

On December 5, 2012, HUD published an Interpretive Rule, Docket No. FR-5679-N-01. This rule expressed HUD's interpretation that section 203(b)(9)(C) of the NHA does not prohibit FHA from insuring mortgages originated as part of the homeownership programs of Federal, State, or local government or their agencies or instrumentalities (hereinafter referred to as "Government Entities") when the Government Entities also directly provide funds toward the required Minimum Cash Investment.

Additionally, HUD's requirements have historically required all secondary financing being put in place by Government Entities to be "made" by the Government Entity. However, due to the variety and complexity of state and local laws governing the conduct of these types of Government Entities, FHA will streamline this process for the Government Entity in FHA-insured transactions.

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## Mortgagee Letter 2013-14, Continued

**Acceptable Documentation** To establish that the Government Entity provided the borrower's required Minimum Cash Investment in a manner consistent with HUD's Interpretive Rule, the mortgagee must document that the Government Entity incurred prior to or at closing an enforceable legal liability or obligation to fund the borrower's required Minimum Cash Investment. While it is not sufficient to document that the Government Entity has agreed to reimburse the lender for the use of funds legally belonging to the lender to fund the borrower's required Minimum Cash Investment, the documentation described below will demonstrate that the Government Entity's funds, generated through the creation of a legal liability or obligation were the permissible source of the required Minimum Cash Investment.

Acceptable forms of documentation include the following:

- A cancelled check, evidence of wire transfer or other draw request showing that prior to or at the time of closing the Government Entity had authorized a draw of the funds on its account provided towards the borrower's required Minimum Cash Investment from the Government Entity's account; **or**
- A letter from the Government Entity, signed by an authorized official, establishing that the funds provided towards the borrower's required Minimum Cash Investment were funds legally belonging to the Government Entity at or before closing.

Where a letter from the Government Entity is submitted, the precise language of the letter may vary because of differences in the funding and legal authority of each Government Entity. Examples of acceptable language, which would establish the funds were legally belonging to the Government Entity, would include the following:

- A statement that the Government Entity has, at or before closing, incurred a **legally enforceable liability** as a result of its agreement to provide the funds towards the borrower's required Minimum Cash Investment;
- A statement that the Government Entity has, at or before closing, incurred a **legally enforceable obligation** to provide the funds towards the borrower's required Minimum Cash Investment; **or**
- A statement that the Government Entity has, at or before closing, authorized a draw on its account to provide the funds towards the borrower's required Minimum Cash Investment.

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*Continued on next page*

## Mortgagee Letter 2013-14, Continued

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### **Acceptable Documentation (continued)**

The mortgagee is not required to document the actual transfer of funds in satisfaction of the obligation or liability, which resulted from the funding of the borrower's required Minimum Cash Investment by the Government Entity, before closing, provided the mortgagee has obtained documentation that a legally enforceable liability or obligation was incurred at or before closing. Where such documentation is provided establishing that a legally enforceable liability or obligation was incurred at or before closing, the funds provided at closing for down payment assistance will be considered by HUD to be funds legally belonging to the Government Entity. However, failure of the Government Entity to satisfy the obligation or liability may result in a determination that the funds were provided by a prohibited source.

**Note:** The Mortgagee is reminded to document a Gift Letter for the borrower's Cash to close including the required Minimum Cash Investment as described in HUD Handbook **4155.1 5.B.5.a Gift Letter Requirement**. The Mortgagee must place the Gift Letter and the documentation evidencing the provision of the borrower's required Minimum Cash Investment in compliance with the Interpretative Rule on the right side of the endorsement binder with Asset Verification documentation needed to close. These instructions on the placement of documentation in the endorsement file supersede the guidance in 4155.1 5.B.5.b.

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### **Making of Secondary Financing On behalf of Government Entities**

FHA recognizes the importance of compliance with state and local law to the conduct of any Government Entity providing down payment assistance in the form of secondary financing. Where the Government Entity cannot legally or operationally ensure that secondary financing is "made" by the Government Entity, FHA will permit the secondary financing component to be made by an FHA-approved mortgagee or FHA-approved non-profit on behalf of the Governmental Entity provided the mortgagee or non-profit is not a prohibited source and the Government Entity holds the secondary financing prior to endorsement of the first mortgage for FHA insurance until further notice. Mortgagees must document that the secondary financing is held by the Government Entity prior to submission of the mortgage to HUD via the Direct Endorsement process for insurance, or the endorsement of the mortgage for insurance through the Lender Insurance process.

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*Continued on next page*



## Mortgagee Letter 2013-14, Continued

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**Making of  
Secondary  
Financing  
On behalf of  
Government  
Entities  
(continued)**

All other requirements applicable to secondary financing transactions remain in full effect, including the requirement that such financing comply with the prohibited source provisions if such financing will be providing the borrower's required Minimum Cash Investment.

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**Information  
Collection  
Requirements**

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned an OMB control number of 2502-0059. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB Control Number.

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**Questions**

Please inquire about information provided in this Mortgagee Letter by contacting FHA's Resource Center at 1-800-CALLFHA (1-800-225-5342). Persons with hearing or speech impairments may reach this number via by calling the Federal Information Relay Service at (800-877-8339). For additional information on this Mortgagee Letter, please visit [www.hud.gov/answers](http://www.hud.gov/answers).

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**Signature**

Carol J. Galante

Assistant Secretary for Housing-Federal Housing Commissioner

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**BOARD ACTION REQUEST**

**TEXAS HOMEOWNERSHIP DIVISION**

**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on the Single Family Mortgage Loan and Mortgage Credit Certificate (MCC) Program(s) Participating Lender List.

**RECOMMENDED ACTION**

**WHEREAS**, by Texas Government Code §2306.149, the Board has the specific duty and power to compile a list of approved mortgage lenders; and

**WHEREAS**, the Department has compiled a Participating Lender List for the Single Family Mortgage Loan and Mortgage Credit Certificate Programs,

**Now, therefore, it is hereby**

**RESOLVED**, that the attached Participating Lender List is approved for use in conjunction with the Single Family Mortgage Loan and Mortgage Credit Certificate Programs.

**BACKGROUND**

Invitations to originate mortgage loans are sent out to the Department's existing lender network and other interested lenders when mortgage loan and MCC Programs are released. At any time, new mortgage lenders interested in participating in an existing program are allowed to complete documentation for consideration and approval. To date, 100 lending institutions serving locations throughout the state have signed documents to participate in one or both of the programs.

In an effort to maintain a well trained and knowledgeable lender network, webinar lender trainings are periodically conducted by our program administrator staff on any current mortgage loan program to any existing and or new participating lender. Additionally, Department staff conducts webinars or on-site lender trainings for any new MCC participant upon request.

In accordance with Texas Government Code, §2306.149, staff is requesting the Board approve a list of mortgage lenders for use in conjunction with the Single Family Mortgage Loan and MCC Program(s). Staff recommends the following list of participating lenders be approved by the Board.

## APPROVED LENDERS

Affiliated Bank	High Point Mortgage Corp.
Affiliated Mortgage Company	Highlands Residential Mortgage
Allied Home Mortgage Corp.	Hometruster Mortgage Company
Amarillo National Bank	Homeway Mortgage fka Stanford Lending, LLC
Amcap Mortgage, Ltd.	Houstonian Mortgage Group, Inc.
AmericaHomeKey, Inc.	Iberiabank Mortgage Company
American Southwest Mortgage Corp.	IHS Mortgage, LLC
America's Choice Home Loans	imortgage.com
AmeriPro Funding, Inc.	Interlinc Mortgage Services
AmeriPro Funding, Inc. dba Land Mortgage	K. Hovnanian American Mortgage, LLC.
Ark-La-Tex Financial Services LLC dba Benchmark Mtg	Leader One Financial Corp.
Aspire Financial, Inc. DBA TexasLending.com	Liberty Bank and Trust Co.
Bank of America	Liberty Mortgage (Wendeburg Interests, Inc.)
Bank of Oklahoma dba Bank of Texas	MI Financial Corp.
Calvert Mortgage Company	Mid America Mortgage, Inc.
Capstar Lending, LLC	Mission Mortgage of Texas, Inc
Castle & Cooke Mortgage, LLC	Mortgage Pros, Inc.
Cendera Funding	National Bank
Chase	Nations Reliable Lending
Churchill Mortgage Corp.	NationStar Mortgage
Citibank, N.A.	Network Funding, L.P.
Classic Home Financial, Inc. (Finance Home America)	NewPenn Financial, LLC
Coastal Bend Mtg. Inc., dba Global Mortgage Group	Nova Financial and Investment Corporation
Cobalt Mortgage	Patriot Bank Mortgage, Inc.
Colonial National Mortgage (Colonial Savings, F.A.)	Pioneer Bank
Community Development Corporation of Brownsville	PNC Mortgage
Cornerstone Home Lending, Inc.	Premier Nationwide Lending (NTFN, Inc.)
DHI Mortgage Co., Ltd.	Primary Residential Mortgage Inc.
Elite Financing Group	PrimeLending, a Plains Capital Company
Envoy Mortgage	PrimeWest Mortgage Corp.
Fairway Independent Mortgage Corp.	Prospect Mortgage fka Metrocities Mortgage, LLC
First Community Bank - Home Loan Center	Pulte Mortgage
First Continental Mortgage Co.	RANLife, Inc.
First National Bank - El Paso	Real Estate Mortgage Network, Inc.
First National Bank Texas dba First Community Mtg.	Republic State Mortgage Company
Gateway Mortgage Group, LLC	Rocky Mountain Mortgage Company
Georgetown Mortgage, LLC	Ryland Mortgage Company
Great Plains National Bank	Schmidt Mortgage Co.
Guaranteed Rate Inc.	Security National Mortgage Company
Guild Mortgage Company	Sente Mortgage
Hamilton Group Funding, Inc.	Service First Mortgage Co. (SFMC, LP)
Hancock Mortgage Partners, LLC	Southwest Funding, LP

## APPROVED LENDERS

Standard Pacific Mortgage, Inc.	Venta Financial Group, Inc. (Alterra Mortgage)
Standard Pacific Mtg., Inc. (aka Family Lending Services)	Victorian Finance, LLC
Supreme Lending (Everett Financial)	ViewPoint Bankers Mortgage, Inc.
SWBC Mortgage Corporation	Wells Fargo Home Mortgage
The Lending Partners, LLC	WestStar Mortgage Corp.
TXL Mortgage Corporation	Whitney National Bank
U.S. Bank Home Mortgage	Willow Bend Mortgage
Universal American Mortgage Company	WR Starkey Mortgage

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**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Inducement Resolution No. 13-036 for Multifamily Housing Revenue Bonds and an Authorization for Filing Applications for Private Activity Bond Authority - 2013 Waiting List

**RECOMMENDED ACTION**

**WHEREAS**, the Board approval of the inducement resolution is the first step in the application process for a multifamily bond issuance by the Department;

**WHEREAS**, the inducement allows staff to submit an application to the Bond Review Board (BRB) to await a Certificate of Reservation; and

**WHEREAS**, the Executive Award and Review Advisory Committee recommends the approval of the Inducement Resolution;

**NOW, therefore, it is hereby**

**RESOLVED**, that Inducement Resolution 13-036 to proceed with the application submission to the Bond Review Board for possible receipt of State Volume Cap issuance authority from the 2013 Private Activity Bond Program for Northcrest Apartments (#13601), Pine Haven Apartments (#13602) and Central Village Apartments (#13603) is hereby approved in the form presented to this meeting.

**BACKGROUND**

The Texas Bond Review Board (BRB) administers the state's annual private activity bond authority for the State of Texas. The Department is an issuer of Private Activity Bonds and is required to induce an application for bonds prior to the submission to the BRB. Approval of the inducement resolution does not constitute approval of the Development but merely allows the Applicant the opportunity to move into the full application phase of the process. Once the application receives a Certificate of Reservation, the Applicant has 150 days to close on the private activity bonds.

During the 150-day process, the Department will review the Applicant's complete application for compliance with the Department's Rules and underwrite the transaction in accordance with the Real Estate Analysis Rules. The Department will schedule and conduct a public hearing in the community of each development. The complete application including a transcript from the hearing will then be presented before the Board for a decision on the issuance of the bonds as well as the determination of housing tax credits.

Each year, the State of Texas is notified of the cap on the amount of private activity tax exempt revenue bonds that may be issued within the state. Approximately \$545 million is set aside for multifamily until

August 15<sup>th</sup> for the 2013 program year which includes the TDHCA set aside of approximately \$108 million. Inducement Resolution 13-036 represents the second application submitted to the BRB for the 2013 program year and reserves approximately \$13 million in state volume cap.

**Northcrest Apartments (#13601)**

*General Information:* The existing development is located at 1002 North Main Street in Big Spring, Howard County. The application proposes the acquisition and rehabilitation of the existing development which consists of 68 total units serving the general population. This transaction is proposed to be Priority 3 consisting entirely of low income units that will be rent and income restricted.

*Census Demographics:* Demographics for the census tract (9503.00) include an AMFI of \$30,531; the total population is 2,242; the percent of population that is a minority is 73.68%; the percent of population that is below the poverty line is 40.09%; the number of owner occupied units is 314 and the number of renter units is 183. (Census information from FFIEC Geocoding 2012).

*Public Comment:* The Department has received no letters of support or opposition.

**Pine Haven Apartments (#13602)**

*General Information:* The existing development is located at 2500 Southeast End Boulevard in Marshall, Harrison County. The application proposes the acquisition and rehabilitation of the existing development which consists of 64 total units serving the general population. This transaction is proposed to be Priority 3 consisting entirely of low income units that will be rent and income restricted and 1 employee occupied unit.

*Census Demographics:* Demographics for the census tract (0205.01) include an AMFI of \$32,262; the total population is 3,111; the percent of population that is a minority is 63.90%; the percent of population that is below the poverty line is 15.96%; the number of owner occupied units is 605 and the number of renter units is 362. (Census information from FFIEC Geocoding 2012).

*Public Comment:* The Department has received no letters of support or opposition.

**Central Village Apartments (#13603)**

*General Information:* The existing development is located at 910 West 28th Street in Plainview, Hale County. The application proposes the acquisition and rehabilitation of the existing development which consists of 84 total units serving the general population. This transaction is proposed to be Priority 3 consisting entirely of low income units that will be rent and income restricted and 1 employee occupied unit.

*Census Demographics:* Demographics for the census tract (9502.00) include an AMFI of \$35,185; the total population is 4,415; the percent of population that is a minority is 88.40%; the percent of population that is below the poverty line is 26.26%; the number of owner occupied units is 755 and the number of renter units is 653. (Census information from FFIEC Geocoding 2012).

*Public Comment:* The Department has received no letters of support or opposition.



## RESOLUTION NO. 13-036

RESOLUTION DECLARING INTENT TO ISSUE MULTIFAMILY REVENUE BONDS WITH RESPECT TO RESIDENTIAL RENTAL DEVELOPMENTS; AUTHORIZING THE FILING OF ONE OR MORE APPLICATIONS FOR ALLOCATION OF PRIVATE ACTIVITY BONDS WITH THE TEXAS BOND REVIEW BOARD; AND AUTHORIZING OTHER ACTION RELATED THERETO

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended, (the "Act") for the purpose, among others, of providing a means of financing the costs of residential ownership, developments and rehabilitation that will provide decent, safe, and affordable living environments for persons and families of low, very low and extremely low income and families of moderate income (all as defined in the Act); and

WHEREAS, the Act authorizes the Department: (a) to make mortgage loans to housing sponsors to provide financing for multifamily residential rental housing in the State of Texas (the "State") intended to be occupied by persons and families of low, very low and extremely low income and families of moderate income, as determined by the Department; (b) to issue its revenue bonds, for the purpose, among others, of obtaining funds to make such loans and provide financing, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such multifamily residential rental development loans, and to mortgage, pledge or grant security interests in such loans or other property of the Department in order to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, it is proposed that the Department issue its revenue bonds in one or more series for the purpose of providing financing for the multifamily residential rental developments (the "Developments") more fully described in Exhibit A attached hereto. The ownership of the Developments as more fully described in Exhibit A will consist of the applicable ownership entity and its principals or a related person (the "Owners") within the meaning of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Owners have made not more than 60 days prior to the date hereof, payments with respect to the Developments and expect to make additional payments in the future and desire that they be reimbursed for such payments and other costs associated with the Developments from the proceeds of tax-exempt and taxable obligations to be issued by the Department subsequent to the date hereof; and

WHEREAS, the Owners have indicated their willingness to enter into contractual arrangements with the Department providing assurance satisfactory to the Department that 100 percent of the units of the Developments will be occupied at all times by eligible tenants, as determined by the Board pursuant to the Act ("Eligible Tenants"), that the other requirements of the Act and the Department will be satisfied and that the Developments will satisfy State law, Section 142(d) and other applicable Sections of the Code and Treasury Regulations; and

WHEREAS, the Department desires to reimburse the Owners for the costs associated with the Developments listed on Exhibit A attached hereto, but solely from and to the extent, if any, of the proceeds of tax-exempt and taxable obligations to be issued in one or more series to be issued subsequent to the date hereof; and

WHEREAS, at the request of the Owners, the Department reasonably expects to incur debt in the form of tax-exempt and taxable obligations for purposes of paying the costs of the Developments described on Exhibit A attached hereto; and

WHEREAS, in connection with the proposed issuance of the Bonds (defined below), the Department, as issuer of the Bonds, is required to submit for the Developments one or more Applications for Allocation of Private Activity Bonds (the "Application") with the Texas Bond Review Board (the "Bond Review Board") with respect to the tax-exempt Bonds to qualify for the Bond Review Board's Allocation Program in connection with the Bond Review Board's authority to administer the allocation of the authority of the state to issue private activity bonds; and

WHEREAS, the Board has determined to declare its intent to issue its multifamily revenue bonds for the purpose of providing funds to the Owners to finance the Developments on the terms and conditions hereinafter set forth; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD THAT:

Section 1—Certain Findings. The Board finds that:

(a) the Developments are necessary to provide decent, safe and sanitary housing at rentals that individuals or families of low and very low income and families of moderate income can afford;

(b) the Owners will supply, in their Development, well-planned and well-designed housing for individuals or families of low and very low income and families of moderate income;

(c) the Owners are financially responsible;

(d) the financing of the Developments is a public purpose and will provide a public benefit; and

(e) the Developments will be undertaken within the authority granted by the Act to the Department and the Owners.

Section 2—Authorization of Issue. The Department declares its intent to issue its Multifamily Housing Revenue Bonds (the "Bonds") in one or more series and in amounts estimated to be sufficient to (a) fund a loan or loans to the Owners to provide financing for the Developments in an aggregate principal amount not to exceed those amounts, corresponding to the Developments, set forth in Exhibit A; (b) fund a reserve fund with respect to the Bonds if needed; and (c) pay certain costs incurred in connection with the issuance of the Bonds. Such Bonds will be issued as qualified residential rental development bonds. Final approval of the Department to issue the Bonds shall be subject to: (i) the review by the Department's credit underwriters for financial feasibility; (ii) review by the Department's staff and legal counsel of compliance with federal income tax regulations and state law requirements regarding tenancy in each Development; (iii) approval by the Bond Review Board, if required; (iv) approval by the Attorney General of the State of Texas (the "Attorney General"); (v) satisfaction of the Board that each Development meets the Department's public policy criteria; and (vi) the ability of the Department to issue such Bonds in compliance with all federal and state laws applicable to the issuance of such Bonds.

Section 3—Terms of Bonds. The proposed Bonds shall be issuable only as fully registered bonds in authorized denominations to be determined by the Department; shall bear interest at a rate or rates to be determined by the Department; shall mature at a time to be determined by the Department but in no event

later than 40 years after the date of issuance; and shall be subject to prior redemption upon such terms and conditions as may be determined by the Department.

Section 4–Reimbursement. The Department reasonably expects to reimburse the Owners for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof in connection with the acquisition of real property and construction of its Development and listed on Exhibit A attached hereto (“Costs of the Developments”) from the proceeds of the Bonds, in an amount which is reasonably estimated to be sufficient: (a) to fund a loan to provide financing for the acquisition and construction or rehabilitation of its Development, including reimbursing the applicable Owner for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof in connection with the acquisition and construction or rehabilitation of the Developments; (b) to fund any reserves that may be required for the benefit of the holders of the Bonds; and (c) to pay certain costs incurred in connection with the issuance of the Bonds.

Section 5–Principal Amount. Based on representations of the Owners, the Department reasonably expects that the maximum principal amount of debt issued to reimburse the Owners for the Costs of the Developments will not exceed the amount set forth in Exhibit A which corresponds to the applicable Development.

Section 6–Limited Obligations. The Owners may commence with the acquisition and construction or rehabilitation of the Developments, which Developments will be in furtherance of the public purposes of the Department as aforesaid. On or prior to the issuance of the Bonds, each Owner will enter into a loan agreement on an installment payment basis with the Department under which the Department will make a loan to the applicable Owner for the purpose of reimbursing the Owner for the Costs of the Development and the Owner will make installment payments sufficient to pay the principal of and any premium and interest on the applicable Bonds. The proposed Bonds shall be special, limited obligations of the Department payable solely by the Department from or in connection with its loan or loans to the Owner to provide financing for the Development, and from such other revenues, receipts and resources of the Department as may be expressly pledged by the Department to secure the payment of the Bonds.

Section 7–The Developments. Substantially all of the proceeds of the Bonds shall be used to finance the Developments, which are to be occupied entirely by Eligible Tenants, as determined by the Department, and which are to be occupied partially by persons and families of low income such that the requirements of Section 142(d) of the Code are met for the period required by the Code.

Section 8–Payment of Bonds. The payment of the principal of and any premium and interest on the Bonds shall be made solely from moneys realized from the loan of the proceeds of the Bonds to reimburse the Owners for costs of its Development.

Section 9–Costs of Developments. The Costs of the Developments may include any cost of acquiring, constructing, reconstructing, improving, installing and expanding the Developments. Without limiting the generality of the foregoing, the Costs of the Developments shall specifically include the cost of the acquisition of all land, rights-of-way, property rights, easements and interests, the cost of all machinery and equipment, financing charges, inventory, raw materials and other supplies, research and development costs, interest prior to and during construction and for one year after completion of construction whether or not capitalized, necessary reserve funds, the cost of estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of acquiring, constructing, reconstructing, improving and expanding the Developments, administrative expenses and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, improvement

and expansion of the Developments, the placing of the Developments in operation and that satisfy the Code and the Act. The Owners shall be responsible for and pay any costs of its Development incurred by it prior to issuance of the Bonds and will pay all costs of its Development which are not or cannot be paid or reimbursed from the proceeds of the Bonds.

Section 10–No Commitment to Issue Bonds. Neither the Owners nor any other party is entitled to rely on this Resolution as a commitment to issue the Bonds and to loan funds, and the Department reserves the right not to issue the Bonds either with or without cause and with or without notice, and in such event the Department shall not be subject to any liability or damages of any nature. Neither the Owners nor any one claiming by, through or under the Owners shall have any claim against the Department whatsoever as a result of any decision by the Department not to issue the Bonds.

Section 11–No Indebtedness of Certain Entities. The Board hereby finds, determines, recites and declares that the Bonds shall not constitute an indebtedness, liability, general, special or moral obligation or pledge or loan of the faith or credit or taxing power of the State, the Department or any other political subdivision or municipal or political corporation or governmental unit, nor shall the Bonds ever be deemed to be an obligation or agreement of any officer, director, agent or employee of the Department in his or her individual capacity, and none of such persons shall be subject to any personal liability by reason of the issuance of the Bonds.

Section 12–Conditions Precedent. The issuance of the Bonds following final approval by the Board shall be further subject to, among other things: (a) the execution by the Owners and the Department of contractual arrangements providing assurance satisfactory to the Department that 100 percent of the units for each Development will be occupied at all times by Eligible Tenants, that all other requirements of the Act will be satisfied and that each Development will satisfy the requirements of Section 142(d) of the Code (except for portions to be financed with taxable bonds); (b) the receipt of an opinion from Bracewell & Giuliani LLP or other nationally recognized bond counsel acceptable to the Department, substantially to the effect that the interest on the tax-exempt Bonds is excludable from gross income for federal income tax purposes under existing law; and (c) receipt of the approval of the Bond Review Board, if required, and the Attorney General.

Section 13–Certain Findings. The Board hereby finds, determines, recites and declares that the issuance of the Bonds to provide financing for the Developments will promote the public purposes set forth in the Act, including, without limitation, assisting persons and families of low and very low income and families of moderate income to obtain decent, safe and sanitary housing at rentals they can afford.

Section 14–Authorization to Proceed. The Board hereby authorizes staff, Bond Counsel and other consultants to proceed with preparation of the Developments’ necessary review and legal documentation for the filing of one or more Applications for the 2012 program year and the issuance of the Bonds, subject to satisfaction of the conditions specified in Section 2(i) and (ii) hereof. The Board further authorizes staff, Bond Counsel and other consultants to re-submit an Application that was withdrawn by an Owner so long as the Application is re-submitted within the current or following program year.

Section 15–Related Persons. The Department acknowledges that financing of all or any part of the Developments may be undertaken by any company or partnership that is a “related person” to the respective Owner within the meaning of the Code and applicable regulations promulgated pursuant thereto, including any entity controlled by or affiliated with the Owners.

Section 16–Declaration of Official Intent. This Resolution constitutes the Department’s official intent for expenditures on Costs of the Developments which will be reimbursed out of the issuance of the

Bonds within the meaning of Sections 1.142-4(b) and 1.150-2, Title 26, Code of Federal Regulations, as amended, and applicable rulings of the Internal Revenue Service thereunder, to the end that the Bonds issued to reimburse Costs of the Developments may qualify for the exemption provisions of Section 142 of the Code, and that the interest on the Bonds (except for any taxable Bonds) will therefore be excludable from the gross incomes of the holders thereof under the provisions of Section 103(a)(1) of the Code.

Section 17–Authorization of Certain Actions. The Department hereby authorizes the filing of and directs the filing of one or more Applications in such form presented to the Board with the Bond Review Board and each director of the Board are hereby severally authorized and directed to execute the Applications on behalf of the Department and to cause the same to be filed with the Bond Review Board.

Section 18–Books and Records. The Board hereby directs this Resolution to be made a part of the Department’s books and records that are available for inspection by the general public.

Section 19–Notice of Meeting. This Resolution was considered and adopted at a meeting of the Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Board.

Section 20–Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

*[Execution page follows]*

PASSED AND APPROVED this 13<sup>th</sup> day of June, 2013.

[SEAL]

By: \_\_\_\_\_  
Chairman, Governing Board

Attest: \_\_\_\_\_  
Secretary to the Governing Board

EXHIBIT "A"

Description of the Owners and the Developments

Project Name	Owner	Principals	Amount Not to Exceed
Northcrest Apartments;	DHI NC Housing LP;	The General Partner of DHI NC Housing LP is DHI NC Southwest Preservation LLC, a Texas limited liability company. The members are DHI, Inc. (35%), Tim Fluetsch (15%) and Juniper Housing LLC (50%)	\$4,300,000.00
Costs: Rehabilitation and acquisition of a 68-unit affordable, multifamily, rental community located 1002 North Main Street, Big Spring, Texas 79720 [Howard County].			
Central Village Apartments;	DHI CV Housing LP;	The General Partner of DHI CV Housing LP is DHI CV Southwest Preservation LLC, a Texas limited liability company. The members are DHI, Inc. (35%), Tim Fluetsch (15%) and Juniper Housing LLC (50%)	\$4,400,000.00
Costs: Rehabilitation and acquisition of a 84-unit affordable, multifamily, rental community located at 910 West 28 <sup>th</sup> Street, Plainview, Texas 79072 [Hale County].			
Pine Haven Apartments	DHI PH Housing LP	The General Partner of DHI PH Housing LP is DHI PH Southwest Preservation LLC, a Texas limited liability company. The members are DHI, Inc. (35%), Tim Fluetsch (15%) and Juniper Housing LLC (50%)	\$4,000,000.00
Costs: Rehabilitation and acquisition of a 64-unit affordable, multifamily, rental community located at 2500 Southeast End Boulevard, Marshall, Texas 75670 [Harrison County].			

1h



**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

**RECOMMENDED ACTION**

**WHEREAS**, a Housing Tax Credit application for the Villas at Colt Run was originally submitted to the Department on October 12, 2012, and received an initial Determination Notice from the Board on December 13, 2012; and

**WHEREAS**, due to timing issues associated with the permitting process with the City of Houston, the Applicant was unable to close on the bonds within the 150-day deadline of April 12, 2013, and a new Certificate of Reservation was issued on April 11, 2013, which will expire on September 8, 2013;

**WHEREAS**, the proposed issuer of the bonds is the City of Houston Housing Finance Corporation; and

**WHEREAS**, the Executive Award and Review Advisory Committee recommends the issuance of the new Determination Notice;

**NOW, therefore, it is hereby**

**RESOLVED**, that the issuance of a Determination Notice of \$711,990 in Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for the Villas at Colt Run, is hereby approved as presented to this meeting.

**BACKGROUND**

*General Information:* The development is new construction and includes the demolition of an existing multifamily development, owned by the City of Houston that has been abandoned. Villas at Colt Run will consist of 138 total units serving a general population. This transaction is a Priority 3 with all of the units proposed to be rent and income restricted at 60% of the Area Median Family Income (AMFI). The development is located in Houston, Harris County where there is no zoning ordinance.

*Organizational Structure and Compliance:* The Borrower is Villas at Colt Run, L.P.; and the General Partner is Villas at Colt Run LDG GP, LLC. The Compliance Status Summary completed on April 16, 2013, reveals that the principals of the general partner have received 11 multifamily awards. There are no identified issues relating to material noncompliance.

*Census Demographics:* The development is to be located at 7600 East Houston Rd. in Houston. Demographics for the census tract (2311.00) include AMFI of \$34,393; the total population is 4,729; the percent of population that is minority is 93.76%; the percent of population that is below the poverty line is 24.40%; the number of owner occupied units is 858 and the number of renter units is 482. (Census information from FFIEC Geocoding for 2012).

*Public Comment:* The Department has not received any letters of support or opposition for this Development.

# Applicant Evaluation

Project ID **13400**

Name **Villas at Colt Run**

City:

HTC 9%     HTC 4%     HOME     BOND     HTF     NSP     ESG     Other

No Previous Participation in Texas       Members of the development team have been disbarred by HUD

### Compliance

Total # of MF awards monitored:	11	<b>Projects in Material Noncompliance</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Projects grouped by score	0-9: 8
Total # of MF awards not yet monitored or pending review:	0	Unresolved Audit Findings Identified w/ Contract(s) <input type="checkbox"/>		10-19: 3	
SF Contract Experience <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total # of MF Projects in Material Noncompliance: <u>0</u>		20-29: 0	
Total # of SF Contracts: <u>0</u>				Total monitored with a score 0-29: <u>11</u>	

Completed by: James Roper      Reviewer: Patricia Murphy

Date: 4/11/2013      Date: 4/16/2013

Comments (if applicable):

### Single Audit

Single audit review not applicable       Late single audit certification form (see comments)  
 Single audit requirements current       Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon      Date: 4/17/2013

Comments (if applicable):

### Loan Servicing

No delinquencies found       Delinquencies found (see comments)

Reviewer: Candace Christiansen      Date: 4/16/2013

Comments (if applicable):

### Financial Services

No delinquencies found       Delinquencies found (See Comments)

Reviewer: Monica Guerra      Date: 4/17/2013

Comments (if applicable):

### Community Affairs

No identified issues       Identified Issues (see comments)

Reviewer: Cathy Collingsworth      Date: 4/17/2013

Comments (if applicable):



**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

**RECOMMENDED ACTION**

**WHEREAS**, a Housing Tax Credit award and a HOME Multifamily Development (MFD) loan in the amount of \$2,000,000 for the Gateway Northwest was originally approved at the July 26, 2012 Board meeting;

**WHEREAS**, timing constraints associated with the FHA Mortgage Insurance approval prevented the Applicant from closing by the original Certificate of Reservation deadline of September 29, 2012, and the Board reconsidered and approved the Housing Tax Credit allocation at the October 9, 2012 Board meeting;

**WHEREAS**, following Board reconsideration and approval on October 9, 2012, the application for FHA Mortgage Insurance was denied by HUD;

**WHEREAS**, the City of Georgetown has agreed to waive up to \$100,000 of impact fees and the Housing Authority of the City of Georgetown has committed to providing fifteen (15) Project-Based Vouchers for the proposed Development and HUD has accepted these additional commitments to resolve concerns that resulted in the original disapproval;

**WHEREAS**, the City of Georgetown has twice the state average of units per capita supported by Housing Tax Credits and Private Activity Bonds and the City of Georgetown voted on May 14, 2013, to approve the construction of the Development in accordance with the Department's rule;

**WHEREAS**, the proposed issuer of the bonds for the Development is the Texas State Affordable Housing Corporation ("TSAHC") and the new Certificate of Reservation will expire on September 13, 2013;

**WHEREAS**, the updated Housing Tax Credit application was submitted on April 11, 2013, which was after the 75-day deadline of April 1, 2013, and therefore, necessitates the need for a waiver of §10.201(2) of the Uniform Multifamily Rules which requires all outstanding application items be submitted 75 days prior to the selected Board meeting;

**WHEREAS**, the 75-day deadline is a rule created to ensure staff has sufficient time to complete a review of an application and such review was completed in a shorter period of time; and

**WHEREAS**, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice.

**NOW, therefore, it is hereby**

**RESOLVED**, that §10.201(2) is waived and that the issuance of a Determination Notice of \$638,832 in 4% Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for the Gateway Northwest, is hereby approved as presented to this meeting; and

**FURTHER RESOLVED**, that granting a waiver of §10.201(2) of the Uniform Multifamily Rules relating to the 75-day deadline of outstanding application items facilitates the policies and purposes as articulated in Texas Government Code, Chapter 2306 because a complete and thorough review was completed within the time available and a waiver will allow the applicant to proceed without unnecessary delays in the award of funds.

### **BACKGROUND**

*General Information:* The development is new construction and will consist of 180 total units serving the general population in Georgetown, Williamson County. This transaction is a Priority 3 with a combination of the units proposed to be rent and income restricted at 30%, 50% and 60% of the Area Median Family Income (AMFI). The development is also proposed to include three (3) market rate units. The site is currently zoned for this type of development.

*Changes to the Application:* The current housing tax credit application includes a couple of changes from the 2012 application which primarily include the inclusion of fee waivers granted specifically by vote by the City of Georgetown on February 26, 2013, in an amount not to exceed \$100,000, which will be applied to fees related to plan reviews, building inspection and engineering inspection fees. Moreover, the Housing Authority of the City of Georgetown passed a resolution on February 19, 2013, approving the implementation of a Project-Based Voucher Program with the reservation of funding of fifteen (15) Project-Based Vouchers for use at the proposed development.

*Waiver Request:* The application was submitted on April 11, 2013, which pursuant to §10.201(2) of the Uniform Multifamily Rules, was after the 75-day deadline of April 1 by which any remaining parts of the application must be submitted in order to be placed on the June 13, 2013 Board agenda.

The 75-day deadline is intended to allow staff sufficient time to review, underwrite and perform previous participation reviews in accordance with the Department's rules. The late submission of the application did not delay staff's ability to perform any of these review processes. In accordance with §10.207(c) of the Uniform Multifamily Rules, the standard to be applied in granting a waiver requires that ***"a requested waiver must establish how the waiver is necessary to address circumstances beyond the Applicant's control and how, if the waiver is not granted, the Department will not fulfill some specific requirement of law or purpose of policy set forth in Texas Government Code, Chapter 2306."*** Staff's recommendation to grant the waiver facilitates the policies and purposes as articulated in Texas Government Code Chapter 2306 by ensuring the most efficient deployment of resources for the creation

of affordable housing opportunities. Moreover, placing the application on this agenda for consideration allows staff to direct their time and attention to the competitive housing tax credits currently under review.

*Organizational Structure and Compliance:* The Borrower is THF Georgetown Gateway Northwest, Ltd. and the General Partner is The Gateway Northwest, LLC. The Compliance Status Summary completed on April 24, 2013, reveals that the principals of the general partner have received 59 multifamily awards. There were no identified issues relating to material noncompliance.

*Census Demographics:* The development is to be located at 1617 Northwest Boulevard in Georgetown. Demographics for the census tract (0201.14) include AMFI of \$72,560; the total population is 4,935; the percent of population that is minority is 35.26%; the percent of the population that is below the poverty line is 5.83%; the number of owner occupied units is 979 and the number of renter units is 823. (Census information from FFIEC Geocoding for 2012).

*Public Comment:* The Department previously received three letters of support from George Garver, Mayor, City of Georgetown; Rachael Jonrowe, Councilmember, City of Georgetown and Paul E. Brandenburg, City Manager, City of Georgetown. No letters of opposition have been received.

# Applicant Evaluation

Project ID # **13407**

Name **THF Georgetown Gateway Northwest** City: **Marble Falls**

HTC 9%     HTC 4%     HOME     BOND     HTF     NSP     ESG     Other

No Previous Participation in Texas       Members of the development team have been disbarred by HUD

### Compliance

Total # of MF awards monitored:	51	<b>Projects in Material Noncompliance</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Projects grouped by score	0-9:	40
Total # of MF awards not yet monitored or pending review:	8	Unresolved Audit Findings Identified w/ Contract(s) <input type="checkbox"/>		10-19:	8
SF Contract Experience <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Total # of MF Projects in Material Noncompliance: <u>0</u>		20-29:	0
Total # of SF Contracts:	5			Total monitored with a score 0-29:	51

Completed by: James Roper      Reviewer: Patricia Murphy

Date: 4/21/2013      Date: 4/24/2013

Comments (if applicable):

### Single Audit

Single audit review not applicable       Late single audit certification form (see comments)  
 Single audit requirements current       Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon      Date: 4/25/2013

Comments (if applicable):

### Loan Servicing

No delinquencies found       Delinquencies found (see comments)

Reviewer: Candace Christiansen      Date: 4/26/2013

Comments (if applicable):

### Financial Services

No delinquencies found       Delinquencies found (See Comments)

Reviewer: Monica Guerra      Date: 4/26/2013

Comments (if applicable):

### Community Affairs

No identified issues       Identified Issues (see comments)

Reviewer: Stephen Jung      Date: 4/22/2013

Comments (if applicable):



1i

**BOARD ACTION REQUEST**  
**COMMUNITY AFFAIRS DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Approval of the draft Community Services Block Grant State Application and Plan for Fiscal Years 2014 - 2015 and directing it for publication in the Texas Register for public comment

**RECOMMENDED ACTION**

**WHEREAS**, the U.S. Department of Health and Human Services (USHHS) requires that the Department submit a State application and plan every two years in order to receive its allotment of Community Services Block Grant (CSBG) fund; and

**WHEREAS**, the Department has prepared the draft Community Services Block Grant State Application and Plan for Federal Fiscal Years 2014 – 2015,

**NOW, therefore, it is hereby**

**RESOLVED**, that the draft CSBG State Application and Plan for Federal Fiscal Years (FFY) 2014 – 2015, in the form presented to this meeting, is hereby approved to be published in the *Texas Register* and released for public comment and public hearing; and

**FURTHER RESOLVED**, that if no substantive critical public comment is received, State Application and Plan will be submitted to the USHHS without further Board approval.

**BACKGROUND**

The U.S. Department of Health and Human Services (USHHS) requires that the State of Texas submit a State Application and Plan every two years in order to receive its allotment of Community Services Block Grant funds. In response to such requirement, the Department has prepared the draft CSBG State Application and Plan for FFY 2014-2015. Staff recommends approval of draft CSBG State Application and Plan for FFY 2014-2015 for publication in the *Texas Register* and posting on TDHCA website for public comment.

Texas Government Code, Chapter 2105, Subchapter B requires that, in conjunction with the development of the State Plan, the Department hold public hearings in different areas of the state to solicit public comment on the intended use of CSBG funds. The statute further requires that the Department provide notice of the public hearings regarding the State Plan not later than the 15th day before the date of the hearing.

The Department will conduct the following public hearings to receive comment on the draft CSBG State Application and Plan for FFY 2014-2015:

- Tuesday, July 9, 2013 at 10:30 a.m. at the TDHCA headquarters office  
221 East 11th Street, Room #116, Austin, Texas 78701
- Wednesday, July 10, 2013 at 11:00 a.m. at Gulf Coast Community Services Association  
9320 Kirby Drive, Conference Room #120, Houston, Texas 77054
- Wednesday, July 10, 2013 at 6:30 p.m. at the Claude W. Black Community Center  
2805 East Commerce Street, Live Oak Room-23A, San Antonio, Texas 78203
- Thursday, July 11, 2013 at 6:30 p.m. at the Southside Community Center,  
959 East Rosedale, Rooms #1,2,3, Fort Worth, Texas 76104

Staff will post the draft CSBG State Application and Plan for FFY 2014-2015 on the Department's website and in the *Texas Register* for public comment.

Staff recommends that if the Department does not receive significant public comment on the draft CSBG State Application and Plan for FFY 2014-2015, the Board grant the Executive Director the authority to make necessary modifications and submit the State Application and Plan to the USHHS without returning to the Board.



**STATE OF TEXAS**

**FFY 2014 and FFY 2015**

**COMMUNITY SERVICES BLOCK GRANT (CSBG)**

**STATE APPLICATION AND PLAN**

**Submitted by the**

**TEXAS DEPARTMENT OF HOUSING & COMMUNITY AFFAIRS**

**to**

**U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**August 2013**

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## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Rick Perry  
GOVERNOR

**BOARD MEMBERS**  
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Lowell A. Keig  
J. Mark McWatters

August 29, 2013

*Writer's direct phone # 512-475-3296*  
*Email: [tim\\_irvine@tdhca.state.tx.us](mailto:tim_irvine@tdhca.state.tx.us)*

Ms. Jeannie L. Chaffin  
Director  
Office of Community Services  
U. S. Department of Health and Human Services--ACF  
Division of State Assistance  
370 L'Enfant Promenade, S.W.  
Washington, DC 20447

RE: State of Texas FFY 2014 and FFY 2015 Community Services Block Grant State Application and Plan

Dear Ms. Chaffin:

Enclosed is the State of Texas Application and Plan for Federal Fiscal Years 2014 and 2015 funding under the Community Services Block Grant (CSBG) Act, 42 U.S.C. 9901 et seq. Administration of the Community Services Block Grant in Texas is also governed by state rule in the Texas Administrative Code--Title 10, Part 1, Chapter 5, Subchapter B. and Texas Government Code Subchapters 2306.092 and 2306.097.

The Texas Department of Housing and Community Affairs (Department) is the state agency designated to administer these funds. The official to receive notices of grant awards for CSBG is Mr. Timothy K. Irvine, Executive Director. The program contact person within the CSBG State Office is Michael De Young, Manager of the Community Affairs Division (CAD). The CAD phone number is (512) 475-3951, and the fax number is (512) 475-3935. The Department's fiscal contact person for the Community Services Block Grant is Esther Ku, Manager of Accounting Operations. Ms. Ku can be reached at (512) 475-3871 and e-mailed at [esther.ku@tdhca.state.tx.us](mailto:esther.ku@tdhca.state.tx.us).



The State of Texas appreciates the opportunity to continue administering the Community Services Block Grant. CSBG provides support to an array of programs that assist low-income individuals and families to create permanent change in their lives. In 2012, CSBG enabled the State's Community Action Network to provide services to more than 655,444 unduplicated low-income individuals and to assist 1,728 persons to transition out of poverty.

If you require additional information regarding this document, please do not hesitate to contact this office.

Sincerely,

Timothy K. Irvine  
Executive Director

Enclosure  
TKI/rdg



## **I. FEDERAL FISCAL YEARS COVERED BY THE STATE APPLICATION AND PLAN**

The State Application and Plan covers Federal Fiscal Years 2014 and 2015.

## **II. TRANSMITTAL LETTER (previous page)**

## **III. EXECUTIVE SUMMARY**

### **A. CSBG State Legislation**

The State legislation that governs the Texas CSBG program is codified below and a copy of the provisions are included within this document as **Appendix H**.

Texas Administrative Code, Title 10, Part 1, Chapter 5, Subchapters A and B provide information and guidance on the program's purposes and goals, use and distribution of funds, state application and plan, the requirement for eligible entities to conduct community needs assessments and community action plans, requirements associated with tripartite boards, sub-recipient performance and reporting requirements, designation and re-designation of eligible entities in unserved areas, and procedures for sub-recipient contract termination and reduction of funding.

Texas Government Code 2306.092 requires that the Department administer state responsibilities for programs created under the federal Economic Opportunity Act of 1964, the Omnibus Budget Reconciliation Act of 1981, and other federal acts creating economic opportunity programs assigned to the Department.

Texas Government Code 2306.097 requires energy services programs that serve low-income individuals, such as the Weatherization Assistance Program (WAP) and the Low-Income Home Energy Assistance Program (LIHEAP), operate in conjunction with the Community Services Block Grant. Therefore, the majority of CSBG eligible entities administer the above-referenced energy efficiency programs in the State of Texas.

### **B. Designation of Lead State Agency to Administer the CSBG Program**

The Texas Department of Community Affairs, which in 1991 was merged with the Texas Housing Agency to create the Texas Department of Housing and Community Affairs (the Department), began administering the Texas Community Services Block Grant in 1983 in accordance with state statute. In 1999, Governor George Bush designated the Department as the lead agency for this grant in response to Section 676(a) of the CSBG Act. Governor Rick Perry has continued this designation. A letter to this effect is included in the State Application as **Appendix I**.

Designated State Lead Agency: Texas Department of Housing and Community Affairs  
Director/Administrator of Designated State Agency: Timothy K. Irvine

The State of Texas appreciates the opportunity to continue administering the Community Services Block Grant. CSBG provides support to an array of programs that assist low-income individuals and families to create permanent change in their lives. In 2012, CSBG enabled the State's Community Action Network to provide services to more than 655,444 unduplicated low-income individuals and to assist 1,728 persons to transition out of poverty.

If you require additional information regarding this document, please do not hesitate to contact this office.

Sincerely,

Timothy K. Irvine  
Executive Director

Enclosure  
TKI/rdg

### C. Public Hearing Requirements

- (1) Public Hearing: The Department compiled and distributed a draft Texas CSBG State Application and Plan that described the proposed use of CSBG funds for Federal Fiscal Years 2014 and 2015. Information on the proposed use of the CSBG funds was presented at the public hearings are to be held on Tuesday, July 9, 2013 at 10:30 a.m. in Room #116 at the TDHCA headquarters office located at 221 East 11th Street, Room #116 in Austin, Texas 78701; Wednesday, July 10, 2013 at 11:00 a.m. at the headquarters of Gulf Coast Community Services Association at 9320 Kirby Drive, Room #112, Houston, Texas 77054; on Wednesday, July 10, 2013 at 6:30 p.m. at City of San Antonio, Claude W. Black Community Center, 2805 East Commerce Street, Live Oak Room-23A, San Antonio, Texas 78203; and on Thursday, July 11, 2013 at 6:30 p.m. at the City of Fort Worth, Southside Community Center, 959 East Rosedale, Activity Rooms #1,2,3, Fort Worth, Texas 78203. The public hearings were announced in a June 28, 2013 notice in the Texas Register, a copy which is included in this application as **Appendix A**.
- (2) Legislative Hearing: The Texas State Legislature meets biennially during which time the budgets of all state agencies are considered. The CSBG budget is included in the review of the Department's overall budget. The Texas House of Representatives held its Legislative Appropriations Request public hearing at the House of Representatives Appropriations Committee Hearing on February 12, 2013. The Texas Senate conducted its Legislative Appropriations Request at a public hearing of the Senate Finance Committee on February 4, 2013. **Appendix B** references additional detail on the State's Legislative Appropriations Request hearings process and certifies that such process serves to comply with the CSBG Act's requirement [42 U.S.C. Section 9008 (a) (3)] that at least one (1) legislative hearing be held every three years in conjunction with the state's development of its CSBG State Application and Plan.
- (3) Public Inspection of State Application and Plan: The draft Texas FFY 2014 and FFY 2015 CSBG State Application and Plan was made available to the Department's Board of Directors and then for public inspection/comment on the Department's website: <http://www.tdhca.state.tx.us/community-affairs/csbg/index.htm>. Copies of the draft document were also made available at the public hearings. In addition, copies of the final Texas FFY 2014 and FFY 2015 CSBG State Application and Plan will be made available to the Texas State Library and will remain there on file for future reference.

### IV. STATEMENT OF FEDERAL AND CSBG ASSURANCES/CERTIFICATIONS

As part of the CSBG biennial application and plan required by Section 676 of the Community Services Block Grant Act, as amended (42 U.S.C. 9901 *et seq.*) (the Act), I, Timothy K. Irvine, Interim Executive Director of the Texas Department of Housing and Community Affairs (Department), hereby agree to the Assurances in Section 676 of the Act.

## A. Programmatic Assurances

- (1) The State assures that funds made available through the CSBG will be used:
  - (a) To support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), homeless families and individuals, migrant or seasonal farmworkers, and elderly low income individuals and families, and a description of how such activities will enable the families and individuals to:
    - (i) remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a State program carried out under Part A of Title IV. of the Social Security Act);
    - (ii) secure and retain meaningful employment;
    - (iii) attain an adequate education, with particular attention toward improving literacy skills of low-income families in the communities involved, which may include carrying out family literacy initiatives;
    - (iv) make better use of available income;
    - (v) obtain and maintain adequate housing and a suitable living environment;
    - (vi) obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and,
    - (vii) achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to:
      - a. document best practices based on successful grassroots intervention in urban areas to develop methodologies for widespread replication; and,
      - b. to strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;
  - (b) To address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community based youth development

programs that have demonstrated success in preventing or reducing youth crime, such as:

- (i) programs for the establishment of violence free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs); and
  - (ii) after school child care programs; and,
- (c) To make more effective use of, and to coordinate with, other programs (including State welfare reform efforts). [676(b)(1)]
- (2) To describe how the State intends to use discretionary funds made available from the remainder of the grant or allotment described in Section 675C(b) of the Act in accordance with the Community Services Block Grant, including a description of how the State will support innovative community and neighborhood based initiatives related to the purposes of this subtitle; [676(b)(2)]
- (3) To provide information submitted by CSBG eligible entities in the State, including:
- (a) a description of the service delivery system, for services provided or coordinated with funds made available through grants made under Section 675C(a) of the Act, targeted to low-income individuals and families in communities within the State;
  - (b) a description of how linkages will be developed to fill identified gaps in services, through the provision of information, referrals, case management, and follow-up consultations;
  - (c) a description of how funds made available through grants made under Section 675(a) will be coordinated with other public and private resources; and
  - (d) a description of how local CSBG eligible entities will use the funds to support innovative community and neighborhood-based initiatives related to the purposes of the Community Services Block Grant, which may include fatherhood initiatives and other initiatives with the goal of strengthening families and encouraging effective parenting. [676(b)(3)];
- (4) To ensure that CSBG eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals; [676(b)(4)]
- (5) To ensure that the State and the CSBG eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services, and State and the CSBG eligible entities will coordinate the provision of employment and training activities in the State and in communities

with entities providing activities through statewide and local workforce investment systems under the Workforce Investment Act of 1998; [676(b)(5)]

- (6) To ensure coordination between antipoverty programs in each community in the State, and ensure, where appropriate, that emergency energy crisis intervention programs under Title XXVI. (relating to low-income home energy assistance) are conducted in such communities; [676(b)(6)]
- (7) To permit and cooperate with Federal investigations undertaken in accordance with Section 678D of the Act; [676(b)(7)]
- (8) To ensure that any eligible entity in the State that received funding in the previous fiscal year through a Community Services Block Grant under the Community Services Block Grant program will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in Section 678C(b) of the Act [676(b)(8)];
- (9) To ensure that the State and CSBG eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of groups served by the State, including religious organizations, charitable groups, and community organizations [676(b)(9)];
- (10) To require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation [676(b)(10)];
- (11) To secure from each eligible entity in the State, as a condition to receipt of funding, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State Plan) that includes a community needs assessment for the community served, which may be coordinated with community needs assessments conducted for other programs [676(b)(11)];
- (12) To ensure that the State and all CSBG eligible entities in the State will, not later than fiscal year 2001, participate in the Results-Oriented Management and Accountability System, or another performance measure system for which the Secretary facilitated development pursuant to Section 678E(b) of the Act [676(b)(12)]; and,
- (13) To provide information describing how the State will carry out these assurances. [676(b)(13)]. **(See Section V. Narrative CSBG State Plan)**

## **B. Administrative and Financial Assurances**

The State further agrees to the following, as required under the Act:

- (1) To submit an application to the Secretary containing information and provisions that describe the programs for which assistance is sought under the Community Services Block Grant program prepared in accordance with and containing the information described in Section 676 of the Act. [675A(b)]
- (2) To use not less than 90 percent of the funds made available to the State by the Secretary under Section 675A and 675B of the Act to make grants to eligible entities for the stated purposes of the Community Services Block Grant program and to make such funds available to eligible entities for obligation during the fiscal year and the succeeding fiscal year, subject to the provisions regarding recapture and redistribution of unobligated funds in the CSBG Act. [675C(a)(1)-(3) and in the appropriation language.]
- (3) To spend no more than the greater of \$55,000 or 5 percent of its grant received under Section 675A or the State allotment received under Section 675B for administrative expenses, including monitoring activities. [675C(b)(2)]
- (4) In states with a charity tax credit in effect under state law, the State agrees to comply with the requirements and limitations specified in Section 675(c) regarding use of funds for statewide activities to provide charity tax credits to qualified charities whose predominant activity is the provision of direct services within the United States to individuals and families whose annual incomes generally do not exceed 185 percent of the poverty line in order to prevent or alleviate poverty among such individuals and families. [675(c)]
- (5) That the lead agency will hold at least one hearing in the State with sufficient time and statewide distribution of notice of such hearing, to provide to the public an opportunity to comment on the proposed use and distribution of funds to be provided through the grant or allotment under Section 675A or 675B for the period covered by the State Plan. [676(a)(2)(B)]
- (6) That the chief executive officer of the State will designate an appropriate State agency for purposes of carrying out State Community Services Block Grant activities. [676(a)(1)]
- (7) To hold at least one legislative hearing every three years in conjunction with the development of the State Plan. [676(a)(3)]
- (8) To make available for the public inspection each plan or revised State plan in such a manner as will facilitate review of and comment on the plan. [676(e)(2)]
- (9) To conduct the following reviews of CSBG eligible entities:



- (a) full on-site review of each such entity at least once during each three year period;
  - (b) an on-site review of each newly designated entity immediately after the completion of the first year in which such entity receives funds through the Community Services Block Grant program;
  - (c) follow-up reviews including prompt return visits to eligible entities and their programs, that fail to meet the goals, standards, and requirements established by the State; and,
  - (d) other reviews as appropriate, including reviews of entities with programs that have had other Federal, State or local grants other than assistance provided under the Community Services Block Grant program terminated for cause. [678B(a)]
- (10) In the event that the State determines that an eligible entity fails to comply with the terms of an agreement or the State plan, to provide services under the Community Services Block Grant program or to meet appropriate standards, goals, and other requirements established by the State (including performance objectives), the State will comply with the requirements outlined in Section 678C of the Act, to:
- (a) inform the entity of the deficiency to be corrected;
  - (b) require the entity to correct the deficiency;
  - (c) offer training and technical assistance as appropriate to help correct the deficiency, and submit to the Secretary a report describing the training and technical assistance offered or stating the reasons for determining that training and technical assistance are not appropriate;
  - (d) at the discretion of the State, offer the eligible entity an opportunity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan and to either approve the proposed plan or specify reasons why the proposed plan cannot be approved; and,
  - (e) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the funding to the eligible entity unless the entity corrects the deficiency. [678(C)(a)]
- (11) To establish fiscal controls, procedures, audits and inspections as required under Sections 678D(a)(1) and 678D(a)(2) of the Act.
- (12) To repay to the United States amounts found not to have been expended in accordance with the Act, or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under the Community Services Block Grant program. [678D(a)(3)]
- (13) To participate, by October 1, 2001, and ensure that all eligible entities in the State participate in the Results-Oriented Management and Accountability (ROMA) System. [678E(a)(1)]



- (14) To prepare and submit to the Secretary an annual report on the measured performance of the State and its eligible entities, as described under 678E(a)(2) of the Act.
- (15) To comply with the prohibition against use of Community Services Block Grant funds for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility, as described in Section 678F(a) of the Act.
- (16) To ensure that programs assisted by Community Services Block Grant funds shall not be carried out in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance with any such election, or any voter registration activity. [678F(b)]
- (17) To ensure that no person shall, on the basis of race, color, national origin or sex be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Community Services Block Grant program funds. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified individual with a disability as provided in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 1231 et seq.) shall also apply to any such program or activity. [678F(c)]
- (18) To consider religious organizations on the same basis as other non-governmental organizations to provide assistance under the program so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution; not to discriminate against an organization that provides assistance under, or applies to provide assistance under the Community Services Block Grant program on the basis that the organization has a religious character; and not to require a religious organization to alter its form of internal government except as provided under Section 678B or to remove religious art, icons, scripture or other symbols in order to provide assistance under the Community Services Block Grant program. [679]

**C. Other Administrative Certifications**

The State also certifies to the following:

- (1) To provide assurances that cost and accounting standards of the Office of Management and Budget (OMB Circulars A-110 and A-122) shall apply to a recipient of community service block grant program funds; and,
- (2) To comply with the requirements of Public Law 103-227, Part C. Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994, which requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18 if the services are funded by a Federal grant, contract, loan or loan guarantee. The State further agrees that it will require the language of this certification be included in any sub-awards, which contain provisions for children’s services and that all sub-recipients shall certify accordingly.

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Timothy K. Irvine, Acting Director  
Texas Department of Housing and Community Affairs

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Date

## V. NARRATIVE STATE PLAN

### A. Administrative Structure

#### (1) State Administrative Agency

- (a) Outline the mission and responsibilities of the lead agency designated to administer the State's Community Services Block Grant program.

The mission of the Texas Department of Housing and Community Affairs is to help Texans achieve an improved quality of life through the development of better communities. As the lead agency for the Community Services Block Grant, the responsibility of the Texas Department of Housing and Community Affairs is to ensure that CSBG eligible entities have a central administration, including financial management capabilities, to operate the CSBG program and other grant programs on behalf of the poor and that activities supported with CSBG funds meet the requirements of Section 676 of the CSBG Act. The Department is also committed to ensuring that all administrative and programmatic assurances are met at both the state and local levels.

- (b) Goals and Objectives: Outline the goals and objectives of the lead agency that administers the State's Community Services Block Grant program.

The Department's goal for CSBG is to support efforts in identifying and ameliorating or eliminating the causes of poverty and to help solve problems faced by clients that block the achievement of economic self-sufficiency. Its objectives are: to ease the hardships of poverty and homelessness; to assure the availability of a mechanism to address the problems of poverty by funding community action agencies (CAAs) and other human service delivery organizations; and, to ensure opportunities exist for increased participation of the poor in activities of their community so they can also assist in solving their own problems.

CSBG funds are also administered by the Texas Department of Housing and Community Affairs to ensure the provision of effective training and technical assistance and timely funds reimbursement to CSBG eligible entities and CSBG state discretionary sub-recipients.

#### (2) CSBG Eligible Entities

- (a) Provide a list of CSBG Eligible Entities.  
Refer to **Appendix D.** for List of Texas 2013 CSBG Eligible Entities.
- (b) Show geographic areas served.  
Refer to **Appendix E.** for List of Texas 2013 CSBG Program Service Areas.

### **(3) Distribution and Allocation of Funds –**

#### **(a) Planned Distribution for Current Fiscal Year**

The Department distributes funds utilizing an electronic contract and reporting system. Once the Department has received a notification from USHHS of the State's full allocation for the year, the Department notifies CSBG eligible entities of the amount of funds to be distributed for the year. For FFY 2013, the Department applied the formula referenced in Section V., Part B. below to allocate the 90% pass-through funds to 43 local CSBG eligible entities. Refer to **Appendix F.** for the List of Texas 2013 and Estimated 2014 CSBG Allocations.

#### **B. Description of Criteria and Distribution Formula**

The Department utilizes a multi-factor funds distribution formula to equitably provide CSBG funds throughout its 254 counties that are served by the 43 CSBG eligible entities. The CSBG funds distribution formula includes four factors: a base award, a minimum floor, poverty population, and population density. The use of these factors ensures equity among all CSBG eligible entities, including the minimum operational funds driven by the floor factor and additional funds for organizations serving sparsely populated areas. The floor ensures that small organizations are provided a reasonable amount of operational funds sufficient to administer the Community Services Block Grant and any other grants designed to serve the area's low-income population. The population density factor ensures that additional funds are provided to those organizations with sparsely populated service areas. The Department will continue to monitor the shifts in population throughout the State and ensure equity in the distribution of CSBG funds.

Under the current State Plan, the Department distributes CSBG funds to CSBG eligible entities based on a distribution formula which incorporates the U.S. Census Bureau Decennial 2010 Census and data from the American Community Survey (ACS) for information on persons figures at 124% of poverty; a \$50,000 base; a \$150,000 floor; 98% weighted factor for poverty population; and, a 2% weighted factor for the inverse ratio of population density. The formula is applied as follows: each eligible entity receives a base award; then, the weighted factors of poverty population and population density are applied to the state's balance of the 90% funds. If the base and application of the weighted factors do not yield sufficient funds for the minimum floor per entity, then the minimum floor amount is reserved for each of those CSBG eligible entities under the floor figure. Then, the formula is re-applied to the balance of the 90% funds for distributing the remaining funds to the remaining CSBG eligible entities.

The Department will use the most recent ACS data available, each year. To the extent that there are significant reductions in CSBG funds received by the Department, the Department may revise the CSBG distribution formula.

Limitations on use of funds are based on Uniform Grant Management Standards (developed under the authority of Chapters 783 and 2105 of the Texas Government

Code), the CSBG Act, the Single Audit Act and any Information Memorandums issued by USHHS. Each eligible entity is authorized to draw funds incrementally for an amount not to exceed a 30-day need. CSBG eligible entities may carry over 20% of its CSBG funds from one contract period into the next contract period and the Department reserves the right to deobligate the balance (as limited by the applicable Appropriations Act).

### **C. Description of Distribution and Use of Restricted Funds**

In 2014 and 2015, not less than 90% of the CSBG funds allotted to the State will be allocated to CSBG eligible entities based on the formula factors described in Part V. B. **Appendix F**. contains the distribution amounts allocated to each CSBG eligible entity in 2013 as well as the allocations for 2014 based on an estimated 7.2% reduction in 2014. The 2014 allocation estimate does not reflect updated American Community Survey (ACS) data. When the 2014 CSBG funds are initially distributed, the most recent ACS data will be utilized for FY 2014 funds

The Department determines the planned use of CSBG funds by reviewing the annual Community Action Plan (CAP Plan) submitted by each eligible entity. The CAP Plan must include a Community Needs Assessment due every five (5) years, a description of which of the identified needs are to be addressed, a description of the current service delivery system, a description of the linkages and funding coordination, a description of the case management system, identification of the programs operated and services offered by the CSBG eligible entity, and a description of the projects that are planned or currently in operation categorized by the National Goals and National Performance Indicators.

The duration of the CSBG contract between the Department and each of the CSBG eligible entities is twelve months, from January 1st to December 31st. Each December, the Department conducts desk reviews of all the CSBG eligible entities' expenditure rates and allows each CSBG eligible entity to request an extension to its twelve month contract. This procedure, coupled with the Department's flexibility and willingness to amend contract budgets, has kept unexpended funds at a minimum.

When the Department determines that a CSBG eligible entity is having program compliance problems sufficient to warrant possible relinquishment of the CSBG Program and its eligible entity status, the Department abides by the procedures outlined in Section 678C of the CSBG Act and decides whether to de-obligate its allocated funds. Funds are de-obligated in cases where the CSBG eligible entity has voluntarily relinquished their CSBG funds or the Department has terminated organizational eligibility for CSBG funding. In an effort to maintain CSBG services to clients in areas which may become temporarily unserved, the de-obligated funds are reserved for immediate short term use by another area CSBG eligible entity(ies) or for re-obligation on a long term basis to another service provider(s) selected based on a competitive application process. The most recent instances in which funds have been recaptured and redistributed are listed below.

The **Community Council of Reeves County (CC of Reeves County)**, headquartered in Pecos, Texas, encountered compliance problems with its programs in 2011 and voluntarily relinquished its CSBG grant in 2011.

The **Community Council of Southwest Texas (CC of Southwest)**, headquartered in Uvalde, Texas, encountered compliance problems with its programs in 2011 and 2012 and voluntarily relinquished its CSBG grant in 2012.

In these cases, there was a de-obligation and re-obligation process. The counties that had become unserved as a result of contract compliance problems were temporarily served by neighboring CSBG eligible entities until the Department selected a geographically compatible CSBG eligible entity(ies) to absorb the unserved areas on a permanent basis.

#### **D. Description of Distribution and Use of Discretionary Funds**

Five percent (5%) of the Department's FFY 2014 and FFY 2015 annual CSBG allotted funds will be reserved to fund state discretionary projects for special innovative and demonstration projects. For 2013 and 2014, the Department will issue a notice of funding availability and fund projects that target assistance to homeless persons and persons at-risk of homelessness. Part of those funds will be to organizations that serve migrant and seasonal farmworkers and Native-Americans, to target homeless persons and persons at-risk of homelessness and to assist them to obtain housing stability and to address their employment and education needs.

CSBG discretionary funds will also be used to provide funds to CSBG eligible entities to respond to emergency needs as a result of man-made or natural disasters, including hurricanes, tornadoes, and floods. The state discretionary projects will continue to support activities described in Section 676 (b) (1) for statewide initiatives and innovative programs to eliminate poverty, promote self-sufficiency, and promote community revitalization.

The Department will also use a portion of the discretionary funds to fund Department staff and outside entities to provide training and technical assistance to CSBG eligible entities and to CSBG discretionary subrecipients in multiple areas including but not limited to board governance, CSBG reporting, case management, ROMA NPIs, and orientation to new executive directors and program directors.

#### **E. Description of Use of Administrative Funds**

Not more than five percent (5%) of the Department's annual CSBG allocation is used to cover state administrative costs including salaries and benefits for state CSBG staff, a portion of operating costs (space, telephone, staff travel, etc.), and capital expenditures (furnishings, equipment, etc.) excluding the purchase, construction, or permanent improvement of any building or facility unless a waiver is requested and approved by USHHS. Indirect costs are charged based on the Department's approved indirect cost rate. The Department prepares an annual CSBG budget which is monitored by internal financial administration staff to ensure that administrative expenditures do not exceed

budget line items or the 5% state administration cap. The Department will utilize a portion of its annual CSBG state administration funds for staff to attend state/national conferences and committee meetings and to attend other training sessions, including those held by the Texas Association of Community Action Agencies, the Community Action Partnership, the National Association for State Community Services Programs, etc. The attendance at these conferences, meetings, and hearings will enable a minimum of three key state CSBG staff members per year to receive current information on CSBG initiatives, USDHHS requirements and guidance, peer-to-peer exchange, and best practices information.

The Texas State Auditor's Office examines the Department's fiscal records every year. A copy of the Department's Basic Financial Statements is included in this application. See **Appendix C.**, TDHCA Basic Financial Statements for Year Ended August 31, 2012.

The Charity Tax Credit Program is not applicable to this application.

## **F. State Community Services Program Implementation**

### **(1) Program Overview**

#### **(a) The Service Delivery System**

The State of Texas is comprised of 254 counties and each county is served by a CSBG eligible entity. Each entity is authorized to use CSBG funds to provide direct services to low-income clients and/or to provide administrative support for an array of services that are funded through other federal, state, local and private resources. The CSBG eligible entities offer a broad array of services including Head Start, education services, food, utility assistance, emergency assistance, employment support, income management programs, housing assistance, transportation, medical assistance, energy and weatherization services, senior meal programs, youth projects, case management services, information and referral services to link clients to other service providers in the area, and many other services on behalf of low-income clients.

Specific CSBG services vary among organizations; however, CSBG eligible entities are assigned to serve income eligible low-income individuals and families. During 2013, the level of income for client eligibility for CSBG services will continue to be 125% of the federal poverty income guidelines. The Department plans to maintain the same level of CSBG client income eligibility of 125% for 2014 and 2015.

Although no attempt is made to dictate the types of services each CSBG entity is to provide, during the 2014-2015 Plan cycle, the Department will continue to promote efforts on the part of CSBG eligible entities to increase direct services, family self-sufficiency, income, job-readiness, and other measures to ameliorate poverty and encourage self-sufficiency. In PY 2013, the Department established performance targets for the number of persons that each eligible entity is to



assist to transition out of poverty and encouraged all eligible entities to budget CSBG funds to provide direct assistance to households that they are providing case management to with the goal of transitioning them out of poverty. The Department will continue to explore other means of promoting efforts to transition persons out of poverty either through contractual means or through rules in the Texas Administrative Code.

The Department ensures that each county is represented by an eligible entity and that each entity provides services to counties in an equitable manner in accordance with the CSBG Act, the rules in the Texas Administrative Code, and contractual requirements. CSBG eligible entities are required to provide services to the service area counties designated in their contract. Since the State of Texas has a land mass of 267,339 square miles, the Department does not require that CSBG eligible entities have a neighborhood/service center in each county of their service area. However, CSBG eligible entities must make services available in their entire service area. In remote and less populated counties where a neighborhood center is not located, CSBG eligible entities visit the county on a scheduled basis or enter into agreements with local governments, non-profit groups, or church organizations, to serve as intake centers for persons to apply for CSBG services. All CSBG eligible entities are encouraged to explore methods each year to enhance outreach efforts that will provide interested potential clients the ease to access CSBG and other area services. In urban areas of the State, multiple neighborhood centers are located throughout the county (ies) and service area.

The State Application and Plan document includes: **Appendix D.**, which is a List of Texas 2013 CSBG Eligible Entities; **Appendix E.**, which is a List of Texas 2013 CSBG Program Service Areas; and, **Appendix F.**, which is a List of Texas 2013 and Estimated 2014 CSBG Allocations to CSBG Eligible Entities.

**(b) Linkages**

CSBG eligible entities operate within a network of local service providers to reduce duplication of effort and to coordinate resources to address various client circumstances. Texas CSBG eligible entities have developed an extensive network of social service agencies to provide information and referral to clients. Some entities have “one stop” service centers to meet the many needs of the clients seeking services. Linkages are established within the service area and are utilized to connect individuals to an array of local programs and services to meet the needs of family members. The coordination and linkages are key to each CSBG eligible entity’s ability to meet the needs of their clients. CSBG eligible entities are to follow-up with clients and/or referral sources to determine if clients referred received the needed services. Similar linkage efforts as referenced above for 2013 will continue in FFY 2014 and FFY 2015.

As a condition of continued receipt of CSBG funds each year, each CSBG eligible entity is required to submit an annual Community Action Plan (CAP).



Each Community Action Plan must include information on the implementation of an effective case management program which assists low-income individuals attain an income above the federal poverty income guidelines level utilized by CSBG. Clients interested in working to transition out of poverty are eligible to receive comprehensive case management services. The provision of case management includes an assessment of the household's needs and a plan of action to meet those needs and regular follow-up to ensure that clients are making progress in meeting established goals. The Department, in 2011, through a notice of funding availability, awarded funds to the Texas Association of Community Action Agencies (TACAA). One of the activities that TACAA carried out was the updating of the State's Case Management Manual and the provision of training to CSBG eligible entities on case management on the revised manual. The manual was updated and CSBG eligible entities were trained at the TACAA Fall Conference in 2011. The Case Management Manual is posted on the Department's website and subrecipients are provided training by the Department as requested.

Each entity reports monthly on the number of clients who are working toward achieving an income above the federal poverty income guideline level utilized by CSBG and the number of clients that have achieved incomes above that level. Case management procedures, as well as the overall progress on the number clients attaining self-sufficiency, are reviewed during the on-site CSBG monitoring process conducted by Department program officers.

For 2013, the Department will use 125% of annualized poverty income for the level of client income eligibility for receiving CSBG services. For 2014 and 2015, the same level of client income eligibility for receiving CSBG services will also apply.

**(c) Coordination with Other Public and Private Resources**

The Section 2306.097 of the Texas Government Code requires that CSBG operate in conjunction with energy programs for low-income individuals. In accordance with this requirement, the majority of the CSBG eligible entities administer the Comprehensive Energy Assistance Program (CEAP) funded with Low-Income Home Energy Assistance Program (LIHEAP) block grant funds, as well as the Weatherization Assistance Program for Low-Income Persons funded by the U.S. Department of Energy.

In addition, the annual Community Action Plan from each CSBG eligible entity must include a description of how the entity coordinates and mobilizes public and private resources to effect maximum leveraging for augmenting with CSBG funds. CSBG funds provide the infrastructure to enable CSBG eligible entities to operate an array of anti-poverty and social service programs. Coordination with public and private funding sources and organizations takes place at the local level in different ways. CSBG eligible entity program staff and/or administrators meet with other providers in the service area to determine how best to not duplicate services and to provide the maximum services needed to

meet the emergency needs of low-income persons as well as to establish programs which assist low-income persons to transition out of poverty. In 2012, the Texas community action network administered programs supported with \$33,307,975 in local public funds and \$35,576,579 in private sector resources, \$20,023,552 in State funds, and \$590,693,140 in non-CSBG federal resources. It is anticipated that Texas CSBG eligible entities will leverage funds in FFY 2014 and in FFY 2015 at a similar level to what is on record for 2012.

**(d) Innovative Community and Neighborhood-based Initiatives**

Every five years, each CSBG eligible entity is required to conduct an assessment of the needs of the persons in their respective CSBG service area. After conducting the community needs assessment, the entity develops a plan on how to best identify, coordinate, and/or develop resources to address at least one of the needs identified in the community needs assessment. Additionally, in the annual CAP Plans, the eligible entities must describe the community improvement and revitalization projects to be operated and efforts to improve the quality of life and assets in low-income neighborhoods. The description of these projects and efforts is to include elaboration on the partners/collaborators and methods that will be used to evaluate progress in achieving each entity's goals. An example of an innovative community and neighborhood-based initiatives is provided below.

The Community Action Corporation of South Texas (CACOST), a subrecipient serving the counties of Brooks, Jim Wells, San Patricio, and Duval, developed the "Teen Outreach Program" (TOP). The subrecipient, CACOST, recognized the prevalence of risk factors commonly associated with teen pregnancy, including: high school dropout rates, a lack of educational achievement, high incidence of poverty in the area, single parent families and high teen birth rates. After CACOST acquired the competitive "Personal Responsibility Educational Program" (PREP), an HHS grant made available through Project DRIVE (Decision-making in Relationships that Influence Values and Education), the subrecipient adopted Wyman's Teen Outreach Program (TOP®). Wyman's TOP® is an evidenced based program proven to reduce teen pregnancy, school drop-out, and course failure rates. By replicating the Wyman TOP® "Changing Scenes" Curriculum, Project DRIVE began to address the following adulthood preparation subjects: Healthy Relationships, Adolescent Development, Educational and Career Success, and Healthy Life Skills.

The following project developed through the initiative of area youth involved with the TOP. In Jim Wells County, youth, in the town of Ben Bolt, expressed an interest in revitalizing their city plaza so that teens could have a safe place to congregate and play basketball, volleyball, and soccer. The youth facilitator consulted with and obtained permission from the County Commissioner, who also added financial support for paint and a mentor to assist the youth. The youth held fundraisers and raised \$1,900.00. Funds were used to begin clean-up of the plaza and to add equipment for activities. The Plaza (unused since

1997) became an active place for the youth of Ben Bolt and the entire community.

Another TOP project began at William Adams Junior High in Alice, Texas, where youth facilitators present lessons each Tuesday and Thursday to over 100 youth. A group of youth adopted the Rainbow Room as their Community Service Learning (CSL) project. The local Rainbow Room is an emergency resource room with a store-like setting where caseworkers obtain emergency supplies to fill special requests for children who have been removed by Child Protective Services. Together, the youth took leadership in contacting the Rainbow Room personnel to find out what some of their greatest needs would be. After taking a tour of the facility, they decided to focus on consumable items for babies. The TOP® youth decided to host a baby shower with the theme of Rainbows—thus the idea of a Rainbow Shower emerged. Flyers were placed in faculty boxes and students solicited donations from their friends, family and neighbors. After taking the “shower” to the Rainbow Room, the students celebrated with rainbow cupcakes and punch as they reflected on what they had learned through their CSL project.

## **(2) Community Needs Assessments**

In accordance with Assurance #11, Texas Administrative Code, Title 10, Part 1, Chapter 5, Subchapter B., and a state contract provision, the Department requires that each CSBG eligible entity submit an annual Community Action Plan and a Community Needs Assessment at least every five years. The Department’s guidance on the requirements for the development of the Community Needs Assessment reiterates to CSBG eligible entities that the needs assessment is a process used to determine unmet needs of low-income individuals, families, and communities. The guidance further states that conducting the periodic needs assessments are of great importance as it informs both the CSBG eligible entities as well as the State as to how to best direct CSBG funds toward meeting the needs of low-income persons in their CSBG service area in accordance with the assurances of the CSBG Act. Provided below is information on the local steps required for a CSBG eligible entity to conduct its Community Needs Assessment.

- Step 1. Designate a Coordinator
- Step 2. Determine Assessment Methodology
- Step 3. Develop a Plan of Action
- Step 4. Develop a Timetable
- Step 5. Development Assessment Tools
- Step 6. Conduct Research
- Step 7. Summarize and Analyze Results
- Step 8. Complete the Needs Assessment Report

The Department provides CSBG eligible entities sample documents to survey local elected officials, area service providers, community members, and tripartite members.

CSBG eligible entities are encouraged to coordinate the preparation of their CSBG Community Needs Assessment with other similar assessments required by other funding agencies. The state requests that CSBG eligible entities update their Community Needs Assessment when major changes occur (i.e., loss of a major employer, downturn in the local economy, etc.).

Based on the results of the Community Needs Assessment, CSBG eligible entities must choose at least one cause of poverty and mobilize community resources in a plan to address that issue. Each entity reports to the Department on the progress on the issue identified and the results achieved.

An example of a community need which was addressed by Nueces County Community Action Agency was a neighborhood-based initiative led by youth in Banquete, TX (Nueces County). The youth took an interest in restoring Banquete Park, a multi-acre county park used by the community for its walking trails as well as gatherings for celebrations or weekend bar-b-ques. Harsh winters and several strong wind storms left the park full of dead brush and park benches and in need of paint. Youth volunteers participated in a clean-up project which involved piling up brush and repainting worn benches and basketball courts. The noticeable results of the project created a sense of pride for the youth. Through the efforts of local youth, organized by the local community action agency, Banquete Park is once again being used by the community.

### **(3) Tripartite Boards**

The Texas Administrative Code (TAC) addresses how CSBG eligible entities must comply with Section 676B Tripartite Boards of the CSBG Act. There are six TAC provisions which relate to the following: 1) board membership/meeting requirements; 2) board structure; 3) board administrative requirements; 4) board size; 5) board responsibilities; and, 6) board meeting requirements. An additional state provision and mandate requires that newly-elected CSBG board members who represent public sector local officials receive required training on open records and open meetings laws within 90 days of joining the board. The Texas Office of the Attorney General offers an online training video on the Open Meetings Act, to which CSBG eligible entities are subject. While the training mandate applies to public sector local officials, the Department recommends that all members serving on the Board of Directors receive the training. Each CSBG eligible entity is to maintain a copy of the board training certificate issued to the participants upon completion of the training.

The Department examines each entity's bylaws for the component which describes the method used to select representatives for the Board. In addition, on-site monitoring procedures include a full review of the entity's latest bylaws, board roster, attendance records, and minutes of board meetings. Board training is provided to CSBG eligible entities by the Department on a request basis, at the periodic Community Affairs Division training conference, or at the discretion of the Department, if the Department identifies significant board-related problems through the monitoring process.

**(4) State Charity Tax Program**

This Program is not applicable in the State of Texas.

**(5) Programmatic Assurances**

Describe how each of the assurances outlined in Section 676(b) of the CSBG Act will be carried out.

CSBG funds made available through the grant or allotment will be used:

(a) To support activities as listed in 676(b)(1)

- (1) The Department will meet this assurance through the annual review of the Community Action Plans (CAP Plan) submitted by each eligible entity prior to the state's commitment of the next year's CSBG funds. Each CAP Plan is required to describe the efforts that eligible entities will make in any of the areas outlined in 676(b)(1). CSBG program officers are assigned to review each year's CAP Plan 60 to 90 days prior to the beginning of the next CSBG program year. CAP Plans must include the services and assistance that are to be supported with the allowable uses of CSBG funds and must identify how the services are to be coordinated with other service providers in the community. Compliance documentation with the OMB Circulars' federal requirements and regulations, with the CSBG Act, with CSBG contract provisions, and with the CAP Plan is reviewed during the on-site CSBG monitoring process.

Listed below are examples of the types of activities conducted to support compliance with this assurance.

- (i) to remove obstacles and solve problems that block the achievement of self-sufficiency: sponsorship of tutoring classes to facilitate obtainment of a high school diploma or a general equivalency diploma; payment of college supplies, materials, and tuition costs; and, case management sessions to enhance progress toward client self-sufficiency.
- (ii) to secure and retain meaningful employment: arrangements for job counseling sessions; conducting mock job interviews; and, sponsorship of job fairs.
- (iii) to attain an adequate education, with particular attention toward improving literacy skills: establishment of cooperative agreements with schools or universities to arrange classes or courses to meet local educational/training needs; payment of tuition costs; and, career counseling through case management sessions.
- (iv) to make better use of available income: arrangements for budget and financial counseling sessions; enrollment in case management programs and residential

energy conservation sessions; and, participation in Individual Development Accounts (IDA's) projects to take advantage of matched savings accounts/initiatives.

- (v) to obtain and maintain adequate housing and a suitable living environment: provision of housing rent subsidies; payment of security deposits; and, issuance of housing vouchers to provide emergency housing or shelter accommodations in disaster situations.
  - (vi) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs: issuance of rental payment vouchers to prevent eviction; use of controlled debit cards honored for allowable purchases in disaster assistance situations; and, participation in general disaster recovery assistance.
  - (vii) to achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners: adherence by local CSBG eligible entities to contract provisions to ensure adequate representation on the tripartite boards by the public, private, and low income sector groups; cooperative agreements with public housing authorities to honor housing vouchers in times of addressing the emergency needs of disaster victims; and partnerships established between CSBG eligible entities and foundations or local banking institutions to obtain the matching funds required for Individual Development Account (IDA) projects on behalf of low-income clients.
- (2) To address the needs of youth in low income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community based youth development programs that have demonstrated the success in preventing or reducing youth crime, such as programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs); and after-school child care programs as per 676(b)(1)(B).

CSBG eligible entities conduct a community needs assessment at least every five years, which enables each entity to prioritize and address the client needs identified. Several CSBG eligible entities routinely use CSBG funds to support the operation of youth mentoring programs, life skills training, jobs programs and after-school programs.

Examples of local youth projects/initiatives are provided below.



The Head Start Program for the subrecipient, **Community Action, Inc. (CAI) of Central Texas**, in partnership with the San Marcos Consolidated Independent School District (SMCISD), operated the Parent Education Program (PEP) to assist teenage moms as part of its Early Head Start Program. During FY 2011-2012, the CAI Head Start program established a new partnership with Tranquility Bay Housing Partners, LTD and entered in a 5 year partnership agreement on June 1, 2012. Tranquility Bay Housing Partners, LTD provided the CAI Head Start Program with a facility at no cost to be used as a Child Development Center and also as the CAI Family and Infant-Toddler Community Training center in San Marcos Texas. The subrecipient further used the new facility, to relocate the existing Phoenix EHS Child Development Center, thus increasing much needed services. Initially, 94 infants and toddlers and pregnant women were assisted. The new center offers increased services to young mothers and their children.

The **South East Texas Regional Planning Commission** developed the ARISE program that provides Life-skills Management curriculums to youth ages 12 to 17 who are at-risk for involvement in the juvenile justice system. The program includes over 200 curriculums to assist in providing training for Youth Counselors who teach life-skills management courses to youth. The curriculums include anger management, drug prevention, Stay In School, Self Esteem, job readiness and others.

The program assists youth by decreasing antisocial behavior, substance use and improved family relationships and social competencies. Typical Life-skills Management curriculums in the region target at risk youth in elementary, middle and high schools. ARISE curriculums and delivery concept was uniquely designed to be engaging for teens.

- (3) To make more effective use of, and to coordinate with, other programs (including State welfare reform efforts) as per 676(b)(1)(C).

All CSBG eligible entities depend on a strong information and referral system to provide comprehensive assistance to program participants. Many CSBG eligible entities administer Head Start, Family Planning, Transportation, Housing, and Senior programs in conjunction with CSBG. State legislation, Texas Government Code 2306.097, requires that energy services programs that serve low-income individuals operate in conjunction with the CSBG Program. To ensure that all CSBG eligible entities maintain local coordination and collaboration with area service provider organizations from one year to the next, The Department requires that each CSBG eligible entity's annual Community Action Plan includes the following information: 1) process utilized by the eligible entity to link services and to enhance coordination with other area service provider organizations; 2) information on whether there is a formalized coalition of social service providers in the CSBG service area, including the name of the coalition and the usual participant organizations; and, 3) a listing of the CSBG eligible entity's staff members participating in group meetings, phone calls, or any other means of grouped organizations' communications.

The coordination with other programs' service providers in the community enables clients to receive a multitude of services needed such as education services to obtain a GED or attend college; to seek and obtain employment; to seek counseling and rehabilitative services; to learn budgeting and saving skills; to obtain adequate housing; to obtain emergency assistance such as food, utilities, clothing; to participate in the affairs of the community through attendance at community meetings, through participation in their child's school activities, and to serve on boards. The CSBG eligible entities often times do not have all the resources to meet the needs of entire households and therefore must provide a means for clients to receive other needed services through local collaborative efforts.

Coordination projects operated by CSBG eligible entities will include developing partnerships to increase services and program impact. Such an example was demonstrated by the Community Action Inc. of Victoria subrecipient. They developed a partnership with the Children's Learning Institute to assist children with school readiness. The Children's Learning Institute implements the "Texas School Ready!" program. The program is an early education approach that serves at-risk preschool-aged children through shared resources between public and private early childhood education programs. The design of the "Texas School Ready!" program is to increase children's school readiness through five evidence-driven components: 1. research-based curriculum, 2. technology-driven child progress monitoring, 3. facilitated teacher professional development, 4. ongoing teacher mentoring, and 5. sustainability. Evidence from early childhood education professionals who have implemented the "Texas School Ready!" program in their classrooms reveals that young children most at-risk are better prepared to succeed in kindergarten. Also involved with this program are local Head Start Schools, Day Cares, Independent School Districts, Texas Education Association and Texas Workers Commission.

Other projects may include focusing on youth development. For example, the Webb County Community Action Agency operating in the County of Webb has approximately 38% of its population living below the poverty level. Households in this population do not have the resources that many households enjoy and that is now considered a necessity in educating our youth like a home computer. This youth focused initiative referred eligible youth to the Food Bank's 'Kid's Café'. This youth program also included tutoring and computer labs that allowed children to do their homework on a computer and have printing equipment. Although the effort is part of the referral activity, the benefit to the client's household is significant.

- (4) To ensure that CSBG eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services as may be necessary to counteract conditions of starvation and malnutrition among low income individuals as per 676(b)(4).

All CSBG eligible entities either operate a food pantry on-site or they make referrals to a local pantry where needy families can have access to food items donated by members of the community. Some CSBG eligible entities administer



the Women, Infants and Children (WIC) Program, other food programs sponsored by the U.S. Department of Agriculture, and senior congregate and home-delivered meals programs.

In addition to coordinating with local food pantries or administering federal food programs, some CSBG eligible entities create their own special nutrition or food initiatives. An example of a community action agency nutrition project is one operated by the Northeast Texas Opportunities Inc., a CSBG eligible entity in North Texas, provides through their Nutrition Program, hot home delivered noon meals to home bound, handicapped, and elderly clients. The Department of Health and Human Services also provided assistance which funded food baskets, several churches provided space and volunteers assisted in packaging baskets. Transportation, provided by NETO, delivered baskets to those families with no personal transportation. CSBG Case Managers in each county were in charge of taking applications and screening individuals for eligibility.

- (5) To assure, as referenced in 676(b)(5), that the State and the eligible entities in the State will coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low-income individuals, and to avoid duplication of such services, and State and eligible entities will coordinate the provision of employment and training activities in the State and in communities with entities providing activities through statewide and local workforce investment systems under the Workforce Investment Act of 1998.

CSBG eligible entities operate within a network of local service providers to reduce duplication of effort and to coordinate resources to address various client needs and circumstances. Many CSBG eligible entities have developed extensive information and referral networks and “one stop” service centers. Other CSBG eligible entities, such as the South Texas Development Council (STDC) established a Tuition Assistance Program that works with low income households to provide tuition assistance for education in vocational areas. Primary training has focused on Commercial Driver's License training, followed by Welding, and Phlebotomy.

The South Texas Development Council partnered with the Texas Workforce Commission and South Texas College to provide services to eligible low income individuals. Training coordination was conducted by all three organizations. Education resulted in a quick "short-term" (about 1-3 months) certification that was paid for by the South Texas Development Council. Longer term training, 3-9 months, was available through the Texas Workforce Commission. South Texas Development Council worked with South Texas College to provide the training. Upon completion of the training, individuals received job search assistance through both the Texas Workforce Commission and South Texas College. Both of these organizations maintained a list of current employers that were seeking workers for open positions. South Texas College primarily focused their listing on training which was provided through the college.

South Texas College was the principal partner with STDC which provided the training and certification, as well as job placement assistance. Texas Workforce

Commission of Starr County also assisted in providing job placement assistance as well as training qualified individuals who sought comprehensive training.

The Community Action Plan of each CSBG eligible entity must include a description of how the entity coordinates public and private resources to leverage with CSBG funds. To facilitate coordination and public access by low-income clients to benefit programs throughout the State, the Department entered in 2010 into an interagency agreement with the Texas Health and Human Services Commission to access new software to enhance its 2-1-1 phone information system.

- (6) To assure, as indicated in 676(b)(6), that the State will ensure coordination between antipoverty programs in each community in the State, and ensure where appropriate, that emergency energy crisis intervention programs under Title XXVI (relating to low-income home energy assistance) are conducted in such communities.

Section 2306.097 of the Texas Government Code requires that the CSBG Program operate in conjunction with the Energy Services Program for Low-Income Individuals. Therefore, the majority of the CSBG eligible entities administer the Texas Comprehensive Energy Assistance Program (CEAP) as well as the Weatherization Assistance Program For Low-Income Persons using funds provided by the U. S. Department of Energy. In addition, several CSBG eligible entities have a working relationship with local Workforce Boards that administer welfare-to-work programs.

- (7) To assure, as indicated in 676(b)(9), that the State and CSBG eligible entities in the State will, to the maximum extent possible, coordinate programs and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including religious organizations, charitable groups, and community organizations.

The Department is committed to working with local faith-based organizations. Some CSBG eligible entities subcontract with faith-based organizations to provide direct services and most have local partnership agreements. In addition, local organizations have traditionally partnered with faith-based organizations to expand resources and to provide services to low-income individuals and families.

When the Department releases a Notice of Funding Availability (NOFA) or a Request for Proposals (RFP) announcing competitive funds to serve low-income persons, either with the Community Services Block Grant State Discretionary Funds or with the Emergency Solutions Grants Program (ESG) funds, the responses may include collaborative applications where multiple organizations apply for funds in local joint ventures. Awardees successfully competing for the CSBG funds and the ESG funds routinely include religious and charitable organizations, such as local Salvation Army posts, Catholic Charities Dioceses, etc.

As in 2013, the Department plans to make available in 2014 and in 2015 a portion of its 5% CSBG state discretionary funds for funding local innovative or demonstration projects.

## G. Fiscal Controls and Monitoring

(1) **State Program Monitoring:** Describe the lead agency's plans for conducting the following reviews of eligible entities, as required under Section 678B(a) of the Act:

- (a) Full on-site review of each such entity at least once during each three year period.

The Department will ensure that each CSBG eligible entity is monitored at least once every three years in accordance with the CSBG Act. It is the Department's goal to monitor each organization receiving CSBG funds at a minimum every two years. The Community Affairs Division conducts joint monitoring reviews since the majority of CSBG eligible entities also receive Weatherization and LIHEAP CEAP funds. Monitoring will be conducted in accordance with Section 678B(a) of the Community Services Block Grant Act and the guidance provided to states in Information Memorandum Transmittal No. 97.

The Department employs a risk-based monitoring system which considers an assessment of associated risks applied to each of the state's CSBG eligible entities. The factors include the status of the most recent monitoring report, timeliness of program reporting, results of the last on-site monitoring review, the number of programs funded by the Department, the funding amounts provided by the Department, and the single audit status. Organizations that attain the highest risk assessment score will have the highest monitoring priority. This procedure will allow the Department to first monitor entities with the highest risk factors and to identify any deficiencies early on and to provide training and technical assistance on specific needs which have been identified. CSBG eligible entities that are not monitored in a current year will automatically rate a higher risk assessment score the following year.

After an on-site monitoring visit, the CSBG Program Officer will provide a written monitoring report to the entity's executive director that documents the findings, corrective actions required, notes, and recommended improvements. CSBG eligible entities and other CSBG funded organizations monitored have 45 days to respond to the Department's report. The program officer will evaluate the adequacy of the responses and corrective action. A follow-up on-site monitoring will be scheduled as deemed necessary. A copy of the state's monitoring report is also provided to the presiding officer of the entity's governing board. For monitoring reviews of CSBG eligible entities, organizations have 45 days to respond to the Department's CSBG monitoring report. For CSBG/CEAP contract operations, the organizations have 45 days to respond to the Department's joint monitoring report.

- (b) An on-site review of each newly-designated entity immediately after the completion of the first year in which such entity receives funds through the Community Services Block Grant.

The Department will ensure that any new CSBG eligible entity designated in either FFY 2014 or FFY 2015 will receive comprehensive training and technical assistance during its first year of operation. Furthermore, the state will schedule an on-site monitoring review of such new CSBG eligible entities and other CSBG funded organizations immediately after their first year of CSBG-supported operations.

- (c) Follow-up reviews including prompt return visits to eligible entities, and their Programs, that fail to meet the goals, standards, and requirements established by the State.

If the on-site monitoring of a CSBG eligible entity reveals serious deficiencies with operations under a CSBG contract with the State and the deficiencies are not corrected in a timely manner in accordance with requirements, the Department will assign a team of specialists to promptly conduct a follow-up on-site team monitoring review and to provide training and technical assistance to the entity as deemed necessary.

When a CSBG eligible entity is experiencing problems with programs other than CSBG, the Department maintains close contact with the entity to ensure that the State's staff members are available to provide training and technical assistance as deemed necessary for maintaining stability in the CSBG program operations.

- (d) Other reviews as appropriate, including reviews of entities with programs that have had other Federal, State or local grants (other than assistance provided under the Community Services Block Grant) terminated for cause.

In addition to conducting on-site monitoring of local CSBG program operations, the State also conducts routine in-house desk reviews which include an examination of performance progress and expenditure rates, based on monthly reports submitted to the Department by each CSBG eligible entity.

- (e) Specify the date of last audit conducted and the period covered by the audit for each eligible entity.

**Appendix G.** contains requested information regarding each CSBG eligible entity's audit period as well as the date of submission for the last audit conducted.

## **(2) Corrective Action, Termination and Reduction of Funding**

Describe the State's plan for complying with the requirements of Section 678C of the Act. Section 678C of the Act requires states to comply with certain requirements in the event that the State determines that an eligible entity fails to comply with the terms of an agreement or the State Plan, to provide services under

the Community Services Block Grant, or to meet appropriate standards, goals, and other requirements established by the State, including performance objectives.

When deficiencies are identified within a CSBG eligible entity's program operations, the Department evaluates the severity of the discrepancies and may impose appropriate sanctions in accordance with Section 678C of the CSBG Act and Title 10 of the Texas Administrative Code. If the Department identifies possible instances of fraud, abuse, fiscal mismanagement, or other serious deficiencies in the sub-recipient's performance, the following sanctions will be applied: (1) deny the CSBG eligible entity's request for advances and place it on a cost reimbursement method of payment until proof of compliance with the rules and regulations are received by the Department; (2) withhold all payments from the sub-recipient (both reimbursements and advances) until proof of compliance with the rules and regulations is received by the Department; (3) suspend performance of the contract; and, (4) impose sanctions as deemed appropriate by the Department's Executive Director at any time.

If the Department has imposed sanctions against a sub-recipient and the sub-recipient has failed to comply with a Quality Improvement Plan (QIP) or a corrective action plan, the Department may request of the sub-recipient's Board of Directors the voluntary relinquishment of the CSBG program and their designation as a CSBG eligible entity.

Program deficiencies and corrective action requirements will be communicated to the CSBG eligible entity in writing. The Department's Director of the Community Affairs Division shall consider all recommendations for corrective action.

In the event that the Department determines that an eligible entity fails to comply with the terms of an agreement or the State's CSBG Plan, to provide services under the Community Services Block Grant, or to meet appropriate standards, goals, and other requirements established by the State (including performance objectives), the Department will:

- (a) inform the eligible entity of the deficiency(ies) to be corrected;
- (b) require the eligible entity to correct the deficiency(ies);
- (c) offer training and technical assistance, if appropriate, to help correct the deficiency, and prepare and submit to the Secretary a report describing the training and technical assistance offered; or, if the State determines that such training and technical assistance measures are not appropriate, prepare and submit to the Secretary a report stating the reasons for the determination;
- (d) at the discretion of the State (taking into account the seriousness of the deficiency and the time reasonably required to correct the deficiency), allow the entity to develop and implement after being informed of the deficiency, a quality improvement plan to correct such deficiency within a reasonable period of time, as determined by the State, and after receiving the proposed quality improvement plan, pursuant to subparagraph (A), either approve such proposed plan or specify the reasons why the proposed plan cannot be approved; and,

- (e) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the eligible entity designation status or reduce CSBG funding of the eligible entity, unless the entity corrects the deficiency(ies).

Department staff will be available, at every point in the corrective action process, to provide technical assistance to the CSBG entity's staff and its governing body.

**(3) Fiscal Controls, Audits, and Withholding**

Describe the State's systems of fiscal controls, procedures, and plans for audits and inspections, as required under Sections 678D(a)(1) and 678D(a)(2) of the Act. Describe how each of these assurances outlined in Section 676(b) of the Act will be carried out.

In compliance with assurance 678D(a)(1) and 678D(a)(2) of the Act, the Department provides for fiscal controls through fund accounting procedures that are maintained at both the state and sub-grantee levels. The Department has a comprehensive system of internal controls specifically designed to ensure compliance with the provisions of the CSBG Act. The Department's financial and other records are audited on an annual basis by the State Auditor's Office and a copy of the audit is submitted to the Texas Legislature and to the Secretary of the U.S. Department of Health and Human Services. The Department's Basic Financial Statements for the Year Ended August 31, 2012 are included in this CSBG State Application and Plan as **Appendix C**.

- (a) In compliance with assurance 676(b)(7),** cooperation with federal investigations.

The State will permit and cooperate with Federal investigations undertaken in accordance with Section 678D of the Act.

The Department will make appropriate program records available to federal investigators in a timely manner. In addition, the CSBG contractual agreements between the Department and CSBG eligible entities and other CSBG-funded organizations include a provision that the CSBG eligible entities and other CSBG-funded organizations agree to cooperate with any such investigations and requires that an eligible entity and its subcontractor(s) maintain records relating to the use of the CSBG funds for at least three years.

- (b) In compliance with assurance 676(b)(8)** on CSBG funding reduction/termination. Any eligible entity in the state that received funding in the previous fiscal year through a Community Services Block Grant under the Community Services Block Grant program will not have its funding terminated or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in Section 678C(b) of the Act.



The Department will comply with 676(b)(8) and will not terminate funding or reduce funding below the proportional share of the funding received in the previous fiscal year of a CSBG eligible entity that received funding in the previous fiscal year, unless after providing notice and an opportunity for a hearing on the record, the State determines cause exists for termination or such reduction.

**(c) In compliance with assurance 676(b)(10)**

The State will require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation.

Guidance to the CSBG eligible entities on how to comply with Section 676B Tripartite Boards of the Act is provided through state training conferences, on-site board training and electronic notification documentation released by the Department. CSBG eligible entities must establish procedures whereby local organizations or individuals may petition for adequate representation on the governing board (or other mechanism) of the eligible entity. The Department's Program Officers will continue monitoring compliance with such requirement during the on-site monitoring review process. In those instances in which a tripartite board continues to be improperly constituted, the state TAC rule allows the Department to prescribe necessary remedial action, a timeline for implementation, and possible sanctions, which may include: 1) cost reimbursement method of payment; 2) withholding of funds; 3) contract suspension; and/or, 4) termination of funding.

## **H. Accountability and Reporting Requirements**

### **(1) Annual Report:**

**Section 678E(a)(2)** of the Act requires each state to prepare and submit to the Secretary an annual report on the measured CSBG performance of the Department and its CSBG eligible entities. The Department met this requirement through the submission of the **Texas 2012 National IS Survey** to the National Association for State Community Services Programs on March 31, 2013.

### **(2) Results Oriented Management and Accountability (ROMA):**

Describe how the State will comply with the following assurance, in **676(b)(12)** of the Act: The State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System or another performance measurement system for which the Secretary facilitated development pursuant to Section 678E(b) of the Act.

The CSBG eligible entities in Texas will be required to report performance data to the Department based on the National Goals and National Performance Indicators (NPI's) outlined below. The NPI performance and reporting system to be utilized in 2014 and in 2015 has been updated with the new set of National Performance Indicators to properly report outcome information and to facilitate completing portions of the state's yearly National Information System (IS) Survey. The Department will continue providing training and technical assistance to CSBG subrecipients as needed on the proper use of NPI codes to report program performance and services to low-income clients.



# CSBG National Performance Indicators

## Goal 1: Low-Income People Become More Self-Sufficient

### National Performance Indicator 1.1

#### Employment

**The number and percentage of low-income participants in Community Action employment initiatives who get a job or become self-employed, as measured by one or more of the following:**

- A. Unemployed and obtained a job
- B. Employed and maintained a job for at least 90 days (new)
- C. Employed and obtained an increase in employment income and/or benefits
- D. Achieved "living wage" employment and/or benefits

### National Performance Indicator 1.2

#### Employment Supports

**The number of low-income participants for whom barriers to initial or continuous employment are reduced or eliminated through assistance from Community Action, as measured by one or more of the following:**

- A. Obtained skills/competencies required for employment
- B. Completed ABE/GED and received certificate or diploma
- C. Completed post-secondary education program and obtained certificate or diploma
- D. Enrolled children in before or after school programs
- E. Obtained care for child or other dependant
- F. Obtained access to reliable transportation and/or driver's license
- G. Obtained health care services for themselves or family member
- H. Obtained safe and affordable housing
- I. Obtained food assistance
- J. Obtained non-emergency LIHEAP energy assistance
- K. Obtained non-emergency WX energy assistance
- L. Obtained other non-emergency energy assistance  
(State/local/private energy programs. Do Not Include LIHEAP or WX)
- M. Obtained tools, uniforms, school supplies, textbooks, tuition and other items in support of education and training
- N. Completed college preparatory classes, ESL or citizenship classes
- O. Received other assistance which removes barriers to employment

## National Performance Indicator 1.3

### Economic Asset Enhancement and Utilization

**The number and percentage of low-income households that achieve an increase in financial assets and/or financial skills as a result of Community Action assistance, and the aggregated amount of those assets and resources for all participants achieving the outcome, as measured by one or more of the following:**

- 1.3A1. Number and percent of participants in tax preparation program who qualified for any type of Federal or State tax credit and the expected aggregated dollar amount of credits
- 1.3A2. Number and percent of participants who obtained court-ordered child support payments and the expected annual aggregated dollar amount of payments
- 1.3A3. Number and percent of participants who were enrolled in telephone lifeline and/or energy discounts with the assistance of the agency and the expected aggregated dollar amount of savings
- 1.3A4. Other projects resulting in an increase in financial assets or financial skills
- 1.3B1..Number and percent of participants demonstrating ability to complete and maintain a budget for over 90 days
- 1.3B2 Number and percent of participants opening an Individual Development Account (IDA) or other savings account and increased savings, and the aggregated amount of savings
- 1.3B3. Number and percent of participants who increased their savings through IDA or other savings accounts and the aggregated amount of savings
- 1.3B4..Of participants in a Community Action assets development program (IDA and others):
  - a. Number and percent of participants capitalizing a small business with accumulated savings
  - b. Number and percent of participants pursuing post-secondary education with accumulated savings
  - c. Number and percent of participants purchasing a home with accumulated savings
  - d. Number and percent of participants purchasing other assets with accumulated savings includes use of savings for a retirement fund
- 1.3B5. Number and percent of participants who received assistance with enrollment in prescription assistance program
- 1.3B6. Number and percent of participants who received assistance to prevent loss of home and other homebuyer assistance
- 1.3B7. Number and percent of participants who enrolled in classes or projects to increase financial skills

## **Goal 2: The Conditions in Which Low-Income People Lives are Improved**

**This set of measures collects outcomes on successful CAA projects that build “community assets,” including not only material improvements, like affordable homes and safe streets, but even changes in public policy that will reduce the causes of poverty and revitalize the low-income community.**

### **National Performance Indicator 2.1**

#### **Community Improvement and Revitalization**

Increase in, or safeguarding of, threatened opportunities and community resources or services for low-income people in the community as a result of Community Action projects/initiatives or advocacy with other public and private agencies, as measured by one or more of the following:

- A. Jobs created, or saved, from reduction or elimination in the community
- B. Accessible “living wage” jobs created, or saved, from reduction or elimination in the community
- C. Safe and affordable housing units created in the community-only report HOME and other housing projects, do not report Weatherization here
- D. Safe and affordable housing units in the community preserved or improved through construction, weatherization or rehabilitation achieved by Community Action activity or advocacy
- E. Accessible safe and affordable health care services/facilities for low-income people created, or saved from reduction or elimination
- F. Accessible safe and affordable child care or child development placement opportunities for low-income families created, or saved from reduction or elimination
- G. Accessible before-school and after-school program placement opportunities for low-income families created, or saved from reduction or elimination
- H. Accessible new or expanded transportation resources, or those that are saved from reduction or elimination, that are available to low-income people, including public or private transportation
- I. Accessible or increased educational and training placement opportunities, or those that are saved from reduction or elimination, that are available for low-income people in the community, including vocational literacy, and life skill training, ABE/GED, and post secondary education
- J. Other community resources or services provided which resulted in community improvement and revitalization

## **National Performance Indicator 2.2**

### **Community Quality of Life and Assets**

**The quality of life and assets in low-income neighborhoods are improved by Community Action initiative or advocacy, as measured by one or more of the following:**

- A. Increases in community assets as a result of a change in law, regulation or policy, which results in improvements in quality of life and assets
- B. Increase in the availability or preservation of community facilities
- C. Increase in the availability or preservation of community services to improve public health and safety
- D. Increase in the availability or preservation of commercial services within low-income neighborhoods
- E. Increase in or preservation of neighborhood quality-of-life resources

## **National Performance Indicator 2.3**

### **Community Engagement**

**The number of community members working with Community Action to improve conditions in the community.**

- A. Number of community members mobilized by Community Action that participate in community revitalization and anti-poverty initiatives
- B. Number of volunteer hours donated to the agency (This will be ALL volunteer hours)

## **Goal 3: Low-Income People Own a Stake in Their Community**

### **National Performance Indicator 3.1**

#### **Community Empowerment through Maximum Feasible Participation**

Total number of volunteer hours donated by low-income individuals to Community Action \

### **National Performance Indicator 3.2**

#### **Community Empowerment through Maximum Feasible Participation**

**The number of low-income people mobilized as a direct result of Community Action initiative to engage in activities that support and promote their own well-being and that of their community as measured by one or more of the following:**

- A. Number of low-income people participating in formal community organizations, government, boards or councils that provide input to decision-making and policy setting through community action efforts.

- B. Number of low-income people acquiring businesses in their community as a result of community action assistance.
- C. Number of low-income people purchasing their own homes in their community as a result of community action assistance.
- D. Number of low-income people engaged in non-governance community activities or groups created or supported by community action.

## **Goal 4: Partnerships Among Supporters and Providers of Service to Low-Income People are Achieved**

### **National Performance Indicator 4.1**

#### **Expanding Opportunities through Community-Wide Partnerships**

**The number of organizations, both public and private, community action actively works with to expand resources and opportunities in order to achieve family and community outcomes.**

- A. Non-Profit
- B. Faith Based
- C. Local Government
- D. State Government
- E. Federal Government
- F. For-Profit Business or Corporation
- G. Consortiums/Collaboration
- H. Housing Consortiums/Collaboration
- I. School Districts
- J. Institutions of post secondary education/training
- K. Financial/Banking Institutions
- L. Health Service Institutions
- M. Statewide associations or collaborations
- N. The total number of organizations CAAs work with to promote family and community outcomes

## **Goal 5: Agencies Increase Their Capacity to Achieve Results**

### **National Performance Indicator 5.1**

#### **Agency Development**

**The number of human capital resources available to Community Action that increase agency capacity to achieve family and community outcomes, as measured by one or more of the following:**

- A. Number of C-CAPs
- B. Number of ROMA Trainers
- C. Number of Family Development Trainers
- D. Number of Child Development Trainers
- E. Number of staff attending trainings
- F. Number of board members attending trainings
- G. Hours of staff in trainings
- H. Hours of board members in trainings

## **Goal 6: Low-Income People, Especially Vulnerable Populations, Achieve Their Potential by Strengthening Family and Other Supportive Environments**

### **National Performance Indicator 6.1**

#### **Independent Living**

**The number of vulnerable individuals receiving services from community action that maintain an independent living situation as a result of those services**

- A. Senior Citizens (seniors can be reported twice, once under Senior Citizens and again if they are disabled under Individuals with Disabilities, ages 55- over)
- B. Individuals with Disabilities
  - 1. Ages: 0-17
  - 2. 18-54
  - 3. 55-over

### **National Performance Indicator 6.2**

#### **Emergency Assistance**

**The number of households served by community action that sought emergency assistance and the percentage of those households for which assistance was provided, including such services as:**

- A. Emergency Food

- B. Emergency fuel or utility payments funded by LIHEAP or other public and private funding sources
- C. Emergency Rent or Mortgage Assistance
- D. Emergency Car or Home Repair (i.e. structural, appliance, heating system, etc.)
- E. Emergency Temporary Shelter
- F. Emergency Medical Care
- G. Emergency Protection from Violence
- H. Emergency Legal Assistance
- I. Emergency Transportation
- J. Emergency Disaster Relief
- K. Emergency Clothing
- L. Other emergency assistance
- M. Assistance with items for holidays (food, toys, etc.)
- N. Assistance with school supplies for children

## **National Performance Indicator 6.3**

### **Child and Family Development**

**The unduplicated number and percentage of all infants, children, youth, parents, and other adults participating in developmental or enrichment programs who achieve program goals, as measured by one or more of the following:**

#### Infants and Youth-A

1. Infants and children obtain age-appropriate immunizations, medical, and dental care
2. Infant and child health and physical development are improved as a result of adequate nutrition
3. Children participate in pre-school activities to develop school readiness skills
4. Children who participate in pre-school activities are developmentally ready to enter Kindergarten or 1st Grade

#### Youth-B

1. Youth improve health and physical development
2. Youth improve social/emotional development
3. Youth avoid risk-taking behavior for a defined period of time
4. Youth have reduced involvement with criminal justice system
5. Youth increase academic, athletic, or social skills for school success
6. Youth Employment Projects
7. Youth Leadership Projects
8. Youth increase academic skills by completing educational requirements

#### Adults-C

1. Parents and other adults learn and exhibit improved parenting skills
2. Parents and other adults learn and exhibit improved family functioning skills

## **National Performance Indicator 6.4**

### **Family Supports (Seniors, Disabled and Caregivers)**

**Low-income people who are unable to work, especially seniors, adults with disabilities, and caregivers, for whom barriers to family stability are reduced or eliminated, as measured by one or more of the following:**

- A. Enrolled children in before or after school programs
- B. Obtained care for child or other dependant
- C. Obtained access to reliable transportation and/or driver's license
- D. Obtained health care services for themselves or family member
- E. Obtained safe and affordable housing
- F. Obtained food assistance
- G. Obtained non-emergency LIHEAP energy assistance
- H. Obtained non-emergency WX energy assistance
- I. Obtained other non-emergency energy assistance (State/local/private energy programs. Do Not Include LIHEAP or WX)

## **National Performance Indicator 6.5**

### **Service Counts**

**The number of services provided to low-income individuals and/or families, as measured by one or more of the following:**

- A. Food Boxes
- B. Pounds of Food
- C. Units of Clothing
- D. Rides Provided
- E. Information and Referral Calls



## **VI. Appendices**

- A. Texas Register Public Hearing/Comment Notice
- B. Legislative Hearing Documentation
- C. TDHCA's Basic Financial Statements for the Year Ended August 31, 2010
- D. List of Texas 2013 CSBG Eligible Entities
- E. List of Texas 2013 CSBG Program Service Areas
- F. 2013 and Estimated 2014 CSBG Allocations
- G. Audit Information for Texas CSBG Eligible Entities
- H. State Provisions--Texas Administrative Code/Texas Government Code
- I. Lead State Agency Designation Correspondence
- J. Certification Regarding Lobbying
- K. Certification Regarding Drug-Free Workplace
- L. Certification Regarding Debarment, Suspension, and Other Responsibility Matters
- M. Certification Regarding Pro-Children Act of 1994

Appendix A.

Texas Register Public Hearings/Comments Notice

Texas Department of Housing and Community Affairs  
Notice of Public Hearings for the Community Services Block Grant State (CSBG) Application and Plan for  
Fiscal Years 2014 - 2015

In accordance with the U. S. Department of Health and Human Services' requirement for the Community Services Block Grant (CSBG) and Texas Government Code, Chapter 2105, Subchapter B, the Texas Department of Housing and Community Affairs (TDHCA) is conducting public hearings. The primary purpose of the hearings is to solicit comments on the proposed Texas 2014-2015 Community Services Block Grant State Application and Plan which describes the proposed use and distribution of CSBG funds for Federal Fiscal Years 2014 and 2015. As federal statute requires, not less than ninety percent of the CSBG funds will be distributed to the State's CSBG eligible entities and not more than five percent will be used for state administration, including support for planning, monitoring, and for the provision of training and technical assistance. The remaining five percent will be utilized to fund state discretionary projects/initiatives and for disaster assistance recovery.

The draft Application/Plan is to be presented to the TDHCA Board of Directors on June 13, 2013. Once approved by the board, the document is to be posted and available for review on the Department's website at <http://www.tdhca.state.tx.us/community-affairs/csbg/index.htm>. or by contacting the Texas Department of Housing and Community Affairs at P.O. Box 13941, Austin, TX 78711-3941 or by phone at (512) 475-3905.

The public hearings are to be held on Tuesday, July 9, 2013 at 10:30 a.m. in Room #116 at the TDHCA headquarters office located at 221 East 11th Street, Room #116 in Austin, Texas 78701; Wednesday, July 10, 2013 at 11:00 a.m. at the headquarters of Gulf Coast Community Services Association at 9320 Kirby Drive, Room #112, Houston, Texas 77054; on Wednesday, July 10, 2013 at 6:30 p.m. at City of San Antonio, Claude W. Black Community Center, 2805 East Commerce Street, Live Oak Room-23A, San Antonio, Texas 78203; and on Thursday, July 11, 2013 at 6:30 p.m. at the City of Fort Worth, Southside Community Center, 959 East Rosedale, Fort Worth, Texas 78203.

A representative from TDHCA will be present at the hearings to explain the planning process and receive comments from interested citizens and affected groups regarding the proposed Application/Plan. For questions, contact Rita D. Gonzales-Garza, CSBG Program Administrator, in the Community Affairs Division at (512) 475-3905 or [rita.garza@tdhca.state.tx.us](mailto:rita.garza@tdhca.state.tx.us). Comments may be provided in writing or by oral testimony at one of the public hearings or written comments may be mailed to the Texas Department of Housing and Community Affairs at P.O. Box 13941, Austin, TX 78711-3941 or can be submitted by e-mail to [rita.garza@tdhca.state.tx.us](mailto:rita.garza@tdhca.state.tx.us) or by fax to (512) 475-3935 no later than 5:00 p.m., Friday, July 12, 2013. Any questions regarding the public hearing process or the CSBG program may be directed TDHCA, Community Affairs Division.

Individuals who require auxiliary aids or services should contact Gina Esteves, ADA Responsible Employee, at least three (3) days before the scheduled hearing at (512) 475-3943 or Relay Texas at 1-800-735-2989 so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters for this meeting should contact Jorge Reyes by phone at (512) 475-4577 or by e-mail at [jorge.reyes@tdhca.state.tx.us](mailto:jorge.reyes@tdhca.state.tx.us) at least three (3) days before the hearing so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Jorge Reyes al siguiente número (512) 475-4577 por lo menos tres días antes de la junta para hacer los preparativos apropiados.

Appendix B.

Legislative Hearing Documentation

**State of Texas**

**FFY 2014 and FFY 2015 Community Services Block Grant Funds**

**Legislative Hearing Documentation**

The Texas Legislature convenes every other year and among its tasks is to enact appropriation bills that encompass all funds for Texas state agencies, including those derived from state general revenue and from federal block grants. The Community Services Block Grant funds are included in the overall annual budget administered by the Texas Department of Housing and Community Affairs (TDHCA) and subject to the legislative review process described herein.

Both branches of the Texas Legislature review each state agency's annual budgets. The House of Representatives House Appropriations Committee conducted its most recent Legislative Appropriations Request public hearing that included TDHCA's budget on February 12, 2013. The Texas Senate Finance Committee conducted its most recent Legislative Appropriations Request public hearing that included TDHCA's budget on February 4, 2013. The state appropriation process, which precedes and supports the enactment of the appropriation bills, is an extensive and deliberative process and provides opportunity for full public participation in public hearings.

I, Timothy K. Irvine, hereby certify that the above referenced Legislative Appropriations Request process serves to comply with the CSBG Act's requirement 42 U.S.C. Section 9008 (a) (3) that at least one (1) legislative hearing be held every three years in conjunction with the state's development of the Texas application for the FFY 2014 and FFY 2015 Community Services Block Grant funds under 42 U.S.C. Section 9008 (a) (3).

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Timothy K. Irvine, Executive Director  
Texas Department of Housing and Community Affairs

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Date

Appendix C.

TDHCA's Basic Financial Statements for the Year Ended August 31, 2012

**TDHCA's Basic Financial Statements for the Year Ended August 31, 2012**

The Annual Financial Report for the Texas Department of Housing and Community Affairs for the year that ended August 31, 2012 may be accessed by clicking on the following link.

<http://www.tdhca.state.tx.us/pdf/12-BasicFinancials.pdf>



Appendix D.

List of Texas 2013 CSBG Eligible Entities

# FFY 2013 Community Services Block Grant Program

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

POST OFFICE BOX 13941, AUSTIN, TX 78711-3941

Community Services 512-475-3950

## All CSBG SUBRECIPIENTS

Subrecipient	Agency Address	Chief Executive	Contact Person	Board Chair	Counties Served
<b>1 Aspermont Small Business Development Center, Inc.</b>  Contract: 61130001564 <a href="mailto:asbdc@westex.net">mailto:asbdc@westex.net</a>	P.O. Box 188 Aspermont, Texas 79502 Phone: (940) 989-3538 Fax: (940) 989-3445 1(800) 722-0137	<b>Ms. Dana Myers</b> Executive Director  <a href="mailto:asbdc@westex.net">mailto:asbdc@westex.net</a>	<b>Cecelia Gardner</b> CSBG Program Coordinator  <a href="mailto:asbdcenergyaid@yahoo.com">asbdcenergyaid@yahoo.com</a>	<b>David Davis</b> 1 Av. D Haskell, Texas 79521 Phone: (940) 864-2851 Fax:	Haskell, Jones, Kent, Knox, Stonewall, Throckmorton
<b>2 Austin, City of, Health and Human Services Department</b>  Contract: 61130001570 <a href="mailto:carlos.rivera@austintexas.gov">carlos.rivera@austintexas.gov</a>	P.O. Box 1088 Austin, Texas 78767 Phone: (512) 972-5010 Fax: (512) 972-5016	<b>Mr. Carlos Rivera</b> Director  <a href="mailto:carlos.rivera@austintexas.gov">carlos.rivera@austintexas.gov</a>	<b>Maria Allen</b> Manager  (512) 972-5086  <a href="mailto:maria.allen@austintexas.gov">maria.allen@austintexas.gov</a>	<b>Gilbert Rivera</b> 1000 Glen Oaks Court Austin, Texas 78702 Phone: (512) 971-8307 Fax:	Travis
<b>3 Bee Community Action Agency</b>  <i>w/Head Start</i> Contract: 61130001565 <a href="mailto:anna.simo@bizstx.rr.com">anna.simo@bizstx.rr.com</a>	P.O. Box 1540 Beeville, Texas 78104-1540 Phone: (361) 358-5530 Fax: (361) 358-6591 1(800) 358-5534	<b>Ms. Anna Simo</b> Executive Director  <a href="mailto:anna.simo@bizstx.rr.com">mailto:anna.simo@bizstx.rr.com</a>	<b>Anna Simo</b>	<b>Rev. Carl Pickett</b> P.O. Box 1093 Beeville, Texas 78104 Phone: (361) 542-1080 Fax:	Aransas, Bee, Kenedy, Kleberg, Live Oak, McMullen, Refugio
<b>4 Big Bend Community Action Committee, Inc.</b>  Contract: 61130001566 <a href="mailto:evbbcac@sbcglobal.net">mailto:evbbcac@sbcglobal.net</a>	P.O. Box 265 Marfa, Texas 79843 Phone: (432) 729-4908 Fax: (432) 729-3435	<b>Ms. Emma Vasquez</b> Executive Director  <a href="mailto:evbbcac@sbcglobal.net">mailto:evbbcac@sbcglobal.net</a>	<b>Emma Vasquez</b> Executive Director  <a href="mailto:evbbcac@sbcglobal.net">mailto:evbbcac@sbcglobal.net</a>	<b>Hon. Paul Hunt</b> P.O. Box 475 Marfa, Texas 79843 Phone: Fax:	Brewster, Culberson, Hudspeth, Jeff Davis, Presidio

<b>Subrecipient</b>	<b>Agency Address</b>	<b>Chief Executive</b>	<b>Contact Person</b>	<b>Board Chair</b>	<b>Counties Served</b>
<b>5 Brazos Valley Community Action Agency</b>  <i>w/Head Start</i> Contract: 61130001567 <a href="mailto:www.bvcaa.org">mailto:www.bvcaa.org</a>	1500 University Drive East College Station, Texas 77840 Phone: (979) 846-1100 Fax: (979) 260-9390 1(877) 260-4925	<b>Ms. Karen Garber</b> Executive Director  <a href="mailto:kgarber@bvcaa.org">mailto:kgarber@bvcaa.org</a>	<b>Eric Todd</b> Senior Administrator  (979) 846-1100  <a href="mailto:etodd@bvcaa.org">etodd@bvcaa.org</a>	<b>Sara Mendez</b> 201 N. Texas Ave. Bryan, Texas 77803 Phone: (979) 361-4440 Fax:	Brazos, Burleson, Chambers, Grimes, Leon, Liberty, Madison, Montgomery, Robertson, Walker, Waller, Washington
<b>6 Cameron and Willacy Counties Community Projects, Inc.</b>  Contract: 61130001568 <a href="mailto:amalia_cgarza@yahoo.com">amalia_cgarza@yahoo.com</a>	1144 Professional Dr. Brownsville, Texas 78520 Phone: (956) 544-6411 Fax: (956) 544-6414	<b>Ms. Amalia C. Garza</b> Executive Director  <a href="mailto:amalia_cgarza@yahoo.com">amalia_cgarza@yahoo.com</a>	<b>Xochitl Rodriguez</b> Deputy Director	<b>Hon. Sallie Gonzalez</b> 3302 Wilson Rd. Harlingen, Texas 78552 Phone: (956) 427-8057 Fax:	Cameron, Willacy
<b>7 Central Texas Opportunities, Inc.</b>  <i>w/Head Start</i> Contract: 61130001569 <a href="mailto:jwilliamson@ctoinc.org">jwilliamson@ctoinc.org</a>	P.O. Box 820 Coleman, Texas 76834 Phone: (325) 625-4167 Fax: (325) 625-3335 1(800) 625-4167	<b>Mr. Jim Williamson</b> Executive Director  <a href="mailto:jwilliamson@ctoinc.org">jwilliamson@ctoinc.org</a>	<b>Hanna Adams</b> CS Coordinator  <a href="mailto:hadams@ctoinc.org">mailto:hadams@ctoinc.org</a>	<b>Thella Henderson</b> 401 S. 8th Street Ballinger, Texas 76821 Phone: (325) 977-1415 Fax:	Brown, Callahan, Coleman, Comanche, Eastland, McCulloch, Runnels
<b>8 Combined Community Action, Inc.</b>  Contract: 61130001574 <a href="mailto:www.ccaction.com">mailto:www.ccaction.com</a>	165 W. Austin Street Giddings, Texas 78942 Phone: (979) 540-2980 Fax: (979) 542-9565 1(800) 688-9065	<b>Ms. Kelly Franke</b> Executive Director  <a href="mailto:kjfranke@ccaaction.com">kjfranke@ccaaction.com</a>	<b>Kelly Franke</b>	<b>Nick Tirey</b> 1441 Tauber Lane Sealy, Texas 77474 Phone: (979) 885-7258 Fax:	Austin, Bastrop, Colorado, Fayette, Lee
<b>9 Community Action Committee of Victoria Texas</b>  Contract: 61130001575 <a href="mailto:cacv@sbcglobal.net">mailto:cacv@sbcglobal.net</a>	P.O. Box 3607 Victoria, Texas 77903-3607 Phone: (361) 578-2989 Fax: (361) 578-0062 1(800) 695-0314	<b>Ms. Vicki Smith</b> Executive Director  <a href="mailto:cacv@sbcglobal.net">mailto:cacv@sbcglobal.net</a>	<b>Shawnee Bayer</b> Neighborhood Services Director (361) 575-0478  <a href="mailto:cacv@sbcglobal.net">mailto:cacv@sbcglobal.net</a>	<b>Will Sciba</b> P.O. Drawer 510 Victoria, Texas 77902 Phone: (361) 575-0551 Fax:	Calhoun, De Witt, Goliad, Gonzales, Jackson, Lavaca, Victoria

<b>Subrecipient</b>	<b>Agency Address</b>	<b>Chief Executive</b>	<b>Contact Person</b>	<b>Board Chair</b>	<b>Counties Served</b>
<b>10 Community Action Corporation of South Texas</b> <i>w/Head Start</i> Contract: 61130001576 <a href="mailto:www.cacost.org">mailto:www.cacost.org</a>	204 E. 1st Street Alice, Texas 78333-1820 Phone: (361) 664-0145 Fax: (361) 664-0120 1(800) 664-0145	<b>Mr. Rafael Trevino, Jr.</b> Executive Director  <a href="mailto:rafael.trevino@cacost.org">rafael.trevino@cacost.org</a>	<b>April Anzaldua</b>  (361) 664-0145  <a href="mailto:april.anzaldua@cacost.org">april.anzaldua@cacost.org</a>	<b>Victoriano Casas, Jr.</b> 410 W. St. Peters Ave. San Diego, Texas 78384 Phone: (361) 389-3143 Fax:	Brooks, Duval, Jim Wells, San Patricio
<b>11 Community Action Inc., of Central Texas</b> <i>w/Head Start</i> Contract: 61130001577 <a href="mailto:www.communityaction.com">mailto:www.communityaction.com</a>	P.O. Box 748 San Marcos, Texas 78667-0748 Phone: (512) 392-1161 Fax: (512) 396-4255	<b>Ms. Carole Belver</b> Executive Director  <a href="mailto:cbelver@communityaction.com">mailto:cbelver@communityaction.com</a>	<b>Tina Morrow</b>  Ext. 309  <a href="mailto:tmorrow@communityaction.com">mailto:tmorrow@communityaction.com</a>	<b>Gaylord Bose</b> 1926 Nevada St. San Marcos, Texas 78666 Phone: (512) 396-6607 Fax:	Blanco, Caldwell, Hays
<b>12 Community Action Social Services &amp; Education</b> Contract: 61130001578 <a href="mailto:casseinc@stx.rr.com">mailto:casseinc@stx.rr.com</a>	P.O. Box 268 Eagle Pass, Texas 78852 Phone: (830) 773-7274 Fax: (830) 773-7271	<b>Mr. Bobby Rankin</b> Executive Director  <a href="mailto:casseinc@stx.rr.com">casseinc@stx.rr.com</a>	<b>Karina Rodriguez</b>  (830) 773-7274  <a href="mailto:casseinc@stx.rr.com">casseinc@stx.rr.com</a>	<b>Ramsey E. Cantu</b> 2004 Ricks Frive Eagle Pass, Texas 78852 Phone: (830) 513-7321 Fax:	Maverick
<b>13 Community Council of South Central Texas, Inc.</b> <i>w/Head Start</i> Contract: 61130001579	205-A E. Court Street Seguin, Texas 78155-5705 Phone: (830) 303-4376 Fax: (830) 372-5354	<b>Vacant</b> Executive Director	<b>Carol Delgado</b> Assistant Director  (830) 569-2731  <a href="mailto:cdelgado@ccsct.org">cdelgado@ccsct.org</a>	<b>Betty Hernandez</b> 5298 FM 1681 Stockdale, Texas 78160 Phone: (830) 996-9325 Fax:	Atascosa, Bandera, Comal, Edwards, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Kinney, Medina, Real, Uvalde, Val Verde, Wilson, Zavala
<b>14 Community Services Agency of South Texas</b> <i>w/Head Start</i> Contract: 00000000000 <a href="mailto:www.csaofsti.com">mailto:www.csaofsti.com</a>	P.O. Box 488 Carrizo Springs, Texas 78834-648 Phone: (830) 876-5219 Fax: (830) 876-5280	<b>Mr. David Ojeda, Jr.</b> Executive Director  <a href="mailto:csadojeda@sbcglobal.net">csadojeda@sbcglobal.net</a>	<b>Mary de la Cerda</b> <a href="mailto:mdelacerda@csaofsti.com">mdelacerda@csaofsti.com</a>  (830) 876-6924  <a href="mailto:csacorosco@sbcglobal.net">csacorosco@sbcglobal.net</a>	<b>Rodrigo Jaime</b> P.O. Box 157 Asherton, Texas 78827 Phone: (830) 854-0478 Fax: <a href="mailto:rodrigojaime@sbcglobal.net">rodrigojaime@sbcglobal.net</a>	Dimmit, La Salle

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<b>15 Community Services of Northeast Texas, Inc.</b>  <b>w/Head Start</b> Contract: 61130001580 <a href="mailto:www.csntexas.org">mailto:www.csntexas.org</a>	P.O. Box 427 Linden, Texas 75563 Phone: (903) 756-5596 Fax: (903) 756-7294	<b>Mr. Dan Boyd</b> Executive Director  <a href="mailto:dan.boyd@csntexas.org">mailto:dan.boyd@csntexas.org</a>	<b>Dan Boyd</b>	<b>Med Daniels</b> P.O. Box 435 Pittsburg, Texas 75686 Phone: (903) 856-3760 Fax:	Bowie, Cass, Marion, Morris, Camp
<b>16 Community Services, Inc.</b>  Contract: 61130001581	P.O. Box 612 Corsicana, Texas 75151-0612 Phone: (903) 872-2401 Fax: (903) 872-0254 1(800) 831-9929	<b>Ms. Pauletta Hines</b> Executive Director  <a href="mailto:ce01@csicorsicana.org">ce01@csicorsicana.org</a>	<b>Pauletta Hines</b> Executive Director  <a href="mailto:csi01@csicorsicana.org">csi01@csicorsicana.org</a>	<b>Larry West</b> 3791 US175 E. Athens, Texas 75751 Phone: (903) 675-3277 Fax:	Anderson, Collin, Denton, Ellis, Henderson, Hunt, Kaufman, Navarro, Rockwall, Van Zandt
<b>17 Concho Valley Community Action Agency</b>  Contract: 61130001582 <a href="mailto:www.cvcaa.org">mailto: www.cvcaa.org</a>	P.O. Box 671 San Angelo, Texas 76902 Phone: (325) 653-2411 Fax: (325) 658-3147	<b>Dr. Mark Bethune</b> Executive Director  <a href="mailto:mbethune@cvcaa.org">mbethune@cvcaa.org</a>	<b>Lyla Blue</b> CFO  <a href="mailto:lblue@cvcaa.org">lblue@cvcaa.org</a>	<b>Jeffery Lisson</b> 515 W. Harris, Ste. 100 San Angelo, Texas 76903 Phone: (325) 655-4889 Fax:	Coke, Concho, Crockett, Irion, Kimble, Menard, Reagan, Schleicher, Sterling, Sutton, Tom Green
<b>18 County of Hidalgo Community Services Agency</b>  Contract: 61130001583 <a href="mailto:fiscal_dept@hotmail.com">mailto: fiscal_dept@hotmail.com</a>	P.O. Box 204 Edinburg, Texas 78540 Phone: (956) 383-6250 Fax: (956) 380-4324 1(800) 522-4021	<b>Ms. Maribel Navarro-Saenz</b> Executive Director  <a href="mailto:mnsaenz@csa-hidalgo.us">mnsaenz@csa-hidalgo.us</a>	<b>Thelma Vasquez</b> Program Specialist  <a href="mailto:tvasquez@csa-hidalgo.us">tvasquez@csa-hidalgo.us</a>	<b>Jose Perez</b> 423 N. Tower Rd. Alamo, Texas 78516 Phone: Fax:	Hidalgo
<b>19 Dallas Urban League</b>  Contract: 61130001602 <a href="mailto:www.ulgdntx.org">mailto: www.ulgdntx.org</a>	4315 South Lancaster Dallas, Texas 75216 Phone: (214) 915-4600 Fax: (214) 915-4601	<b>Dr. Beverly Mitchell-Brooks</b> President  <a href="mailto:bmb@ulgdntx.com">mailto:bmb@ulgdntx.com</a>	<b>Shirley Walker</b>  Cylton Ewell (214) 915-4606  <a href="mailto:shirley.walker@ulgdntx.com">shirley.walker@ulgdntx.com</a>	<b>Judge Elizabeth Frizell</b> Industrial Blvd. LB48 Dallas, Texas 75207 Phone: (214) 333-0402 Fax:	Dallas

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<b>20 Economic Action Committee of The Gulf Coast</b>  Contract: 61130001584 <a href="mailto:eacgc@sbcglobal.net">mailto:eacgc@sbcglobal.net</a>	P.O. Box 1685 Bay City, Texas 77404-1685 Phone: (979) 245-6901 Fax: (979) 245-5699	<b>Ms. Kristie Smith</b> Interim Executive Director  <a href="mailto:eac-ksmith@sbcglobal.net">mailto:eac-ksmith@sbcglobal.net</a>	<b>Sheniqua Martin</b>   <a href="mailto:eacgc@sbcglobal.net">mailto:eacgc@sbcglobal.net</a>	<b>Carolyn Thames</b> 2728 La Mesa Bay City, Texas 77414 Phone: (979) 595-4873 Fax:	Matagorda
<b>21 Economic Opportunities Advancement Corporation of Planning Region XI w/Head Start</b>  Contract: 61130001585 <a href="mailto:www.eoac.org">mailto:www.eoac.org</a>	500 Franklin Avenue Waco, Texas 76701-2111 Phone: (254) 753-0331 Fax: (254) 754-0046	<b>Mr. John Key</b> Executive Director  <a href="mailto:johnkey@centexbiz.rr.com">johnkey@centexbiz.rr.com</a>	<b>Tammy Allen</b> tallen1126@att.net  <a href="mailto:tgonzales@hotmail.com">tgonzales@hotmail.com</a>	<b>Darlene Cates</b> 1512 Columbus Avenue Waco, Texas 76708 Phone: (254) 836-9024 Fax:	Bosque, Falls, Freestone, Hill, Limestone, McLennan
<b>22 El Paso Community Action Program, Project BRAVO, Inc.</b>  Contract: 61130001586 <a href="mailto:www.projectbravo.org">mailto:www.projectbravo.org</a>	P.O. Box 3445 El Paso, Texas 79923 Phone: (915) 562-4100 Fax: (915) 562-8952	<b>Ms. Laura Ponce</b> Executive Director  <a href="mailto:lponce@projectbravo.org">lponce@projectbravo.org</a>	<b>Angel Vargas</b> CS Manager  <a href="mailto:avargas@projectbravo.org">mailto:avargas@projectbravo.org</a>	<b>Robert Carrillo</b> 9112 Shaver Drive El Paso, Texas 79925 Phone: (915) 494-1537 Fax: <a href="mailto:rcarrillojr55@gmail.com">rcarrillojr55@gmail.com</a>	El Paso
<b>23 Fort Worth, City of, Parks &amp; Community Services Department</b>  Contract: 61130001571 <a href="mailto:www.fortworthgov.org/pacs/cap">mailto:www.fortworthgov.org/pacs/cap</a>	4200 South Freeway, Suite 2200 Ft Worth, Texas 76115-1499 Phone: (817) 392-5700 Fax: (817) 871-5776	<b>Mr. Richard Zavala</b> Director  <a href="mailto:richard.zavala@fortworthgov.org">richard.zavala@fortworthgov.org</a>	<b>Sonia Singleton</b> Assistant Director  (817) 392-5774  <a href="mailto:sonia.singleton@fortworthgov.org">sonia.singleton@fortworthgov.org</a>	<b>Mac Belmontes</b> P.O. Box 79252 Fort Worth, Texas 76179 Phone: (817) 874-2051 Fax:	Tarrant
<b>24 Galveston County Community Action Council, Inc. w/Head Start</b>  Contract: 61130001587 <a href="mailto:www.gccac.org">mailto:www.gccac.org</a>	P.O. Box 3206 Galveston, Texas 77552 Phone: (409) 765-7878 Fax: (409) 765-9951 1(800) 300-3004	<b>Ms. Jackie Douglas</b> Executive Director  <a href="mailto:jirene.douglas@gccac.org">jirene.douglas@gccac.org</a>	<b>Sabrina Harrell</b> CS Director  (409)762-8418  <a href="mailto:sl_harrell27@hotmail.com">mailto:sl_harrell27@hotmail.com</a>	<b>Rev. E.R. Johnson</b> 1422 40th Street Galveston, Texas 77550 Phone: (409) 762-8470 Fax:	Brazoria, Fort Bend, Galveston, Wharton

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<b>25 Greater East Texas Community Action Program (GETCAP)</b> <i>w/Head Start</i> Contract: 61130001588 <a href="mailto:www.get-cap.org">mailto: www.get-cap.org</a>	P.O. Box 631938 Nacogdoches, Texas 75963 Phone: (936) 564-2491 Fax: (936) 564-0302 1(800) 621-5746	<b>Ms. Karen Swenson</b> Executive Director  <a href="mailto:kswenson@sbcglobal.net">mailto:kswenson@sbcglobal.net</a>	<b>Beverly Jones</b> CSBG Coordinator  <a href="mailto:bnorris@sbcglobal.net">bnorris@sbcglobal.net</a>	<b>Robert Crow</b> 715 Summit Nacogdoches, Texas 75961 Phone: (936) 569-1131 Fax: (936) 564-0302	Angelina, Cherokee, Gregg, Houston, Nacogdoches, Polk, Rusk, San Jacinto, Smith, Trinity, Wood
<b>26 Gulf Coast Community Services Association</b>  <i>w/Head Start</i> Contract: 61130001589 <a href="mailto:www.gccsa.org">mailto:www.gccsa.org</a>	9320 Kirby Drive Houston, Texas 77054 Phone: (713) 393-4700 Fax: (713) 393-8701	<b>Dr. Jonita Wallace-Reynolds</b> CEO  <a href="mailto:drj@gccsa.org">mailto:drj@gccsa.org</a>	<b>Sue Kriegel</b> (713) 393-4702  Jeff Wallace (713) 393-4787  <a href="mailto:suek@gccsa.org">mailto:suek@gccsa.org</a>	<b>Kevin Owens</b> 1000 Main, Ste.11091H Houston, Texas 77002 Phone: (713) 828-3464 Fax:	Harris
<b>27 Hill Country Community Action Association, Inc.</b>  <i>w/Head Start</i> Contract: 61130001590 <a href="mailto:www.hccaa.com">mailto:www.hccaa.com</a>	P.O. Box 846 San Saba, Texas 76877 Phone: (325) 372-5167 Fax: (325) 372-3526	<b>Ms. Tama Shaw</b> Executive Director  <a href="mailto:tshaw@hccaa.com">mailto:tshaw@hccaa.com</a>	<b>Frances Little</b> Associate Director/CFO  Ext 240  <a href="mailto:flittle@hccaa.com">mailto:flittle@hccaa.com</a>	<b>John Fisher</b> P.O. Box 768 Belton, Texas 76513 Phone: (254) 933-5104 Fax:	Bell, Coryell, Hamilton, Lampasas, Llano, Mason, Milam, Mills, San Saba
<b>28 Lubbock, City of, Community Development Department</b>  Contract: 61130001572 <a href="mailto:www.housing.ci.lubbock.tx.us">mailto:www.housing.ci.lubbock.tx.us</a>	P.O. Box 2000 Lubbock, Texas 79457 Phone: (806) 775-2301 Fax: (806) 775-3917	<b>Mr. Bill Howerton</b> Executive Director  <a href="mailto:bhowerton@mylubbock.us">bhowerton@mylubbock.us</a>	<b>Joe Rangel</b> Contract Coordinator  <a href="mailto:jrangel@mail.ci.lubbock.tx.us">mailto:jrangel@mail.ci.lubbock.tx.us</a>	<b>Joe Phea</b> 1819 E. 24th Street Lubbock, Texas 79404 Phone: (806) 747-5104 Fax:	Lubbock
<b>29 Northeast Texas Opportunities, Inc.</b>  <i>w/Head Start</i> Contract: 61130001591 <a href="mailto:netobev@suddenlinkmail.com">netobev@suddenlinkmail.com</a>	P.O. Box 478 Mount Vernon, Texas 75457 Phone: (903) 537-2256 Fax: (903) 537-2187	<b>Ms. Beverly Logan</b> Executive Director  <a href="mailto:netobev@suddenlinkmail.com">netobev@suddenlinkmail.com</a>	<b>Brenda Fountain</b> CS Director  Ext. 23  <a href="mailto:netobrenda@suddenlinkmail.com">netobrenda@suddenlinkmail.com</a>	<b>Judge Paul Louvier</b> P.O. Box 577 Mt. Vernon, Texas 75457 Phone: (903) 537-2342 Fax:	Delta, Franklin, Hopkins, Lamar, Rains, Red River, Titus

<b>Subrecipient</b>	<b>Agency Address</b>	<b>Chief Executive</b>	<b>Contact Person</b>	<b>Board Chair</b>	<b>Counties Served</b>
<b>30 Nueces County Community Action Agency</b>  <i>w/Head Start</i> Contract: 61130001592 <a href="mailto:www.nccaatx.org">mailto:www.nccaatx.org</a>	101 South Padre Island Drive Corpus Christi, Texas 78405 Phone: (361) 883-7201 Fax: (361) 883-9173	<b>Mr. Joe A. Martinez</b> Executive Director  <a href="mailto:jam@nccaatx.org">mailto:jam@nccaatx.org</a>	<b>Alma A. Barrera</b> CS Director  Ext. 42  <a href="mailto:abarrera@nccaatx.org">abarrera@nccaatx.org</a>	<b>George R. Rosas</b> 7417 Spitfire Corpus Christi, Texas 78412 Phone: (361) 537-2999 Fax:	Nueces
<b>31 Panhandle Community Services</b>  Contract: 61130001593 <a href="mailto:www.pcsvcs.org">mailto:www.pcsvcs.org</a>	P.O. Box 32150 Amarillo, Texas 79120-2150 Phone: (806) 372-2531 Fax: (806) 373-8143 1(800) 676-4727	<b>Ms. Magi York</b> Interim Executive Director  <a href="mailto:Magi.York@pcsvcs.org">Magi.York@pcsvcs.org</a>	<b>Mary Twitty</b> ext. 0223  <a href="mailto:mary.twitty@pcsvcs.org">mary.twitty@pcsvcs.org</a>	<b>Darrel Fincher</b> 8617 Baxter Drive Amarillo, Texas 79119 Phone: (806) 433-2510 Fax:	Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler
<b>32 Pecos County Community Action Agency</b>  <i>w/Head Start</i> Contract: 61130001594	P.O. Box 940 Fort Stockton, Texas 79735 Phone: (432) 336-7526 Fax: (432) 336-7528	<b>Ms. Rosela Johnson</b> Executive Director  <a href="mailto:rjohnson_dir@sbcglobal.net">rjohnson_dir@sbcglobal.net</a>	<b>Pat Arcides</b> (432)336-7526  pat_arcides@yahoo.com	<b>Santiago Cantu Jr.</b> 208 East Hornbeck Fort Stockton, Texas 79735 Phone: (432) 336-6281 Fax:	Crane, Pecos, Terrell
<b>33 Rolling Plains Management Corporation</b>  <i>w/Head Start</i> Contract: 61130001595 <a href="mailto:rollingplainsmgmt.com">mailto:rollingplainsmgmt.com</a>	P.O. Box 490 Crowell, Texas 79227 Phone: (940) 684-1571 Fax: (940) 684-1693 1(800) 633-0852	<b>Ms. Debra Thomas</b> Executive Director  <a href="mailto:debra.thomas@rollingplains.org">debra.thomas@rollingplains.org</a>	<b>Ann Sparkman</b>  <a href="mailto:annsparkman2003@yahoo.com">mailto:annsparkman2003@yahoo.com</a>	<b>Dan Craighead</b> 1022 W. California St. Seymour, Texas 76380 Phone: (940) 889-2939 Fax:	Archer, Baylor, Clay, Cottle, Foard, Hardeman, Jack, Montague, Shackelford, Stephens, Taylor, Wichita, Wilbarger, Young
<b>34 San Antonio, City of, Department of Human Services</b>  Contract: 61130001573 <a href="mailto:www.sanantonio.gov/comminit/cad/cadcommserv">mailto:www.sanantonio.gov/comminit/cad/cadcommserv</a>	P.O. Box 839966 San Antonio, Texas 78205 Phone: (210) 207-7855 Fax: (210) 207-4254	<b>Ms. Melody Woosley</b> Interim Director of Human Services  <a href="mailto:melody.woosley@sanantonio.gov">melody.woosley@sanantonio.gov</a>	<b>Carolyn Knight</b> (210) 207-4790  Deborah Vasquez or Elizabeth Esparza  <a href="mailto:carolyn.knight@sanantonio.gov">carolyn.knight@sanantonio.gov</a>	<b>Anna Prieto</b> 9202 Vinca Pass San Antonio, Texas 78251 Phone: (210) 415-7482 Fax:	Bexar



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<b>35 South Plains Community Action Association, Inc.</b>  <b>w/Head Start</b> Contract: 61130001597 <a href="mailto:www.spcaa.org">mailto:www.spcaa.org</a>	P.O. Box 610 Levelland, Texas 79336 Phone: (806) 894-6104 Fax: (806) 894-5349	<b>Mr. W. D. Powell, Jr.</b> Executive Director  <a href="mailto:bill.powell@spcaa.org">bill.powell@spcaa.org</a>	<b>Brad Patrick</b> (806) 894-5153  Cristina Cristan ccristan@spcaa.org  <a href="mailto:bpatrick@spcaa.org">bpatrick@spcaa.org</a>	<b>Joe Dee Brooks</b> P.O. Box 880 Levelland, Texas 79336 Phone: (806) 894-7263 Fax:  <a href="mailto:jdbrooks@alliedoifield.com">mailto:jdbrooks@alliedoifield.com</a>	Bailey, Cochran, Garza, Hockley, Lamb, Lynn, Terry, Yoakum, Crosby, Dickens, Floyd, Hale, King, Motley
<b>36 South Texas Development Council</b>  Contract: 61130001598 <a href="mailto:www.stdc.cog.tx.us">mailto:www.stdc.cog.tx.us</a>	P.O. Box 2187 Laredo, Texas 78044-2187 Phone: (956) 722-3995 Fax: (956) 722-2670	<b>Mr. Amando Garza, Jr.</b> Executive Director  <a href="mailto:agarzajr@stdc.cog.tx.us">mailto:agarzajr@stdc.cog.tx.us</a>	<b>Juan E. Rodriguez</b> Program Director  (956) 722-3995 ext. 18  <a href="mailto:jerodriguez@stdc.cog.tx.us">jerodriguez@stdc.cog.tx.us</a>	<b>Ruben Chapa</b> 2300 E. Highway 83 Rio Grande City, Texas 78582 Phone: (956) 488-0100 Fax:	Jim Hogg, Starr, Zapata
<b>37 Southeast Texas Regional Planning Commission</b>  Contract: 61130001596 <a href="mailto:www.setrpc.org">mailto:www.setrpc.org</a>	2210 EastTex Freeway Beaumont, Texas 77703 Phone: (409) 899-8444 Fax: (409) 347-0138	<b>Mr. Shaun P. Davis</b> Executive Director  <a href="mailto:sdavis@setrpc.org">mailto:sdavis@setrpc.org</a>	<b>Pat Fontenot</b>  Ext. 7519  <a href="mailto:pfontenot@setrpc.org">pfontenot@setrpc.org</a>	<b>Miyoshi Chaisson</b> 620 Campus St. Beaumont, Texas 77705 Phone: (409) 678-4060 Fax:	Hardin, Jefferson, Orange
<b>38 Texas Neighborhood Services</b>  <b>w/Head Start</b> Contract: 61130001599 <a href="mailto:www.texoma.cog.tx.us">mailto: www.texoma.cog.tx.us</a>	522 Palo Pinto St. Weatherford, Texas 76086 Phone: (817) 598-5700 Fax: (817) 598-5777 1(800) 325-6944	<b>Mr. Bradley Manning</b> Executive Director  <a href="mailto:bmanning@txns.org">bmanning@txns.org</a>	<b>Sunny Erwin</b> Director of Community Services (817) 598-5700 ext. 2206  <a href="mailto:liz.erwin@txns.org">mailto:liz.erwin@txns.org</a>	<b>Dick Chase</b> 321 Graben Ln. Rhome, Texas 76078 Phone: (817) 638-2361 Fax:	Erath, Hood, Johnson, Palo Pinto, Parker, Somervell, Wise
<b>39 Texoma Council of Governments</b>  Contract: 61130001600 <a href="mailto:www.texoma.cog.tx.us">mailto: www.texoma.cog.tx.us</a>	1117 Gallagher Drive, Suite 300 Sherman, Texas 75090 Phone: (903) 893-2161 Fax: (903) 813-3511 1(800) 677-8264	<b>Dr. Susan B. Thomas</b> Executive Director  <a href="mailto:sthomas@texoma.cog.tx.us">sthomas@texoma.cog.tx.us</a>	<b>Brenda Smith</b> Program Manager  (903) 813-3567  <a href="mailto:bsmith@texoma.cog.tx.us">bsmith@texoma.cog.tx.us</a>	<b>Alan Smith</b> 110 S. Dixon Rm. 112 Gainesville, Texas 76240 Phone: (940) 668-5483 Fax:	Cooke, Fannin, Grayson

<b>Subrecipient</b>	<b>Agency Address</b>	<b>Chief Executive</b>	<b>Contact Person</b>	<b>Board Chair</b>	<b>Counties Served</b>
<b>40 Tri-County Community Action, Inc.</b>  <i>w/Head Start</i> Contract: 61130001601 <a href="mailto:www.tricountycommunityaction.org">mailto: www.tricountycommunityaction.org</a>	214 Nacogdoches St. Center, Texas 75935 Phone: (936) 598-6315 Fax: (936) 598-7272	<b>Mr. George Simon</b> Executive Director  <a href="mailto:gsimon@tricountycommaction.org">gsimon@tricountycommaction.org</a>	<b>Brenda Allen</b>  936-598-6315  <a href="mailto:ballen5@tricountycommaction.org">ballen5@tricountycommaction.org</a>	<b>Leroy Hughes</b> P.O. Box 299 San Augustine, Texas 75972 Phone: (936) 275-3609 Fax: <a href="mailto:lolo1997@sbcglobal.net">mailto:lolo1997@sbcglobal.net</a>	Harrison, Jasper, Newton, Panola, Sabine, San Augustine, Shelby, Tyler, Upshur
<b>41 Webb County Community Action Agency</b>  Contract: 61130001603 <a href="mailto:www.webbcounty.com/communityactionagency">mailto: www.webbcounty.com/communityactionagency</a>	1110 Washington St, Suite 203 Laredo, Texas 78040-4443 Phone: (956) 523-4182 Fax: (956) 523-5016	<b>Mr. Juan Vargas</b> Executive Director  <a href="mailto:vargas@webbcountytx.gov">vargas@webbcountytx.gov</a>	<b>James Flores</b>  (956)523-4607  <a href="mailto:jflores@webbcountytx.gov">jflores@webbcountytx.gov</a>	<b>Dr. Henry Carranza</b> 1115 Chihuahua Laredo, Texas 78042 Phone: (956) 796-9335 Fax:	Webb
<b>42 West Texas Opportunities, Inc.</b>  <i>w/Head Start</i> Contract: 61130001604 <a href="mailto:www.gowto.org">mailto:www.gowto.org</a>	P.O. Box 1308 Lamesa, Texas 79331 Phone: (806) 872-8354 Fax: (806) 872-5816	<b>Ms. Jenny Gibson</b> Executive Director  <a href="mailto:jenny.gibson.wto@gmail.com">jenny.gibson.wto@gmail.com</a>	<b>Elda Barrera</b> CSBG Coordinator/Center Director  <a href="mailto:e.barrera.wto@gmail.com">e.barrera.wto@gmail.com</a>	<b>Mike Roy</b> 813 N. 20th St. Lamesa, Texas 79331 Phone: (806) 872-2806 Fax:	Andrews, Borden, Dawson, Ector, Fisher, Gaines, Glasscock, Howard, Martin, Midland, Mitchell, Nolan, Scurry, Upton, Loving, Reeves, Ward, Winkler
<b>43 Williamson-Burnet County Opportunities, Inc.</b>  <i>w/Head Start</i> Contract: 61130001605 <a href="mailto:www.wbco.net">mailto:www.wbco.net</a>	604 High Tech Drive Georgetown, Texas 78626 Phone: (512) 763-1400 Fax: (512) 763-1411	<b>Mr. John Doerfler</b> Interim Executive Director  <a href="mailto:jdoerfler@wbco.net">jdoerfler@wbco.net</a>	<b>Estella Rodriguez</b>  (512) 763-1400  <a href="mailto:erodriguez@wbco.net">erodriguez@wbco.net</a>	<b>Nettie Ruth Bratton</b> 139 Estella Crossing #127 Georgetown, Texas 78628 Phone: (512) 240-5700 Fax:	Burnet, Williamson

Appendix E.

List of Texas 2013 CSBG Program Service Areas

<b>Contractor</b>	<b>CSBG Counties Served</b>
Aspermont Small Business Development Center, Inc.	Haskell, Jones, Kent, Knox, Stonewall, Throckmorton
Austin, City of, Health and Human Services Department	Travis
Bee Community Action Agency	Aransas, Bee, Kenedy, Kleberg, Live Oak, McMullen, Refugio
Big Bend Community Action Committee, Inc.	Brewster, Culberson, Hudspeth, Jeff Davis, Presidio
Brazos Valley Community Action Agency	Brazos, Burleson, Chambers, Grimes, Leon, Liberty, Madison, Montgomery, Robertson, Walker, Waller, Washington
Cameron and Willacy Counties Community Projects, Inc.	Cameron, Willacy
Central Texas Opportunities, Inc.	Brown, Callahan, Coleman, Comanche, Eastland, McCulloch, Runnels
Combined Community Action, Inc.	Austin, Bastrop, Colorado, Fayette, Lee
Community Action Committee of Victoria Texas	Calhoun, De Witt, Goliad, Gonzales, Jackson, Lavaca, Victoria
Community Action Corporation of South Texas	Brooks, Duval, Jim Wells, San Patricio
Community Action Inc., of Central Texas	Blanco, Caldwell, Hays
Community Action Social Services & Education	Maverick
Community Council of Reeves County	Loving, Reeves, Ward, Winkler
Community Council of South Central Texas, Inc.	Atascosa, Bandera, Comal, Edwards, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Kinney, Medina, Real, Uvalde, Val Verde, Wilson, Zavala
Community Council of Southwest Texas, Inc.	Edwards, Kinney, Real, Uvalde, Val Verde, Zavala
Community Services Agency of South Texas	Dimmit, La Salle
Community Services of Northeast Texas, Inc.	Bowie, Cass, Marion, Morris, Camp
Community Services, Inc.	Anderson, Collin, Denton, Ellis, Henderson, Hunt, Kaufman, Navarro, Rockwall, Van Zandt
Concho Valley Community Action Agency	Coke, Concho, Crockett, Irion, Kimble, Menard, Reagan, Schleicher, Sterling, Sutton, Tom Green
Dallas Urban League	Dallas
Economic Action Committee of The Gulf Coast	Matagorda
Economic Opportunities Advancement Corporation of Planning Region XI	Bosque, Falls, Freestone, Hill, Limestone, McLennan
El Paso Community Action Program, Project BRAVO, Inc.	El Paso

<b>Contractor</b>	<b>CSBG Counties Served</b>
Fort Worth, City of, Parks & Community Services Department	Tarrant
Galveston County Community Action Council, Inc.	Brazoria, Fort Bend, Galveston, Wharton
Greater East Texas Community Action Program (GETCAP)	Angelina, Cherokee, Gregg, Houston, Nacogdoches, Polk, Rusk, San Jacinto, Smith, Trinity, Wood
Gulf Coast Community Services Association	Harris
Hidalgo County Community Services Agency	Hidalgo
Hill Country Community Action Association, Inc.	Bell, Coryell, Hamilton, Lampasas, Llano, Mason, Milam, Mills, San Saba
Lubbock, City of, Community Development Department	Lubbock
Northeast Texas Opportunities, Inc.	Delta, Franklin, Hopkins, Lamar, Rains, Red River, Titus
Nueces County Community Action Agency	Nueces
Panhandle Community Services	Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler
Pecos County Community Action Agency	Crane, Pecos, Terrell
Rolling Plains Management Corporation	Archer, Baylor, Clay, Cottle, Foard, Hardeman, Jack, Montague, Shackelford, Stephens, Taylor, Wichita, Wilbarger, Young
San Antonio, City of, Department of Community Initiatives	Bexar
South East Texas Regional Planning Commission	Hardin, Jefferson, Orange
South Plains Community Action Association, Inc.	Bailey, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, King, Lamb, Lynn, Motley, Terry, Yoakum
South Texas Development Council	Jim Hogg, Starr, Zapata
Texas Neighborhood Services	Erath, Hood, Johnson, Palo Pinto, Parker, Somervell, Wise
Texoma Council of Governments	Cooke, Fannin, Grayson
Tri-County Community Action, Inc.	Harrison, Jasper, Newton, Panola, Sabine, San Augustine, Shelby, Tyler, Upshur

<b>Contractor</b>	<b>CSBG Counties Served</b>
Webb County Community Action Agency	Webb
West Texas Opportunities, Inc.	Andrews, Borden, Dawson, Ector, Fisher, Gaines, Glasscock, Howard, Loving, Martin, Midland, Mitchell, Nolan, Reeves, Scurry, Upton, Ward, Winkler
Williamson-Burnet County Opportunities, Inc.	Burnet, Williamson

Appendix F.

2013 and Estimated 2014 CSBG Allocations

## CSBG FY 2013 Allocation &amp; Estimated FY 2014 Allocation

Subrecipient Name	2013 Allocation	* Estimated 2014 Allocation
Aspermont Small Business Development Center, Inc.	\$150,000	\$150,000
Austin, City of, Health and Human Services Department	\$978,657	\$904,571
Bee Community Action Agency	\$213,793	\$200,726
Big Bend Community Action Committee, Inc.	\$150,000	\$150,000
Brazos Valley Community Action Agency	\$934,330	\$863,781
Cameron and Willacy Counties Community Projects, Inc.	\$878,066	\$812,006
Central Texas Opportunities, Inc.	\$187,608	\$176,630
Combined Community Action, Inc.	\$180,828	\$170,391
Community Action Committee of Victoria Texas	\$236,163	\$221,311
Community Action Corporation of South Texas	\$200,019	\$188,051
Community Action Inc. of Central Texas	\$223,199	\$209,382
Community Action Social Services & Education	\$157,023	\$150,000
Community Council of South Central Texas, Inc.	\$603,795	\$559,615
Community Services Agency of South Texas	\$150,000	\$150,000
Community Services of Northeast Texas	\$221,811	\$208,104
Community Services, Inc.	\$1,207,088	\$1,114,779
Concho Valley Community Action Agency	\$223,212	\$209,394
Dallas Urban League dba Urban League of Greater Dallas	\$2,613,033	\$2,408,562
Economic Action Committee of The Gulf Coast	\$150,000	\$150,000
Economic Opportunities Advancement Corporation of Planning Region XI	\$433,555	\$402,956
El Paso Community Action Program, Project BRAVO, Inc.	\$1,245,091	\$1,149,750
Fort Worth, City of, Parks & Community Services Department	\$1,477,768	\$1,363,865
Galveston County Community Action Council, Inc.	\$783,812	\$725,271
Greater East Texas Community Action Program (GETCAP)	\$802,835	\$742,776
Gulf Coast Community Services Association	\$4,160,465	\$3,832,544
Hidalgo County Community Services Agency	\$1,500,905	\$1,385,156
Hill Country Community Action Association, Inc.	\$444,502	\$413,030
Lubbock, City of, Community Services Department	\$345,899	\$322,293
Northeast Texas Opportunities, Inc.	\$215,626	\$202,413
Nueces County Community Action Agency	\$443,379	\$411,996
Panhandle Community Services	\$517,515	\$480,218
Pecos County Community Action Agency	\$150,000	\$150,000
Rolling Plains Management Corporation	\$410,394	\$381,643
San Antonio, City of, Community Action Division	\$1,722,267	\$1,588,858
South East Texas Regional Planning Commission	\$422,097	\$392,413
South Plains Community Action Association, Inc.	\$251,780	\$235,683
South Texas Development Council	\$218,651	\$205,196
Texas Neighborhood Services	\$376,098	\$350,083
Texoma Council of Governments	\$211,761	\$198,856
Tri-County Community Action, Inc.	\$302,115	\$282,002
Webb County Community Action Agency	\$457,741	\$425,212
West Texas Opportunities, Inc.	\$566,536	\$525,328
Williamson-Burnet County Opportunities, Inc.	\$259,183	\$242,495
<b>TOTAL</b>	<b>\$27,378,600</b>	<b>\$25,407,340</b>

\* The Estimated 2014 Allocation is based on an estimated 7.2% reduction, but does not reflect updated American Community Survey (ACS) data.



Appendix G.

Audit Information for Texas CSBG Eligible Entities

<i>Fiscal Year for State of Texas CSBG Eligible Entities</i>		
<b>Subrecipient Name</b>	<b>Fiscal Year End</b>	<b>Date Last Single Audit Submitted to Federal Audit Clearinghouse</b>
Aspermont Small Business Development Center, Inc.	28-Feb-12	10/30/2012
Austin, City of, Health and Human Services Department	30-Sep-11	6/29/2012
Bee Community Action Agency	30-Sep-11	7/19/2012
Big Bend Community Action Committee, Inc.	31-Dec-12	4/26/2013
Brazos Valley Community Action Agency	30-Jun-12	2/18/2013
Cameron and Willacy Counties Community Projects, Inc.	31-Mar-12	10/1/2012
Central Texas Opportunities, Inc.	30-Apr-12	12/20/2012
Combined Community Action, Inc.	31-Dec-11	9/13/2012
Community Action Council of Victoria	31-Jan-12	10/11/2012
Community Action Corporation of South Texas	31-Jan-12	10/26/2012
Community Action Inc. of Central Texas	31-Oct-11	7/30/2012
Community Action Social Services & Education	30-Sep-12	not required
Community Council of South Central Texas, Inc.	31-Oct-11	5/2/2012
Community Services Agency of South Texas	30-Nov-11	9/7/2012
Community Services of Northeast Texas	30-Sep-12	5/21/2013
Community Services, Inc.	31-Oct-11	4/26/2012
Concho Valley Community Action Agency	31-Dec-11	8/31/2012
Dallas Urban League dba Urban League of Greater Dallas	31-Oct-11	10/25/2012
Economic Action Committee of The Gulf Coast	31-Dec-12	not required
Economic Opportunities Advancement Corp. of Planning Region XI	30-Apr-11	1/17/2012
El Paso Community Action Program, Project BRAVO, Inc.	31-Dec-11	9/26/2012
Fort Worth, City of, Parks & Community Services Department	30-Sep-12	3/26/2013
Galveston County Community Action Council, Inc.	30-Nov-11	8/31/2012
Greater East Texas Community Action Program	30-Nov-11	8/14/2012
Gulf Coast Community Services Association	30-Sep-11	6/22/2012
Hidalgo County Community Services Agency	31-Dec-11	7/31/2012
Hill Country Community Action Association, Inc.	31-Dec-11	8/8/2012
Lubbock, City of, Community Services Department	30-Sep-12	3/29/2013
Northeast Texas Opportunities, Inc.	30-Sep-12	5/2/2013
Nueces County Community Action Agency	31-Aug-12	2/19/2013
Panhandle Community Services	31-Dec-11	11/27/2012
Pecos County Community Action Agency	31-May-12	1/18/2013
Rolling Plains Management Corporation	30-Nov-11	8/9/2012
San Antonio, City of, Community Action Division	30-Sep-12	3/25/2013
South Plains Community Action Association, Inc.	28-Feb-12	11/27/2012
South Texas Development Council	30-Sep-11	6/29/2012
Southeast Texas Regional Planning Commission	30-Sep-11	6/26/2012
Texas Neighborhood Services	30-Apr-12	8/17/2012
Texoma Council of Governments	30-Apr-12	9/5/2012
Tri-County Community Action, Inc.	30-Apr-12	2/4/2013
Webb County Community Action Agency	30-Sep-11	5/11/2012
West Texas Opportunities, Inc.	30-Jun-12	12/17/2012
Williamson-Burnet County Opportunities, Inc.	30-Nov-11	8/27/2012

Appendix H.

State Provisions

Texas Administrative Code/Texas Government Code

## Appendix H

The Texas Administrative Code—Title 10, Part 1, Chapter 5, Sub Chapter A can be accessed at the following link.

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=5&ti=10&pt=1&ch=5&sch=A&r=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=5&sch=A&r=Y)

The Texas Administrative Code—Title 10, Part 1, Chapter 5, Sub Chapter B can be accessed at the following link.

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=10&pt=1&ch=5](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=5)

The Texas Government Code – Chapter 2306.092(11) and 2306.097 can be accessed at the following link.

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2306.htm#2306.092>

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2306.htm#2306.097>

Appendix I.

Lead State Agency Designation Correspondence



OFFICE OF THE GOVERNOR

rick perry  
GOVERNOR

August 27, 2001

The Honorable Tommy G. Thompson  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Mr. Secretary:

In accordance with Texas Government Code, Section 2306.092(11), I hereby designate the Texas Department of Housing and Community Affairs as the lead agency for administration of the Community Services Block Grant (CSBG) program in the State of Texas. The executive director of said department is authorized to make assurances of certification which may be required as part of the annual CSBG application process.

In accordance with 42 U.S.C. 9909 (CSBG Act), the Office of the Governor retains authority to designate an eligible entity to serve any geographic area of the state that ceases to be served by an existing eligible entity.

This designation shall remain in full force and effect until modified or rescinded by Federal or State statute, or by the Chief Elected Official of this state.

Sincerely,

A handwritten signature in cursive script that reads "Rick Perry".

Rick Perry  
Governor

RP:phk

Appendix J.

Certification Regarding Lobbying

## **CERTIFICATION REGARDING LOBBYING**

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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Timothy K. Irvine  
Executive Director  
Texas Department of Housing and Community Affairs

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Date



Appendix K.

Certification Regarding Drug-Free Workplace

## CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

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This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

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### Certification Regarding Drug-Free Workplace Requirements

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

### Certification Regarding Drug-Free Workplace Requirements

#### Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about –
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and

- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

---

Timothy K. Irvine  
Executive Director  
Texas Department of Housing and Community Affairs

---

Date

Appendix L.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

## **CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

### Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

#### Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
11. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

12. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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Timothy K. Irvine  
Executive Director  
Texas Department of Housing and Community Affairs

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Date

Appendix M.

Certification Regarding Pro-Children Act of 1994



## **CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE**

### **Public Law 103227, Part C Environmental Tobacco Smoke**

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

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Timothy K. Irvine  
Executive Director  
Texas Department of Housing and Community Affairs

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Date

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**BOARD ACTION REQUEST**  
**HOME PROGRAM DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on HOME Investment Partnerships Program (HOME) Amendments

**RECOMMENDED ACTION**

**WHEREAS**, the Department awarded approximately \$16 million of HOME funds in Contract Awards during State Fiscal Year 2012 to thirty-three (33) HOME Program Administrators;

**WHEREAS**, certain HOME Program Administrators continue to meet and exceed their contractually obligated performance benchmarks;

**WHEREAS**, to ensure that the Department can meet the HOME commitment deadline by June 30, 2013, on April 11, 2013 the Board approved the extension of contractual deadlines and increased award amounts for those HOME Program Administrators pursuant to the requirements of 10 TAC §20.14; and

**WHEREAS**, that approval was subject to consultation with the Board Chair prior to taking any related actions and a final report to provide for ratification of all actions;

**NOW, therefore, it is hereby**

**RESOLVED**, that pursuant to and in fulfillment of 10 TAC §20.14, the Board in accordance with prior authority given, ratifies the actions taken to extend contractual deadlines and increase contract awards as approved by the Board Chair on May 14, 2013.

**BACKGROUND**

As a recipient of HOME funds from the U. S. Department of Housing and Urban Development (HUD), TDHCA must commit funds allocated under the state's cumulative HOME allocation within 24 months of receipt. This commitment deadline must be met by the last day of the month following receipt of funds from HUD. To ensure that the Department would be able to meet the HOME commitment deadline by June 30, 2013, at the April 11, 2013, Board meeting the Governing Board approved certain actions that were subject to Board Chair approval and formal ratification of such actions including:

- Increase current contract awards for those administrators successfully administering their contracts,
- Award set-aside funding to current Contract For Deed Conversion administrators successfully administering those activities, and
- Extend the contractual deadlines for those contract award amounts being increased.

Staff reviewed contract award increases and related time extensions requests from seven (7) HOME Administrators and recommended approval of the following actions from the Board Chair. Chairman Oxer approved the requests on May 14, 2013.

1. City of Carrizo Springs – The requested budget amendment increases funds in the amount of \$461,000 to provide assistance to five additional households. The City of Carrizo Springs requested a

18 month extension to assist 5 additional households. The City has eight households on the waiting list with five eligible households that are ready to submit for set-up. The City indicated that set-ups will be submitted by the end of July, 2013. The original contract end date for the City's Contract is March 8, 2014. The recommended contract end date is December 8, 2014, (9 additional months). The 9 month extension allows sufficient time for the 5 households to be set-up in the contract system, complete construction, draw funds and close out the projects.

2. City of Palacios – The requested budget amendment increases funds in the amount of \$461,000 and a 18-month contract extension to provide assistance to five additional households. The City has seven households that have been determined to be income eligible and received environmental clearance that are currently on the waiting list. The City stated that the 5 eligible households will be ready to submit for set-up at the end of August, 2013. The Contract for the City of Palacios was set to expire May 15, 2013; therefore an 18 month extension, with the contract end date of November, 15, 2014 will allow sufficient time for the 5 households to be completed and, funds drawn and closed out.

3. City of Center – The requested budget amendment increases funds in the amount of \$180,400 to provide assistance to two additional households. The City has two households that have been determined income eligible and are pending environmental clearance and that are currently on the waiting list. The City is also requesting an 18 month extension which provides sufficient time to assist these households.

4. City of Eagle Lake – The requested budget amendment increases funds in the amount of \$184,400 to provide assistance to two additional households. The City has two households that have been determined income eligible and are pending environmental clearance and that are currently on the waiting list. The City has five households that have been determined income eligible and received environmental clearance that are currently on the waiting list. The City is also requesting an 18 month extension; however staff is only recommending a fifteen month extension which provides sufficient time to assist these households.

5. City of Andrews – The requested budget amendment increases funds in the amount of \$461,000 to provide assistance to five additional households. The City has seven households that have been determined income eligible and received environmental clearance and that are currently on the waiting list. The City is also requesting an 18 month extension; however staff is only recommending a nine month extension which provides sufficient time to assist these households, which are believed ready to proceed.

6. City of Kilgore – The requested budget amendment increases funds in the amount of \$270,600 to provide assistance to three additional households; however only two appear ready-to-proceed. Therefore, staff is recommending a contract increase of \$184,560 for two households that have been determined income eligible and are currently on the waiting list. The City is also requesting an 18 month extension which provides sufficient time to assist these households.

7. Community Development Corporation of Brownsville (CDCB) – The requested budget amendment increases funds in the amount of \$991,243 to provide assistance to 10 additional households; however, CDCB did not indicate that any households were on the waiting list, determined to be income eligible, or submitted for environmental review. Therefore, staff is recommending a contract increase of \$495,622 for 5 additional households in lieu of the 10 requested based on their track record of successful delivery of assistance to ten households under this contract award. CDCB requested an 18 month time extension.

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**HOUSING TRUST FUND  
BOARD ACTION REQUEST  
JUNE 13, 2013**

Presentation, Discussion, and Possible Action on the approval of the proposed 2014-2015 Housing Trust Fund (HTF) Biennial Plan

**Recommended Action**

Approve or approve with amendments the proposed 2014-2015 HTF Biennial Plan (“HTF Plan”) and authorize staff to draft and release Notices of Funding Availability based on programming as outlined in the HTF Plan.

**WHEREAS**, during the Regular Session of the 83rd Legislature, the Texas Department of Housing and Community Affairs (“the Department”) was appropriated General Revenue for the HTF in the amount of \$11,825,000 for the 2014-2015 biennium;

**WHEREAS**, rider 9(c) of the General Appropriations Act (GAA) requires the Department to provide an annual report to the Legislative Budget Board, the House Appropriation Committee, and the Senate Finance Committee no later than October 1st detailing the Department’s plan to expend funds from the Housing Trust Fund; and

**WHEREAS**, to promote the expeditious use of these funds, this document shall serve as the “annual plan” for the HTF biennial appropriation,

**NOW, therefore, it is hereby**

**RESOLVED**, that the proposed HTF Plan is approved and staff is authorized and directed to submit the HTF Plan to appropriate legislative offices and take any other necessary actions to effectuate the foregoing; and

**FURTHER RESOLVED**, that the Executive Director and his designees be authorized and directed, for and on behalf of the Department, to draft and release Notices of Funding Availability based on programming as outlined in the HTF Plan.

**Background**

During the Regular Session of the 83<sup>rd</sup> Legislature, the Department was appropriated General Revenue for the HTF in the amount of \$11,825,000 for the 2014-2015 biennium. A public roundtable was held on May 30, 2013 to gather stakeholder input regarding programming of the HTF funds.

The total biennial funding is outlined in the following chart.

2014-2015 Biennial Funds for Housing Trust Fund	
<b>Total Biennial Appropriation</b>	<b>\$11,825,000</b>
Less 10% for TVC for a Veterans Housing Assistance Program	(\$1,182,500)
<b>Net Balance for TDHCA Programming</b>	<b>\$10,642,500</b>
Less 10% Administration for TDHCA	(\$1,064,250)
<b>Net Balance Available for TDHCA Programming</b>	<b>\$9,578,250</b>
Less \$3M/year for Texas Bootstrap Program*	(\$6,000,000)
Less \$1,789,125/year for Amy Young Barrier Removal Program	(\$3,578,250)
<b>Total Remaining to be Programmed</b>	<b>\$0</b>

*\*Per Section 2306.7581 (a-1) of the Texas Government Code, at least \$3,000,000 each state fiscal year is required.*

The HTF Plan will authorize staff to proceed with the issuance of Notices of Funding Availability in order to promote expeditious utilization of funds. Funds may be committed and expended via contracts and/or the reservation system.

General program descriptions are provided in the attached HTF Plan.

# *Texas Department of Housing and Community Affairs*

## *2014-2015 Housing Trust Fund Biennial Plan*



### **Texas Department of Housing and Community Affairs**

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*Approved by the Board of the Texas Department of Housing and  
Community Affairs on June 13, 2013*



**Introduction and Purpose**

During the Regular Session of the 83<sup>rd</sup> Legislature, the Department was appropriated General Revenue for the Housing Trust Fund (“HTF”) in the amount of \$11,825,000 for the 2014-2015 biennium. Rider 9(c) of the General Appropriations Act (GAA) requires the Department to provide an annual report to the Legislative Budget Board, the House Appropriation Committee, and the Senate Finance Committee no later than October 1st detailing the Department’s plan to expend funds from the Housing Trust Fund. To promote the expeditious use of these funds, this document shall serve as the “annual plan” for the 2014-2015 HTF appropriation.

**Appropriation Details**

The Department annually receives loan repayments and accrues interest to the Housing Trust Fund. Rider 8 of the General Appropriation Act (GAA) clarifies that included in funds appropriated each year under the Housing Trust Fund strategy A.1.3 is an estimated \$1,600,000 per year in loan repayments and interest earnings.

	<b>FY2014</b>	<b>FY2015</b>	<b>Total Biennium</b>
<b>Total Annual Appropriation</b>	\$5,900,000	\$5,925,000	\$11,825,000

Rider 9(d) of the GAA requires that:

*“Out of funds appropriated above in Strategy A.1.3, Housing Trust Fund, all funds above those retained for administrative purposes in fiscal year 2014 and fiscal year 2015 and above amounts required in Sections (a) of this rider, shall be deposited in the Housing Trust Fund in the Texas Treasury Safekeeping Trust Company established under Government Code, Chapter 2306, no later than October 1 of each fiscal year.”*

Rider 16 of the GAA requires that:

*“Out of funds appropriated above, in Strategy A.1.3, Housing Trust Fund, the Texas Department of Housing and Community Affairs shall establish an Interagency Contract to provide 10 percent, not to exceed \$4,300,110 for the 2014-15 biennium (\$4,200,110 for grants and \$100,000 for administration), to the appropriate fund or account with the Texas Veterans’ Commission for the purpose of administering a Veterans Housing Assistance Program that will assist Texas veterans and their families in obtaining, maintaining or improving housing.”*

The Department shall withhold approximately \$1,064,250 (10%) for the biennium for Department administrative costs.

The total biennial funding is outlined in the following chart.

2014-2015 Biennial Funds for Housing Trust Fund	
<b>Total Biennial Appropriation</b>	<b>\$11,825,000</b>
Less 10% for TVC for a Veterans Housing Assistance Program	(\$1,182,500)
<b>Net Balance for TDHCA Programming</b>	<b>\$10,642,500</b>
Less 10% Administration for TDHCA	(\$1,064,250)
<b>Net Balance Available for TDHCA Programming</b>	<b>\$9,578,250</b>
Less \$3M/year for Texas Bootstrap Program*	(\$6,000,000)
Less \$1,789,125/year for Amy Young Barrier Removal Program	(\$3,578,250)
<b>Total Remaining to be Programmed</b>	<b>\$0</b>

*\*Per Section 2306.7581 (a-1) of the Texas Government Code, at least \$3,000,000 each state fiscal year is required.*

**Biennial Funding and Allocation Considerations**

Statutory requirements direct how the funds can be programmed for use. Listed below are several statutory considerations that are factored into the HTF Plan.

**Texas Bootstrap Loan Program**

Pursuant to Section 2306.7581, Texas Government Code, the Department is required each fiscal year to transfer at least \$3 million to the owner-builder revolving fund (more commonly known as the “Texas Bootstrap Loan Program”) from either HOME funds, HTF monies, or from money appropriated by the legislature to the Department. Because of the demand by nonparticipating jurisdictions, more onerous federal limitations, and extensive reporting associated with the HOME Program, the Department has determined that the use of HOME funds is not ideal to accomplish the goals of the Texas Bootstrap Loan Program. The most practical appropriated source available for the Department to meet the statutory transfer requirement is the Housing Trust Fund.

**Eligible Entities to Receive Funds**

Pursuant to Section 2306.202, Texas Government Code, the Department is required to target funds for specific types of eligible entities. Section 2306.202 states:

“In each biennium the first \$2.6 million available through the HTF for loans, grants, or other comparable forms of assistance shall be set aside and made available exclusively for local units of government, public housing authorities, and nonprofit organizations. Any additional funds may also be made available to for-profit organizations so long as at least 45 percent of available funds in excess of the first \$2.6 million shall be made available to nonprofit organizations for the purpose of acquiring, rehabilitating, and developing decent, safe, and sanitary housing.

The remaining portion shall be competed for by nonprofit organizations, for-profit organizations, and other eligible entities.”

Regional Allocation Formula (“RAF”)

As specified in §2306.111(d-1), Texas Government Code, funds are not required to be allocated according to the RAF if:

- (2) the funds or credits are allocated by the department primarily to serve Persons with Disabilities; or
- (3) the funds are housing trust funds administered by the department under Sections 2306.201-2306.206 that are not otherwise required to be set aside under state or federal law and do not exceed \$3 million for each programmed activity during each application cycle.

However, as noted on page 6, a regional approach is being applied to the Amy Young Barrier Removal Program to promote dissemination geographically.

HTF Plan Administration

In approving the HTF Plan, the Board authorizes staff to proceed with the issuance of Notices of Funding Availability in order to expedite utilization of funds. Funds may be committed and expended via contracts and/or the reservation system. HTF programs may utilize various income determination methods as further noted in the General Program Description provided in the HTF Plan or as outlined in the NOFAs.

In approving the HTF Plan, the Board authorizes the use of any funds from loan repayments, interest earnings, deobligations, and any other additional HTF funds as allowed by statute in excess of those funds required under Rider 8, to be programmed into current Department activities or activities approved in the HTF Plan. Current activities that may be funded using the additional HTF funds include the Contract for Deed Conversion Program.

General program descriptions follow.

**Texas Bootstrap Loan Program**

**Amount Recommended:** \$6 million from the 2014-2015 Appropriation.

**General Program Description:** The Texas Bootstrap Loan Program makes funds available to Colonia Self-Help Centers or state-certified Nonprofit Owner-Builder Housing Providers (NOHPs) to purchase or refinance real property on which to build or improve residential housing through self-help construction with very low-income households (Owner-Builders), including persons with special needs. Section 2306.7581 (a-1) of the Texas Government Code requires the Department to make at least \$3,000,000 available each fiscal year for mortgage loans to very low-income families (60% Area Median Family Income or the state median income, whichever is greater), not to exceed \$45,000 per unit. Approximately \$6,000,000 will be made available until August 31, 2015 or until all funding has been reserved.

**Maximum Loan Amount:** To expedite the expenditure of funds, entities must apply for access to a reservation system that makes funds available on a first-come, first-served. Loans from the Housing Trust Fund may not exceed \$45,000 per household. The total amount of amortized loans from the Department plus any other sources may not exceed \$90,000 per household.

**Eligibility Requirement:** Owner-Builders must have a household income not exceeding 60% of the Area Median Family Income or the state median income, whichever is greater; must have resided in Texas for the preceding six months; and must have successfully completed an owner-builder education class. Owner-Builders must agree to provide at least 65 percent of the labor necessary to build or rehabilitate the proposed housing by working through a Colonia Self-Help Center or a state-certified Nonprofit Owner-Builder Housing Provider. For Fiscal Years 2014-2015, the Texas Bootstrap Loan Program will define household income limits in accordance with the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnership Program income tables.

**Administration Fees:** 6% of the loan amount is paid to Administrators upon completion of each house.

**Regional Allocation:** Two-thirds of the funds (approximately **\$4,000,000**) will be set-aside for Owner-Builders with property in census tracts with median incomes not exceeding 75% of the state median income per the most recent statistics available. The remaining one-third (approximately **\$2,000,000**) will be released statewide. The Regional Allocation Formula is not applicable to this funding due to the set-aside requirements of Section 2306.753(d) of the Texas Government Code. Furthermore, the remaining one-third of the fund balance does not exceed the \$3,000,000 threshold cited in Section 2306.111(d-1)(3) of the Texas Government Code.

**Other Considerations:** If balances exist from previous Bootstrap funding cycles, those funds will be made available to Bootstrap activities pursuant to the HTF Plan for the 2014-2015 biennium. Funds accumulated in the Owner-Builder Revolving Loan funds may also be made available in the HTF Plan. This use of funds achieves the statutory requirements of funding the Texas Bootstrap Loan Program and of targeting nonprofits. This activity also achieves significant leveraging, promotes homeownership and provides for repayment to the Housing Trust Fund.

**Amy Young Barrier Removal Program**

**Amount Recommended:** \$3,578,250 from the 2014-2015 Appropriation.

**General Program Description:** This program provides one-time grants of up to \$20,000 to Persons with Disabilities with household income not exceeding 80% of the Area Median Family Income (AMFI) or the state median income, whichever is greater. This program funds home modifications that increase accessibility for homeowners, tenants, and members of their household who have a disability, in addition to addressing housing-related health and safety hazards, as approved by the Department.

**Maximum Request Amount:** To expedite the expenditure of funds, Administrators must apply for access to a reservation system that makes funds available on a first-come, first served basis adjusted for regional considerations below. The maximum number of reservations per Administrator will be further detailed in the NOFA.

**Eligibility Requirements:** Administrators applying to access funding may include Units of General Local Government, Councils of Governments (COGs) Nonprofit Organizations, Local Mental Health Authorities and Public Housing Authorities. Administrators applying must demonstrate competence in accessibility standards and applicable building codes further detailed in the NOFA. Program beneficiaries must have a household income not exceeding 80% of the AMFI or the state median income, whichever is greater. For Fiscal Years 2014-2015, the Amy Young Program will define household income limits in accordance with the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnership Program income limits. Further details are to be provided in the NOFA.

**Administration Fees:** 10% of the project costs are paid to Administrators upon completion of each project.

**Regional Allocation:** The RAF does not apply to funds made available primarily for Persons with Disabilities, however, staff will take the general principles of regional dispersion of funds into account in developing the initial NOFA to ensure that all urban and rural subregions have a reasonable opportunity to access Amy Young Barrier Removal funds in each year of the biennium.

- For 30 days from the initial release of funds, each region will be allocated funds utilizing the RAF. In addition, each region will be divided into urban and rural subregions.
- In cases where a rural subregion is not allocated enough funding for at least one unit (\$20,000), funds for that region will be redistributed from the urban subregion if sufficient funding is available.
- After 30 days from the initial release of funds, any remaining funds in the urban and rural subregions will collapse into a regional set aside.
- After 60 days from the initial release of funds, any funds available in any region will collapse into a statewide pool and will be made available on a first-come, first-served basis.

**Other Considerations:** This use of funds will serve Persons with Disabilities.

11

**BOARD REPORT ITEM**

**PROGRAM PLANNING, POLICY, AND METRICS (3PM)**

**JUNE 13, 2013**

Presentation and Discussion on the Department Snapshot tool for the Neighborhood Stabilization Program (NSP)

**BACKGROUND**

The Program Planning, Policy, and Metrics group (3PM) was established in the spring of 2012 with the purpose of promoting an agency-wide use of uniform metrics as a key management tool. 3PM has been coordinating efforts to enhance interdivisional efficiency and creating uniform cross agency reporting and performance tools. One of 3PM's priorities since its inception has been the creation of the "Department Snapshot." The Snapshot is intended to give Board members and stakeholders a quick reference resource to gauge where each program stands in meeting its highest level objectives, chiefly expenditures.

As outlined in the February 2013 Board meeting, staff will be submitting reports on the programs represented in the Snapshot singly or in small groups at each meeting over a period of months, hence only the Neighborhood Stabilization Program (NSP) for this Board meeting. This enables staff to best articulate specific nuances of each program and how those nuances will be represented by the Snapshot. Because of the complexity of Department programs, accuracy is critical. Therefore, the purpose of the item today is to focus on only NSP, explaining the unique details of each program and also what likely trends in the program the reader might see and how those would be reflected.

NSP is a HUD-funded program authorized by the "Housing and Economic Recovery Act of 2008" (HERA), as a supplemental allocation to the Community Development Block Grant (CDBG) Program. Additional funds have been provided through the Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) as part of NSP3. The purpose of NSP is to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight. NSP provides funds to purchase foreclosed, vacant or abandoned homes and residential properties, in order to rehabilitate, resell, or redevelop them, stabilize neighborhoods and stem the decline of property values in communities impacted by the housing crisis.

## Quarterly Snapshot - Program Debut Neighborhood Stabilization Program (NSP)

Q2 2013

	A	B	C	TDHCA Admin			F	G	H	I	J	K	L	M	N	P
				D	E											
Programs	Awards to be Administered	Program Income	Cumulative Total Funds	Retained	Expended	% Expended	Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	% Contracted Trendline	Expended /Drawn	% Expended	% Expended Trendline	Units/ Households	Properties
NSP - SF	\$ 98,608,251	\$ 2,741,825	\$ 101,350,076	\$ 6,885,016	\$ 5,609,806	81%	\$ 94,465,060	\$ 4,924,266	\$ 51,673,753	55%		\$ 36,285,992	38%		1,088	161
NSP - MF									\$ 37,867,041	40%		\$ 34,438,839	36%		835	0

The NSP program is a combination of two single awards but, somewhat uniquely, does not represent cyclical funding. TDHCA has been awarded funds under both the NSP1 and NSP3 programs and is implementing both programs at this time. Funds will be available for future activities from Program Income generated through loan payments. This front page shows a combination of both NSP1 and NSP3 to represent all funds for which NSP is currently responsible for administration.

Note that while most columns contains a single cell, some are split into two cells. This split corresponds to the Single Family (SF) and Multifamily (MF) activities that are funded with NSP dollars. The two activities share a single row because they share a single programmatic fund source. It is not until the funds are set under an executed contract with a subrecipient or administrator that they are designated as "multifamily" or "single family" activities.

NSP is allowed to use up to 10% of the NSP1, NSP3 and Program Income funds for administrative activities, this amount is shared between TDHCA and Subrecipients. For the purposes of the Snapshot, administrative funds used by the Texas Department of Rural Affairs are included the in the TDHCA admin figures.

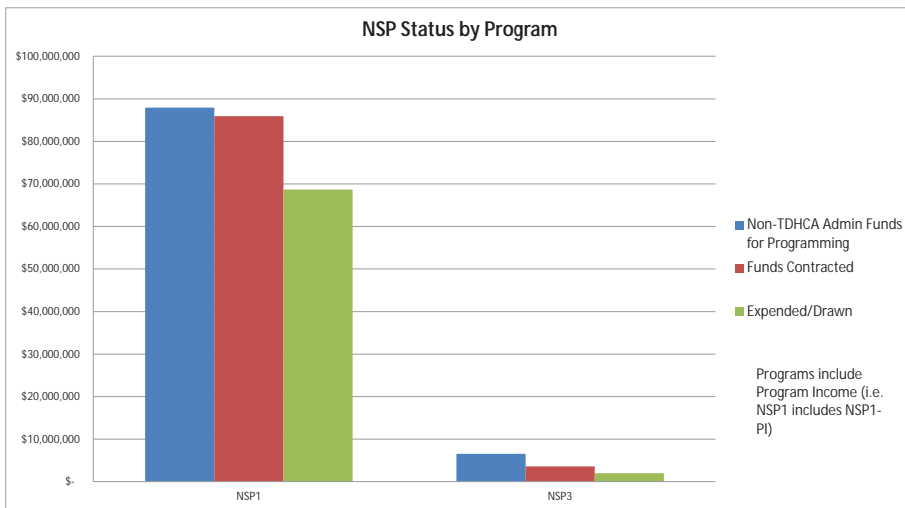
The "% Contracted Trendline" and "% Expended Trendline" (columns J and M) will reflect four quarters of history. Each data point on the line reflects a quarter, with the value in columns I and L being the rightmost data point. These lines show the reader recent trends in program activity. This data will be collected over time and populated as it is collected. As this is the first iteration of the Snapshot for NSP, the data does not yet exist in the necessary format.



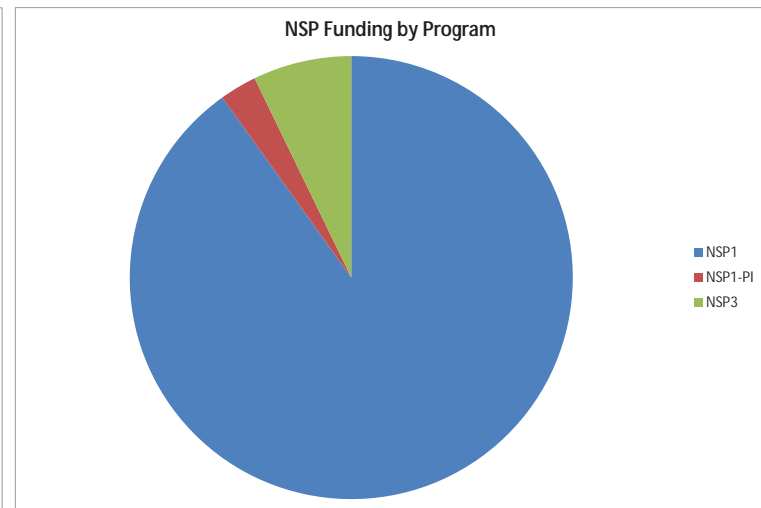
## Quarterly Snapshot - Program Debut Program Area Snapshot - NSP

Q2 2013

Year	Award to Administer	Program Income	Total Cumulative Funds	TDHCA Administrative Funds			Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	Expended/ Drawn	% Expended	Units/ Households	Properties	Expenditure Deadline (Year End)
				Admin Retained	Admin Expenditure	% Expended									
NSP1	\$ 91,323,273	\$ -	\$ 91,323,273	\$ 5,882,336	\$ 5,541,226	94%	\$ 85,440,937	\$ 1,993,449	\$ 85,915,131	98%	\$ 68,693,812	80%	1,878	161	N/A
NSP1 PI	\$ -	\$ 2,741,825	\$ 2,741,825	\$ 274,182	\$ -	0%	\$ 2,467,643				\$ -	0%	0	0	N/A
NSP3	\$ 7,284,978	\$ -	\$ 7,284,978	\$ 728,498	\$ 68,580	9%	\$ 6,556,480				\$ 2,031,019	31%	45	0	N/A
NSP3 PI	\$ -	\$ -	\$ -	\$ -	\$ -	N/A	\$ -				\$ -	0%	0	0	N/A
<b>Total</b>	<b>\$ 98,608,251</b>	<b>\$ 2,741,825</b>	<b>\$ 101,350,076</b>	<b>\$ 6,885,016</b>	<b>\$ 5,609,806</b>	<b>81%</b>	<b>\$ 94,465,060</b>	<b>\$ 4,924,266</b>	<b>\$ 89,540,794</b>	<b>95%</b>	<b>\$ 70,724,831</b>	<b>75%</b>	<b>1,923</b>	<b>161</b>	



The bar chart shows the status of NSP by program. The chart shows the progress of the obligations and expenditures for awards to subrecipients. The blue bars show how much funding was awarded to TDHCA for subrecipients under that program. This is essentially the yardstick by which we can measure progress. The red bars show the funds that have been obligated by executed contract. As one might expect, the older program is more fully obligated where the most recent program is moving along but as far. The green bars represent expenditures, the final metric the Snapshot uses to measure progress. NSP1 is over 80% drawn whereas the newer NSP3 is only about 30% drawn.



This pie chart simply shows the distribution of funds for the Neighborhood Stabilization Program across multiple programs. For example, of the roughly \$98M TDHCA is administering, over 90% comes from the NSP1 program.

The background features a collage of images: the Texas state flag on a pole in the upper left, a brick house in the lower left, and architectural blueprints with handwritten notes in the lower right. The text is overlaid on this collage.

**TEXAS DEPARTMENT OF  
HOUSING & COMMUNITY AFFAIRS**

*Building Homes. Strengthening Communities.*

**TDHCA Quarterly Snapshot Intro  
Program Planning, Policy, and Metrics  
(3PM)  
June 13, 2013**

*June 13, 2013*



# Objective

- Recap Quarterly Snapshot tool
- Review Neighborhood Stabilization Program (NSP)
  - Current Snapshot
  - Program Area Snapshot





# Quarterly Snapshot RECAP

- Designed for Executive Mgmt, Board, external stakeholders
- High-level gauge of Department's progress
- Shows advancement towards full implementation of funds under current awards/authorities
- Every program has nuances – staff has used comparable benchmarks for each program at each stage

# Snapshot General Layout - RECAP

Story of progress from left to right

Programs	Grant Funded Programs - Formula-Based															
	A	B	C	TDHCA Admin		F	G	H	I	J	K	L	M	N	O	P
				D	E											
Awards to be Administered	Program Income	Cumulative Total Funds	Retained	Expended	Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	Change Indicator	Expended /Drawn	% Expended	Change Indicator	Units/ Households	Persons	Properties	
HHSP	\$ 20,000,000	N/A	\$ 20,000,000	N/A	N/A	\$ 20,000,000	\$ 3,400,000	\$ 16,600,000	83%		\$ 13,600,000	68%		18,419	28,440	
LIHEAP-WAP	\$ 10,000,000	N/A	\$ 10,000,000	\$ 500,000	\$ 400,000	\$ 9,500,000	\$ -	\$ 1,425,000	100%		\$ 475,000	59%		92		
CEAP								\$ 8,075,000			\$ 5,130,000			3,043		
DOE-WAP	\$ 13,000,000	N/A	\$ 13,000,000	\$ 650,000	\$ 180,000	\$ 12,350,000	\$ 9,388,000	\$ 2,964,000	24%		\$ 1,665,500	13%		535		
CSBG	\$ 10,000,000	N/A	\$ 10,000,000	\$ 500,000	\$ 50,000	\$ 9,500,000	\$ 95,000	\$ 9,405,000	99%		\$ 6,270,000	66%			101,581	



**DEMONSTRATION DATA ONLY**  
Does not reflect actual performance



# Board Direction from February

## Graphical

- Graphical representations
  - Staff has developed the trend lines in columns J and K to provide the reader with historical “at a glance” information. Additionally several graphs have been incorporated on the Program-Area Snapshot specific to each program that convey a great deal of perspective on program activity.

## Program-Level

- Show Deadlines
  - Staff has incorporated expenditure deadline information within the Program-Area Snapshot where applicable. As the nature of deadlines vary greatly by program, staff still considers this facet of the report to be under development.
- Projections vs. Actuals
  - Staff is still researching this aspect of the report



# Neighborhood Stabilization (NSP)

Department-level Snapshot excerpt

ACTUAL DATA

**A + B = C; C - D = F; F - G = H**

Programs	A	B	C	TDHCA Admin			F	G	H	I	J	K	L	M	N	P
				D	E	% Expended										
NSP - SF	\$ 98,608,251	\$ 2,741,825	\$ 101,350,076	\$ 6,885,016	\$ 5,609,806	81%	\$ 94,465,060	\$ 4,924,266	\$ 51,673,753	55%		\$ 36,285,992	38%		1,088	161
NSP - MF									\$ 37,867,041	40%		\$ 34,438,839	36%		835	0

The "Properties" performance metric refers only to demolitions, all other performance is categorized in terms of "Units/Households"

## NSP

- Multiple single awards but not cyclical funding
- Division funding received in "programs" such as NSP1 and NSP3
- The fund source, NSP, is split into two major Department activity types – Multifamily and Single Family. Following the left-to-right reading of the Snapshot, one can see that the funds are specifically designated as Single Family or Multifamily when Contracted (H).



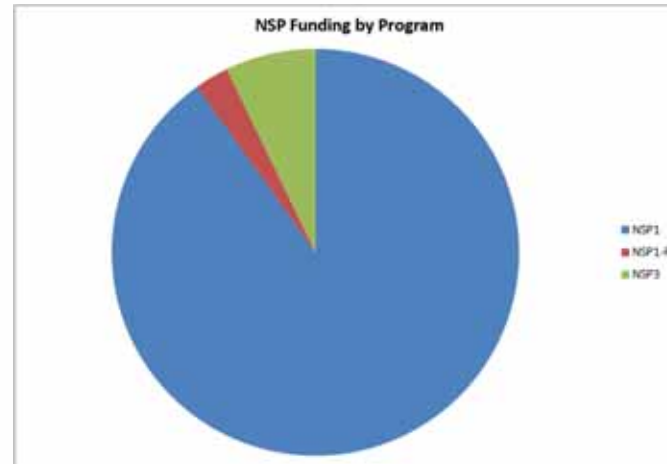
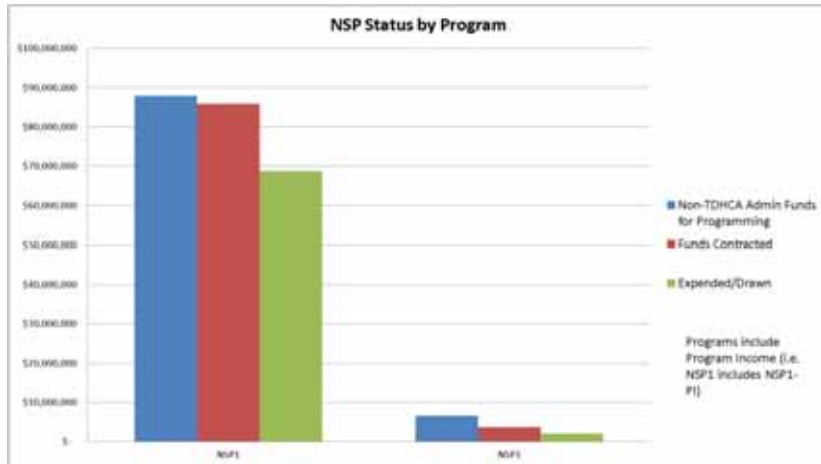


# Neighborhood Stabilization (NSP)

ACTUAL DATA

Program-Area Snapshot excerpt

Year	Award to Administer	Program Income	Total Cumulative Funds	TDHCA Administrative Funds			Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	Expended/ Drawn	% Expended	Units/ Households	Properties	Expenditure Deadline (Year End)
				Admin Retained	Admin Expenditure	% Expended									
NSP1	\$ 91,323,273	\$ -	\$ 91,323,273	\$ 5,002,336	\$ 5,541,226	94%	\$ 85,440,937	\$ 1,993,449	\$ 86,915,131	90%	\$ 68,693,812	80%	1,878	161	N/A
NSP1 PI	\$ -	\$ 2,741,825	\$ 2,741,825	\$ 274,182	\$ -	0%	\$ 2,467,643	\$ -	\$ -	0%	\$ -	0%	0	0	N/A
NSP3	\$ 7,284,978	\$ -	\$ 7,284,978	\$ 728,490	\$ 68,580	9%	\$ 6,556,480	\$ 2,930,817	\$ 3,625,663	55%	\$ 2,031,019	31%	45	0	N/A
NSP3 PI	\$ -	\$ -	\$ -	\$ -	\$ -	N/A	\$ -	\$ -	\$ -	0%	\$ -	0%	0	0	N/A
<b>Total</b>	<b>\$ 98,608,251</b>	<b>\$ 2,741,825</b>	<b>\$ 101,350,076</b>	<b>\$ 6,885,016</b>	<b>\$ 5,609,806</b>	<b>81%</b>	<b>\$ 94,465,060</b>	<b>\$ 4,924,266</b>	<b>\$ 89,540,794</b>	<b>95%</b>	<b>\$ 70,724,831</b>	<b>75%</b>	<b>1,923</b>	<b>161</b>	



This charts shows the progress of NSP program. The above chart is what one might expect as it shows older programs being nearer to fully obligated and thus fully expended.

The term “expended” as used in the Snapshot is not equivalent to the HUD requirement for expenditure of NSP funds.

This pie chart helps to illustrate the comparative sizes of the division’s funding sources. NSP1 comprises approximately 90% of the NSP’s financial resources.





# Questions, Concerns, or Ideas?

**Please contact:**

David Johnson

Program, Planning, Policy & Metrics (3PM)

[david.johnson@tdhca.state.tx.us](mailto:david.johnson@tdhca.state.tx.us)

# REPORT ITEMS

R1

**BOARD REPORT ITEM**  
**ASSET MANAGEMENT DIVISION**  
**JUNE 13, 2013**

Executive Report of Multifamily Program Amendments, Extensions, and Ownership Transfers

**REPORT ITEM**

This report contains information on 3<sup>rd</sup> Quarter of Fiscal Year 2013 (3/1/13 to 5/31/13).

- 21 LURA Amendments (19 Administratively Approved; 2 Board Approved)
- 6 Application Amendments (5 Administratively Approved; 1 Board Approved)
- 5 Extensions (All Cost Certification; Approved Administratively)
- 13 Ownership Transfers (All Cost Certification; Approved Administratively)

4<sup>th</sup> Quarter information will be reported at the September meeting.

**Land Use Restriction Agreement (LURA) Amendments  
2013 3rd Quarter**

ADMINISTRATIVELY APPROVED

Dev. No.	Date of Approval	Development Name	City	Owner Name/Contact	Subject of Amendment Approved
08233	02/06/13	Heritage Park Vista	Fort Worth	Heritage Park Vista Housing Partners, Ltd.	Correction to applicable fraction per bldg.
09150	02/25/13	Prairie Village Apartments	Rogers	Bell Fountainhead, LP	Accessible Units identified on LURA are incorrect
07131	02/26/13	StoneLeaf at Dalhart	Dalhart	Stoneleaf at Dalhart, LP	Request to revise building numbers on the second amended LURA. Buildings were reduced from 10 to 5.
98001	02/28/13	Villas of Marine Creek	FORT WORTH	Villas Of Marine Creek Limited Partnership	Corrected percentage of LI units identified in LURA.
08140	03/06/13	Premier on Woodfair	Houston	Premier on Woodfair, LP	Correct number of mobility accessibility units and correct applicable fraction for building 18
11070	03/12/13	Presidio Palms II	San Elizario	Presidio Palms II, LTD	Amenity swap of 30 year architectural roof shingles for Wi-fi
99111	03/18/13	Roseland Townhomes	Dallas	Roseland Family Community, L.P.	Corrected percentage of LI units identified in LURA.
09225	03/25/13	Hacienda Del Sol	Dallas	GS 360 Housing, LLC	Correction of LURA to remove HUB requirement
97023	04/09/13	Western Crosby, Ltd.	El Paso	Western Crosby, Ltd.	Correction of LURA to remove HUB requirement
97025	04/09/13	Western Carolina, Ltd.	El Paso	Western Carolina, Ltd.	Correction of LURA to remove HUB requirement
97088	04/09/13	Western Burgundy, Ltd.	El Paso	Western Burgundy, Ltd.	Correction of LURA to remove HUB requirement
98093	04/09/13	Lee Seniors, Ltd.	El Paso	Lee Seniors, Ltd.	Correction of LURA to remove HUB requirement
99097	04/09/13	Western Eastside Seniors, Ltd.	El Paso	Western Eastside Seniors, Ltd.	Amenity swap of high speed internet with ceiling fixtures in all rooms and microwave ovens in each unit.
10152	04/22/13	Sierra Vista	Austin	Shady Oaks Housing, LP	Replace high speed internet with ceiling fixtures with ceiling fan in all rooms and microwave oven in all units.
10169	05/09/13	La Risa	San Antonio	VDC Babcock, LP	HUB was not required by application but mistakenly included in LURA
MF011	05/15/13	Heritage Square Apartments	Dallas	Asmara Affordable Housing, Inc	Amended regulatory agreement to allow one unit to remain as office space
MF012	05/15/13	The Highlands Apartments	Dallas	Asmara Affordable Housing, Inc	Amended regulatory agreement to allow one unit to remain as office space
11179	05/16/13	Meadowlake Village Apartments	Mabank	Mabank Residential Apartments, LP	Add USDA and TDHCA on Addendum A-Consent and Subordination of Lienholder
00002	05/28/13	Coronado Apartments	League City	Village At Amherst, LP	Correction of LURA to remove HUB requirement
19					
BOARD APPROVED					
98898	5/19/2013	Special Needs Housing- DAHC	Denton	Jane Provo, Denton Affordable Housing Corp.	Request to delete the 30% restriction for two of the units and all allow all units to be restricted to 60%
852026	05/19/13	Transitional Housing for Victims of Domestic Violence-DAHC	Denton	Jane Provo, Denton Affordable Housing Corp.	Request to delete the 30% restriction for two of the units and all allow all units to be restricted to 60%

**Housing Tax Credit Application Amendments  
2013 3rd Quarter**

ADMINISTRATIVELY APPROVED

Dev. No.	Date of Approval	Development Name	City	Owner Name/Contact	Subject of Amendment Approved
11138	01/31/13	SilverLeaf at Gun Barrel City	Mabank	SilverLeaf at Gun Barrel City, LP	Application Amendment to swap walking path with full perimeter fencing and controlled gate access
12003	03/12/13	Parkstone Senior Village Phase II	Wichita Falls	UAH Parkstone II, LP	Request to swap amenities with no change to application points
12339	04/15/13	Hacienda del Sol - San Benito	San Benito	VDC San Benito Reserve I Homes, LP	Change did not constitute an amendment; acknowledgment letter sent
09404	04/17/13	Cevallos Lofts	San Antonio	Cevallos Lofts, Ltd.	Parking change does not constitute application amendment; acknowledgment letter sent
1001254	05/10/13	Heritage Square Apartments	Wallis	HVM Wallis, Ltd.	Remove amenity to require 25 carport spaces

5

BOARD APPROVED

12067	05/06/13	Amberwood Place	Longview	Amberwood Place, LLC	Change to site plan, clubhouse, building and unit plans
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1

**Housing Tax Credit Extensions  
2013 3rd Quarter**

ADMINISTRATIVELY APPROVED

Dev. No.	Dat of Approval	Development Name	City	Owner Name/Contact	Type of Extension	Original Deadline	Approved Extension
08261	2/28/2013	Mid Towne Apartments	Bryan	Bryan Mid Towne Apartment Homes, LP	Cost Cert	1/15/12	1/27/12
10020	3/4/2013	La Posada del Rey Apts	San Antonio	La Posada 1968, LLC	Cost Cert	2/15/13	3/29/13
10152	4/8/2013	Sierra Vista	Austin	Shady Oaks Housing, LP	Cost Cert	1/15/12	11/7/12
10400	4/17/2013	Elmridge Apartments	Austin	Elm Ridge Affordable Partners, Ltd.	Cost Cert	1/15/13	5/10/13
11007	5/15/2013	Terrell Homes I	Fort Worth	Terrell Homes, Ltd.	Cost Cert	5/15/13	6/12/13

**Housing Tax Credit Program Ownership Transfers  
2013 3rd Quarter**

ADMINISTRATIVELY APPROVED

Dev. No.	Dat of Approval	Development Name	City	Person/Entity Departing	New Person/Entity	Type of Ownership Change
96180	01/09/13	Astoria Park Apartments	Amarillo	Astoria Park Apartments, Ltd.	Cohen-Esrey Apartment investors, LLC	Sale of Property
94023	03/19/13	Creekwood Apartments	Houston	Juniper Northwest Freeway-Creekwood, Ltd. And TCGI-Creekwood, Ltd.	TEXASTLV LLC	Other - Purchase offer withdrawn. Buyer could not obtain financing.
93040	03/22/13	Garden Gate Apartments-Ft. Worth	Ft Worth	Community Dynamics- Ft. Worth, Ltd.	Juniper GG Forth Worth, LLC	Sale of Property
93041	03/25/13	Garden Gate Apartments-Plano	Plano	Community Dynamics- Ft. Worth, Ltd.	Juniper GG Forth Worth, LLC	Sale of Property
96152	04/04/13	Timbers Apartments, The	Austin	Timbers-104, L.P.	Timbers Austin 104, LLC	GP Change
04000	04/05/13	King Fisher Creek	Austin	Gallup Engineering	Oaks Peach Creek Management	GP Change
09265	04/09/13	Greenhouse Village	Cypress	None	Manish Verma 2012 Trust	Other-Changes to ownership structure for estate planning purposes only.
09170	04/09/13	South Acres Ranch II	Houston	None	Minority interest transferred to owner's children	Other-Changes to ownership structure for estate planning purposes only.
10014	04/17/13	Artisan at Port Isabel	Port Isabel	NA	Franklin Family Investments, Ltd	SLP Change
91021	04/29/13	Mill Run	Dallas	Bridan Partners LLC	Mosaic Mill Run LLC	Sale of Property
97173	05/06/13	Douglas Landing	Austin	YBOR Group, Inc	Holman Isaacs, LLC	GP Change
08096	05/14/13	Villas on Raiford	Carrollton	N/A	N/A	Denied
70062	05/21/13	1209 Keralum	Mission	Trdla/Williams Properties	Efrain and Maria Garza	Sale of Property



R2

**BOARD REPORT ITEM  
HOME DIVISION  
JUNE 13, 2013**

Status Report on the HOME Program Contracts and Reservation System Participants through May 2013, Calendar Year YTD

Activity Type	<u>Funded/Awarded for May</u>		<u>Funded/Awarded for Year</u>		<u>Setups for May</u>		<u>Setups for Year</u>		<u>Draws for May</u>		<u>Draws for Year</u>	
	RSP	Contracts	RSP	Contracts	Amount	Number	Amount	Number	Amount	Number	Amount	Number
CFD	\$253,498	\$0	\$253,498	\$0	\$133,454	1	\$133,454	1	\$102,267	5	\$130,786	7
CHDO Operating	\$0	\$0	\$0	\$50,000	\$0	0	\$0	0	\$24,994	1	\$62,494	4
Dev SF	\$0	\$0	\$0	\$0	\$0	0	\$472,150	5	\$26,081	2	\$159,091	13
HBA/Rehab	\$426,575	\$0	\$1,189,376	\$0	\$426,575	22	\$1,271,876	70	\$256,149	20	\$1,147,870	103
HRA	\$2,733,366	\$0	\$7,918,582	\$0	\$4,738,342	55	\$13,451,092	157	\$3,212,059	138	\$11,858,802	566
MFD	\$0	\$0	\$0	\$9,450,000	\$2,756,266	3	\$18,016,809	16	\$3,203,515	13	\$11,303,988	49
TBRA	\$593,979	\$0	\$2,027,077	\$0	\$635,372	55	\$2,134,199	199	\$385,098	511	\$1,782,100	2,489
<b>Sub Totals:</b>	\$4,007,418	\$0	\$11,388,533	\$9,500,000	\$8,690,009	136	\$35,479,580	448	\$7,210,163	690	\$26,445,131	3,231
<b>Totals:</b>	\$4,007,418		\$20,888,533									

**CFD - Contract For Deed**

**CHDO - Community Housing Development Organization**

**HRA - Homeowner Rehabilitation**

**HBA/Rehab - Homebuyer Assistance with Rehab**

**MFD - Rental Housing Development**

**RSP - Reservation System Participant**

**TBRA - Tenant Based Rental Assistance**

R3

**REPORT ITEM**

**COMMUNITY AFFAIRS DIVISION**

**June 13, 2013**

Report on the continued effort to provide services to the service area for Community Services Agency of South Texas

**BACKGROUND**

At the May 9, 2013 TDHCA Board meeting staff presented a recommendation to reinstate services in the 3 county area served by CSA. At the conclusion of the Board meeting, staff was instructed to work towards resolution and report back to the Board. On May 28, 2013 senior TDHCA staff attended the Board meeting of CSA and discussed the TDHCA Board item as presented and discussed the potential restart of the contracts with CSA. The CSA Board convened in Executive Session to discuss the contracts and subsequently instructed David Ojeda, Executive Director to prepare correspondence to reflect the questions and concerns of the CSA Board. Staff received the letter and is responding to the CSA Board. After receipt of our response the CSA Board will schedule a meeting to take action on the contracts.

R4

**BOARD REPORT ITEM**  
**COMMUNITY AFFAIRS DIVISION**  
**JUNE 13, 2013**

Status Report and Clarification on the CSBG Discretionary NOFA funding amount for Migrant and Seasonal Farm Worker Entities

**BACKGROUND**

This report provides a clarification on the CSBG Discretionary Item presented to the Board on April 11, 2013, regarding changes to CSBG Discretionary funding made because of the dissolution of the Data Warehouse initiative. At the Board Meeting of January 17, 2013 the Board approved the use of CSBG discretionary funds including the funds that had been earmarked for the Homeless Information Exchange/Data Warehouse. Subsequently, the funds for the development of the Data Warehouse were determined to be unusable. At the April 11, 2013 Board Meeting, staff proposed the reprogramming of discretionary funds for assistance to Local Operators of Section 8 Housing Choice Vouchers, process improvement assistance to Community Action Agencies, and TDHCA staff training and technical assistance costs.

In the Board Action Request for April, the proposed reobligation of the CSBG Discretionary funds was detailed in a table; the table did not properly reflect a recommendation made at the Strategic Planning and Budgeting Committee meeting of January 17, 2013, and subsequently approved by the Board in the meeting later that day. Specifically, the Board instructed staff to increase the Transitional funds for the Migrant Seasonal Farm Workers and Native American populations allocation to \$200,000 and to lower the Local Homelessness Innovations budget allocation by \$100,000, which was not reflected. The corrected table is shown below.

<b>Assisting Local Operator contracts and CAAs in need of Intensive Assistance</b>	<b>\$500,000</b>
Other Homeless Initiatives	
Statewide Homelessness Efforts	300,000
Local Homelessness Innovations and Possible Interplay with Community Action Agencies network	300,000
Transitional Funds for Migrant Seasonal Farmworker and Native American populations	\$200,000
Disaster Recovery Reserve	\$100,000
<b>Total CSBG Discretionary Estimate</b>	<b>\$1,400,000</b>

\*The amounts indicated are those in effect at the time the item was presented to Board. The final allocation resulted in approximately \$121,000 in additional Discretionary funds..The additional funds will be used for the more generic pool of LO's, staff costs, and technical assistance to CAAs.

The CSBG Discretionary NOFA and RFP will be released reflecting the above figures with applications estimated to be due in July 2013. It is anticipated that final award recommendations under these NOFAs or RFPs will be presented to the Board for ratification.

R5

**BOARD REPORT ITEM**

**LEGAL SERVICES**

**JUNE 13, 2013**

Status Report on Request for Qualifications (RFQ) for outside counsel for Single-family and Multifamily Bond Counsel, Low Income Housing Tax Credit Counsel, and Loan Document Preparation Counsel

**BACKGROUND**

Pursuant to Texas Government Code, §402.0212(f), the Office of the Attorney General (OAG) has recently adopted new administrative rules related to the retention and contracting of outside legal counsel by state agencies. Previously, the Department was required to publish a Request for Proposals before selecting an outside legal counsel. Now, unless an exemption is granted by the OAG, the Department is required to publish a Request for Qualifications (RFQ) before selecting outside legal counsel. The RFQ must be published in the Texas State Business Daily for a minimum of thirty (30) calendar days. Previously, the RFPs were generally valid for two years after publication of the request. Now, the Department may determine how long a response to a published RFQ will be valid, consistent with RFQ limitations.

The Department's current outside counsel contracts for Single-family and Multifamily Bond Counsel, Low Income Housing Tax Credit Counsel, and Loan Document Preparation Counsel, end on August 31, 2013. RFQs have been developed for the selection of counsels described below, for publication in the *Texas State Business Daily*, RFQs for each of these counsels. The Department will accept RFQs for thirty (30) days, and upon review and scoring, will report the names of the successful applicants at the next board meeting.



R6

**BOARD REPORT ITEM**

**TEXAS HOMEOWNERSHIP DIVISION**

**JUNE 13, 2013**

Report on a Request For Proposal (RFP) for Master Servicer for the Single Family Mortgage Loan Program

**RECOMMENDED ACTION**

**WHEREAS**, the publication of the RFP will allow the Department to identify qualified servicers for future bond transactions or other innovative homebuyer programs presented to the Department; and

**WHEREAS**, the Board now desires to retain a new servicer;

**Now, therefore, it is hereby**

**RESOLVED**, that the Executive Director and his designee(s) be, and each of them are, authorized for and on behalf of the Department to publish an RFP for Master Servicer and to select a qualified servicer in accordance with that RFP and to advise the Board of the firm(s) selected.

**BACKGROUND.**

TDHCA's My First Texas Home Program currently channels competitively priced interest rate mortgage funds through participating lenders across the State to eligible borrowers who are purchasing a home for the first time or who have not owned a home in the past three years. In order to provide funds for the program, TDHCA generally issues Mortgage Revenue Bonds (MRBs) or other alternative funding sources to accomplish this task. As the loans are originated and closed by the program's participating lenders, they are typically delivered to the trustee via the Master Servicer and purchased on the Department's behalf. The Master Servicer must service the mortgage loans in accordance with sound loan servicing practices and as required by the terms and conditions of a Servicing Agreement.

Additionally, the Master Servicer is responsible for securing commitments from Fannie Mae/Freddie Mac/GNMA, pooling and warehousing loans, servicing the loans, issuing Fannie Mae, Freddie Mac/GNMA certificates and selling the certificates to the Program's Bond Trustee or other identified investors. The Master Servicer is also required to assist TDHCA in establishing the necessary procedures and guidelines to facilitate efficient operation of the Programs.

The Master Servicer also reviews all documents relating to the Program and examines all loans to assure compliance with program guidelines and applicable Federal and State law. They also approve all mortgage lenders for participation in the program. Additionally, they track and report portfolio delinquencies and foreclosures and conduct lender trainings as well as provide detailed quarterly status reports regarding program performance.

The Department currently utilizes U.S. Bank National Association (U.S. Bank) to serve as its Master Servicer for its Single Family Taxable Mortgage Program. U.S. Bank has been the Master Servicer since October 2011.

Staff will develop and publish a RFP to identify qualified servicers for any future MRB transactions or other innovative homebuyer programs and make a recommendation to the Board. Based on responses, staff anticipates selecting a qualified servicer and advising the Board on the firm(s) selected.

R7

**BOARD REPORT ITEM**

**TEXAS HOMEOWNERSHIP DIVISION**

**JUNE 13, 2013**

Report on a Request For Proposal (RFP) for a Program Administrator for the Single Family Mortgage Loan and Mortgage Credit Certificate (MCC) Programs.

**RECOMMENDED ACTION**

**WHEREAS**, the publication of the RFP will allow the Department to identify qualified program administrators in order to assist in administering and managing tax-exempt mortgage revenue bond, mortgage credit certificate or other alternatively funded mortgage portfolios; and

**WHEREAS**, the Board now desires to retain a new program administrator;

**NOW, therefore, it is hereby**

**RESOLVED**, that the Executive Director and his designee(s) be, and each of them are, authorized for and on behalf of the Department to publish an RFP for Program Administrator and to select a qualified program administrator in accordance with that RFP and to advise the Board of any firms so selected.

**BACKGROUND**

Through the Department's agreement with its existing Master Servicer, US Bank National Association (US Bank) partners with eHousingPlus to provide program administrator responsibilities. The responsibilities typically include providing access to a loan reservation system, conducting lender systems trainings, performing Internal Revenue Service tax code compliance file reviews and providing reporting services to Housing Finance Agencies (HFAs). Beginning October 2013, these services will no longer be made available to HFAs through US Bank and therefore must be procured separately by the HFA.

The responses in the RFP will be reviewed, analyzed and scored by Department staff. Once the review process is completed, staff will report the program administrator selected to the Board.

R8

## TDHCA Outreach Activities, May 2013

*A compilation of activities designed to increase the awareness of TDHCA programs and services or increase the visibility of the Department among key stakeholder groups and the general public*

<b>Event</b>	<b>Location</b>	<b>Date</b>	<b>Division</b>	<b>Purpose</b>
Affiliated Bank/Lender Training on TMP-79, MCC Programs	Fort Worth	May 1	Homeownership	Training
First Thursday Income Eligibility Training	Austin	May 2	Compliance	Training
Housing & Services Partnership Academy/Housing Webinar	Austin	May 7	Housing Resource Center	Participant
Housing Tax Credit Training	Austin	May 9	Compliance	Training
HOME HBA, HRA/Affordable Housing of Parker County	Austin	May 9	HOME	Training
First Thursday Income Eligibility Training	Fort Worth	May 14	Compliance	Training
Texas Interagency Council for the Homeless Quarterly Meeting	Austin	May 14	Housing Resource Center	Participant
Housing Tax Credit Training	Corpus Christi	May 14	Compliance	Training
Housing & Services Partnership Academy	Dallas	May 14-15	Housing Resource Center, HOME	Workshop, Participant
Housing Tax Credit Training	Fort Worth	May 15	Compliance	Training
2013 WAP Webinar: LIHEAP Priority List	Austin	May 15	Community Affairs	Training
HOME HBA, HRA, TBRA/City of Levelland	Austin	May 16	HOME	Workshop
SAMHSA/Developing Effective Partnerships with Local Housing Providers to Promote Community Integration Webinar	Austin	May 17	Housing Resource Center	Participant
Texas Mortgage Bankers Association Annual Convention	Bastrop	May 20-21	Homeownership	Exhibitor, Participant
2013 WAP Webinar: ASHRAE 62.2-2010 Requirements	Austin	May 21	Community Affairs	Training
Roundtable/NOFA for Site Specific Acquisition & Reconstruction	Austin	May 22	Asset Management	Roundtable Hearing
2012 HOME Rules for HBA, HRA, TBRA Webinar	Austin	May 29	HOME	Training
Disability Advisory Workgroup Meeting	Austin	May 30	Housing Resource Center	Participant
Roundtable/2014-2015 Housing Trust Fund Plan	Austin	May 30	Housing Trust Fund	Roundtable Hearing

## Internet Postings of Note, May 2013

*A list of new or noteworthy documents posted to the Department's Web site*

**HOME Administrator Training on Cost Principles** — *establishing principles for determining costs of grants, contracts, and other agreements as they relate to federal grant allocations:*

[www.tdhca.state.tx.us/home-division/home-training.htm](http://www.tdhca.state.tx.us/home-division/home-training.htm)

**Public Notice of 2013 MCC Program 81** — *outlining the Department's intent to issue mortgage credit certificates to qualified mortgagors to assist eligible first time homebuyers:*

[www.tdhca.state.tx.us/bond-finance/index.htm](http://www.tdhca.state.tx.us/bond-finance/index.htm)

**HOME Multifamily Draw Processing & Tracking Workbook** — detailing instructions regarding draw requests for entities administering HOME multifamily development funds:  
[www.tdhca.state.tx.us/home-division/forms/home\\_forms\\_rhd.htm](http://www.tdhca.state.tx.us/home-division/forms/home_forms_rhd.htm)

**Request for Proposals: Real Estate Broker Services** — seeking qualified real estate broker services for the purpose of acquisition and disposition of income and rent restricted multifamily properties (links to Comptroller's Web site):  
[http://esbd.cpa.state.tx.us/bid\\_show.cfm?bidid=105647](http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=105647)

**2013 1st Quarter NSP Quarterly Reports** — providing an analysis of the performance of the Neighborhood Stabilization Program for NSP1 and NSP3 during the first quarter of 2013:  
[www.tdhca.state.tx.us/nsp/index.htm](http://www.tdhca.state.tx.us/nsp/index.htm)

**2013 4% Housing Tax Credit with TDHCA as Issuer Status Log: May 6, 2013** — listing applicants seeking non-competitive Housing Tax Credits in conjunction with bond financing with the Department as issuer:  
[www.tdhca.state.tx.us/multifamily/bond/index.htm](http://www.tdhca.state.tx.us/multifamily/bond/index.htm)

**2013 4% Housing Tax Credit with Local Issuer Status Log: May 6, 2013** — listing applicants seeking non-competitive Housing Tax Credits in conjunction with bond financing through local housing finance agencies:  
[www.tdhca.state.tx.us/multifamily/htc/index.htm](http://www.tdhca.state.tx.us/multifamily/htc/index.htm)

**2013 9% HTC Underwriting Reports** — providing a comprehensive analysis of applications in the 2013 Competitive Housing Tax Credit Program cycle:  
[www.tdhca.state.tx.us/rea/index.htm](http://www.tdhca.state.tx.us/rea/index.htm)

**Accessibility (Design and Construction) Requirements for Multifamily Dwellings under the Fair Housing Act -HUD/DOJ Joint Statement** — detailing new guidance to help persons with disabilities understand their rights regarding pertinent sections of the federal Fair Housing Act (links to HUD Web site):  
[http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2013/HUDNo.13-055](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-055)

**Asset Management: Special Reserve Account** — establishing a process for approvals regarding withdrawals from special reserve accounts for properties financed through the Housing Tax Credit Exchange Program:  
[www.tdhca.state.tx.us/asset-management/index.htm](http://www.tdhca.state.tx.us/asset-management/index.htm)

**2014 Draft Low Income Home Energy Assistance Program State Plan** — describing the planned use of LIHEAP funds and distribution of pass-through and state administrative funds:  
[www.tdhca.state.tx.us/community-affairs/ceap/index.htm](http://www.tdhca.state.tx.us/community-affairs/ceap/index.htm)

**2013 HOME Single Family Program: Contract for Deed Conversion NOFA** — detailing funding and applicant eligibility for entities interested in assisting colonia residents converting contracts for deed into warranty deeds:  
[www.tdhca.state.tx.us/home-division/nofas.htm](http://www.tdhca.state.tx.us/home-division/nofas.htm)

**2013 Homeless Housing and Services Program Bond Budget Amendment Form** — providing subrecipients data elements and general layout of monthly reporting requirements for households assisted with private activity bond proceeds:  
[www.tdhca.state.tx.us/community-affairs/hhsp/guidance.htm](http://www.tdhca.state.tx.us/community-affairs/hhsp/guidance.htm)

**2013 Homeless Housing and Services Program HTF Budget Amendment Form** — offering subrecipients data elements and general layout of monthly reporting requirements for households assisted with Housing Trust Fund dollars:  
[www.tdhca.state.tx.us/community-affairs/hhsp/guidance.htm](http://www.tdhca.state.tx.us/community-affairs/hhsp/guidance.htm)

**2014 Draft Low Income Home Energy Assistance Program State Plan: Notice of Public Hearing** — providing information on hearing to accept comment on 2014 draft state LIHEAP plan and 2013 amendments:  
[www.tdhca.state.tx.us/community-affairs/ceap/index.htm](http://www.tdhca.state.tx.us/community-affairs/ceap/index.htm)



**Roundtable: NOFA for Site Specific Acquisition and Reconstruction** — offering developers an opportunity to provide input on drafting of notification of funding availability with respect to a proposed 34-unit rental property in Dickinson, Texas:

[www.tdhca.state.tx.us/asset-management/announcements.htm](http://www.tdhca.state.tx.us/asset-management/announcements.htm)

**2013 Competitive Housing Tax Credit Program Application Submission Logs: May 17, 2013** — providing updated details on applicants participating in the 2013 9% Housing Tax Credit cycle:

[www.tdhca.state.tx.us/multifamily/htc/index.htm](http://www.tdhca.state.tx.us/multifamily/htc/index.htm)

**Scoring Items Outside Applicant Self-Score Forms: May 15, 2013** — reporting scores for applications in 2013 Housing Tax Credit cycle relating to cost of development per square foot and support or opposition from state elected officials:

[www.tdhca.state.tx.us/multifamily/htc/index.htm](http://www.tdhca.state.tx.us/multifamily/htc/index.htm)

**Housing Trust Fund Announcements: 2014-2015 Roundtable** — offering individuals and organizations opportunity to provide input on how the Department administers the Trust Fund for program years 2014 and 2015:

[www.tdhca.state.tx.us/htf/announcements.htm](http://www.tdhca.state.tx.us/htf/announcements.htm)

**Disaster Recovery Resources Web Page** — reactivating Web page offering a wide range of information critical during the immediate aftermath of a disaster; Web presence coincides with hurricane season (June-November):

[www.tdhca.state.tx.us/disaster-resources/index.htm](http://www.tdhca.state.tx.us/disaster-resources/index.htm)

**2013 Competitive Housing Tax Credit Challenges** — providing individual letters challenging points assigned to specific applications in the 2013 Competitive Housing Tax Credit Program allocation cycle:

[www.tdhca.state.tx.us/multifamily/htc/index.htm](http://www.tdhca.state.tx.us/multifamily/htc/index.htm)

**2013 LIHEAP Priority List Webinar** — outlining priorities for weatherization measures funded through the Low Income Home Energy Assistance Program:

[www.tdhca.state.tx.us/community-affairs/wap/guidance.htm](http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm)

**ASHRAE 62.2-2010 Guidance Webinar: Revised May 22, 2013** — detailing new standards from the American Society of Heating, Refrigerating, & Air Conditioning Engineers which impact the Department's Weatherization Assistance Program:

[www.tdhca.state.tx.us/community-affairs/wap/guidance.htm](http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm)

2

Delta Estates Apartments (#13000),  
Edcouch

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Timely Filed Appeals under any of the Department's Program or Underwriting rules

**RECOMMENDED ACTION**

**WHEREAS**, a 2013 competitive housing tax credit Application was submitted for Delta Estates (#13000) under the At-Risk Set-Aside;

**WHEREAS**, staff terminated the Application because it is not eligible to participate in the At-Risk Set-Aside and, pursuant to §11.6(3)(C) of the 2013 Qualified Allocation Plan, Applications electing the At-Risk Set-Aside are not be eligible to receive an award from funds made available within each of the sub-regions; and

**WHEREAS**, the Applicant appealed the termination and requests that the Board reinstate the Application;

**NOW, therefore, it is hereby**

**RESOLVED**, the Applicant's appeal of the termination of Delta Estates (#13000) is hereby denied.

**BACKGROUND**

The Housing Tax Credit Application for Delta Estates, located in Rural Region 11, was submitted under the At-Risk Set-Aside, claiming that the prior tax credit allocation is the expiring funding that qualifies the Development as At-Risk. In order to use a prior tax credit allocation as the basis for eligibility under the At-Risk Set-Aside, the Development must be eligible to request a Qualified Contract. Pursuant to 10 TAC, Chapter 10, Subchapter E, §10.408, which governs the Qualified Contract:

(b) Eligibility. A Development Owner may submit a Qualified Contract Request at any time after the end of the year proceeding the last year of the Initial Affordability Period, following the Department's determination that the Development Owner is eligible. The Initial Affordability Period starts concurrently with the credit period, which begins at placement-in-service or is deferred until the beginning of the next tax year, if there is an election. Unless the Development Owner has elected an Initial Affordability Period longer than the Compliance Period, as described in the LURA, this can commence at any time after the end of the 14th year of the Compliance Period. References in this section to actions which can occur after the 14th year of the Compliance Period shall refer, as applicable, to the year preceding the last year of the Initial Affordability Period, if the Development Owner elected an Initial Affordability Period longer than the Compliance Period.

Delta Estates was awarded tax credits in 1998 and was placed in service in 2000; the owner elected to begin the Credit Period in the year 2000 as well. A review of the Development's LURA also revealed that the owner opted to extend the Initial Affordability Period of Delta Estates to twenty-five (25) years. Therefore, the Development Owner is not eligible to submit a Qualified Contract Request until the year 2024, 11 years from now. The Application was therefore terminated.

The Applicant's appeal does not assert any misapplication of the rules or statute by staff but includes a request that the LURA now be amended to reduce the Compliance Period to fifteen (15) years, thus making the Application eligible to compete in the At-Risk Set-Aside. However, pursuant to §11.5(3)(F) of the QAP, "an Amendment to an Application seeking to enable the Development to qualify as an At-Risk Development, that is submitted to the Department while the application is under review will not be accepted."

The appeal also states that the original owner, at the time the LURA was executed, could not have anticipated that the election to extend the affordability period would prevent a future Application for additional tax credits from being competitive and that the Application could not compete regionally. However, all types of applicants and developments face issues related to competitive advantage and disadvantage in the highly competitive environment of the 9% housing tax credit application cycle. This is not a sufficient rationale to disregard the requirements of the set-aside and further does not make them "At Risk."

The appeal rather asks for permission to make a change to the Application that will make it eligible to compete in the At-Risk Set-aside and thus no longer subject to the stated grounds for termination. However, as stated previously, this change is specifically disallowed under the rules as this would simply allow Applicants to "create" the risk that the development not remain affordable in order to qualify for an award to extend the existing affordability.

Staff recommends denial of the appeal.

## **Delta Apartments Housing, LP**

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1800 N. Texas Blvd  
Weslaco, Texas 78596  
Phone: 956-969-5865 Fax: 956-969-5863

May 3, 2013

Jean Marie Latsha  
Texas Department of Housing and Community Affairs  
Competitive Tax Credit Program Manager  
221 East 11th Street  
Austin, Texas 78701

RE: TDHCA #13000, Delta Estates Apartments  
Request for LURA Amendment and Reinstatement into At-Risk Set Aside

Dear Ms. Latsha,

We are writing today to request an amendment to the existing LURA for the Delta Estates Apartments regarding the 25 year Compliance Period and the reinstatement of the Delta Estates Apartments, TDHCA #13000, into the At-Risk category.

Delta Estates Apartments, under their current LURA from their 1998 HTC award, TDHCA #98180, has a 25 year Compliance Period; this precludes them from being competitive in applying for housing tax credits for another 10 years. We wish to amend the time period to a 15 year Compliance Period.

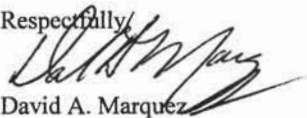
Delta Estates Apartments is in a rural area of Hidalgo County, the City of Edcouch. 95% of their residents have their rents subsidized by vouchers. Many of these residents are flood victims. Per the Valley Targeted Outreach numbers for the Ike Disaster Recovery, Hidalgo County had 3,509 addresses damaged, with La Villa, the neighboring city to Edcouch, having 370 of those addresses.

In looking at the past and current QAPs, projects like Delta Estates will not be able to score if they are not submitted in the At-Risk category. At this time at the apartments, there are ADA/UFAS issues to be resolved as shown in the PCA, weather related rehabilitation issues, etc.

If the Delta Estates Apartments have to wait the additional 10 years per the existing LURA to be able to apply for rehabilitation through the housing tax credit process, the apartment community and their families will be greatly compromised.

We respectfully request to amend the existing LURA for the Delta Estates Apartments to have a 15 year Compliance Period and to reinstate the application into the At-Risk Set Aside.

Respectfully,



David A. Marquez

From: [David Marquez](#)  
To: [Elizabeth Henderson](#)  
Cc: [Jean Latsha](#)  
Subject: Re: Delta Estates, TDHCA #13000 - RRequest for Amendment and Reinstatement  
Date: Friday, May 03, 2013 4:54:31 PM

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Ms. Latsha

In correcting the letter that was forwarded earlier I would like to clarify why we believe the termination is incorrect.

The QAP addresses the issue as of today but when the LURA was executed 15 years ago nobody could for see the issues a 15 year old property would have and how the current QAP makes it impossible to update the property by putting it back in the program.

Please add this statement to our letter.

Thank you

david Marquez

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**From:** Elizabeth Henderson <elizabeth.henderson@tdhca.state.tx.us>  
**To:** David Marquez <cdmarquez@sbcglobal.net>; Jean Latsha <jean.latsha@tdhca.state.tx.us>  
**Cc:** Mike Lopez Dora <hidalgo@aol.com>; Cameron Dorsey <cameron.dorsey@tdhca.state.tx.us>; Elizabeth Henderson <elizabeth.henderson@tdhca.state.tx.us>  
**Sent:** Fri, May 3, 2013 4:10:59 PM  
**Subject:** RE: Delta Estates, TDHCA #13000 - RRequest for Amendment and Reinstatement

David,

Jean asked me to let you know that if you do actually intend to appeal the termination of #13000, that the letter that was submitted today won't accomplish that. You will need to get an appeal letter in before 5:00 pm today. It will need to cite why you believe the termination was the incorrect course of action.

Thanks very much and have a great day.

Best Regards,

Elizabeth Henderson

**From:** David Marquez [mailto:cdmarquez@sbcglobal.net]  
**Sent:** Friday, May 03, 2013 1:41 PM  
**To:** Jean Latsha  
**Cc:** Mike Lopez Dora; Cameron Dorsey; Elizabeth Henderson  
**Subject:** Delta Estates, TDHCA #13000 - REquest for Amendment and Reinstatement

Ms. Latsha,

I am forwarding our appeal for Delta Estates to run through the process. We look forward to hearing from you.

Thank you,

david



Hudson Providence (#13018), Hudson

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Timely Filed Appeals under any of the Department's Program or Underwriting rules

**RECOMMENDED ACTION**

**WHEREAS**, a 2013 competitive housing tax credit scoring notice was provided to the Applicant for Hudson Providence (#13018);

**WHEREAS**, staff identified seven (7) points that the Applicant elected but that the Application did not qualify to receive under §11.9(d)(3) of the 2013 Qualified Allocation Plan related to Commitment of Development Funding from a Unit of General Local Government; and

**WHEREAS**, the Applicant appealed the scoring notice and requests that the Board award those seven (7) points under §11.9(d)(3);

**NOW, therefore, it is hereby**

**RESOLVED**, the Applicant's appeal of the scoring notice for Hudson Providence (#13018) is hereby denied.

**BACKGROUND**

The Housing Tax Credit Application for Hudson Providence, located in Rural Region 5, was denied seven (7) points under §11.9(d)(3) of the 2013 Qualified Allocation Plan ("QAP"), related to the Commitment of Development Funding from a Unit of General Local Government (UGLG) scoring item. The QAP includes a provision for points to be awarded to Applicants whose relevant local governments (or qualifying instrumentalities thereof) support an Application but do not have any funds with which to provide financial support. In order to be eligible for the points, the Applicant must meet the following specific criteria in §11.9(d)(3)(A)(vi) of the QAP:

seven (7) points) for a resolution of support from the Governing Body of the city (if located in a city) or county (if not located within a city) in which the Development is located stating that the city or county would provide development funding but has no development funding available due to budgetary or fiscal constraints and, despite reasonable efforts, has been unable to identify and secure any such funding. The resolution must be submitted with the Application and dated prior to March 1, 2013. A general letter of support does not qualify.

In this case the Applicant provided a resolution of support from the City of Hudson, but that resolution addressed the requirements under §11.3(b) of the QAP, related to municipalities with twice the state

average of tax credit units per capita. This resolution did not reference any commitment of funding for the development, or lack thereof, in any way but instead included the specific language required for the “two-times” resolution in order for the Application to meet a separate and distinct statutory eligibility criterion. While the Applicant did submit a letter from the city indicating that there was no funding available for the development, no resolution regarding development funding from an UGLG was included with the Application.

The Applicant was issued a deficiency and in response provided another letter from the city which stated, “By reference of the city not passing a resolution to make a loan of this type it should be quite obvious that the city does not have funds available for this type of undertaking at this time.”

The Applicant also provided a copy of the agenda for the city council meeting at which the development funding and “two-times” resolution requests were discussed. No transcript of the meeting was submitted but staff is told that funding was discussed, not tabled or otherwise eliminated from the meeting’s business that day. This is the basis for the Applicant’s appeal, which asserts that the Hudson City Council discussion of the possibility of funding and subsequent decision not to pass a resolution is proof that they did not have funds to lend the development. However, staff disagrees that the lack of a resolution regarding funding represents a statement that no funding is available. The rule governing these points requires specific language in a specific format and explicitly excludes letters of support from being eligible. The basic concept of the scoring item revolves around a commitment of funding, so the inclusion of language regarding funding is essential to satisfying the requirement. Furthermore, a resolution from the city which includes the required language has not been produced to date, although staff could not accept such a resolution after the applicable deficiency period that already ended.

Staff recommends denial of the appeal.

Hudson Providence, LP  
3735 Honeywood Court  
Port Arthur, Texas 77642

May 20, 2013

Jean Latsha  
TDHCA  
221 E. 11<sup>th</sup> Street  
Austin, Texas 78701

Re: Application 13018, Hudson Providence

Dear Ms. Latsha,

We are in receipt of the 2013 scoring notice for Hudson Providence. We respectfully appeal the score in regards to the seven (7) point deduction for Commitment of Development Funding by Unit of General Local Government (UGLG), and the one (1) point deduction for not submitting sufficient documentation for UGLG.

At the February 14<sup>th</sup> meeting of the Hudson City Council, the Hudson Providence development was considered and discussed as evidenced by items nine and ten on the agenda. At the time of the meeting, the Council was aware of the development's request for UGLG funding in the form of a loan. The Council considered the two times per capita issue and approved the attached Resolution in support of the proposed new elderly development. The UGLG issue was also discussed but between the development of the agenda and the meeting the City Administrator who also serves as the City's Public Funds Officer determined that funding for this purpose was unavailable to the City. As a consequence of City Administrator's findings and report the Council took no action on the proposed resolution to provide funding because no funding was available.

It is our contention that the information provided to TDHCA in the full application and a subsequent letter provided as part of the April 9<sup>th</sup> deficiency response was sufficient to justify the request for UGLG points. Furthermore, the resolution and letters are the functional equivalent of a resolution supporting the project but denying funding due to the unavailability of funds. Since the financial support was considered separately on the Agenda from support for the construction of the project, the City of Hudson didn't see the logic of acting on a resolution that accomplished nothing except to state that there were no funds available.

Attached are the following items:

- Appeal Election Form
- Hudson Providence's Finance Scoring Sheet from the Full Application
- City of Hudson's City Council Agenda on February 14, 2013
- City of Hudson's Resolution No. 02142013
- City of Hudson's City Administrator Letter advising no funds available for UGLG
- City of Hudson's City Administrator Letter dated April 8, 2013

Your time and consideration in reviewing our appeal is greatly appreciated. Please contact me with any questions or concerns; I can be reached at (409) 724-0020 x229.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Akbari', written in a cursive style.

Christopher A. Akbari  
Authorized Representative



**MULTIFAMILY FINANCE PRODUCTION DIVISION**  
**Housing Tax Credit Program - 2013 Application Round**  
**Scoring Notice - Competitive Housing Tax Credit Application**

**Page 2 of Final Scoring Notice: 13018, Hudson Providence**

**Section 1:**

Score Requested by Applicant (Does not include points for §§11.9(d)(1), (2), or (4) or 11.9(e)(2) of the 2013 QAP): 105  
 Score Awarded by Department staff (Does not include points for §§11.9(d)(1), (2), or (4) or 11.9(e)(2) of the 2013 QAP): 96

Difference between Requested and Awarded: 9

**Section 2:**

Points Awarded for §11.9(d)(1) Quantifiable Community Participation: 10

Points Awarded for §11.9(d)(2) Community Input other than Quantifiable Community Participation: 4

Points Awarded for §11.9(d)(4) Community Support from State Representative or Senator: 12

Points Awarded for §11.9(e)(2) Cost of Development per Square Foot: 10

**Section 3:**

Points Deducted for §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules: 1

**Section 4:**

**Final Score Awarded to Application by Department staff:** 131

**Section 5:**

**Explanation for Difference between Points Requested and Points Awarded by the Department as well as penalties assessed §§11.9(d)(1),(2) and (4) and 11.9(e)(2):**

§11.9(d)(3)(A)(vi) Commitment of Development Funding by Unit of General Local Government. No resolution from the unit of general local government was submitted in order to be eligible for points. (Requested 7, Awarded 0)

§11.9(d)(6) Community Revitalization Plan. Applicant submitted evidence for only one eligible infrastructure project. (Requested 6, Awarded 4)

§11.9(f)(1) Point Deductions. The Applicant did not submit sufficient documentation for staff to award points under §11.9(d)(3). (1 point deduction)

Restrictions and requirements relating to the filing of an appeal can be found in 10.902 of the Uniform Multifamily Rules. If you wish to appeal this scoring notice, you must file your appeal with the Department no later than 5:00 p.m. (CST), Monday, May 20, 2013. If an appeal is denied by the Executive Director, an Applicant may appeal to the Department's Board.

In an effort to increase the likelihood that Board appeals related to scoring are heard at the Board meeting, the Department has provided an Appeal Election Form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director, the Applicant is able to request that the appeal automatically be added to the Board agenda.

If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Jean Latsha at (512) 475-1676 or by email at [jean.latsha@tdhca.state.tx.us](mailto:jean.latsha@tdhca.state.tx.us).

Sincerely,

*Cameron Dorsey*

Cameron Dorsey  
 Director of Multifamily Finance





**MULTIFAMILY FINANCE PRODUCTION DIVISION**  
**Housing Tax Credit Program - 2013 Application Round**  
**Scoring Notice - Competitive Housing Tax Credit Application**

Miranda Ashline

Phone #: (409) 724-0020

Email: [miranda.ashline@itexgrp.com](mailto:miranda.ashline@itexgrp.com)

Second Email: [tdula@coatsrose.com](mailto:tdula@coatsrose.com)

Date: May 10, 2013

**THIS NOTICE WILL ONLY BE  
TRANSMITTED VIA EMAIL**

**RE: 2013 Competitive Housing Tax Credit (HTC) Application for Hudson Providence, TDHCA Number:  
13018**

The Texas Department of Housing and Community Affairs has completed its program review of the Application referenced above as further described in the 2013 Qualified Allocation Plan ("QAP"). This scoring notice provides a summary of staff's assessment of the application's score. The notice is divided into several sections.

Section 1 of the scoring notice provides a summary of the score requested by the Applicant followed by the score staff has assessed based on the Application submitted. You should note that four scoring items are not reflected in this scoring comparison but are addressed separately.

Section 2 of the scoring notice includes each of the four scoring criteria for which points could not be requested by the Applicant in the application self-score form and include: §11.9(d)(1) Quantifiable Community Participation, §11.9(d)(2) Community Input other than Quantifiable Community Participation, §11.9(d)(4) Community Support from State Representative or Senator, and §11.9(e)(2) Cost of Development per Square Foot.

Section 3 provides information related to any point deductions assessed under §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules.

Section 4 provides the final cumulative score in bold.

Section 5 includes an explanation of any differences between the requested and awarded score as well as any penalty points assessed.

The scores provided herein are merely informational at this point in the process and may be subject to change. For example, points awarded under §11.9(e)(2) "Cost of Development per Square Foot" and §11.9(e)(4) "Leveraging of Private, State, and Federal Resources" may be adjusted should the underwriting review result in changes to the Application that would affect these scores. Likewise, if an Application was awarded points under §11.9(d)(3) "Commitment of Development Funding by Unit of General Local Government" and should that Application receive an award of tax credits, the Applicant must provide a firm commitment of funds as a condition of the Commitment Notice, and all commitments of funds must include a statement from the provider that the funds were not first received by the applicant or related party. Applicants may substitute qualifying sources only if no points were elected under §11.9(d)(3)(B). If a scoring adjustment is necessary, staff will provide the Applicant a revised scoring notice.

Be further advised that if the Applicant failed to properly disclose information in the Application that could have a material impact on the scoring information provided herein, the score included in this notice may require adjustment and/or the Applicant may be subject to other penalties as provided for in the Department's rules.

This preliminary scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §10.902 of the Uniform Multifamily Rules. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board.

This preliminary scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §10.902 of the Uniform Multifamily Rules. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board.



**MULTIFAMILY FINANCE PRODUCTION DIVISION**  
**Housing Tax Credit Program - 2013 Application Round**  
**Scoring Notice - Competitive Housing Tax Credit Application**

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**Appeal Election Form: 13018, Hudson Providence**

Note: If you do not wish to appeal this notice, you do not need to submit this form.

I am in receipt of my 2013 scoring notice and am filing a formal appeal to the Executive Director on or before Monday, May 20, 2013.

**If my appeal is denied by the Executive Director:**

I do wish to appeal to the Board of Directors and request that my application be added to the Department Board of Directors meeting agenda. My appeal documentation, which identifies my specific grounds for appeal, is attached. If no additional documentation is submitted, the appeal documentation to the Executive Director will be utilized.

I do not wish to appeal to the Board of Directors.

Signed \_\_\_\_\_

Title Authorized Agent

Date May 14, 2013

Please fax or email to the attention of Jean Latsha:

Fax: (512) 475-0764 or (512) 475-1895

Email: <mailto:jean.latsha@tdhca.state.tx.us>



## Finance Scoring (for Competitive HTC Applications ONLY)

Self Score Total: **105**

### 1. Commitment of Development Funding by Unit of General Local Government (§11.9(d)(3))

UGLG Funding Amount  
Per Unit Funding Amount:

0

eligible for points:

i. Population	<u>4,731</u>	x 0.15 = \$	<u>710</u>	or \$ 15,000 per unit	scoring threshold: \$	<u>710</u> per unit	<input type="text"/>
ii. Population	<u>4,731</u>	x 0.10 = \$	<u>473</u>	or \$ 10,000 per unit	scoring threshold: \$	<u>473</u> per unit	<input type="text"/>
iii. Population	<u>4,731</u>	x 0.05 = \$	<u>237</u>	or \$ 5,000 per unit	scoring threshold: \$	<u>237</u> per unit	<input type="text"/>
iv. Population	<u>4,731</u>	x 0.025 = \$	<u>118</u>	or \$ 1,000 per unit	scoring threshold: \$	<u>118</u> per unit	<input type="text"/>
v. Population	<u>4,731</u>	x 0.01 = \$	<u>47</u>	or \$ 500 per unit	scoring threshold: \$	<u>47</u> per unit	<input type="text"/>

Firm Commitment from Unit of general Local Government in form of resolution?

Resolution of support from the Governing Body of the city or county in which the Development is located stating that they would provide development funding but have no funding available due to budgetary or fiscal constraints

Total Points Claimed:

### 2. Financial Feasibility (§11.9(e)(1))

Eligible Pro-Forma and letter stating the Development is financially feasible.

Eligible Pro-Forma and letter stating Development and Principals are acceptable.

Total Points Claimed:

### 3. Leveraging of Private, State, and Federal Resources (§2306.6725(a)(3); §11.9(e)(4))

Percent of Units restricted to serve households at or below 30% of AMGI 8.75%

Housing Tax Credit funding request as a percent of Total Housing Development Cost

9.00%

eligible for points:

Development Leverages CDBG Disaster Recovery, HOPE VI, or Choice Neighborhood Funding

Housing Tax Credit Request < 7% of Total Housing Development Cost

Housing Tax Credit Request < 8% of Total Housing Development Cost

Housing Tax Credit Request < 9% of Total Housing Development Cost

\* Be sure no more than 50% of Developer fees are deferred.

Total Points Claimed:



# City of Hudson

## CITY COUNCIL AGENDA

Notice is hereby given of a **Regular Meeting** of the City Council of Hudson to be held on **Thursday, February 14, 2013**, at **6:00p.m.** at: City Hall, 201 Mt. Carmel Road, Hudson, TX, for the purpose of considering the following agenda items. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. **CALL TO ORDER**
2. **INVOCATION**
3. **QUORUM CHECK**
4. **DISCUSSION AND ACTION** to approve the Minutes of the January regular council meeting.
5. **CERTIFICATE OF ELECTION** issued to Joann Novak as Alderman.
6. **OATH OF OFFICE** for Joann Novak as Alderman.
7. **DISCUSSION AND ACTION** on street sign proposals.
8. **DISCUSSION AND ACTION** to approve Ordinance Calling for a City Election.
9. **DISCUSSION AND ACTION** on Resolution approving construction of a Multifamily Housing Development for Seniors.
10. **DISCUSSION AND ACTION** on Resolution on financing for a Multifamily Housing Development for Seniors.
11. **DISCUSSION AND ACTION** on purchase of one AIRE-02 Aerator for Race Track.
12. **GENERAL MONTHLY REPORTS**
  - a. Keep Hudson Beautiful
  - b. Park Committee
  - c. Hudson Volunteer Fire Department
  - d. Hudson Police Department
  - e. Public Works
  - f. Street Light Committee
  - g. Administration
13. **COMMENTS FROM COUNCIL**
14. **ADJOURN**



# City of Hudson

## RESOLUTION NO. 02142013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUDSON, TEXAS, AUTHORIZING THE PROPOSED CONSTRUCTION OF HUDSON PROVIDENCE, A MULTIFAMILY HOUSING DEVELOPMENT FOR SENIORS; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

Whereas, Hudson Providence, LP, a to-be-formed limited partnership acting through its authorized representatives, has proposed a development for affordable rental housing to be named Hudson Providence, and to be located at the Northwest quadrant of Hwy 94, West of Hudson Heights, in the City of Hudson, Angelina County, Texas 75904 (the "Development"); and

Whereas, Hudson Providence, LP intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2013 Housing Tax Credits or Private Activity Bonds for the Development; and

Whereas, pursuant to §11.3(b), Texas Administrative Code, we acknowledge that the City of Hudson in Angelina County, Texas has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds; now, therefore

Be it resolved that:


The City Council of the City of Hudson hereby supports the development of the proposed Hudson Providence multifamily housing development for seniors, and has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to §2306.6703(A)(4).

**PASSED, APPROVED AND ADOPTED** on this 14 day of February, 2013, at a meeting of the City Council of the City of Hudson, Texas, which meeting was held in compliance with the Open Meetings Act, Texas Government Code §551.001, et Seq. at which meeting a quorum was present and voting.

ATTEST:

  
Cheryl Everett City Secretary



  
Mayor Robert Smith





# City of Hudson

**Hudson Providence, LP  
Attn: Donald R. Ball  
3735 Honeywood Court  
Port Arthur, Texas 77642**

**RE: TDHCA # 13018  
HUDSON Providence Elderly Apartments**

**Mr. Ball,**

**We are providing this letter in response to the request from Hudson Providence, LP for support to develop "Hudson Providence" a 80-unit development for the elderly. Hudson Providence will be a mixed income senior development with affordable apartments, which is competing for Texas Department of Housing & Community Affairs (TDHCA) 9% tax credit program funds. We understand that TDHCA is vitally interested in selecting tax credit developments with strong support from local officials. We support the development of Hudson Providence as evidenced by the attached resolution.**

**We understand that the "Commitment of Development Funding by Unit of General Local Government" as described in this year's Qualified Allocation Plan (QAP) will provide additional points to this develop. We have evaluated your request and have determined that we do not at this time have a fund available to make loans to developments such as Hudson Providence.**

**Sincerely,**

**James Freeman  
City Administrator  
City of Hudson Texas**



# City of Hudson

April 8, 2013

Donald R Ball  
Hudson Providence, LP  
3735 Honeywood Ct.  
Port Arthur, TX 77642

RE: Funds available for Loans

As I am also the Public Funds Officer of the City of Hudson along with being the City Administrator I can say that we do not have ANY funds available to loan for the development of this project. The City does not have funds to make any type of loans at this time.

By reference of the City not passing a resolution to make a loan of this type it should be quite obvious that the City does not have funds available for this type of undertaking.

A handwritten signature in black ink, appearing to read "James M Freeman".

James M Freeman  
City Administrator

River Bank Village (#13081), Laredo

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Timely Filed Appeals under any of the Department's Program or Underwriting rules

**RECOMMENDED ACTION**

**WHEREAS**, a 2013 competitive housing tax credit scoring notice was provided to the Applicant for River Bank Village (#13081);

**WHEREAS**, staff identified two (2) points that the Applicant elected but that the Application did not qualify to receive under §11.9(c)(6) of the 2013 Qualified Allocation Plan related to locating in an Underserved Area (10 TAC §11.9(c)(6)); and

**WHEREAS**, staff also deducted one (1) point under §11.9(f)(1) for failing to document eligibility for the points elected in the Application self score form for locating the Development in an Underserved Area; and

**WHEREAS**, the Applicant appealed the scoring notice and requests that the Board award two (2) points under §11.9(c)(6) and not deduct the one (1) point under §11.9(f)(1);

**NOW, therefore, it is hereby**

**RESOLVED**, the Applicant's appeal of the scoring notice for River Bank Village (#13081) for awarding of the two (2) points under 10 TAC §11.9(c)(6), Underserved Area points, is hereby denied; and

**FURTHER RESOLVED**, the Applicant's appeal of the scoring notice for River Bank Village (#13081) for assessing a one (1) point deduction under 10 TAC §11.9(f)(1), is hereby \_\_\_\_\_.

**BACKGROUND**

At the May 9, 2013 Board meeting, the Board considered action on an agenda item relating to the awarding of points for location in an Economically Distressed Area (EDA). An EDA qualifies as an Underserved Area for purposes of the awarding of points under 10 TAC §11.9(c)(6)(B). The issues revolve around how an Applicant that elected points can sufficiently document eligibility for the point item and whether a point deduction should be applied in instances where the Applicant is not found to be eligible for the elected points. The Board ultimately directed staff to allow each of applications that elected these points come before the Board through the appeal process such that the Board could handle them on a case by case basis. Following is a more robust description of the issues surrounding this point

item followed by a description of the documentation provided by the Applicant for River Bank Village to document eligibility. The Applicant's full appeal is attached to this Board Action Request.

### Summary of Issues

The multifamily rules define an EDA as, "An area that has been identified by the Water Development Board as meeting the criteria for an economically distressed area under Texas Water Code, §17.921." (10 TAC §10.3(a)(40)) This section of the Texas Water Code is referenced several times in Chapter 2306 of the Texas Government Code when citing economically distressed areas and is defined in the Texas Water Code for the purpose of administering water infrastructure funding by the TWDB. Moreover, the definition in the Water Code reserves the designation of EDA for the TWDB. The EDA definition in the Texas Water Code is as follows:

"Economically distressed area" means an area in which:

- (A) water supply or sewer services are inadequate to meet minimal needs of residential users as defined by board rules;
- (B) financial resources are inadequate to provide water supply or sewer services that will satisfy those needs; and
- (C) an established residential subdivision was located on June 1, 2005, as determined by the board.

Texas Water Code §17.921(1)

\*The "board" is defined in §17.001(1) of the Texas Water Code as the "Texas Water Development Board."

Staff initially provided applicants guidance that one clear way to support an election of points under the QAP for being located within an EDA was to provide a letter from the TWDB reflecting that the site is located within an EDA as defined by §17.921 of the Texas Water Code. However, the TWDB does not have an established process for designating EDAs in any instance other than for the explicit purpose of evaluating an application for TWDB funding. Many applicants contacted the TWDB and were unable to obtain such a letter. As the March 1, 2013, application deadline approached, staff received several calls from the TWDB and met with the staff of the TWDB on multiple occasions in an effort to identify a process by which an applicant could establish whether or not their development site was located within an EDA. However, no workable solution was identified. Staff provided guidance that applicants should exercise caution in electing points under this selection criterion due to the absence of another known and clear method of establishing that a site is within an EDA.

Generally, an Applicant that claims points for a particular selection criterion but is unable to provide any supporting documentation would be subject to a 1 point deduction under §11.9(f)(1) of the QAP. This deduction was established for the purpose of discouraging applicants from electing points for items in which an applicant had no solid basis for claiming the points. In the preamble to the rules presented to the Board in November 2012, staff provided the following reasoned response relating to the penalty deduction:

Staff recommends keeping the point deductions in place for the 2013 program year for those items that the developer applicant should clearly know are not properly supported, despite the changes to the QAP. Because staff performs full reviews on applications that appear to be competitive, it is imperative that applicants accurately self-score their



applications. If applicants elect points in good faith and those points are ultimately not awarded, staff will not deduct additional points. However, staff wants to discourage applicants from requesting points for which they have no reasonable assumption of qualifying.

In response to commenter (58) regarding the points associated with underserved areas, particularly the economically distressed areas, staff will make it clear in the multifamily programs procedures manual what evidence will be acceptable in order to qualify for points. In that specific case, staff will require a letter from the Texas Water Development Board. If the applicant requests these points and is not able to produce such a letter, then staff would deduct points. In addition, should the original calculation for leveraging points be inconsistent with the requested points, staff would not deduct points, even if after underwriting that score may change. Staff appreciates the support of commenter (46).

While applicants were clearly on notice that a point deduction might be assessed in instances in which a TWDB letter was not submitted to support an election for location in an EDA, staff is posing, on a case by case basis, whether the Board believes, in light of the way applicants seeking to claim this scoring item encountered unanticipated obstacles, a 1 point deduction is warranted. At the time, staff believed that a letter from the TWDB was a reasonable method to support an election for location in an EDA. However, a clear process for obtaining that letter was not available prior to the application deadline and some applicants attempted to find alternative supporting documentation despite no change in guidance from staff regarding such alternative evidence. Staff appreciates that some applicants may have chosen to not elect these points even though they may have also obtained alternative supporting documentation; these applicants chose not to risk any assessment of a point deduction by deviating from staff's guidance by claiming the EDA point with some alternative supporting documentation not consistent with staff guidance. Their decision to not elect points may have been different if no risk of a point deduction had existed. However, staff also believes that the Board has sufficient discretion, given the preamble language that good faith point elections would not result in a point deduction, to direct staff to not apply the point deduction to applications electing the EDA points in cases in which some supporting documentation was provided, even if such documentation is insufficient for the points to be awarded.

#### Documentation provided by Applicant

In this instance, the Applicant for River Bank Village provided several pieces of documentation to evidence eligibility for the two (2) Underserved Area points elected in the Application but was unable to provide a letter from the TWDB.

A letter from State Representative Richard Peña Raymond was provided which indicates that the underserved area is the entirety of Webb County and City of Laredo. A letter from the City of Laredo also identifies the entire City and County as meeting the definition. These letters specifically indicate that the city and county meet the definition of economically distressed area under the Texas Water Code, §17.921. This expansive area identified as an economically distressed area greatly concerns staff because Webb County shares similar characteristics to many counties in Region 11.

The letter from the City references a publically available report from TWDB called "Economically Distressed Areas Program ("EDAP") Status Report ("Status Report"). This report includes a map of

counties that have adopted the Model Subdivision Rule but this is just one component in determining whether an area is economically distressed. The counties identified as meeting this particular requirement cover roughly a third of the entire area of the state. The Status Report also includes a list of projects funded under the EDAP and several are located within Webb County or the City of Laredo. However, this does not mean that TWDB determined the entire city or county met the definition and no “project boundaries” are available. Additionally, status reports such as the one referenced were known to staff and the development community generally because it was used in prior years to document location in an EDA. However, prior year’s rules specifically designated entire counties as EDAs if one EDAP funded project had occurred within that county. The current rules do not permit this same treatment.

The Applicant’s appeal does not provide other evidence of eligibility for the points but point out that in light of the fact that no one was able to obtain a letter from TWDB, the applicant believes they met a good faith standard and that the two (2) elected points should be awarded. It also requests that, whether the Board awards these two (2) points or not, the one (1) point deduction is not warranted. The full appeal is attached hereto.

Staff Recommendation

Staff recommends denial of the appeal.

TEXAS HOUSE OF REPRESENTATIVES

HOUSE COMMITTEE ON HUMAN SERVICES  
CHAIR



HOUSE COMMITTEE ON JUDICIARY  
AND CIVIL JURISPRUDENCE

**RICHARD PEÑA RAYMOND**  
STATE REPRESENTATIVE  
DISTRICT 42

February 25, 2013

Tim Irvine, Executive Director  
Texas Department of Housing and Community Affairs  
P.O. Box 13941  
Austin, TX 78711-3941

**RE: TDHCA Application No. 13081 for River Bank Village in Laredo**

Dear Mr. Irvine:

The proposed property site for the River Bank Village development at 202 Aquero Boulevard in Laredo, Texas is located within the boundaries of an Economically Distressed Area.

This underserved area is identified as Webb County and the City of Laredo, both of which receive and benefit from routine Economically Distressed Areas Program (EDAP) project funding. Moreover, this underserved area has been identified by the Texas Water Development Board as meeting the criteria for an economically distressed area under Texas Water Code, §17.921.

If you have any questions or require further information, please feel free to call the Texas Water Development Board at your convenience. Thank you. Feel free to contact me if you require further information at (956) 286-9500.

Sincerely,

A handwritten signature in cursive script that reads "Richard Peña Raymond".

Richard Peña Raymond  
State Representative

# CITY OF LAREDO

## Water Utilities Department



5816 Daugherty  
Laredo, Texas 78041  
Ph. (956) 721-2000

March 1, 2013

P.O. Box 2950  
Laredo, Texas 78044  
Fax: (956) 721-2001

Tim Irvine, Executive Director  
Texas Department of Housing and Community Affairs  
P.O. Box 13941  
Austin, TX 78711-3941

**RE: TDHCA Application No. 13081 for River Bank Village in Laredo**

Dear Mr. Irvine,

The proposed property site for the River Bank Village development at 202 Aquero Boulevard in Laredo, Texas is located within the boundaries of an Economically Distressed Area. (See Exhibit "A").

This underserved area is identified as Webb County and the City of Laredo, both of which receive and benefit from routine Economically Distressed Areas Program (EDAP) project funding. Moreover, this underserved area has been identified by the Texas Water Development Board as meeting the criteria for an economically distressed area under Texas Water Code, §17.921. (See Exhibit "B").

On February 6, 2013, I attended the Rio Grande Regional Water Planning Group board meeting and personally met with our city's Texas Water Development Board regional representative, Connie Townsend. I was told that the TWDB would not issue any letters for any tax credit applications in 2013. It is for this reason that I am writing to confirm River Bank Village is indeed within the boundaries of an Economically Distressed Area.

If you have any questions or require further information, please feel free to contact me at the City of Laredo Utilities Department at your convenience. The direct number is (956) 721-2000.

Sincerely,

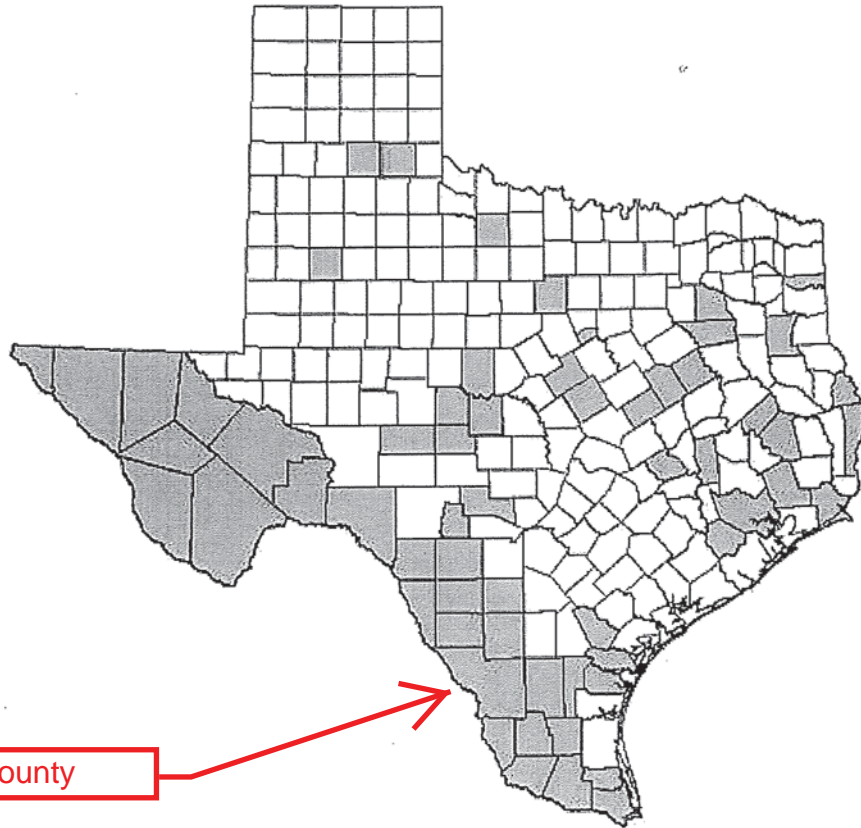
A handwritten signature in black ink, appearing to read "Tomas M. Rodriguez, Jr.", written over a horizontal line.

Tomas M. Rodriguez, Jr., Utilities Director / City of Laredo  
trodriguez@ci.laredo.tx.us

# Economically Distressed Areas Program

## STATUS REPORT

→ Counties meeting Model Subdivision Rule requirements for EDAP eligibility as of November 30, 2012



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Summary of EDAP Funding	3
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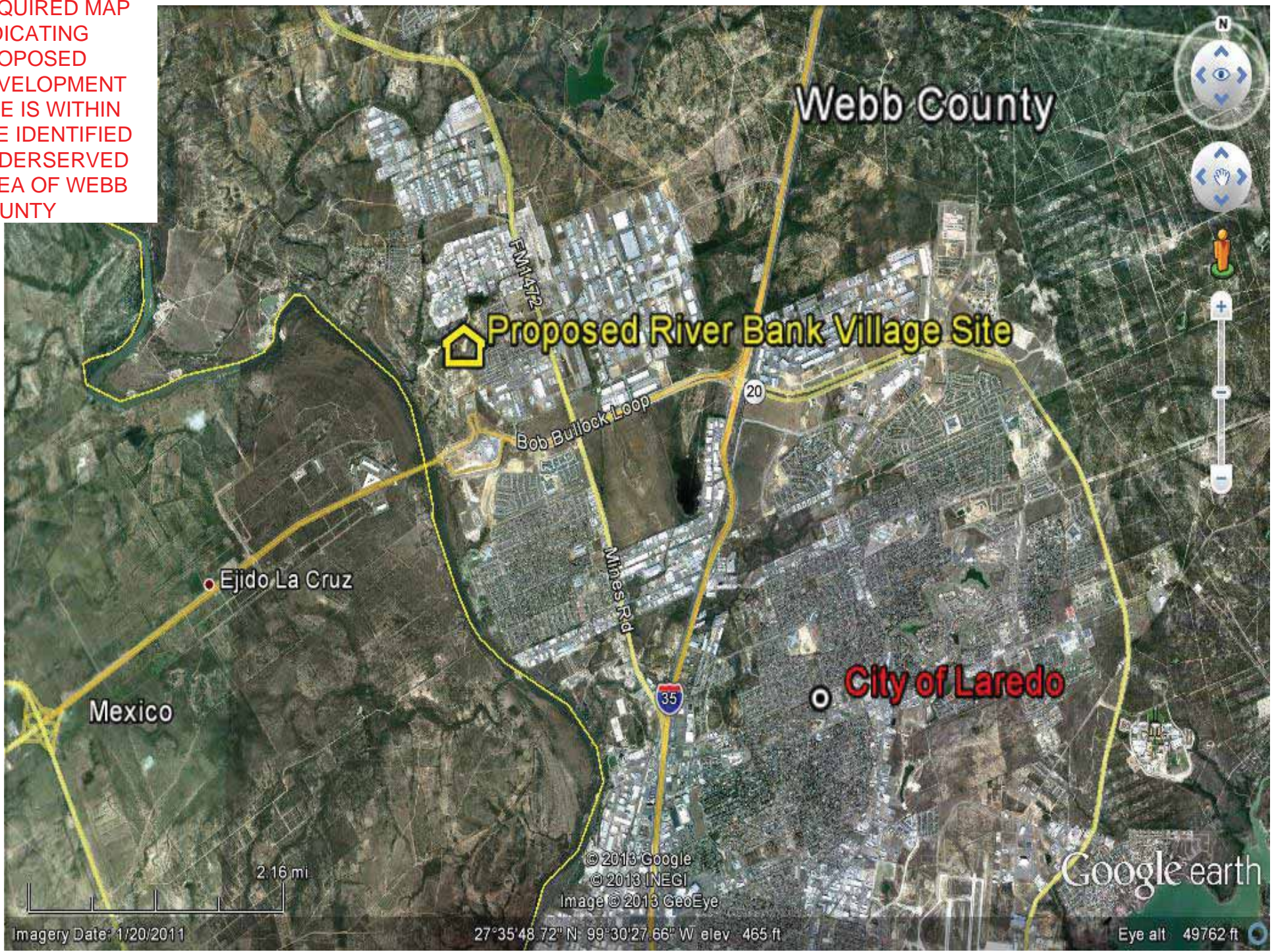
Webb County

During this quarter (September 1, 2012 – November 30, 2012), no additional counties adopted Model Subdivision Rule requirements.



EXHIBIT "A"

REQUIRED MAP  
INDICATING  
PROPOSED  
DEVELOPMENT  
SITE IS WITHIN  
THE IDENTIFIED  
UNDERSERVED  
AREA OF WEBB  
COUNTY





**Economically Distressed Areas Program  
Status Report - November 30, 2012**

County	COMPLETED PROJECTS				UNDER CONSTRUCTION			PLANNING, ACQUISITION & DESIGN				TOTAL		
	Facility Plans & Design	Construction	EDAP Funding	Estimated Residents with Service Available	Under Construction	EDAP Funding	Estimated Population to benefit	PAD in Progress	EDAP Funding	Estimated Construction & Future Costs	Estimated Population to benefit	Total Projects	Total EDAP Funding	Total TWDB Assistance to these Projects
Bee County	1	2	\$5,240,967	1,019								3	\$5,240,967	\$5,600,967
Brewster County								1	\$290,000	\$1,210,000	6,053	1	\$290,000	\$290,000
Briscoe County								1	\$1,735,000	\$4,265,000	771	1	\$1,735,000	\$1,735,000
Burleson County								1	\$57,750	\$6,842,250	872	1	\$57,750	\$57,750
Cameron County	3	12	\$80,056,307	32,476	2	\$29,328,800	3,888					17	\$109,385,107	\$111,807,947
Coryell County	1	1	\$2,984,065	790								2	\$2,984,065	\$3,189,065
Dimmit County	1	3	\$5,724,605	2,830								4	\$5,724,605	\$5,724,605
Duval County	1		\$177,800									1	\$177,800	\$177,800
El Paso County	3	9	\$122,174,632	86,761	1	\$651,000	428	3	\$312,000	\$7,023,832	1,316	16	\$123,137,632	\$138,561,724
Frio County		1	\$1,958,960	579								1	\$1,958,960	\$1,958,960
Grimes County		1	\$6,250,000	711								2	\$6,485,000	\$6,485,000
Hall County								1	\$291,000	\$4,733,000	421	1	\$291,000	\$291,000
Harris County					1	\$10,936,094	1,583	1	\$986,000	\$8,536,172	567	2	\$11,922,094	\$11,922,094
Hidalgo County	12	29	\$150,039,653	73,939	1	\$5,139,000	1,109	2	\$3,754,000	\$141,835,641	9,616	44	\$158,932,653	\$206,425,579
Hudspeth County		2	\$5,258,999	2,330								2	\$5,258,999	\$5,258,999
Kerr County	1		\$51,750					1	\$242,500	\$15,661,309	2,115	2	\$294,250	\$2,154,250
Kinney County		1	\$417,079	66								1	\$417,079	\$417,079
La Salle County	1		\$25,686									1	\$25,686	\$25,686
Lynn County								1	\$239,000	\$1,878,500	3,096	1	\$239,000	\$239,000
Marion County	2		\$87,375									2	\$87,375	\$87,375
Maverick County	1	2	\$57,409,285	21,113				1	\$485,000	\$19,753,690		4	\$57,894,285	\$109,044,285
McCulloch County		1	\$4,699,000	1,150								1	\$4,699,000	\$4,699,000
Menard County								1	\$92,570	\$5,507,430	1,680	1	\$92,570	\$92,570
Newton County	1	1	\$15,240,978	3,795								2	\$15,240,978	\$22,285,978
Polk County								1	\$145,000	\$832,000	117	1	\$145,000	\$145,000
Real County								1	\$3,736,250		847	1	\$3,736,250	\$13,697,710
Reeves County		1	\$369,339	67								1	\$369,339	\$369,339
Sabine County	2	2	\$3,093,281	924								4	\$3,093,281	\$5,388,281
San Patricio County	1	5	\$15,896,278	4,387	1	\$2,493,000	336					7	\$18,389,278	\$23,566,278
Schleicher County	1		\$90,000									1	\$90,000	\$90,000
Somervell County								1	\$740,000	\$8,900,000	2,444	1	\$740,000	\$740,000
Starr County	2	4	\$41,541,469	28,414								6	\$41,541,469	\$51,281,469
Terrell County		1	\$4,256,175	1,128								1	\$4,256,175	\$4,256,175
Trinity County								1	\$250,500	\$2,168,000	1,057	1	\$250,500	\$250,500
Uvalde County	1	1	\$2,731,556	1,264								2	\$2,731,556	\$2,731,556
Val Verde County	1	2	\$15,862,173	4,159				1	\$460,000	\$8,865,286	251	4	\$16,322,173	\$16,322,173
Webb County	1	3	\$56,694,697	14,442								4	\$56,694,697	\$59,754,697
Willacy County	1	2	\$4,713,630	3,165								3	\$4,713,630	\$4,713,630
Zapata County		1	\$814,377	2,025								1	\$814,377	\$814,377
Zavala County	2	3	\$12,942,266	3,804	1	\$1,427,000	2,158					6	\$14,369,266	\$14,369,266
<b>Subtotal</b>	<b>40</b>	<b>90</b>	<b>\$616,802,381</b>	<b>291,338</b>	<b>7</b>	<b>\$49,974,894</b>	<b>9,502</b>	<b>20</b>	<b>\$14,051,570</b>	<b>\$242,777,110</b>	<b>31,624</b>	<b>157</b>	<b>\$680,828,845</b>	<b>\$837,022,163</b>
<b>STATE WATER PLAN EDAP:</b>														
Concho County					1	\$4,675,000	1,200					1	\$4,675,000	\$4,675,000
Palo Pinto County								1	\$4,800,000		14,644	1	\$4,800,000	\$8,000,000
Somervell County					1	\$13,574,000	2,444					1	\$13,574,000	\$32,435,000
Webb County		1	\$15,000,000	237,396								1	\$15,000,000	\$15,000,000
<b>Subtotal</b>		<b>1</b>	<b>\$15,000,000</b>	<b>237,396</b>	<b>2</b>	<b>\$18,249,000</b>	<b>3,644</b>	<b>1</b>	<b>\$4,800,000</b>		<b>14,644</b>	<b>4</b>	<b>\$38,049,000</b>	<b>\$60,110,000</b>
<b>TOTAL with SWP EDAP</b>			<b>\$631,802,381</b>			<b>\$68,223,894</b>			<b>\$18,851,570</b>			<b>161</b>	<b>\$718,877,845</b>	<b>\$897,132,163</b>

1. "Facility Plans & Design" includes Facility Planning Grants and other projects that completed planning or design but that did not complete construction.

2. The above figures reflect initial commitment amounts and have not been adjusted for actual funds expended. EDAP Funding amounts include EDAP's related programs: EDAP, Colonia Wastewater Treatment Assistance Program, Colonia Self Help, Community Self Help, EDAP Research and Planning, and one EDAP project funded through the Water Loan Assistance Fund.

3. "Estimated residents with service available" avoids double counting population when served by subsequent projects. I.e. Residents served by a water project and counted once, are not counted a second time when served by a later wastewater project. This in some ways undercounts project impact/benefit but avoids double counting population.

## Region M Regional Water Plan

1-28

Table 1.4: EDAP Counties

*Under Section 17.923 of the Water Code  
Texas Water Development Board*

Counties	Average Unemployment Rate 2006-2008 (%)	Percent Above State Rate	Average Per Capita Income 2006-2008 (\$)	Percent Below State Rate
Texas Average	4.7	n/a	36,940	n/a
Cameron	6.5	39.3	19,146	-48.2
Hidalgo	7.1	51.1	17,853	-51.7
Maverick	11.8	151.1	16,231	-56.1
Starr	11.4	142.6	13,464	-63.6
Webb	5.2	10.6	20,843	-43.6
Willacy	8.8	87.2	19,740	-46.6
Zapata	5.7	21.3	16,978	-54.0

United States Bureau of Labor Statistics 2008

According to the TWDB, seven out of the eight counties in Region M are labeled as EDAP Counties. Even though the urbanization of the region, it still has a long way to go before becoming as prosperous as other regions in Texas.



EXHIBIT "B"

County	Project	Commit. Date	EDAP Planning/ PAD Funding	EDAP Construction Funding	Other TWDB Funding	Status	Completed PAD/ Construction Date	Residents with Service Available
<b>Val Verde</b>								
<b>Del Rio</b>								
	<u>10051 - Cienegas Terrace</u> Improve water service and first-time wastewater service .	7/93	\$23,606	\$3,508,710		Completed Construction	10/96	1,412
	<u>10052 - Val Verde Park Estates</u> Improve water service and first time wastewater service.	1/96	\$36,000	\$12,010,573		Completed Construction	8/04	2,747
<b>Val Verde County</b>								
	<u>10244 - Water &amp; Wastewater</u> Planning to provide water and wastewater services. Contract was terminated in January 2000.	5/96	\$283,284			Completed Facility Plan		
	<u>10369 - Lakeview Estates Water &amp; Wastewater</u> Planning to identify water and wastewater system needs to serve unincorporated areas. Currently, water service consists of private water wells and wastewater service consists entirely of septic tanks.	5/09	\$460,000			Completed Planning	8/12	
<b>Webb</b>								
<b>Laredo</b>								
	<u>10045 - Mines Road &amp; State Highway 359</u> Construct first-time water facilities in five unincorporated subdivisions in the Mines Road area north of Laredo, first-time water and wastewater facilities in ten unincorporated subdivisions along State Highway 359 east of the City, and install on-site septic systems in the Los Corralitos subdivision on Mines Road. A related project funded by the North American Development Bank provided wastewater collection facilities along Mines Road and expanded the City's Columbia Bridge WWTP.	8/00	\$197,202	\$26,853,202		Completed Construction	2/12	4,222
	<u>10409 - Municipal Water Rights</u> Fund the purchase of irrigation water rights from public and private owners and convert them to municipal water rights. This is a recommended water management strategy in the 2007 State Water Plan.	9/09		\$15,000,000		Completed	10/11	
<b>Webb County</b>								
	<u>10199 - Larga Vista Collection System</u> A wastewater collection system for first-time service. Additional funding provided by Webb County.	1/96		\$1,570,120		Completed Construction	3/99	544
	<u>10201 - Southwest Webb County - Rio Bravo/El Cenizo</u> Provide improved water and wastewater service, including looping water lines and expanded water line replacement work. Additional funding provided by Webb County and TDRA.	7/99	\$75,000	\$27,927,923	\$3,060,000	Completed Construction	3/10	9,676
	<u>10342 - SH 59 Water &amp; Wastewater</u> Planning to provide first-time water and wastewater service. Additional funding and in-kind services provided by Webb County and the BECC.	8/01	\$71,250			Completed PAD		



6517 Mapleridge  
Houston, TX. 77081  
T. 713.432.7727  
F. 713.432.0120

May 24, 2013

Mr. Tim Irvine, Executive Director  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

Re: Appeal of Loss of Points and Penalty Point for Application No. 13081, River Bank Village, Laredo, Texas

Dear Mr. Irvine:

In response to the Scoring Notice for Application No. 13081, River Bank Village, Laredo, Texas (the "Application"), we would like to appeal the loss of points associated with §11.9(c)(6) - Underserved Area and the one point penalty assessed according to §11.9(f)(1) – Point Deductions on behalf of LHA River Bank Village, Ltd. (the "Applicant").

Section 5 of the Scoring Notice specifically sites the following provisions as the basis for the point deductions and the penalty point, "§11.9(c)(6) Underserved Area. The Applicant did not submit a letter from the Texas Water Development Board indicating that the development site is located in an economically distressed are. (Requested 2, Awarded 0)" and then also states, "§11.9(f)(1) Point Deductions. The Applicant did not submit sufficient documentation for staff to award points under §11.9(c)(6). (1 point deduction)."

In order to justify the point deductions and the penalty point TDHCA Staff appears to be relying on page 25 of the 2013 Multifamily Programs Procedural Manual which states that a letter from the Texas Water Development Board ("TWDB") is the evidence to be provided for an economically distressed area ("EDA") and the preamble from the November Board Book where the QAP was adopted which states the following in response to a question regarding point deductions:

"In response to commenter (58) regarding the points associated with underserved areas, particularly the economically distressed areas, staff will make it clear in the multifamily programs procedure manual what evidence will be acceptable in order to qualify for points. In that specific case, staff will require a letter from the Texas Water Development Board. If the applicant requests these points and is not able to produce such a letter, then staff would deduct the points."

The problem with solely relying on the above provisions for the justification of the point deductions and the penalty point is that Staff does not take into account other provisions of the



QAP and the Multifamily Programs Procedural Manual which support the award of the EDA points to the Application and do not support the penalty point deduction.

Section 11.9(a) of the QAP states in part that an applicant who “fails to submit supporting documentation in good faith” will not be allowed to cure the issue. Section 11.9(f)(1) of the QAP states in part, “Any Applicant that elects points for a scoring item on their self score and is unable to provide sufficient documentation for the Department staff to award those points will receive a (1 point) deduction per scoring item in their final score.” Staff responded in the preamble from the November Board Book (one paragraph prior to the above statement on point deductions) as follows, “If applicants elect points in good faith and those points are ultimately not awarded, staff will not deduct additional points.” **The issue at hand appears to be whether or not the Applicant submitted sufficient documentation in good faith to support the award of points.**

It is also important to point out other provisions from the Multifamily Programs Procedural Manual and the QAP which are relevant in this situation. Specifically, page 5 of the Multifamily Programs Procedural Manual states, “The purpose of this manual is to provide a brief description of each tab in the Application and guidance as to the Department’s submission requirements and what is acceptable supporting documentation. **While the department expects that this guide may not contemplate all unforeseen situations** (emphasis added), we hope that the information will provide an adequate foundation upon which you may build your understanding of the program requirements. Section 11.1(b) of the QAP deals with Due Diligence and Applicant Responsibility and it states in part the following:

“Department staff may, from time to time, make available for use by Applicants information and informal guidance in the form of reports, frequently asked questions, and responses to specific questions. . . . However, while these resources are offered to help Applicants prepare and submit accurate information, Applicants should also appreciate that this type of guidance is limited by its nature and that staff will apply the rules of the QAP to each specific situation as it is presented in the submitted Application. . . . **Notwithstanding the fact that these rules along with other Department resources may not contemplate unforeseen situations that may arise, the Department will apply a reasonableness standard to the evaluation of Applications for Housing Tax Credits** (emphasis added).

We are all aware that the TWDB was unwilling to provide any applicant this year with a letter which states that their development site was located in an EDA. Thus, TDHCA through the Multifamily Programs Procedural Manual inadvertently created an impossible evidentiary requirement which essentially nullified the priority that developments located in EDA’s are supposed to receive according to Chapter 2306, Subchapter F of the Texas Government Code (“the State Statute”). The State Statute clearly states that development sites located in EDA’s are supposed to receive priority points. Staff will argue that the only group with the authority to determine whether or not a development site is located in an EDA is the TWDB. Thus, if an Applicant was unable to obtain a letter from the TWDB stating that the development site was in an EDA, the Applicant should not receive any points for being in an EDA. This logic



completely ignores the fact that at no point has the TWDB, or for that matter any other party, said that our development site was not located in an EDA, only that TWDB was unwilling to provide a letter, and all evidence provided in good faith in our Application indicates that we are in fact located in an EDA. It is very apparent that this situation clearly would qualify as one of the unforeseen situations mentioned above that TDHCA could not contemplate at the time the QAP and Multifamily Programs Procedural Manual were adopted, and a reasonableness standard should be applied to this situation to determine if the documentation submitted was sufficient documentation submitted in good faith.

Prior to addressing the specific information provided in our Application, we feel that it is important to point out the disadvantage that applicants who are located in EDA's are placed in compared to other applicants who can pick up points for one of the three other options from §11.9(c)(6) Underserved Area points. Denying applications located in EDAs priority points inherently places them at a competitive disadvantage when we believe the intent of the State Statute was to prioritize Developments in these locations.

Attached to this letter is the information that we did provide to support our EDA points. Note that we did include a letter from the City of Laredo which specifically states that our development site is located in an EDA. One would think that a letter from the City of Laredo would be a reasonable alternative to a letter from the TWDB given that the City of Laredo is the recipient of the funds from the TWDB through the EDA program and would not have otherwise received funding from the TWDB EDA program if the City were not located in an EDA. Additionally, we provided a letter from State Representative Raymond, who represents most of the Laredo area because he is familiar with the EDA program and the funding provided to the City of Laredo through the EDA program, and he understands that the City would not have received funding from the EDA program unless the City were located in an EDA. Also, it is important to point out that our civil engineer has determined that our sanitary sewer lines drain into a water treatment plant that was paid for with funding from the TWDB.

We believe that the information submitted was sufficient documentation provided in good faith, and given that TWDB was unwilling to provide any letters stating that specific sites are located in EDAs, it was reasonable for us to provide documentation from the next best source, the City of Laredo, which receives the funding from TWDB for being in an EDA. Thus, it should be a reliable source to document whether or not a site is located in an EDA.

At a minimum, if Staff determines that our evidence does not warrant the two points for being in an EDA, surely the alternative evidence provided does not warrant the penalty point because Applicant provided the information in good faith. It would seem to be extremely unreasonable to apply the penalty point to the Application when alternative evidence was provided from a reliable source stating that the development site was in an EDA.

Thank you for your consideration of this matter.

Sincerely,

Brownstone Affordable Housing, Ltd., a Texas  
limited partnership

By: Three B Ventures, Inc., its general partner

By:   
Doak Brown, Vice President

cc: Mr. Cameron Dorsey  
Ms. Laura Llanes  
Mr. Apolonio Flores  
Ms. Leslie Holleman

# CITY OF LAREDO

## Water Utilities Department

5816 Daugherty  
Laredo, Texas 78041  
Ph. (956) 721-2000

March 1, 2013



P.O. Box 2950  
Laredo, Texas 78044  
Fax: (956) 721-2001

Tim Irvine, Executive Director  
Texas Department of Housing and Community Affairs  
P.O. Box 13941  
Austin, TX 78711-3941

**RE: TDHCA Application No. 13081 for River Bank Village in Laredo**

Dear Mr. Irvine,

The proposed property site for the River Bank Village development at 202 Aquero Boulevard in Laredo, Texas is located within the boundaries of an Economically Distressed Area. (See Exhibit "A").

This underserved area is identified as Webb County and the City of Laredo, both of which receive and benefit from routine Economically Distressed Areas Program (EDAP) project funding. Moreover, this underserved area has been identified by the Texas Water Development Board as meeting the criteria for an economically distressed area under Texas Water Code, §17.921. (See Exhibit "B").

On February 6, 2013, I attended the Rio Grande Regional Water Planning Group board meeting and personally met with our city's Texas Water Development Board regional representative, Connie Townsend. I was told that the TWDB would not issue any letters for any tax credit applications in 2013. It is for this reason that I am writing to confirm River Bank Village is indeed within the boundaries of an Economically Distressed Area.

If you have any questions or require further information, please feel free to contact me at the City of Laredo Utilities Department at your convenience. The direct number is (956) 721-2000.

Sincerely,

A handwritten signature in black ink, appearing to read "Tomas M. Rodriguez, Jr." with a stylized flourish at the end.

Tomas M. Rodriguez, Jr., Utilities Director / City of Laredo  
trodriguez@ci.laredo.tx.us



HOUSE COMMITTEE ON HUMAN SERVICES  
CHAIR



HOUSE COMMITTEE ON JUDICIARY  
AND CIVIL JURISPRUDENCE

**RICHARD PEÑA RAYMOND**  
STATE REPRESENTATIVE  
DISTRICT 42

February 25, 2013

Tim Irvine, Executive Director  
Texas Department of Housing and Community Affairs  
P.O. Box 13941  
Austin, TX 78711-3941

**RE: TDHCA Application No. 13081 for River Bank Village in Laredo**

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If you have any questions or require further information, please feel free to call the Texas Water Development Board at your convenience. Thank you. Feel free to contact me if you require further information at (956) 286-9500.

Sincerely,

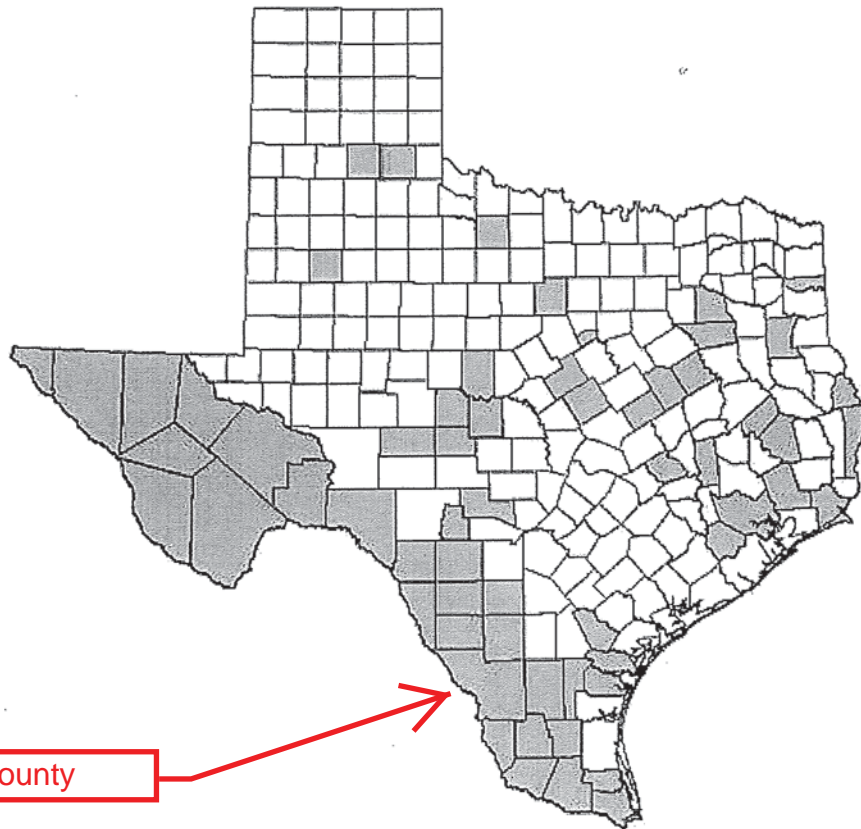
A handwritten signature in cursive script that reads "Richard Peña Raymond".

Richard Peña Raymond  
State Representative

# Economically Distressed Areas Program

→ Counties meeting Model Subdivision Rule requirements for EDAP eligibility as of November 30, 2012

## STATUS REPORT



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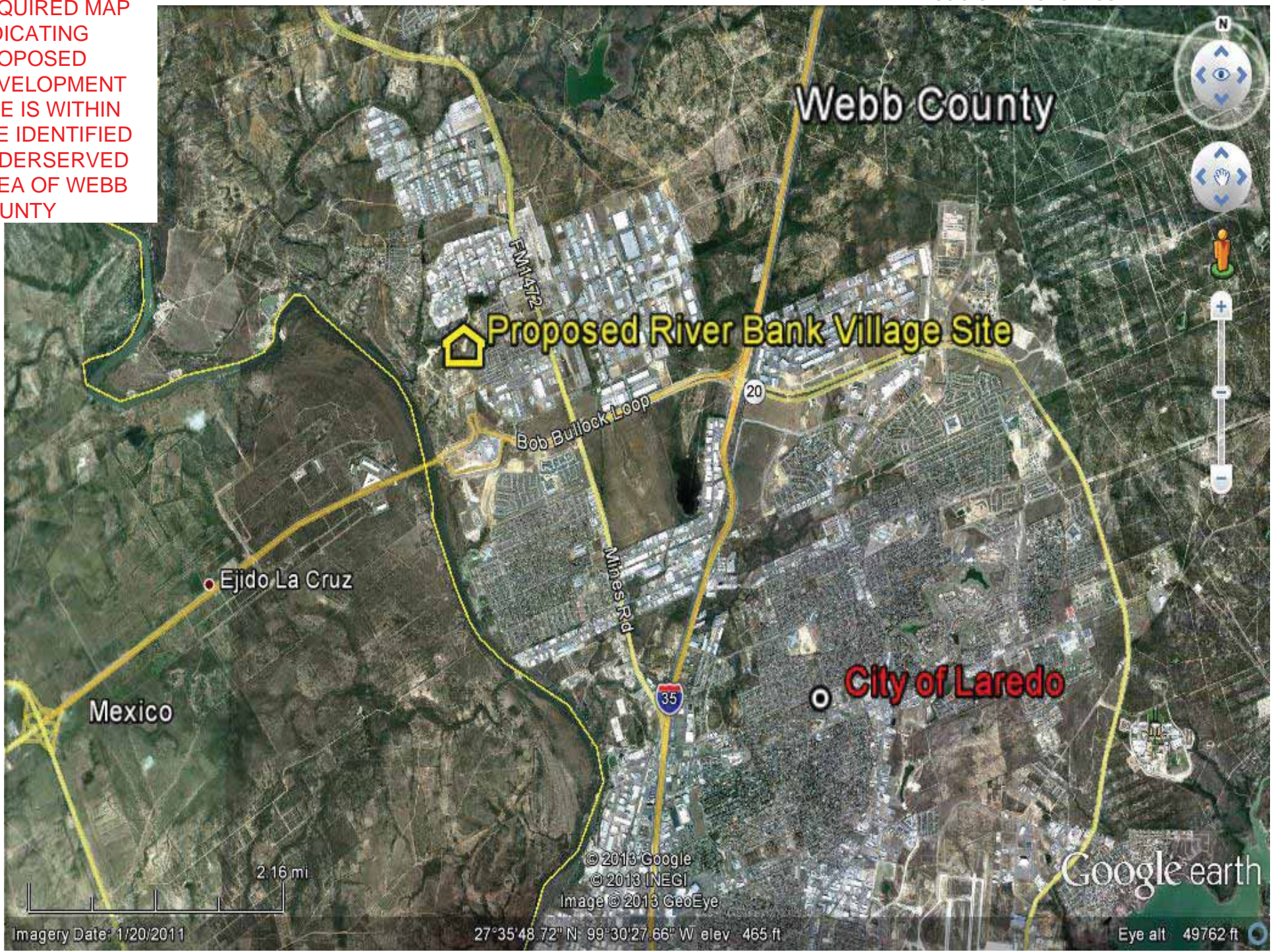
During this quarter (September 1, 2012 – November 30, 2012), no additional counties adopted Model Subdivision Rule requirements.



EXHIBIT "A"

MFFP - Rec'd 5/24/2013 4:35 PM - EH

REQUIRED MAP  
INDICATING  
PROPOSED  
DEVELOPMENT  
SITE IS WITHIN  
THE IDENTIFIED  
UNDERSERVED  
AREA OF WEBB  
COUNTY





**Economically Distressed Areas Program  
Status Report - November 30, 2012**

County	COMPLETED PROJECTS				UNDER CONSTRUCTION			PLANNING, ACQUISITION & DESIGN				TOTAL		
	Facility Plans & Design	Construction	EDAP Funding	Estimated Residents with Service Available	Under Construction	EDAP Funding	Estimated Population to benefit	PAD in Progress	EDAP Funding	Estimated Construction & Future Costs	Estimated Population to benefit	Total Projects	Total EDAP Funding	Total TWDB Assistance to these Projects
Bee County	1		\$5,240,967	1,019								3	\$5,240,967	\$5,600,967
Brewster County								1	\$290,000	\$1,210,000	6,053	1	\$290,000	\$290,000
Briscoe County								1	\$1,735,000	\$4,265,000	771	1	\$1,735,000	\$1,735,000
Burleson County								1	\$57,750	\$6,842,250	872	1	\$57,750	\$57,750
Cameron County	3	12	\$80,056,307	32,476	2	\$29,328,800	3,888					17	\$109,385,107	\$111,807,947
Coryell County	1	1	\$2,984,065	790								2	\$2,984,065	\$3,189,065
Dimmit County	1	3	\$5,724,605	2,830								4	\$5,724,605	\$5,724,605
Duval County	1		\$177,800									1	\$177,800	\$177,800
El Paso County	3	9	\$122,174,632	86,761	1	\$651,000	428	3	\$312,000	\$7,023,832	1,316	16	\$123,137,632	\$138,561,724
Frio County		1	\$1,958,960	579								1	\$1,958,960	\$1,958,960
Grimes County		1	\$6,250,000	711								2	\$6,485,000	\$6,485,000
Hall County								1	\$291,000	\$4,733,000	421	1	\$291,000	\$291,000
Harris County					1	\$10,936,094	1,583	1	\$986,000	\$8,536,172	567	2	\$11,922,094	\$11,922,094
Hidalgo County	12	29	\$150,039,653	73,939	1	\$5,139,000	1,109	2	\$3,754,000	\$141,835,641	9,616	44	\$158,932,653	\$206,425,579
Hudspeth County		2	\$5,258,999	2,330								2	\$5,258,999	\$5,258,999
Kerr County	1		\$51,750					1	\$242,500	\$15,661,309	2,115	2	\$294,250	\$2,154,250
Kinney County		1	\$417,079	66								1	\$417,079	\$417,079
La Salle County	1		\$25,686									1	\$25,686	\$25,686
Lynn County								1	\$239,000	\$1,878,500	3,096	1	\$239,000	\$239,000
Marion County	2		\$87,375									2	\$87,375	\$87,375
Maverick County	1	2	\$57,409,285	21,113				1	\$485,000	\$19,753,690		4	\$57,894,285	\$109,044,285
McCulloch County		1	\$4,699,000	1,150								1	\$4,699,000	\$4,699,000
Menard County								1	\$92,570	\$5,507,430	1,680	1	\$92,570	\$92,570
Newton County	1	1	\$15,240,978	3,795								2	\$15,240,978	\$22,285,978
Polk County								1	\$145,000	\$832,000	117	1	\$145,000	\$145,000
Real County								1	\$3,736,250		847	1	\$3,736,250	\$13,697,710
Reeves County		1	\$369,339	67								1	\$369,339	\$369,339
Sabine County	2	2	\$3,093,281	924								4	\$3,093,281	\$5,388,281
San Patricio County	1	5	\$15,896,278	4,387	1	\$2,493,000	336					7	\$18,389,278	\$23,566,278
Schleicher County	1		\$90,000									1	\$90,000	\$90,000
Somervell County								1	\$740,000	\$8,900,000	2,444	1	\$740,000	\$740,000
Starr County	2	4	\$41,541,469	28,414								6	\$41,541,469	\$51,281,469
Terrell County		1	\$4,256,175	1,128								1	\$4,256,175	\$4,256,175
Trinity County								1	\$250,500	\$2,168,000	1,057	1	\$250,500	\$250,500
Uvalde County	1	1	\$2,731,556	1,264								2	\$2,731,556	\$2,731,556
Val Verde County	1	2	\$15,322,173	4,159				1	\$460,000	\$8,865,286	251	4	\$16,322,173	\$16,322,173
Webb County	1	3	\$56,694,697	14,442								4	\$56,694,697	\$59,754,697
Willacy County	1	2	\$4,713,630	3,165								3	\$4,713,630	\$4,713,630
Zapata County		1	\$814,377	2,025								1	\$814,377	\$814,377
Zavala County	2	3	\$12,942,266	3,804	1	\$1,427,000	2,158					6	\$14,369,266	\$14,369,266
<b>Subtotal</b>	<b>40</b>	<b>90</b>	<b>\$616,802,381</b>	<b>291,338</b>	<b>7</b>	<b>\$49,974,894</b>	<b>9,502</b>	<b>20</b>	<b>\$14,051,570</b>	<b>\$242,777,110</b>	<b>31,624</b>	<b>157</b>	<b>\$680,828,845</b>	<b>\$837,022,163</b>
<b>STATE WATER PLAN EDAP:</b>														
Concho County					1	\$4,675,000	1,200					1	\$4,675,000	\$4,675,000
Palo Pinto County								1	\$4,800,000		14,644	1	\$4,800,000	\$8,000,000
Somervell County					1	\$13,574,000	2,444					1	\$13,574,000	\$32,435,000
Webb County		1	\$15,000,000	237,396								1	\$15,000,000	\$15,000,000
<b>Subtotal</b>		<b>1</b>	<b>\$15,000,000</b>	<b>237,396</b>	<b>2</b>	<b>\$18,249,000</b>	<b>3,644</b>	<b>1</b>	<b>\$4,800,000</b>		<b>14,644</b>	<b>4</b>	<b>\$38,049,000</b>	<b>\$60,110,000</b>
<b>TOTAL with SWP EDAP</b>			<b>\$631,802,381</b>			<b>\$68,223,894</b>			<b>\$18,851,570</b>			<b>161</b>	<b>\$718,877,845</b>	<b>\$897,132,163</b>

1. "Facility Plans & Design" includes Facility Planning Grants and other projects that completed planning or design but that did not complete construction.

2. The above figures reflect initial commitment amounts and have not been adjusted for actual funds expended. EDAP Funding amounts include EDAP's related programs: EDAP, Colonia Wastewater Treatment Assistance Program, Colonia Self Help, Community Self Help, EDAP Research and Planning, and one EDAP project funded through the Water Loan Assistance Fund.

3. "Estimated residents with service available" avoids double counting population when served by subsequent projects. I.e. Residents served by a water project and counted once, are not counted a second time when served by a later wastewater project. This in some ways undercounts project impact/benefit but avoids double counting population.

## Region M Regional Water Plan

1-28

Table 1.4: EDAP Counties

*Under Section 17.923 of the Water Code  
Texas Water Development Board*

Counties	Average Unemployment Rate 2006-2008 (%)	Percent Above State Rate	Average Per Capita Income 2006-2008 (\$)	Percent Below State Rate
Texas Average	4.7	n/a	36,940	n/a
Cameron	6.5	39.3	19,146	-48.2
Hidalgo	7.1	51.1	17,853	-51.7
Maverick	11.8	151.1	16,231	-56.1
Starr	11.4	142.6	13,464	-63.6
Webb	5.2	10.6	20,843	-43.6
Willacy	8.8	87.2	19,740	-46.6
Zapata	5.7	21.3	16,978	-54.0

United States Bureau of Labor Statistics 2008

According to the TWDB, seven out of the eight counties in Region M are labeled as EDAP Counties. Even though the urbanization of the region, it still has a long way to go before becoming as prosperous as other regions in Texas.

County	Project	Commit. Date	EDAP Planning/ PAD Funding	EDAP Construction Funding	Other TWDB Funding	Status	Completed PAD/ Construction Date	Residents with Service Available
<b>Val Verde</b>								
<b>Del Rio</b>								
	<u>10051 - Cienegas Terrace</u> Improve water service and first-time wastewater service .	7/93	\$23,606	\$3,508,710		Completed Construction	10/96	1,412
	<u>10052 - Val Verde Park Estates</u> Improve water service and first time wastewater service.	1/96	\$36,000	\$12,010,573		Completed Construction	8/04	2,747
<b>Val Verde County</b>								
	<u>10244 - Water &amp; Wastewater</u> Planning to provide water and wastewater services. Contract was terminated in January 2000.	5/96	\$283,284			Completed Facility Plan		
	<u>10369 - Lakeview Estates Water &amp; Wastewater</u> Planning to identify water and wastewater system needs to serve unincorporated areas. Currently, water service consists of private water wells and wastewater service consists entirely of septic tanks.	5/09	\$460,000			Completed Planning	8/12	
<b>Webb</b>								
<b>Laredo</b>								
	<u>10045 - Mines Road &amp; State Highway 359</u> Construct first-time water facilities in five unincorporated subdivisions in the Mines Road area north of Laredo, first-time water and wastewater facilities in ten unincorporated subdivisions along State Highway 359 east of the City, and install on-site septic systems in the Los Corralitos subdivision on Mines Road. A related project funded by the North American Development Bank provided wastewater collection facilities along Mines Road and expanded the City's Columbia Bridge WWTP.	8/00	\$197,202	\$26,853,202		Completed Construction	2/12	4,222
	<u>10409 - Municipal Water Rights</u> Fund the purchase of irrigation water rights from public and private owners and convert them to municipal water rights. This is a recommended water management strategy in the 2007 State Water Plan.	9/09		\$15,000,000		Completed	10/11	
<b>Webb County</b>								
	<u>10199 - Larga Vista Collection System</u> A wastewater collection system for first-time service. Additional funding provided by Webb County.	1/96		\$1,570,120		Completed Construction	3/99	544
	<u>10201 - Southwest Webb County - Rio Bravo/El Cenizo</u> Provide improved water and wastewater service, including looping water lines and expanded water line replacement work. Additional funding provided by Webb County and TDRA.	7/99	\$75,000	\$27,927,923	\$3,060,000	Completed Construction	3/10	9,676
	<u>10342 - SH 59 Water &amp; Wastewater</u> Planning to provide first-time water and wastewater service. Additional funding and in-kind services provided by Webb County and the BECC.	8/01	\$71,250			Completed PAD		

Serenity Place Apartments (#13124), Dallas

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Timely Filed Appeals under any of the Department's Program or Underwriting rules

**RECOMMENDED ACTION**

**WHEREAS**, a 2013 competitive housing tax credit Application was submitted for Serenity Place (#13124) in Urban Region 3; and

**WHEREAS**, staff terminated the Application because it did not meet the site control requirements of §10.204(9)(B) of the Uniform Multifamily Rules; and

**WHEREAS**, the Applicant appealed the termination and requests that the Board reinstate the Application.

**NOW, therefore, it is hereby**

**RESOLVED**, the Applicant's appeal of the termination of Serenity Place (#13124) is denied.

**BACKGROUND**

The Housing Tax Credit Application for Serenity Place was submitted in Urban Region 3 and subsequently was reviewed by staff. During that review, staff issued approximately 22 Administrative Deficiencies relating to site control issues to the Applicant. Pursuant to §10.204(9) of the Uniform Multifamily Rules ("Rules"), as part of the full tax credit Application the Applicant was required to provide evidence that it had the ability to compel legal title to a developable interest in the Development Site. One of the acceptable methods of establishing Site Control is a contract for a ground lease, allowing for development, with a minimum term of forty-five (45) years. Such a lease must be valid during the entire period the Development is under consideration for Department funding. The continuing review of this Application revealed that although the Applicant, by way of several different contracts and resolutions from the City of Dallas, eventually obtained site control in the form of an ability to require the City of Dallas to enter into a lease with a 35 year term, the approved lease document failed to provide for the 45 year lease term required by rule. Accordingly the Application was terminated.

This is a complex transaction, and the details of the documentation submitted both in the original Application and throughout the deficiency process are provided in the chart below. For purposes of this table, "City" refers to the City of Dallas and "CWCDC" refers to City Wide Community Development Corporation, sole member of the General Partner of the Applicant.



<b>Date of Document</b>	<b>Title of Document</b>	<b>Assessment of Information included in Document</b>
Various dates in 2012	Purchase Contracts	Contracts for CWDC to purchase various lots from various third party sellers.
December 12, 2012	Resolution 12-3075	Authorized City to execute Assignment of Purchase and Sale and Option to Develop.
December 12, 2012	Assignment of Purchase and Sale Agreement and Option to Develop (“Assignment”)	Assigned all Purchase Contracts to the City and indicates that the City and CWDC intend to enter into a reacquisition agreement or lease. Assignment can be terminated by City if CWDC does not secure financing (i.e. HTC award). Assignment can be terminated by CWDC if reacquisition/lease agreement cannot be reached.
February 27, 2013	Resolution 13-0459	Authorized City to execute a 35-year land lease with CWDC. (Note that §10.204(9)(B) requires a minimum 45 year term.)
March 1, 2013	Letter from City of Dallas	Letter submitted in Application as evidence of Commitment of Funding from a Unit of General Local Government which indicates that the City has agreed to a 35-year land lease.
April 11, 2013	Letter from City of Dallas	Submitted in response to an administrative deficiency notice, indicates that the City of Dallas will extend the term of the lease to 55 years by August 1, 2013
April 24, 2013	Draft of Development and Reacquisition Agreement – Contract for Lease	Submitted after administrative deficiency notice sent by staff as an example of the contract that will be executed at a later date. The draft was not included as an attachment to any other document and was not executed but does indicate a 55-year land lease.
April 29, 2013	Letter from City of Dallas	Submitted in response to an administrative deficiency notice, it references resolution 13-0459 and indicates that extension of the lease term to 45 years will be considered at the May 22 city council meeting.
No date	Letter from City of Dallas	Included in the appeal, this letter represents inclusion of an Exhibit C to the Assignment. Exhibit C indicates intent to agree to a 55-year lease term.

This documentation taken as a whole indicated that the CWDC could only compel the City of Dallas to enter into a 35-year lease. The attachment of Exhibit C, which was included in the appeal documentation, is the only piece of documentation that indicated an intention on the part of the City of Dallas (agreement to agree) to enter into a 55-year lease. However, this was not included in the original Application and it is unclear when this attachment was made part of that Assignment. Further, there is

compelling evidence that in fact the City of Dallas had only approved a 35 year term as of the date of the termination, May 3, 2013, and as of the date of the Executive Director's response to the Applicant's initial appeal, May 21, 2013.

Since the Executive Director's denial of the initial appeal, the Applicant has provided evidence that a lease term of at least 45 years was approved by city council on May 22, 2013. However, at the time of the termination and the Executive Director's appeal denial the Applicant had not submitted the documentation required by §10.204(9)(B) of the Rules.

The Applicant's appeal states that had the Applicant been afforded additional time to cure an Administrative Deficiency that was issued regarding the site control documents submitted with the Application, that it is possible that the additional documentation requested by staff, namely a resolution from the City of Dallas, could have been obtained in time for staff to accept the documentation as satisfactory during the review process. This was first based on Applicant's assumption that it could have requested a 30 day extension of the administrative deficiency response deadline. However, no extension was requested by the Applicant, and, had it been requested, pursuant to §11.2 of the QAP, a maximum of 5 business days could have been granted. The deficiency response in question was originally due on April 30, 2013. Therefore, had an extension been requested and subsequently granted, the Applicant would have had until May 7, 2013, to provide the necessary documentation to evidence site control. However, the initial appeal, dated and received by the Department on May 10, 2013, did not include the required information.

The Applicant modified their appeal after realizing that a 30 day extension was not an option and included, in a subsequent appeal to the Board, a letter from city council member Carolyn Davis stating that a special meeting could have been called to amend the city's resolution and approve the minimum 45-year lease term required by the QAP. While this may be true, it is not the responsibility of Department staff to direct Applicants to request extensions. It is also not the responsibility of staff to contact city officials but only to correspond with Applicants and the contacts/consultants listed in the Application when in the process of reviewing Applications and resolving Administrative Deficiencies. What is not included in the Applicant's appeal is detail regarding several phone conversations between the Applicant's consultant and staff. It was made clear to staff in such a phone conversation that no additional documentation could be obtained to resolve the Administrative Deficiency surrounding this site control issue. Staff's email confirming receipt of the materials that were submitted in response to the deficiency stated that, "...also per our conversation we still do need to determine whether or not the site control requirements in the rules have been met." It was also made clear in those phone conversations that the documentation submitted would be reviewed but that if it did not meet the requirements of the rule that the Application would be subject to termination. The email from staff, when taken in context of the phone conversations, was to effectively acknowledge that no additional documentation would be submitted but that staff had what was necessary to finalize a position on site control deficiencies.

The appeal also states that the Applicant believes that they had met the requirements of §10.204(9) of the Rules. However, staff believes the Applicant failed to meet the requirements of the Rules at any time during the review process, including at Application submission, at the time multiple deficiencies were issued, at the time the Application was terminated, and at the time the termination was initially appealed. Staff recommends denial of the appeal.





## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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Lowell A. Keig  
J. Mark McWatters

May 3, 2013

*Writer's direct phone # 512-475-2213  
Email: [cameron.dorsey@tdhca.state.tx.us](mailto:cameron.dorsey@tdhca.state.tx.us)*

Mr. Sherman Roberts  
City Wide Serenity Place Apartments, L.P.  
3730 S. Lancaster Road, Suite 100  
Dallas, Texas 75216

RE: TERMINATION OF APPLICATION #13124, SERENITY PLACE, DALLAS, TEXAS

Dear Mr. Roberts:

Pursuant to the 2013 Qualified Allocation Plan ("QAP") §10.204(9), as part of the full tax credit Application the Applicant must provide evidence that it has the ability to compel legal title to a developable interest in the Development Site. One of the methods of establishing Site Control, per §10.204(9)(B)(ii) of the QAP is a contract for lease with a minimum term of forty-five (45) years, which is valid for the entire period the Development is under consideration for Department funding. The Application for Serenity Place submitted Site Control documentation in the form of several purchase contracts for several different tracts of land, along with an executed assignment agreement which applied to all of the contracts. Per the assignment agreement, the assignee, the City of Dallas, gained control of all of these tracts of land. The Applicant also submitted a resolution from the City of Dallas that included an approval to enter into a 35-year lease with the Applicant. It is ultimately this resolution that gives the Applicant the ability to compel title. However, the approved lease document fails to provide for a 45 year lease term, as clearly required by the rule.

Pursuant to §10.201(7) of the Uniform Multifamily Rules, staff issued an Administrative Deficiency and gave the Applicant the opportunity to cure this issue. However, the Applicant was unable, during the regular five (5) day cure period, to provide evidence that the Site Control requirements had been satisfied. Although staff did receive a letter from the City of Dallas indicating the intent to approve a longer term lease at the next city council meeting, the approval in place at this time is for only 35 years. After seven (7) days, §10.201(7)(A) requires that the Application be terminated. Should the Board consider reinstating the Application upon any appeal, the Board may also need to consider whether the 10 points that are required to be deducted prior to termination (*i.e.* 5 points for day six and 5 points for day seven) should be reinstated as well.

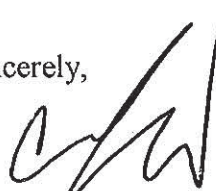


For the above stated reasons, the Application for Serenity Place is hereby terminated.

An appeals process exists for the Housing Tax Credit Program. The restrictions and requirements relating to the filing of an appeal can be found in §10.902 of the 2013 Uniform Multifamily Rules. Should you choose to appeal this decision, you must file your appeal, in writing, with the Department not later than seven (7) calendar days after the date the Department publishes the results of any stage of the Application or otherwise notifies the Applicant of a decision subject to appeal. **The appeal deadline for this decision is 5:00 PM CST on May 10, 2013.** The Executive Director may respond not later than fourteen (14) calendar days after the date of actual receipt of the appeal by the Department. If you are not satisfied with the decision of the Executive Director, you may file a further appeal with the Board of Directors of the Texas Department of Housing and Community Affairs. Please review §10.902 of the 2013 Uniform Multifamily Rules for full instructions on the appeals process.

If you have any questions or concerns, please contact me at 512-475-2213 or by email at [cameron.dorsey@tdhca.state.tx.us](mailto:cameron.dorsey@tdhca.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'CD', is written over the printed name and title.

Cameron Dorsey  
Director, Multifamily Finance

May 10, 2013

Tim Irvine  
Executive Director  
Texas Department of Housing & Community Affairs  
P. O. Box 13941  
221 East 11th Street  
Austin, Texas 78711-3941

***Via Federal Express Overnight  
and via Fax: 800.733.5120 and  
email: Tim.Irvine@tdhca.state.tx.us***

Re: Appeal of Termination of Application #13124, Serenity Place, Dallas, Texas

Dear Mr. Irvine:

This letter is a formal appeal of the termination letter from TDCHA to Sherman Roberts with respect to the referenced application (the "Application"), such termination letter being dated May 3, 2013 attached hereto (the "Termination Letter") (attached hereto).

The reason stated in the Termination Letter is that the Applicant submitted a resolution from the City of Dallas that included an approval to enter into a 35-year lease with the Applicant.

First, the Applicant responded to the Administrative Deficiency notice in 4 days, submitting a letter from Jerry Killingsworth, Housing Director of the City of Dallas, to Jean Latsha dated April 29, 2013 indicating that the City Council would approve an extension of the lease to 45 years (enclosed). Furthermore, Bernadette Mitchell with the City of Dallas spoke to Ms. Latsha before the end of the five (5) day Administrative Deficiency cure period, and Ms. Latsha indicated to Ms. Mitchell that an executed lease would not be required at this time. Furthermore, Ms. Latsha indicated to the Applicant that the Administrative Deficiency was satisfied unless further notice was provided. The Applicant justifiably assumed that this exchange between TDHCA, the Applicant and the City resolved the Administrative Deficiency, and there was no further notice from TDHCA until the issuance of the Termination Letter indicating that the prescribed course of action was not sufficient to resolve the Administrative Deficiency. Had TDHCA so notified the Applicant, we would have immediately requested under Section 10.4 that the Administrative Deficiency deadline be extended for 30 days, given that the documentation needed to address the item was coming from a "Third Party" – i.e., the City and the need for a Termination Notice would have been avoided. The Applicant and the City of Dallas have not been afforded this opportunity to respond as no notice was given, prior to the Termination Letter, that the materials submitted and the procedures outlined therein, were not sufficient to address TDHCA's concerns.

In addition, the Termination Letter failed to take into account the following:

1. Site control under Section 10.204(9) of the QAP is not really determined by the City Council resolution, but instead – as is relevant to this case – by a contract for lease. The City Council resolution is similar to a corporate resolution that



would be part of the closing documents for a land sales contract, showing the corporate authority of the selling entity to execute the agreements, and is not required by the QAP or the rules. TDHCA's focus on the City Council resolution has off-centered TDHCA, the Applicant and the City of Dallas on focusing on the resolution, whereas the real issue is whether the Applicant has a contract for lease. Notwithstanding that the resolution is not relevant to the issue of site control, the enclosed City Council resolution dated December 12, 2012 granted the City authority to enter into the Assignment of Purchase and Sale and Option to Develop agreement.

2. Furthermore, and more to the issue, Article II, Section 1 of the "Assignment of Purchase and Sale Agreement and Option to Develop" (the "City/Applicant Agreement") submitted with the Application is a contract for lease. Unfortunately, the City in executing the City/Applicant Agreement neglected to attach Exhibit C, which was intended to set forth the terms of the ground lease of the property. The Applicant and the City both understood the need to meet TDHCA's minimum requirements, and had discussed prior to executing that City/Applicant Agreement the need, for tax credit purchaser/investor purposes, for the lease to be at least 55 years and for the rent under the lease to be \$10/year. The City/Applicant Agreement only allows City Wide (and not the City) to terminate the City/Applicant Agreement in the event that parties cannot agree on the terms of the lease or reacquisition of the Property, such that the City is bound to the agreement to lease the Property to the Applicant. Notwithstanding the foregoing, to clarify the situation the City and the Applicant have now executed the enclosed letter, with the attached Exhibit C, indicating that the intent of the parties from the inception of the transaction was for the lease to be for 55 years at \$10 per year.<sup>1</sup>

A bit of background on the history of site control in this case may also be helpful. One of the issues facing non-profits as they prepare for developing an affordable housing transaction, particularly on inner-city urban infill sites, is the need to secure site control over a block of individual lots. This is a time consuming and difficult process, often taking several years and negotiations with a numerous landowners, and the uncertainties in financing (including low income housing tax credits) for development in these areas frequently results in the non-profits being required to "warehouse" land for a number of years. As the lengthy site control information submitted with the Application indicated, City Wide initially contracted to acquire all of the sites for this particular project, and thus had site control. However, Texas' ad valorem tax rules require that non-profits pay property taxes on these sites until such time as they are developed, a burden that City Wide was trying to avoid. Working with the local City Councilperson, to eliminate this interim tax burden the Applicant was successful in securing the agreement of the City of Dallas Housing Department to hold the land in the interim. This step was taken explicitly for the purpose of the City holding the land for development by City Wide – thus the "option to develop" portion of the City/Applicant Agreement allowing City Wide until December 12, 2015 to secure financing for the development of these tracts.

---

<sup>1</sup> The original discussions with the City called for a 55 year lease. The City Council resolution erroneously stated a 35 year term for the lease, and interim discussions between TDHCA, the City and the Applicant have called for a 45 year term for the lease. In the letter, the City has reaffirmed its intent to enter into a 55 year lease.

Mr. Tim Irvine  
May 10, 2013  
Page 3

In summary, the totality of the agreements is that City Wide had site control, ceding same to the City of Dallas only for the purpose of allowing the City to hold the property in the interim so as not to increase the holding costs of the property and ultimate total development costs of the project, which would have had the net effect of reducing the affordability of the project to lower income persons. Neither City Wide nor the City of Dallas intended to eliminate City Wide's site control – in fact the opposite was true, this arrangement was meant to continue site control and to facilitate City Wide's ability to develop affordable housing at this site, with financing from the TDHCA low income housing tax credit program.

Given the foregoing, the Applicant hereby requests that the Executive Director grant this appeal and reinstate the Application. Furthermore, given that the City and TDHCA corresponded prior to the deadline, with no notice to the Applicant that the materials submitted were not sufficient, and given the Applicant's and City of Dallas' continued diligence in addressing this issue, the Applicant requests that it not be penalized any points with respect to its Application.

Sincerely,



Robert H. Voelker

**Attachments:**

1. Termination Letter
2. Letter from Jerry Killingsworth to Jean Latsha dated April 29, 2013
3. December 12, 2012 resolution
4. Letter from City / City Wide with Exhibit C

C: Cameron Dorsey (via email [Cameron.Dorsey@tdhca.state.tx.us](mailto:Cameron.Dorsey@tdhca.state.tx.us))  
Ellen Rourke (via email)  
Will Henderson (via email)  
Sherman Roberts (via email)

RHV:jp





## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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Lowell A. Keig  
J. Mark McWatters

May 3, 2013

*Writer's direct phone # 512-475-2213*  
*Email: [cameron.dorsey@tdhca.state.tx.us](mailto:cameron.dorsey@tdhca.state.tx.us)*

Mr. Sherman Roberts  
City Wide Serenity Place Apartments, L.P.  
3730 S. Lancaster Road, Suite 100  
Dallas, Texas 75216

RE: TERMINATION OF APPLICATION #13124, SERENITY PLACE, DALLAS, TEXAS

Dear Mr. Roberts:

Pursuant to the 2013 Qualified Allocation Plan ("QAP") §10.204(9), as part of the full tax credit Application the Applicant must provide evidence that it has the ability to compel legal title to a developable interest in the Development Site. One of the methods of establishing Site Control, per §10.204(9)(B)(ii) of the QAP is a contract for lease with a minimum term of forty-five (45) years, which is valid for the entire period the Development is under consideration for Department funding. The Application for Serenity Place submitted Site Control documentation in the form of several purchase contracts for several different tracts of land, along with an executed assignment agreement which applied to all of the contracts. Per the assignment agreement, the assignee, the City of Dallas, gained control of all of these tracts of land. The Applicant also submitted a resolution from the City of Dallas that included an approval to enter into a 35-year lease with the Applicant. It is ultimately this resolution that gives the Applicant the ability to compel title. However, the approved lease document fails to provide for a 45 year lease term, as clearly required by the rule.

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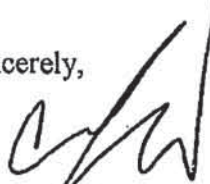


For the above stated reasons, the Application for Serenity Place is hereby terminated.

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If you have any questions or concerns, please contact me at 512-475-2213 or by email at [cameron.dorsey@tdhca.state.tx.us](mailto:cameron.dorsey@tdhca.state.tx.us).

Sincerely,



Cameron Dorsey  
Director, Multifamily Finance





April 29, 2013

Jean Latsha  
Competitive Tax Credit Program Manager  
Texas Dept. of Housing & Community Affairs  
P.O. Box 13941  
Austin, TX 78711-3941

Sherman Roberts, President  
3739 S. Lancaster Suite 100  
Dallas, TX 75216

Re: Land Lease- Serenity Place Apartments – 3124 Denley- File #13124

Dear Ms. Latsha:

The City of Dallas (“City”), as per City Council Resolution #130459, has approved a long-term land-lease agreement with City Wide Serenity Place Apartments, LP (Developer) for City of Dallas owned property related to this project development conditioned upon the success of the applicant to secure other project approvals, including but not limited to Low Income Housing Tax Credits.

On May 22, 2013, the Dallas City Council will take action to approve an extension of the long-term lease to forty-five years as per TDHCA’s requirements.

If you need additional information, please contact Bernadette Mitchell, Assistant Director, at (214) 670-3619.

Sincerely,

A handwritten signature in cursive script that reads 'Jerry Killingsworth'.

Jerry Killingsworth, Director  
Housing/Community Services Department

- c: Cameron Dorsey, Multifamily Housing Director, TDHCA  
Bernadette M. Mitchell, Assistant Director, Housing/Community Services Department  
Etoria Anderson, Coordinator IV, Housing/Community Services Department

**Memorandum**

301  
CITY SECRETARY  
DALLAS, TEXAS



DATE December 20, 2012

TO Rosa A. Rios  
City Secretary

SUBJECT Correction to City Council Resolution #12-3075  
Lancaster Kiest Redevelopment Project

The purpose of this memo is to correct the OBJ code for encumbrance under City Council Resolution #12-3075 dated December 12, 2013 as follows:

**FROM:**

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>Amount</u>	<u>PROGRM#</u>
1T52	HOU	T807	<b>4210</b>	HOUT808C677	\$408,880	HOULANC01
1T52	HOU	T807	<b>4210</b>	HOUT808C677	\$ 4,325	HOULANC01
1T52	HOU	T807	<b>4210</b>	HOUT808C677	\$ 36,795	HOULANC01

**TO:**

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>AMOUNT</u>	<u>PROGRM#</u>
1T52	HOU	T807	<b>3015</b>	HOUT808C677	\$408,880	HOULANC01
1T52	HOU	T807	<b>3015</b>	HOUT808C677	\$ 4,325	HOULANC01
1T52	HOU	T807	<b>3015</b>	HOUT808C677	\$ 36,795	HOULANC01

Please contact Jimmy L. Bryan at 670-5110 if you have questions or need additional information. Thank you for your assistance.

Jerry Killingsworth, Director  
Housing/Community Services Department

Attachment

*RAR 12/29/12*

**Memorandum**

CITY SECRETARY  
DALLAS, TEXAS



DATE December 27, 2012  
TO Rosa A. Rios  
City Secretary  
SUBJECT Correction to City Council Resolution #12-3075  
Lancaster Kiest Redevelopment Project

The purpose of this memo is to correct the Fund code for encumbrance under City Council Resolution #12-3075 dated December 12, 2013 as follows:

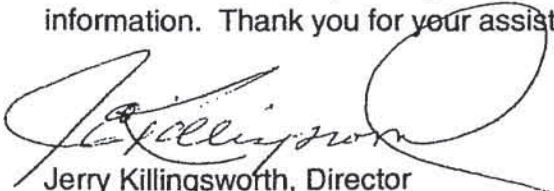
**FROM:**

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>Amount</u>	<u>PROGRM#</u>
1T52	HOU	T807	3015	HOUT808C677	\$ 4,325	HOULANC01
1T52	HOU	T807	3015	HOUT808C677	\$ 36,795	HOULANC01

**TO:**

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>AMOUNT</u>	<u>PROGRM#</u>
7T52	HOU	T807	3015	HOUT808C677	\$ 4,325	HOULANC01
8T52	HOU	T807	3015	HOUT808C677	\$ 36,795	HOULANC01

Please contact Jimmy L. Bryan at 670-5110 if you have questions or need additional information. Thank you for your assistance.

  
Jerry Killingsworth, Director  
Housing/Community Services Department

Attachment

*RAR 12/28/12*

**Memorandum**

2012 DEC 13 11:53  
CITY SECRETARY  
DALLAS, TEXAS



DATE December 13, 2012

TO Rosa A. Rios  
City Secretary

SUBJECT Correction to City Council Resolution #12-3075  
Lancaster Kiest Redevelopment Project

The purpose of this memo is to correct the encumbrance number under City Council Resolution #12-3075 dated December 12, 2013 as follows:

**FROM:**

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>Amount</u>	<u>PROGRM#</u>
9T52	HOU	T808	4210	<b>HOUT808C677</b>	\$2,950,000	HOULANC01

**TO:**

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>Amount</u>	<u>PROGRM#</u>
9T52	HOU	T808	4210	<b>HOUT808C677A</b>	\$2,950,000	HOULANC01

Please contact Jimmy L. Bryan at 670-5110 if you have questions or need additional information. Thank you for your assistance.

Jerry Killingsworth, Director  
Housing/Community Services Department

Attachment

*REC 12/14/12*  
*RF 12/14*



**WHEREAS**, on August 9, 2006, the City Council approved an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements; and

**WHEREAS**, on November 7, 2006, the voters of Dallas approved a \$1.35 billion General Obligation Bond Program of which \$41,495,000 was set aside for the purpose of providing funds for promoting economic development in the Southern area of the city, and promoting economic development in other areas of the city in connection with transit-oriented development; and

**WHEREAS**, on December 12, 2007, the City Council approved an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas; and

**WHEREAS**, City Wide CDC is under contract with multiple property owners for the purchase of their property (Property) for the use in this redevelopment and has requested that the City accept assignment of CWCDC's purchase rights and proceed with the acquisition of the Property in order to secure it for redevelopment, pending additional financing for the construction of each phase; and

**WHEREAS**, the acquisition and redevelopment of the Property will further the City's goals for economic development in the Southern Sector; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager, upon approval as to form by the City Attorney, is authorized to: (1) execute an Assignment of Purchase and Sale and Option to Develop Agreement with City Wide Community Development Corporation for the property associated with the Lancaster/Kiest Project; (2) to acquire the Lancaster/Kiest improved and unimproved properties for their redevelopment as commercial, retail, and affordable housing, including associated closing costs, not to exceed \$2,950,000; and (3) execute an economic development loan in the amount of \$450,000 at 0% interest to City Wide Community Development Corporation for acquisition of improved and unimproved properties, including associated closing costs, relocation, environmental, and predevelopment costs.

**SECTION 2.** That the Assignment of Purchase and Sale and Option to Develop Agreement provides that the City and CWCDC will have 90 days after the City closes on the Property to exercise diligent, good faith efforts to enter into a development agreement and lease for the Property on terms that are acceptable to both parties. CWCDC will have the right to extend the 90-day period until December 12, 2015.

**SECTION 3.** That for the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

"PROJECT": CWCDC- Lancaster/Kiest (economic development project)

"PROPERTY": Described in Exhibit A, attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Fee Simple

All of the above PROPERTY being located in the City of Dallas, Dallas County, Texas.

**SECTION 4.** That it is hereby determined that public necessity requires that the CITY should acquire the PROPERTY INTEREST under, over and across the PROPERTY necessary for the PROJECT.

**SECTION 5.** That the PROPERTY is hereby determined to be necessary for the PROJECT. That for the purpose of acquiring the PROPERTY INTEREST, the City Manager or a designee, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY to be acquired and full damages allowable by law, which amount represents its fair cash market value.

**SECTION 6.** That the CITY determines to appropriate the PROPERTY INTEREST under, over and across the PROPERTY for the PROJECT under the provisions of the Charter of the City of Dallas.

**SECTION 7.** That in the event the owner accepts the offer amount as authorized herein, the City Controller is authorized to draw a warrant in favor of the owner, or the then current owner of record, in the offer amount payable from the funding as shown below, for the properties shown on Exhibit A.

Republic Title Company

VENDOR # 342843

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>AMOUNT</u>	<u>PROGRAM#</u>
9T52	HOU	T808	4210	HOUT808C677	\$2,950,000	HOULANC01



**SECTION 8.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and applicable closing costs

**SECTION 9.** That the Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the contracts as follows:

City Wide Community Development Corp. Vendor #VS0000026872

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>AMOUNT</u>	<u>PROGRAM#</u>
1T52	HOU	T807	4210	HOUT808C677	\$408,880	HOULANC01
7T52	HOU	T807	4210	HOUT808C677	\$ 4,325	HOULANC01
8T52	HOU	T807	4210	HOUT808C677	\$ 36,795	HOULANC01

**SECTION 10.** That the City Controller is hereby authorized to set up receivable balance sheet account (033F) and an allowance for uncollectible debt (022D) in fund 9T52 for the amount of the loan.

**SECTION 11.** That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available bond funding, and there will be no liability or obligation on the City until final contract documents are approved, executed and final closing completed.

**SECTION 12.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY  
CITY COUNCIL  
  
DEC 12 2012  
  
*Eric A. Davis*  
City Secretary



123075

EXHIBIT A

City Wide Community Development Corporation  
Lancaster/Kiest Project  
THE PROPERTY

3011 South Lancaster Road, Dallas, Texas 75216  
BrightsideBLK C/3890 N. ½ LT 15 ACS 0.0717 CALC

3013 South Lancaster Road, Dallas, Texas 75216  
BrightsideBLK D/3891 LT 8 less DART ACS 0.1874 CALC

3015 South Lancaster Road, Dallas, Texas 75216  
BrightsideBLK D/3890 LT 16 & /a ½ LT 15 & N ½ LT 17 ACS 0.2909 CALC

3023 South Lancaster Road, Dallas, Texas 75216  
Brightside BLK C/3890 LT 18 & PT LT 17 ACS 0.2237 CALC

3025 South Lancaster Road, Dallas, Texas 75216  
Brightside BLK C/3890 LTS 19 & 20 less DART ACS 0.3093 CALC

3103 South Lancaster Road, Dallas, Texas 75216  
BrightsideBLK D/3891 LT 8 less DART ACS 0.1874 CALC

3107 South Lancaster Road, Dallas, Texas 75216  
BrightsideBLK D/3891 Lot 9 ACS 0.191 AC

3111 South Lancaster Road, Dallas, Texas 75216  
BrightsideBLK D/3891 Lot 10 ACS 0.204 AC

3115 South Lancaster Road, Dallas, Texas 75216  
Brightside BLK D/3891 Lot 12 less DART ACS 0.2387 CALC

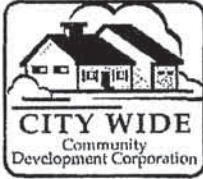
3115 South Lancaster Road, Dallas, Texas 75216  
BrightsideBLK D/3891 Lot 11 less DART

3122 South Lancaster Road, Dallas, Texas 75216  
BrightsideBLK D/3891 LT 13 & PT LT 14 less DART ACS 0.2552 CALC

3123 South Lancaster Road, Dallas, Texas 75216  
BrightsideBLK D/3891 LT 13 & PT LT 14 less DART ACS 0.2552 CALC

3022 S. Denley Drive, Dallas, Texas 75216  
BrightsideBLK C/3890 LT 6

3124 Denley Drive, Dallas, Texas 75216  
BrightsideBLK D/3891 LT 7 BLK 1/2054 LT 2



3730 S. Lancaster Rd., Suite 100 • Dallas, TX. 75216 • Ph: 214.371.0888 • Fx: 214.371.8633

Sherman Roberts  
City Wide Community Development Corporation  
3730 S. Lancaster Road  
Suite 110  
Dallas, Texas 75218

RE: Exhibit to Assignment of Purchase and Sale Agreement and Option to Develop dated December 12, 2012 by and between City Wide Community Development Corporation and the City of Dallas, Texas (the "City Wide/City Agreement")

Dear Mr. Roberts:

The purpose of this letter is to clarify the intent of City Wide Community Development Corporation and the City of Dallas, Texas as to Exhibit C to the City Wide/City Agreement. which the parties neglected to attach to the agreement.

The parties hereby acknowledge and agree that prior to entering into the City Wide/City Agreement the parties discussed and agreed that Exhibit C would provide for a ground lease of the Property for 55 years, with an annual rent of \$10/year. Accordingly, the parties agree that Exhibit C attached hereto is and shall be Exhibit C to the City Wide/City Agreement.

City Wide Community Development Corporation,  
a Texas not-for-profit corporation

By: Sherman Roberts  
Sherman Roberts, President

City of Dallas  
Mary K. Suhm  
City Manager

By: Ryan S. Evans  
Ryan S. Evans, Assistant City Manager

*"Revitalizing the Lancaster Corridor"*

**EXHIBIT C**

Term	Ground Lease for Fifty-five (55) years
Rental Payment	\$10.00 payable annually on each anniversary of the Ground Lease



## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Rick Perry  
GOVERNOR

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Leslie Bingham-Escareño  
Lowell A. Keig  
J. Mark McWatters

May 21, 2013

Writer's direct phone # 512.475.3296  
Email: [tim.irvine@tdhca.state.tx.us](mailto:tim.irvine@tdhca.state.tx.us)

Robert H. Voelker  
Munsch Hardt Kopf & Harr P.C.  
3800 Lincoln Plaza  
500 N. Akard Street  
Dallas, Texas 75201-6659

(via email to: [rvoelker@munsch.com](mailto:rvoelker@munsch.com))

RE: APPEAL OF TERMINATION OF APPLICATION #13124, SERENITY PLACE, DALLAS, TEXAS

Dear Mr. Voelker:

We have received your letter dated May 10, 2013 appealing the termination of Application #13124, Serenity Place, located in Dallas, Texas. The Application was terminated by staff because it did not meet the requirements of §10.204(9)(B) of the Uniform Multifamily Rules ("Rules")(10 TAC §10.204(9)(B)) related to Site Control. The appeal first states that had the Applicant been afforded additional time to cure an Administrative Deficiency that was issued regarding the site control documents submitted with the Application, that it is possible that the additional documentation requested by staff, namely a resolution from the City of Dallas, could have been obtained. This is based on Applicant's assumption that it could have requested a 30 day extension of the administrative deficiency response deadline. However, no extension was requested by the Applicant, and, had it been requested, pursuant to §11.2 of the Qualified Allocation Plan ("QAP")(10 TAC §11.2), a maximum of 5 business days could have been granted. The deficiency response in question was originally due on April 30, 2013. Therefore, had an extension been requested and subsequently granted, the Applicant would have had until May 7, 2013 to provide the necessary documentation to evidence site control. However, even your appeal, dated and received by the Department on May 10, 2013, still did not include the required information.

The appeal also states that, due to correspondence with Ms. Latsha, that the Applicant believed that they had met the requirements of §10.204(9) of the Rules. However, although there may have been some confusion surrounding the correspondence with Ms. Latsha, again the Applicant failed to meet the requirements of the Rules at any time during the review process, including at Application submission, at the time multiple deficiencies were issued, at the time the Application was terminated, and at the time the termination was appealed.





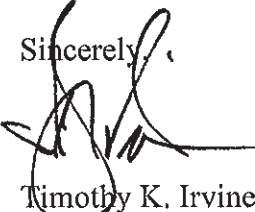
The appeal also contends that the Applicant has indeed met the requirements of the Rules regarding site control and admits that this is a complex transaction. In an effort to clarify staff's position with respect that complexity, included below is a table of the documentation submitted throughout the review process as well as the Department's assessment of that documentation. For purposes of this table, "City" refers to the City of Dallas and "CWCDC" refers to City Wide Community Development Corporation, sole member of the General Partner of the Applicant.

Date of Document	Title of Document	Assessment of Information included in Document
Various dates in 2012	Purchase Contracts	Contracts for CWCDC to purchase various lots from various third party sellers.
December 12, 2012	Resolution 12-0375	Authorizes City to execute Assignment of Purchase and Sale and Option to Develop.
December 12, 2012	Assignment of Purchase and Sale Agreement and Option to Develop ("Assignment")	Assigns all Purchase Contracts to the City and indicates that the City and CWCDC intend to enter into a reacquisition agreement or lease. Assignment can be terminated by City if CWCDC does not secure financing (i.e. HTC award). Assignment can be terminated by CWCDC if reacquisition/lease agreement cannot be reached.
February 27, 2013	Resolution 13-0459	Authorizes City to execute a 35-year land lease with CWCDC. (Note that §10.204(9)(B) requires a minimum 45 year term.)
March 1, 2013	Letter from City of Dallas	Letter submitted in Application as evidence of Commitment of Funding from a Unit of General Local Government which indicates that the City has agreed to a 35-year land lease.
April 11, 2013	Letter from City of Dallas	Submitted in response to an administrative deficiency notice, indicates that the City of Dallas will extend the term of the lease to 55 years by August 1, 2013
April 24, 2013	Draft of Development and Reacquisition Agreement – Contract for Lease	Submitted after administrative deficiency notice sent by staff as an example of the contract that will be executed at a later date. The draft was not included as an attachment to any other document and was not executed but does indicate a 55-year land lease.
April 29, 2013	Letter from City of Dallas	Submitted in response to an administrative deficiency notice, it references resolution 13-0459 and indicates that extension of the lease term to 45 years will be considered at the May 22 city council meeting.
No date	Letter from City of Dallas	Included in the appeal, this letter represents inclusion of an Exhibit C to the Assignment. Exhibit C indicates an intent to agree to a 55-year lease term.

This documentation still indicates that the CWCDC can only compel the City of Dallas to enter into a 35-year lease. The attachment of Exhibit C which was included in the appeal documentation is the only piece of documentation that indicates an intention on the part of the City of Dallas (agreement to agree) to enter into a 55-year lease. However, this was not included in the original Application and it is

unclear when this attachment was made part of that Assignment. Further, there is compelling evidence that in fact the City of Dallas has only approved a 35 year term to date. While there seems to be a possibility that a lease term of at least 45 years will be approved by city council meeting scheduled for May 22, 2013, at the time of this letter the Applicant still has not submitted the documentation required by §10.204(9)(B) of the Rules. Therefore, the appeal of the termination of Serenity Place is hereby denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy K. Irvine", written over the printed name below.

Timothy K. Irvine  
Executive Director

JML

cc: Ellen Rourke  
Will Henderson  
Sherman Roberts

Direct Dial 214.855.7594  
Direct Fax 214.978.4379  
[rvoekler@munsch.com](mailto:rvoekler@munsch.com)

May 24, 2013

Tim Irvine  
Executive Director  
Texas Department of Housing & Community Affairs  
PO Box 13941  
221 East 11<sup>th</sup> Street  
Austin, Texas 78711-3941

**Via Federal Express & fax  
800-733-5120 & via email:**  
[Tim.Irvine@tdhca.state.tx.us](mailto:Tim.Irvine@tdhca.state.tx.us)

Mr. J. Paul Oxer, P.E.  
Chairman, Board of Directors  
Texas Department of Housing & Community Affairs

Dr. Juan Sanchez Munoz  
Vice-Chair, Board of Directors  
Texas Department of Housing & Community Affairs

Ms. Leslie Bingham Escareno  
Member, Board of Directors  
Texas Department of Housing & Community Affairs

Mr. Tom H. Gann  
Member, Board of Directors  
Texas Department of Housing & Community Affairs

Mr. Lowell A. Keig  
Member, Board of Directors  
Texas Department of Housing & Community Affairs

Mr. J. Mark McWatters  
Member, Board of Directors  
Texas Department of Housing & Community Affairs

**RE:** Appeal to Board of Directors of the Texas Department of Housing & Community Affairs of Termination of Application #13124, Serenity Place, Dallas, Texas

Dear Executive Director and Board:

This letter is a formal appeal of the termination letter from TDCHA to Sherman Roberts with respect to the referenced application (the "Application"), such termination letter being dated May 3, 2013 attached hereto (the "Termination Letter") and the subsequent determination by the



Executive Director denying our appeal of such termination to him, by letter dated May 21, 2013 (the "Executive Director's Letter").

The reason stated in the Termination Letter and the Executive Director's Letter is that the Applicant submitted a resolution from the City of Dallas (the "City") that included an approval to enter into a 35-year lease with the Applicant.

As stated in the original appeal to the Executive Director, the Applicant responded to the Administrative Deficiency notice in 3 days, submitting a letter from Jerry Killingsworth, Housing Director for the City of Dallas, to Jean Latsha dated April 29, 2013 indicating that the City Council would approve an extension of the lease to 45 years (enclosed). Furthermore, Bernadette Mitchell with the City spoke to Ms. Latsha before the end of the five (5) day Administrative Deficiency cure period, and Ms. Latsha indicated to Ms. Mitchell that an executed lease would not be required at this time. In addition, Ms. Latsha indicated to the Applicant that the Administrative Deficiency was satisfied unless further notice was provided. The Applicant justifiably assumed that this exchange between TDHCA, the Applicant and the City resolved the Administrative Deficiency, and there was no further notice from TDHCA until the issuance of the Termination Letter indicating that the prescribed course of action was not sufficient to resolve the Administrative Deficiency. Had TDHCA so notified the Applicant, we would have immediately requested under Section 10.4 that the Administrative Deficiency deadline be extended, given that the documentation needed to address the item was coming from a "Third Party" – i.e., the City and the need for a Termination Notice would have been avoided. The Executive Director's Letter did not address this interchange between the Applicant, the City and Department Staff. The Applicant and the City have not been afforded the opportunity to correct the Administrative Deficiency as, prior to the Termination Letter, no notice was given that the materials submitted and the procedures outlined therein, were not sufficient to address TDHCA's concerns and had such notice been given, the Applicant and the City would have requested an extension and taken appropriate measures to correct the Administrative Deficiency within the extended cure period.

Moreover, contrary to the Executive Director Letter's assertion that the Applicant would not have had sufficient time to rectify the error in the City's resolution had extension been granted to rectify the Administrative Deficiency, if TDHCA had indicated that the prior actions were not sufficient and granted the Applicant an extension, the City would have called a Special Housing Committee Meeting to rectify any issues TDHCA raised with the City Council resolution, as indicated by Carolyn R. Davis, Councilmember for District 7, in a letter to the Executive Director dated May 20, 2013 (enclosed).

The Termination Letter and the Executive Director's Letter also fail to take into account the following:

1. Site control under Section 10.204(9) of the QAP is not determined by the City Council resolution, but instead – as is relevant to this case – by a contract for lease, which we have. The City Council resolution is similar to a corporate resolution that would be part of the closing documents for a land sales contract, showing the corporate authority of the selling entity to execute the agreements. If site control were determined by corporate



authority documents of the seller, then every low income housing tax credit application would be required to submit both a contract indicating site control, and a corporate resolution from the seller's governing body permitting the seller to enter into the contract. This is not required by the QAP or the rules. TDHCA's focus on the City Council resolution, which is not even a required submittal with the application, has off-centered TDHCA, the Applicant and the City on focusing on the resolution, whereas the real issue is whether the Applicant has a contract for lease. Notwithstanding that the resolution is not relevant to the issue of site control, the City Council resolution dated December 12, 2012 granted the City authority to enter into the Assignment of Purchase and Sale and Option to Develop agreement. Although not determinative of site control, the City has now rectified its error in the original resolution, by adopting the enclosed resolution dated May 22, 2013.

2. Article II, Section 1 of the "Assignment of Purchase and Sale Agreement and Option to Develop" (the "City/Applicant Agreement") submitted with the Application is a contract for lease. The Applicant and the City both understood the need to meet TDHCA's minimum requirements and had discussed prior to executing that City/Applicant Agreement the need for tax credit purchaser/investor purposes, for the lease to be at least 55 years and for the rent under the lease to be \$10/year. The City/Applicant Agreement only allows Applicant (and not the City) to terminate the City/Applicant Agreement in the event that parties cannot agree on the terms of the lease or reacquisition of the Property, such that the City is bound to the agreement to lease the Property to the Applicant. The City and the Applicant subsequently executed a letter, submitted with our original appeal, indicating that the intent of the parties from the inception of the transaction was for the lease to be for 55 years at \$10 per year<sup>1</sup> and the City Council resolution reaffirmed this course of action.


In summary, the totality of the agreements show that Applicant had site control. Neither Applicant nor the City intended to eliminate Applicant's site control – in fact the opposite was true, and the City has reaffirmed this whenever requested by TDHCA – this arrangement was meant to continue site control and to facilitate Applicant's ability to develop affordable housing at this site, with financing from the TDHCA low income housing tax credit program.

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<sup>1</sup> The original discussions with the City called for a 55 year lease. The City Council resolution erroneously stated a 35 year term for the lease, and interim discussions between TDHCA, the City and the Applicant have called for a 45 year term for the lease. In the letter and in the adopted City Council resolution, the City has reaffirmed its intent to enter into a 55 year lease.

Given the foregoing, the Applicant hereby requests that the Board grant this appeal and reinstate the Application. Given that the City and TDHCA corresponded prior to the deadline, with no notice to the Applicant that the materials submitted were not sufficient, and given the Applicant's and the City's continued diligence in addressing this issue, the Applicant requests that it not be penalized any points with respect to its Application.

Sincerely,



Robert H. Voelker

**Attachments:**

1. Original Appeal to Executive Director with Attachments
2. City Council resolution
3. Letter from Carolyn R. Davis dated May 20, 2013

cc: Cameron Dorsey (via email: [Cameron.Dorsey@tdhca.state.tx.us](mailto:Cameron.Dorsey@tdhca.state.tx.us))  
Jean Latsha (via email: [jean.latsha@tdhca.state.tx.us](mailto:jean.latsha@tdhca.state.tx.us))  
Ellen Rourke (via email)  
Will Henderson (via email)  
Sherman Roberts (via email)



CAROLYN R. DAVIS  
COUNCILMEMBER  
DISTRICT 7

**Council Committees:**  
Housing - Chair  
Ad Hoc Legislative  
Public Safety  
Quality of Life

May 20, 2013

Tim Irvine  
Executive Director  
Texas Department of Housing & Community Affairs  
P. O. Box 13941  
221 East 11th Street  
Austin, Texas 78711-3941

**via Fax: 800.733.5120 and  
email: [Tim.Irvine@tdhca.state.tx.us](mailto:Tim.Irvine@tdhca.state.tx.us)**

Re: Serenity Place, Dallas, Texas - Application #13124

Dear Mr. Irvine:

This City of Dallas desires to express its concern with respect to the termination of the above-referenced application (the "Application"), which occurred after conversations between City staff and TDHCA staff. During those conversations, the City was led to believe that certain deficiency issues concerning the lease of property from the City to the Applicant had been resolved. We have now learned that the Application was subsequently terminated without further notification to or dialogue with the City.

In response to your inquiries as to the term of the City's contract to lease the subject property to the Applicant, the City submitted a letter from Jerry Killingsworth, Housing Director of the City of Dallas, to Jean Latsha indicating that the City Council would approve an extension of the lease to 45 years. Subsequently, Bernadette Mitchell with the City of Dallas spoke to Ms. Latsha, and at the end of such conversation Ms. Latsha indicated that the Administrative Deficiency was satisfied unless further notice was provided. The City and the Applicant therefore assumed that the letter and the telephone conversation resolved the Administrative Deficiency.

There was no further notice from TDHCA until the issuance of the Termination Letter indicating that the Administrative Deficiency had not been resolved. Had TDHCA notified the City of this issue Councilmember, Carolyn R. Davis, Chair of the Housing Committee for the Dallas City Council, could have call a *Special Housing Committee Meeting* to extend the 35 year lease term and reaffirmed the City's intent to provide a long-term lease satisfactory to TDHCA. The Applicant and the City of Dallas have not been afforded the opportunity to adequately address this clerical error in the City Council resolution prior to issuance of the Termination Letter, and were justified in relying on the prior correspondence and dialogue with TDHCA.

The City of Dallas remains firmly committed to providing the Applicant with a long term- lease of the subject property satisfying TDHCA's requirements. Given that the Applicant and the City were not given the appropriate opportunity to correct the City Council resolution, we request that the Application be reinstated.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn R. Davis".

Carolyn R. Davis  
Councilmember, District 7

May 22, 2013

**WHEREAS**, on February 10, 2010, the City Council approved a modification to the policy for the acceptance of applications seeking City of Dallas support for low income housing tax credit financing, when the State of Texas does not require direct City of Dallas approval by Resolution No. 10-0498; and

**WHEREAS**, the President & CEO, Sherman Roberts of City Wide Community Development Corporation, submitted an application to the City of Dallas on behalf of City Wide Serenity Place Apartments, L.P. ("the Applicant"), for support of their application to TDHCA for the 2013 Low Income Housing Tax Credit Program; and

**WHEREAS**, on February 4, 2013 and February 19, 2013, the Serenity Place Apartments' Housing Tax Credit multifamily project was briefed to the Housing Committee; and

**WHEREAS**, as a condition for being considered for the award of the 9% tax credit, The Applicant has committed to renting 9 units or 20% of the units to tenants with household incomes capped at 30% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 30% or below the AMFI and 19 units or 42% of the units to tenants with household incomes capped at 50% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 50% or below the AMFI and 17 units or 38% of the units to tenants with household incomes capped at 60% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI; and

**WHEREAS**, on February 27, 2013, the City Council approved a resolution in support of the Serenity Place Apartments, a loan in the amount of \$1,997,913 toward the development of the units, and a land-lease of City owned property for 35 years by Resolution No. 13-0459; and

**WHEREAS**, the Local Government Code, Chapter 272.001(g) indicates that a political subdivision may acquire or assemble land or real property interest, except by condemnation, and sell, exchange, or otherwise convey the land or interests to an entity for the development of low-income or moderate-income housing while maintaining a public purpose;

**WHEREAS**, the City of Dallas desires to continue to support the 2013 9% TDHCA LIHTC application for the Serenity Place Apartments' project located at 3124 S. Denley Drive; **NOW, THEREFORE**

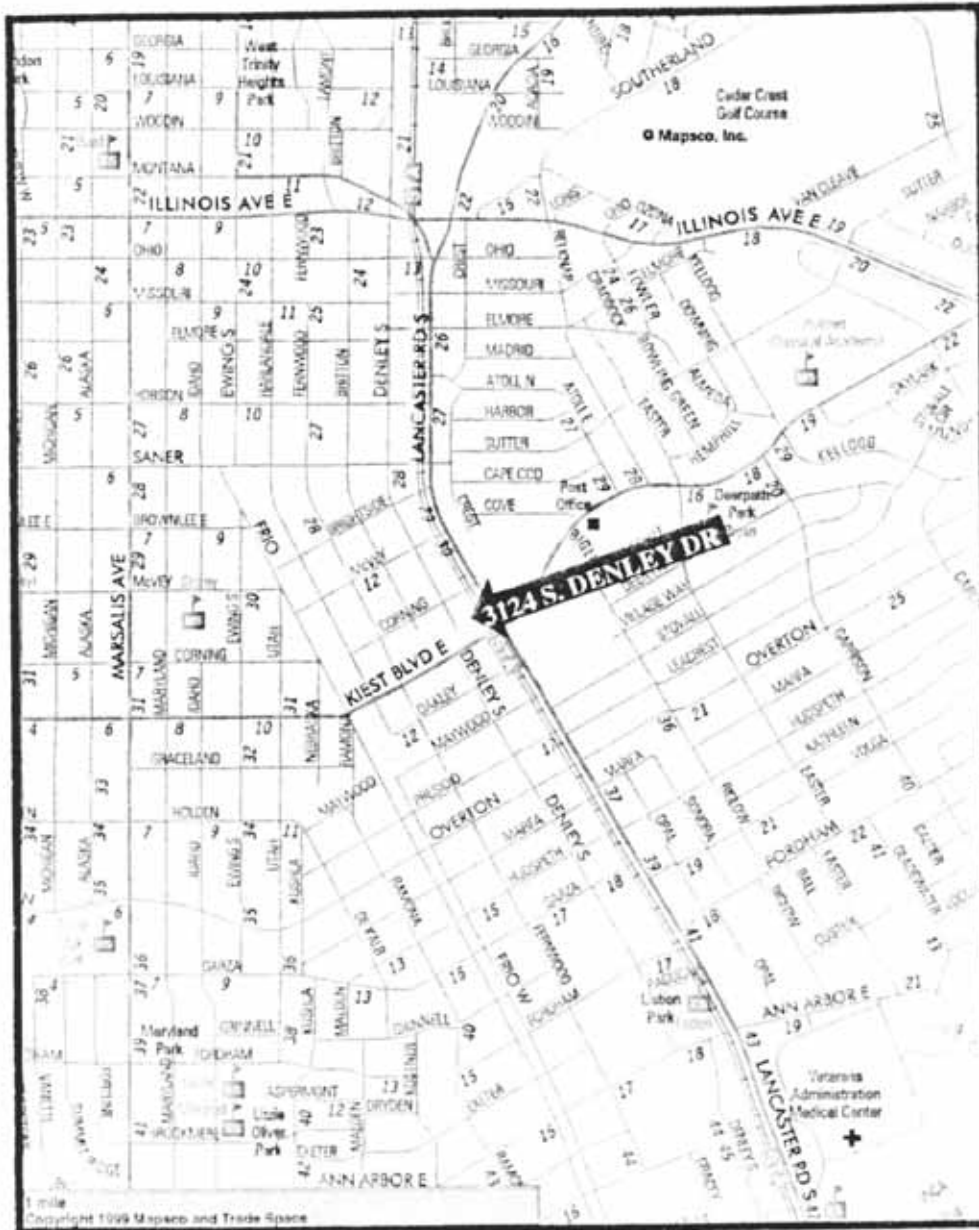
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager upon approval as to form by the City Attorney's Office is authorized to extend the land-lease agreement between the City of Dallas and Serenity Place Apartments, L.P. from 35 years to 55 years for City of Dallas owned property to be developed as Serenity Place Apartments located at 3124 South Denley.

**SECTION 2.** Authorize the City Controller's Office to set up a receivable for the lease income in Fund HUPI. Revenue Code 8420, total not to exceed \$200.00.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.





MAPSCO 55X



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** May 22, 2013  
**COUNCIL DISTRICT(S):** 4  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Ryan S. Evans, 670-3314  
**MAPSCO:** 55X

---

**SUBJECT**

Authorize an amendment to Resolution No.13-0459, previously approved on February 27, 2013, to extend the land-lease agreement between the City of Dallas and Serenity Place Apartments, L.P. from 35 years to 55 years for City of Dallas owned property to be developed as Serenity Place Apartments located at 3124 South Denley Drive - Revenue: \$200

**BACKGROUND**

On January 21, 2013, Sherman Roberts, President & CEO of City Wide Community Development Corp., submitted an application to the City of Dallas on behalf of City Wide Serenity Place Apartments, L.P. (the "Applicant"), for support of their application to TDHCA for the 2013 Low Income Housing Tax Credit Program.

The Applicant has committed to renting 9 units or 20% of the units to tenants with household incomes capped at 30% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 30% or below the AMFI and 19 units or 42% of the units to tenants with household incomes capped at 50% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 50% or below the AMFI and 17 units or 38% of the units to tenants with household incomes capped at 60% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI.

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**BACKGROUND (continued)**

As a requirement for City of Dallas' funding and endorsement of low income housing tax credit projects, the Applicant(s) are required to conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants, such as: after-school and summer break care for children, health screenings; counseling/domestic crisis intervention; emergency assistance, computer education, adult education programs (such as: ESL, life skills and nutrition classes, etc.); and social and recreational activities. This requirement only applies if the Applicant(s) is utilizing City funding in the financing of the low income housing tax credit project.

The City Council supported this project with a commitment of a \$1,997,913 loan and a 35 year land-lease conditioned on the receipt of an award of 2013 9% Low Income Housing Tax Credits (LIHTCs). The Texas Department of Housing & Community Affairs (TDHCA) has requested that the long term land-lease between the City of Dallas and City Wide Serenity Place Apartments, L.P. reflect a minimum of 45 years. The developer has requested for the lease to be 55 years in order to satisfy the syndicator of the tax credits.

The Local Government Code, Chapter 272.001(g) indicates that a political subdivision may acquire or assemble land or real property interest, except by condemnation, and sell, exchange, or otherwise convey the land or interests to an entity for the development of low-income or moderate-income housing while maintaining a public purpose.

This action would authorize the City Manager or designee to amend the previously approved 35 year land-lease to a 55 year land-lease. The property addresses that will be included in the lease are as follows: 1403 Kiest, 1409 Kiest, 3106 South Denley, 3110 South Denley, 3114 South Denley, 3118 South Denley, 3122 South Denley, 3124 South Denley, and 1310 East Corning. The developer would pay \$10 per year as consideration for the lease. The execution of the lease is conditioned on the award of Low Income Housing Tax Credits.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

On February 10, 2010, the City Council approved a modification to the policy for the acceptance of applications seeking City of Dallas support for low income housing tax credit financing, when the State of Texas does not require direct City of Dallas approval by Resolution No.10-0498.

On February 4, 2013, the Housing Committee of the City Council was briefed on the Low Income Housing Tax Credit Program.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)**

On February 19, 2013, the Serenity Place Apartments' Low Income Housing Tax Credit multifamily project was briefed to the Housing Committee.

On February 27, 2013, the City Council approved a resolution in support of the Serenity Place Apartments, a loan in the amount of \$1,997,913 toward the development of the units, and a land-lease of City owned property for 35 years by Resolution No. 13-0459.

**FISCAL INFORMATION**

Revenue - \$200.00

**OWNER(S)**

City Wide Serenity Place Apartments, L.P.

City Wide Community Development Corp.

Sherman Roberts, President & CEO

CWCDC Serenity GP, Inc., GP

**MAP**

Attached

**DEVELOPER**

Carleton Residential Properties  
Printice L. Gary

Carleton Construction, Ltd.

Neal Hildebrandt, President

Mariposa at Woodbridge (#13138), Wylie

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Timely Filed Appeals under any of the Department's Program or Underwriting rules

**RECOMMENDED ACTION**

**WHEREAS**, a 2013 competitive housing tax credit scoring notice was provided to the Applicant for Mariposa at Woodbridge (#13138);

**WHEREAS**, staff identified four (4) points that the Applicant elected but that the Application did not qualify to receive under §11.9(d)(1) of the 2013 Qualified Allocation Plan related to Quantifiable Community Participation; and

**WHEREAS**, the Applicant appealed the scoring notice and requests that the Board award a total of fourteen (14) points under §11.9(d)(1) rather than the staff recommended ten (10) points;

**NOW, therefore, it is hereby**

**RESOLVED**, the Applicant's appeal of the scoring notice for Mariposa at Woodbridge (#13138) is hereby denied.

**BACKGROUND**

The Housing Tax Credit Application for Mariposa at Woodbridge, located in Urban Region 3, was awarded ten (10) points out of the fourteen (14) total points requested under the §11.9(d)(1) of the 2013 Qualified Allocation Plan ("QAP"), related to Quantifiable Community Participation ("QCP"). A letter of support as well as a QCP packet was submitted by the Woodbridge Association, Inc. ("Association"), a neighborhood organization established in 1998 whose boundaries include the development site. Upon review of the letter and packet staff found that the president of the Association is also one of the current owners of property on which the proposed development is located. This is a violation of §11.9(d)(1)(B)(ii) of the QAP which states:

No person required to be listed in accordance with §2306.6707 may participate in any way in the deliberations of a Neighborhood Organization of the Development to which the Application requiring their listing relates. This does not preclude their ability to present information and respond to questions at a duly held meeting where such matter is considered;

The list in §2306.6707 of the Texas Government Code which is referenced in the rule includes a number of development team members as well as, "at the time the application is submitted, the owners of the property on which the development is located."

Additionally, the statement violates §11.9(d)(1)(B)(iii) of the QAP which provides that, “for non-Identity of Interest Applications the seller or their agents could be a member of the Neighborhood Organization if the seller will maintain primary residence within the Neighborhood Organizations boundaries.”

A review of the Application’s site control documentation indicates that Donald P. Herzog, President of the Woodbridge Association, Inc. and its Board of Directors, is one of the owners of the subject property. Also, a review of the Articles of Incorporation for the Woodbridge Association, Inc., submitted with the QCP packet, indicates in Article 4 that the decision making power of the Association rests with its Board of Directors.

In the minutes from the meeting at which the decision to support the development was made, it is clear that Donald Herzog presided over the meeting. He requested the motion that a resolution of support be approved for the development, and although the motion was actually made by another, the decision of the group was voiced by Donald Herzog. As a voting board member it appears that he participated in the deliberations of the meeting, which is a violation of the QAP. The Applicant contends that because there was a call for a show of hands at the meeting that Mr. Herzog’s participation and subsequent vote as part of the board should not be construed as deliberations but as a mere presentation of information, which is allowed under the rules. Staff disagrees and sees this participation as directly affecting the Association’s position of either support or opposition to the development.

Furthermore, in order to meet the requirements of the QAP, as owner of the property, Donald Herzog is not allowed to participate in the association unless his primary residence is within its boundaries. Donald Herzog confirmed via email that neither he nor the other contact listed in the original QCP packet submission (Doug Herzog) has primary residence within the boundaries of the Association. As such his participation, aside from the provision of information, would necessarily disqualify the Association’s statement. The Applicant’s appeal states that because another of the Association’s board members, Daryl Herzog, does live within the boundaries of the Association that the statement should not be disqualified. Staff again disagrees since one board member’s living within the Association’s boundaries does not alter the fact that Donald Herzog is one of the owners of the development site, does not live within the Association’s boundaries, is president of the Association, was one of the two contacts given for the Association and was, based on the information provided, involved in the decision that produced the support letter.

Staff recommends denial of the appeal.



May 27, 2013

Jean Latsha  
Texas Department of Housing and Community Affairs  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701

RE: LETTER FROM NEIGHBORHOOD ORGANIZATION FOR QUANTIFIABLE  
COMMUNITY PARTICIPTION POINTS FOR MARIPOSA AT  
WOODBIDGE (TDHCA #13138)

Dear Ms. Latsha:

This appeal relates to the assignment of ten points of the maximum possible fourteen points for the above referenced project (the "**Project**") as stated in your letter dated May 1, 2013 to Woodbridge Association, Inc. The letter, however, bases its determination on the erroneous assertion that the statement of support violates §11.9(d)(1)(B)(ii) and (iii). Because there has been no violation of either §11.9(d)(1)(B)(ii) or (iii), we respectfully request that the maximum fourteen points be awarded to the Project's application.

By way of background, Woodbridge is a 1,761-acre mixed-use development in Wylie, Texas. Woodbridge Association, Inc. (the "**Association**") is its neighborhood group and was formed April 24, 1998. In accordance with Section 3.2 of the Association Bylaws, Don Herzog, Doug Herzog, and Daryl Herzog (collectively, the "**Herzogs**") were appointed to the Board of Directors. Since the formation of the Association, subsequent limited partnerships were created for the ownership and development of the various phases of Woodbridge. The Herzogs act separately in the capacity of limited partners of the landowner entity, Woodbridge North Commercial I, Ltd.

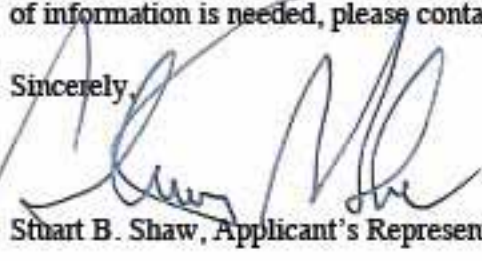
Section 11.9(d)(1)(B)(ii) states that no person required to be listed in accordance with §2306.6707 may participate in the deliberations of a Neighborhood Organization of the Development to which the Application requiring their listing relates. Section 11.9(d)(1)(B)(ii) also specifically provides that this section does not preclude a person's ability to present information at a meeting where such matter is considered.

Don Herzog has been elected President of Association since its formation. As President, he called and presided over a special meeting on February 9, 2013 for the purpose of having Mariposa at Woodbridge representatives, Casey Bump and Ryan Combs present the Project to the membership. After the presentation and a question and answer period, Don Herzog asked for the membership of the Association by a show of hands to indicate either support of the Project or to deny support of the Project. The membership unanimously indicated by a show of hands their support of the Project.

Regarding Section 11.9(d)(1)(B)(iii), we note that Daryl Herzog does have his primary residence at 6325 Creekwood Court, Sacshe, Texas which is within the boundaries of the Woodbridge Association neighborhood group.

We respectfully request the TDHCA reconsider the assignment of the points to reflect the maximum allowable points are assigned. If there are any additional questions or any clarification of information is needed, please contact me.

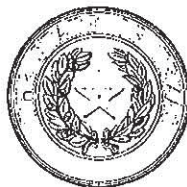
Sincerely,

A handwritten signature in blue ink, appearing to read "Stuart B. Shaw".

Stuart B. Shaw, Applicant's Representative

Enclosures:

1. May 1, 2013 letter of TDHCA assessment of submitted QCP support to Woodbridge Association, Inc.
2. May 7, 2013 appeal letter from Don Herzog of Woodbridge Association, Inc. to the TDHCA
3. February 21, 2013 Special Meeting of Woodbridge Association, Inc. neighborhood group supporting Mariposa at Woodbridge application
4. Resolution to approve support of Mariposa at Woodbridge application from the Woodbridge Association, Inc.
5. February 22, 2013 Qualified Neighborhood Organization Evidence of Quantifiable Community Participation application to the TDHCA



## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Rick Perry  
GOVERNOR

**BOARD MEMBERS**  
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Juan S. Muñoz, PhD, *Vice Chair*  
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Leslie Bingham-Escareño  
Lowell A. Keig  
J. Mark McWatters

May 1, 2013

*Writer's direct phone # 512-475-1676*  
*Email: [jean.latsha@tdhca.state.tx.us](mailto:jean.latsha@tdhca.state.tx.us)*

Donald P. Herzog  
Woodbridge Association, Inc.  
800 E. Campbell Road, Suite 130  
Richardson, Texas 75081

(sent via email to: [don@herzogdevelopment.com](mailto:don@herzogdevelopment.com))

RE: LETTER FROM YOUR NEIGHBORHOOD ORGANIZATION FOR QUANTIFIABLE COMMUNITY PARTICIPATION POINTS FOR MARIPOSA AT WOODBRIDGE (TDHCA # 13138)

Dear Mr. Herzog:

The Texas Department of Housing and Community Affairs ("Department") received the letter and/or 2013 Quantifiable Community Participation Packet you submitted for purposes of scoring Quantifiable Community Participation ("QCP") points, in accordance with §11.9(d)(1) of the Qualified Allocation Plan ("QAP"), for the above referenced application.

The Department has reviewed the letter and/or QCP Packet and all the documentation that was submitted and has made a determination regarding eligibility for points. Staff determined that the organization was eligible to submit a statement that would qualify for a review pursuant to §11.9(d)(1) of the QAP.

### Staff Assessment of Submitted QCP Statement

Neighborhood Organization Name: WOODBRIDGE ASSOCIATION

Your statement has been assigned the score of **10 points** of the maximum possible 14 points.

The Department determined that this statement violates §11.9(d)(1)(B)(ii) of the QAP which states that no person required to be listed in accordance with §2306.6707 of the Texas Government Code may participate in any way in the deliberations of the Neighborhood Organization of the Development to which the Application requiring their listing relates. The list referenced in the rule includes the owner(s), at the time of application, of the property on which the development is proposed, and in this case the current property owner participated in the deliberations. In addition, this statement violates §11.9(d)(1)(B)(iii) of the QAP which states that the seller of the land on which the development is



Letter from your Neighborhood Organization for Quantifiable Community Participation points for Mariposa at Woodbridge (TDHCA # 13138)

May 1, 2013

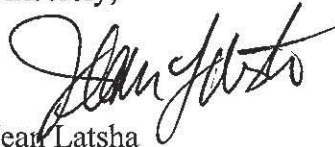
Page 2

proposed could be a member of the Neighborhood Organization if he maintains primary residence within the Neighborhood Organization's boundaries. In this case, the seller will not maintain residence within those boundaries. Therefore, the statement did not meet all of the explicit requirements of §11.9(d)(1) of the QAP and, pursuant to §11.9(d)(1)(C)(iv), was assigned 10 points.

The Department will issue a formal scoring notice to the Applicant regarding this determination, and that scoring notice will be subject to appeal. The restrictions and requirements relating to the filing of an appeal can be found in §10.902 of the 2013 Uniform Multifamily Rules.

The Department appreciates your participation in the public comment process. If you have any questions relating to the score awarded, please do not hesitate to contact me at 512.475.1676 or by email at [jean.latsha@tdhca.state.tx.us](mailto:jean.latsha@tdhca.state.tx.us).

Sincerely,



Jean Latsha

Competitive Housing Tax Credit Manager

JML

cc: Stuart Shaw  
Casey Bump  
Jeffrey Spicer



**Woodbridge Association, Inc.**  
**800 E. Campbell Road, Suite 130**  
**Richardson, Texas 75081**

May 7, 2013

TDHCA  
Multifamily Finance Division  
Attention: Jean Latsha  
Competitive Housing Tax Credit Program Manager  
P.O. Box 13941  
Austin Texas 78711-3941

RE: LETTER FROM YOUR NEIGHBORHOOD ORGANIZATION FOR QUANTIFIABLE COMMUNITY  
PARTICIPATION POINTS FOR MARIPOSA AT WOODBRIDGE (TDHCA # 13138)

Dear Jean Latsha:

I am writing this letter to appeal the assignment of ten (10) points of the maximum possible fourteen (14) points for the above referenced project as stated in your letter to Woodbridge Association, Inc. dated May 1, 2013.

Woodbridge is a 1,761 acre mixed use development. Woodbridge Association, Inc. (the "Association") was formed April 24, 1998. The original Declaration of Covenants, Conditions and Restrictions for Woodbridge (CC&R's) was filed of record on June 22, 1998 by the Declarant, Woodbridge I, Ltd. of which I am a limited partner. Since the formation of the Association, subsequent limited partnerships were created for the ownership and development of the various phases of Woodbridge. Each limited partnership records a Supplemental Declaration to the CC&R's as the Declarant. I am a limited partner in each of the limited partnerships. In accordance with Section 3.2 of the Bylaws, Don Herzog, Doug Herzog and Daryl Herzog (the "Herzog's") were appointed to the Board of Directors

I have been elected President of Association since its formation. As President and solely as President, I called and presided over a Special Meeting on February 9, 2013 for the purpose of having Mariposa at Woodbridge representatives, Casey Bump and Ryan Combs present the proposed senior housing project to the membership. After the presentation and a question and answer period, I asked for the membership of the Association, by a show of hands to indicate either support of the project or to deny support of the project. The membership unanimously indicated by a show of hands their support of the project.

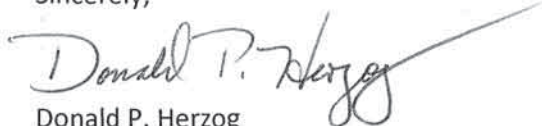
The minutes of the February 9, 2013 Special Meeting of which I have attached a copy, will be approved at the next Board of Directors meeting to be held May 9, 2013. Please note the minutes reflect the

members of the Board of Directors appointed by the Declarant abstained from any show of support for the project, except for the motion by the Board of Directors to approve a Resolution of Support following the unanimous support of the membership in favor of the senior housing project.

The owner of the property encompassing Mariposa at Woodbridge is owned by Woodbridge North Commercial I, Ltd. of which the Herzog's are limited partners. As limited partners of Woodbridge North Commercial I, Ltd., the Herzog's did not participate in the Association meeting. The Herzog's did attend the meeting as members of the Board of Directors of the Association appointed by the Declarant, which was their fiduciary responsibility to the Association as members of the Board of Directors.

We respectfully request the TDHCA reconsider the assignment of the points to reflect the maximum allowable points are assigned. If there are any additional questions or any clarification of information is needed, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Donald P. Herzog". The signature is written in black ink and is positioned above the printed name.

Donald P. Herzog

President, Woodbridge Association, Inc.

w/attachment

cc: Stuart Shaw  
Casey Bump



**WOODBIDGE ASSOCIATION, INC.**  
**BOARD MINUTES – SPECIAL MEETING**  
**February 21, 2013**  
**Woodbridge Golf Club, Wylie, Texas**

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**In Attendance:**

Board of Directors:

Don Herzog – President  
Doug Herzog – Vice President  
Daryl Herzog – Secretary/Treasurer  
Michael Barksdale – Director

Management Representatives:

Steve Bone, Association Manager, Classic Property Management

Neighborhood Representatives:

Jeff Dowdle, Linda Fisher and Chris Strickler

Guest Speakers – Mr. Casey Bump and Ryan Combs of Bonner Carrington

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**CALL TO ORDER / INTRODUCTIONS:**

President Don Herzog called the meeting to order at 6:33 p.m. All attendees were introduced.

**VERIFICATION OF NOTICE OF MEETING / ESTABLISHMENT OF QUORUM:**

Association Manger, Steve Bone confirmed that the Notice of Meeting had been sent, and that the required quorum had been established.

**PRESENTATION:**

Casey Bump and Ryan Combs, Representatives of Bonner Carrington (Developers) made a presentation regarding the proposed Mariposa at Woodbridge senior housing project.

**SHOW OF HANDS OF HOMEOWNER MEMBERS:** After the presentation, President Don Herzog requested a separate show of hands from all homeowner members in the audience for those in favor of, and opposed to, the future development of the senior housing project. Every homeowner member present was in favor of the project.

NOTE: Directors Don Herzog, Doug Herzog and Daryl Herzog abstained from this show of hands.

**MOTION:** Don Herzog asked for a motion from the Board to approve a Resolution of Support of the future development of a Mariposa Woodbridge LP Senior Housing Project located within the land plan of the Woodbridge Homeowners Association.

Daryl Herzog – So moved

Doug Herzog – Second

Motion passed by unanimous consent.

### Adjournment

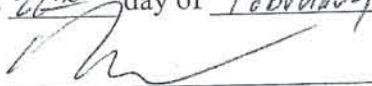
A motion was made by Michael Barksdale and seconded by Doug Herzog to adjourn the meeting. The meeting was adjourned at 7:15 PM.

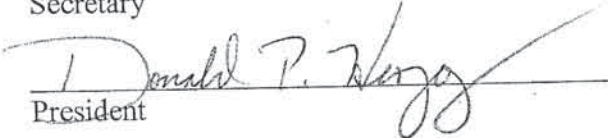
Respectfully submitted,

Steve Bone, Association Manager

Hereto approved for the record

This 22<sup>nd</sup> day of February, 2013

  
Secretary

  
President

**QUALIFIED NEIGHBORHOOD ORGANIZATION EVIDENCE OF QUANTIFIABLE COMMUNITY PARTICIPATION**

Texas Department of Housing & Community Affairs

Accurately fill in all blanks. Certify to each requirement by signing the last page. All attachments must be included in QCP submission package.

Part 1: Development Information	
Development Name:	Mariposa Apartment Homes at Woodbridge
Development Street Address:	Approx 300 block of McCreary Rd. 0.25m south of W. Kirby (aka FM 544)
Development City:	Wylie
Development County:	Collin
TDHCA # (for office use only):	

Part 2: Neighborhood Organization Information	
Neighborhood Organization Name:	Woodbridge Association, Inc
<input checked="" type="checkbox"/>	Submitted QCP in prior HTC Application Round for year: 2012
The Neighborhood Organization is a (select one of the following):	
<input type="checkbox"/>	Homeowners Association
<input checked="" type="checkbox"/>	Property Owners Association
<input type="checkbox"/>	Resident Council and our members occupy the existing development
<input type="checkbox"/>	Other (explain):
As of <b>March 1, 2013</b> , the Neighborhood Organization is on record with (select one of the following):	
<input type="checkbox"/>	County
<input checked="" type="checkbox"/>	Secretary of State
<input type="checkbox"/>	Requests to be on record with the Texas Department of Housing & Community Affairs

Part 3: Neighborhood Organization Contact Information	
<b>1<sup>st</sup> Contact Information</b>	
Name:	Donald P. Herzog
Title:	President
Physical Address:	800 E. Campbell Road, Suite 130
Mailing Address (if different from above):	
City:	Richardson
Zip Code:	75081
Phone:	214-348-1300 ext 12
Email:	don@herzogdevelopment.com



**QUALIFIED NEIGHBORHOOD ORGANIZATION EVIDENCE OF QUANTIFIABLE COMMUNITY PARTICIPATION**

Texas Department of Housing & Community Affairs

**Part 3: Neighborhood Organization Contact Information (continued)**

**2<sup>nd</sup> Contact Information**

Name:	Douglas C. Herzog		
Title:	Vice President		
Physical Address:	800 E. Campbell Road, Suite 130		
Mailing Address (if different from above):			
City:	Richardson	Zip Code:	75081
Phone:	214-348-1300 ext 13	Email:	doug@herzogdevelopment.com

**Part 4: Reason for Support or Opposition**

The Neighborhood Organization  Supports  Opposes the Application for Competitive Housing Tax Credits for the above referenced development for the following reasons:

*There is a need for senior housing within the Sachse/Wylie area. Notice was given for a presentation meeting for property owners. There was unanimous support for the project.*

**Part 5: Written Boundary Description**

Provide a written boundary description of the geographical boundaries of the Neighborhood Organization. (Example: North boundary is Main St, East boundary is railroad track, South boundary is First St., West boundary is Jones Ave.) Boundary description MUST match the boundary map.

*See attached written boundary description.*

QUALIFIED NEIGHBORHOOD ORGANIZATION EVIDENCE OF QUANTIFIABLE COMMUNITY PARTICIPATION

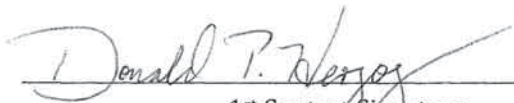
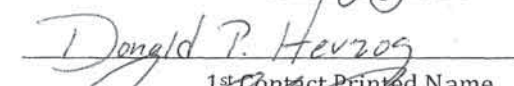
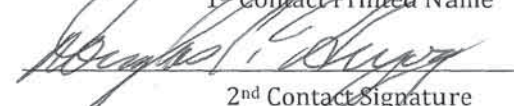
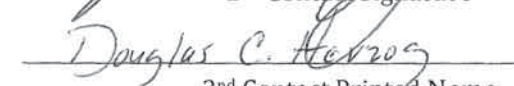
Texas Department of Housing & Community Affairs

Part 6: Certifications

By signing this form, I (we) certify to the following:

- This organization certifies that the two officials or board members listed have the authority to sign on behalf of the Neighborhood Organization.  
This organization certifies that the organization was formed before January 8, 2013.
- This organization certifies that the boundaries of this organization include the proposed Development Site in its entirety. This organization acknowledges that annexations after March 1, 2013 are not considered eligible boundaries and a site that is only partially within the boundaries will not satisfy the requirement that the boundaries contain the proposed Development Site.
- This organization certifies that it meets the definition of "Neighborhood Organization"; defined as an organization of persons living near one another within the organization's defined boundaries that contain the proposed Development Site and that has a primary purpose of working to maintain or improve the general welfare of the neighborhood.
- This organization acknowledges that this completed form and required attachments must be submitted to Texas Department of Housing and Community Affairs by the Neighborhood Organization no later than 5 p.m. on March 1, 2013, Attention: Director of Housing Tax Credits, Neighborhood Input, P.O. Box 13941 (MC 332-10), Austin TX 78711-3941. For overnight or courier delivery use the following physical address: 221 East 11<sup>th</sup> Street, Austin TX 78701-2410. **Do not use P.O. Box address for overnight or courier delivery.** Form and Attachments may also be faxed to (512) 475-1895 or toll free at (800) 733-5120.

This organization certifies that all certifications contained herein are true and accurate. **(First and Second Contacts must sign below):**

	<u>2/22/13</u>
1 <sup>st</sup> Contact Signature	Date
	<u>President</u>
1 <sup>st</sup> Contact Printed Name	Title
	<u>2/22/13</u>
2 <sup>nd</sup> Contact Signature	Date
	<u>Vice President</u>
2 <sup>nd</sup> Contact Printed Name	Title



## Written Boundary Description

### Parcel 1

Bounded on the north by the north line of The Fairways Neighborhood and The Highlands Neighborhood; the east by the east line of The Highlands Neighborhood; the south by the south line of The Highlands Neighborhood and the south line of the northern ½ of The Parke Neighborhood; the west by the east line of Woodbridge Golf Club.

### Parcel 2

Bounded on the north by the north line of The Vistas/Summit Neighborhood and The Courts/Estates Neighborhood; the east by the west line of Woodbridge Golf Club; the south by the south line of The Lakes Neighborhood, The Crest South Neighborhood, The Crest North Neighborhood and The Courts/Estates Neighborhood; the west by the west line of The Courts/Estates Neighborhood, The Hills Neighborhood and The Vistas/Summit Neighborhood.

### Parcel 3

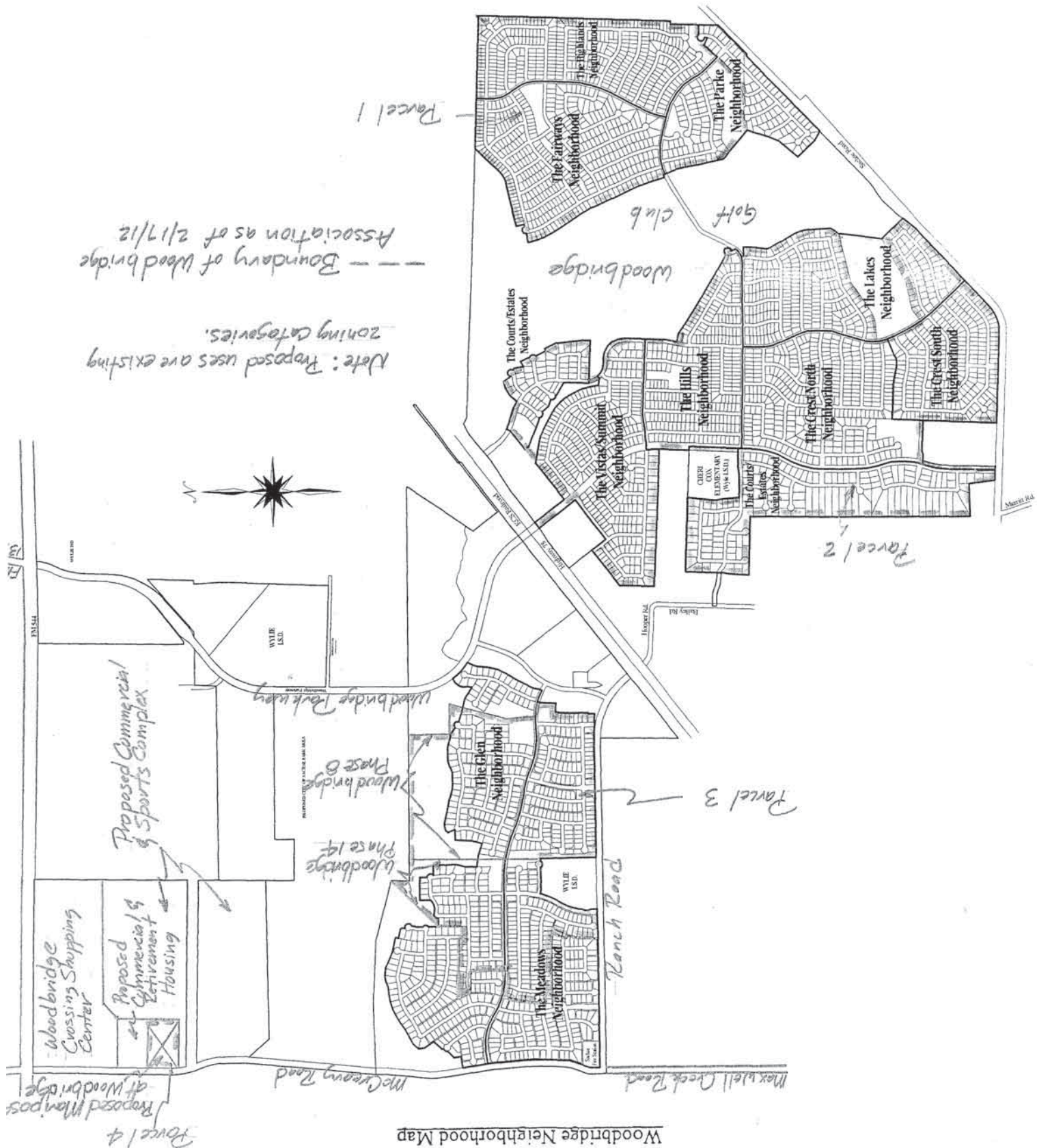
Bounded on the north by the north line of that portion of The Glen Neighborhood being the north line of Woodbridge Phase 8 and Woodbridge Phase 14 subdivisions; the east by the east line of The Glen Neighborhood and The Meadows Neighborhood being the east line of Woodbridge Phase 8 subdivision; the south by the south line of that portion of The Meadows Neighborhood being the south line of Woodbridge Phase 8 and Woodbridge Phase 14 subdivisions; the west by the west line of that portion of The Glen Neighborhood and The Meadows Neighborhood being the west line of Woodbridge Phase 14 subdivision.

### Parcel 4

Bounded on the north by commercial/retirement housing zoned property; the east by commercial/sports complex zoned property; the south by commercial/sports complex zoned property; the west by McCreary Road.



Woodbridge Neighborhood Map



Note: Proposed uses are existing zoning categories.  
 --- Boundary of Woodbridge Association as of 2/17/12

Parcel 1

Parcel 2

Parcel 3

Parcel 4

Woodbridge Crossing Shopping Center  
 Proposed Commercial & Retirement Housing

Proposed Community Sports Complex

Woodbridge Phase B  
 Woodbridge Phase 14

Proposed Mansions at Woodbridge



## Don Herzog

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**From:** Doug Herzog  
**Sent:** Friday, February 22, 2013 11:37 AM  
**To:** Don Herzog  
**Subject:** FW: Special Meeting 2/21/2013- Woodbridge Association, Inc. eMail Bulletin

Notice of Meeting email

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**From:** [woodbridge@yourcommunitybulletins.com](mailto:woodbridge@yourcommunitybulletins.com) [mailto:[woodbridge@yourcommunitybulletins.com](mailto:woodbridge@yourcommunitybulletins.com)] **On Behalf Of** Micaela Kee  
**Sent:** Friday, February 15, 2013 9:57 AM  
**To:** Doug Herzog  
**Subject:** Special Meeting 2/21/2013- Woodbridge Association, Inc. eMail Bulletin

Dear Woodbridge Homeowner,

Attached is the letter of the proposed senior living facility or senior apartment community to be located behind the Super Target shopping center at the southeast quadrant of FM 544 and McCreary Road. The Applicant/Builder of the project is asking for a letter of support from the Association. This is the same applicant who requested and received the Association support last year.

There will be a Special Meeting of the Board of Directors on Thursday, February 21, at 6:30 pm in the Woodbridge Golf Club Pavilion.

[Notice From Bonner Carrington 2013 01 08](#)

Please click [HERE](#) to visit the Woodbridge Association, Inc. web site.

WOODBIDGE ASSOCIATION, INC.  
BOARD OF DIRECTORS MEETING  
AGENDA

February 21, 2013  
6:30 pm

- I. Call to Order
- II. Introduction
- III. Presentation – Senior Housing Project  
Mr. Stuart Shaw of Bonner Carrington
- IV. Resolution
  - a. Consider resolution of support
- V. Adjournment

**WOODBIDGE ASSOCIATION, INC.**  
**BOARD MINUTES – SPECIAL MEETING**  
February 9, 2012  
Woodbridge Golf Club, Wylie, Texas

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**In Attendance:**

Board of Directors:

Don Herzog – President  
Doug Herzog – Vice President  
Daryl Herzog – Secretary/Treasurer  
Michael Barksdale – Resident Director

Management Representatives:

Steve Bone

Guest Speakers – Mr. Casey Bump and Ryan Combs of Bonner Carrington

Neighborhood Representatives:

Jeff Dowdle, Linda Fisher and Chris Strickler

---

**Call To Order/Introductions**

President Don Herzog called the meeting to order at 6:33 p.m. All attendees were introduced.

**Presentation**

Casey Bump and Ryan Combs, Representatives of Bonner Carrington (Developers) made a presentation regarding the proposed Mariposa Woodbridge LP Senior Housing Project.

**SHOW OF HANDS** – After the presentation, Don Herzog requested a show of hands from the audience for those in favor of the future development of the Senior Housing Project. Everyone present was in favor of the project.



**MOTION:** Don Herzog asked for a motion from the Board to approve a Resolution of Support of the future development of a Mariposa Woodbridge LP Senior Housing Project located within the land plan of the Woodbridge Homeowners Association.

Daryl Herzog – So moved

Doug Herzog – Second

Motion passed by unanimous consent.

**Adjournment**

A motion was made by Michael Barksdale and seconded by Doug Herzog to adjourn the meeting. The meeting was adjourned at 7:15 PM.

Respectfully submitted,

Steve Bone, Association Manager

Hereto approved for the record

This 22<sup>nd</sup> day of February, 2013

  
Secretary

  
President



## TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

February 22, 2013

### CERTIFICATE OF ACCOUNT STATUS

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Susan Combs, Comptroller of Public Accounts of the State of Texas, DO HEREBY CERTIFY that according to the records of this office

**WOODBRIAGE ASSOCIATION, INC.**

is, as of this date, in good standing with this office having no franchise tax reports or payments due at this time. This certificate is valid through the date that the next franchise tax report will be due May 15, 2013.

This certificate does not make a representation as to the status of the entity's registration, if any, with the Texas Secretary of State.

This certificate is valid for the purpose of conversion when the converted entity is subject to franchise tax as required by law. This certificate is not valid for any other filing with the Texas Secretary of State.

GIVEN UNDER MY HAND AND  
SEAL OF OFFICE in the City of  
Austin, this 22nd day of  
February 2013 A.D.

A handwritten signature in cursive script that reads "Susan Combs".

Susan Combs  
Texas Comptroller

Taxpayer number: 17527658599  
File number: 0148748601

Form 05-304 (Rev. 12-07/17)





The State of Texas  
SECRETARY OF STATE

CERTIFICATE OF INCORPORATION  
OF  
WOODBIDGE ASSOCIATION, INC.  
CHARTER NUMBER 1487486-01

The undersigned, as Secretary of State of Texas, hereby certifies that the attached Articles of Incorporation for the above named corporation have been received in this office and are found to conform to law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation.

Issuance of this Certificate of Incorporation does not authorize the use of a corporate name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: April 24, 1998  
Effective: April 24, 1998



Alberto R. Gonzales  
Secretary of State

LSG

FILED  
In the Office of the  
Secretary of State of Texas  
APR 24 1998  
Corporations Section

ARTICLES OF INCORPORATION  
OF  
WOODBIDGE ASSOCIATION, INC.

The undersigned natural person of the age of eighteen (18) years or more, acting as an incorporator of a corporation (the "Corporation") under the Texas Non-Profit Corporation Act (the "Act"), hereby adopts the following Articles of Incorporation for such corporation:

ARTICLE ONE  
NAME

The name of the Corporation is Woodbridge Association, Inc.

ARTICLE TWO  
STATUS

The Corporation is a non-profit corporation.

ARTICLE THREE  
DURATION

The period of its duration is perpetual.

ARTICLE FOUR  
PURPOSE

The purpose or purposes for which the Corporation is organized are:

To promote the health, safety, and welfare of the owners of real property and to preserve the beautification of such property, and insofar as permitted by law, do anything that, in the opinion of the Board of Directors, will promote the common benefit and enjoyment of owners or residents of the property involved.

ARTICLE FIVE  
POWERS

The foregoing statement of corporate purpose shall be construed as a statement of both purpose and powers and not as restricting or limiting, in any way, the general powers of the Corporation as granted by the Act, as amended.

ARTICLE SIX  
REGISTERED OFFICE AND AGENT

The street address of the initial registered office of the corporation is 9696 Skillman Street, Suite 210, Dallas, Texas 75243, and the name of its initial registered agent at such address is Donald P. Herzog.

ARTICLE SEVEN  
INITIAL DIRECTORS

The number of directors constituting the initial Board of Directors is three, and the name and address of each person who is to serve as a director are as follow:

Donald P. Herzog  
9696 Skillman Street, Suite 210  
Dallas, Texas 75243

Daryl F. Herzog  
9696 Skillman Street, Suite 210  
Dallas, Texas 75243

Douglas C. Herzog  
9696 Skillman Street, Suite 210  
Dallas, Texas 75243

ARTICLE EIGHT  
LIMITATION OF DIRECTORS' LIABILITY

A director is not liable to the Corporation, to any member thereof, or any other person for any action taken or not taken as a director if the director acted in good faith with ordinary care, and in a manner the director reasonably believed to be in the best interest of the Corporation.

A director of the Corporation shall not be liable to the Corporation or its members for monetary damages for an act or omission in the director's capacity as a director, except that this article shall not authorize the elimination or limitation of the liability of a director to the extent the director is found liable for:

- (1) a breach of the director's duty of loyalty to the Corporation or its members;
- (2) an act or omission not in good faith that constitutes a breach of duty of the director to the Corporation or an act or omission that involves intentional misconduct or a knowing violation of the law;
- (3) a transaction from which the director received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the director's office; or
- (4) an act or omission for which the liability of a director is expressly provided by an applicable statute.



ARTICLE NINE  
INDEMNIFICATION

The Corporation shall have the authority to and shall indemnify and advance expenses to the directors, officers, employees, and agents of the Corporation or any other persons serving at the request of the Corporation in such capacities in a manner and to the maximum extent permitted by applicable state or federal law. The Corporation may purchase and maintain liability insurance or make other arrangements for such obligations to the extent permitted by the Act and other applicable state laws.

ARTICLE TEN  
ACTION WITHOUT A MEETING

Any action required by the Act to be taken at a meeting of the members or directors of the Corporation, or any action that may be taken at a meeting of the members of directors or of any committee of the Corporation, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by a sufficient number of members, directors, or committee members as would be necessary to take that action at a meeting at which all of the members, directors, or members of the committee were present and voted.

ARTICLE ELEVEN  
DISTRIBUTION OF ASSETS UPON DISSOLUTION

In the event that the Corporation is dissolved or otherwise discontinued, the assets of the Corporation shall be applied first to pay all liabilities and obligations of the Corporation, and any remaining assets shall be transferred to and become the property of an organization that is qualified as exempt under Section 528 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, as they now exist or as they may hereafter be amended (the "Code")

ARTICLE TWELVE  
INCORPORATOR

The name and address of the incorporator are William S. Dahlstrom, 8333 Douglas Avenue, Suite 900, Dallas, Texas 75225.

IN WITNESS WHEREOF, I have hereunto set my hand this the 23rd day of April, 1998.

 Incorporator

N:\DMCFILES\1026\3\ARTINC.WPD  
1 Mon 4/16/98

GF#

ACCOMMODATION-WOODBRIDGE-MV-FNT

SUPPLEMENTARY DECLARATION NO. 21  
TO  
FIRST AMENDED AND RESTATED DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WOODBRIDGE  
COLLIN COUNTY, TEXAS  
ADDING  
WOODBRIDGE SENIOR LIVING FACILITY NEIGHBORHOOD

STATE OF TEXAS           §  
  §    KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLLIN       §

THIS SUPPLEMENTARY DECLARATION NO. 21 [TO THE] FIRST AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WOODBRIDGE ADDING WOODBRIDGE SENIOR LIVING FACILITY NEIGHBORHOOD (this "Supplementary Declaration") is made on the date hereinafter set forth by WOODBRIDGE 1314, LTD., a Texas limited partnership (the "Declarant").

WITNESSETH:

WHEREAS, Woodbridge Association, Inc. (the "Association") prepared and filed an instrument entitled "First Amended and Restated Declaration of Covenants, Conditions and Restrictions Woodbridge" in Volume 5060, Page 02628 of the Deed Records of Collin County, Texas, on or about December 6, 2001 (the "Declaration"); and

WHEREAS, Article II, Section 2.1(a) of the Declaration authorizes the Declarant to annex additional property described in Exhibit "B" to the Declaration to the terms, covenants, conditions, easements and restrictions of the Declaration; and

WHEREAS, Article II, Section 2.1(d) of the Declaration further authorizes the Declarant to annex such additional property described in Exhibit "B" by imposing additional covenants and easements on such property and/or by deleting and modifying the covenants and restrictions contained in the Declaration as may be necessary to reflect the different character of the added property; and

WHEREAS, the Declarant agrees to annex into the Association the property described on Exhibit "A" attached hereto and incorporated herein by reference (the "Annexed Property") at the request of the "Owner" (hereinafter defined) of the Annexed Property, such Annexed Property being a part of the property described in Exhibit "B" to the Declaration; and

WHEREAS, Woodbridge North Commercial I, Ltd., a Texas limited partnership (the "Owner") is the current owner of the Annexed Property, and desires to consent and agree to such annexation for the purpose of working to maintain or improve the general welfare of the



Woodbridge neighborhood to include the development of a senior living facility on part of the property described in Exhibit "B" to the Declaration; and

WHEREAS, Woodbridge 1314, Ltd. agrees to assume the rights, privileges, duties and obligations relating to the Declarant for the purpose of working to maintain or improve the general welfare of the Woodbridge neighborhood to include the development of a senior living facility on part of the property described in Exhibit "B" to the Declaration; and

WHEREAS, at a duly called Special Meeting of the Association's Board of Directors and Neighborhood Representatives conducted on February 17, 2009, the proposed annexation and proposed senior living facility were considered and approved by unanimous vote.

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, and with the consent of the Owner of the Annexed Property, the Declarant hereby subjects the property described in Exhibit "A" hereof to the provisions of this Supplementary Declaration as it may modify the existing provisions of the Declaration.

1. The property is annexed for the purpose of working to maintain or improve the general welfare of the Woodbridge neighborhood to include the development of a senior living facility on a part of the property described in Exhibit "B" to the Declaration and to support the development of the Annexed Property in accordance with the existing zoning ordinance.
2. Pursuant to Article II, Section 2.1(c) of the Declaration, the property being annexed shall be a new Neighborhood (as defined in the Declaration) to be known as the Woodbridge Senior Living Facility Neighborhood.
3. The property being annexed is not to become a Common Property or Greenway Frontage to the Association. The Association will not be responsible for the expenditure of any funds for the development or maintenance of the Annexed Property or any roadways or parkways adjacent to the Annexed Property.
4. The Association will not levy any assessments against the Annexed Property.
5. The Annexed Property shall be sold, transferred, used, conveyed, occupied and mortgaged or otherwise encumbered pursuant to the provisions of this Supplementary Declaration, which shall run with the title to such Annexed Property and shall be binding upon all persons having any right, title or any interest in the Annexed Property, their respective heirs, legal representatives, successors, successors-in-title and assigns.
6. The provisions of the Declaration are subject to further amendment with regard to the Annexed Property.

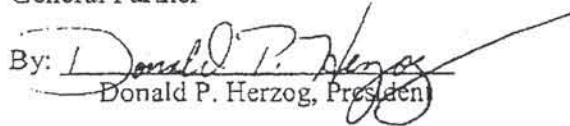
(Signature page to follow)



IN WITNESS WHEREOF, the Declarant and Woodbridge North Commercial I, Ltd. has executed this Supplementary Declaration as of the 22<sup>nd</sup> day of February, 2009.

**DECLARANT:** WOODBRIDGE 1314, LTD.,  
a Texas limited partnership

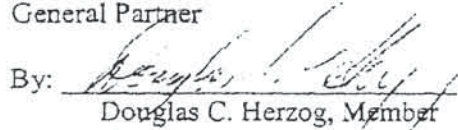
By: HDC Properties of Austin, Inc.  
Its: General Partner

By:   
Donald P. Herzog, President

**OWNER:** WOODBRIDGE NORTH COMMERCIAL I, LTD.,  
a Texas limited partnership

By: HDC Woodbridge North Commercial I, LLC,  
a Texas limited liability company

Its: General Partner

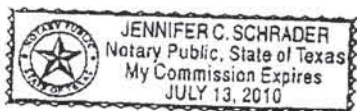
By:   
Douglas C. Herzog, Member

ACKNOWLEDGMENTS

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN           §

BEFORE ME, a Notary Public in and for the State of Texas, duly authorized to take acknowledgments, personally appeared Donald P. Herzog, President of HDC Properties of Austin, Inc., General Partner of Woodbridge 1314, Ltd., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 20<sup>th</sup> day of February, 2009.

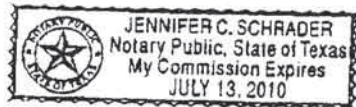


Jennifer C. Schrader  
Notary Public in and for  
the State of Texas

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN           §

BEFORE ME, a Notary Public in and for the State of Texas, duly authorized to take acknowledgments, personally appeared Douglas C. Herzog, Member of HDC Woodbridge North Commercial I, Ltd., General Partner of Woodbridge North Commercial I, Ltd., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 20<sup>th</sup> day of February, 2009.



Jennifer C. Schrader  
Notary Public in and for  
the State of Texas

AFTER RECORDING RETURN TO:  
Woodbridge Association, Inc.  
800 E. Campbell Rd., Suite 130  
Richardson, Texas 75081





Fidelity National Title Insurance Co.  
2677 Texas Lincoln C.  
3450 L. Freeway  
Dallas, Texas 75240

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
02/24/2009 10:09:51 AM  
\$36.00 TKING  
20090224000203820



*Stacey Kemp*

Stonebridge of Plainview (#13139),  
Plainview

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Timely Filed Appeals under any of the Department's Program or Underwriting rules

**RECOMMENDED ACTION**

**WHEREAS**, a 2013 competitive housing tax credit scoring notice was provided to the Applicant for Stonebridge of Plainview (#13139);

**WHEREAS**, staff identified six (6) points that the Applicant elected but that the Application did not qualify to receive under §11.9(d)(6) of the 2013 Qualified Allocation Plan related to Community Revitalization Plan; and

**WHEREAS**, the Applicant appealed the scoring notice and requests that the Board award six (6) points;

**NOW, therefore, it is hereby**

**RESOLVED**, the Applicant's appeal of the scoring notice for Stonebridge of Plainview (#13139) is hereby denied.

**BACKGROUND**

The Housing Tax Credit Application for Stonebridge of Plainview, located in Rural Region 1, was denied six (6) points requested under the §11.9(d)(1) of the 2013 Qualified Allocation Plan ("QAP"), related to the Community Revitalization Plan ("CRP") scoring item. Because it is for a development located in a rural area, pursuant to §11.9(d)(6)(C) of the QAP, the Application may qualify for points if it includes evidence that the city, county, state, or federal government has approved expansion of certain infrastructure projects in close proximity to the development site. The QAP also includes specific guidance with respect to the required documentation that serves as such evidence, namely a letter from the government official with specific knowledge of the infrastructure project. No such letter was submitted with the Application and no other supporting documentation of any kind was provided in the Application.

In response to an Administrative Deficiency inquiring about the apparent lack of documentation, the Applicant produced a letter that appears to meet the requirements of the QAP except that it was not provided in the Application. The letter also appears to have existed prior to the March 1 Application deadline. However, the rule does not allow this issue to be cured. Specifically, §11.9(a) of the QAP provides:



Due to the highly competitive nature of the program, **Applicants that elect points where supporting documentation is required but fail to provide any supporting documentation or fail to submit supporting documentation in good faith will not be allowed to cure the issue through an Administrative Deficiency.** However, Department staff may provide the Applicant an opportunity to explain how they believe the Application, as submitted, meets the requirements for points or otherwise satisfies the requirement to provide supporting documentation in good faith (emphasis added).

In accordance with this rule, staff did not award the requested point because support documentation was required but was not submitted in the Application.

The Applicant claims in the appeal that they had submitted their documentation in response to the Administrative Deficiency in good faith and that because the omission was purely an unintentional error that the letter should be accepted and considered eligible for points. They concede, however, that it was not originally present in the Application.

Because no supporting documentation was provided with the original Application submission in order to qualify it for points under §11.9(d)(6) of the QAP the points were not recommended and staff recommends denial of the appeal.



**MULTIFAMILY FINANCE PRODUCTION DIVISION**  
**Housing Tax Credit Program - 2013 Application Round**  
**Scoring Notice - Competitive Housing Tax Credit Application**

Victoria W. Spicer  
Phone #: (214) 346-0707  
Email: [vspicer@statestreethousing.com](mailto:vspicer@statestreethousing.com)  
Second Email: [dru@statestreethousing.com](mailto:dru@statestreethousing.com)

Date: May 10, 2013

**THIS NOTICE WILL ONLY BE  
TRANSMITTED VIA EMAIL**

**RE: 2013 Competitive Housing Tax Credit (HTC) Application for Stonebridge of Plainview, TDHCA  
Number: 13139**

The Texas Department of Housing and Community Affairs has completed its program review of the Application referenced above as further described in the 2013 Qualified Allocation Plan ("QAP"). This scoring notice provides a summary of staff's assessment of the application's score. The notice is divided into several sections.

Section 1 of the scoring notice provides a summary of the score requested by the Applicant followed by the score staff has assessed based on the Application submitted. You should note that four scoring items are not reflected in this scoring comparison but are addressed separately.

Section 2 of the scoring notice includes each of the four scoring criteria for which points could not be requested by the Applicant in the application self-score form and include: §11.9(d)(1) Quantifiable Community Participation, §11.9(d)(2) Community Input other than Quantifiable Community Participation, §11.9(d)(4) Community Support from State Representative or Senator, and §11.9(e)(2) Cost of Development per Square Foot.

Section 3 provides information related to any point deductions assessed under §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules.

Section 4 provides the final cumulative score in bold.

Section 5 includes an explanation of any differences between the requested and awarded score as well as any penalty points assessed.

The scores provided herein are merely informational at this point in the process and may be subject to change. For example, points awarded under §11.9(e)(2) "Cost of Development per Square Foot" and §11.9(e)(4) "Leveraging of Private, State, and Federal Resources" may be adjusted should the underwriting review result in changes to the Application that would affect these scores. Likewise, if an Application was awarded points under §11.9(d)(3) "Commitment of Development Funding by Unit of General Local Government" and should that Application receive an award of tax credits, the Applicant must provide a firm commitment of funds as a condition of the Commitment Notice, and all commitments of funds must include a statement from the provider that the funds were not first received by the applicant or related party. Applicants may substitute qualifying sources only if no points were elected under §11.9(d)(3)(B). If a scoring adjustment is necessary, staff will provide the Applicant a revised scoring notice.

Be further advised that if the Applicant failed to properly disclose information in the Application that could have a material impact on the scoring information provided herein, the score included in this notice may require adjustment and/or the Applicant may be subject to other penalties as provided for in the Department's rules.

This preliminary scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §10.902 of the Uniform Multifamily Rules. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board.

This preliminary scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §10.902 of the Uniform Multifamily Rules. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board.



**MULTIFAMILY FINANCE PRODUCTION DIVISION**  
**Housing Tax Credit Program - 2013 Application Round**  
**Scoring Notice - Competitive Housing Tax Credit Application**

**Page 2 of Final Scoring Notice: 13139, Stonebridge of Plainview**

**Section 1:**

Score Requested by Applicant (Does not include points for §§11.9(d)(1), (2), or (4) or 11.9(e)(2) of the 2013 QAP):	114
Score Awarded by Department staff (Does not include points for §§11.9(d)(1), (2), or (4) or 11.9(e)(2) of the 2013 QAP):	108
Difference between Requested and Awarded:	6

**Section 2:**

Points Awarded for §11.9(d)(1) Quantifiable Community Participation:	10
Points Awarded for §11.9(d)(2) Community Input other then Quantifiable Community Participation:	4
Points Awarded for §11.9(d)(4) Community Support from State Representative or Senator:	0
Points Awarded for §11.9(e)(2) Cost of Development per Square Foot:	10

**Section 3:**

Points Deducted for §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules:	0
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**Section 4:**

<b>Final Score Awarded to Application by Department staff:</b>	<b>132</b>
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**Section 5:**

**Explanation for Difference between Points Requested and Points Awarded by the Department as well as penalties assessed §§11.9(d)(1),(2) and (4) and 11.9(e)(2):**

§11.9(d)(6) Community Revitalization Plan. No documentation was submitted with the Application. (Requested 6, Awarded 0)

Restrictions and requirements relating to the filing of an appeal can be found in 10.902 of the Uniform Multifamily Rules. If you wish to appeal this scoring notice, you must file your appeal with the Department no later than 5:00 p.m. (CST), Monday, May 20, 2013. If an appeal is denied by the Executive Director, an Applicant may appeal to the Department's Board.

In an effort to increase the likelihood that Board appeals related to scoring are heard at the Board meeting, the Department has provided an Appeal Election Form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director, the Applicant is able to request that the appeal automatically be added to the Board agenda.

If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Jean Latsha at (512) 475-1676 or by email at [jean.latsha@tdhca.state.tx.us](mailto:jean.latsha@tdhca.state.tx.us).

Sincerely,

*Cameron Dorsey*  
 Cameron Dorsey  
 Director of Multifamily Finance



**MULTIFAMILY FINANCE PRODUCTION DIVISION**  
**Housing Tax Credit Program - 2013 Application Round**  
**Scoring Notice - Competitive Housing Tax Credit Application**

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**Appeal Election Form: 13139, Stonebridge of Plainview**

Note: If you do not wish to appeal this notice, you do not need to submit this form.

I am in receipt of my 2013 scoring notice and am filing a formal appeal to the Executive Director on or before Monday, May 20, 2013.

**If my appeal is denied by the Executive Director:**

I do wish to appeal to the Board of Directors and request that my application be added to the Department Board of Directors meeting agenda. My appeal documentation, which identifies my specific grounds for appeal, is attached. If no additional documentation is submitted, the appeal documentation to the Executive Director will be utilized.

I do not wish to appeal to the Board of Directors.

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Please fax or email to the attention of Jean Latsha:

Fax: (512) 475-0764 or (512) 475-1895

Email: <mailto:jean.latsha@tdhca.state.tx.us>

# State Street Housing Advisors, L.P.

Affordable Housing Consulting Services

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May 20, 2013

Mr. Tim Irvine  
Executive Director  
Texas Department of Housing and Community Affairs  
Austin, TX 75240

RE: Scoring Appeal – TDHCA #13139 Stonebridge of Plainview

Dear Mr. Irvine,

We wish to appeal staff's decision to deduct six points from application #13139 Stonebridge of Plainview under §11.9(d)(6) Community Revitalization Plan.

Through either a scanning error or simple oversight, the revitalization letter, which we had in hand at the time of submission, was not in the final application when submitted. When we were notified by the department that this item was missing from the application, we immediately emailed the item to the agency. There was no intent to omit and all supporting documentation was sent in good faith. The document was provided and was submitted in good faith as required in the QAP.

Sincerely,



Victoria W. Spicer  
State Street Housing Advisors, LP



# PLAINVIEW, TX

*city of plainview*

February 18, 2013

GS Plainview, L.P.  
C/O Mr. Kelly Garrett  
7110 Baxtershire Drive  
Dallas, TX 75230

RE: Stonebridge of Plainview

Dear Mr. Garrett:

This letter is to confirm the expansion of basic infrastructure and projects in the community that is located within proximity to the GS Plainview, LLC's Stonebridge of Plainview Development Site.

A recent development of Quadraplexes was constructed in 2012-13 on the west side of Mesa Drive between 15<sup>th</sup> Street and 16<sup>th</sup> Street. The following public improvements were made this past year totaling \$271,182:

Water Improvements	8 inch Line Extension	1118 ft.	\$52,001
Sewer Improvements	8 inch Line Extension	1041 ft.	\$69,616
Street Improvements	Paved Alley	826 ft.	\$82,600
Street Improvements	16 <sup>th</sup> and 14 <sup>th</sup> Street Extension	288 ft.	\$66,965

In addition, Covenant Hospital and the Hale County Hospital District will be expanding the local hospital's capacity by at least 25 percent by adding beds, rooms and expanding the total square footage of the hospital. Construction is anticipated to begin in the next 12 months and estimated cost of the expansion will be more than \$50,000,000.

Last, the Texas Department of Transportation will be constructing a new overpass at Southwest 3<sup>rd</sup> Street and Interstate Highway 27 and converting the Interstate Highway 27 frontage roads to One-Way Service Road beginning at Southwest 3<sup>rd</sup> Street and ending at Highway 194 (Dimmitt Highway). Construction started in February 2013 and the cost of this project is estimated at \$18,000,000.

If you have any questions regarding the public improvements or projects in the community, please do not hesitate to contact me at (806) 296-1129.

Sincerely,

  
Jeffrey Snyder  
Assistant City Manager



Barron's Branch (#13187), Waco

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action on Timely Filed Appeals under any of the Department's Program or Underwriting rules

**RECOMMENDED ACTION**

**WHEREAS**, a 2013 competitive housing tax credit scoring notice was provided to the Applicant for Barron's Branch (#13187);

**WHEREAS**, staff identified two (2) points that the Applicant elected but that the Application did not qualify to receive under §11.9(c)(6) of the 2013 Qualified Allocation Plan related to locating in an Underserved Area (10 TAC §11.9(c)(6)); and

**WHEREAS**, staff also deducted one (1) point under §11.9(f)(1) for failing to document eligibility for the points elected in the Application self score form for locating the Development in an Underserved Area; and

**WHEREAS**, the Applicant appealed the scoring notice and requests that the Board award two (2) points under §11.9(c)(1) and not deduct the one (1) point under §11.9(f)(1);

**NOW, therefore, it is hereby**

**RESOLVED**, the Applicant's appeal of the scoring notice for Barron's Branch (#13187) for awarding of the two (2) points under 10 TAC §11.9(c)(6), Underserved Area points, is hereby denied; and

**FURTHER RESOLVED**, the Applicant's appeal of the scoring notice for Barron's Branch (#13187) for assessing a one (1) point deduction under 10 TAC §11.9(f)(1), is hereby \_\_\_\_\_.

**BACKGROUND**

At the May 9, 2013 Board meeting, the Board considered action on an agenda item relating to the awarding of points for location in an Economically Distressed Area (EDA). An EDA qualifies as an Underserved Area for purposes of the awarding of points under 10 TAC §11.9(c)(6)(B). The issues revolve around how an Applicant that elected points can sufficiently document eligibility for the point item and whether a point deduction should be applied in instances where the Applicant is not found to be eligible for the elected points. The Board ultimately directed staff to allow each of applications that elected these points come before the Board through the appeal process such that the Board could handle them on a case by case basis. Following is a more robust description of the issues surrounding this point

item followed by a description of the documentation provided by the Applicant for Barron's Branch to document eligibility. The Applicant's full appeal follows the write-up.

### Summary of Issues

The multifamily rules define an EDA as, "An area that has been identified by the Water Development Board as meeting the criteria for an economically distressed area under Texas Water Code, §17.921." (10 TAC §10.3(a)(40)) This section of the Texas Water Code is referenced several times in Chapter 2306 of the Texas Government Code when citing economically distressed areas and is defined in the Texas Water Code for the purpose of administering water infrastructure funding by the TWDB. Moreover, the definition in the Water Code reserves the designation of EDA for the TWDB. The EDA definition in the Texas Water Code is as follows:

"Economically distressed area" means an area in which:

- (A) water supply or sewer services are inadequate to meet minimal needs of residential users as defined by board rules;
- (B) financial resources are inadequate to provide water supply or sewer services that will satisfy those needs; and
- (C) an established residential subdivision was located on June 1, 2005, as determined by the board.

Texas Water Code §17.921(1)

\*The "board" is defined in §17.001(1) of the Texas Water Code as the "Texas Water Development Board."

Staff initially provided applicants guidance that one clear way to support an election of points under the QAP for being located within an EDA was to provide a letter from the TWDB reflecting that the site is located within an EDA as defined by §17.921 of the Texas Water Code. However, the TWDB does not have an established process for designating EDAs in any instance other than for the explicit purpose of evaluating an application for TWDB funding. Many applicants contacted the TWDB and were unable to obtain such a letter. As the March 1, 2013, application deadline approached, staff received several calls from the TWDB and met with the staff of the TWDB on multiple occasions in an effort to identify a process by which an applicant could establish whether or not their development site was located within an EDA. However, no workable solution was identified. Staff provided guidance that applicants should exercise caution in electing points under this selection criterion due to the absence of another known and clear method of establishing that a site is within an EDA.

Generally, an Applicant that claims points for a particular selection criterion but is unable to provide any supporting documentation would be subject to a 1 point deduction under §11.9(f)(1) of the QAP. This deduction was established for the purpose of discouraging applicants from electing points for items in which an applicant had no solid basis for claiming the points. In the preamble to the rules presented to the Board in November 2012, staff provided the following reasoned response relating to the penalty deduction:

Staff recommends keeping the point deductions in place for the 2013 program year for those items that the developer applicant should clearly know are not properly supported, despite the changes to the QAP. Because staff performs full reviews on applications that appear to be competitive, it is imperative that applicants accurately self-score their

applications. If applicants elect points in good faith and those points are ultimately not awarded, staff will not deduct additional points. However, staff wants to discourage applicants from requesting points for which they have no reasonable assumption of qualifying.

In response to commenter (58) regarding the points associated with underserved areas, particularly the economically distressed areas, staff will make it clear in the multifamily programs procedures manual what evidence will be acceptable in order to qualify for points. In that specific case, staff will require a letter from the Texas Water Development Board. If the applicant requests these points and is not able to produce such a letter, then staff would deduct points. In addition, should the original calculation for leveraging points be inconsistent with the requested points, staff would not deduct points, even if after underwriting that score may change. Staff appreciates the support of commenter (46).

While applicants were clearly on notice that a point deduction might be assessed in instances in which a TWDB letter was not submitted to support an election for location in an EDA, staff is posing, on a case by case basis, whether the Board believes, in light of the way applicants seeking to claim this scoring item encountered unanticipated obstacles, a 1 point deduction is warranted. At the time, staff believed that a letter from the TWDB was a reasonable method to support an election for location in an EDA. However, a clear process for obtaining that letter was not available prior to the application deadline and some applicants attempted to find alternative supporting documentation despite no change in guidance from staff regarding such alternative evidence. Staff appreciates that some applicants may have chosen to not elect these points even though they may have also obtained alternative supporting documentation; these applicants chose not to risk any assessment of a point deduction by deviating from staff's guidance by claiming the EDA point with some alternative supporting documentation not consistent with staff guidance. Their decision to not elect points may have been different if no risk of a point deduction had existed. However, staff also believes that the Board has sufficient discretion, given the preamble language that good faith point elections would not result in a point deduction, to direct staff to not apply the point deduction to applications electing the EDA points in cases in which some supporting documentation was provided, even if such documentation is insufficient for the points to be awarded.

#### Documentation provided by Applicant

In this instance, the Applicant for Barron's Branch provided several pieces of documentation to evidence eligibility for the two (2) Underserved Area points elected in the Application but was unable to provide a letter from the TWDB.

A legal opinion from McGinnis, Lochridge & Kilgore, L.L.P. was provided to document that the area meets the Water Code definition. However, the opinion is conditional. In several instances the letter "If the TWDB interprets its Rule 363.503," is used and this condition is followed by an affirmation of how the site meets the applicable standard. These conditions are precisely the problem and point to the concerns that TDHCA staff have had in the administration of this point item. The applicable definition in the Texas Water Code reserves such determinations for the Texas Water Development Board.

A letter from the city was also provided but is insufficient to demonstrate that the Water Code Definition is met.

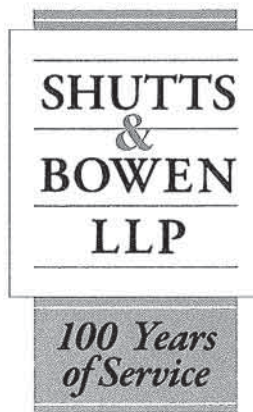
The letter from the City references a publically available report from TWDB called “Economically Distressed Areas Program (“EDAP”) Status Report (“Status Report”). This report includes a map of counties that have adopted the Model Subdivision Rule but this is just one component in determining whether an area is economically distressed. The counties identified as meeting this particular requirement cover roughly a third of the entire area of the state. The Status Report also includes a list of projects funded under the EDAP and several are located within Webb County or the City of Laredo. However, this does not mean that TWDB determined the entire city or county met the definition and no “project boundaries” are available. Additionally, status reports such as the one referenced were known to staff and the development community generally because it was used in prior years to document location in an EDA. However, prior year’s rules specifically designated entire counties as EDAs if one EDAP funded project had occurred within that county. The current rules do not permit this same treatment.

The Applicant’s appeal does not provide other evidence of eligibility for the points but point out that in light of the fact that no one was able to obtain a letter from TWDB, the applicant believes they met a good faith standard and that the two (2) elected points should be awarded. It also asserts that, whether the Board awards these two (2) points or not, the one (1) point deduction is not warranted. Key in the appeal is the assertion that staff created an “impossible” documentation requirement that precluded any applicant from accessing the points. Moreover, the appeal points out that the documentation requirement was not a part of the rule itself and that alternative documentation should be acceptable since the rule is controlling. The full appeal is attached hereto.

Staff Recommendation

Staff recommends denial of the appeal.





GARY J. COHEN  
(305) 347-7308 Direct Telephone  
(305) 347-7808 Direct Facsimile

E-MAIL ADDRESS:  
gcohen@shutts.com

March 1, 2013

Mr. Tim Irvine  
Executive Director  
Texas Department of Housing and Community Affairs  
P.O. Box 13941  
Austin, Texas 78711-3941

Re: Economically Distressed Area

Dear Mr. Irvine:

I am writing on behalf of Barron's Branch, LLC, and its 2013 LIHTC application for the development of Barron's Branch Apartments to be located in the City of Waco, Texas. In particular, I am writing in respect to that portion of the application being submitted today pertaining to the award of 2 points for location within "an Economically Distressed Area" ("EDA") pursuant to Section 11.9(c)(6) of the Qualified Allocation Plan. Under Section 11.9(f)(1) of the QAP, failure to provide Staff with sufficient documentation to award points which were elected by an applicant on its self score form results in a 1 point deduction.

Section 10.3(a)(40) of the 2013 Uniform Multifamily Rules defines an EDA as "An area that has been identified by the Water Development Board as meeting the criteria for an economically distressed area under Texas Water Code, Section 17.921." Page 25 of the 2013 Multifamily Programs Procedures Manual (referencing Tab 8 of the application) requires that an applicant "... provide a letter confirming the Development is within the boundaries of a Colonia or Economically Distressed Area from the Texas Water Development Board as well as a map indicating the location of the Development Site within the identified underserved area." Similarly, the application itself, on the page titled "Supporting Documentation for the Site Information Form", requires (in order to receive the above-described two points) a "letter or correspondence from Texas Water Development Board".

Section 17.921 of the Texas Water Code provides a definition of an "Economically Distressed Area"; it is defined as an area in which: (i) water supply or sewer services are inadequate to meet minimal needs of residential users, (ii) financial resources are inadequate to



Mr. Tim Irvine  
March 1, 2013  
Page 2

provide water supply or sewer service that will satisfy those needs, and (iii) an established residential subdivision was located on June 1, 2005.

It is my understanding that, due to miscommunication between TDHCA and the Texas Water Development Board ("TWDB"), TWDB is unwilling to issue any letters in this regard, even if an area is qualified under the Water Code. The Water Code does not impose any responsibility on TWDB to respond to inquiries from private developers (or political subdivisions working with private developers) to give the letter being sought by TDHCA as part of its application process. We have been in contact with TWDB, and they have indicated that they will not write letters regarding this issue for otherwise qualifying sites until there is an agreed upon process established between TWDB and TDHCA.

My client had submitted comments to the QAP in October 2012 (attached hereto) pointing out that "... 'Economically Distressed Area' is not something that can be confirmed by a list and may be subjective in determination ... I am concerned that there will be confusion about what would qualify under this item. There is also no clarity on what documentation would be required and what should occur if TDHCA staff requested more information."

It is my client's understanding that no one will be receiving these letters by today's application submission deadline. We are advised that TDHCA and TWDB are working on a process for the issuance of such letters, but this has not occurred as of today's date. The situation at hand has in no way been caused by my client or by others similarly situated. My client has been pressing TDHCA for some time, beginning in October 2012 through two weeks ago, for a resolution of this issue, but to date none has been forthcoming.

Attached hereto are the following documents in support of classification of the subject development site as being located within an "Economically Distressed Area":

1. February 27, 2013 letter from the City of Waco.
2. Letter from McGinnis, Lochridge & Kilgore, L.L.P. dated March 1, 2013.

The foregoing documentation demonstrates that the development site is in fact located within an "Economically Distressed Area". In light of the fact that TWDB is unwilling to issue any letters in this regard until resolution of administrative issues between itself and TDHCA, we strongly believe that TDHCA should find the supporting documentation sufficient for award of the two points referenced above. We encourage TDHCA to follow up and confirm this analysis with TWDB.

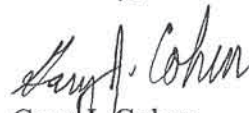
As you know, the intent of the scoring item is to "give priority through its housing program scoring criteria to communities that are located wholly or partly in an Economically Distressed Area or Colonia." See Texas Government Code Section 2306.127(3) of TDHCA's governing statute. Not providing a method by which substantiation of a site as being "Economically Distressed" can occur undermines the intent of the foregoing Statute and appears to be in violation thereof.

Mr. Tim Irvine  
March 1, 2013  
Page 3

Consistent with the foregoing, if it is ultimately determined by TDHCA that the application does not qualify for the 2 points, no penalty points should be assessed, since this situation (i) is outside of the control of the development community and has arisen due to disagreement/miscommunication between two State agencies, having nothing to do with any particular applicant, and (ii) was identified and warned against by applicants (such as my client) during the QAP comment period.

Thank you for your attention to this matter.

Sincerely,



Gary J. Cohen

GJC/mar  
Enclosure  
MIADOCS 7327320 1



**City Manager's Office**  
Post Office Box 2570  
Waco, Texas 76702-2570  
254 / 750-5640  
Fax: 254 / 750-5880  
[www.waco-texas.com](http://www.waco-texas.com)

---

February 27, 2013

Timothy Irvine  
Executive Director  
TDHCA  
221 East 11th Street  
Austin, TX 78701

RE: Economically Distressed Area

Dear Mr. Irvine:

This letter is provided in support of the Barron's Branch, LLC, 2013 LIHTC Application for the development of the Barron's Branch Apartments, in the City of Waco, Texas. The new development will be built on an underserved 10.961 acre site located at N. 9<sup>th</sup> Street and Colcord Avenue (1201, 1401 and 1500 N. 9<sup>th</sup> Street). The site is made up of two tracts (6.021 acres and 4.940 acres) that are divided by Colcord Avenue.

The land was previously improved as affordable housing (four percent tax credit/bond) built in the early 1970s and was known as the Parkside Village Apartments. The site was foreclosed upon and conveyed to the City of Waco by HUD with the requirement that the existing property be demolished within nine months from the date of the Deed. The terms of the conveyance also required redevelopment of the site with 150 affordable units.

While in the process of redeveloping the site, it has become apparent that the water and wastewater infrastructure is inadequate to meet the needs of proposed development. Specifically, the 4" water main that runs from Colcord to Tennessee along 9<sup>th</sup> Street is undersized to meet fire protection requirements and is in poor condition. There have been a dozen repairs on the undersized line since 2006. Additionally, the 4" main is inadequate to support fire protection. The City has not allowed water mains less than eight inches in diameter since about 1980. The existing lines do not meet current City of Waco minimum construction standards.

The 6" sewer main on Indiana is undersized to serve the development in question and is a clay line adjacent to the creek. To properly serve the proposed development, this line would need to be replaced with an 8" main with less potential to allow inflow and infiltration. From our work order records, there have been at least eight line cleanings of this segment since September 26, 2000. This is reason for concern due to the fact that it is a clay line. Mechanical cleaning equipment can inadvertently cause the pipe to crack and weaken during cleaning events. The proximity of this line to Barrons Branch also raises the concern for inflow and infiltration

through any cracks or line defects that might be present. Similar to the eight inch minimum size requirement for water mains, the City has had an eight inch minimum size requirement for wastewater mains for about the same length of time. As such, the existing sewer main also does not meet current City of Waco minimum construction standards.

The site also has a median household income that is not greater than 75% of the median state household income.

Attached are work order records and the water and wastewater layers from Geographic Information System that illustrates the location of the lines relative to the site in question. Also, attached is a survey of the site and Census Data showing the median household income for the area to be served.

Sincerely,

A handwritten signature in red ink, appearing to read "Larry D. Groth", is written over the word "Sincerely,".

Larry D. Groth, P.E.  
City Manager

tm

Attachments



**Work Order History - Water 4" line on 9th St from Colcord to Tennessee**

W/O #	START DATE	COMPLETED DATE	TASK CODE	JOB DESCRIPTION	Comments	STATUS	Costs
			<b>Valve</b>				
WF0610919	12/14/2006	12/14/2006	Replacement	901 Colcord - water leak - heavy flow down the Street	Replaced valve @ 9th & West	CL	3911.4
			<b>Water Main</b>				
WF0610919	12/9/2006	12/10/2006	Repair	901 Colcord - water leak - heavy flow down the Street	Repaired water main	CL	
WF0742073	12/10/2007	12/11/2007	Water Main Repair	1323 N 9TH STREET / WATER LEAK	Repaired water main with 2 clamps and pipe	CL	1825.75
WF0978275	11/23/2009	11/23/2009	Water Main Repair	9TH ST & INDIANA / AFTER HRS - WATER COMING UP OUT OF STREET	Repaired water leak	CL	517.69
WF0979598	11/28/2009	11/28/2009	Water Main Repair	9TH & INDIANA / AFTER HRS - WATER LEAK	Repaired water main	CL	871.37
WF0983680	12/9/2009	12/9/2009	Water Main Repair	1424 N 9TH ST / AFTER HRS - WATER LEAK	Repaired 1st leak and line blew again. Fixed 2nd leak also.	CL	1119.87
WF1023709	4/10/2010	4/10/2010	Water Main Repair	1420 N 9TH ST / AFTER HRS - POSSIBLE WATER LEAK	Repaired leak with 4x10 clamp & returned valves to open position	CL	704.79
WF1179975	6/25/2011	6/25/2011	Water Main Repair	N 9TH & TENNESSEE / AFTER HRS - POSSIBLE MAIN BREAK	Repaired leak with 4x10 clamp	CL	846.74
WF1179978	6/25/2011	6/25/2011	Water Main Repair	N 9TH & INDIANA / AFTER HRS - WATER LEAK	Repaired water leak with clamp	CL	749.48
WF1320043	2/12/2012	8/12/2012	Water Main Repair	1424 N 9TH ST / AFTER HRS - WATER LEAK COMING FROM THE STREET	Repaired water leak with 2 clamps and returned valves to open position	CL	1047.3
WF1371532	1/4/2013	1/4/2013	Water Main Repair	1424 N 9TH ST / POSSIBLE WATER LEAK	Repaired 4" water leak and returned valves to open position	CL	584.4
WF1376254	1/18/2013	1/1/2013	Water Main Repair	1500 BLK N 9TH ST & TENNESSEE / POSSIBLE WATER LEAK	Repaired water leak and returned valves to open position	CL	860.01

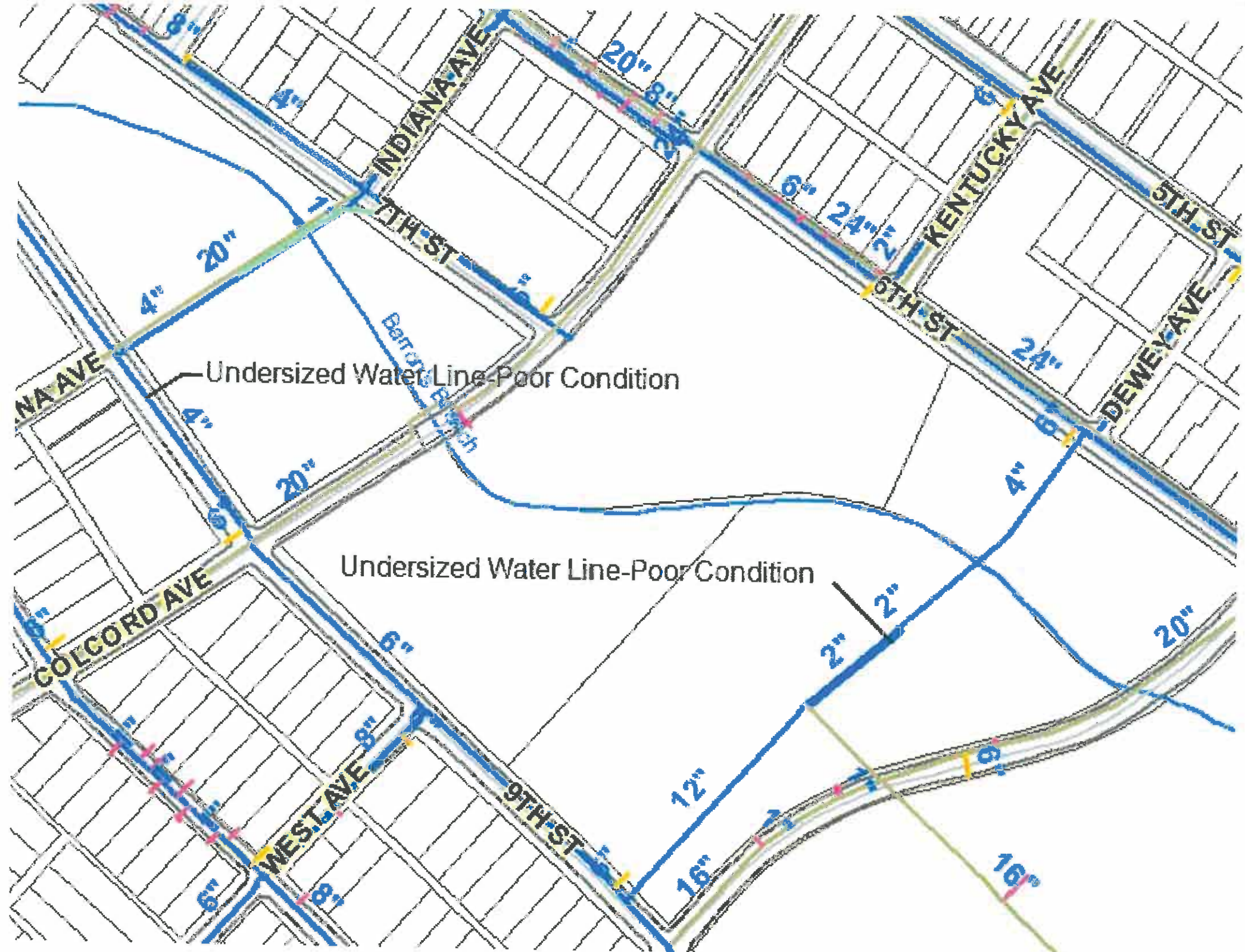
**Work Order History - Wastewater 6" line on Indiana from 9th to 7th Streets**

W/O #	START DATE	COMPLETED DATE	Repair or PM	TASK CODE	JOB DESCRIPTION	Comments	STATUS	Costs
WF0110337	9/26/2000	9/27/2000	Repair	Stop Up Grease	1323 n 9th- west side of property- behind bldg on	Unstopped line - stoppage due to grease	CL	Not gathered
WF0683007	6/13/2007	6/13/2007	Repair	Stop Up Customer Side	1323 N 9TH ST, STOP UP ONLY ON HALF APARTMENTS	No city clean out and main was flowing fine. Stoppage on customer side.	CL	139.22
WF1212506	10/26/2011	10/26/2011	Repair	TV to Locate Tap & Kill Sewer Services	1401- 03 N 9TH ST/TV TO LOCATE TAP THEN KILL TAP PER ROBERT PIRELO 379-2798	TV'ed to locate tap and killed out service per request	CA	2841.42
WF1214368	10/4/2011	10/4/2011	Repair	Main Line Cleaning	1401 N 9TH ST/ TV SEWER MAIN SEGMENTS	Cleaned sewer segments for Parkside Rehab Project	CL	1628.46
WF1216413	10/12/2011	10/12/2011	Repair	Sewer Service Investigation	1401 N 9TH ST(PARKSIDE APTS)DYE TEST AREA IN CLEAN CUTS TO ENSURE FLOW	Dye tested area prior to killing services	CL	866.61
WF1330467	9/11/2012	9/11/2012	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found medium grease	CL	51.02
WF1262046	4/9/2012	4/9/2012	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found light grease	CL	176.36
WF1371307	1/9/2013	1/9/2013	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found light grease	CL	82.36
WF1353836	11/13/2012	11/13/2012	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found light grease	CL	85.86
WF1122482	11/17/2011	11/17/2011	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found light grease	CL	167.46
WF1092882	11/8/2010	11/8/2010	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found medium grease	CL	139.95





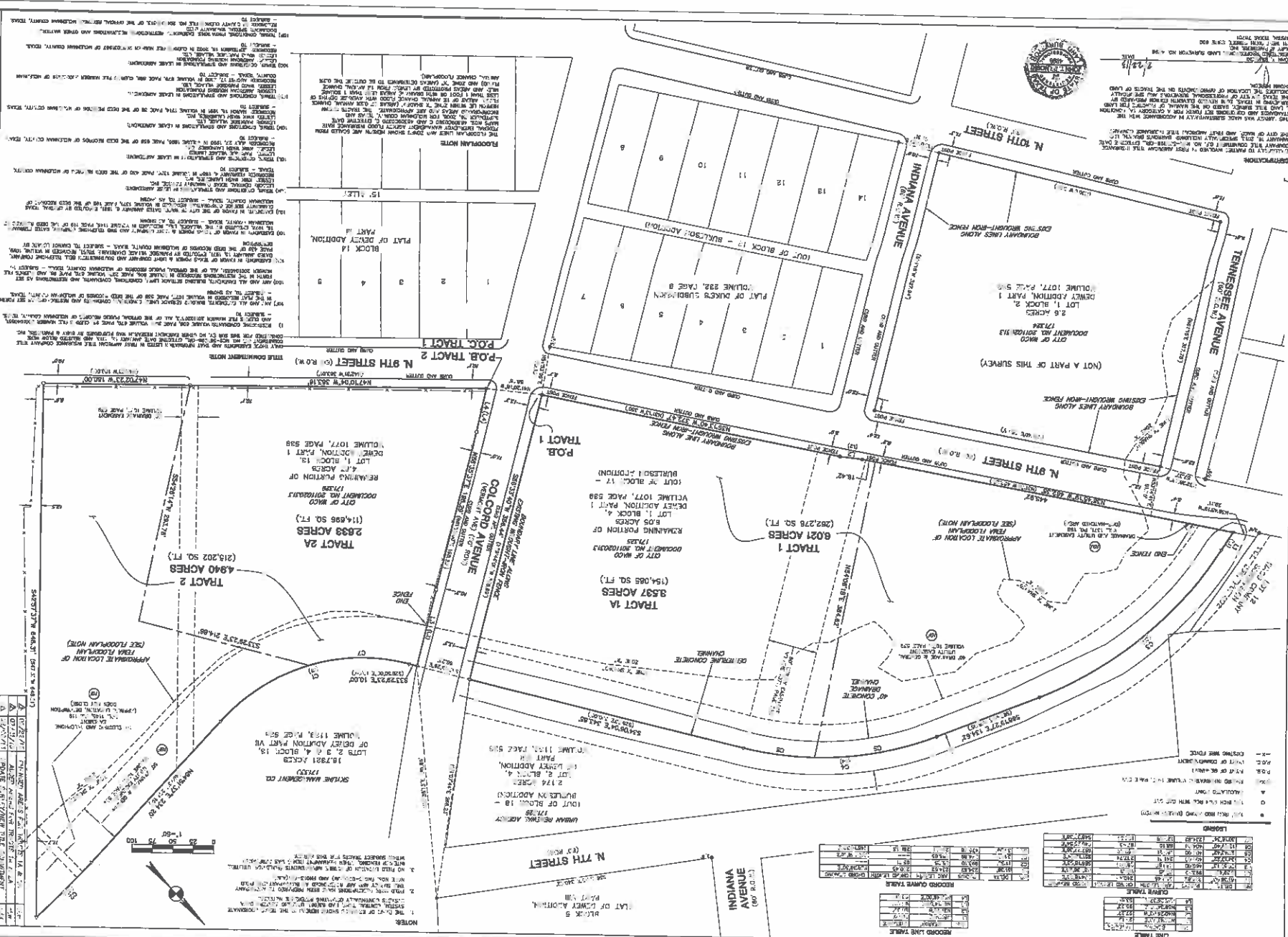




Undersized Water Line-Poor Condition

Undersized Water Line-Poor Condition

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1909 AND THE SURVEYING ACT OF 1929. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF TEXAS. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF TEXAS. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF TEXAS.



PLAT OF BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

PLAT OF BLOCKS 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150.

PLAT OF BLOCKS 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190.

PLAT OF BLOCKS 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220.

PLAT OF BLOCKS 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240.

RECORD QUOTE TABLE

NO.	DATE	DESCRIPTION	ACRES
1	12/31/2023	...	...
2	12/31/2023	...	...
3	12/31/2023	...	...
4	12/31/2023	...	...
5	12/31/2023	...	...
6	12/31/2023	...	...
7	12/31/2023	...	...
8	12/31/2023	...	...
9	12/31/2023	...	...
10	12/31/2023	...	...

**BARBONS BRANCH, LLC**  
**BARBONS BRANCH - WACO, TEXAS**  
**LAND TITLE SURVEY**  
 LOT 1, BLOCK 4 & LOT 1, BLOCK 13 OF DENVER ADDITION, PART 1, SITUATED IN THE CITY OF WACO, McLENNAN COUNTY, TEXAS  
**BuryPartners**  
 1100 East Street, Suite 110  
 Waco, Texas 76798  
 Telephone: 817-870-9999  
 Fax: 817-870-9998

**NOTES**

1. THE CITY OF WACO HAS ADOPTED THE 1909 SURVEYING ACT AND THE 1929 SURVEYING ACT.
2. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF TEXAS.
3. THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF TEXAS.
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**FLOORPLAN NOTE**

THE FLOORPLAN SHOWS THE LAYOUT OF THE BUILDING. THE FLOORPLAN IS SUBJECT TO THE APPROVAL OF THE CITY OF WACO. THE FLOORPLAN IS SUBJECT TO THE APPROVAL OF THE CITY OF WACO. THE FLOORPLAN IS SUBJECT TO THE APPROVAL OF THE CITY OF WACO.

**PLAT OF BLOCK 1**

PLAT OF BLOCK 1, DENVER ADDITION, PART 1, VOLUME 1077, PAGE 588. LOT 1, BLOCK 1A, 4.17 ACRES.

**PLAT OF BLOCK 2**

PLAT OF BLOCK 2, DENVER ADDITION, PART 1, VOLUME 1077, PAGE 588. LOT 2, BLOCK 2A, 4.940 ACRES.

**PLAT OF BLOCK 3**

PLAT OF BLOCK 3, DENVER ADDITION, PART 1, VOLUME 1077, PAGE 588. LOT 3, BLOCK 3A, 4.17 ACRES.

**PLAT OF BLOCK 4**

PLAT OF BLOCK 4, DENVER ADDITION, PART 1, VOLUME 1077, PAGE 588. LOT 4, BLOCK 4A, 4.17 ACRES.





B19013

**MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2010 INFLATION-ADJUSTED DOLLARS)**

Universe: Households

2006-2010 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, for 2010, the 2010 Census provides the official counts of the population and housing units for the nation, states, counties, cities and towns. For 2006 to 2009, the Population Estimates Program provides intercensal estimates of the population for the nation, states, and counties.

	Texas		Census Tract 12, McLennan County, Texas	
	Estimate	Margin of Error	Estimate	Margin of Error
Median household income in the past 12 months (in 2010 inflation-adjusted dollars)	49,846	+/-145	17,857	+/-4,112

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

The methodology for calculating median income and median earnings changed between 2008 and 2009. Medians over \$75,000 were most likely affected. The underlying income and earning distribution now uses \$2,500 increments up to \$250,000 for households, non-family households, families, and individuals and employs a linear interpolation method for median calculations. Before 2009 the highest income category was \$200,000 for households, families and non-family households (\$100,000 for individuals) and portions of the income and earnings distribution contained intervals wider than \$2,500. Those cases used a Pareto Interpolation Method.

While the 2006-2010 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2006-2010 American Community Survey

Explanation of Symbols:

1. An "\*" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An "!" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An "L" following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An "U" following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An "!" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An "\*\*\*\*\*" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is

not appropriate.

7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

8. An '(X)' means that the estimate is not applicable or not available.



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### QUALIFIED CENSUS TRACTS

The 2013 Qualified Census Tracts (QCTs) are effective beginning January 1, 2013. The 2013 designations use data from the 2010 Decennial Census and the 2010 to 2013 American Community Survey (ACS) 5-year tabulations. The 2012 designations for American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands will remain in effect because data from the 2010 Decennial Census is not available for those areas. Maps of 2012 QCTs, which are 2010 census tract boundaries, are available at <http://qct.huduser.org/QLTGIS/US/Map.aspx>.

48500001200

Go

Select a State

Select a County

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QCT Legend:  Tract Outline

Qualified Census Tracts (2013)

LIHTC Project

#### QCT Options

- 15 Current Zoom Level
- Show Tract Outline (Zoom 11+)
- Show LIHTC Projects (Zoom 11+)
- Color Qualified Tracts

Marion's Branch



Map data ©2012 Google



LAW OFFICES  
**McGINNIS, LOCHRIDGE & KILGORE, L.L.P.**

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HOUSTON, TEXAS 77002  
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FAX (713) 615-8585

AUSTIN, TEXAS OFFICE  
(512) 495-6000  
FAX (512) 495-6093

WRITER'S DIRECT DIAL NUMBER:  
(512) 495-6008  
phaag@mcginnislaw.com  
Fax: (512) 505-6308

March 1, 2013

Mr. Tim Irvine  
Executive Director  
Texas Department of Housing and Community Affairs  
P.O. BOX 13941  
Austin, Texas 78711-3941

Re: Census Tract 12 in McLennan County meets the Criteria for an Economically Distressed Area under Section 17.921, Texas Water Code

Dear Mr. Irvine:

As a part of the application (the "Application") for housing funds affecting the above referenced tract, we respectfully submit this brief analysis on behalf of Barron's Branch LLC ("Applicant") addressing whether the application complies with applicable statutory and regulatory criteria of the Texas Water Development Board (the "TWDB"). Subject to the way in which the TWDB interprets its rules, as more fully discussed below, we believe that the application should meet such criteria.

As set forth in its Rule 11.9(c)(6), the Texas Department of Housing and Community Affairs (the "Department") provides that an application for housing funds may receive additional points if the proposed development is located in an economically distressed area. 10 TEX. ADMIN. CODE §11.9 (2013). An "Economically Distressed Area" is defined by Section 17.921 of the Texas Water Code to mean an area in which (A) water supply or sewer services are inadequate to meet minimal needs of residential users as defined by [Texas Water Development] board rules; (B) financial resources are inadequate to provide water supply or sewer services that will satisfy those needs; and (C) an established residential subdivision was located on June 1, 2005. TEX. WATER CODE ANN. § 17.921 (West 2012). The Texas Water Development Board ("TWDB") rules provide additional guidance in determining whether an area is economically distressed. *See* 31 TEX. ADMIN. CODE § 363.503 (2009). For your convenience, the complete text of Rule 363.503 is attached to this letter as Appendix A.

The Applicant, in accordance with the Department's rules, requested confirmation from the TWDB that the Application meets the above-referenced criteria pertaining to an Economically Distressed Area. Unfortunately, the TWDB will not be in a position to make any determination as to the Application's compliance with its rules until it has time to enter into a mutually agreeable program with the Department to make such an evaluation. Accordingly, the

Applicant has requested that this firm review its Application and, more specifically, the development site related to the Application, within the context of the statutory and regulatory criteria of the TWDB.

As part of our analysis, we have reviewed the following documents:

(1) The February 27, 2013 letter from the City of Waco attesting to the current conditions of the water and wastewater infrastructure in the project area and the existence of the subdivision as of the date specified in the statute (Appendix B); and

(2) The demographic information about the project area from the U.S. Census Bureau (Appendix C).

Based upon the foregoing, and subject to the limitations below, we conclude that:

(1) If the TWDB interprets its Rule 363.503, which requires that the area not meet “applicable drinking water standards of any other governmental unit with jurisdiction over such area” to include local construction standards in addition to state drinking water standards, then the water service to the relevant area, which is in Census Tract 12 in McLennan County, is inadequate to meet the minimal needs of the residential users in an economically distressed area because it does not meet current City of Waco construction standards.

(2) If the TWDB interprets its Rule 363.503, which requires that the area not meet “applicable wastewater standards of any other governmental unit with jurisdiction over such area” to include local construction standards, then wastewater service to the relevant area, which is in Census Tract 12 in McLennan County, is inadequate to meet the minimal needs of the residential users in an economically distressed area because it does not meet current City of Waco construction standards.

(3) The financial resources of the residential users in the area to be served by the proposed project are inadequate to provide the needed services because Census Tract 12 in McLennan County has a median household income that is not greater than 75% of the median state household income for 2010, the most recent year for which statistics are available.

(4) As more fully described, below, an established residential subdivision was located in the economically distressed area on June 1, 2005.

With respect to Item (4), above, we note that a former housing development, known as the Parkside Village Apartments” (“Apartments”) at this location was demolished a little more than one year ago pursuant to the City of Waco’s compliance with an order from the U.S. Department of Housing and Urban Development. TWDB Rule 393.503(4) states that the board may determine that a residential subdivision was located in an economically distressed area if, among other conditions (*See Appendix A*), “at least one occupied residential dwelling existed within the platted or subdivided area on June 1, 2005.” Given that the Apartments were occupied



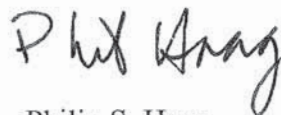
Mr. Tim Irvine  
March 1, 2013  
Page 3

and were located in an economically distressed area on June 1, 2005, this Application and the development should meet the statutory and regulatory criteria required by the Department. We also note that the Apartments were occupied and located in an economically distressed area until the federal government abandoned the project and sold it to the City of Waco and conditioned the sale on the demolition of the Apartments.

Subject to the conditions above, we believe that the Application should be considered as application for an economically distressed area as defined by the TWDB. Our above analysis is subject to the manner in which TWDB interprets its rules and to the information provided to us as described above. In addition, we note that the language of the governing statute and administrative rules authorize the TWDB to consider other factors deemed relevant by the TWDB in making a determination whether the Application complies with the TWDB requirements. Any factors not listed specifically in the text of the statute or rule which may be deemed relevant by the TWDB have not been considered in this analysis.

If we can provide any other information, please feel free to contact us.

Sincerely,



Philip S. Haag

PSH

Cc: Ms. Lisa Stephens  
Barron's Branch LLC

## APPENDIX A

<<Prev Rule

# Texas Administrative Code

Next Rule>>

TITLE 31

NATURAL RESOURCES AND CONSERVATION

PART 10

TEXAS WATER DEVELOPMENT BOARD

CHAPTER 363

FINANCIAL ASSISTANCE PROGRAMS

SUBCHAPTER E

ECONOMICALLY DISTRESSED AREAS

DIVISION 1

**ECONOMICALLY DISTRESSED AREAS PROGRAM**

**RULE §363.503**

**Determination of Economically Distressed Area**

To determine that an area is economically distressed, the board shall consider information and data presented with the application or otherwise available to the board to determine that the water or sewer services are inadequate to meet the minimal needs of residential users; that the financial resources of the residential users of the services are inadequate to provide water or sewer services that will satisfy those minimal needs; and that an established residential subdivision was located in the economically distressed area on June 1, 2005.

(1) Water service is inadequate to meet the minimal needs of the residential users in an economically distressed area if the board determines that water service:

(A) does not exist or is not provided;

(B) is provided by a community water system that does not meet drinking water standards established by the commission;

(C) is provided by individual wells that, after treatment, do not meet drinking water standards established by the commission; or

(D) does not meet applicable drinking water standards of any other governmental unit with jurisdiction over such area.

(E) The water service is considered inadequate if the project area is identified in the water plan as having a water supply need and the project to address that need is identified as a recommended strategy in the state and regional water plan. Projects brought under this subparagraph shall follow the procedures outlined in Subchapter A of this chapter (relating to General Provisions) and paragraphs (3) and (4) of this section and §363.504 of this subchapter (relating to Required Application Information).

(2) Sewer service is inadequate to meet the minimal needs of residential users in an economically distressed area if the board determines that sewer service:

(A) does not exist or is not provided;

(B) is provided by an organized sewage collection and treatment facility that does not comply with the standards and requirements established by the commission;

(C) is provided by on-site sewerage facilities that do not comply with the standards and requirements established by the commission; or

(D) does not meet applicable wastewater standards of any other governmental unit with jurisdiction

over such area.

(3) The financial resources of the residential users in the economically distressed area are inadequate to provide the needed services if the board finds that the area to be served by a proposed project has a median household income that is not greater than 75% of the median state household income for the most recent year for which statistics are available.

(4) An established residential subdivision was located in the economically distressed area on June 1, 2005, if the board determines the following:

(A) either a plat of the area is recorded in the county plat or deed records; or a pattern of subdivision, without a recorded plat, is evidenced by the existence of multiple residential lots with roads, streets, utility easements, or other such incidents of common usage or origin;

(B) at least one occupied residential dwelling existed within the platted or subdivided area on June 1, 2005, and

(C) such other factors as may be determined relevant by the board.

(5) The boundary or limits of a water or sewage project to serve an economically distressed area may be determined by:

(A) a subdivision plat prepared by a registered engineer, whether recorded or not;

(B) a metes and bounds description, natural boundaries, roads, or other natural features that delineate an unplatted area within which a feasible cost-effective project can be developed; or

(C) inclusion of occupied dwellings with inadequate water or wastewater services in close proximity to an economically distressed area determined as provided in paragraph (4) of this section when such dwellings can be feasibly served by the proposed project.

**Source Note:** The provisions of this §363.503 adopted to be effective January 4, 2000, 24 TexReg 12070; amended to be effective November 7, 2001, 26 TexReg 8847; amended to be effective January 2, 2007, 31 TexReg 10804; amended to be effective December 25, 2007, 32 TexReg 9721; amended to be effective February 4, 2009, 34 TexReg 669

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## APPENDIX B



**City Manager's Office**

Post Office Box 2570

Waco, Texas 76702-2570

254 / 750-5640

Fax: 254 / 750-5880

www.waco-texas.com

February 27, 2013

Timothy Irvine  
Executive Director  
TDHCA  
221 East 11th Street  
Austin, TX 78701

RE: Economically Distressed Area

Dear Mr. Irvine:

This letter is provided in support of the Barron's Branch, LLC, 2013 LIHTC Application for the development of the Barron's Branch Apartments, in the City of Waco, Texas. The new development will be built on an underserved 10.961 acre site located at N. 9<sup>th</sup> Street and Colcord Avenue (1201, 1401 and 1500 N. 9<sup>th</sup> Street). The site is made up of two tracts (6.021 acres and 4.940 acres) that are divided by Colcord Avenue.

The land was previously improved as affordable housing (four percent tax credit/bond) built in the early 1970s and was known as the Parkside Village Apartments. The site was foreclosed upon and conveyed to the City of Waco by HUD with the requirement that the existing property be demolished within nine months from the date of the Deed. The terms of the conveyance also required redevelopment of the site with 150 affordable units.

While in the process of redeveloping the site, it has become apparent that the water and wastewater infrastructure is inadequate to meet the needs of proposed development. Specifically, the 4" water main that runs from Colcord to Tennessee along 9<sup>th</sup> Street is undersized to meet fire protection requirements and is in poor condition. There have been a dozen repairs on the undersized line since 2006. Additionally, the 4" main is inadequate to support fire protection. The City has not allowed water mains less than eight inches in diameter since about 1980. The existing lines do not meet current City of Waco minimum construction standards.


The 6" sewer main on Indiana is undersized to serve the development in question and is a clay line adjacent to the creek. To properly serve the proposed development, this line would need to be replaced with an 8" main with less potential to allow inflow and infiltration. From our work order records, there have been at least eight line cleanings of this segment since September 26, 2000. This is reason for concern due to the fact that it is a clay line. Mechanical cleaning equipment can inadvertently cause the pipe to crack and weaken during cleaning events. The proximity of this line to Barrons Branch also raises the concern for inflow and infiltration

through any cracks or line defects that might be present. Similar to the eight inch minimum size requirement for water mains, the City has had an eight inch minimum size requirement for wastewater mains for about the same length of time. As such, the existing sewer main also does not meet current City of Waco minimum construction standards.

The site also has a median household income that is not greater than 75% of the median state household income.

Attached are work order records and the water and wastewater layers from Geographic Information System that illustrates the location of the lines relative to the site in question. Also, attached is a survey of the site and Census Data showing the median household income for the area to be served.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry D. Groth". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Larry D. Groth, P.E.  
City Manager

tm

Attachments

**Work Order History - Water 4" line on 9th St from Colcord to Tennessee**

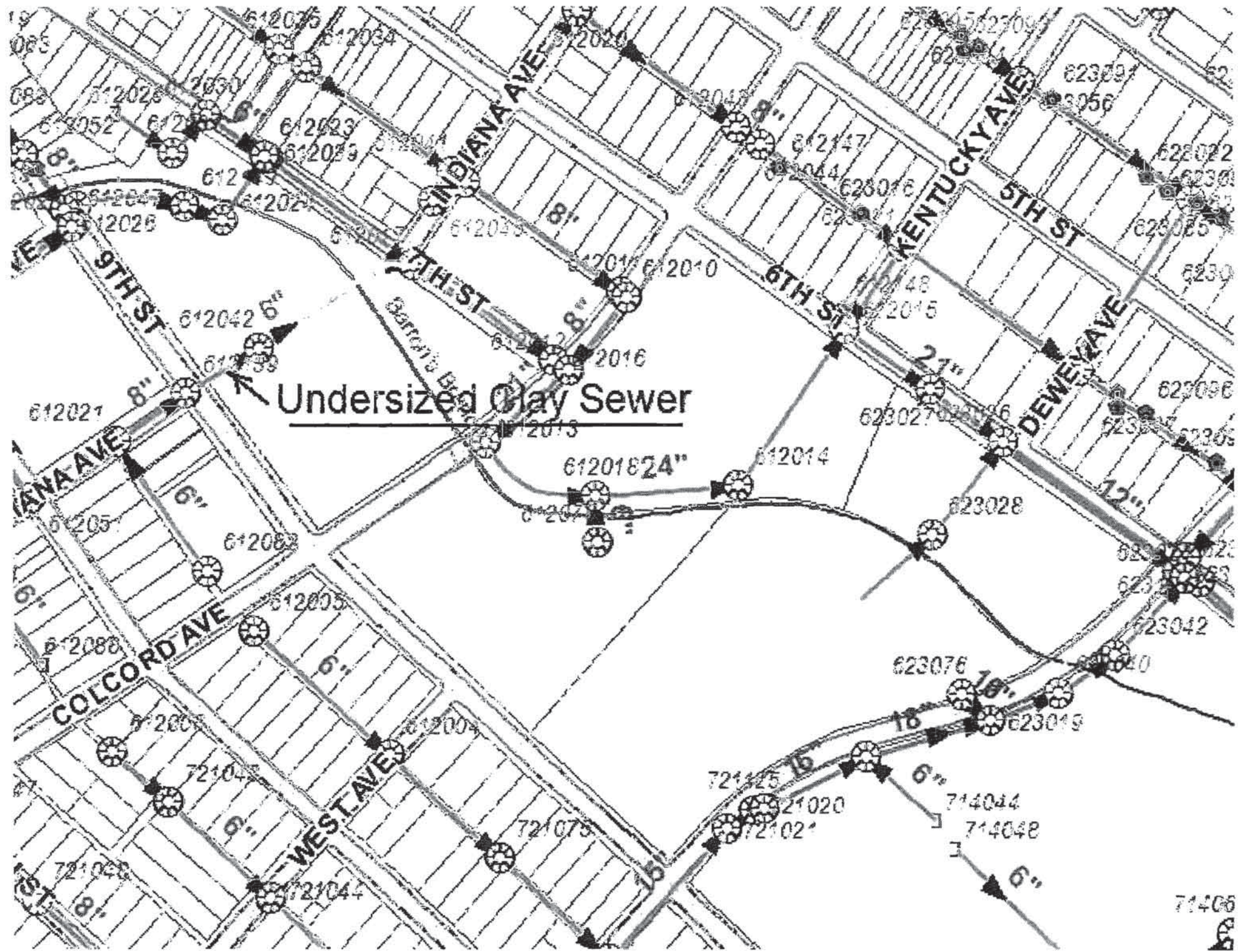
W/O #	START DATE	COMPLETED DATE	TASK CODE	JOB DESCRIPTION	Comments	STATUS	Costs
WF0610919	12/14/2006	12/14/2006	Valve Replacement	901 Colcord - water leak - heavy flow down the Street	Replaced valve @ 9th & West	CL	3911.4
WF0610919	12/9/2006	12/10/2006	Water Main Repair	901 Colcord - water leak - heavy flow down the Street	Repaired water main	CL	
WF0742073	12/10/2007	12/11/2007	Water Main Repair	1323 N 9TH STREET / WATER LEAK	Repaired water main with 2 clamps and pipe	CL	1825.75
WF0978275	11/23/2009	11/23/2009	Water Main Repair	9TH ST & INDIANA / AFTER HRS - WATER COMING UP OUT OF STREET	Repaired water leak	CL	517.69
WF0979598	11/28/2009	11/28/2009	Water Main Repair	9TH & INDIANA / AFTER HRS - WATER LEAK	Repaired water main	CL	871.37
WF0983680	12/9/2009	12/9/2009	Water Main Repair	1424 N 9TH ST / AFTER HRS - WATER LEAK	Repaired 1st leak and line blew again Fixed 2nd leak also	CL	1119.87
WF1023709	4/10/2010	4/10/2010	Water Main Repair	1420 N 9TH ST / AFTER HRS - POSSIBLE WATER LEAK	Repaired leak with 4x10 clamp & returned valves to open position	CL	704.79
WF1179975	6/25/2011	6/25/2011	Water Main Repair	N 9TH & TENNESSEE / AFTER HRS - POSSIBLE MAIN BREAK	Repaired leak with 4x10 clamp	CL	846.74
WF1179978	6/25/2011	6/25/2011	Water Main Repair	N 9TH & INDIANA / AFTER HRS - WATER LEAK	Repaired water leak with clamp	CL	749.48
WF1320043	2/12/2012	8/12/2012	Water Main Repair	1424 N 9TH ST / AFTER HRS - WATER LEAK COMING FROM THE STREET	Repaired water leak with 2 clamps and returned valves to open position	CL	1047.3
WF1371532	1/4/2013	1/4/2013	Water Main Repair	1424 N 9TH ST / POSSIBLE WATER LEAK	Repaired 4" water leak and returned valves to open position	CL	584.4
WF1376254	1/18/2013	1/1/2013	Water Main Repair	1500 BLK N 9TH ST & TENNESSEE / POSSIBLE WATER LEAK	Repaired water leak and returned valves to open position	CL	860.01



**Work Order History - Wastewater 6" line on Indiana from 9th to 7th Streets**

W/O #	START DATE	COMPLETED DATE	Repair or PM	TASK CODE	JOB DESCRIPTION	Comments	STATUS	Costs
WF0110337	9/26/2000	9/27/2000	Repair	Stop Up Grease	1323 n 9th- west side of property- Behind bldg on	Unstopped line - stoppage due to grease	CL	Not gathered
WF0683007	6/13/2007	6/13/2007	Repair	Stop Up Customer Side	1323 N 9TH ST, STOP UP ONLY ON HALF APARTMENTS	No city clean out and main was flowing fine. Stoppage on customer side.	CL	139.22
WF1212506	10/26/2011	10/26/2011	Repair	TV to Locate Tap & Kill Sewer Services	1401- 03 N 9TH ST/TV TO LOCATE TAP THEN KILL TAP PER ROBERT PIRELO 379-2798	TVed to locate tap and killed out service per request	CA	2841.42
WF1214368	10/4/2011	10/4/2011	Repair	Main Line Cleaning	1401 N 9TH ST/ TV SEWER MAIN SEGMENTS	Cleaned sewer segments for Parkside Rehab Project	CL	1628.46
WF1216413	10/12/2011	10/12/2011	Repair	Sewer Service Investigation	1401 N 9TH ST(PARKSIDE APTS)DYE TEST AREA IN CLEAN OUTS TO ENSURE FLOW	Dye tested area prior to killing services	CL	866.61
WF1330467	9/11/2012	9/11/2012	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found medium grease	CL	51.02
WF1262046	4/9/2012	4/9/2012	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found light grease	CL	176.36
WF1371307	1/9/2013	1/9/2013	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found light grease	CL	82.36
WF1353836	11/13/2012	11/13/2012	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found light grease	CL	85.86
WF1122482	11/17/2011	11/17/2011	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found light grease	CL	167.46
WF1092882	11/8/2010	11/8/2010	PM	Grease Line Clean - P.M.	Grease Line Clean - P.M.	Cleaned main line - found medium grease	CL	139.95





Undersized Clay Sewer

71406





Undersized Water Line-Poor Condition

Undersized Water Line-Poor Condition



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**LEGEND**

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**MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2010 INFLATION-ADJUSTED DOLLARS)**

Universe: Households

2006-2010 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, for 2010, the 2010 Census provides the official count of the population and housing units for the nation, states, counties, cities and towns. For 2006 to 2009, the Population Estimates Program provides intercensal estimates of the population for the nation, states, and counties.

	Texas		Census Tract 12, McLennan County, Texas	
	Estimate	Margin of Error	Estimate	Margin of Error
Median household income in the past 12 months (in 2010 inflation-adjusted dollar)	49,846	+/-145	17,857	+/-4,112

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

The methodology for calculating median income and median earnings changed between 2008 and 2009. Medians over \$75,000 were most likely affected. The underlying income and earning distribution now uses \$2,500 increments up to \$250,000 for households, non-family households, families, and individuals and employs a linear interpolation method for median calculations. Before 2009 the highest income category was \$200,000 for households, families and non-family households (\$100,000 for individuals) and portions of the income and earnings distribution contained intervals wider than \$2,500. Those cases used a Pareto Interpolation Method.

While the 2006-2010 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2006-2010 American Community Survey

Explanation of Symbols:

1. An "X" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An "N" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An "L" following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An "U" following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An "N" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An "C" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is

not appropriate.

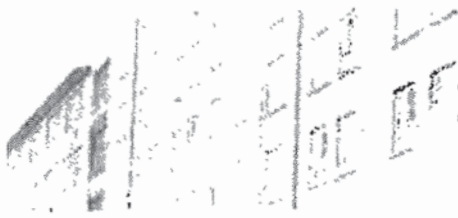
2. An 'N' entry in the estimate and margin of error column indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

3. An '(X)' means that the estimate is not applicable or not available.



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### QUALIFIED CENSUS TRACTS

Qualified Census Tracts (QCTs) are the geographic units used to determine the eligibility of a community for HUD's Section 8 Housing Choice Voucher program. QCTs are defined as census tracts that have a poverty rate of at least 10 percent and a median family income that is no more than 80 percent of the state median family income. For more information on QCTs, please visit the HUD User GIS Maps website at <http://qct.huduser.org/QLTGIS/Us/Main.aspx>.

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Select a State

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Tract Outline

Qualified Census Tracts (2012)

LIHTC Project

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Map data ©2012 Google

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**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action regarding Preclearance requests for Community Revitalization Plans filed with Pre-Applications in the 2013 Competitive Housing Tax Credit Cycle

**RECOMMENDED ACTION**

**WHEREAS**, the applicant for Villas of Vanston Park submitted a timely request for a determination by the Board that notwithstanding the fact that their submitted materials may not have addressed each of the matters set forth in the Qualified Allocation Plan (“QAP”), 10 TAC Chapter 11, they should still be found to have satisfied meaningfully and substantively fulfilled the requirements of a revitalization effort and, therefore, supports eligibility for points under either §11.9(c)(6)(A) or §11.9(c)(6)(B)(i) of the Qualified Allocation Plan (QAP); and

**WHEREAS**, staff reviewed the submission and has provided an assessment of the documentation to be considered by the the Board in making its determination whether the plan does or does not substantively and meaningfully satisfy a revitalization effort, notwithstanding the lack of one or more specific factors outlined in the QAP, all in accordance with §11.9(c)(6)(A)(iv),

**NOW, therefore, it is hereby**

**RESOLVED**, that the applicant is denied preclearance for the community revitalization plans submitted with their pre-applications as provided for under §11.9(c)(6)(A)(iv) of the QAP.

**BACKGROUND**

Under the 2013 QAP and Uniform Multifamily Rules applicants for Competitive Housing Tax Credits must seek preclearance from the Department for Community Revitalization Plans in which some QAP-required elements may not be present (§11.9(d)(6)(A)(iv)). To implement the preclearance process, staff created a supplement to the pre-application known as the Waiver, Preclearance, Disclosure, and Determination (“WPDD”) Packet. Any Applicant seeking preclearance for a community revitalization plan was required to submit the WPDD Packet during the pre-application acceptance period (provided the Applicant chose to submit a pre-application). Staff received such a packet and request for preclearance from the Applicant for Villas of Vanston Park.

The packet as submitted included, along with the required forms, a copy of the Gus Thomasson Corridor Revitalization Code (“GTRC”), a copy of the Casa View Heights Neighborhood Plan (“Neighborhood Plan”), and a letter from the Director of Community Development for the City of Mesquite certifying that the GTRC, which implements the Neighborhood Plan, was duly adopted in a process that allowed for public input and that funding and activity under the plan had already commenced. The Neighborhood Plan provided an assessment of the area that included concerns about criminal activity, aging housing, and inadequate infrastructure but did not include a budget. These materials did not establish that the development site was within the target area of the plan. Staff’s review of the GTRC revealed that the code was effectively a zoning ordinance. Although staff later determined that the development site was included in the target area of the GTRC this was not established within the application materials, which constitute the record for this determination. The original submission also included a budget summary for the Gus Thomasson corridor accompanied by a letter from the City of Mesquite. Because the budget did not appear to be associated with either the GTRC or the Neighborhood Plan and because these two documents also referenced different (although overlapping) target areas, staff questioned the Applicant about how these documents collectively established a community revitalization plan. The response from the Applicant included additional supporting documentation from the City of Mesquite and provided some explanation as to how these documents are related.

The supplemental information included a letter from the Applicant’s attorney which explained that the GTRC submitted in the WPDD packet is not a community revitalization plan. Staff’s initial assessment, that the GTRC is a zoning ordinance, was confirmed in that letter which stated that it was adopted to implement the goals of the Neighborhood Plan. The letter also went on to explain how the target area of Neighborhood Plan, which was adopted in April 2007, was combined with the Gus Thomasson Road corridor to create the Casa View Heights Neighborhood Sustainability Zone (“CVHNSZ”). This sustainability zone was incorporated into the city’s comprehensive plan in November 2007 as evidenced by a city resolution. Staff also met with the Applicant and representatives of the City of Mesquite who stated that the original target area of the Neighborhood Plan was expanded, but evidence of that expanded target area was not made clear in the Applicant’s original submission. They explained that by way of the GTRC reference to the Neighborhood Plan and the inclusion of the expanded zone in the GTRC that the documentation in the original submission are “book ends” to the entire planning process and taken together could represent a revitalization plan with a target area that included the development site.

The Applicant also addressed staff’s questions about the budget, providing evidence that the city, again by way of resolution, identified the Casa View Heights neighborhood as an area targeted for CDBG funding. Evidence was also provided that over \$14 million in funds from a variety of sources had been expended in the area known as the CVHNSZ.

Staff has identified two major concerns with the Applicant’s request for points under the Community Revitalization Plan point item. The Comprehensive Plan, the Neighborhood Plan as amended, the

Revitalization Code, and several resolutions and letters from the City of Mesquite document a significant revitalization effort. However, the documents that constitute the plan encompassing the site, namely the Comprehensive Plan incorporating the amended Neighborhood Plan, were not submitted in the original WPDD packet. Only with a very large supplement to the original record were the necessary components of a plan evident.

Additionally, the budget is a record of actual expenditures that does not appear in any of the planning documents. Staff concedes that the actual expenditure of funding is evidence of investment that may be stronger than a budget that includes anticipated/committed funding. However, because the list of expenditures was not tied to a planning document, it is difficult to assess whether the expenditures were specifically made to further the implementation of the revitalization effort or whether they are incidental or routine improvement and maintenance. Because of this difficulty, in other plans submitted during the 2013 cycle staff specifically looked for a budget adopted as part of the plan itself. Fundamental to the concept of a concerted and meaningful revitalization effort is the adoption of a plan complete with an assessment of revitalization needs and a budget to directly address those identified needs. The QAP provides the following direction:

“The adopted plan, taken as a whole, must be a plan that can reasonably be expected to revitalize the neighborhood and address in a substantive and meaningful way the material factors identified. Generally, because revitalization must identify specific matters needing to be addressed by revitalization and provide a plan and budget specifically directed to those identified issues, revitalization will be considered distinct and separate from broader economic development efforts.”

Staff recommends that pre-clearance not be granted based on its assessment that the application materials as submitted, which constitute the record, did not establish at least two components that staff viewed as critical: that the plan area included the development and that the plan had a specific correlated and adopted budget supporting the claimed points.



**GUS THOMASSON CORRIDOR  
REVITALIZATION CODE**

*Adopted by Ordinance No. 4022 on December 15, 2008*

*First Amended by Ordinance No. 4187 on November 7, 2011*

The images and diagrams appearing in the Gus Thomasson Revitalization Code were derived from the SmartCode Version 9.2, authored by Duany Plater-Zyberk & Co.

Metrics of the SmartCode Version 9.2 used in the Gus Thomasson Revitalization Code were calibrated for the North Gus Thomasson Corridor District by:

Richard G. Gertson, AICP, Director of Community Development  
Arti N. Waghray, Planner

The Planning and Zoning Division of the Community Development Department gratefully acknowledges the assistance of Jerome J. Dittman, P.E., Assistant Director of Public Works.



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ARTICLE 1. GENERAL PROVISIONS  
GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**ARTICLE 1. GENERAL PROVISIONS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

**1.1 AUTHORITY**

- 1.1.1 This Gus Thomasson Corridor Revitalization Code (hereinafter, "the Code") is enacted as one of the instruments for implementing the public purposes and objectives of the adopted Casa View Heights Neighborhood Plan. The Code is declared to be consistent with the Casa View Heights Neighborhood Plan, and except as noted herein, supplants the application of all provisions of the Mesquite Zoning Ordinance (MZO) as it pertained to land within the boundaries of the North Gus Thomasson Corridor District (hereinafter, "the District") prior to the effective date of this Code.
- 1.1.2 This Code is adopted to promote the health, safety and general welfare of the City of Mesquite, Texas and its citizens, including without limitation, the preservation of neighborhood character, the creation of sustainable communities, a reduction in sprawl development and visual clutter, protection of the environment, conservation of land, energy and natural resources, reduction in vehicle miles traveled and traffic congestion, more efficient use of public funds and infrastructure, health benefits of a pedestrian-oriented environment, historic preservation, education and recreation, and improvement of the built environment and human habitat.
- 1.1.3 This Code, including Infill Regulating Plan and Transect standards, may be amended after notice and public hearing in accordance with MZO §5-302.

**1.2 INTENT**

The purpose of this Code is to enable, encourage and quantify the implementation of the following policies within the District:

**1.2.1 The Community**

- a. That Infill Neighborhood Centers shall be complete, compact, pedestrian-oriented and mixed-use.
- b. That Infill Neighborhood Centers shall be the preferred pattern of development and that developments specializing in single-use or limited uses shall be the exception.
- c. That ordinary activities of daily living shall occur within walking distance of most dwellings, allowing independence to those who do not drive, and giving residents with automobiles a range of mobility options.
- d. That interconnected networks of Thoroughfares shall be designed to disperse and reduce the length of automobile trips.
- e. That within Infill Neighborhood Centers, a range of housing types and price levels shall be provided to accommodate diverse ages and incomes.
- f. That appropriate building Densities and land uses shall be provided within walking distance of possible future public transportation.
- g. That Civic, institutional, and Commercial activity shall be embedded in Infill Neighborhood Centers, not isolated in remote single-use complexes.
- h. That schools shall be sized and located to enable children to walk or bicycle to them, and promote schools as essential to neighborhood vitality.
- i. That a range of Open Space including Parks, Squares, and Playgrounds shall be distributed within Infill Neighborhood Centers.

**1.2.2 The Block and the Building**

- a. That buildings and landscaping shall contribute to the physical definition of Thoroughfares as Civic Spaces.
- b. That development shall adequately accommodate automobiles while giving the pedestrian and the spatial form of public space preeminence.

**ARTICLE 1. GENERAL PROVISIONS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

- c. That the design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility.
- d. That architecture and landscape design shall grow from local climate, topography, history, and building practice.
- e. That buildings shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- f. That Civic Buildings and public gathering places shall be provided locations that reinforce community identity and support self-government.
- g. That Civic Buildings shall be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
- h. That the renewal of buildings shall be facilitated to affirm the continuity, evolution, and viability of the Infill Neighborhood Center.
- i. That the harmonious and orderly evolution of urban areas shall be secured through graphic, form-based codes that serve as guides for change.

**1.2.3 The Transect**

- a. That Infill Neighborhood Centers shall provide meaningful choices in living arrangements as manifested by distinct physical environments.
- b. That the Transect Zone description on Table 2-1 shall constitute the Intent of this Code with regard to the general character of the District.

**1.3 APPLICABILITY**

- 1.3.1 The functions and buildings on all land within the NGTC — North Gus Thomasson Corridor zoning classification shall conform exclusively to this Code.
- 1.3.2 Provisions of this Code are activated by "shall" when required; "should" when recommended; and "may" when optional.
- 1.3.3 The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards except where the Director determines that the application of this rule will result in a material threat to life, safety, or the destruction of public or private property.
- 1.3.4 The Mesquite Zoning Ordinance and Mesquite Subdivision Ordinance shall continue to be applicable to issues not covered by this Code.
- 1.3.5 Capitalized terms used throughout this Code may be defined in Article 4 Definitions of Terms. Those terms not defined in Article 4 shall be accorded the commonly accepted meanings. In the event of conflict, the definitions of this Code shall take precedence.
- 1.3.6 Where in conflict, numerical metrics shall take precedence over graphic metrics.

**1.4 DEVELOPMENT PROCESS**

- 1.4.1 The standards for this Code have been determined as set forth in Article 2 and Article 3 through a process of public hearing and approval by the City Council. Projects that require no deviation from the Infill Regulating Plan and the requirements of the Code shall be processed administratively. The submittal shall consist of such information as the Director may require in order to evaluate compliance with this Code. If the project requires new infrastructure, or if the viability of the project is affected by development regulations external to this Code, the Director may provide for concurrent review of the project through the Development Review Process.

**ARTICLE 1. GENERAL PROVISIONS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

- 1.4.2 A deviation from the requirements of this Code may be approved by either Warrant or Variance.
- a. A Warrant is an administrative ruling that would permit a practice that is not consistent with or covered by a specific provision of this Code, but is justified by its Intent (Section 1.3). Variances may be granted in accordance with the procedures set forth in MZO §5-402.
  - b. The Director shall determine whether a deviation requires a Warrant or Variance.
- 1.4.3 The Director shall have the authority administratively to approve or disapprove a request for a Warrant. Such decision shall be made in writing and made a permanent part of the applicable Infill Regulating Plan.
- 1.4.3 The Board of Adjustment is not authorized to grant relief from the following standards and requirements:
- a. The maximum Block Perimeter and Block Face. (Table 2-2)
  - b. The Thoroughfare Assemblies. (Table 2-3)
  - c. The minimum height requirement. (Table 3-2)
  - d. The required provision of Rear Alleys in Section 3.9.
  - e. Parking Location Standards in Section 3.9.
  - f. The permission to build Accessory Buildings.
  - g. The minimum requirements for parking. (Table 3-4)
  - h. Parking and Density Calculations in Section 3.8.
  - i. A building or specific function not permitted. (See Tables 3-4 and 3-5.)
  - j. The Architectural Standards in Section 3.11. (Also see Table 3-3A-H)
  - k. The Signage Standards in Section 3.13.

**1.5 INCENTIVES**

- 1.5.1 To encourage the implementation of this Code, the City Council, in its sole discretion, may grant one or more incentives in accordance with adopted policies for neighborhood and economic revitalization, and to the extent authorized by state law. The project owner, or the Director on his initiative, may submit an application for incentives to the City Council for consideration.

ARTICLE 2. INFILL COMMUNITY SCALE PLANS  
GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*



**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

**2.1 SECTOR ALLOCATION AND SPATIAL HIERARCHY**

2.1.1 The North Gus Thomasson Corridor District falls within the following SmartCode hierarchy:

Infill Growth Sector	G4
Community Types	Infill Neighborhood Center Development
Transect Zones	T-5, Urban Center

2.1.2 The planning principles and standards of the SmartCode as they pertain to the Sector, Community Type and Transect Zones designated in this section shall guide the development of the Infill Regulating Plan, provide valuable rationale for evaluating applications to rezone additional properties into the District, and aid in the interpretation of this Code.

**2.2 REVITALIZATION PLANNING**

2.2.1 The Community Development Department shall prepare or have prepared on its behalf, an Infill Regulating Plan to guide development of the North Gus Thomasson Corridor (refer to pages 2-16 thru 2-17).

2.2.2 The Infill Regulating Plan shall consist of one or more maps showing the following elements:

- a. The boundaries of the District
- b. Transect Zones and Civic Zones within the District, assigned according to an analysis of existing conditions and future needs
- c. A Thoroughfare network, existing or planned (Table 2-2 and Table 2-3)
- d. Special Requirements (Section 2.8)
- e. A record of Warrants approved by the Director or Variances granted by the Board of Adjustment

2.2.3 Within any area subject to an approved Infill Regulating Plan, this Code becomes the exclusive and mandatory regulation. Property owners within the plan area may submit Building Scale Plans under Article 3 in accordance with the provisions of this Code.

**2.3 COMMUNITY TYPE**

The Infill Regulating Plan for the District shall encompass the following Community type:

**2.3.1 Infill Neighborhood Center Development (NCD)**

- a. An Infill NCD shall be assigned to that portion of the North Gus Thomasson Corridor that is predominantly Office and Retail, and has the potential of becoming a vital Mixed-Use Corridor for the surrounding Neighborhoods. In the future, Government and other Civic institutions of importance should be incorporated into the Infill NCD. The Infill NCD shall be mapped so as to be oriented around one or more existing or planned Common Destinations.
- b. The edges of an Infill NCD should blend into adjacent neighborhoods without buffers.

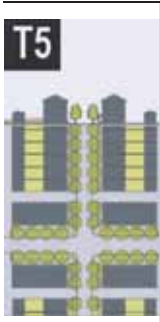
**2.4 TRANSECT ZONES**

2.4.1 The Director shall calibrate Transect Zone standards for the Infill Regulating Plan by means of a survey of exemplary existing and intended conditions. Approved metrics shall be recorded in Table 3-11.

**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

2.4.2 A Transect Zone shall include elements indicated by Article 2, Article 3 and the Appendices.

**TABLE 2-1: Transect Zone Descriptions:** *The following describes the Intent of the Transect Zone within the District.*

	<p><b>T-5 URBAN CENTER</b>  T-5 Urban Center Zone consists of higher density mixed use buildings that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to sidewalks.</p>	<p><b>General Character:</b> Shops mixed with Townhouses, larger Apartment houses, Offices, workplace, and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity</p> <p><b>Building Placement:</b> Shallow Setbacks or none; buildings oriented to street defining a street wall</p> <p><b>Frontage Types:</b> Stoops, Shopfronts, Galleries</p> <p><b>Typical Building Height:</b> 2- to 3-Story with some variation</p> <p><b>Type of Civic Space:</b> Parks, Plazas and Squares, median landscaping</p>
---	--	---

**2.5 THOROUGHFARE STANDARDS**

**2.5.1 General**

- a. Thoroughfares shall be designed and constructed in context with the urban form and desired design speed of the District, as specified in Table 2-3.
- b. Within the District pedestrian comfort shall be a primary consideration of the Thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- c. The Thoroughfare network shall be designed to define Blocks not exceeding the size prescribed in Table 2-2. The perimeter shall be measured as the sum of Lot Frontage Lines. Where the edge of the District merges with a non-grid street network, dimensions of the Block Perimeter that do not comply with this standard shall be subject to approval by Warrant.
- d. All Thoroughfares shall terminate at other Thoroughfares, forming a network. Internal Thoroughfares shall connect to those on adjacent sites. Cul-de-sacs shall be subject to approval by Warrant to accommodate specific site conditions only. At every termination point of a street, or where it makes a ninety degree turn (plus or minus fifteen degrees), the Thoroughfare shall terminate on a building or vertical element in order to establish a Terminated Vista, unless the street terminates into a Park or natural area.
- e. Each Lot shall Enfront a Thoroughfare.
- f. The Thoroughfare standards and assemblies shall not be construed to prohibit the use of traffic control devices that alter the effective pavement or right-of-way width.
- g. Standards for Paths and Bicycle Trails in the District shall be approved by Warrant.

**2.5.2 Vehicular Lanes**

- a. Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. Vehicular lanes shall be regulated through the Thoroughfare Assemblies shown in Table 2-3.
- b. A bicycle network consisting of Bicycle Trails, Bicycle Routes and Bicycle Lanes shall be provided throughout the District as specified in Table 3-11. The community bicycle network shall be connected to existing or proposed regional networks.

**2.5.3 Public Frontages**

- a. The Public Frontage contributes to the character of the District, and includes the types of Sidewalk, Curb, Planter, Bike Lanes and street trees.


**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

- b. Public Frontages shall be designed as shown in Table 2-3 and allocated within the District as specified in Table 3-11.
- c. Within the Public Frontages, the prescribed types of Public Planting and Public Lighting shall be as shown in Table 3-8 and Table 3-10. The spacing may be adjusted by Warrant to accommodate specific site conditions.
- d. Tree spacing shall begin no less than 30 feet from a stop or yield sign at an intersection.
- e. Trees shall be planted below the grade of the sidewalk and the street in structural cells with sufficient root space.
- f. Rain Gardens and Bioswales shall be installed to infiltrate runoff from parking lots, Thoroughfares, Plazas and other impervious surfaces.
- g. Where vegetative solutions are not feasible, porous concrete or porous asphalt shall be specified for Sidewalks and Plazas to infiltrate stormwater.
- h. In order to survive within tree wells and narrow planter strips, the introduced landscape shall consist primarily of drought-resistant, durable species tolerant of soil compaction.
- i. The Public Frontage shall include trees planted in a regularly-spaced Allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one Story. At Retail Frontages, the irregular spacing of trees may be approved by Warrant to avoid visually obscuring shopfronts.

**TABLE 2-2: Block Size**

*The maximum Block Size permitted in the District shall be regulated by the Block Perimeter & Face standards here in.*

**BLOCK SIZE**



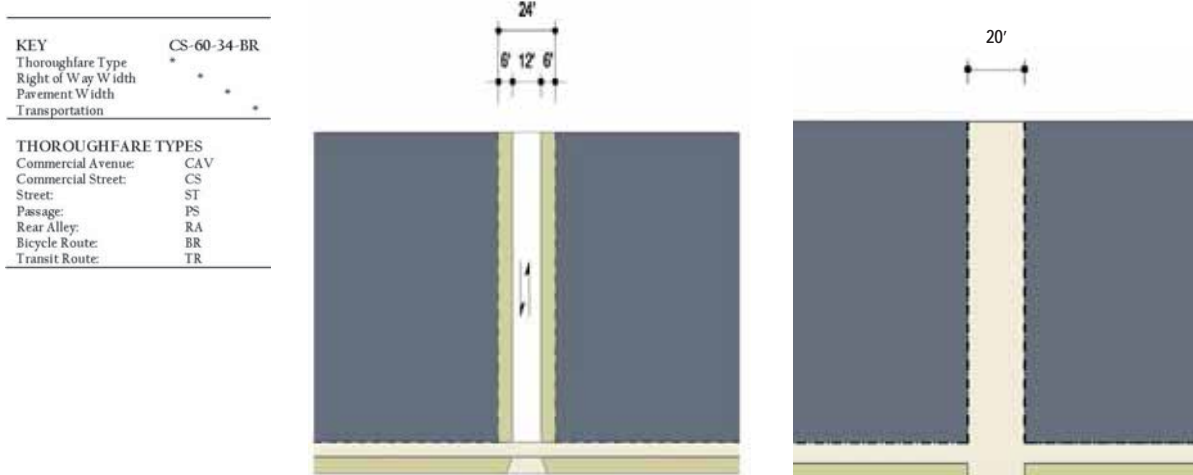
	<b>T-5</b>
	URBAN CENTER ZONE
<b>BLOCK PERIMETER</b>	2000 ft. max.
<b>BLOCK FACE</b>	600 ft. max

## ARTICLE 2. INFILL COMMUNITY SCALE PLANS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**TABLE 2-3: Thoroughfare Assemblies:** *The character and assembly of Thoroughfares are regulated by the Thoroughfare Assemblies herein; these shall be applied to the District. Thoroughfare Assemblies are essential to the creation of a walkable community. People will walk in an environment only to the extent that they feel comfortable doing so. The Thoroughfare Assemblies required in the District are shown in Table 2-3. The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.*

- *The dimension of the curb radius is important. In the Urban Center Zone, where there are more pedestrians, the Effective Turning Radius should be smaller to slow the speed of vehicle tracking and shorten pedestrian crossing distance.*
- *Where there is substantial street-level Retail, there is some discretion in the location of street trees so that Shopfronts and important architecture are not blocked, as they would be by regular spacing.*



	RA-24-12	PS-20-20
Functional Class	Local	Local
Thoroughfare Type	Rear Alley	Passage
Transect Zone Assignment	T-5	T-5
Grid Assignment	None	A
Right-of-Way Width	24 feet	20 feet
Pavement Width	12 feet	20 feet
Movement	Yield Movement	Pedestrian
Design Speed	10 MPH	N/A
Pedestrian Crossing Time	3.5 seconds	N/A
Traffic Lanes	n/a	N/A
Parking Lanes	None	N/A
Curb Radius	Taper	N/A
Walkway Type	None	N/A
Planter Type	None	N/A
Curb Type	Inverted Crown	N/A
Landscape Type	None	N/A
Transportation Provision	None	N/A

## ARTICLE 2. INFILL COMMUNITY SCALE PLANS

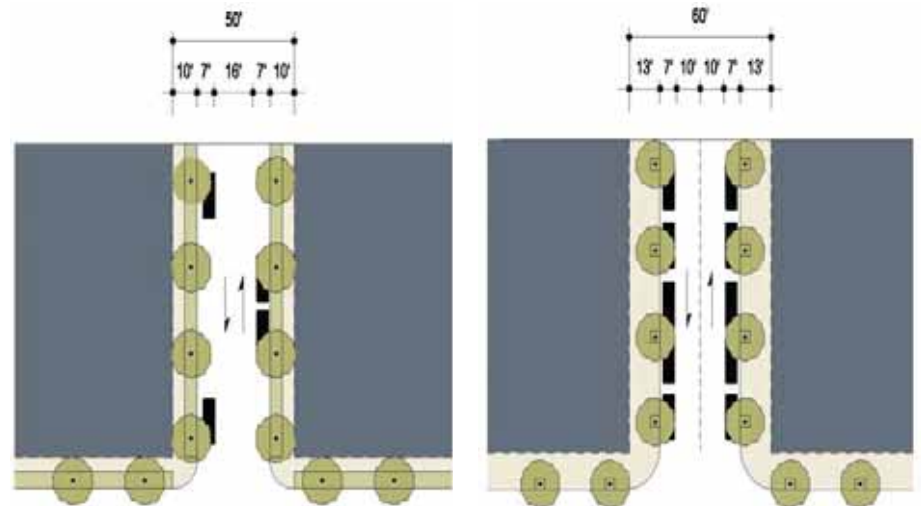
### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

TABLE 2-3: Thoroughfare Assemblies (continued)

KEY		CS-60-34-BR
Thoroughfare Type	*	
Right of Way Width	*	
Pavement Width	*	
Transportation	*	

THOROUGHFARE TYPES	
Commercial Avenue:	CAV
Commercial Street:	CS
Street:	ST
Passage:	PS
Rear Alley:	RA
Bicycle Route:	BR
Transit Route:	TR



	ST-50-30	CS-60-34
Functional Class	Minor Arterial/Collector/Local	Minor Arterial/Collector/Local
Thoroughfare Type	Street	Commercial Street
Transect Zone Assignment	T-5	T-5
Grid Assignment	A	A
Right-of-Way Width	50 feet	60 feet
Pavement Width	30 feet	34 feet
Movement	Yield Movement	Slow Movement
Design Speed	25 MPH	25-35 MPH
Pedestrian Crossing Time	8.5 seconds	9.7 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 7 feet unmarked	Both sides @ 7 feet marked
Curb Radius	15 feet	15 feet
Walkway Type	5 foot sidewalk	13 foot Sidewalk
Planter Type	5 foot Continuous Planter	4x4' tree well
Curb Type	Curb	Curb
Landscape Type	Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
Transportation Provision		

## ARTICLE 2. INFILL COMMUNITY SCALE PLANS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**TABLE 2-3: Thoroughfare Assemblies (continued)**

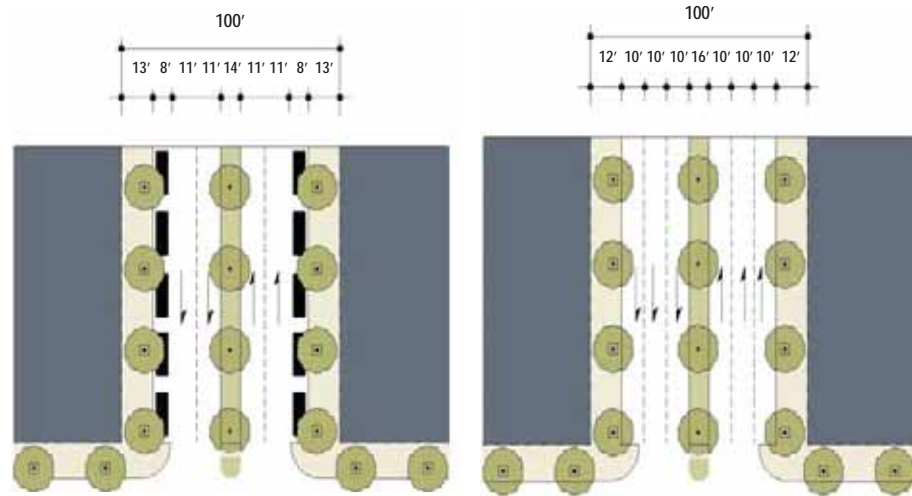
#### GUS THOMASSON ROAD AND OATES DRIVE

In the event the Travel Lanes along Gus Thomasson Road and/or Oates Drive are increased and the Median width is decreased, the Median along Gus Thomasson Road and/or Oates Drive shall not be reduced to less than 8 feet. The assembly for Gus Thomasson Road shall be from Motley Drive to Interstate Highway 30.

KEY	
Thoroughfare Type	CS-60-34-BR
Right of Way Width	*
Pavement Width	*
Transportation	*

THOROUGHFARE TYPES	
Commercial Avenue:	CAV
Commercial Street:	CS
Street:	ST
Passage:	PS
Rear Alley:	RA
Bicycle Route:	BR
Transit Route:	TR



	CAV-100-60	CAV-100-60
Street Name	Gus Thomasson Road	Oates Drive
Functional Class	Principal Arterial	Principal Arterial
Thoroughfare Type	Commercial Avenue	Commercial Avenue
Transect Zone Assignment	T-5	T-5
Grid Assignment	A	A
Right-of-Way Width	100 feet	100 feet
Pavement Width	60 feet	60 feet
Movement	Medium Movement	Medium Movement
Design Speed	35 MPH	35 MPH
Pedestrian Crossing Time	8.6 seconds – 8.6 seconds	8.6 seconds – 8.6 seconds
Traffic Lanes	6 lanes	6 lanes
Parking Lanes	Both sides @ 8 feet marked	None
Curb Radius	20 feet	20 feet
Walkway Type	13 foot Sidewalk	12 foot Sidewalk
Planter Type	4x4' tree well	4x4' tree well
Curb Type	Curb	Curb
Landscape Type	Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
Transportation Provision	BR	BR



## ARTICLE 2. INFILL COMMUNITY SCALE PLANS

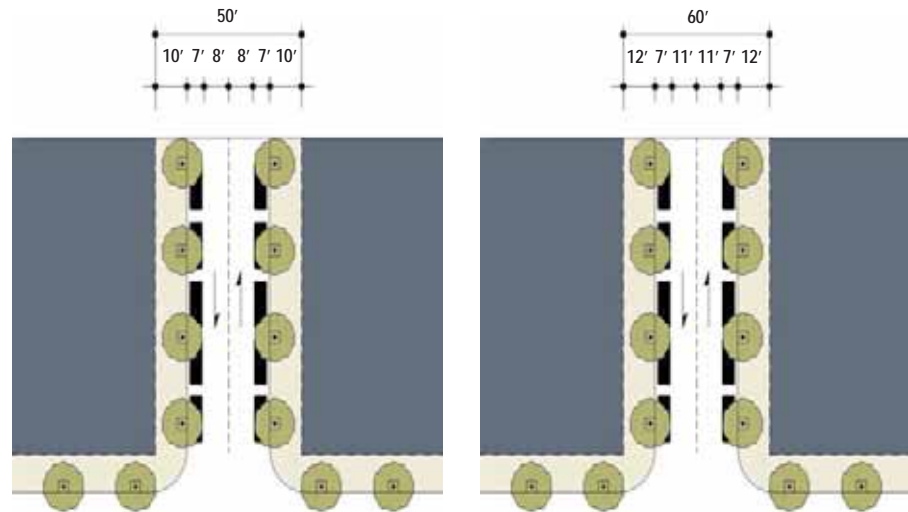
### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

TABLE 2-3: Thoroughfare Assemblies (continued)

KEY		CS-60-34-BR
Thoroughfare Type	*	
Right of Way Width	*	
Pavement Width	*	
Transportation	*	

THOROUGHFARE TYPES	
Commercial Avenue:	CAV
Commercial Street:	CS
Street:	ST
Passage:	PS
Rear Alley:	RA
Bicycle Route:	BR
Transit Route:	TR



	CS-50-30	ST-60-37
Street Name	Moon Drive	Whitson Way
Functional Class	Collector	Collector
Thoroughfare Type	Commercial Street	Street
Transect Zone Assignment	T-5	T-5
Grid Assignment	A	A
Right-of-Way Width	50 feet	60 feet
Pavement Width	30 feet	36 feet
Movement	Yield Movement	Slow Movement
Design Speed	25 MPH	25-30 MPH
Pedestrian Crossing Time	8.6 seconds	10.3 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 7 feet marked	Both sides @ 7 feet marked
Curb Radius	15 feet	15 feet
Walkway Type	10 foot Sidewalk	12 foot sidewalk
Planter Type	4x4' tree well	4x4' tree well
Curb Type	Curb	Curb
Landscape Type	Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
Transportation Provision		

## ARTICLE 2. INFILL COMMUNITY SCALE PLANS

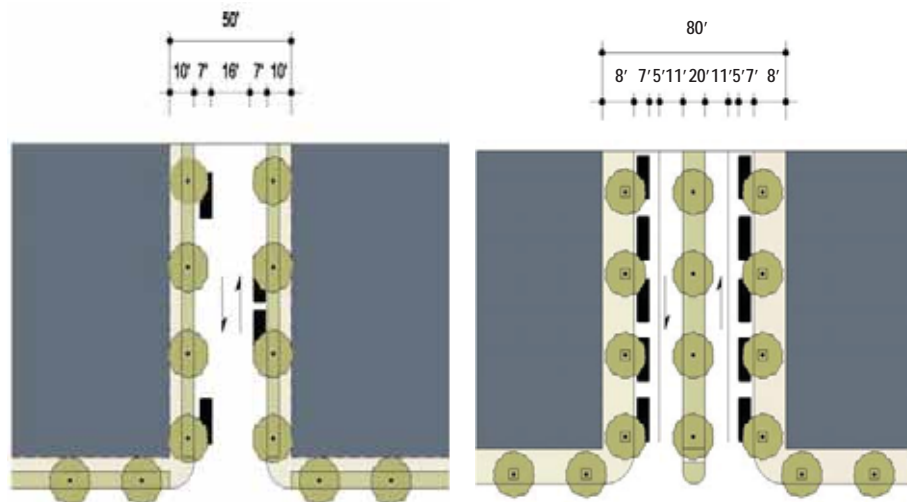
### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

TABLE 2-3: Thoroughfare Assemblies (continued)

KEY		CS-60-34-BR
Thoroughfare Type	*	*
Right of Way Width	*	*
Pavement Width	*	*
Transportation	*	*

THOROUGHFARE TYPES	
Commercial Avenue:	CAV
Commercial Street:	CS
Street:	ST
Passage:	PS
Rear Alley:	RA
Bicycle Route:	BR
Transit Route:	TR



	ST-50-30	CS-80-44
Street Name	Motley Drive	La Prada Drive
Functional Class	Local	Minor Arterial
Thoroughfare Type	Street	Street
Transect Zone Assignment	T-5	T-5
Grid Assignment	A	A
Right-of-Way Width	50 feet	80 feet
Pavement Width	30 feet	44 feet
Movement	Yield Movement	Slow Movement
Design Speed	25 MPH	25-35 MPH
Pedestrian Crossing Time	8.5 seconds	6.2 seconds – 6.2 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 7 feet unmarked	Both sides @ 7 feet marked
Curb Radius	15 feet	20 feet
Walkway Type	5 foot Sidewalk	8 foot Sidewalk
Planter Type	5 foot Continuous Planter	4x4' tree well
Curb Type	Curb	Curb
Landscape Type	Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
Transportation Provision		BL @ 5 feet marked

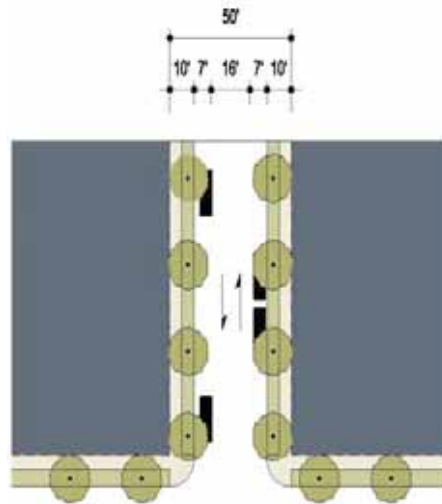
**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

**TABLE 2-3: Thoroughfare Assemblies (continued)**

KEY	CS-60-34-BR
Thoroughfare Type	*
Right of Way Width	*
Pavement Width	*
Transportation	*

THOROUGHFARE TYPES	
Commercial Avenue:	CAV
Commercial Street:	CS
Street:	ST
Passage:	PS
Rear Alley:	RA
Bicycle Route:	BR
Transit Route:	TR



	ST-50-30	I-30
Street Name	Karla Drive, Live Oak Drive & Forest Drive	Interstate Highway 30
Functional Class	Local	N/A
Thoroughfare Type	Street	N/A
Transect Zone Assignment	T-5	T-5
Grid Assignment	A	B
Right-of-Way Width	50 feet	N/A
Pavement Width	30 feet	N/A
Movement	Yield Movement	Fast Movement
Design Speed	25 MPH	Above 60 MPH
Pedestrian Crossing Time	8.6 seconds	N/A
Traffic Lanes	2 lanes	N/A
Parking Lanes	Both sides @ 7 feet unmarked	N/A
Curb Radius	15 feet	N/A
Walkway Type	5 foot sidewalk	N/A
Planter Type	5 foot Continuous Planer	N/A
Curb Type	Curb	N/A
Landscape Type	Trees at 30' o.c. Avg.	N/A
Transportation Provision		

**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

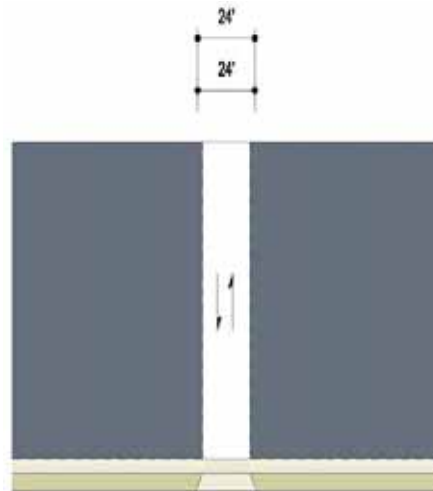
**TABLE 2-3: Thoroughfare Assemblies (continued)**

KEY		CS-60-34-BR
Thoroughfare Type	*	*
Right of Way Width	*	*
Pavement Width	*	*
Transportation	*	*

THOROUGHFARE TYPES	
Commercial Avenue:	CAV
Commercial Street:	CS
Street:	ST
Passage:	PS
Rear Alley:	RA
Bicycle Route:	BR
Transit Route:	TR

[Reserved]



RD-24-24		
Functional Class	Local	
Thoroughfare Type	Rear Drive	
Transect Zone Assignment	T-5	
Grid Assignment	None	
Right-of-Way Width	24 feet	
Pavement Width	24 feet	
Movement	Yield Movement	
Design Speed	10 MPH	
Pedestrian Crossing Time	7 seconds	
Traffic Lanes	n/a	
Parking Lanes	None	
Curb Radius	Taper	
Walkway Type	None	
Planter Type	None	
Curb Type	Inverted Crown	
Landscape Type	None	
Transportation Provision	None	

**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE:** *City of Mesquite*

**2.6 CIVIC ZONES**

**2.6.1 General**

- a. The Infill Regulating Plan shall designate Civic Space Zones (CS) and Civic Building Zones (CB).
- b. Additional Civic Zones may be permitted by Warrant if it does not occupy more than 20% of the District.
- c. Parking for Civic Zones shall be determined by Warrant.

**2.6.2 Civic Space Zones (CS)**


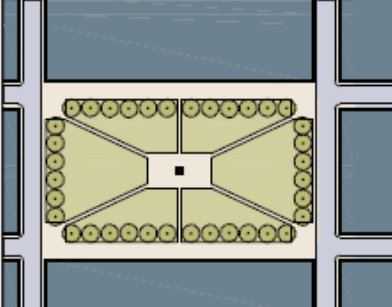
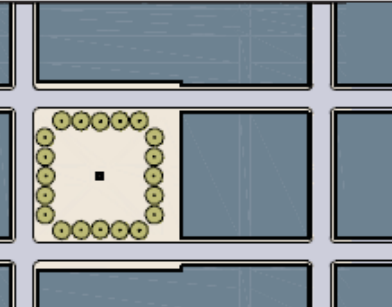
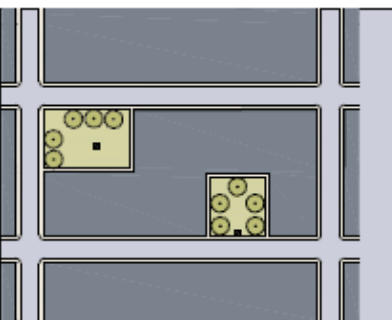
- a. Civic Spaces shall be designed as described in Table 2-4, their type appropriate for the District.

**2.6.3 Civic Building Zones (CB)**

- a. Civic Buildings shall be permitted by Warrant on Civic Zones reserved in the Infill Regulating Plan.
- b. Civic Buildings shall not be subject to the Requirements of Article 3. Building design shall be determined by Warrant.

**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

**TABLE 2-4: Civic Space:** *The design of Civic Space shall be regulated by the Civic Space standards herein; these shall be applied to the District to create bounded space. The Civic Spaces are perceptually enclosed by surrounding frontages, building heights and/or trees; essentially this enclosure creates an outdoor room. Within the District Greens, Squares, Plazas and Playgrounds are permitted.*

<p><b>Green</b>  <b>Description:</b> An Open Space, available for unstructured recreation.  <b>Standards:</b></p> <ol style="list-style-type: none"> <li>1. A Green may be spatially defined by landscaping rather than building Frontages.</li> <li>2. Its landscape shall consist of lawn and trees, naturalistically disposed.</li> <li>3. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.</li> </ol>	
<p><b>Square</b>  <b>Description:</b> An Open Space available for unstructured recreation and Civic purposes.  <b>Standards:</b></p> <ol style="list-style-type: none"> <li>1. A Square shall be spatially defined by building Frontages.</li> <li>2. Its landscape shall consist of Paths, lawns and trees, formally disposed.</li> <li>3. Squares shall be located at the intersection of important Thoroughfares.</li> <li>4. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.</li> </ol>	
<p><b>Plaza</b>  <b>Description:</b> An Open Space available for Civic purposes and Commercial activities.  <b>Standards:</b></p> <ol style="list-style-type: none"> <li>1. A Plaza shall be spatially defined by building Frontages.</li> <li>2. Its landscape shall consist primarily of pavement.</li> <li>3. Trees are optional.</li> <li>4. Plazas should be located at the intersection of important Thoroughfares.</li> <li>5. The minimum size shall be 1/2 acre and the maximum size shall be 2 acres.</li> </ol>	
<p><b>Playground</b>  <b>Description:</b> An Open Space designed and equipped for the recreation of children.  <b>Standards:</b></p> <ol style="list-style-type: none"> <li>1. A Playground shall be fenced and may include an open shelter.</li> <li>2. Playgrounds shall be interspersed within Residential areas and may be placed within a Block.</li> <li>3. Playgrounds may be included within Parks and Greens.</li> <li>4. There shall be no minimum or maximum size.</li> </ol>	



**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

**2.7 UTILITY STANDARDS**

- 2.7.1 Utilities in the District shall be placed according to the following specifications:
- a. Franchise utilities shall be placed in the same trench underground. Franchise utilities shall be placed in the alley or rear easement. If an alley or rear easement is not available, franchise utilities shall be placed under the Sidewalk. Maximum trench width shall be 24 inches. Horizontal and vertical clearances shall be as required by the franchise utility's stated guidelines.
  - b. Water lines shall be placed under the Sidewalk. If a Sidewalk is not available, water lines shall be placed underneath the median. If placed in the median, the water line shall be offset from the tree line.
  - c. Sanitary and storm sewer lines shall be placed underneath Thoroughfare pavement. Storm sewer lines may be placed in alternative, approved locations to implement Light Imprint Storm Drainage Tools. These locations shall be approved by the Director of Public Works.

**2.8 STORM DRAINAGE**

- 2.8.1 Storm drainage shall incorporate tools listed in the Light Imprint Storm Drainage Matrix illustrated in Table 2-5.
- 2.8.2 In case of conflict, the built environment shall have priority over the natural environment.

**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

TABLE 2-5: Light Imprint Storm Drainage Matrix



T-5		
URBAN CENTER ZONE	Maint.	Cost
<b>PAVING</b>		
Cast/Pressed Concrete Paving Blocks	L	\$\$
Grassed Cellular Plastic	M	\$\$\$
Grassed Cellular Concrete	M	\$\$\$
Pervious Asphalt	L	\$\$
Asphalt	L	\$
Concrete	L	\$\$
Pervious Concrete	L	\$\$
Stamped Asphalt	L	\$\$\$
Stamped Concrete	L	\$\$\$
Pea Gravel	M	\$
Stone/Masonry Paving Blocks	L	\$\$\$
Wood Paving Blocks on Concrete	L	\$\$\$
Asphalt Paving Blocks	M	\$\$
<b>CHANNELING</b>		
Vegetative/Stone Swale	L	\$
Grassed Cellular Plastic	M	\$\$\$
Grassed Cellular Concrete	M	\$\$\$
Soakaway Trench	M	\$\$\$
Slope Avenue	M	\$\$\$
French Drain	M	\$
Sallow Channel Footpath/Rainwater Conveyer	L	\$
Concrete Pipe	L	\$\$
Gutter	L	\$\$
Planting Strip Trench	L	\$
Masonry Trough	L	\$\$
Canal	H	\$\$\$
Sculpted Watercourse	M	\$\$\$
Concrete Trough	L	\$\$
Archimedean Screw	L	\$\$\$
<b>STORAGE</b>		
Vegetative Purification Bed	M	\$\$
Flowing Park	M	\$\$
Retention Pond	M	\$\$
Landscaped Tree Well	L	\$\$
Pool/Fountain	H	\$\$\$
Underground Vault/Pipe/Cistern-Corrugated Metal	L	\$\$
Underground Vault/Pipe/Cistern-Precast Concrete	L	\$\$
Underground Vault/Pipe/Cistern-Cast in Place Concrete	L	\$\$
Grated Tree Well	L	\$\$
Underground Vault/Pipe/Cistern-Plastic	L	\$\$\$
Paved Basin	M	\$\$\$
<b>FILTRATION</b>		
Natural Vegetation	L	\$
Green Finger	L	\$\$\$
Roof Garden	M	\$\$\$
Waterscapes	H	\$\$\$

**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

**2.9 SPECIAL REQUIREMENTS**

- 2.9.1 Projects within the Infill Regulating Plan shall conform to the following special requirements:
- a. A differentiation of the Thoroughfares as A-Grid and B-Grid. (See Table 2-3)
    - i. Buildings along the A-Grid shall be held to the highest standard of this Code in support of pedestrian activity.
    - ii. Buildings along the B-Grid may be more readily considered for Warrants allowing automobile-oriented standards. The Frontages assigned to the B-Grid shall not exceed 30% of the total length of Frontages within the District.
  - b. Designations for Mandatory Stoop Frontage. (See page 2-17)
    - i. A building shall provide a Stoop along its Private Frontage.
  - c. Designations for Mandatory Shopfront Frontage. (See page 2-17)
    - i. A building shall provide a Shopfront at Sidewalk level along the entire length of its Private Frontage.
    - ii. The Shopfront shall be no less than 70% glazed in transparent glass and shaded by an awning overlapping the Sidewalk as generally illustrated in Table 4-3 A and specified in Table 4-3H.
    - iii. The first floor shall be confined to a Commercial Function through the depth of the second Layer. (Table 4-1)
  - d. Designations for Mandatory and/or Recommended Terminated Vista locations. (See page 2-17)
    - iv. Requiring or advising that the building be provided with architectural articulation of a type and character that responds visually to the location, as approved by the Director.

**2.10 PRE-EXISTING CONDITIONS; RETROFITTING REQUIRED**

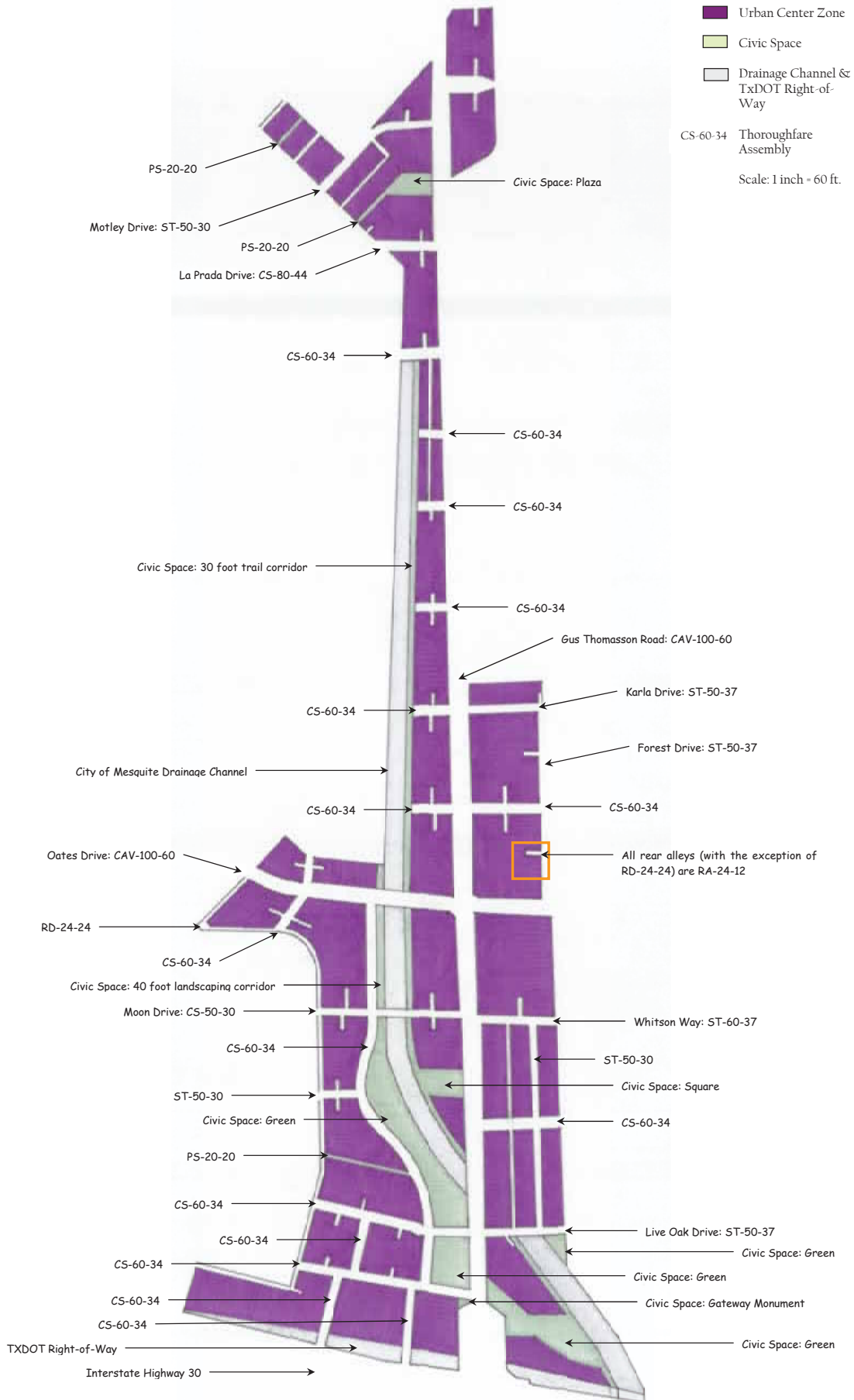
*(Amended by Ord. 4187 / 11-7-2011)*

- 2.10.1 Existing buildings, Functions and Premises that do not conform to the provisions of this Code may continue only as provided in this Section.
- 2.10.2 At such time as any approval for a permit application as defined in City Code Section 1-17 is sought for the Expansion of or Substantial Modification to a nonconforming building:
- a. The expanded portion of the building shall comply with the provisions of this Code.
  - b. The building being substantially modified shall be retrofitted.
- 2.10.3 A nonconforming Function shall terminate when the Function is abandoned or ceases to actively operate on the Premises for six months or more, after which time the Function shall not continue or recommence operations.
- 2.10.4 Except as provided in Section 2.10.5, the Premises shall be retrofitted to comply with the provisions of this Code when:
- a. Any approval for a permit application as defined in City Code Section 1-17 is sought for the Expansion of or Substantial Modification to a nonconforming building;
  - b. Any nonconforming Function ceases to actively operate and a new or revised certificate-of-occupancy is sought for the Premises; or
  - c. No Function actively operates on the Premises for more than three (3) months.
- 2.10.5 The Director may by Warrant approve a transition plan for the retrofitting of the Premises pursuant to Section 2.10.4(b) and (c) that allows the property owner a period of time to achieve compliance with Sections 3.5, 3.6 and 3.9. A transition plan shall not exceed five (5) years. A transition plan may also be appended to and made a condition for the approval of any other Warrant authorized by this Code.

**ARTICLE 2. INFILL COMMUNITY SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

- 2.10.6 Any Expansion or modification of a Building of Value that has been designated as such by Historic Mesquite, Inc. or to a building actually or potentially eligible for inclusion on a state, local or national historic register, shall be subject to approval by Historic Mesquite, Inc.
- 2.10.7 The restoration or rehabilitation of an existing building shall not require the provision of:
  - a. Parking in addition to that existing, or
  - b. On-site stormwater retention/detention in addition to that existing.
- 2.10.8 Existing parking requirements that exceed those for this Code may be reduced as provided by Tables 3-4 and 3-7.

ARTICLE 2. INFILL COMMUNITY SCALE PLANS: INFILL REGULATING PLAN  
 GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*







ARTICLE 3. BUILDING SCALE PLANS  
GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**ARTICLE 3. BUILDING SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

**3.1 APPLICATION**

- 3.1.1 Lots and buildings located within the Infill Regulating Plan prescribed for the District shall be subject to the requirements of this Article.
- 3.1.2 Applicants may have the design plans required under this Article prepared on their behalf. Such plans require administrative approval by the Director. Applicants may, at their option, request a pre-application meeting with the Community Development Department. The pre-application meeting is not mandatory, and shall not constitute a permit under Chapter 245 of the Local Government Code.
- 3.1.3 An applicant shall make a complete submittal, which shall consist of Building and Site Plans showing the following information, in addition to such other information as the Director may require, in order to evaluate compliance with the standards described in this Article:
- a. For preliminary site and building approval:
    - Building Disposition
    - Building Configuration
    - Building Function
    - Parking and Density Calculations
    - Parking Location Standards
  - b. For preliminary site and building approval:
    - Special Requirements
    - Natural Drainage Standards
    - Architectural Standards
    - Landscape Standards
    - Signage Standards
    - Lighting Standards
    - Utility Standards
- 3.1.4 Special Districts that do not have provisions within this Code shall be governed by the standards of the Mesquite Zoning Ordinance.

**3.2 PRE-EXISTING CONDITIONS**

- 3.2.1 For standards regarding Pre-Existing Conditions refer to Section 2.11.

**3.3 SPECIAL REQUIREMENTS**

- 3.3.1 Special Requirements designated on the Infill Regulating Plan shall be mandatory according to the standards of this Article.

**3.4 CIVIC ZONES**

- 3.4.1 **General**
- a. Civic Zones are designated on the Infill Regulating Plan as Civic Space (CS) or Civic Building (CB).
  - b. Parking provisions for Civic Zones shall be determined by Warrant.
- 3.4.2 **Civic Space Zones (CS)**
- a. Civic Spaces shall be generally designed as described in Table 3-7.

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**4.4.3 Civic Building Zones (CB)**

- a. Civic Buildings shall not be subject to the requirements of this Article. The particulars of their design shall be determined by Warrant.

**3.5 BUILDING DISPOSITION**

- a. Newly platted Lots shall be dimensioned according to Table 3-6 and Table 3-11.
- b. Building Disposition shall be limited to the type described in Table 3-1.
- c. Buildings shall be disposed in relation to the boundaries of their Lots according to Table 3-6 and Table 3-11.
- d. One Principal building at the Frontage and one Outbuilding to the rear may be built on each Lot as shown in Table 4-1. A Backbuilding may be built between the Principal Building and the Outbuilding on the side frontage of corner lots as shown in Table 4-1.
- e. Outbuildings and Backbuildings shall not be permitted along the B-Grid.
- f. Lot coverage shall not exceed 80%. See Table 3-6 and Table 3-11.
- g. Façades shall be built parallel to a rectilinear Principal Frontage line or to the tangent of a curved Principal Frontage line, and along a minimum percentage of the Frontage length at the Setback, as specified on Table 3-6 and Table 3-11.
- h. Setbacks for Principal Buildings shall be as shown in Table 3-6 and Table 3-11. Setbacks may otherwise be adjusted by Warrant.
- i. The Front Setback for Principal Buildings along the B-Grid shall be 25 feet. The Rear Setback shall be 0 feet. Thus, the Principal Buildings along the B-Grid shall have two Principal Entrances and Façades: One set back from, Interstate Highway-30 and the other Enfronting an A-Grid Thoroughfare.
- j. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley easement. In the absence of a Rear Alley, the rear Setback shall be as shown in Table 3-6 and Table 3-11.
- k. To accommodate building on slopes over ten percent, relief from front Setback requirements shall be available by Warrant.
- l. For grocery stores exceeding 30,000 square feet and lawfully operating as of December 15, 2008, relief from front Setback requirements shall be available by Warrant.

**TABLE 3-1A: Building Disposition:**

*This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing a suitable basic building type for the District. Each of the very general types is intrinsically more or less urban, depending on the extent that it completes the frontage.*

**Basic Building Type: Rearyard**




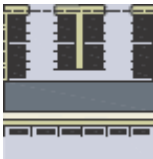
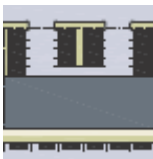
**Description:** A building that occupies the full Frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous Façade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is a Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.

**Specific Rearyard Types:** Rowhouse, Flexhouse/Live-Work, Apartment Building, Liner Building & Mixed Use Block



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**TABLE 3-1B: Specific Rearyard Types:**

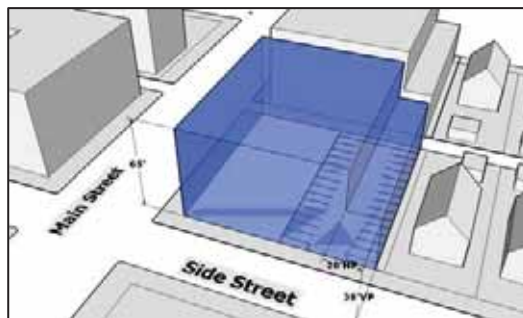
<p><b>Rowhouse</b>  <b>Description:</b> a Rearyard building type. A single-family dwelling with common walls on the side lot lines, the façades forming a continuous frontage line. Rowhouses are the highest density type able to provide private yards.</p>	
<p><b>Flexhouse/Live-Work</b>  <b>Description:</b> a Rearyard, fully mixed-use building type with one dwelling above or behind a commercial space.</p>	
<p><b>Apartment Building</b>  <b>Description:</b> a Rearyard residential building type accommodating multiple dwellings disposed above and beside each other.</p>	
<p><b>Liner Building</b>  <b>Description:</b> a building conceived specifically to mask a parking lot or a parking structure from the frontage, without consuming any of the parking itself.</p>	
<p><b>Mixed-Use Block</b>  <b>Description:</b> a Rearyard, flexible commercial building type. Commercial buildings have floorplates deeper than residential ones.</p>	

**3.6 BUILDING CONFIGURATION**

- a. The Private Frontage of buildings shall conform to and be allocated in accordance with Table 3-3A-H and Table 3-6 and Table 3-11.
- b. Buildings on corner Lots shall have two Private Frontages as shown in Table 4-1. Prescriptions for the second and third Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages.
- c. Building Heights shall conform to Table 3-2 and Table 3-11. Principal buildings shall be a minimum of 2 stories, and a maximum of 3 stories, in height.
- d. Stories shall be a minimum of 11 feet in height from finished floor to finished ceiling. Stories shall not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Function, which may be a maximum of 26 feet in height. A single floor level with a minimum height of 26 feet and a maximum height of 29 feet from ground level to uppermost roof deck or uppermost eve may be counted as two (2) stories by Warrant. Furthermore, ground level transparency

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- shall be calculated within the first 15 feet of the exterior building wall, measured from street level; upper level transparency shall be calculated within the following 11 feet, not to exceed 14 feet. Mezzanines extending beyond 33% of the floor area shall be counted as an additional floor. Attics and raised basements are not considered Stories.
- e. Height limits do not apply to Attics, raised basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads. However, Attics shall not exceed 14 feet in height.
  - f. In a Parking Structure or garage, each level shall count as a single Story regardless of its relationship to habitable Stories.
  - g. The minimum room areas of a dwelling within a Principal Building or Accessory Unit shall conform to the International Residential Code, but in no case shall the total living area be less than 450 sq. ft. Outbuildings may be any size, but shall not exceed 500 sq. ft.
  - h. Awnings may Encroach the Sidewalk to within two feet of the Curb but shall clear the Sidewalk vertically by at least 8 feet.
  - i. Stoops, Dooryards, Lightcourts, balconies, bay windows, and terraces may Encroach the first Layer 100% of its depth. (Table 4-1)
  - j. In the absence of a building Façade along any part of a Frontage Line, a Street Screen shall be built co-planar with the Façade.
    - i. Street Screens shall be between 3.5 and 8 feet in height and constructed of a material matching the adjacent building Façade.
    - ii. Street Screens may be a hedge or fence by Warrant.
    - iii. Street Screens shall have openings no larger than is necessary to allow automobile and pedestrian access.
    - iv. All Street Screens over 4 feet high shall be 30% permeable or articulated to avoid blank walls.
  - k. A first level Residential of Lodging Function shall be raised a minimum of 2 feet from average sidewalk grade.
  - l. The maximum building height of 3 stories shall be setback 25 feet from a Lot Line adjacent to a single-family residential lot (zoned R-1, R-2 or R-3); within the 25 foot step down, the maximum building height shall be 2 stories. In order for this standard to be applicable, the structure on the single-family residential lot shall not be in excess of one story.



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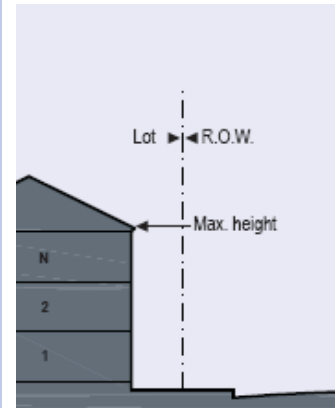
**TABLE 3-2: Building Height**

*The Configurations for different building heights in the District are regulated herein. The Building Height is expressed in numbers of Stories. Building Height is regulated for the creation of spatial enclosure. The ratio of Thoroughfare width to Building Height is important for creating the sense of an "outdoor room."*

**Building Height Standards:**

1. Height shall be measured from the average Enfronting Sidewalk grade to the uppermost eave of a main pitched roof (not of a dormer), or to the uppermost roof deck (not the top of parapet) of a flat roof.
2. Building Height shall be measured in number of Stories, excluding Attics and raised basements. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures.

N= maximum height as specified in Table 3-11.





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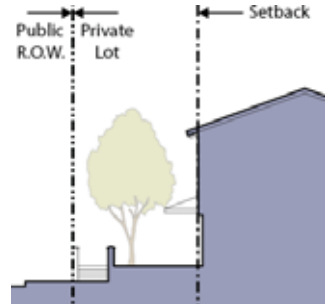
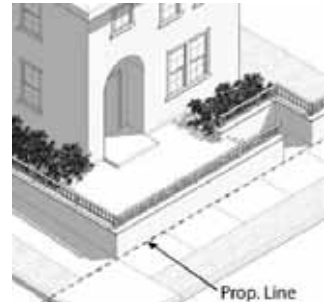

**TABLE 3-3A: Private Frontages:**

*The character and arrangement of the Private Frontage is regulated by the Private Frontage Type Standards herein, these shall be applied to the District to create a particular and appropriate transitional relationship between the private and public realm. This relationship is what collectively defines the nature of the streetscape. Private Frontage Types are required for all buildings within the District as shown in Tables 3-3A-H.*

	SECTION		PLAN	
	LOT PRIVATE FRONTAGE ▶	◀ R.O.W. PUBLIC FRONTAGE	LOT PRIVATE FRONTAGE ▶	◀ R.O.W. PUBLIC FRONTAGE
<b>Dooryard:</b> a Frontage wherein the Façade is set back from the Frontage Line with an elevated garden or Terrace permitted to Encroach. This type can effectively buffer Residential quarters from the Sidewalk, while removing the private yard from public Encroachment. The Terrace is suitable for conversion to outdoor cafes as the eye of the sitter is level with that of the standing passerby.				
<b>Lightcourt:</b> a Frontage wherein the Façade is set back from the Frontage Line by a sunken Lightcourt. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. The Lightcourt is suitable for conversion to outdoor cafes.				
<b>Stoop:</b> a Frontage wherein the Façade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.				
<b>Forecourt:</b> a Frontage wherein a portion of the Façade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the Forecourts may overhang the sidewalks.				
<b>Shopfront:</b> a Frontage wherein the Façade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and an awning that may overlap the Sidewalk to the maximum extent possible.				
<b>Gallery:</b> a Frontage wherein the Façade is aligned close to the Frontage line with and attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk (Public/Private). This type is conventional for Retail use.				
<b>Arcade:</b> a colonnade supporting habitable space that overlaps the Sidewalk (Public/Private), while the Façade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use.				

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**TABLE 3-3B: Dooryard**

<p><b>Description:</b></p> <p>Dooryards are elevated gardens or terraces that are set back from the frontage line. This type can effectively buffer residential quarters from the sidewalk, while removing the private yard from public encroachment. The Terrace is also suitable for restaurants and cafes as the eye of the sitter is level with that of the standing passerby.</p>	 <p style="text-align: center;"><i>Section Diagram</i></p>
<p><b>Design Standards:</b></p> <ol style="list-style-type: none"> <li>1. Dooryards/Terraces shall be a minimum of 10 feet deep, and raised at least 12 inches above, but no more than 5 feet above, the finished grade.</li> <li>2. A retaining wall may be built around the Dooryard or Terrace.</li> <li>3. The retaining wall shall not be higher than structurally necessary.</li> <li>4. The retaining wall shall be constructed of brick or stone, alone or in combination.</li> </ol>	 <p style="text-align: center;"><i>Axonometric Diagram</i></p>
<p><b>Architectural Standards:</b></p> <ol style="list-style-type: none"> <li>a. In addition to the general standards shown in Section 3.11, specific standards shall be as follows:</li> <li>b. Compliance with the Community Appearance Manual v. 1.0, regardless of Building Function.</li> <li>c. Buildings shall have sloped roofs</li> </ol>	 <p style="text-align: center;"><i>Illustrative Photograph</i></p>

# ARTICLE 3. BUILDING SCALE PLANS

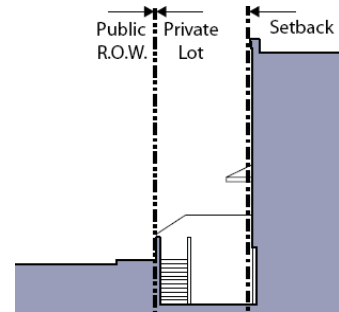
## GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**TABLE 3-3C: Lightcourt**

**Description:**

Lightcourts are frontages wherein the Façade is set back from the frontage line by a sunken Lightcourt. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The Lightcourt is suitable for conversion to outdoor cafes.

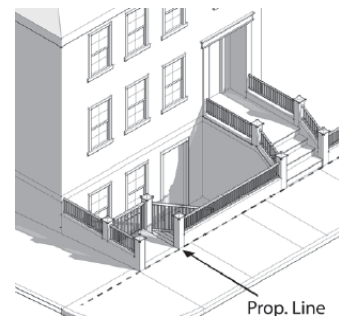
*Section Diagram*



**Design Standards:**

1. Basements accessed by a Lightcourt shall be depressed at least 5 feet below, but not more than 7 feet below, the adjacent sidewalk.
2. Ground floors accessed by a Lightcourt shall be raised at least 12 inches above, but no more than 5 feet above, the adjacent sidewalk.
3. Lightcourts shall correspond directly with the building entry(s) and the stairs may be perpendicular to or parallel with the adjacent Sidewalk.
4. Lightcourts shall be at least 10 feet wide, clear of the stair to the raised ground floor.

*Axonometric Diagram*



**Architectural Standards:**

1. In addition to the general standards shown in Section 3.11, specific standards shall be as follows:
2. Compliance with the Community Appearance Manual v. 1.0, regardless of Building Function.
3. Buildings shall have flat roofs enclosed by parapets.

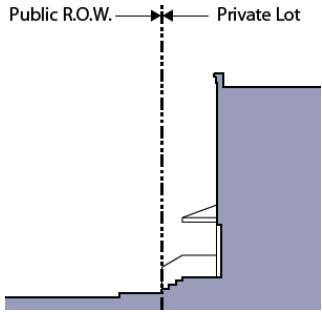
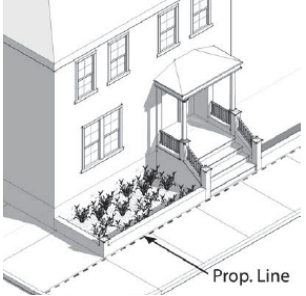

*Illustrative Photograph*



# ARTICLE 3. BUILDING SCALE PLANS

## GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**TABLE 3-3D: Stoop**

<p><b>Description:</b></p> <p>Stoops are elevated entry porches/stairs placed close to the Frontage Line with the ground Story elevated from the sidewalk, securing privacy for the windows and front rooms. The Stoop is suitable for ground floor Residential use at short setbacks. A shed roof may also cover the Stoop. This type may be interspersed with the Shopfront &amp; Awning Frontage Type.</p>	 <p>A cross-section diagram showing a building facade on the right and a sidewalk on the left. A vertical dashed line marks the 'Public R.O.W.' (Right-of-Way) boundary. A 'Private Lot' is indicated to the right of the building. A stoop with a small roof is shown extending from the building towards the sidewalk, with its base on the sidewalk level.</p> <p style="text-align: center;"><i>Section Diagram</i></p>
<p><b>Design Standards:</b></p> <ol style="list-style-type: none"> <li>1. Stoop Encroachment into the Setback: 8 feet maximum.</li> <li>2. Stoops shall be raised a minimum of 18 inches and a maximum of 36 inches from the finished grade.</li> <li>3. Stoops shall correspond directly with the building entry(s) and be at least 3 feet wide (perpendicular to or parallel with the Sidewalk).</li> <li>4. Stoops shall be a minimum of 6 feet and a maximum of 10 feet wide.</li> <li>5. There may be a low (30 inches or less) decorative Fence along the property lines.</li> </ol>	 <p>An axonometric view of a building with a stoop. The stoop has a flat roof and is enclosed by a low decorative fence. A dashed line indicates the 'Prop. Line' (Property Line) at the edge of the sidewalk.</p> <p style="text-align: center;"><i>Axonometric Diagram</i></p>
<p><b>Architectural Standards:</b></p> <ol style="list-style-type: none"> <li>1. In addition to the general standards shown in Section 3.11, specific standards shall be as follows:</li> <li>2. Compliance with the Community Appearance Manual v. 1.0, regardless of Building Function.</li> <li>3. Buildings shall have flat roofs enclosed by parapets.</li> </ol>	 <p>A photograph of a residential building facade featuring a brick wall and a dark wooden door. A stoop with a flat roof and a decorative black metal fence is visible in front of the door. The sidewalk is paved with light-colored bricks.</p> <p style="text-align: center;"><i>Illustrative Photograph</i></p>

# ARTICLE 3. BUILDING SCALE PLANS

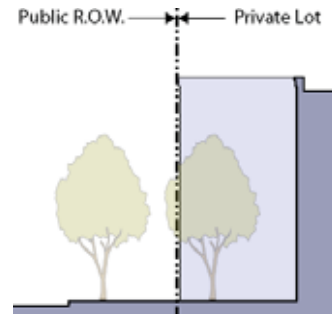
## GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**TABLE 3-3E: Forecourt**

**Description:**

Forecourts are uncovered courts within a storefront frontage, wherein a portion of the Façade is recessed from the building Frontage. The court is suitable for outdoor dining, gardens, vehicular drop-offs, and utility off loading. A Fence or wall at the property line may be used to define the private space of the court. The court may also be raised from the Sidewalk, creating a small retaining wall at the property line with entry steps in the court. This type should be used sparingly and in conjunction with Stoops and Shopfronts.

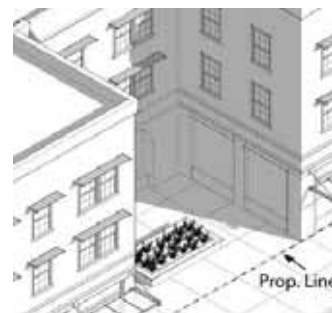
*Section Diagram*



**Design Standards:**

1. A Forecourt shall be a minimum of 10 feet deep and a maximum of 30 feet deep.
2. A Forecourt shall be a minimum of 10 feet wide and a maximum of 50 feet wide, or 50 percent of the lot width, whichever is less.
3. Forecourts between 10 feet and 15 feet in depth shall be substantially paved, and enhanced with landscaping. Forecourts between 15 feet and 30 feet in depth shall be designed with a balance of paving and landscaping.
4. A fence or wall at the property line may be used to define the private space of the court.
5. If the Forecourt is raised above the adjacent grade, it should not be more than 3 feet above the grade of the sidewalk.
6. Forecourts shall not occupy over 10% of the Block Face.

*Axonometric Diagram*



**Architectural Standards:**

1. In addition to the general standards shown in Section 3.11, specific standards shall be as follows:
2. Compliance with the Community Appearance Manual v. 1.0, regardless of Building Function.
3. Buildings shall have flat roofs enclosed by parapets.

*Illustrative Photograph*



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**TABLE 3-3F: Shopfront & Awning**

<p><b>Description:</b></p> <p>Typically, the Shopfront &amp; Awning Frontage Type applies to storefronts. Storefronts are Façades placed at or close to the right-of-way line, with the entrance at Sidewalk grade. They are conventional for Retail Frontage and are commonly equipped with cantilevered shed roof(s) or awnings(s). Recessed storefronts are also acceptable. The absence of a raised ground floor precludes a Residential Function on the ground floor facing the street. A Residential Function would be appropriate above the ground floor and behind another Function that fronts the street.</p> <p style="text-align: right;"><i>Section Diagram</i></p>	 <p>A cross-sectional diagram showing a storefront and a cantilevered awning. A vertical dashed line separates the 'Public R.O.W.' (Right-of-Way) on the left from the 'Private Lot' on the right. The storefront is located at the edge of the private lot, and the awning extends over the sidewalk into the public right-of-way.</p>
<p><b>Design Standards:</b></p> <ol style="list-style-type: none"> <li>1. Storefronts shall be 15 feet tall, as measured from the adjacent Sidewalk, and 10 a minimum of 10 feet wide.</li> <li>2. Storefront assemblies (the doors, display windows, bulkheads and associated framing) should not be set back into the Shopfront openings more than a maximum of 2 feet, so that passing pedestrians have a clear view of the shop interior.</li> <li>3. Storefronts may be set back up to 12 feet, but not less than 8 feet, for up to 25 feet of the building Frontage in order to create a covered Alcove, in which outdoor dining or merchandising can occur within the volume of the building.</li> <li>4. Display windows: the corresponding storefront(s) opening(s) along the primary frontage shall be at least 70% of the first floor wall area, and shall be transparent. Where privacy is desired for restaurants and professional services, etc., windows should be divided into smaller panes.</li> <li>5. Awnings, signs, and related fixtures shall be located a minimum of 8 feet above the adjacent sidewalk.</li> <li>6. Awnings shall only cover Storefronts and openings, so as not to cover the entire Façade.</li> <li>7. Doors should be substantial and well detailed. They are the one part of the storefront that patrons will invariably touch and feel. They should match the materials, design and character of the display window framing. "Narrowline" aluminum framed doors are not recommended.</li> </ol> <p style="text-align: right;"><i>Axometric Diagram</i></p>	 <p>An axometric (3D) perspective diagram of a storefront and awning. A dashed line indicates the 'Prop. Line' (Proposed Line) for the storefront. The diagram shows the building's facade, the storefront opening, and the cantilevered awning extending over the sidewalk.</p>
<p><b>Architectural Standards:</b></p> <ol style="list-style-type: none"> <li>1. In addition to the general standards shown in Section 3.11, specific standards shall be as follows:</li> <li>2. Compliance with the Community Appearance Manual v. 1.0, regardless of Building Function.</li> <li>3. Buildings shall have flat roofs enclosed by parapets.</li> </ol> <p style="text-align: right;"><i>Illustrative Photographs</i></p>	 <p>Two photographs illustrating storefronts and awnings. The top photograph shows a modern building with large glass windows and red awnings. The bottom photograph shows a street scene with a storefront featuring a striped awning and outdoor seating.</p>

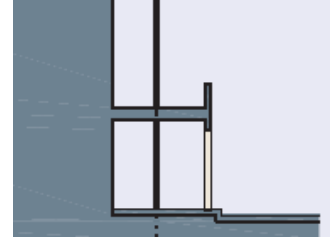


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**TABLE 3-3G: Gallery**

**Description:**

Galleries are Façades with an attached colonnade.



*Section Diagram*

**Design Standards:**

1. Galleries shall be a minimum of 10 feet wide clear in all directions, with a maximum of 2 feet between curb face and Gallery eve.
2. Along Primary Frontages, the Gallery shall correspond to storefront openings.
3. Primary Frontage storefront openings shall be at least 70% of first floor wall area and have transparent glazing.

**Architectural Standards:**

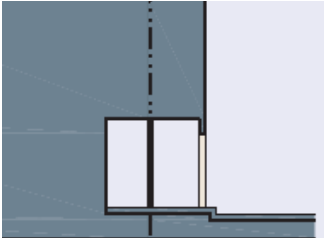

1. In addition to the general standards shown in Section 3.11, specific standards shall be as follows:
2. Compliance with the Community Appearance Manual v. 1.0, regardless of Building Function.
3. Buildings shall have flat roofs enclosed by parapets.
4. Galleries shall be constructed using only the same exterior materials as the Principal Building.



*Illustrative Photograph*

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**TABLE 3-3H: Arcade**

<p><b>Description:</b></p> <p>Arcades are Façades with an attached colonnade, which is covered by upper Stories.</p>	 <p style="text-align: center;"><i>Section Diagram</i></p>
<p><b>Design Standards:</b></p> <ol style="list-style-type: none"> <li>1. Arcades shall be a minimum of 12 feet wide clear in all directions, with a maximum of 2 feet between curb face and Arcade eve.</li> <li>2. Along Primary Frontages, the Arcade shall correspond to storefront openings.</li> <li>3. Primary Frontage storefront openings shall be at least 70% of first floor wall area and have transparent glazing.</li> </ol>	
<p><b>Architectural Standards:</b></p> <ol style="list-style-type: none"> <li>1. In addition to the general standards shown in Section 3.11, specific standards shall be as follows:</li> <li>2. Compliance with the Community Appearance Manual v. 1.0, regardless of Building Function.</li> <li>3. Buildings shall have flat roofs enclosed by parapets.</li> <li>4. Arcades shall be constructed using only the same exterior materials as the Principal Building.</li> </ol>	 <p style="text-align: center;"><i>Illustrative Photograph</i></p>

**3.7 BUILDING FUNCTION & DENSITY**

- a. Buildings in the District shall conform to the Functions on Table 3-4 and Table 3-5 and Table 3-11.
- b. A public hearing and approval by the City Council in accordance with MZO §5-300 shall be required for a Function permitted by Conditional Use Permit (CUP).
- c. Accessory Functions shall be permitted within an Outbuilding.
- d. Outdoor display or storage is prohibited, provided that incidental outdoor display is permitted pursuant to the MZO §3-601.
- e. First Story Commercial Functions shall be permitted.

**ARTICLE 3. BUILDING SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

**TABLE 3-4: Building Function – General:**

*This table categorizes Building Functions within the District. Parking requirements are correlated to functional intensity. For Specific Function and Use permitted By Right or by CUP, see Table 3-5.*

GTC	
<b>a. Residential:</b>	The number of dwellings on each Lot is limited by the requirement of 1.0 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 3-7).
<b>b. Lodging:</b>	The number of bedrooms available on each lot for Lodging is limited by the requirement of 1.0 assigned parking place for each bedroom. Food service shall be provided at all times. The area allocated for food service shall be calculated and provided according to Retail Function. The maximum length of stay shall not exceed 10 days.
<b>c. Office:</b>	The building area available for Office use on each Lot is limited by the requirement of 2.0 assigned parking places per 1000 square feet of net Office space.
<b>d. Retail:</b>	The building area available for Retail use on each Lot is limited by the requirement of 3.0 assigned parking places per 1000 square feet of net Retail space. Retail spaces less than 1500 square feet are exempt from parking requirements.
<b>e. Civic:</b>	See Table 3-5
<b>f. Other:</b>	See Table 3-5

# ARTICLE 3. BUILDING SCALE PLANS

## GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**TABLE 3-5: Specific Function:**

*This table expands the Building Function categories of Table 3-4 to delegate specific Functions within the District.*

a. Residential		
	By Right	By CUP
Mixed Use Block	X	
Flex Building	X	
Apartment Building	X	
Live-Work Unit	X	
Rowhouse	X	
Duplex House		
Courtyard House		
Sideyard House		
Cottage House		
Villa		
Accessory Unit	X	

b. Lodging		
	By Right	By CUP
Hotel (no room limit)	X	
Inn (up to 12 rooms)	X	
Bed & Breakfast (up to 5 rooms)	X	
School Dormitory	X	

c. Office		
	By Right	By CUP
Office Building	X	
Live-Work Unit	X	
Religious Assembly	X	

d. Retail		
	By Right	By CUP
Open-Market Building	X	
Retail Building, e.g. grocery store, personal services	X	
Display Gallery	X	
Restaurant	X	
Kiosk	X	
Push Cart		
Drive-Through Facility		
Drive-In Facility		
Alt. Financial Establishments		
Used Merchandise		X
Shopping Mall		
Strip Shopping Center		
Sexually Oriented Business		

e. Civic		
	By Right	By CUP
Bus Shelter	X	
Transit Stop	X	
Convention Center		
Conference Center		X
Exhibition Center		
Fountain or Public Art	X	
Library	X	
Live Theater	X	
Museum		X
Outdoor Auditorium	X	
Parking Structure	X	
Passenger Terminal		X
Playground	X	
Sports Stadium		X
Surface Parking Lot		X

f. Other: Entertainment		
	By Right	By CUP
Indoor Amusement	X	
Movie Theater	X	

g. Other: Agriculture		
	By Right	By CUP
Grain Storage		
Livestock Pen		
Green House		
Stable		
Kennel		

h. Other: Automotive		
	By Right	By CUP
Gasoline		
Automobile Service		
Truck Maintenance		
Rest Stop		
Roadside Stand		
Billboard		

i. Other: Civil Support		
	By Right	By CUP
Fire Station	X	
Police Station	X	
Cemetery		
Funeral Home		
Hospital		X
Medical Clinic	X	


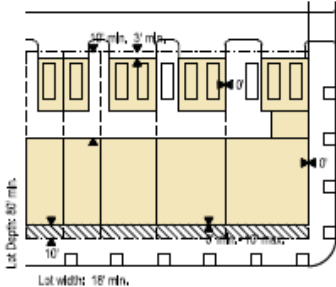
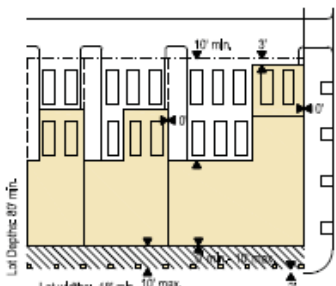
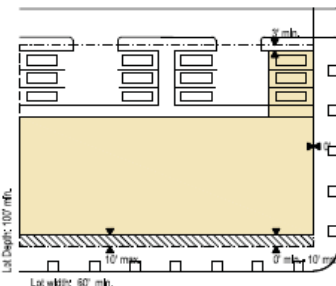
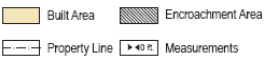
j. Other: Education		
	By Right	By CUP
College		X
High School		X
Trade School		X
Elementary School	X	
Other – Childcare Center	X	

k. Other: Industrial		
	By Right	By CUP
Heavy Industrial Facility		
Light Industrial Facility		
Truck Depot		
Laboratory Facility		
Water Supply Facility		
Sewer and Waste Facility		
Electric Substation	X	
Wireless Transmitter		
Cremation Facility		
Warehouse		
Produce Storage		
Mini-Storage		
Construction or Trade Contractors		
Manufacturing		

# ARTICLE 3. BUILDING SCALE PLANS

## GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*


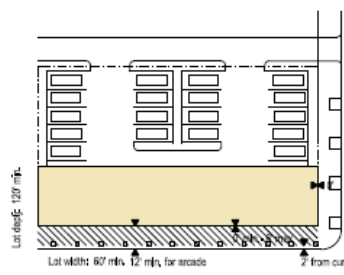
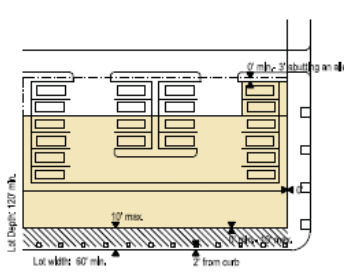
TABLE 3-6: Building Scale Plans: Graphics

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# ARTICLE 3. BUILDING SCALE PLANS

## GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

TABLE 3-6: Building Scale Plans: Graphics (continued)

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**ARTICLE 3. BUILDING SCALE PLANS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite***

**3.8 PARKING & DENSITY CALCULATIONS**

- a. Buildable Density on a Lot shall be determined by the sum of the actual parking that is provided:
  - i. Within the Lot,
  - ii. Along the on-street parking lane corresponding to the Lot Frontage; and
  - iii. By purchase or lease from a Civic Parking Reserve, within a 1/4 mile radius of the Lot, if available within the District.
- b. The actual parking may be adjusted upward according to the Shared Parking Factor of Table 3-7 to determine the Effective Parking. The Shared Parking Factor is available for any two Functions within any pair of adjacent Blocks.
- c. Based on the Effective Parking available, the Density of the projected Function may be determined according to Table 3-7.
- d. The total Density within each Transect Zone shall not exceed that specified by an approved Infill Regulating Plan.
- e. Accessory Units shall not count toward Density calculations.
- f. Liner Buildings less than 30 feet deep and no more than two Stories shall be exempt from parking requirements.

**TABLE 3-7: Parking Calculation.**

*The Required Parking table summarizes the parking requirements of Table 3-4 for each site or, conversely, the amount of building allowed on each site given the parking available. Use the Shared Parking Factor in the event of Mixed Use. The actual parking is calculated by adding the total number of spaces required by each separate Function and dividing the total by the appropriate factor from the Shared Parking Factor matrix.*

GTC		SHARED PARKING FACTOR	
Residential	1.0 / dwelling		Function
Lodging	1.0 / bedroom		with
Office	2.0 / 1000 sq. ft.		Function
Retail	3.0 / 1000 sq. ft.		RESIDENTIAL
Civic	To be determined by Warrant		LODGING
Other	To be determined by Warrant		OFFICE
		RETAIL	RETAIL

**3.9 PARKING & ACCESS STANDARDS**

- a. Parking shall be accessed by Rear Alleys. The Rear Alley shall serve as the primary access to the fire lane, if one is required.
- b. A Driveway may be approved by Warrant. Driveways shall be no wider than 10 feet in the first Layer.
- c. Open parking areas shall be masked from the Frontage by a Building or Street Screen. For Street Screen standards refer to Section 3.6(j).
- d. For buildings on the B-grid, open parking areas shall be masked from the Frontage by a vegetative screen not less than 3.5 feet in height.
- e. Along the A-Grid, all parking areas, garages, and Parking Structures shall be located at the third Layer.
- f. Along the B-Grid, all parking areas, garages, and Parking Structures shall be located at the second Layer.
- g. Carports shall be prohibited.

**ARTICLE 3. BUILDING SCALE PLANS**  
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- h. For grocery stores having Setbacks approved by Warrant pursuant to Section 3.5(I):
  - i. Surface parking areas may be located beyond 25 feet within the first Layer.
  - ii. Surface parking areas shall be masked from the Frontage by a Building or vegetative screen not less than 3.5 feet in height.
  - iii. Parking shall be accessed by private streets connecting to the Thoroughfare network as shown on the Infill Regulating Plan. The alignment of at least one private street shall utilize the grocery store as a Terminated Vista. The design of private streets shall be CS-50-30 (Table 2-3).
- i. Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the Frontage.
- j. Pedestrian exits from all parking lots, garages and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.
- k. Parking Structures shall have Liner Buildings lining the first and second Stories.
- l. Along the A-Grid, a minimum of one city approved bicycle rack place shall be provided within the Public or Private Frontage for every ten vehicular parking spaces.
- m. Along the B-Grid and for grocery stores with surface parking in the first Layer in accordance with this Section, a minimum of one tree shall be provided within surface parking lots for every ten parking spaces. Each tree shall be placed in a landscape island no smaller than 9-feet by 18-feet, which is protected from vehicles through the use of concrete curbs, wheel stops, or other permanent barriers no less than 6 inches in height. The landscape islands shall be dispersed evenly throughout the surface parking lot. For Greenfield projects, trees existing on the lot at the time of application shall be incorporated into the surface parking lot, and credit toward the requirements of this section may be approved by warrant.

**3.10 NATURAL DRAINAGE STANDARDS**

- a. Buildings may be equipped with roofs of shallow 4-inch soils and drought-tolerant plants. Buildings approved for Intensive Green Roofs may hold soils deeper than 4 inches and larger plants and trees.
- b. Balconies should be equipped with planter boxes designed to capture runoff from the balcony.
- c. Green walls, if provided, shall be restricted to non-invasive species.
- d. Cisterns may be used to capture and recirculate stormwater for buildings.
- e. The landscape installed shall consist primarily of durable species tolerant of soil compaction (See Table 3-9).
- f. Planter boxes shall be bottomless, flow-through boxes with native plants, placed next to buildings and designed to capture building runoff. They may be placed in courtyards or adjacent sidewalks with runoff sent to them via French drains of hidden pipes.

**3.11 ARCHITECTURAL STANDARDS**

- a. In addition to the specific standards shown in Tables 3-3B-H, general standards shall be as follows:
- b. No more than two Façade Materials shall be used on any exterior wall. These materials shall be considered Primary Colors for Principle 9.0 of the Community Appearance Manual v. 1.0.
- c. Vertical joints between materials shall only occur at inside corners.

**ARTICLE 3. BUILDING SCALE PLANS**  
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- d. Doors and windows that operate as sliders are prohibited along Frontages.
- e. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porch and attached shed roofs may be no less than 2:12.
- f. The Façades on Shopfront Frontages shall be detailed as storefronts and glazed with no less than 70% of the sidewalk-level story.
- g. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment, whichever is greater.
- h. Porches and Balconies shall be constructed using only the same exterior materials as the Principal Building. Wood and cementitious fiberboard shall be painted the same color as the trim of the Principal Building. The roof shall match the roof materials of the Principal Building.
- i. Fences, if provided within the First Lot Layer, shall be wrought iron or painted wood board with a maximum height of three and one-half (3 ½) feet. Fences at other Layers shall be wrought iron with a minimum height of six (6) feet and maximum height of eight (8) feet. Chain link is prohibited.
- j. A wrought iron fence and dense landscape screen shall be installed on the lot lines abutting a residential function either within or outside the District. Fences shall include gates for pedestrian accessibility, where appropriate.
- k. Garage doors shall be a maximum of 9 feet in width if visible from streets, sidewalks, or public spaces. Alley-accessed garages may have 16 feet wide doors.
- l. Sloped roofs shall be shingle, tile or architectural standing seam metal roofing. Shingle roofing shall be slate, synthetic wood or better. Tile roofing shall be clay, concrete or metal. Standard pre-engineered metal roofing shall be prohibited.
- m. Awnings shall be non-translucent canvas on a light metal frame or architectural standing seam metal. Awnings shall be sloped rectangles without end panels or curved or sloped shapes with end panels. Standard pre-engineered metal awnings shall be prohibited.
- n. Gasoline pumps shall be located at the third Lot Layer. Along the B-Grid, gasoline pumps may be located at the first or second Lot Layer by Warrant.
- o. All new construction shall be equipped with an automatic approved sprinkler system.



**3.12 LANDSCAPE STANDARDS OUTSIDE THE PUBLIC FRONTAGE**

- a. Impermeable surface shall be confined to the ratio of Lot coverage specified in Table 3-6 and Table 3-11.
- b. Landscaping installed to meet the requirements of this section shall be of a species indicated in Table 3-9.
- c. Trees shall not be required in the first Layer.
- d. Trees planted within the first Layer shall be a single species to match the species of street trees on the Public Frontage.
- e. The first Layer may be paved to match the pavement of the Public Frontage.

**ARTICLE 3. BUILDING SCALE PLANS**  
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**TABLE 3-8: Public Planting:**

*The suitable street trees for the District are specified herein. Street trees vary in their form and also in their suitability for urban use. The shape of the canopy must integrate with the degree of setback within the District. For this District there are two common types of street tree forms that are appropriate. The Planning Division shall select the species that are appropriate for the bioregion.*

Street Tree Form	Axonometric Diagram
Oval	
Ball	

## ARTICLE 3. BUILDING SCALE PLANS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**TABLE 3-9: Xeriscape-North Texas:**

*Provided is a list of heat and drought tolerant plants which are native and adapted to the North Texas Region.*

#### *Shade Trees – Large Canopy*

American Elm (Vase)	Pecan-Hickory (Vase)
Black Hickory (Oval)	Post Oak (Vase)
Bur Oak (Vase)	Red Maple (Vase)
Cedar Elm (Vase)	Red Oak (Oval)
Chinese Tallow (Ball)	Southern Magnolia (Oval)
Chinkapin Oak (Vase)	Sweetgum (Vase)
Green Ash (Ball)	Thornless Honey Locust (Umbrella)
Lacebark Elm (Vase)	White Oak (Vase)
Live Oak (Umbrella)	Winged Elm (Vase)
Mesquite (Umbrella/Vase)	

#### *Shade Trees – Small Canopy*

Bald Cypress (Oval)	Ginkgo (Vase)
Chinese Pistachio (Ball)	Goldenrain Tree (Ball)
Desert Willow (Vase)	River Birch (Vase)

#### *Evergreen Trees*

Arizona Cypress (Pyramid)	Eastern Red Cedar (Pyramid)
Austrian Pine (Ball)	Japanese Black Pine (Ball)
Deodar Cedar (Pyramid)	Savannah Holly (Oval)

#### *Ornamental Trees*

Aristocrat Pear (Oval)	Purple Leaf Plum (Ball)
Crab Apple (Ball)	Red Bud (Umbrella)
Crape Myrtle (Vase)	Wax Myrtle (Ball)
Deciduous Holly (Vase)	Yaupon Holly (Ball)
Flowering Peach (Ball)	Vitex (Ball)

#### *Other Protected Trees*

Pond Cypress (Pyramid)	Western Soapberry (Vase)
Texas Ash (Ball)	

#### *Shrubs & Woody Annuals*

Abelia	Fragrant Sumac
Agarito	Red Yucca
Althea	Salvia Species
American Beauty Berry	Texas Sage
Arkansas Yucca	Texas Star Hibiscus
Blue Carpet Juniper	Texas Lantana
Copper Canyon Daisy	Turk's Cap
Flame Acanthus	

#### *Perennial & Annual Native Plants*

Barbra's Buttons	Mealy Blue Sage
Bergamot	Mexican Hat
Big Red Saliva	Milkweed
Bitterweed	Missouri Primrose
Blackfoot Daisy	Moss Rose
Bluebonnets	Partridge Pea
Blue-eyed Grass	Pink Evening Primrose
Blue Flax	Prairie Verbena
Calyophus	Purple Cone Flower (Echinaceae Apec.)
Cedar Sage	Rudbeckia
Coreopsis	Ruellia
Cow Pen Daisy	Salvia Coccinia
Drummond Phlox	Skullcap
Engelmann Daisy Fall	Snow-on-the-Prairie
Obedient Plant	Spiderwort
Eryngo	Spring Rain Lily
Fall Obedient Plant	Standing Cypress
Four-nerve Daisy (Hymenoxys)	Texas Bluebell
Gaillardia	Two-leafed Senna
Green-thread	Wild Ageratum
Horsemint	Wild Foxglove (P. cobeia)
Lantana species	Wild Hyacinth
Liatris Species	Wine-cups
Maximillian Sunflower	Zexmenia

#### *Ground Covers & Vines, Natives*

Cardinal Vine	Frogfruit
Carolina Jessamine	Horseherb
Climbing Prairie Rose	Hyacinth Bean Vine
Coralberry	MO Violets
Coral Honeysuckle	Trumpet Vine
Crossvine	Passion Vine
Cypress Vine	

#### *Non-Native*

Ajuga	Mondo Grass
Artemesia	Sedum
Asian Jasmine	Thrift
English Ivy	Vinca Minor
Lirope	

#### *Grasses*

Big Blue Stem	Inland Seoats
Buffalo Grass	Lindheimer Muhly
Eastern Gamma Grass	Little Bluestem
Gulf Muhly	Seep Muhly
Indian Grass	Sideoats Grama

**ARTICLE 3. BUILDING SCALE PLANS**  
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**3.13 SIGNAGE STANDARDS**

Unless stated otherwise, the provisions of Chapter 13 of the Mesquite City Code (MCC) shall not apply within the District. Signage in the District shall be restricted to the following sign types and specifications:



- a. Along the A-Grid:
  - i. One blade sign for each non-residential function may be permanently installed perpendicular to the Façade within the first Layer. Such a sign shall not exceed a total of 4 square feet and shall clear 8 feet above the sidewalk.
  - ii. One wall sign may be applied to the Façade of each building, and shall not exceed 3 feet in height, one-third the width of the façade, and a total of 40 square feet. Signage shall be externally illuminated, except that window signage within the Shopfront glazing may be neon lit.
- b. Along the B-Grid:
  - i. Signs permitted in the A-Grid.
  - ii. One monument sign may be erected for each building. The number, height, area and placement of monument signs shall be governed by MCC Section 10-73(10)(a) and (b).
- c. Along all grids: The address number, no more than 6 inches measured vertically, shall be attached to the building in proximity to the Principal Entrance or at a mailbox.

**3.14 LIGHTING STANDARDS**

- a. Average lighting levels measured at the building Frontage shall not exceed 2.0 fc (foot-candles).
- b. Streetlights shall be of a general type illustrated in Table 3-10 and as approved by ONCOR: Decorative Street Lighting.

**TABLE 3-10: Public Lighting:**

*The suitable Public Lighting Types for the District are established herein.*

Public Lighting Type	Axonometric Diagram
Column	
Double Column	



ARTICLE 3. BUILDING SCALE PLANS  
GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

3.15 UTILITY STANDARDS

Utilities in the District shall be placed according to the specifications in Section 2.7.

**ARTICLE 3. BUILDING SCALE PLANS**  
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TABLE 3-11: Gus Thomasson Corridor Revitalization Code Summary:



Urban Center Zone	
<b>A. BASE RESIDENTIAL DENSITY</b>	
By Right	Variable
Other Functions	Variable
<b>B. BLOCK SIZE</b>	
Block Perimeter	2000 ft. max
Block Face	600 ft. max
<b>C. PUBLIC FRONTAGES</b>	
CS	Permitted
ST	Permitted
Rear Alley	Required
Passage	Permitted
Pedestrian & Bicycle Trail	Permitted (along the drainage channel)
Bicycle Route	Permitted
<b>D. CIVIC SPACES</b>	
Green	Permitted
Square	Permitted
Plaza	Permitted
Playground	Permitted
<b>E. LOT OCCUPATION</b>	
Lot Width	18 ft. min 180 ft. max
Lot Coverage	80% max
<b>F. SETBACKS – PRINCIPAL BUILDING</b>	
Front Setback Principal	0 ft. min 12 ft. max
Side Setback	0 ft. min 24 ft. max
Rear Setback	3 ft. min (or 15 ft. from center line of alley)
Frontage Buildout	80% min
<b>G. SETBACKS – OUTBUILDING</b>	
Front Setback	40 ft. max from rear prop
Side Setback	0 ft. min.
Rear Setback	3 ft. max
<b>H. BUILDING DISPOSTION</b>	
Rearyard	Permitted
<b>I. PRIVATE FRONTAGES</b>	
Dooryard	Permitted
Lightcourt	Permitted
Stoop	Permitted
Forecourt	Permitted
Shopfront & Awning	Permitted
Gallery	Permitted
Arcade	Permitted
<b>J. BUILDING HEIGHT</b>	
Principal Building	2 stories min 3 stories max
Outbuilding	2 stories max
<b>K. BUILDING FUNCTION</b>	
Residential	Open Use
Lodging	Open Use
Office	Open Use
Retail	Open Use

ARTICLE 4. DEFINITIONS OF TERMS  
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## ARTICLE 4. DEFINITIONS OF TERMS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

#### DEFINITIONS

(Amended by Ord. 4187 / 11-7-2011)

The remainder of Article 4 provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Article, then the Planning Division shall determine the correct definition of the term based on industry planning standards.

**A-Grid:** cumulatively, those Thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this Code (see B-Grid).

**Accessory Building:** an Outbuilding with an Accessory Function or Accessory Unit.

**Accessory Function:** a use conducted in conjunction with, incidental to, and commonly associated with, the principal function of the lot.

**Accessory Unit:** an Apartment sharing ownership and utility connections with a Principal Building (Table 4-1).

**Actively Operate:** to openly conduct on a Premises the actions, processes or affairs attendant to a Function as evidenced by (1) a valid certificate-of-occupancy for the Function and the physical presence on the Premises of persons or automated machinery conducting the Function during established hours of business, or (2) the possession of an unexpired building permit to construct, Retrofit, remodel, rehabilitate or renovate a building necessary to conduct a future Function.

**Allee:** a regularly spaced and aligned row of trees usually planted along a Thoroughfare or Path.

**Apartment:** a Residential unit sharing a building and a Lot with other units and/or uses.

**Applicant:** the person, firm or corporation that proposes to develop land that is subject to the application of the K20 District.

**Arcade:** a Private Frontage conventional for Retail use wherein the Façade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Façade at Sidewalk level remains at the Frontage Line.

**Attic:** the interior part of a building contained within its roof structure.

**Avenue (AV):** a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

**B-Grid:** cumulatively, those Thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of the A-Grid (see A-Grid).

**BRT:** see Bus Rapid Transit.

**Backbuilding:** a single-Story structure connecting a Principal Building to an Outbuilding.

**Base Density:** the number of dwelling units per acre before adjustment for other Functions (see Density).

**Bed and Breakfast:** an owner-occupied Lodging type offering 1 to 5 bedrooms, providing, for a fee, sleeping accommodations and customary lodging services, permitted to serve breakfast in the mornings to guests.

## ARTICLE 4. DEFINITIONS OF TERMS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**Bicycle Lane (BL):** a dedicated bicycle lane running within a moderate-speed vehicular Thoroughfare, demarcated by striping.

**Bicycle Route (BR):** a Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

**Bicycle Trail (BT):** a bicycle way running independently of a vehicular Thoroughfare.

**Bioswale:** an extended Rain Garden that sometimes runs the length of the block.

**Block:** the aggregate of private Lots, Passages, and Rear Alleys, circumscribed by Thoroughfares.

**Block Face:** the aggregate of all the building Façades on one side of a Block.

**Building of Value:** a structure designated for protection by Historic Mesquite, Inc.

**Bus Rapid Transit:** a rubber tire system with its own right-of-way or dedicated lane along at least 70% of its route, providing transit service that is faster than a regular bus.

**By Right:** characterizing a proposal or component of a proposal for a Community Plan or Building Scale Plan that complies with the Code and is permitted and processed administratively, without public hearing (see Warrant and Variance).

**Civic:** the term defining not-for-profit organizations dedicated to arts, culture, government, transit, and municipal parking.

**Civic Building:** a building operated by not-for-profit organizations dedicated to arts, culture, government, transit, and municipal parking, or for use approved by the legislative body.

**Civic Parking Reserve:** Parking Structure or parking lot within a quarter-mile of the site that it serves.

**Civic Space:** an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationship among their intended use, their size, their landscaping and their Enfronting buildings.

**Civic Zone:** designation for public sites dedicated for Civic Buildings and Civic Space.

**Code:** the North Gus Thomasson Revitalization Code adopted in Section 4-1020 of the Mesquite Zoning Ordinance.

**Commercial:** the term collectively defining workplace, Office, Retail, and Lodging Functions.

**Common Destination:** an area of focused Community activity, usually defining the approximate center of a Pedestrian Shed. It may include without limitation one or more of the following: a Civic Space, a Civic Building, a Commercial center, or a transit station, and may act as the social center of a neighborhood.

**Community:** a regulatory category defining the physical form, Density, and extent of a settlement. The Community type addressed in this Code is a NCD. Communities are designed to include a range of housing types, a network of well-connected streets and blocks, civic spaces, civic buildings, and have amenities such as stores, schools, and places of worship within walking distance of residences.



## ARTICLE 4. DEFINITIONS OF TERMS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**Community Appearance Manual:** regulations set forth by the City of Mesquite to control external architectural design, materials and quality. Reference to any version of the Community Appearance Manual shall include all subsequent versions.

**Configuration:** the form of a building, based on its massing, Private Frontage, and height.

**Corridor:** a lineal geographic system incorporating transportation and/or Greenway trajectories. A transportation Corridor may be a lineal Transect Zone.

**Curb:** the edge of the vehicular pavement that may be raised or flush to a Swale. The Curb usually incorporates the drainage system.

**Curb Radius:** the measurement of the inside Turning Radius (Table 4-1).

**Density:** the number of dwelling units within a standard measure of land area.

**Design Speed:** is the velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Design Speed.

**Director:** the Director of Community Development for the City of Mesquite.

**Dooryard:** a Private Frontage type with a shallow Setback and front garden or patio, usually with a low wall at the Frontage Line.

**Driveway:** a vehicular lane within a Lot, often leading to a garage.

**Effective Parking:** the amount of parking required for Mixed Use after adjustment by the Shared Parking Factor.

**Effective Turning Radius:** the measurement of the inside Turning Radius taking parked cars into account (Table 4-1).

**Elevation:** an exterior wall of a building not along a Frontage Line.

**Encroach:** to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

**Encroachment:** any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

**Enfront:** to place an element along a Frontage, as in "porches Enfront the street."

**Expansion:** to enlarge the footprint of a building or intensify a Function taking place on the Premises.

**Expression Line:** a line prescribed at a certain level of a building for the major part of the width of a Façade, expressed by a variation in material or by a limited projection such as a molding or balcony.

**Extension Line:** a line prescribed at a certain level of a building for the major part of the width of a Façade, regulating the maximum height for an Encroachment by an Arcade Frontage.

**Façade:** the exterior wall of a building that is set along a Frontage Line.

## ARTICLE 4. DEFINITIONS OF TERMS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**Flex Building:** see Live-Work.

**Forecourt:** a Private Frontage wherein a portion of the Façade is close to the Frontage Line and the central portion is set back.

**Frontage:** the area between a building Façade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage.

**Frontage Line:** a Lot line bordering a Public Frontage. Façades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines (Table 4-1).

**Function:** the use or uses accommodated by a building and its Lot, categorized as Restricted, Limited, or Open, according to the intensity of the use.

**Gallery:** a Private Frontage conventional for Retail use wherein the Façade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk.

**Green:** a Civic Space type for unstructured recreation, spatially defined by landscaping rather than building Frontages.

**Greenfield:** an area that consists of open or wooded land or farmland that has not been previously developed.

**Green Roof:** a building roof partially or completely covered with vegetation and soil, or a growing medium, over a waterproofing membrane. Green roofs may be categorized as Extensive, Semi-Intensive, or Intensive, depending on the depth of the planting medium and the amount of maintenance required.

**Hotel:** a Lodging type, owner-occupied, offering at least 12 rooms with no room limit; providing, for a fee, sleeping accommodations and customary lodging services. Related ancillary uses may include conference and meeting rooms, restaurants, bars, and recreational facilities.

**Infill:** noun - new development on land that had been previously developed, including most Greyfield and Brownfield sites and cleared land within Urbanized areas. verb- to develop such areas.

**Inn:** a Lodging type, owner-occupied, offering 6 to 12 bedrooms, providing, for a fee, sleeping accommodations and customary lodging services, permitted to serve breakfast in the mornings to guests.

**Intensive Green Roof:** a building roof with a planting medium between 8 inches and 4 feet. It can sustain elaborate plantings that include shrubs and trees. Intensive Green Roofs are heavy and are usually installed over concrete roof decks. They require considerable maintenance. In addition to their role in carbon mitigation, they are used for recreation or aesthetics, being park or garden-like.

**Layer:** a range of depth of a Lot within which certain elements are permitted (Table 4-1).

**Lightwell:** a Private Frontage type that is a below-grade entrance or recess designed to allow light into basements.

**Live-Work:** a Mixed Use unit consisting of a Commercial and Residential Function. The Commercial Function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the Commercial activity or industry.

**Lodging:** premises available for daily and weekly renting of bedrooms.

## ARTICLE 4. DEFINITIONS OF TERMS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**Lot:** a parcel of land accommodating a building or buildings of unified design. The size of a Lot is controlled by its width in order to determine the grain (i.e., fine grain or coarse grain) of the urban fabric.

**Lot Coverage:** the ratio of all impermeable surfaces, including surface parking and drives, to the total area of the Lot.

**Lot Line:** the boundary that legally and geometrically demarcates a Lot.

**Lot Width:** the length of the Principal Frontage Line of a Lot.

**Manufacturing:** premises available for the creation, assemblage and/or repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their Retail sale.

**Metrics:** the variables that define the form-based elements of the Code.

**Minor Reconstruction:** to undertake repairs to a building as a direct result of damage caused by accidental fire or natural disaster, the cost of which is less than 50% of the unadjusted taxable value of the entire building according to records of the Dallas County Appraisal District.

**Mixed Use:** multiple Functions within the same building through superimposition or adjacency, or in multiple buildings within the same area by adjacency. Mixed Use is one of the principles of NCD development from which many of its benefits are derived, including compactness, pedestrian activity, and parking reduction.

**Net Site Area:** all developable land within a site including Thoroughfares but excluding land allocated as Civic Zones.

**Office:** premises available for the transaction of general business but excluding Retail, artisanal and manufacturing uses.

**Open Space:** land intended to remain undeveloped; it may be reserved for Civic Space.

**Open Market Building:** the sale or display of retail merchandise or services outside of permanent structure, including but not limited to the sale of fruits, vegetables, shrubbery, plants, seeds and other home garden supplies.

**Outbuilding:** an Accessory Building, usually located toward the rear of the same Lot as a Principal Building. It is sometimes connected to the Principal Building by a Backbuilding (Table 4-1).

**Park:** a Civic Space type that is a natural preserve available for unstructured recreation.

**Parking Structure:** a building containing one or more Stories of parking above grade.

**Passage (PS):** a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages.

**Path (PT):** a pedestrian way traversing a Park or rural area, with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

**Planter:** the element of the Public Frontage which accommodates street trees, whether continuous or individual.

## ARTICLE 4. DEFINITIONS OF TERMS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**Plaza:** a Civic Space type designed for Civic purposes and Commercial activities in the more urban Transect Zones, generally paved and spatially defined by building Frontages.

**Porch:** a covered area projecting from and structurally connected to a building.

**Premises:** a parcel or tract of land that is subject to the provisions of this Code.

**Principal Building:** the main building on a Lot, usually located toward the Frontage (Table 4-1).

**Principal Entrance:** the main point of access for pedestrians into a building.

**Principal Frontage:** On corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of minimum Lot width. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages of a corner Lot.

**Private Frontage:** the privately held Layer between the Frontage Line and the Principal Building Façade (Table 4-1).

**Public Frontage:** the area between the Curb of the vehicular lanes and the Frontage Line.

**Rain Garden:** sunken garden using native plants and sometimes trees.

**Rear Alley (RA):** a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Alleys should be paved, with drainage by inverted crown at the center or with roll Curbs at the edges.

**Rearyard Building:** a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. This is a more urban type, as the continuous Façade spatially defines the public Thoroughfare. For its Residential Function, this type yields a Rowhouse. For its Commercial Function, the rear yard can accommodate substantial parking.

**Regulating Plan:** a Zoning Map or set of maps that shows the Transect Zones, Civic Zones, Thoroughfares, Special Districts if any, and Special Requirements if any, of areas subject to, or potentially subject to, regulation by the Code.

**Residential:** characterizing premises available for long-term human dwelling.

**Restaurant:** a Retail establishment where food and beverages are prepared, served, and consumed primarily within the Principal Building.

**Retail:** characterizing premises available for the sale of merchandise and food service.

**Retrofit:** to remove, modify or improve the nonconforming elements of a building or Premises so as to achieve substantial compliance with the provisions of this Code. A building is Retrofitted by complete or partial demolition, modification, incorporation within or joining to new construction so that the resultant new or composite building complies with the Code. A Premises is Retrofitted when the entirety of the property, including any building, is brought into compliance with the Code.

**Rowhouse:** a single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line.

## ARTICLE 4. DEFINITIONS OF TERMS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**Secondary Frontage:** on corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated.

**Sexually Oriented Business:** commercial activities regulated by Chapter 12 of the City Code of the City of Mesquite.

**Setback:** the area of a Lot measured from the Lot line to a building Façade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments.

**Shared Parking Factor:** an accounting for parking spaces that are available to more than one Function and which is calculated by adding the total number of spaces required by each separate Function and dividing the total by the appropriate factor from the Sharing Factor matrix.

**Shopfront:** a Private Frontage conventional for Commercial use, with substantial glazing and an awning, wherein the Façade is aligned close to the Frontage Line with the building entrance at Sidewalk grade.

**Shopfront Frontage:** Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Commercial use.

**Shopping Mall:** a common design mode for regional and superregional commercial centers with an enclosed, climate-controlled walkway, promenade, or concourse between two facing banks of stores and surrounded by a large parking field.

**Sidewalk:** the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

**Sideyard Building:** a building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house.

**Special District (SD):** an area that, by its intrinsic Function, Disposition, or Configuration, cannot or should not conform to one or more of the normative Community types or Transect Zones specified by the Code. Special Districts may be mapped and regulated at the community scale.

**Special Requirements:** provisions of Section 3.11 and Section 4.3 of this Code and/or the associated designations on a Regulating Plan or other map for those provisions.

**Square:** a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed.

**Stoop:** a Private Frontage wherein the Façade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance.

**Story:** a habitable level within a building, excluding an Attic or raised basement.

**Street (ST):** a local urban Thoroughfare of low speed and capacity. Its Public Frontage consists of raised curbs drained by inlets and sidewalks separated from vehicular lanes by a planter and parking on both sides. The landscaping consists of regularly placed street trees.

**Street Screen:** a freestanding wall built along the Frontage Line, or coplanar with the Façade. It may mask a parking lot from the Thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

## ARTICLE 4. DEFINITIONS OF TERMS

### GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

**Strip Shopping Center:** a pattern of auto-dominated, commercial development located along one or both sides of a street which is generally one lot in depth and is characterized by multiple and relatively closely spaced driveways. It includes power centers that consist of several freestanding anchors or big boxes occupied by "category killers" and only a minimum number of small tenants.

**Substantial Modification:** any improvement to, Expansion or alteration of a building the cost of which is greater than 25% of the unadjusted taxable value of the entire building according to records of the Dallas County Appraisal District, except Minor Reconstruction.

**Swale:** a low or slightly depressed natural area for drainage.

**T-Zone:** Transect Zone.

**Terminated Vista:** a location at the axial conclusion of a Thoroughfare. A building located at a Terminated Vista designated on a Regulating Plan is required or recommended to be designed in response to the axis.

**Third Place:** see Public Hall

**Thoroughfare:** a way for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage.

**Transect:** a cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment used in the Code is divided into six Transect Zones. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and Urbanism.

**Transect Zone (T-Zone):** one of several areas on a Zoning Map regulated by the Code. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage.

**Transition Plan:** a written memorandum appended to a Warrant or incorporated into a binding agreement that sets forth the scope and sequencing of a process to Retrofit a Premises.

**Transit Route:** an existing or planned route for public service in the local or regional transportation plan.

**Turning Radius:** the curved edge of a Thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn (Table 4-1).

**Urbanism:** collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and sociocultural aspects.

**Urbanized:** generally, developed. Specific to the Code, developed at T-3 (Sub-Urban) Density or higher.

**Variance:** a ruling that would permit a practice that is not consistent with either a specific provision or the Intent of this Code. Variances are usually granted by the Board of Adjustment in a public hearing.

**Warrant:** a ruling that would permit a practice that is not consistent with a specific provision of this Code, but that is justified by its Intent. Warrants are usually granted administratively by the Director.



**ARTICLE 4. DEFINITIONS OF TERMS**  
**GUS THOMASSON CORRIDOR REVITALIZATION CODE:** *City of Mesquite*

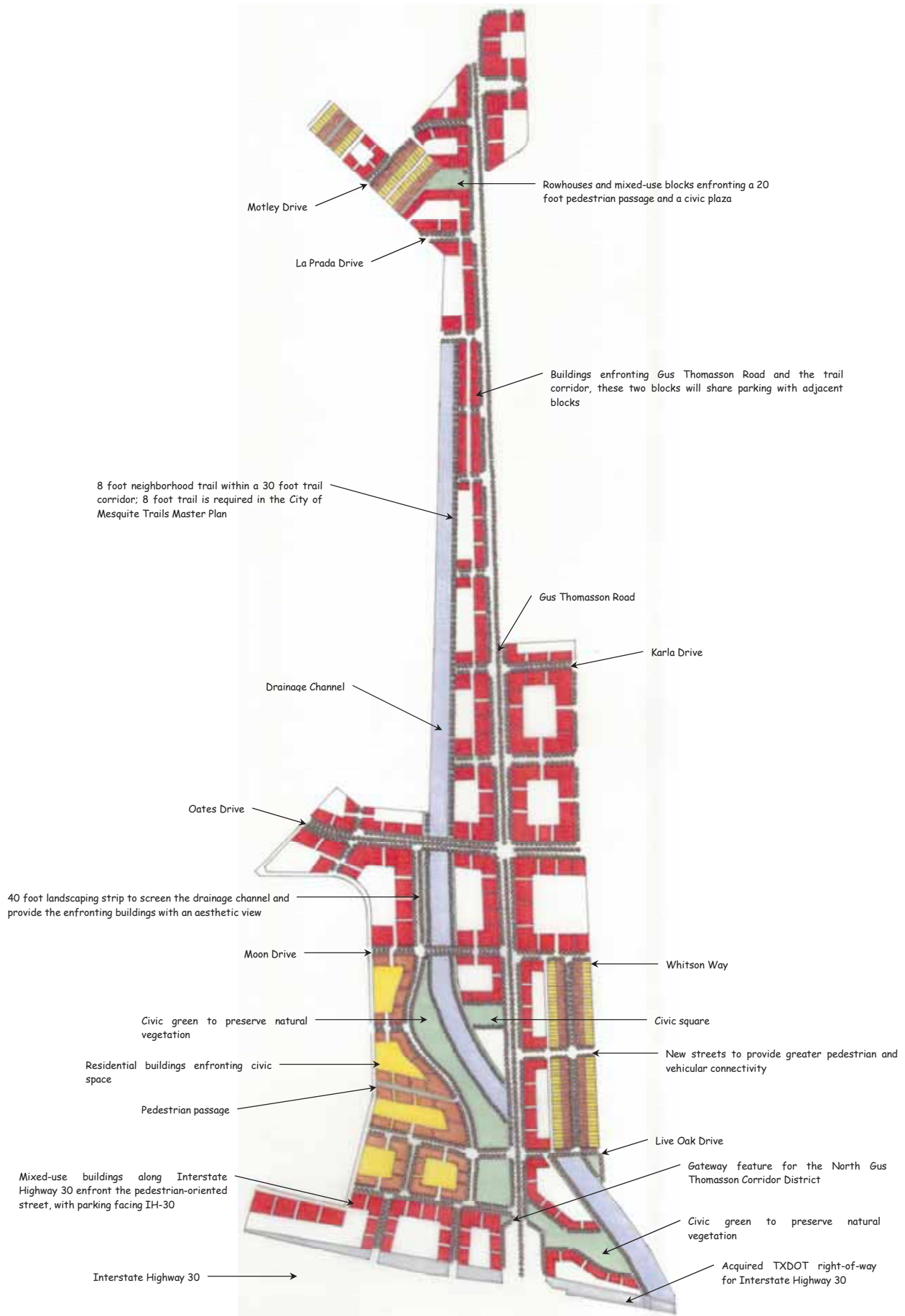
**Work-Live:** a Mixed Use unit consisting of a Commercial and Residential Function. It typically has a substantial Commercial component that may accommodate employees and walk-in trade. The unit is intended to function predominantly as work space with incidental Residential accommodations that meet basic habitability requirements (see Live Work).

**Yield:** characterizing a Thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a Thoroughfare.

**Zoning Map:** the official map or maps that are part of the zoning ordinance and delineate the boundaries of individual zones and districts (see Regulating Plan).

APPENDIX  
GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*

APPENDIX A.I: ILLUSTRATIVE PLAN  
 GUS THOMASSON CORRIDOR REVITALIZATION CODE: *City of Mesquite*



Funding Sources for Gus Thomasson Corridor Revitalization Code				
Project	Allocation	Funding Source	Use of Funds	Status
<b>Blighted Structures</b>				
Casa View Heights Neighborhood Plan	\$ -	Inhouse - CDBG	To create a neighborhood improvement plan	Completed 2007
Gus Thomasson Revitalization Code	\$ -	Inhouse - CDBG	Per the neighborhood plan, purpose to make zoning regulations reflective of the residents' desire to reconnect with the nearby Gus Thomasson commercial corridor	Completed 2008
Housing Stabilization Study	\$29,711	City of Mesquite General Fund	Assessment of current housing conditions in the Gus Thomasson area and strategies to combat declining conditions	Completed in Summer 2011
<b>Lack of Access to Employment</b>				
Retail Market Study	\$21,695	City of Mesquite General Fund	Assessment of current retail needs in the Gus Thomasson area	Completed Summer of 2011
Economic Development Study	\$18,500	City of Mesquite General Fund	Study to define the potential economic, employment and tax revenue benefit of the implementation of the Thomasson Square Project	Completed May 2012
<b>Inadequate Transportation</b>				
Thomasson Square	\$3,000,000	North Central Texas Council of Governments, 2009 Sustainable Development Grant	Design & Construction of at-grade improvements	90% Design
Thomasson Square	\$750,000	City of Mesquite 4B Fund	Design & Construction: required grant match for at-grade improvements	90% Design
Thomasson Square	\$600,000	City of Mesquite 4B Fund	Additional funds for at-grade improvements	Anticipated Construction Start Date: Summer 2013
<b>Presence of Adverse Environmental Conditions</b>				
Thomasson Square	\$125,368	City of Mesquite	Water Sewer & Drainage Design	90% Design
Thomasson Square	\$1,676,045	Combination of DUD and Water	and Sewer Funds Water Sewer & Drainage Construction	Anticipated Construction Start Date: Summer 2013
<b>Blighted Structures</b>				
Thomasson Square	\$285,000	City of Mesquite 4B Fund	Purchase of private property for the completion of grant objectives and project design	Purchased August 2012
Thomasson Square	\$22,000	City of Mesquite 4B Fund	Demolition of purchased property for future redevelopment	Property Cleared November 2012

**TOTAL** **\$6,528,319**



January 4, 2012

Jay O. Oji  
Sphinx Development Corporation  
3030 LBJ Freeway, Suite 880  
Dallas, TX 75234

Mr. Oji,

This letter is to confirm the budget of \$6.5 million for the Thomasson Square Project. For your reference please find the attached detailed budget summary of the entire Gus Thomasson Corridor, which includes the Thomasson Square Project. If you have additional questions please contact our office at (972) 216-6216.

Sincerely,

A handwritten signature in black ink that reads "Danielle Wonkovich". The signature is fluid and cursive, with a long horizontal stroke at the end.

Danielle Wonkovich  
Senior Planner  
Thomasson Square Project Manager  
1515 N. Galloway Ave.  
Mesquite, TX 75149





# The Casa View Heights Neighborhood Plan

Prepared by Neighborhood Residents and Community Development Department



City of Mesquite  
2006



# ACKNOWLEDGEMENTS

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## City of Mesquite Casa View Heights Neighborhood Plan

The Community Development Department would like to acknowledge the following residents of Casa View Heights for their support and commitment in the creation of the Casa View Heights Neighborhood Plan.

### Participating Neighborhood Residents:

Oscar Arizola	Eveln Leon	Audrey Raulston
Peggy Blommingdale	Rogelio Martinez	Scott Robertson
Rick Bolden	Donna & Richard Masteron	William Robertson
Silas Bryan	Don McCauley	Cecila Rios
Barbara Dalton	Charles Michael McClure	Kaleta Russell
Sam Deer	Michael McClure	Marchal Shugaki
Kyle Drake	Mary McFadden	Carol Shaw
David Gumm	Trudy & Jack Medlin	Mary Smith
Janie & Harold Hanez	Rhonda & Tommy Medlin	Marianne Thompson
Teresa Hill	George & Jeannie Mikuda	Amy Tores
Cory Jackson	Bill & Benita Milligan	Fernando Valdez
Michael Kuzhuppillil	Joy Montgomery	Geertha Washington
Evelyn Lance	Terry & Lois Osteen	

# **CITY OF MESQUITE**

## **CASA VIEW HEIGHTS NEIGHBORHOOD PLAN**

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### **City Council**

Mike Anderson, Mayor

John Heiman  
Dennis Tarpley  
John Monaco

Stan Pickett  
David Paschall  
Shirley Roberts

### **Planning & Zoning Commission**

Tony Apel, Chair

Richard Allen  
Jane Ann Cruce  
Emmanuel Holloman

Ginny Stuit  
Sandy Thompson  
Emily Tosch  
Bob Johnson (alt.)

### **City Administration**

Ted Barron, City Manager  
Carol Zolnerowich, Deputy City Manager

### **Neighborhood Planning Team**

Richard Gertson, AICP, Director of Community Development  
Garrett Langford, Neighborhood Planner  
Ted Perez, Supervisor Environmental Code Inspector  
Glen Woodham, Residential Building Inspector  
Larry Ewing, Residential Building Inspector  
Andy Wise, Animal Control  
Don Williams, Police Officer  
Cheryl Gray, Police Officer  
Pat Killingsworth, Housing Assistant  
Gary Gilliam, Fire Department  
Matt Holzapfel, City Engineer  
Scott Meador, Health Department  
Diana Loven, Environmental Code Inspector  
Charlene Orr, Preservation Officer

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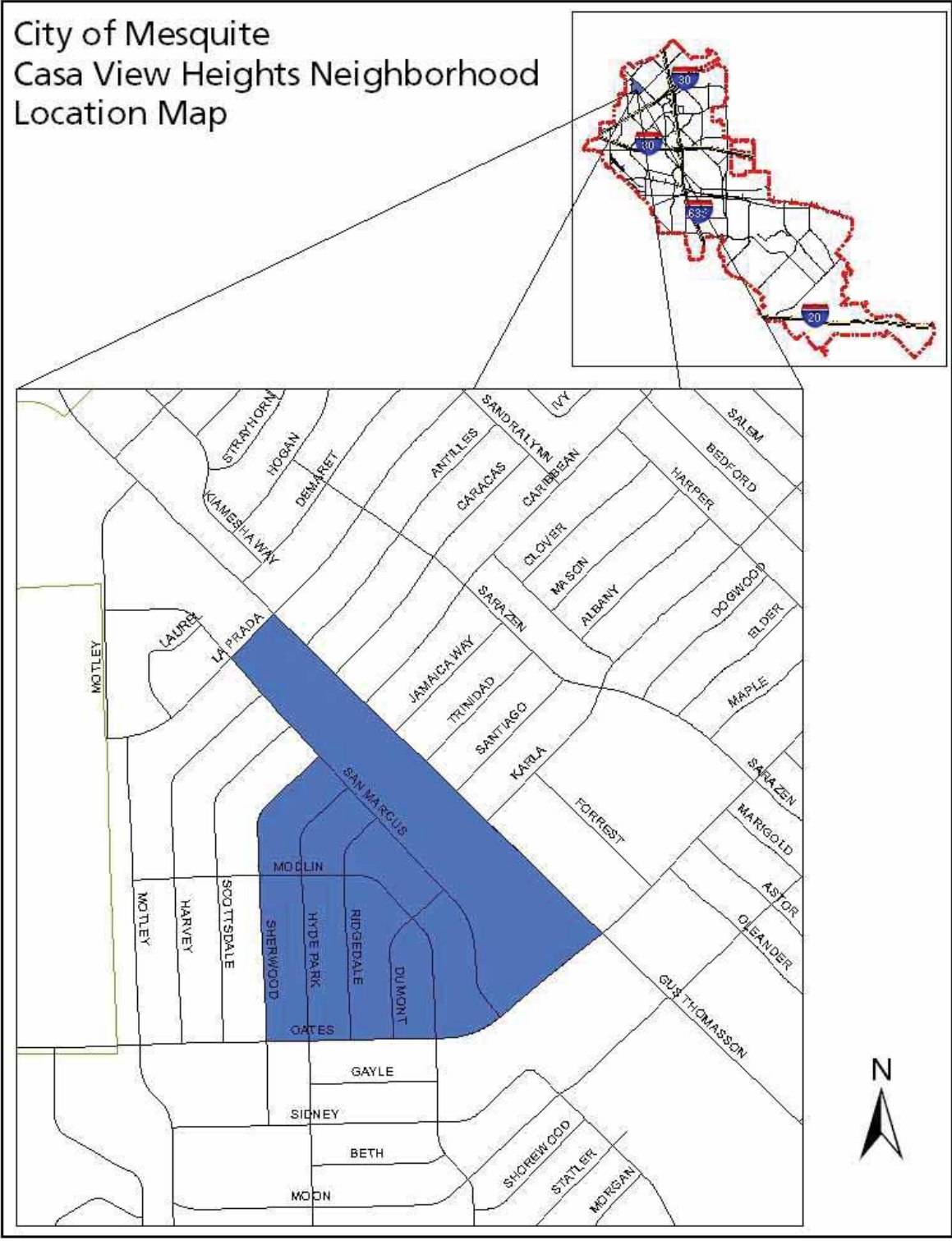
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City of Mesquite  
 Casa View Heights Neighborhood  
 Location Map



# OVERVIEW

## ORIGINS OF ADDRESSING MESQUITE

The city recognizes that its older neighborhoods are aging and showing signs of deterioration. Some of these neighborhoods, built during the 1950's, provided the strong foundation for the growth that the city has enjoyed over the years. As these neighborhoods continue to age and evolve, proactive intervention will be necessary to prevent further decline.

In 2004, the City Council commissioned a Residential Building Condition Survey to analyze the state of the city's neighborhoods. The Residential Building Condition Survey included a general assessment of the conditions of every single-family home throughout the city. The Survey found, for the most part, that neighborhoods are in good shape. Eighty-four percent of all single-family homes within the city are in Grade A, or good condition. However, there were neighborhoods where nearly 40% of the structures were rated below Grade A condition.

In 2005, to address overall building conditions and other critical issues that affect the quality of life in these neighborhoods, the City Council initiated a comprehensive neighborhood revitalization program called **ADDRESSING MESQUITE**. The **ADDRESSING**

**MESQUITE** program involves three major initiatives: neighborhood planning, a Rental Certificate-of-Occupancy program, and enhanced code enforcement.

For now, the primary source of funding for the **ADDRESSING MESQUITE** program is the Community Development Block Grant (CDBG). As a result, the city must focus its neighborhood revitalization efforts within the Census 2000 block groups that qualify as low- to moderate-income areas. These areas must also be eligible for the use of CDBG funds. The city reviewed its 26 CDBG-eligible neighborhoods and selected four priority neighborhoods based on several different factors. Based on the analysis of the different factors, the four neighborhoods identified by the City Council as priority neighborhoods are:

- Casa View Heights
- Mesquite Park
- Sherwood Forest
- Truman Heights

### Priority Neighborhood Selection Factors:

1. CDBG Eligible
2. Single-family building conditions
3. Number of environmental code violations
4. Median age of single-family structures
5. Median housing value
6. Within a problem-oriented policing district
7. Elementary school within the block group

## THE ROLE OF NEIGHBORHOOD PLANNING

Neighborhood planning is a major component of the *ADDRESSING MESQUITE* program. It includes an in-depth examination of neighborhood conditions and identifies strategies that are designed to bring about change. A neighborhood plan is intended to achieve several goals leading toward overall improvement in the health and sustainability of the neighborhood:

- To provide a systematic framework for residents to identify issues and solutions
- To educate the city about the neighborhood's concerns
- To address a wide range of interrelated issues
- To initiate and coordinate neighborhood improvement projects and activities
- To propose proactive strategies for change

### Anatomy of a Neighborhood Plan

A neighborhood plan has many of the same features of a community-wide comprehensive plan. But because it is much smaller in scale, a neighborhood plan can focus on a street-level assessment of issues and opportunities that residents contend with on a daily basis. For purposes of planning in Casa View Heights, the discussion, analysis,

and recommended strategies were grouped into four major planning elements:

### **Neighborhood Appearance:**

Issues that affect the appearance and aesthetics of the neighborhood, such as code enforcement, building conditions, and property maintenance

### **Neighborhood Infrastructure:**

Issues that are important to essential functionality, such as street and sidewalk conditions, drainage problems, and water and sewer lines

### **Neighborhood Safety:**

Issues that impact vehicle and pedestrian safety or personal security, such as speeding, street lighting, animal control, and the design of public spaces

### **Neighborhood Land Use and Zoning:**

Issues that arise from conflicting land uses or the city's development regulations, such as inappropriate commercial encroachment, and excessive exposure to inappropriate commercial uses



## OVERVIEW

### Planning in Casa View Heights

The **Casa View Heights Neighborhood Plan** is the result of a systematic neighborhood planning process. This Plan is a snapshot of the issues that currently impact quality of life for residents of Casa View Heights. The Plan is also a call-to-action that sets the stage for implementing objectives and strategies designed to foster positive change.

The Casa View Heights planning process relied heavily on public participation to identify neighborhood issues and opportunities; outline goals and a vision for the neighborhood; and develop a strategy. With guidance and assistance from a neighborhood planner in the Planning Division of the Community Development Department, the neighborhood actively worked to forge its own neighborhood plan that outlines what residents would like see accomplished.

The planning process consists of collecting data, conducting analysis, identifying the issues, developing objectives, and creating an action plan. The source of information collected during the planning process includes Census 2000 data, the building condition survey, City of Mesquite Zoning Ordinance, neighborhood questionnaires, Dallas Central Appraisal District records, and input from neighborhood residents.

The primary source of information and support for the neighborhood planning process is public participation by the neighborhood residents. Throughout an 18-month period, the city staff met with the Casa View Heights neighborhood residents to discuss the issues or concerns that were important to them. The city staff held a total of 8 neighborhood meetings with the neighborhood residents, which included two introductory meetings on the *ADDRESSING MESQUITE* program and 4 neighborhood planning sessions.

The neighborhood meetings on June 23, 2005, and August 18, 2005, gave the residents an opportunity to learn about the *ADDRESSING MESQUITE* program. The staff briefed the neighborhood residents on the state of the building conditions within the neighborhood and the benefits of neighborhood planning. In addition, the residents had the opportunity to meet with city staff from various departments to discuss generally their concerns or ask questions. The residents that attended the first introductory meeting were able to complete a questionnaire. The results from the questionnaire and the comments from the first two meetings directed the topics of discussion at the neighborhood planning sessions that followed.

## OVERVIEW

### The Planning Sessions

Neighborhood planning sessions were held with the neighborhood residents on four separate occasions, October 27, 2005, November 10, 2005, January 12, 2006, and February 2, 2006. Session participants discussed in detail specific issues related to their neighborhood. Each planning session dealt with a range of issues that fell under the four major planning elements: appearance, infrastructure, safety, and land use & zoning. Staff facilitated the discussion by organizing each session around only one planning element at a time.

On June 29, 2006, the city staff presented a draft set of implementation strategies to the neighborhood residents. The participants clarified the issues, added their comments, voted and prioritized the implementation strategies that would comprise the substance of the neighborhood plan. A draft of the Casa View Heights Neighborhood Plan was confirmed during a final meeting held on March 15, 2007.

The residents of Casa View Heights neighborhood presented the Casa View Heights Neighborhood Plan to the Planning and Zoning Commission on March 26, 2007. After the presentation and affording all parties an opportunity to be heard, the Commission voted to

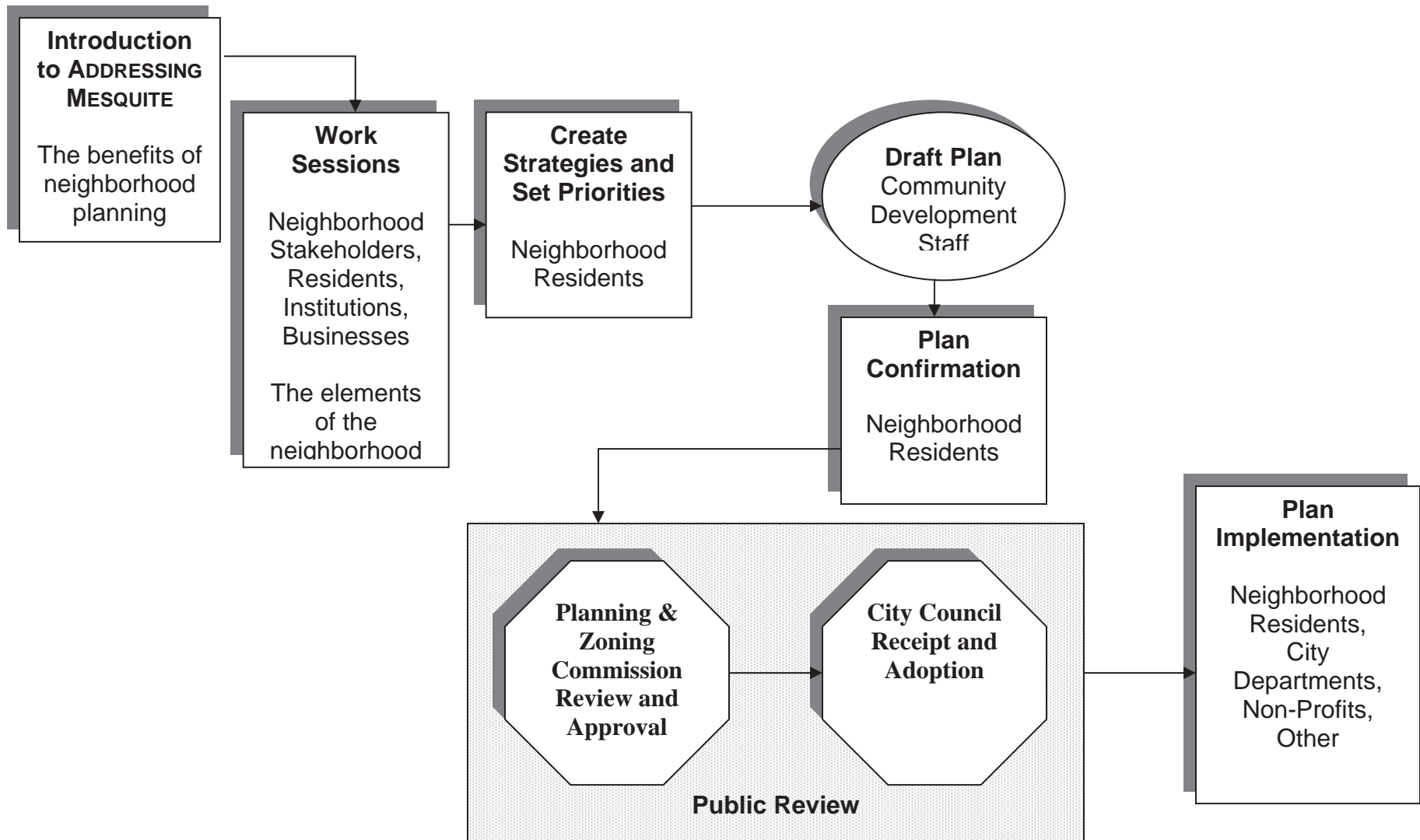
recommend adoption of the plan. The Casa View Heights Neighborhood Plan was officially received and adopted by the Mesquite City Council on April 2, 2007.

**Table 1: Meeting Subject & Attendances**

<b>Meeting Date</b>	<b>Subject</b>	<b>Attendances</b>
June 23, 2005	Introduction	26
August 18, 2005	Introduction	19
October 27, 2005	Neighborhood Safety	13
November 10, 2005	Neighborhood Appearance	13
January 12, 2006	Neighborhood Land Use & Zoning	16
February 2, 2006	Neighborhood Infrastructure	15
June 29, 2006	Strategy Prioritization	14
March 15, 2007	Draft Plan Presentation	14

# OVERVIEW

Figure 1: Addressing Mesquite Neighborhood Planning Model



# NEIGHBORHOOD PROFILE

## Casa View Heights Neighborhood Profile

The Casa View Heights neighborhood is located in the northwest part of the city, just west of Gus Thomasson Road and borders the City of Dallas to the west. The neighborhood boundaries are La Prada Drive to the north, Gus Thomasson Road to the east, Oates Drive to the south, and Sherwood Drive to the west. The neighborhood is located in the City Council District 4 and Census Tract 179.00 Block Group 1. The Casa View Heights Neighborhood Plan is part of the Casa View Heights #15 subdivision. Map 1 depicts the neighborhood.

### Neighborhood Boundaries

North – La Prada Drive  
West – Sherwood Drive  
South – Oates Drive  
East – Gus Thomasson Road

The development of the neighborhood occurred during the 1950's and early 1960's as a middle-class neighborhood. The majority of the homes are traditional in style with common features such as gabled roofs, brick, and one car attached garages. Today, the neighborhood remains a high quality neighborhood with highly affordable housing.

The neighborhood amenities include the close proximity to neighborhood services along Gus Thomasson Road. Additionally, the neighborhood offers access to major arterial routes and close proximity to IH-30. In addition, the neighborhood is located a couple of blocks east of Eastfield Community College.

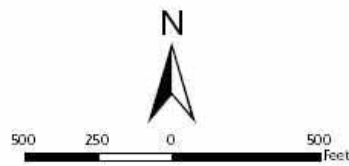
### Housing

There are 280 housing units within the Casa View Heights neighborhood. According to the 2000 Census data of the 280 housing units, 268 are occupied. Of the 268 occupied housing units, there are approximately 183 or 68% owner occupied and 85 or 32% renter occupied. According to the Dallas Central Appraisal District records, the average appraised market value in 2006 for a single-family home in Casa View Heights was approximately \$72,228.

Map #2: Casa View Heights Boundary



**Legend**  
- Neighborhood Boundary  
- Parcels





# NEIGHBORHOOD PROFILE





# NEIGHBORHOOD PROFILE

## Demographics

A review of the 1990 and 2000 Census shows minor changes in the number of neighborhood residents. However, the data also shows significant changes in the makeup of the neighborhood residents. The population for the neighborhood in 2000 was 812 people, which is up 2.6% from 791 people in 1990. There was also a slight increase in the number of families from 212 families in 1990 to 216 families in 2000.

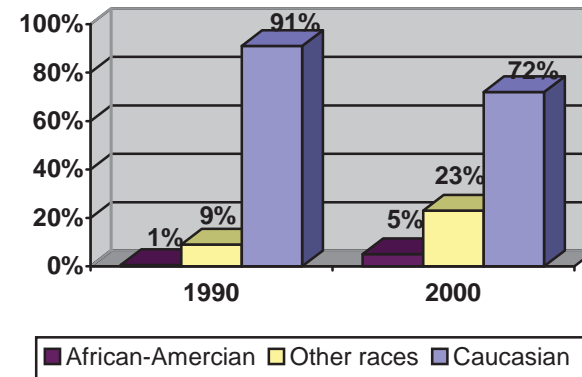
Demographically, in 2000 the majority of the neighborhood was Caucasian with 72% of the population, which is down from 91% of the neighborhood population in 1990. African-Americans comprised 5% of the population in 2000, while in 1990 African-Americans made up only 0.5% of the neighborhood population. Other races made up 23% of the neighborhood population in 2000, which is up from 9% of the neighborhood population in 1990.

Ethnically, there has been a significant increase in the Hispanic neighborhood population. In 2000, Hispanics made up 31% of the neighborhood population, which is up from 16% of the neighborhood population in 1990. The Casa View Heights neighborhood has a significantly larger percentage of Hispanic population compared to

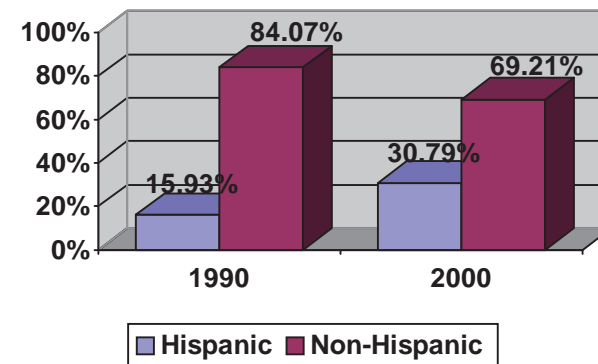
citywide data, which in 2000, made up 16% of the citywide population.

Figure 2 and 3 compare the demographic characteristics between Casa View Heights from 1990 to 2000.

**Figure 2: Population by Race**



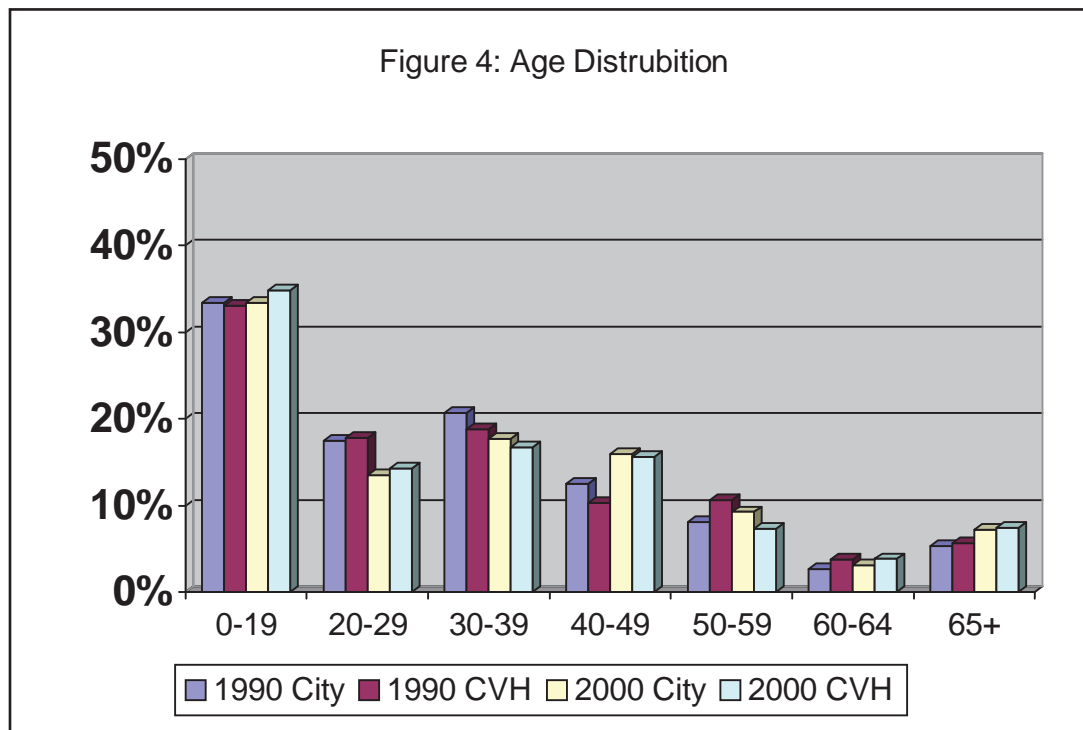
**Figure 3: Hispanic Population**



## NEIGHBORHOOD PROFILE

Census data shows that age distribution is consistent with citywide data. In the period between 1990 and 2000, the age group 19 and under increased slightly in percentage of the neighborhood population. The age groups 20-29, 30-39, and 50-59 decreased in percentage of the total neighborhood population. The 40-49 age

group registered an increase. The neighborhood population has aged between 1990 and 2000. However; this is consistent with the changes in the citywide census data between 1990 and 2000. Figure 4 shows the percentages of the different age groups in 1990 and 2000.



# NEIGHBORHOOD INVENTORY & ANALYSIS

## INVENTORY AND ANALYSIS

*This section provides an inventory and analysis of the Casa View Heights neighborhood. The neighborhood stakeholders, with the assistance of city staff familiar with the area, took an inventory of the issues affecting the neighborhood under four traditional neighborhood planning elements: neighborhood appearance, neighborhood land use and zoning, neighborhood infrastructure, and neighborhood safety. Using that information, the Planning staff prepared the following analysis that led to the development of neighborhood objectives. Findings are presented in greater detail following the Summary below.*

---

## SUMMARY

The Casa View Heights neighborhood is a quality neighborhood described by its residents as having excellent access to nearby commercial services, health care, and major freeways. The goal of the Casa View Heights Neighborhood Plan is to sustain these qualities of the neighborhood while addressing the issues that the neighborhood faces.

Neighborhood reinvestment activity increased in 2005. The building permit activity for home improvements, home additions, foundation repairs, and garage conversions have all shown an increase in number and value of the building permits compared to the last five years (Appendix A). Continued growth in property owner reinvestment, combined with increased investments from the city, will greatly assist in revitalizing and ensuring a strong, sustainable neighborhood.

Through the neighborhood planning process, the information provided by the neighborhood stakeholders, combined with the following staff assessment for each of the four planning elements, identified the issues and concerns that need to be addressed.

### **Neighborhood Appearance**

The neighborhood residents expressed concerns not only with specific homes that are in need of improvements, but also with the commercial buildings along Gus Thomasson. Residents are concerned that nearby businesses with appearance issues negatively affect the neighborhood. The neighborhood building conditions data shows the housing conditions have improved between 2004 and 2005. However, the neighborhood still faces challenges not only in maintaining the improved residential building conditions but also in improving the

## NEIGHBORHOOD INVENTORY & ANALYSIS

appearance of nearby businesses within the neighborhood.

### **Neighborhood Land Use & Zoning:**

The Casa View Heights neighborhood has a variety of different uses. The neighborhood is mainly residential, however, there are a significant number of commercial uses that may serve the immediate neighborhood and general area. A significant issue for the neighborhood, as identified by staff and residents, is the deterioration of commercial uses along the Gus Thomasson corridor. This is evident from the appearance of negative secondary commercial uses and commercial vacancies.

The Casa View Heights neighborhood is bordered by a major business corridor, which provides excellent access to the services. However, when the commercial activity begins to deteriorate, the impact will have negative repercussions on the nearby surrounding neighborhood. The major challenge for the Casa View Heights neighborhood is to not only revitalize the residential area but also revitalize the commercial corridor.

The *Mesquite 2003 Development Guide* has designated the neighborhood area along Gus Thomasson as General Business. The *2003 Development Guide*

outlines areas designated as General Business, which primarily provide services to residents of the surrounding neighborhood. Within a Community Area, such as Casa View Heights neighborhood, the General Business designation is generally assigned along the fringe of an established neighborhood, indicating that goods and services should be oriented to the surrounding area. Additionally, entertainment/recreation uses, highway related uses, outdoor display lots, and storage yards, are not appropriate. While the *2003 Development Guide* calls for restrictions on inappropriate uses in Community Areas, the neighborhood residents indicate more could be done to protect the residential character of the neighborhood.

Planning tools such as a neighborhood overlay district could be used to outline complementary uses and/or design standards. Design standards are regulations that that can be used to identify acceptable building and site layout standards that are more aesthetically pleasing and provide more protection to adjoining residential uses. Neighborhood residents have given high priority to utilizing planning tools such as overlay districts and/or design standards.

## NEIGHBORHOOD INVENTORY & ANALYSIS

The neighborhood residents expressed a desire to improve neighborhood linkage by utilizing the existing neighborhood drainage system. The residents are cut off from the commercial activities along Gus Thomasson due to a drainage channel that runs between San Marcus and Gus Thomasson. The neighborhood residents support improving walkability to the commercial activities by installing a pedestrian bridge over the drainage channel and other pathways throughout the neighborhood. Work is currently under way to ensure that the 2007 Trails Master Plan includes possible trail paths for the Casa View Heights Neighborhood.

### Neighborhood Safety

The main safety concerns expressed by neighborhood residents during the planning meetings were speeding, the lack of streetlighting, and concerns with crime spilling over from the adjacent neighborhood to the west. The residents identified concerns regarding speeding and cut through traffic along San Marcus Ave and Modlin Drive. Residents cited specific areas in the neighborhood that need enhanced streetlighting.

The overall number of crimes within the neighborhood is low. However, there has been an increase in the number of crimes over the past few years. In addition, there are

concerns with residents about being vulnerable to the migration of criminal activity from the adjacent neighborhoods within the City of Dallas, particularly with gang activity.

Residents identified specific areas within the neighborhood that lack sufficient streetlight coverage. An initial review by city staff found that all street intersections had streetlighting. However, further review with residents is needed to identify streetlights that could be added in the mid-block range of the street and alley entrances.

### Neighborhood Infrastructure

In 2005 and 2006, major infrastructure improvements were completed within the neighborhood. The project included replacing water lines, street resurfacing, partial sidewalk replacement, and alley resurfacing. The improvements upgraded the appearance and functionality of the neighborhood. However, the project did not include replacing sidewalks unless it was necessitated by water line excavation. As a result, only one side of the street received new sidewalks, and residents would like to see new sidewalks on both sides of a block. Additionally, there are unimproved alleys that were not addressed during the project.

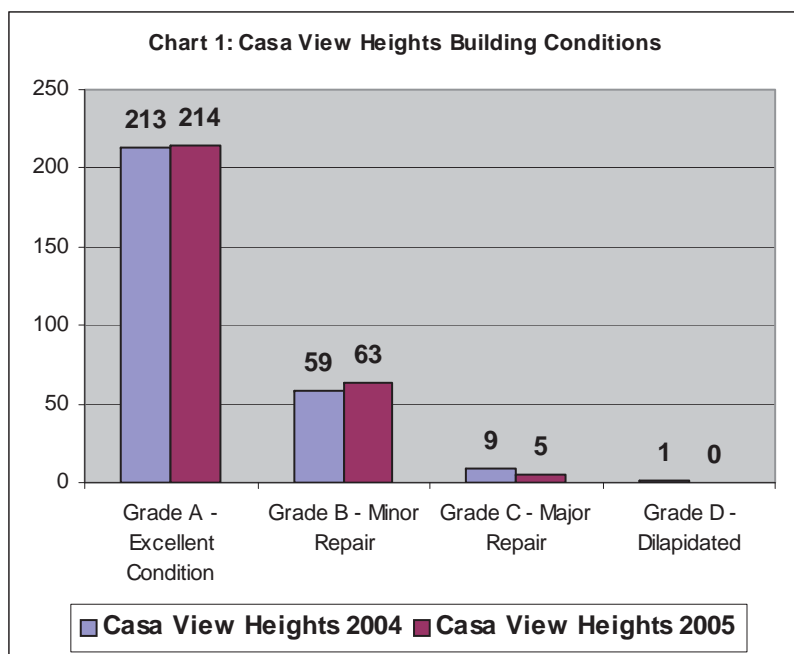
# NEIGHBORHOOD INVENTORY & ANALYSIS

## Neighborhood Appearance

Neighborhood appearance is primarily concerned with how the neighborhood looks, how the properties are maintained, and the condition of the housing stock. The following assessments of housing conditions and property upkeep provide the current status of the appearance of the neighborhood. The neighborhood stakeholders identified neighborhood appearance,

particularly property upkeep, a major issue for the neighborhood.

**Figure #4: Building Conditions Chart**



**Grade A – Excellent Condition:**

Adequate weather protection; no deterioration to roof; exterior surfaces, cornice, siding, windows, driveways, or sidewalks

**Grade B – Minor Repair:**

Slight deterioration of weather protection found to the roof, exterior surfaces, cornice, or siding; minor window damage due to cracks or breaks; driveways and sidewalk with minor cracks presenting safety or trip hazards

**Grade C – Major Repair:**

Found inadequate exterior paint with less than 50% of all having exposed wood; some roofing materials missing or loose, waves in roof and missing grit; two or more windows broken; driveway and sidewalk in need of repair due to safety and trip hazards

**Grade D – Dilapidated:**

Eaves and cornice need replacing; large amount of roofing is missing; greater than 50% of wall area with exposed, bare, or decayed wood; numerous windows are broken or missing



## NEIGHBORHOOD INVENTORY & ANALYSIS

### Housing Conditions:

The information collected through the 2004 Residential Building Condition Survey, shows a 75.5% rate of Grade A single-family homes within the neighborhood compared to a 84% rate of Grade A single-family homes citywide. The 2004 Residential Building Condition Survey evaluated the exterior condition of every single-family home throughout the city, including Casa View Heights. The evaluations took place from the public right of way to review the condition of the structure, sidewalk, and driveway of each single-family and duplex property. The structure, driveway, and sidewalk were each given one of four grades based on the conditions: Grade A, Grade B, Grade C, or Grade D. As part of the *ADDRESSING MESQUITE*, the Rental Inspection Program and enhanced code enforcement implemented in 2005 have shown minor improvements in the building conditions within Casa View Heights.

As trained observers, the Community Development Department inspectors constantly update the building condition grades. At the end of 2005, the survey of building conditions shows an increase in the number of Grade A properties. See Figure 4 for a breakdown on

the building conditions. Maps 2 & 3 show the building conditions in 2004 and 2005 respectively.

The neighborhood residents have shown in 2005 an increase in reinvestments within the neighborhood. The building permit activities for home improvements, home additions, foundation repairs, and garage conversions have all shown an increase in number and value compared to the last five years (Appendix A). As a result, the 2005 building survey shows a decrease in the percentage of Grade C & D homes from 4% in 2004 to 1% in 2005, a decrease of 3%. The neighborhood residents and property owners have made significant improvements in the building conditions between 2004 and 2005. However, the neighborhood still faces challenges in improving the building condition levels comparable to the citywide average of 84% Grade A.

Map #3: Casa View Heights Building Conditions

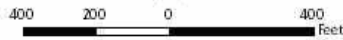


Legend

- Parcels
- Neighborhood Boundary

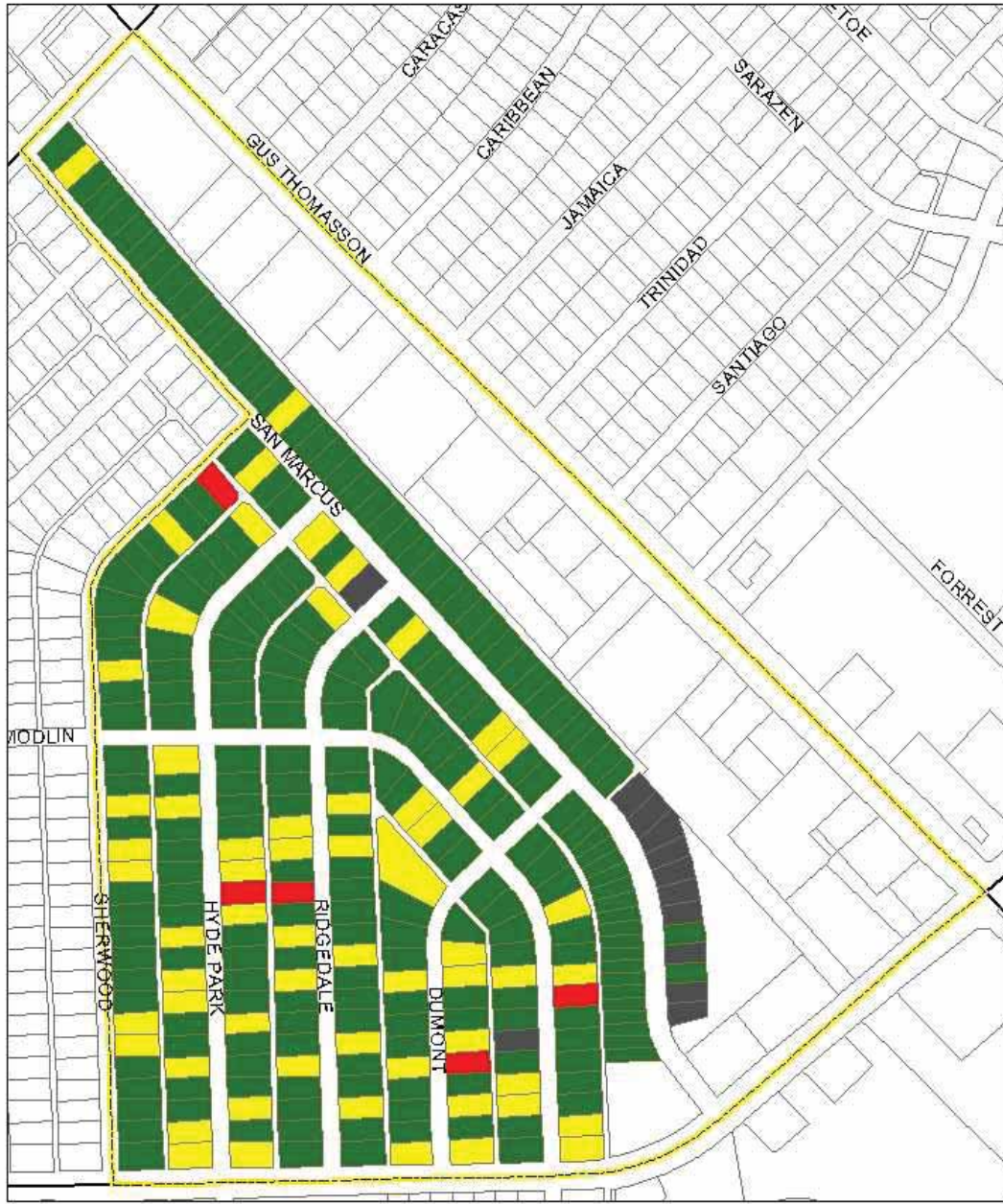
Building Conditions

- A - Excellent Condition
- B - Minor Repair
- C - Major Repair
- D - Dilapidated
- N - No Structure



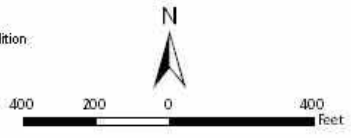


Map #4: Casa View Heights Building Conditions



**Legend**

- Parcels
- Neighborhood Boundary
- Building Conditions**
- A - Excellent Condition
- B - Minor Repair
- C - Major Repair
- N - No Structure



## NEIGHBORHOOD INVENTORY & ANALYSIS

### Property Upkeep:

In recent years, the number of environmental code violations has risen within the neighborhood. Environmental code violations include high grass and weeds, trash and junk, parking on the grass, inoperable vehicles, overhanging limbs, etc. In reviewing the number and type of violations, the staff focused on the more severe violations that have the greatest impact on neighborhood appearance, such as inoperable vehicles, unsafe structures, high grass and weeds, and fencing. To ascertain a measure of how the appearance of the neighborhood is being affected by these code violations, the staff took the number of severe violations and divided by the number of total violations for the neighborhood to obtain a severe violation index. A higher index indicates that the neighborhood is experiencing a decline in overall appearance. For 2005, the citywide severe violation index was 0.31 while the Casa View Heights neighborhood was 0.37. Table 2 provides a three-year history of the severe violation index.

Table #2: Severe Violation Index

	2004	2005	2006
Citywide	0.24	0.31	0.38
Casa View Heights	0.26	0.37	0.36

# NEIGHBORHOOD INVENTORY & ANALYSIS

## Neighborhood Infrastructure

Neighborhood Infrastructure covers issues that deal with drainage, sidewalk conditions, streets, and alleys. In the following section, the staff presents the current assessment of each infrastructure item. During the course of the neighborhood planning meetings, the residents were primarily concerned with street conditions.

### Drainage

The Casa View Heights Neighborhood currently has had drainage improvements, which includes a channel that runs southeast between Gus Thomasson Road and Sam Marcus Avenue on the eastern end of the neighborhood. These drainage improvements, as well as other improvements, have remedied drainage issues for the neighborhood.



## NEIGHBORHOOD INVENTORY & ANALYSIS



### Sidewalks

Sidewalks are present throughout the neighborhood. The recent infrastructure improvements of 2005 and 2006 have improved a large portion of the sidewalks in the neighborhood. However, there are still sections of sidewalks that need to be addressed. Map 5: Sidewalk Conditions, shows the neighborhood sidewalk conditions from 2004 before the recent improvements. Additionally, there are missing sidewalk sections along Gus Thomasson Road and Oates Drive. The Sidewalk Conditions map will require updating not only for residential sidewalks but also to review the sidewalk conditions along Gus Thomasson Road and Oates Drive.





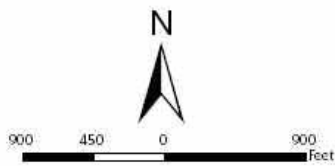
# NEIGHBORHOOD INVENTORY & ANALYSIS



Map #5: Casa View Heights Drainage Map

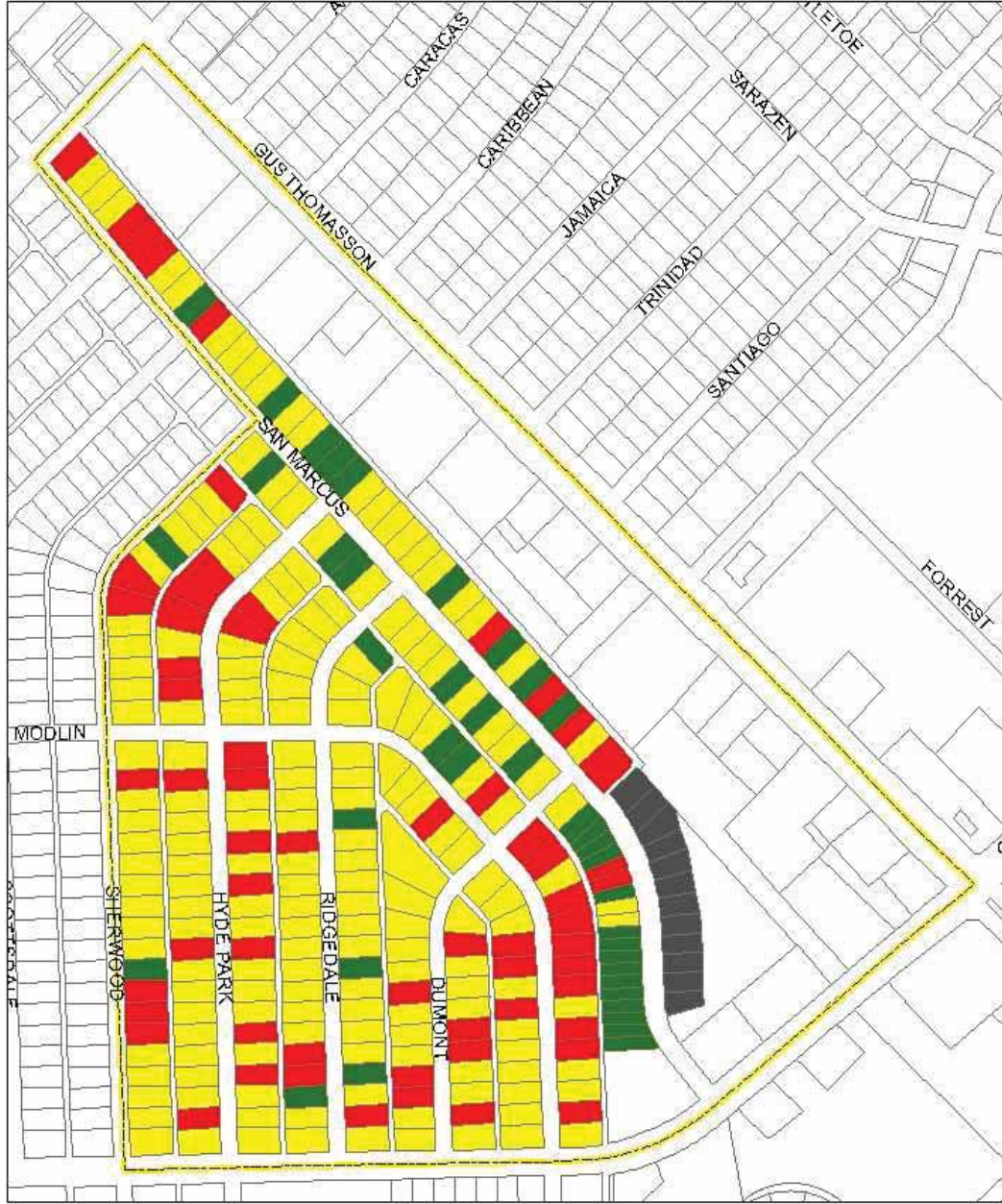


- Legend**
- Neighborhood Boundary
  - Parcels
  - Detention Ponds
  - Drainage Pipes
  - Drainage Channel
  - Highways
  - Arterials





Map #6: Casa View Heights Sidewalk Conditions



Legend

- Parcels
- Neighborhood Boundary

- Sidewalk Conditions: A - Excellent Condition
- B - Minor Repair
- C - Major Repair
- N - No Structure



400 200 0 400 Feet



# NEIGHBORHOOD INVENTORY & ANALYSIS

## Streets & Alleys

The City of Mesquite's *2005 Thoroughfare Plan* categorizes the streets within the Casa View Heights Neighborhood with the following classifications.

### Casa View Heights Neighborhood Street Classification

*See Map 5: Street Classification*

Arterial Streets: Gus Thomasson Road

Oates Drive

La Prada Drive

Residential Streets: San Marcus Ave

Modlin Drive

Dumont Drive

Sherwood Drive

Hyde Park Drive

Ridgedale Drive

The residential streets listed above, that provide circulation through the neighborhood, are all paved and have curbs and gutters. Additionally, all residential streets have been resurfaced during the 2005 and 2006 improvement project. The arterial streets are all up to standards according to the *2005 Thoroughfare Plan*.



Map #7: Casa View Heights Street Classification





# NEIGHBORHOOD INVENTORY & ANALYSIS

## Neighborhood Land Use & Zoning

Neighborhood Land Use and Zoning deals with issues related to the use of land and zoning destinations within the neighborhood. The following staff assessments of the neighborhood land use and zoning will identify the current land uses and zoning within the neighborhood. Initial review found potential conflicts or issues related to the use of land or zoning. In addition, the neighborhood residents expressed some concerns about the land uses or zoning in and around the neighborhood.

### Land Use

The Casa View Heights neighborhood has a wide variety of land uses within its border with residential and commercial uses. Residential uses include single-family homes and duplexes, accounting for 88% of all land uses within the neighborhood. The single-family homes are located throughout the neighborhood while the duplexes are located on the south end of San Marcus Ave.

The commercial component of the Casa View Heights neighborhood includes such uses as a retail strip center, fast food restaurant, gasoline service station, an auto repair shop, and medical offices. The commercial use accounts for 6% of the land uses within the

neighborhood. The commercial uses are located along Gus Thomasson Road.

While the neighborhood is mostly developed, there are still some vacant parcels that account for 5%. Institutional uses such as churches make up 1% of the land uses. The neighborhood has one church and a Boys and Girls Club within its boundaries. See Map 6: Land Use and Map 7: Zoning.

Land Use Category	Parcels	Percent
Commercial	20	6%
Institution	2	1%
Residential	287	88%
Vacant	19	5%

### Zoning

The Casa View Heights neighborhood includes multiple zoning designations. (See Map 7: Zoning) Zoning governs how the land is used and how it is developed. The zoning districts included in the neighborhood are: R-3 Single-Family Residential, A-1 Multi-Family, GR-General Retail, LC-Light Commercial, and C-Commercial. The current zoning matches fairly well with the existing land uses.



## NEIGHBORHOOD INVENTORY & ANALYSIS

There are 264 parcels zoned R-3 which are located in the center of the neighborhood along the residential streets. Fourteen parcels zoned A-1 are located along San Marcus Street across from eighteen parcels zoned Duplex.

Twenty-seven parcels, zoned General Retail, are located along Gus Thomasson with four parcels zoned Commercial and one parcel zoned Light Commercial.

In addition to the standard zoning district, there are two situations where additional zoning was required to accommodate a use on the lot. A list of permitted and conditional uses for each zoning district is presented in the Appendix B.

### **Neighborhood Connectivity**

During the January 12, 2006 session on land use and zoning, the residents identified a potential opportunity for the large drainage channel that runs from north to south between Gus Thomasson Road and San Marcus Avenue. The residents believed that the drainage channel and nearby vacant land in the area could be further utilized as a part of unique trail system.

Residents and staff believe that improving the drainage channel with improved landscaping and trails would create a valuable amenity not only for the immediate Casa View Heights neighborhood but also for the surrounding the neighborhoods. Additionally, a trail that follows along the drainage channel, which runs the length of the neighborhood from north to south all the way to IH 30, would greatly improve neighborhood linkages.

Currently, the Parks and Recreation Department is developing a Master Bike and Trail Plan for the City of Mesquite. Through a joint department cooperation, proposed sketches of a potential Casa View Heights trail is being developed to be included in the 2007 Trail Master Plan. See Map 12 for a conceptual sketch for possible locations of trails and trails heads within the neighborhood.

Map #8: Casa View Heights Land Use Map

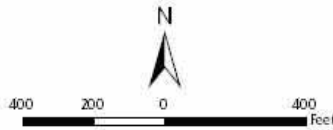


**Legend**

- Parcels
- Neighborhood Boundary

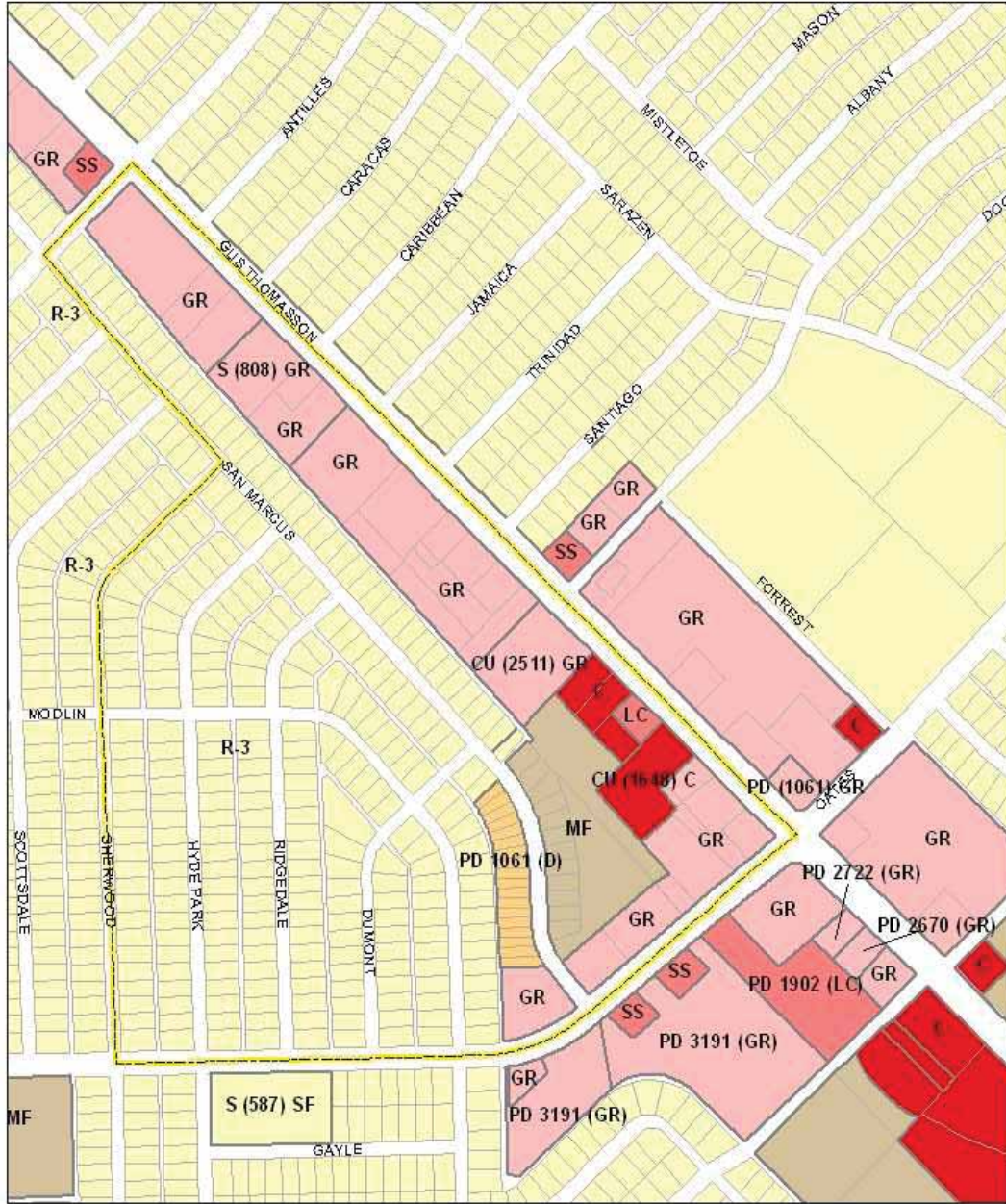
**Land Use**

- Commercial
- Institutional
- Residential
- Vacant





Map #9: Casa View Heights Zoning Map



**Legend**

Neighborhood Boundary	AGRICULTURAL	GENERAL RETAIL	MULTIFAMILY RESIDENTIAL	TOWNHOMES
Zoning Boundary	CENTRAL BUSINESS	INDUSTRIAL	OFFICE	
	COMMERCIAL	LIGHT COMMERCIAL	SERVICE STATION	
	DUPLEX RESIDENTIAL	MIXED USE	SINGLE FAMILY RESIDENTIAL	





Map #10: Casa View Heights Trail System Map



# NEIGHBORHOOD INVENTORY & ANALYSIS

## Neighborhood Safety

Neighborhood Safety includes issues related to crime, streetlighting, and traffic. In the following section, the staff presents the current assessment of each of the safety items. The neighborhood residents mainly expressed concerns related to speeding and traffic.

### Crime

The neighborhood stakeholders that attended the neighborhood meetings indicated some crime issues within the neighborhood. The neighborhood residents cited gang activity along the drainage channel as a major safety concern.

A review by city staff of the Crime-Reporting District 121, which includes the Casa View Heights neighborhood, found recent increase in the number of reported criminal incidences from 2001 to 2005. As shown in Table 4: Crime Reporting District 121; larceny is the most common crime reported. Larceny is followed by auto theft, burglary, and robbery. Year to year there are several incidences of assault. However, it is important to note that Crime Reporting district 121 covers an area larger than the Casa View Heights neighborhood. As a result, while the criminal activity numbers may be inflated

they still provide information on any trends of criminal activity in the area.

Crime	2000	2001	2002	2003	2004	2005
Rape	0	0	0	0	0	0
Robbery	0	6	6	5	3	7
Assault	3	5	5	4	4	3
Burglary	5	7	22	20	27	24
Larceny	40	68	34	47	63	60
Auto Thief	7	7	12	4	9	8
Homicide	0	0	0	0	0	0
Total	57	93	79	80	106	102

### Street Lighting

As shown in Map 12: Neighborhood Streetlighting, streetlighting exists throughout the neighborhood. The general standard for streetlights in a residential district is that they be a minimum of 500 feet apart. In addition, streetlights should be present at each street intersection. Visual inspections by Community Development Department staff found 16 streetlights attached to wooden utility poles maintained by TXU Electric Delivery within the neighborhood.

The staff review found that the neighborhood has some streetlight coverage. The residents identify a lack of

## NEIGHBORHOOD INVENTORY & ANALYSIS

streetlight coverage in the mid-block range and where there is curvature in the residential streets. The residents also expressed the need for additional lighting around alley entrances. The residents did identify streetlighting as an important safety issue for the neighborhood.

### Traffic




During the neighborhood planning session on October 27, 2005, the residents identified speeding as a major issue for the neighborhood. During the planning sessions, the residents indicated speeding along Modlin Drive from vehicles coming from Oates Drive. Modlin Drive has no stop signs. Additionally, concerns were expressed regarding on street parking which make it difficult to get in and out of the neighborhood.

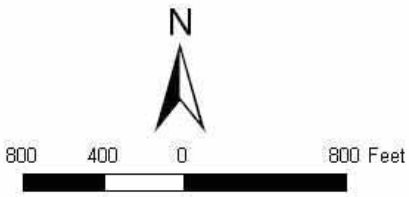


Map #11: Police Reporting District 121



**Legend**

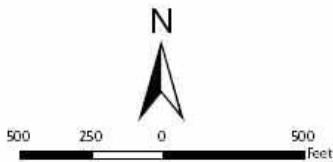
-  Police Reporting District
-  Neighborhood Boundary
-  City Limits



Map #12: Existing Street Light Map



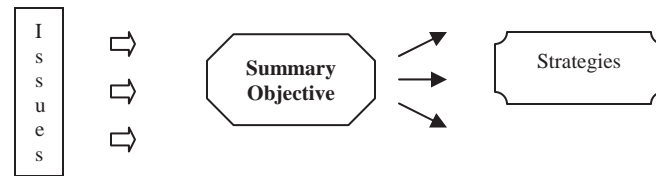
- Legend**
- Neighborhood Boundary
  - Parcels
  - Existing Streetlights



# NEIGHBORHOOD STRATEGIES for CHANGE

The Casa View Heights Neighborhood Plan is derived directly from the input of neighborhood residents and stakeholders. Most of their time, in the planning meetings, was spent discussing the impacts and causes and effects of the **Issues and Concerns** that impact the quality of life in the neighborhood. As issues were raised, the group brainstormed specific actions for dealing with the problems. At each meeting, an interdepartmental team of city staff provided practical guidance on the merits of ideas, options for implementation, and assessments of the potential for successfully grappling with the issues.

On June 29, 2006, the Community Development staff presented a set of **Summary Objectives** and **Strategies** to address the issues debated during the planning process. Fourteen residents attended. The participants had the opportunity to question, comment, revise, and ultimately vote on which strategies should have the highest priority.



# NEIGHBORHOOD STRATEGIES for CHANGE

## NEIGHBORHOOD APPEARANCE

### Neighborhood Appearance Issues and Concerns

- The generally poor state of building conditions and property maintenance creates a negative impact on property values and neighborhood appearance

### Summary Objective

Customize the code enforcement methods to meet the needs of the neighborhood by concentrating enforcement on a subset of codes, providing different times for enforcement surveys, and reducing the amount of time to correct violations.

### Strategies for Change

- NA1. Focus code enforcement efforts on 5 code items that have the biggest impact on neighborhood appearance



# NEIGHBORHOOD STRATEGIES for CHANGE

## NEIGHBORHOOD INFRASTRUCTURE

### Neighborhood Infrastructure Issues and Concerns

- There have been significant improvements in the neighborhood infrastructure in 2005 and 2006 which included water line replacement, street surfacing, and sidewalk replacement, however sidewalk replacement only included replacing one side of street
- Section of unimproved alleys located between Ridgedale and Hyde Park

### Summary Objective

Improve or repair streets, sidewalks, alleys, and drainage system where appropriate.

### Strategies for Change

- NI1. Update the 2004 Sidewalk Conditions survey; target properties with sidewalks that are in Grade B condition or lower for sidewalk improvements at 100% city share
- NI2. Increase the city's share of the cost in the alley petition-paving program from 33% to 70% and lower the property owner cost on each side of the alley to 15%
- NI3. Install sidewalks along Gus Thomasson to improve neighborhood linkage

## NEIGHBORHOOD STRATEGIES for CHANGE

### NEIGHBORHOOD SAFETY

#### Neighborhood Safety Issues and Concerns

- Speeding throughout the neighborhood particularly along Modlin Drive and San Marcus Drive
- Lack of streetlighting within the neighborhood
- Concerns with criminal and gang activity throughout the neighborhood

#### Summary Objective

Improve overall safety and security of the neighborhood by working with the neighborhood residents to tailor specific actions to address their safety needs.

#### Strategies for Change

- NS 1. Research and implement innovative traffic calming devices to reduce speeding within the neighborhood
- NS 2. Research and implement alternative methods to improve the security and safety of the neighborhood
- NS 3. Work with residents to identify areas to install additional streetlights for security and traffic safety



## NEIGHBORHOOD STRATEGIES for CHANGE

### NEIGHBORHOOD LAND USE & ZONING

#### Neighborhood Land Use & Zoning Issues and Concerns

- Concerns with the deteriorating appearance of the commercial activity along Gus Thomasson
- Future land uses and developments should complement the neighborhood and not bring in negative impacts
- There is an opportunity to use the large drainage system that runs throughout the neighborhood to improve neighborhood linkage between residents and neighborhood services along Gus Thomasson
- The high number of rental properties within the neighborhood is indicative of neighborhood instability

#### Summary Objective

Revise the city's planning and development policies to ensure compatible commercial infill development.

#### Strategies for Change

- NLZ 1. Develop and incentivize a Neighborhood Economic Development program to improve the façade of future and existing small businesses within the neighborhood
- NLZ 2. Research and implement methods to utilize the drainage channel between San Marcus and Gus Thomasson as a neighborhood amenity to improve walkability and neighborhood linkage between neighborhood residents and neighborhood services
- NLZ 3. Create a commercial overlay along Gus Thomasson Road specifying acceptable land uses and design standards
- NLZ 4. Identify a suitable location for a neighborhood park or playground
- NLZ 5. Research and implement a first-time homebuyer program to assist potential homeowners in purchasing a home

## NEIGHBORHOOD STRATEGIES for CHANGE

The ultimate purpose of providing the opportunity for the neighborhood residents to vote on the strategies is to prioritize. Prioritizing the strategies gives residents a voice on the issues that require immediate attention, and the process informs decision-makers of the neighborhood's view on where the city should invest its limited resources and time. While the planning process gives the neighborhood plan its credibility, voting and prioritizing provides a structure for implementation.

### VOTING RESULTS

Each neighborhood resident had the opportunity to vote for only five of the twenty-two different strategies. The residents were given five colored stickers to represent their votes. Each vote carried a different weight for scoring the final results. The weights were assigned by color, as shown below.

Highest Priority	Red = 5 points
	Green = 4 points
	Blue = 3 points
Lowest Priority	Yellow = 1 point

Each participant was given one vote of red, green, and blue, and two votes of yellow. A voter could only vote once for a given strategy. All of the strategies were posted on the wall of the meeting room, and residents

placed their stickers next to the strategies they deemed to be most important. The city staff photo-documented the results to preserve a record of the vote. See Appendix B.

Using a weighting scheme, rather than simply counting votes, yields a more reliable indication as to which strategies are most critical to the neighborhood. The number of votes does not reveal how committed voters are to a particular strategy. However, through weighting, and forcing the voter to ration his or her votes among competing choices, the results provide a clear picture as to the direction that neighborhood residents want the city to follow during implementation. The two tables below display the results of voting by the residents who attended the meeting on June 23, 2006. Priorities are presented for the strategies grouped by planning element, and then relative to all other neighborhood strategies.

# NEIGHBORHOOD STRATEGIES for CHANGE

## STRATEGIES BY PLANNING ELEMENT AND RANK

Strategy		# Red Votes 5pts	# Green Votes 4pts	# Blue Votes 3pts	# Yellow Votes 1pt	Total Votes	Weighted Value
Appearance	NA 1	0	4	3	1	8	26
Infrastructure	NI 1	9	0	0	0	9	45
	NI 2	0	0	1	0	1	3
	NI 3	0	1	0	5	6	9
Safety	NS 3	1	5	4	0	10	37
	NS 1	1	2	2	2	7	21
	NS 2	0	0	3	3	6	12
Land Use	NLZ 1	2	1	0	7	10	21
	NLZ 2	1	0	1	3	5	11
	NLZ 4	0	4	0	3	4	7
	NLZ 3	0	0	0	4	4	4
	NLZ 5	0	0	0	0	0	0

# NEIGHBORHOOD STRATEGIES for CHANGE

## STRATEGIES BY OVERALL RANK

Strategy (High priority) ↓ (Low priority)		Strategy Statement
HIGH	NI 1	Update the 2004 Sidewalk Conditions survey; target properties with sidewalks that are in Grade B condition or lower for sidewalk improvements at 100% city share
	NS 3	Work with residents to identify areas to install additional streetlights for security and traffic safety
	NA 1	Focus code enforcement efforts on 5 code items that have the biggest impact on neighborhood appearance
	NLZ1/ NS 1	Develop and incentivize a Neighborhood Economic Development program to improve the façade of future and existing small businesses within the neighborhood
		Research and implement innovative traffic calming devices to reduce speeding within the neighborhood
MODERATE	NS 2	Research and implement alternative methods to improve the security and safety of the neighborhood
	NLZ2	Research and implement methods to utilize the drainage channel between San Marcus and Gus Thomasson as a neighborhood amenity to improve walkability and neighborhood linkage between neighborhood residents and neighborhood services
LOW	NI 3	Install sidewalks along Gus Thomasson to improve neighborhood linkage
	NLZ4	Identify a suitable location for a neighborhood park or playground
	NLZ3	Create a commercial overlay along Gus Thomasson Road specifying acceptable land uses and design standards
	NI 2	Increase the city's share of the cost in the alley petition paving program from 33% to 70% and lower the property owner cost on each side of the alley to 15%
	NLZ5	Research and implement a first-time homebuyer program to assist potential homeowners in purchasing a home

# NEIGHBORHOOD ACTION MATRICES

## PLAN IMPLEMENTATION: An Action Matrix

Planning is a proactive process that should extend into and through the established timeline for completion. The strategies outlined in the neighborhood plan will not implement themselves. There are many variables involving different actors, schedules, and precedent events, thus taking a passive approach to implementation will doom the plan to failure. Cities that are committed to neighborhood planning devote the resources necessary to coordinate, manage, and oversee the implementation phase.

When a neighborhood plan is completed, there is a great sense of pride and a strong desire among participants to produce results. The feeling of accomplishment provides important momentum for a brief time to “keep the ball rolling.” That period provides the opportunity to secure the resources and put a mechanism in place for oversight. However, interest can wane quickly. Without a tangible and immediate organizational commitment to bring the strategies and ideas to fruition, the opportunity to ensure the success of the neighborhood planning effort may be irretrievably lost.

An Action Matrix is a plan for implementing the strategies for each of the four neighborhood planning elements. In

the following tables, each strategy is presented along with the actors, potential funding sources, and a general timeframe for achieving the strategy.

Actors	The neighborhood residents, absentee property owners, the city, and other entities all have mutual responsibility for carrying out the plan.
Funding	Casa View Heights is an income-qualifying neighborhood and CDBG funds will remain a principal, though not exclusive, funding source.
Time Frame	All strategies are deemed important, but they cannot all be accomplished immediately. They vary in complexity, and some require extensive work in advance. In general, the strategies with higher priority have the shorter timeframes for implementation.

# NEIGHBORHOOD ACTION MATRICES

NEIGHBORHOOD APPEARANCE					
Strategy Item	Priority	Actors	Funding Source	Timeframe	Performance Measure
NA1. Focus code enforcement efforts on 5 code items that have the biggest impact on neighborhood appearance (determined by the neighborhood residents)	<b>H</b>	NR City CDD	City CDBG	6-18 mos.	<ul style="list-style-type: none"> <li>✓ Upgrade Grade B or C properties to Grade A</li> <li>✓ Reduction in severity index</li> </ul>
				Abbreviations:	
				NA	Neighborhood Appearance
				NI	Neighborhood Infrastructure
				NS	Neighborhood Safety
				NLUZ	Neighborhood Land Use and Zoning
				Actors and Funding Sources:	
				CDD	Community Development Department
				City	City Departments (unspecified)
				CDBG	Community Development Block Grants
				CIP	Capital Improvements Program
				NR	Neighborhood Residents
				4B MQL	4B Quality of Life Corporation



# NEIGHBORHOOD ACTION MATRICES

NEIGHBORHOOD INFRASTRUCTURE					
Strategy Item	Priority	Actors	Funding Source	Timeframe	Performance Measure
NI 1. Update the 2004 Sidewalk Conditions survey; target properties with sidewalks that are in Grade B condition or lower for sidewalk improvements at 100% city share <sup>1</sup>	H	City	City CDBG CIP	12-48 mos.	<ul style="list-style-type: none"> <li>✓ Update survey</li> <li>✓ Policy change adopted</li> <li>✓ Reduce % of &lt; Grade A sidewalks by 25%</li> </ul>
NI 2. Increase the city's share of the cost in the alley petition paving program from 33% to 70% and lower the property owner cost on each side of alley to 15% <sup>1</sup>	L	City NR	City	3-12 mos.	<ul style="list-style-type: none"> <li>✓ Policy change adopted</li> </ul>
NI 3. Install sidewalks along Gus Thomasson to improve neighborhood linkage	L	City	CIP	12-36 mos.	<ul style="list-style-type: none"> <li>✓ Project completed</li> </ul>

Abbreviations:

NA	Neighborhood Appearance
NI	Neighborhood Infrastructure
NS	Neighborhood Safety
NLUZ	Neighborhood Land Use and Zoning

Actors and Funding Sources:

CDD	Community Development Department
City	City Departments (unspecified)
CDBG	Community Development Block Grants
CIP	Capital Improvements Program
NR	Neighborhood Residents
4B MQL	4B Quality of Life Corporation

<sup>1</sup> City Council policy change required.

# NEIGHBORHOOD ACTION MATRICES

NEIGHBORHOOD SAFETY					
Strategy Item	Priority	Actors	Funding Source	Timeframe	Performance Measure
NS1. Research and implement innovative traffic calming devices to reduce speeding within the neighborhood	H	City	City	6-18 mos.	✓ Project completed
NS2. Research and implement alternative methods to improve the security and safety of the neighborhood	M	City	City	12-48 mos.	✓ Project completed
NS3. Work with residents to identify areas to install additional streetlights for security and traffic safety	H	City	City	12-36 mos.	✓ Project completed
Abbreviations:					
NA	Neighborhood Appearance				
NI	Neighborhood Infrastructure				
NS	Neighborhood Safety				
NLUZ	Neighborhood Land Use and Zoning				
Actors and Funding Sources:					
CDD	Community Development Department				
City	City Departments (unspecified)				
CDBG	Community Development Block Grants				
CIP	Capital Improvements Program				
NR	Neighborhood Residents				
4B MQL	4B Quality of Life Corporation				

## NEIGHBORHOOD ACTION MATRICES

<b>NEIGHBORHOOD LAND USE AND ZONING</b>					
Strategy Item	Priority	Actors	Funding Source	Timeframe	Performance Measure
NLZ 1. Develop and incentivize a Neighborhood Economic Development program to improve the façade of future and existing small businesses within the neighborhood	<span style="background-color: #006633; color: white; padding: 2px;">H</span>	CDD	City	12-60 mos.	✓ Program established
NLZ 2. Research and implement methods to utilize the drainage channel between San Marcus and Gus Thomasson as a neighborhood amenity to improve walkability and neighborhood linkage between neighborhood residents and neighborhood services	<span style="background-color: #92d050; padding: 2px;">M</span>	NR CDD	City	12-36 mos.	<ul style="list-style-type: none"> <li>✓ Integrate area into citywide trails plan</li> <li>✓ Develop bridge plans and specs</li> </ul>
NLZ 3. Create a commercial overlay along Gus Thomasson Road specifying acceptable land uses and design standards	<span style="background-color: #92d050; padding: 2px;">L</span>	CDD	City	18 mos.	✓ District created
NLZ 4. Identify a suitable location for a neighborhood park or playground	<span style="background-color: #92d050; padding: 2px;">L</span>	NR CDD	City	6-18 mos.	✓ Integrate into parks plan
NLZ 5. Research and implement a first-time homebuyer program to assist potential homeowners in purchasing a home	<span style="background-color: #92d050; padding: 2px;">L</span>	City CDD NR	City	12 mos.	✓ New CDBG activity adopted

Abbreviations:	
NA	Neighborhood Appearance
NI	Neighborhood Infrastructure
NS	Neighborhood Safety
NLUZ	Neighborhood Land Use and Zoning
Actors and Funding Sources:	
CDD	Community Development Department
City	City Departments (unspecified)
CDBG	Community Development Block Grants
CIP	Capital Improvements Program
NR	Neighborhood Residents
4B MQL	4B Quality of Life Corporation

## NEIGHBORHOOD PLAN EVALUATION, MONITORING, AND UPDATING

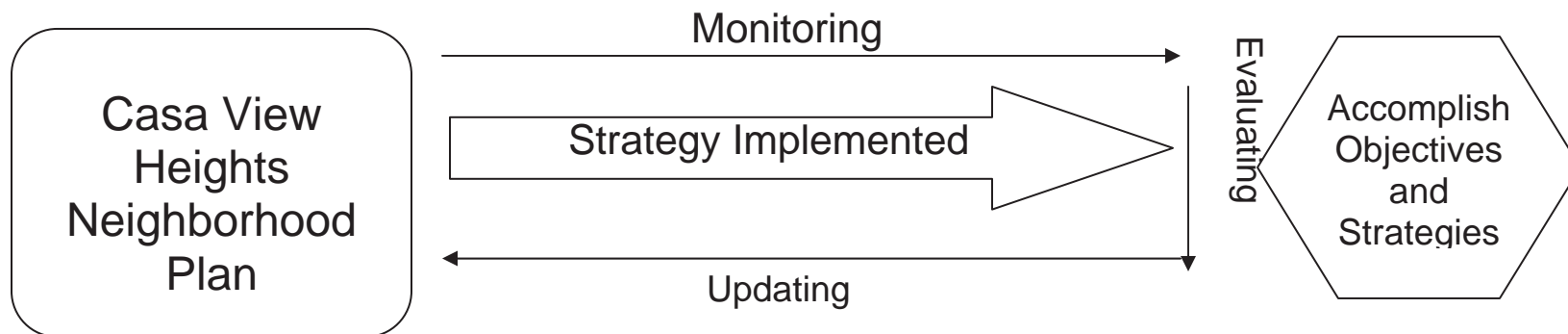
Planning adapts to changing conditions in a neighborhood. In order to ensure successful implementation of the Casa View Heights Neighborhood Plan and its continuing viability, the neighborhood residents and Community Development Department must work collaboratively to monitor and evaluate the plan's effectiveness.

The action matrices suggest the use of certain performance measures that are associated with each strategy. The measures are of two types: *Output* and *Outcome*. Output measures are quantitative methods that tabulate up program results. Outcome measures are qualitative in nature, and are more indicative of whether

ultimate program goals are being reached. A mix of output and outcome measures should be used whenever possible in order to draw multiple inferences about the effectiveness of a particular strategy.

A static neighborhood plan loses its relevance and support as an instrument for bringing about positive change. In the future, city staff and residents will hold additional meetings to assess progress toward meeting the plan objectives and strategies. Amendments and updates to the Casa View Heights Neighborhood Plan will be made when necessary to re-energize the initial objectives outlined in the plan, or adapt to new problems and opportunities.

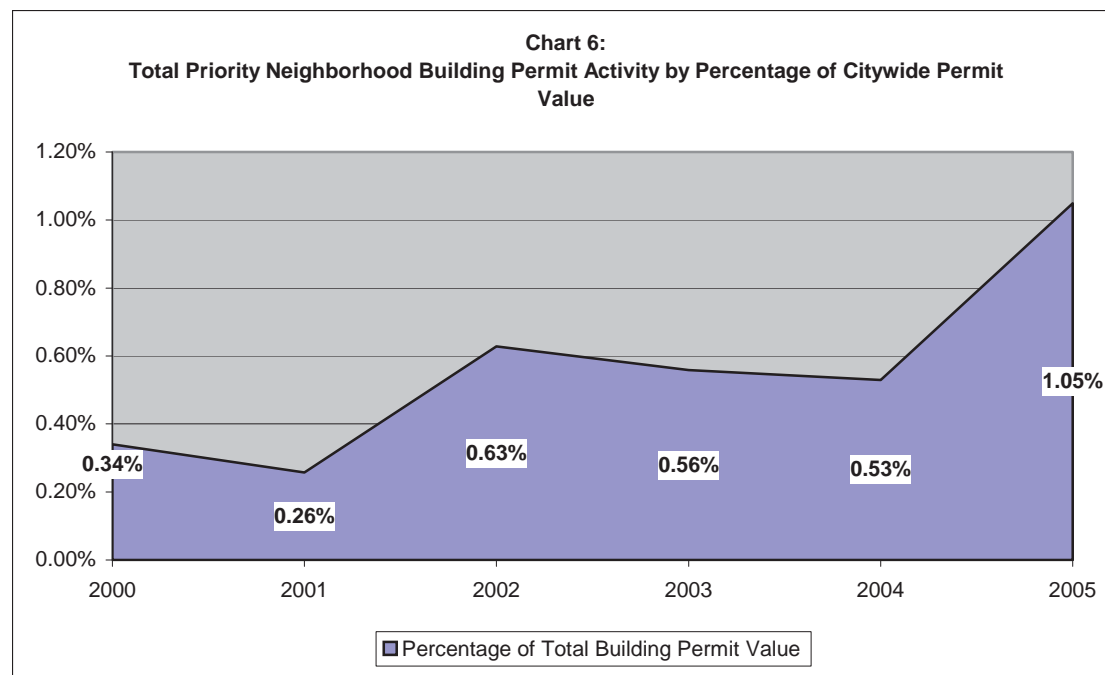
### Process of Monitoring, Evaluating, and Updating Casa View Heights Neighborhood Plan Strategies



# APPENDICES

Priority Neighborhood	2000			2001			2002			2003			2004			2005		
	#	\$ Value	% of Citywide	#	\$ Value	% of Citywide	#	\$ Value	% of Citywide	#	\$ Value	% of Citywide	#	\$ Value	% of Citywide	#	\$ Value	% of Citywide
Casa View Heights	6	\$44,900	0.12%	12	\$71,400	0.13%	14	\$59,590	0.15%	7	\$48,393	0.13%	10	\$61,736	0.14%	18	\$108,775	0.26%
Mesquite Park	4	\$38,084	0.10%	9	\$30,800	0.06%	13	\$78,248	0.19%	17	\$99,845	0.26%	14	\$95,667	0.22%	17	\$146,120	0.35%
Sherwood Forest	9	\$45,573	0.12%	9	\$29,099	0.05%	15	\$93,585	0.23%	16	\$41,263	0.11%	13	\$44,695	0.10%	15	\$164,825	0.39%
Truman Heights	1	\$300	0.00%	2	\$10,800	0.02%	4	\$21,499	0.05%	3	\$22,500	0.06%	3	\$27,080	0.06%	3	\$21,700	0.05%
<b>Total Priority Neighborhoods</b>	<b>20</b>	<b>\$128,857</b>	<b>0.34%</b>	<b>32</b>	<b>\$142,099</b>	<b>0.26%</b>	<b>46</b>	<b>\$252,922</b>	<b>0.63%</b>	<b>43</b>	<b>\$212,001</b>	<b>0.56%</b>	<b>40</b>	<b>\$229,178</b>	<b>0.53%</b>	<b>53</b>	<b>\$441,420</b>	<b>1.05%</b>
<b>Citywide</b>	<b>1,319</b>	<b>\$37,936,720</b>		<b>1,522</b>	<b>\$55,177,897</b>		<b>1,681</b>	<b>\$40,234,629</b>		<b>1,626</b>	<b>\$37,932,881</b>		<b>1,421</b>	<b>\$43,306,903</b>		<b>1,390</b>	<b>\$42,073,344</b>	

\*Does not include new single-family construction



In 2005, when viewed as a percentage of the City's total permit activity, three of the four Addressing Mesquite neighborhoods experienced significant increases in restoration, remodeling and rehabilitation activity over historical levels

# APPENDICES

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Appendix B:

2-203 Mesquite Zoning Ordinance – Permitted Residential Uses

3-203 Mesquite Zoning Ordinance – Permitted Nonresidential Uses



January 7, 2013

Mr. Cameron Dorsey  
TDHCA Director of Housing Tax Credits  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, TX 78701

Re: Compliance and eligibility pursuant to Section 11.9(d)(6)(A) of the TDHCA 2013 QAP – Villas of Vanston Park.

Dear Mr. Dorsey,

This letter is to certify that the Gus Thomasson Revitalization Code, which implements the Casa View Heights Neighborhood Plan, meets the following criteria:

- a) The plan was duly adopted with the required public comment processes followed;
- b) The funding and activity under the plan has already commenced; and
- c) The City of Mesquite has no reason to believe that the overall funding for the full and timely implementation of the plan will be unavailable.

Please feel free to contact me at 972-216-6346 should you have any questions or require additional information related to this project.

Sincerely,



Richard G. Gertson, ICMA-CM, AICP  
Director of Community Development

cc: Ms. Vanessa Hardy, Sphinx Development  
Ms. Ellen Rourke, National Housing Advisors, LLC

## Supplemental Information for Agenda Item 3a

- 3a Presentation, Discussion and Possible Action regarding Preclearance Requests for Community Revitalization Plans filed with Pre-Applications in the 2013 Competitive Housing tax Credit Cycle

This supplement includes information that was received by the Department after the deadline for submission of the Community Revitalization Plan. Although this information is permitted for inclusion in the board book, staff does not consider some of this documentation part of the original submission or as simply clarifying the original submission.



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**John C. Shackelford**  
Also Admitted in Florida,  
Georgia and Tennessee  
Direct: 214.780.1414  
jshock@shacklaw.net

May 31, 2013

**Via Email**

Ms. Jean Latsha  
Competitive Tax Credit Program Manager  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, TX 78701

RE: Response to Questions; Villas of Vanston Park; TDHCA No. 13044;  
Our File No. 51131.2

Dear Jean:

I represent Vanston Park Investments, LP ("Applicant"), and I have been requested by Joseph Agumadu and Jay Oji to respond to your email sent on Thursday, May 23, 2013. First, thank you for the opportunity to address your questions regarding the Community Revitalization Plan for Villas of Vanston Park (the "Project").

This letter reconciles the differences between the Casa View Heights Neighborhood Plan, which is the community revitalization plan governing the site of the Project, and the Gus Thomasson Revitalization Code; and clarifies for you when the boundaries covered by the Casa View Heights Neighborhood Plan were expanded to incorporate the east side of the Gus Thomasson Road Corridor, which is specifically where the Project is located.

To meet residents' concerns about the aging Gus Thomasson Commercial Corridor located adjacent to the Casa View Heights Neighborhood, Ordinance No. 3910 was adopted by the City Council for the City of Mesquite (the "City") on November 5, 2007. A copy of Ordinance No. 3910 is attached hereto as Exhibit 1. This Ordinance combined the Casa View Heights Neighborhood Plan and the distressed commercial corridor along Gus Thomasson Road as one of two Neighborhood Sustainability Zones ("NSZ" aka Revitalization District) within the City called the Casa View Heights Neighborhood Sustainability Zone ("CVHNSZ"). This expanded and amended CVHNSZ is also called "Neighborhoods-North" in the City's Comprehensive Plan. Please see page IV-17 of the Comprehensive Plan, which is Exhibit "A" to Exhibit 1.

To further substantiate and clarify that the boundaries of the Casa View Heights Neighborhood Plan were expanded to include the Gus Thomasson Road Corridor, attached as Exhibit 2 please find Ordinance No. 4021. As you can see from the title of the Ordinance which in part reads "... By Expanding the Casa View Heights Neighborhood Sustainability Zone; ...," the body of this Ordinance and pages IV-9 and IV-17 of Exhibit "A" attached to this Ordinance,

it clearly and unquestionably shows the area known as the Gus Thomasson Corridor to be included in the CVHNSZ.

Based upon Ordinance No. 3910 and Ordinance No. 4021, I am hopeful you agree that the Project is definitely located within the boundaries of the City which is subject to a community revitalization plan adopted by the City, and which is in compliance with the provisions of Section 11.9(6)(A) of the 2013 Qualified Action Plan (“QAP”). To this end, please see attached Exhibit 3, which is a copy of the CVHNSZ / Neighborhoods-North map from the City’s Comprehensive Plan. The Project is designated by the red arrow and within the CVHNSZ / Neighborhoods-North boundaries.

I think the understandable confusion you have arises from Applicant providing you with information regarding the North Gus Thomasson Revitalization Code (the “GTRC”), which the City adopted by Ordinance No. 4022, on December 15, 2008. The GTRC’s import was to require the zoning of the buildings located within the Gus Thomasson Corridor to be zoned in a manner consistent with the CVHNSZ, but the GTRC, in and of itself, is NOT a community revitalization plan in accordance with the QAP. To reiterate, the GTRC was adopted to implement the goals of the Casa View Heights Neighborhood Plan within the CVHNSZ. A copy of this Ordinance is attached as Exhibit 4. Although the GTRC does not expand the boundaries of the CVHNSZ by including the Gus Thomasson Corridor within it because that was previously done by Ordinance No. 3910 and Ordinance No. 4021, it is useful to you by confirming the City’s goals of implementing the revitalization initiatives of the CVHNSZ in the Gus Thomasson Corridor through the City’s zoning authority.

Regarding your questions on the budget, the City adopted Resolution No. 16-2005 on May 16, 2005, a copy of which is attached as Exhibit 5, which provided for using CDBG funds to address the building conditions and other critical factors that impacted primarily four neighborhoods, including the Casa View Heights Neighborhood. Since then, the City has secured and expended funds in the amount of \$14,325,709 from a variety of sources: CDBG, 4B dedicated sales tax in the City, City General Funds, and grants. A copy of the funding sources for the Gus Thomasson Corridor and Casa View Heights Neighborhood Plan is attached as Exhibit 6. To further its revitalization goals within the CVHNSZ, the City committed \$1,860,000 to the Project since this tax credit project is a rare catalyst for the housing opportunities envisioned by the Casa View Heights residents and the CVHNSZ.

In summary, the CVHNSZ fulfills all of the Department’s requirements for a Community Revitalization Plan:

- CVHNSZ or its predecessor has been in place since 2005.
- The City through numerous public input meetings identified neighborhood factors that needed to be addressed, set forth a plan to address these factors, have implemented and completed some of these factors and continues to commit resources to the CVHNSZ as opportunities arise such as the Project.



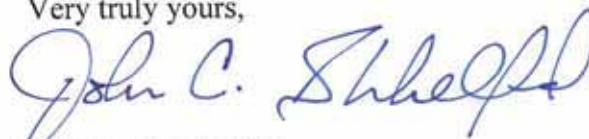
- The City identified an original CDBG budget, but as opportunities arose, has expanded into other sources of funds to pay for these needs. The City has committed and/or expended \$14,325,709 over the years and has committed \$1,860,000 to the Project. As you requested, we attach as Exhibit 7 a map that lists where these funds have been expended within the CVHNSZ.
- The City also created the North Gus Thomasson Revitalization Code within the City Code in 2008 to specifically apply within the boundaries of the CVHNSZ to assist with implementation of revitalization of this neighborhood in a substantive and meaningful way on the material factors identified therein.

In my opinion, albeit I am a hired advocate for Applicant, the Project satisfies both the promulgated new and improved stricter standards in the QAP for an Applicant to receive Community Revitalization Plan points and the spirit and intent of the policy underlying this scoring category. On behalf of Applicant, I therefore request the Department to award to the Project 4 points under the Community Revitalization Plan point scoring criteria because this particular plan has over \$6,000,000 in budget or economic value, and further request an award of 2 additional points because the Project was explicitly identified in Resolution No. 05-2013 adopted by the City on February 18, 2013, as the single development contributing most significantly to the concerted revitalization efforts of the City. A copy of this Resolution is attached hereto as Exhibit 8.

Finally, please find a letter from Danielle Wonkovich, Senior Neighborhood Planner, Planning and Zoning Division, City of Mesquite, attached hereto as Exhibit 9, which very nicely outlines, summarizes and confirms the bases for the Project meriting the points requested.

Thank you for your consideration.

Very truly yours,



John C. Shackelford

JCS/klm

cc: Joseph Agumadu (Via E-mail)  
Jay Oji (Via E-mail)  
Ellen Rourke (Via E-mail)

# EXHIBIT 1



ORDINANCE NO. 3910

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING PART IV OF THE MESQUITE COMPREHENSIVE PLAN THEREBY MODIFYING POLICIES PERTAINING TO NEIGHBORHOOD REVITALIZATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite has initiated "Project Renewal" which is a bold and comprehensive approach to change old perceptions about Mesquite by remaking the City's image, improving its visual appearance and setting new expectations for public service; and

WHEREAS, a major component of "Project Renewal" includes the revitalization of older neighborhoods through new infrastructure, upgraded housing conditions and the rehabilitation of distressed commercial corridors; and

WHEREAS, in the spring of 2007, the City Council approved a series of neighborhood plans containing strategies for neighborhood revitalization, and some of those strategies require the introduction of new planning policies, innovative principles for infill development and non-traditional approaches for regulating the built environment in order to achieve the broader aims of "Project Renewal;" and

WHEREAS, the Mesquite Comprehensive Plan, which consists collectively of the *Mesquite Development Guide*, the *Thoroughfare Plan* and various sub-area plans, does not expressly support those policies, principles or means of regulation in the context of neighborhood revitalization; and

WHEREAS, the Community Development Department and the Planning and Zoning Commission have recommended, where appropriate, the adoption and application of new zoning and development standards that are based upon such policies and principles; and

WHEREAS, the Texas Local Government Code, Section 211.004, provides that local zoning regulations must be adopted in accordance with a comprehensive plan, and it is deemed prudent to amend the Mesquite Comprehensive Plan to strongly support and validate the planning policies, principles and approaches that may be employed to help revitalize the City's older neighborhoods and commercial corridors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Comprehensive Plan, last updated on January 20, 2004, be and the same is hereby amended by adopting revisions to Part IV of the *Mesquite Development Guide*, attached hereto as Exhibit "A," pertaining to neighborhood revitalization.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. That the present ordinances of the City of Mesquite are inadequate to provide for the proper protection of the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of November, 2007.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

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# PART IV

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## L o w   D e n s i t y COMMUNITY AREAS

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Low Density  
COMMUNITY AREAS

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## Community Areas INTRODUCTION AND ISSUES

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Community areas are predominantly residential neighborhoods set aside for privacy and family-oriented lifestyles. The community areas house the majority of Mesquite's residents and house nonresidential uses of higher intensities only insofar as these uses serve the surrounding neighborhoods by providing those goods and services used regularly by those residents. Community areas are not considered appropriate locations for high density multifamily development, but are appropriate locations for facilities such as schools, parks, fire stations, libraries, churches and similar publicly-oriented facilities which serve the residents of the area. Community areas consist of *Community Business Areas* and *Neighborhoods*.

### COMMUNITY BUSINESS

Although *Community Areas* are intended primarily for residential use, goods and services must be made available for the residents. Many goods and services are provided in the *Development Areas*. In addition, there are community business areas of varying sizes currently existing in the City. And, in some areas, additional services will be needed as new neighborhoods develop. Community business areas are predominantly medium-sized business centers, often anchored by a grocery store; however, smaller areas may provide convenience services used by the immediately surrounding residents.

#### *Excess Retail Zoning*

Previous approvals have resulted in nonresidential zoning on tracts which remain undeveloped and might be classified as "excess" in that they are not needed for additional services. The primary characteristics of these tracts are zoning which has been in place for an extended period; other retail and service establishments exist in the area to serve the residents; and little additional residential development is anticipated in the market area to generate demand for additional retail services.

Some tracts are in locations which are not suitable for residential use, in which case a creative approach may be necessary to enable a productive use of the property. Uses which are not traditionally "neighborhood-oriented" might be considered when the operational and performance characteristics are compatible with the goal of neighborhood conservation, i.e., the use will not be disruptive to the residential living environment.

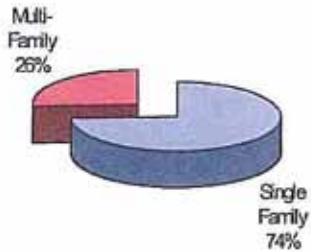
Other excess retail tracts may be of sufficient size and in locations which are appropriate to accommodate residential use. These tracts might be converted to residential under the guidelines set out later in this section for infill construction.

#### *Deteriorating Retail*

The deterioration of older retail buildings and shopping centers is an issue affecting both the overall City image and the revitalization goals for the specific neighborhoods which are impacted by poorly maintained, unattractive business properties. The overabundance of retail zoning plays a role in the creation of vacant buildings and retail centers with low demand. Some deterioration, however, is evident even in centers with high occupancy due to a failure of the owners to keep the facilities up-to-date. A purpose of the Land Use Plan is to designate appropriate amounts of land for business uses. There is, however, also the need for a broader program to encourage and/or require updating of business properties so that they do not continue as detrimental influences on surrounding properties and neighborhoods.

## NEIGHBORHOODS -- BACKGROUND

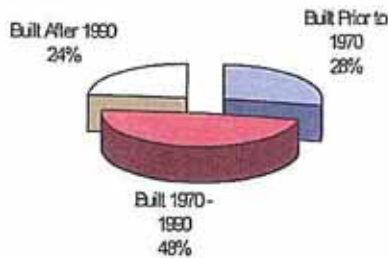
*Neighborhoods* are the primary element making up the *Community Areas* and are generally characterized by relatively homogeneous housing which is unified by an integrated street system. Major streets, creeks or other natural or man-made features act as neighborhood boundaries.



### *Housing Type*

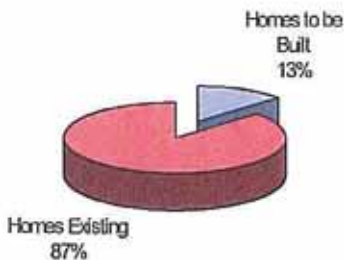
One of the central goals for development and growth in the City is to maintain the predominance of low density housing choices. The policies for residential development focus on increasing the range of housing choices by providing more options for move-up and executive housing, while conserving the existing housing stock to provide affordable choices as well.

The current proportion of multifamily units is slightly higher than the desired 22% target percentage for apartments within the housing stock. The multifamily policy addresses this issue.



### *Housing Age*

A primary issue for the City in the upcoming years is the transition from a rapidly developing City to a mature, aging suburb. With 76% of the housing units built before 1990, the issue of maintaining and conserving the existing housing stock gains increasing importance. The neighborhood revitalization program being pursued addresses issues other than land use as it attempts to encompass all factors influencing neighborhood stability and rejuvenation. The land use policies incorporated herein are aimed at assuring development which is compatible to the existing neighborhoods.



### *Housing at Build-Out*

Of the total housing at City build-out, 87% of the projected housing units already exist. The remaining 13% remain to be built, likely within the next 15 to 20 years. As noted above, the large proportion of existing homes makes revitalization of existing neighborhoods an overriding concern and the primary mechanism to assure housing affordability. The remaining homes to be built provide an opportunity to address the goal of increased choice, enabling the updated, upgraded standards which assure move-up and executive housing choices to be applied.



## NEIGHBORHOOD DEVELOPMENT

### ***Fact***

*13% of the ultimate number of housing units projected for Mesquite remain to be built*

### ***Conclusion***

*Providing a full range of housing opportunities, including homes at the upper end, remains an opportunity*

### ***Policy Implication***

*Need standards for upgrading to assure construction which pushes housing desirability and value to the next level*

### ***The Objective: Range of Housing Opportunities***

A major objective for numerous years has been to expand the range of choices, particularly to provide more choices of homes at the next level above current construction and to provide upper-end options, i.e., executive housing. The existing housing stock, if maintained in viable neighborhoods, provides housing in the affordable ranges. Upgraded housing choices are necessary to offer a full range of choices to residents.

### ***Opportunities***

Development which occurs in vacant/developing areas, generally on larger tracts of land, has the potential to provide expanded housing choices with benefits such as the retention of community leaders and the enhancement of tax values as the City reaches build-out. Such new development will also impact aesthetics, the overall amenities available, and the overall image of the City.

### ***Tracts Currently Zoned Agricultural***

There are approximately 1,382 acres of land in Southeast Mesquite which remain under the AG classification. Whether developed under AG zoning or rezoned under a planned development district stipulating upgraded standards, these tracts provide the primary opportunity for higher level housing choices – along with the development of Lucas Farms which will provide up to 3,100 homes in an upgraded environment.

### ***Tracts Converted to Residential from Nonresidential Zoning***

There are several tracts of substantial size which are currently zoned for nonresidential use which might be considered for conversion to residential use. Since nonresidential use remains the preferred option on these tracts, conversion to residential would only be acceptable if an upgraded product is provided. Unlike those tracts currently zoned multifamily, where the removal of the existing zoning is itself an objective, rezoning on these tracts can be held to a higher standard without sacrificing the achievement of other objectives, i.e., if the housing standard is not acceptable, the zoning should remain nonresidential.

## NEIGHBORHOOD REVITALIZATION

### *Fact*

*87% of the ultimate number of housing units projected for Mesquite are already built*

### *Conclusion*

*Revitalization of existing neighborhoods is a major issue*

### *Policy Implications*

*Need standards for compatibility to assure construction which furthers viability and avoids conflict*

*Revise standards for use and infill construction in Neighborhood Sustainability Zones*

### *The Objective: Revitalization and Renewal*

Assuring that aging neighborhoods continue to be viable/desirable living environments is a major objective which translates to maintaining value both for the owners and the City. Revitalization incorporates improvement and rehabilitation of infrastructure and existing housing, as well as new infill construction on vacant tracts which signals the area's continuing attractiveness and desirability to both residents and outsiders.

Revitalization complements the goal of upgrading the housing stock at the upper end. The goal for upgrading is created by the current predominance of smaller homes which triggers the need for a wider range of housing choices. Neighborhood revitalization, on the other hand, is a tool which assures that the existing homes remain sound and desirable, thereby providing affordable housing choices.

### *Opportunities*

In developing neighborhoods, new construction typically includes architectural/design controls with a homeowner's association for maintenance of common areas. Long-term compatibility is a given. For revitalization areas, however, standards are tied to obsolete zoning districts or plats. New infill construction in revitalizing neighborhoods has considerable value and should be encouraged as long as compatibility is assured. It is essential that new construction maintains a standard which assures long-term viability for the homes and is contextual for the neighborhood. In specific circumstances, compatibility might also include construction of a different housing type.

The effort aimed at revitalizing Mesquite's older neighborhoods recognizes that no two neighborhoods are alike. Each has its own residential character and a unique set of needs. The traditional first-ring suburban development policies that once seemed so ideal are now viewed as working counter to many of the attributes that residents expect or need to rebuild their neighborhood.

Some neighborhood plans have led to the identification of Neighborhood Sustainability Zones. A NSZ is a walkable area built around a core residential neighborhood, and includes abutting commercial corridors that serve neighborhood residents. By definition, a NSZ should promote land use and development policies that make it possible to both renew and sustain a vibrant neighborhood environment. Within a Neighborhood Sustainability Zone, the policies established elsewhere in the Development Guide for conserving generally homogeneous neighborhoods will not achieve the desired result.

## Community Areas BUSINESS AREA GUIDELINES

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This section sets out guidelines for nonresidential uses located in *Community Areas*, providing criteria to evaluate the appropriateness of specific uses and the appropriateness of locations within the *Community Area*. The guidelines are applied to specific tracts of land through the Land Use Plan.

### GENERAL BUSINESS

- *General retail, personal service and office uses, generally serving customers from the surrounding sector of the City*
- *Light commercial uses appropriate in some areas*
- *Restriction on outdoor storage and display*
- *Restriction on highway related and recreational/entertainment uses*

General business is a designation which is utilized both in the high intensity *Development Areas* and in the low density *Community Areas* to indicate the appropriateness of business uses which provide goods and services to the surrounding neighborhoods. In the *Community Areas*, the general business designation accommodates a wide variety of nonresidential uses serving the surrounding communities. The scale of projects and the scope of goods offered generally will be less than in the regionally-oriented areas. In addition to retail, personal service and office uses, the general business areas accommodate light commercial-type uses including business, commercial and automotive services and trade contractors where no outdoor storage is involved.

The general business areas are generally not appropriate for highway related uses, entertainment/recreational uses, uses with outdoor storage, and outdoor sales and display lots. Special consideration to accommodate non-traditional uses may be appropriate in the larger districts and in those areas with vacant and deteriorating retail structures. Such consideration should be made on a compatibility basis, assuring that uses are not detrimental to nearby residences or the neighborhood in general.



**N – NEIGHBORHOOD RETAIL LIMITATION**

- *Small-scale retail and personal services for surrounding residents offering frequently used goods and services (convenience goods)*
- *Additional sites should be limited*

The general business designation includes small sites which are in very close proximity to the adjoining residences. The intention is that these sites be limited both in the size and in the uses which are accommodated so that the impact on adjacent residences is minimized. Rather than offering a full range of business services, the tracts designated with an "N" on the Land Use Plan are intended to only offer those goods which are used most frequently as a convenience to the immediately surrounding residents.

***Designating Additional Sites***

The Land Use Plan indicates existing locations zoned for neighborhood convenience retail in the *Community Areas*. Due to existing zoning, additional sites are not needed in most areas of the City. Sites should be at an intersection of a major street with a collector street. Additional zoning for convenience retail should generally be at least ½ mile from existing services, however, additional zoning may be appropriate within ½ mile of another retail site when located at a signalized intersection of a collector street with a major street where residential use is not feasible. The above locational and separation guidelines need not apply to day care facilities.

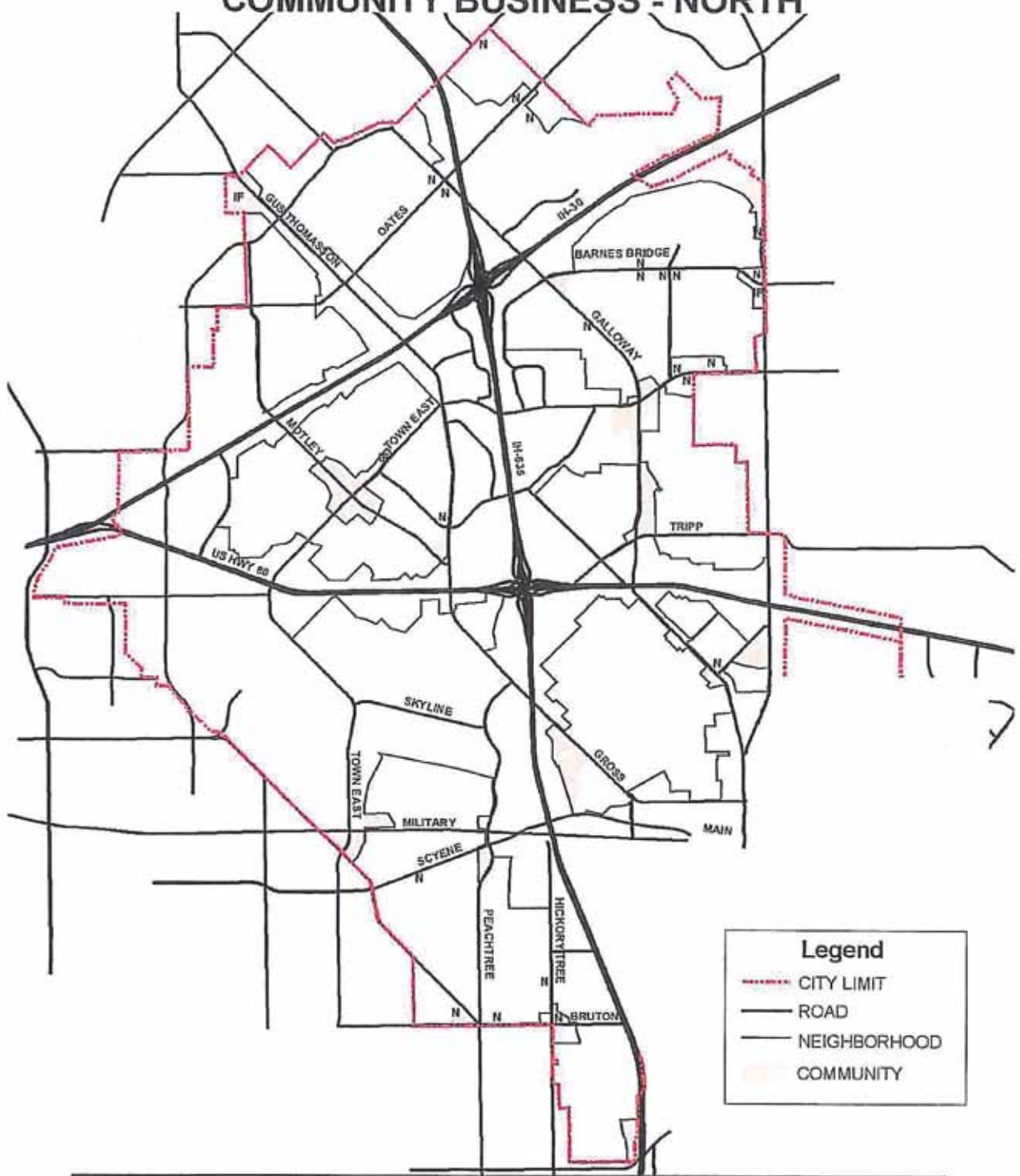
**IF – INFILL RESIDENTIAL OPTION**

- *Neighborhoods in established areas on excess retail or multifamily zoning*
- *Lots of same minimum lot size as existing, adjacent homes*
- *Minimum home size equal to the average size of the homes in the existing, adjacent neighborhood*

The general business designation includes undeveloped parcels which are currently zoned for nonresidential use. Those parcels which can be considered "excess retail zoning" and which are in locations that could accommodate residential development are designated with an "IF" notation on the Land Use Plan.

Standards for development of these tracts are set out in the Neighborhood Standards section under Established Neighborhoods later in this Part. To assure compatibility with existing, adjacent subdivisions, lots should be of the same minimum size as the existing neighborhood and home sizes should begin at the average size of the existing homes.

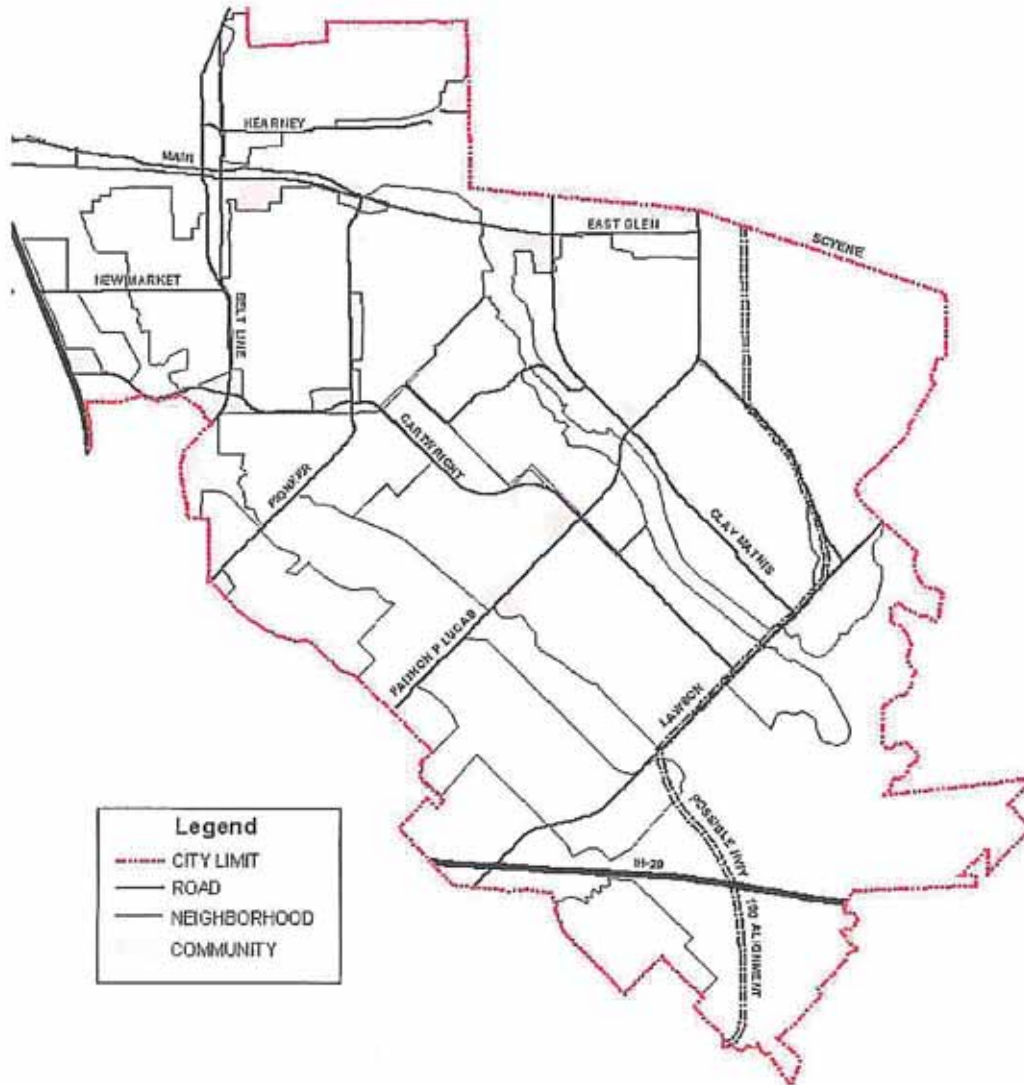
# COMMUNITY BUSINESS - NORTH



**Legend**

- CITY LIMIT
- ROAD
- NEIGHBORHOOD
- COMMUNITY

### COMMUNITY BUSINESS - SOUTH





## Community Areas

# NEIGHBORHOOD GUIDELINES

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This section sets out designations and definitions to guide decisions regarding how properties within the areas designated as Neighborhood are utilized. The guidelines address use of properties as well as development standards and density policies. These designations are reflected on the Land Use Plan and are implemented through the on-going decision making process.

### NEIGHBORHOOD USE GUIDELINES

Neighborhoods comprise the majority of the *Community Areas*, accounting for all areas not designated as General Business. Major streets, creeks or other natural or man-made features act as neighborhood boundaries. With the exception of elementary schools and parks, all other uses acceptable within a *Community Area* should be limited to locations on the periphery of a neighborhood unit with major street access. In revitalizing neighborhoods, traditional neighborhood design shall be encouraged around the neighborhood unit principle.

#### *General Use Guidelines*

- *Location for housing*
- *Elementary schools and parks permitted within neighborhood unit*
- *Mixed use in revitalization areas*

#### *Use Guidelines*

The Neighborhood designation accommodates a variety of lower density living environments for the residents of the City. The areas are intended primarily for housing, but may accommodate elementary schools and parks in internal locations, preferably fronting on a collector street. Other nonresidential uses which might be permitted, such as churches and neighborhood retail, should be located on the periphery of the neighborhood along an arterial street.

#### *Density Standards*

Use guidelines regarding residential and nonresidential use within a neighborhood area remain the same regardless of the density of the neighborhood. The Neighborhood Standards section which follows provides guidelines for determining appropriate densities, ranging from application of the "density with design" concept which incorporates enhanced design features and amenities to compensate for increases in density to the Neighborhood Sustainability Zones that promote pedestrian-scaled density.

## AMENITY OPTION: DESIGN FEATURES AND AMENITY LISTING

The Amenity Option incorporates the concept of "density with design" to allow reduction of lot size on certain tracts subject to the provision of enhanced design features and amenities which will compensate for the resulting increase in density. The following section sets out those design features and amenities which must be addressed when the *Amenity Option* is utilized. Use of the Amenity Option is contingent upon presentation of a comprehensive design and amenity package based on these guidelines and criteria. The Planning and Zoning Commission and City Council retain final discretion in judging whether a proposal has successfully compensated for increased density and whether such a proposal will be approved.

### *Sensitivity To The Natural Environment Through Preservation*

*Creation Of Distinctive Neighborhoods Through Unique, Coordinated Design*  
If a development is over 100 acres in size, each neighborhood of 40 – 100 acres should have an individual identity tied together by a common theme.

### *Topography*

- Retain natural drainageways/no mass grading
- Street and lot layout compatible with topography

### *Water Features and Trees*

- Retention and enhancement of existing water features (ponds)
- Preservation of significant groves of trees

### *Flood Plains*

- Preservation of flood plains (reclamation may be considered in some situations)
- Street layouts which provide public access along flood plains/greenbelts for both visual and physical access (Generally at least 50% of the flood plain frontage should be fronted by parkway streets)
- Waiver of alleys along all open space areas

### *Arterial Screens and Buffering*

- Provision of upgraded landscaping, buffering, and screening along arterial streets with 15-foot landscape easement in addition to ROW, including meandering 8-foot trails, buffering trees, and shrubbery/ornamental trees
- Use of berms, wrought iron and landscaping to provide screening by using open ended cul-de-sacs or other layouts which do not place the rears of lots adjacent to arterial streets; solid brick screening is required where the rears of lots are adjacent to arterial streets

### *Entryway Design and Features*

- Professionally designed entry monument of brick/stone with landscaping, irrigation, pavement treatments and lighting
- Divided entry streets with median landscaping and irrigation
- Pavement treatments at entryway and key intersections
- Linkage of entryway to central focal space

### *Uniform, Coordinated Design Elements and Fixtures*

- Use of common brick/stone elements in entry monuments, screening walls, retaining walls, mailboxes, etc.
- Distinctive, special lighting fixtures and other fixtures/signage
- Uniform, consistent mailbox design
- Consistent restrictions on fencing along open space

*Enhancement Of  
Neighborhood Livability  
Through Visual And  
Recreational Opportunities*  
Each neighborhood of 40 –  
100 acres should provide  
visual and recreational  
opportunities.

*Provision Of Pedestrian-  
Friendly Environments*

*Assurance Of Long-Term  
Viability And Maintenance*

*Neighborhood Open Space*

- A minimum of 5% of the gross area of the development (excluding flood plain, school sites, municipal park sites, and retail zoning), or two acres, whichever is greater, shall be allocated to squares or parks

*Neighborhood Visual Focus*

- Within each neighborhood, at least one square or park no smaller than one acre shall be provided to create a central focal point, generally within 600 feet of the geographic center of the neighborhood. Linking the entry features and central focal space is encouraged to enhance both.
- Each square or park shall include either a visual feature (fountain, gazebo, pond, statue, etc.) or an activity area (play area, sport court, amenity center, etc.)

*Accessibility*

- Overall block lengths and perimeters should generally be limited to assure cross-access and connectivity within the neighborhood. Where long block lengths are necessary, a dedicated alley or pathway should be provided through the block for access.
- Internal hike and bike trails, looped and providing connection to squares and parks, school sites, retail, adjacent neighborhoods and to the Citywide trail systems

*Pleasant Walking Conditions*

- Two shade trees (minimum 3-inch caliper) shall be planted on each lot to shade the sidewalk and street. Trees must be selected from the Tree Schedule or approved by the City Arborist

*Minimized Vehicular Impacts*

- Where front drives are approved, garages must be a minimum of ten feet behind the façade of the house
- Street design which “calms” traffic: curvilinear, median and side planting areas, traffic circles at 4-way intersections, etc.

*Quality of Construction*

- 100% masonry on front façade/75% on remaining sides
- 100% brick or stone on chimneys or gas vented fireplaces with no chimneys
- Provision of front yard sod and irrigation
- Homes “wired” for security and communications (Category-5 wiring/internet broadband/DSL)

*Enforcement Capability and Maintenance*

- Deed restrictions (RVs, accessory buildings, upkeep, etc.).
- Mandatory HOA – responsible for maintenance of common areas and landscaping
- A cash-flow analysis of HOA dues at build-out



## ESTATE DEVELOPMENT

The Estate Development designation sets aside areas of semi-rural density to accommodate and protect residential estate development. This designation is applied in existing areas of acreage homes and in developing areas which are adjacent to existing acreage homes, areas with limited accessibility which limits the realistic density, and where estate lots can be established to provide large, private home sites.

### *Required Standard – No Collector Street Access*

This standard is applied on the tracts designated Estate Development which cannot be accessed by a collector level street. If collector street access becomes available, the ½-acre lot option may be proposed. Milam Road is not considered a collector street.

- One-acre minimum lot size
- 2,500 square foot minimum home size
- 150-foot minimum lot width

### *½-Acre Lot Option – Collector Access Available*

This standard may be proposed, subject to the provision of a basic amenity package, on tracts which have access via a collector street. Shannon and Lumley Roads are considered collector streets.

- ½ acre lot minimum
- Provision of basic amenities to include at a minimum: entryway feature with landscaping, lighting and irrigation; special street lighting; and uniform mailbox design
- 2,500 square foot minimum home size
- 100-foot minimum lot width
- Lots across a non-arterial street from existing estate homes must match existing lot width

## LOW DENSITY NEIGHBORHOODS

The Low Density Neighborhood designation sets aside residential areas of lower than average densities to provide larger lots and increased privacy, thereby assuring that a full range of housing choices are available in the City. This designation is applied in existing areas of R-1-standard homes and in developing areas in the southeast sector of the City which have high levels of accessibility and where new, updated development standards, including special design features and amenities, can be applied.

### *Required Standard*

This is the base standard for new development in areas designated Low Density Neighborhood. Reduction of lot size may be considered under the Amenity Option outlined below.

- ½ acre lot minimum
- Provision of basic amenities to include at a minimum: entryway feature with landscaping, lighting and irrigation; special street lighting; and uniform mailbox design
- 2,500 square foot minimum home size
- 100-foot minimum lot width

### *Amenity Option (See Section Above)*

This option allows reductions of lot size subject to the provision of enhanced design features and amenities which compensate for the increase in density. Final lot size approval will be contingent on a specific proposal's success in addressing design/amenities

- Reduction of lot size to 10,000 square foot minimum
- Reduction of home size to 2,500 square foot minimum
- Reduction of lot width minimum to 85 feet
- Provision of enhanced design and amenities

### *Master Plan Option*

The master plan option allows varied lot sizes, averaging no more than 2.5 units per acre exclusive of flood plain. The option is applied to tracts of over 400 acres proposed for development under master covenants to assure coordinated development and maintenance. Lot layout and density are justified by special design and a coordinated amenity package. At this time, the master plan option is limited to the Lucas Farms Planned Development.

**NC -- ESTABLISHED NEIGHBORHOOD -- NEW CONSTRUCTION**

The Established Neighborhood – New Construction designation identifies residential areas of average densities offering a variety of single family detached housing. The New Construction designation is applied to undeveloped tracts in areas of the City which are predominantly established, i.e., only isolated tracts of vacant land remain surrounded by existing development.

***Required Standard***

This is the base standard for new development in areas designated Established Neighborhood. Reduction of lot size may be considered under the Amenity Option outlined below.

- 10,000 square foot lot minimum
- Provision of basic amenities to include at a minimum: entryway feature with landscaping, lighting and irrigation; special street lighting; and uniform mailbox design
- 2,500 square foot home minimum
- 85-foot lot width minimum

***Amenity Option (See Section Above)***

This option allows reductions of lot size subject to the provision of enhanced design features and amenities which compensate for the increase in density. Final lot size approval will be contingent on a specific proposal's success in addressing design/amenities

- Reduction of lot size to 8,000 square foot minimum
- Reduction of home size to 2,000 square foot minimum
- Reduction of lot width minimum to 65 feet
- Provision of enhanced design and amenities

**ESTABLISHED NEIGHBORHOOD**

The Established Neighborhood designation identifies residential areas of average densities offering a variety of single family detached housing. In existing neighborhoods, small groupings of existing duplex and/or townhouse at the fringe of a neighborhood unit may be included. This designation is applied to existing neighborhoods throughout the city. There will generally be little or no additional construction anticipated; however, conversion from retail or apartment zoning may occur.

***Current Residential Zones***

- Minimum standards per current zoning designation

***Conversion from Nonresidential or Apartment Zone***

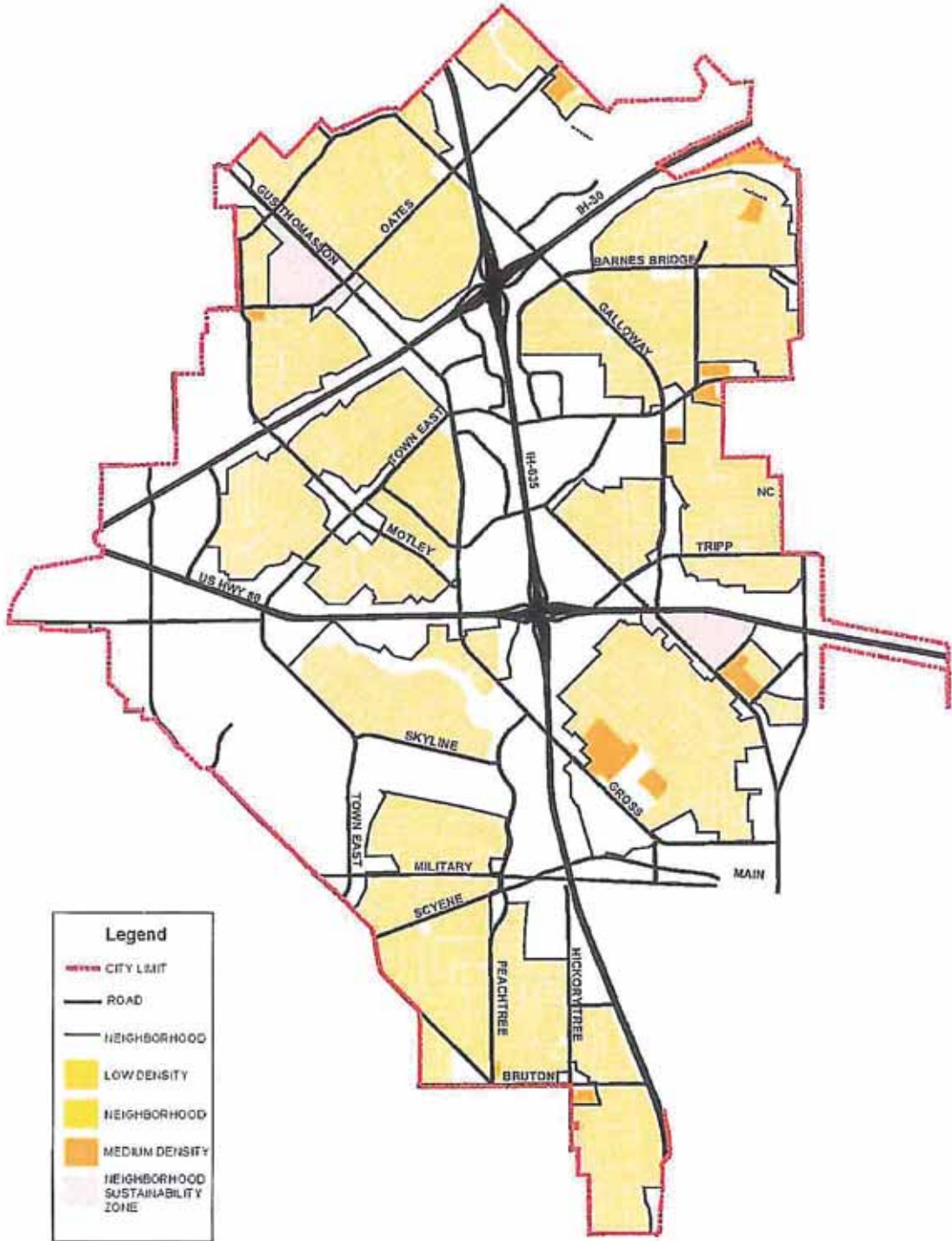
- Minimum lot size the same size as adjacent subdivision(s)
- Minimum home size set at average size of the existing homes in the adjacent subdivision(s)

***Amenity Option (See Section Above)***

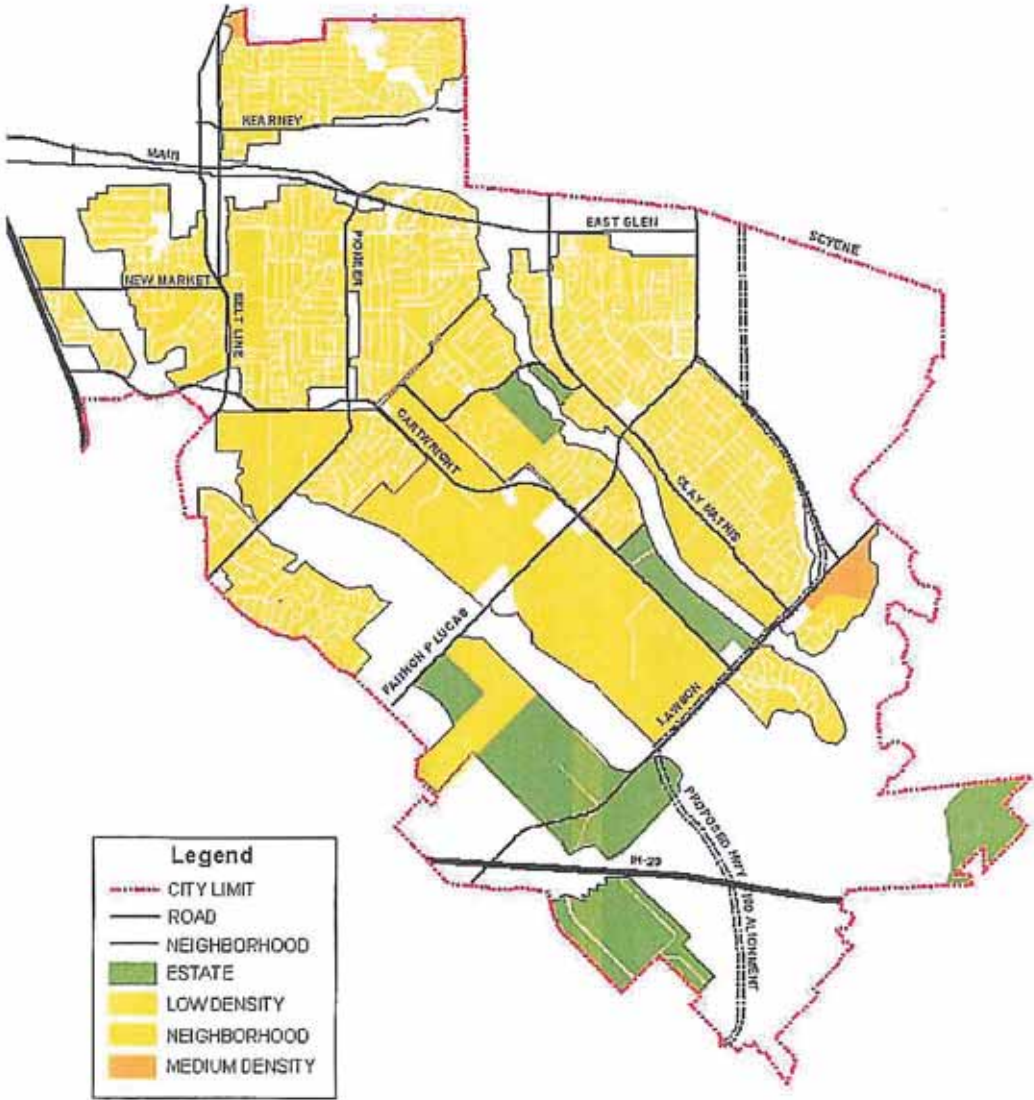
- Reduction of lot size to 5,500 square foot minimum
- Reduction of lot width minimum to 55 feet
- Provision of enhanced design and amenities
- Final lot size approval contingent on specific proposal's success in addressing design/amenities issues



# NEIGHBORHOODS - NORTH



NEIGHBORHOODS - SOUTH



### MEDIUM DENSITY NEIGHBORHOOD

The Medium Density Neighborhood designation identifies residential areas with higher than average densities. This designation is applied to existing attached housing (duplex and/or townhouse) or existing apartments which are located in a *Community Area*. The designation is also applied to undeveloped, *Community Area* tracts which are currently zoned for and considered acceptable for apartment use. When undeveloped land zoned apartment is not designated as *Medium Density Neighborhood*, the location is not an acceptable apartment location and conversion to single family housing should be encouraged.

#### *Current Residential Zones*

- Minimum standards per current zoning designation

#### *Conversion to Single Family Housing from Nonresidential or Apartment Zone*

- Minimum lot size the same size as adjacent subdivision(s)
- Minimum home size the same size as the minimum existing homes in the adjacent subdivision(s)

#### *Amenity Option (See Section Above)*

- Reduction of lot size to 5,500 square foot minimum
- Reduction of lot width minimum to 55 feet
- Provision of enhanced design and amenities
- Final lot size approval contingent on specific proposal's success in addressing design/amenities issues

### NEIGHBORHOOD SUSTAINABILITY ZONES

The Neighborhood Sustainability Zone designation identifies areas where residential and business uses are not only compatible, but also essential to revitalization of the neighborhood. The density of all development within the zone is optimized for pedestrian-scaled activity. This generally translates into development which is more intense than that produced by other policies intended for application on the urban fringe. The pedestrian defines the limits of a Neighborhood Sustainability Zone. The standards for infill housing and the zone's business component must serve the City's larger goal of renewal.

#### *Existing Residential Areas*

- Contextual infill standards

#### *Mixed Uses*

- Integrate residential and business uses

#### *Urban Fabric*

- Use of form-based regulations to promote business corridor renewal and compatibility between building functions
- Pedestrian-orientation using a complete streets approach
- Recreate the public realm through extensive use of building enclosure, landscaping, sidewalks and civic spaces

## **EXHIBIT 2**



ORDINANCE NO. 4021

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN TO MODIFY NEIGHBORHOOD-RELATED LAND USE AND DEVELOPMENT POLICY MAPS BY EXPANDING THE CASA VIEW HEIGHTS NEIGHBORHOOD SUSTAINABILITY ZONE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, on November 5, 2007, the City Council adopted Ordinance No. 3910 amending the Mesquite Comprehensive Plan to establish new policies for the revitalization and redevelopment of neighborhood sustainability zones and designating the Casa View Heights Neighborhood and the adjacent distressed commercial corridor along Gus Thomasson Road as one of two neighborhood sustainability zones within the City of Mesquite; and

WHEREAS, pursuant to a strategy of the Casa View Heights Neighborhood Plan that calls for creation of new regulations to govern the revitalization of the Gus Thomasson corridor, the Community Development Department has drafted a code for a new revitalization district that impacts the Gus Thomasson corridor from Interstate Highway 30 ("IH-30") to the north city limits of Mesquite; and

WHEREAS, the neighborhood sustainability zone as shown in the Comprehensive Plan for the Casa View Heights area does not currently include properties fronting Gus Thomasson Road from the intersection with Oates Drive to IH-30 and it is considered essential to the holistic revitalization of the corridor to include such properties; and

WHEREAS, the Texas Local Government Code, Section 211.004, provides that local zoning regulations must be adopted in accordance with a comprehensive plan, and it is deemed prudent to amend the Mesquite Comprehensive Plan to strongly support and validate the full extent of the proposed codes that may be employed to help revitalize all of the Gus Thomasson Road corridor north of IH-30.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Comprehensive Plan, last updated on August 4, 2008, be and the same is hereby amended by adopting revisions to the maps identified as "Business Corridors," "Community Business – North," and "Neighborhoods – North" within Parts III and IV of said Plan, and attached hereto as Exhibit "A."

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.



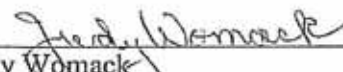
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. That the present ordinances of the City of Mesquite are inadequate to provide for the proper protection of the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of December, 2008.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

APPROVED:

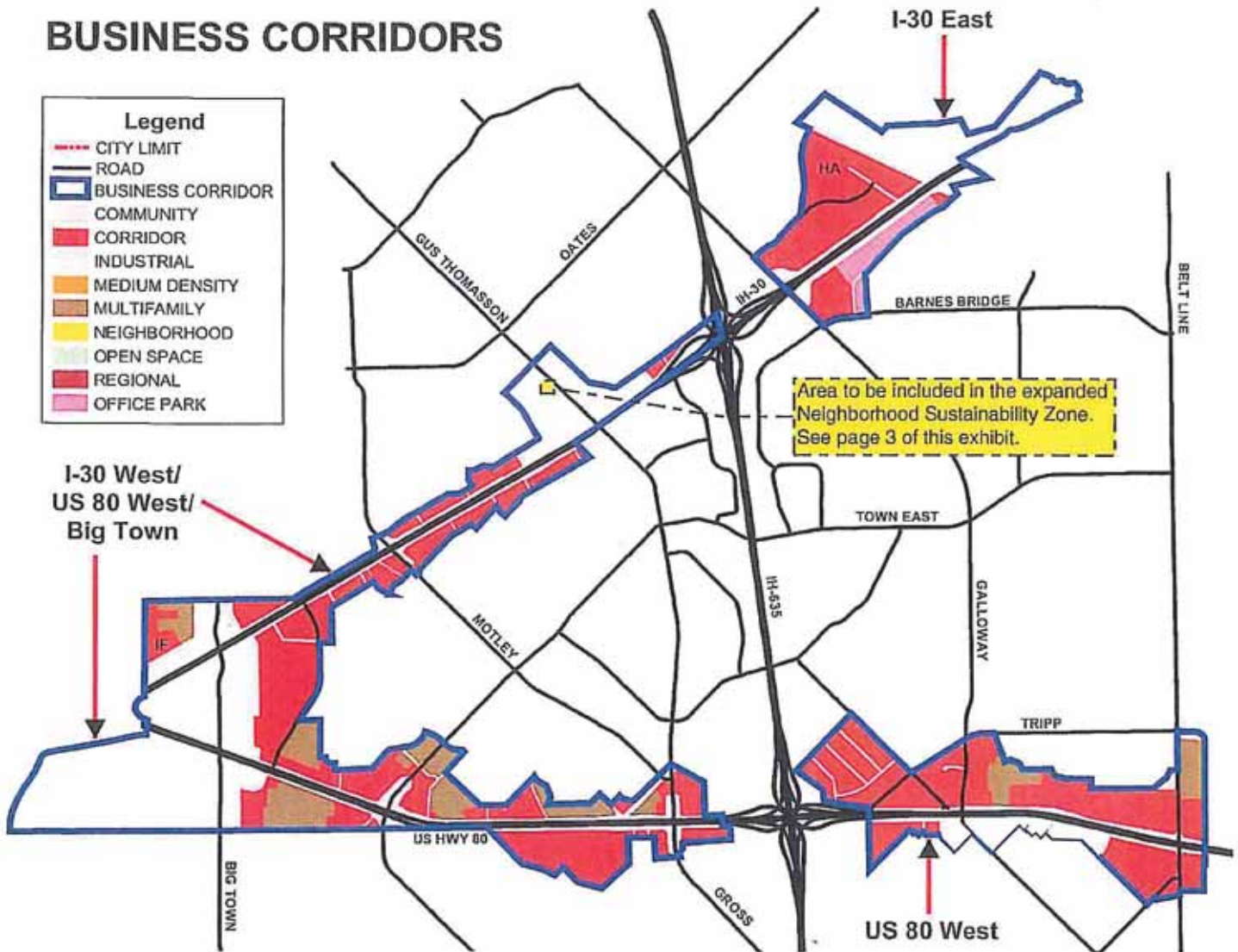
  
\_\_\_\_\_  
B. J. Smith  
City Attorney

**High Intensity  
DEVELOPMENT AREAS**

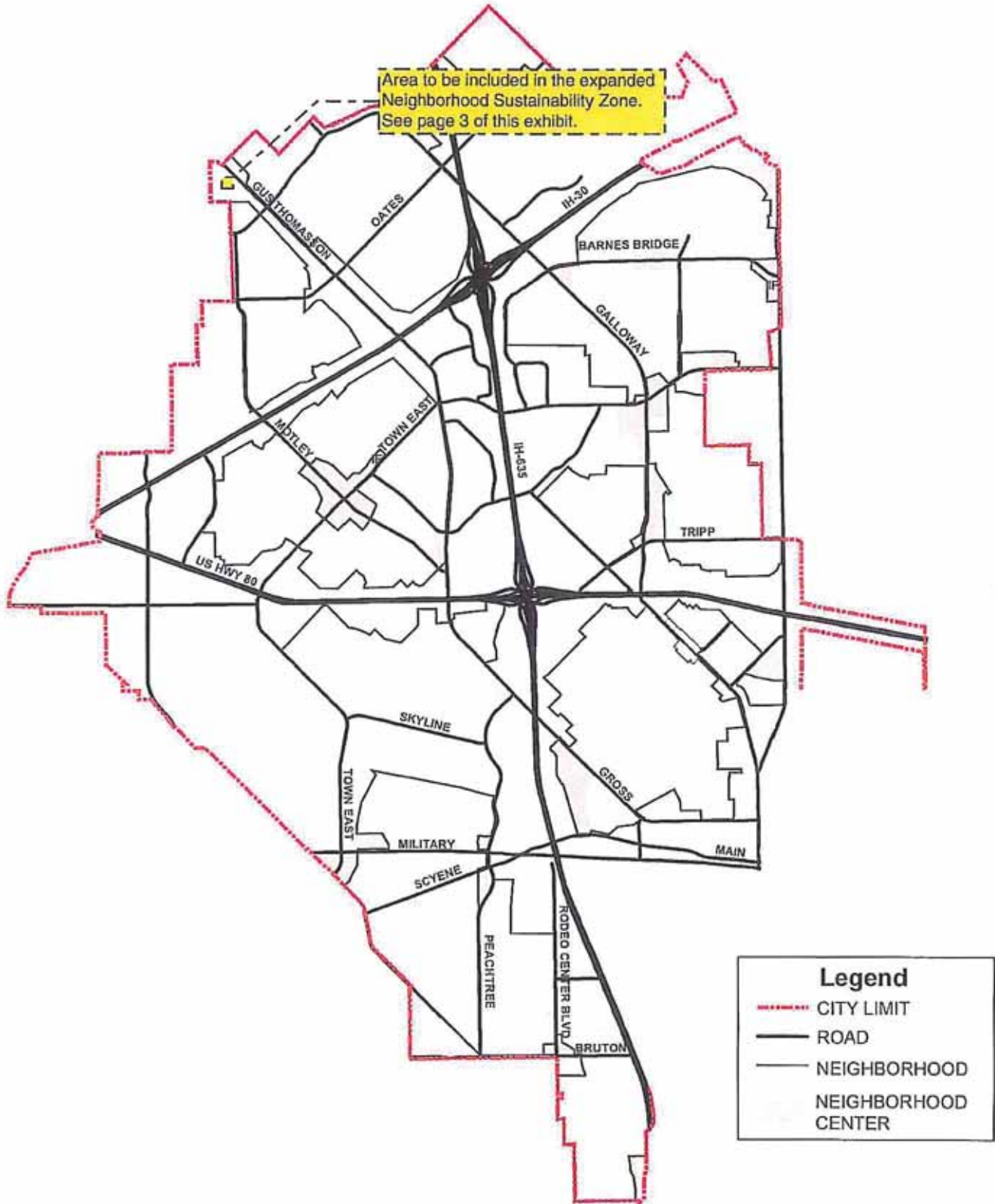
*Morningside Drive (28 Acres)*

The vacant land between I-30 and Morningside Drive is across a collector street from single family homes. The tract is narrow and has some topographical and drainage issues which complicate development. This tract is designated Office Park with the intent of limiting the type of uses which are accommodated. Although current zoning is under a Planned Development district, the range of permitted uses is quite broad. An overall site plan was approved for development of the entire tract in the 1980's, and the major elements of this layout should be applied as development occurs. With this site plan approval, the number of drives along Morningside was limited, an internal two-way street was required along I-30 and a consistent screening wall design was required, all to minimize the impacts on the neighborhood. The site plan also proposed that the entire section between the Lowe's site and the Jack-in-the-Box be limited to garden office uses which were deemed to be most compatible with the residences.

**BUSINESS CORRIDORS**

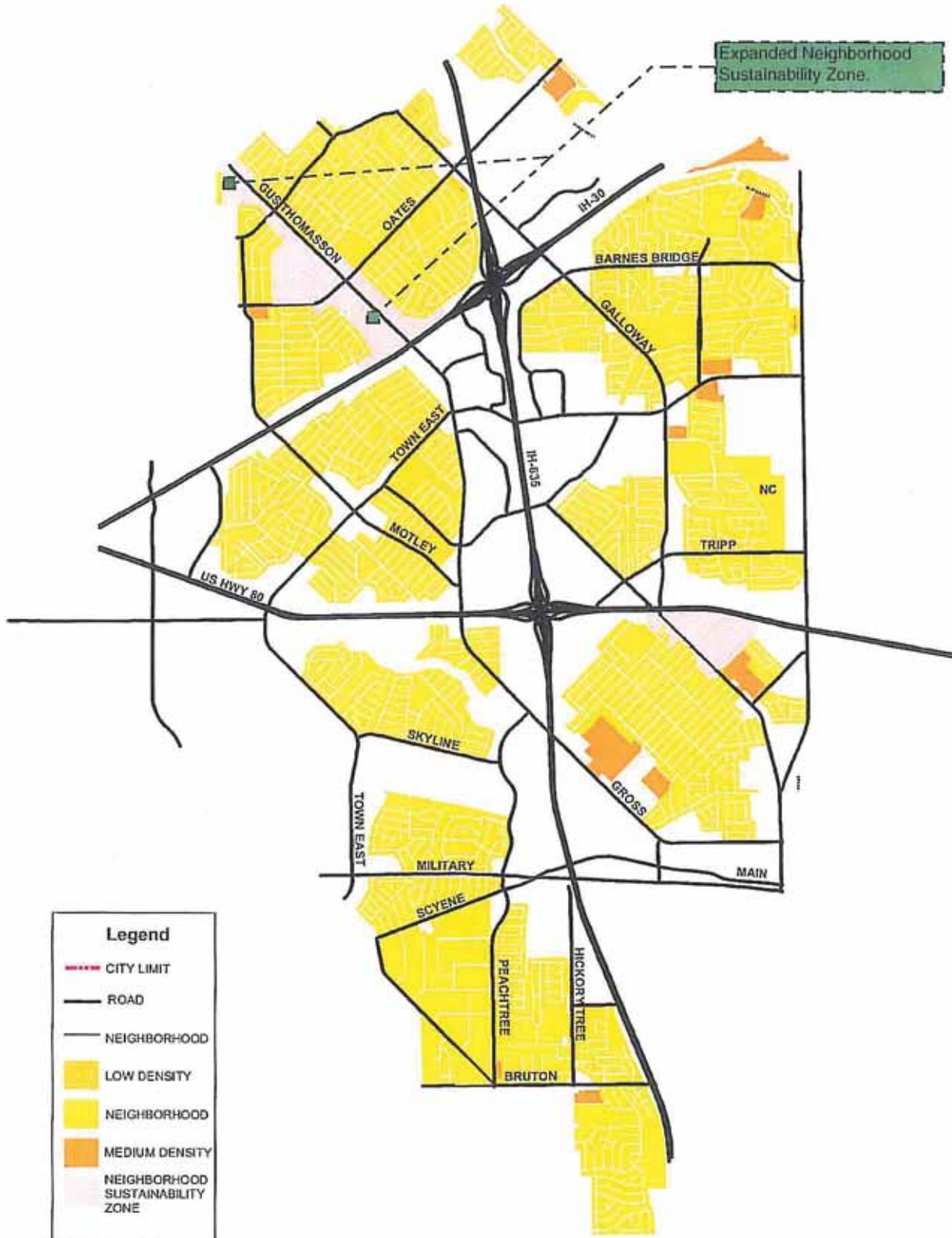


# COMMUNITY BUSINESS - NORTH





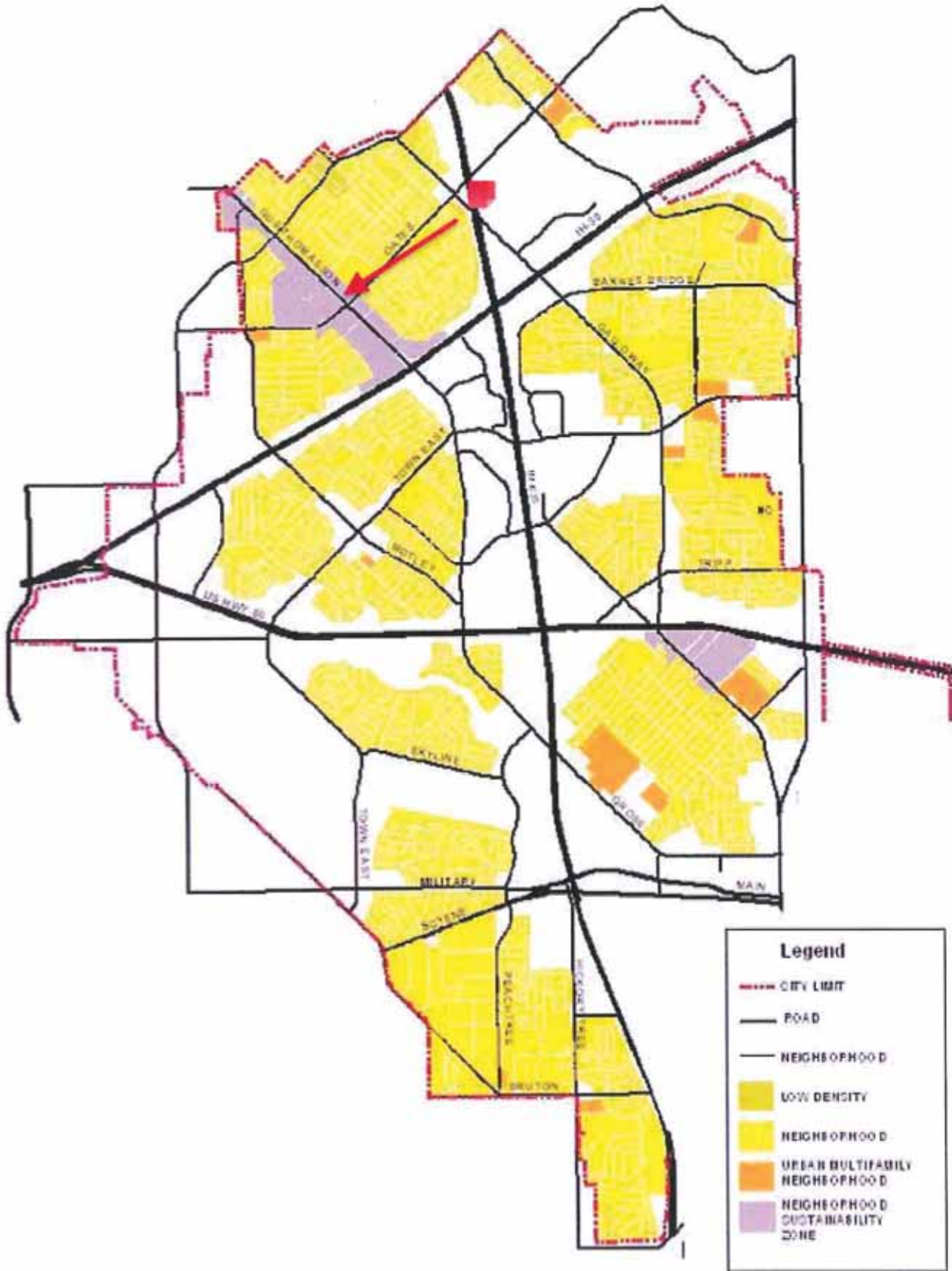
# NEIGHBORHOODS - NORTH



## **EXHIBIT 3**



# NEIGHBORHOODS - NORTH



**EXHIBIT 4**

ORDINANCE NO. 4022  
Zoning Text Amendment No. 2008-8

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 4-100 AND 4-1020 THEREBY CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE NORTH GUS THOMASSON CORRIDOR FORM-BASED DISTRICT; ADOPTING THE NORTH GUS THOMASSON CORRIDOR REVITALIZATION CODE THEREBY CONTROLLING THE USES, SITE DEVELOPMENT AND FORM OF BUILDINGS FOR ALL LAND, PUBLIC AND PRIVATE, WITHIN THE NORTH GUS THOMASSON DISTRICT; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the Mesquite Comprehensive Plan identifies neighborhood sustainability zones as the planning framework for the revitalization of certain neighborhoods and their adjacent distressed commercial corridors; and

WHEREAS, the Comprehensive Plan establishes key policies for neighborhood sustainability zones to include pedestrian-orientation with a complete streets approach, the use of form-based regulations to promote business corridor renewal and compatibility between building functions, and recreation of the public realm through extensive use of building enclosure, landscaping, sidewalks and civic spaces; and

WHEREAS, the Community Development Department has prepared a new form-based district for the North Gus Thomasson Corridor to fulfill the policies and strategies of the Comprehensive Plan; and

WHEREAS, in order that the intended purposes of the Comprehensive Plan are best served, it has been determined necessary to amend certain language of the Mesquite Zoning Ordinance to enact the North Gus Thomasson Corridor District; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold two public hearings regarding proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold a public hearing regarding the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by providing certain additions and deletions under Sections 4-100 and 4-1020 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Section 4-103(C)*. Amend by adding a new Section 4-103(C) to read as follows:

C. NORTH GUS THOMASSON CORRIDOR

There shall be a district known as the NGTC – North Gus Thomasson Corridor District, which constitutes one of the instruments for implementing the public purposes and objectives of the Casa View Heights Neighborhood Plan adopted by the City Council on April 2, 2007. The form-based elements of the NGTC district are designed exclusively for the commercial corridor that is embedded within the Casa View Heights Neighborhood Sustainability Zone as amended. There shall be only one contiguous NGTC district within the City. Any expansion of the district shall be bounded at least on one side by an existing NGTC district boundary.

- (2) *Sections 4-1020 through 4-1023*. Amend by adding new Sections 4-1020 through 4-1023 to read as follows:

4-1020 NORTH GUS THOMASSON CORRIDOR  
FORM-BASED DISTRICT

4-1021 PURPOSE AND SCOPE

The North Gus Thomasson Corridor is a commercial corridor adjacent to the Casa View Heights neighborhood, which is situated generally northwest of the intersection of Gus Thomasson Road and Oates Drive. In April 2007, the City Council adopted the Casa View Heights Neighborhood Plan that included strategies for reconnecting the residential core of the neighborhood with the Gus Thomasson commercial area and revitalizing the corridor. Both the commercial corridor and the Casa View Heights neighborhood are part of a walkable neighborhood sustainability zone that encompasses properties fronting Gus Thomasson Road north from Interstate Highway 30 to the Mesquite city limits.

The purpose of the North Gus Thomasson Corridor zoning district is to integrate residential and neighborhood-scaled commercial functions in a form that increases buildable densities in a pedestrian-oriented, visually attractive environment. With an emphasis on form, rather than the separation of land uses, the district not only encourages, but also mandates building disposition and configuration in a manner that is unique in the City of Mesquite. In doing so, the district is designed to provide a straightforward, visual prescription for revitalization of the North Gus Thomasson corridor over time.

4-1022 NORTH GUS THOMASSON CORRIDOR DISTRICT

The NGTC zoning classification is a mixed-use district that stands separate and apart from all other zoning districts in the City. It is not an overlay district. The City shall have only one contiguous North Gus Thomasson Corridor District.

4-1023 NORTH GUS THOMASSON REVITALIZATION CODE

After the effective date of this ordinance, the uses and buildings on all land rezoned to NGTC shall conform exclusively to the North Gus Thomasson Corridor Revitalization Code, adopted concurrent with the creation of the NGTC district, and which is incorporated herein as if set forth in full.

SECTION 2. That the North Gus Thomasson Corridor Revitalization Code (the "Code") is hereby adopted as the set of regulations controlling the uses, site development and form of buildings for all land, public and private, within the North Gus Thomasson Corridor District, and that the Code shall be amended hereafter in the same manner prescribed for text changes to the Mesquite Zoning Ordinance.

SECTION 3. That a copy of the North Gus Thomasson Corridor Revitalization Code shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

SECTION 4. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.


SECTION 5. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.


SECTION 7. That this ordinance shall be effective immediately from and after its passage.



DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,  
on the 15th day of December, 2008.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

## **EXHIBIT 5**

RESOLUTION NO. 16-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO PROCEED WITH THE IMPLEMENTATION OF THE "ADDRESSING MESQUITE" PROGRAM FOR THE COMPREHENSIVE NEIGHBORHOOD REVITALIZATION AND RENTAL CERTIFICATE-OF-OCCUPANCY INITIATIVES.

WHEREAS, in April 2004 the Community Development Department conducted a survey that rated the exterior structural condition of every single-family residence within the City of Mesquite (the "City"); and

WHEREAS, the survey revealed that overall approximately 84% of the single-family structures are in "A" or excellent condition; however, there are neighborhoods in the City where nearly 40% of the structures are rated below condition "A;" and

WHEREAS, in order to address building conditions and other critical issues that affect the quality of life in the City's neighborhoods, the City Council approved funding in the Fiscal Year 2004-05 Community Development Block Grant budget for a program called "Addressing Mesquite;" and

WHEREAS, "Addressing Mesquite" consists of two initiatives: a Neighborhood Revitalization program that deals comprehensively with the environmental, planning and economic development factors that determine neighborhood health and a Rental Certificate-of-Occupancy program that seeks to ensure compliance with minimum interior and exterior code requirements for non-owner occupied single- and duplex-family structures; and

WHEREAS, due to the resource demands anticipated for Neighborhood Revitalization, that initiative will begin by focusing primarily on four priority neighborhoods — Casa View Heights, Truman Heights, Mesquite Park and Sherwood Forest, but will grow over time to include other areas interested in joining a neighborhood network; and

WHEREAS, the Rental Certificate-of-Occupancy program shall be implemented citywide and apply to each single- and duplex-family rental structure at the time of a change in tenant occupancy; and

WHEREAS, the funding, personnel and equipment resources required for implementing "Addressing Mesquite" have been secured and the City is prepared to launch the program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

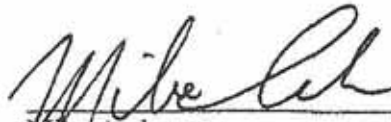
SECTION 1. That the Community Development Department is directed to prepare and present to the City Council the necessary amendments to the International Residential Code and related ordinances for the purpose of enacting the Rental Certificate-of-Occupancy program.

SECTION 2. That following adoption of the required ordinances, the City Manager is authorized to proceed with implementation of the Rental Certificate-of-Occupancy program, provided that enforcement shall commence no earlier than August 1, 2005, or at such time thereafter as the owners and managers of single- and duplex-family properties have been adequately notified and informed as to the requirements, terms and conditions of the program.

SECTION 3. That the Community Development Director may proceed with notifying affected neighborhoods and unveiling the Neighborhood Revitalization program in accordance with the terms of Resolution No. 45-2004, adopted October 18, 2004, and which includes proactive enforcement of the International Property Maintenance Code.

SECTION 4. That from time to time the City Manager shall report to the City Council on the progress of achieving the goals of "Addressing Mesquite," and specifically the goal to raise the overall level of building conditions in the affected neighborhoods.

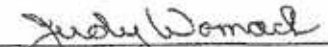

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 16th day of May, 2005.



Mike Anderson  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Judy Womack  
City Secretary  
\_\_\_\_\_  
B. J. Smith  
City Attorney

## **EXHIBIT 6**



Funding Sources for Gus Thomasson Corridor					
Project	Allocation	Funding Source	Use of Funds	Status	Comments
<b>Neighborhood Planning &amp; Administration</b>					
Neighborhood Planner	\$ 320,845.00	CDBG	Salary for dedicated neighborhood planner to strategize and implement revitalization plans	ongoing since 2005	estimate to date
<b>Blighted Structures</b>					
Casa View Heights Neighborhood Plan	\$ -	Inhouse - CDBG	To create a neighborhood improvement plan	Completed 2007	n/a
Gus Thomasson Revitalization Code	\$ -	Inhouse - CDBG	Per the neighborhood plan, purpose to make zoning regulations reflective of the residents' desire to reconnect with the nearby Gus Thomasson commercial corridor	Completed 2008	n/a
Housing Stabilization Study	\$ 29,711	City of Mesquite General Fund	Assessment of current housing conditions in the Gus Thomasson area and strategies to combat declining conditions	Completed in Summer 2011	funds expended
<b>Lack of Access to Employment</b>					
Retail Market Study	\$ 21,695	City of Mesquite General Fund	Assessment of current retail needs in the Gus Thomasson area	Completed Summer of 2011	funds expended
Economic Development Study	\$ 18,500	City of Mesquite General Fund	Study to define the potential economic, employment and tax revenue benefit of the implementation of the Thomasson Square Project	Completed May 2012	funds expended
<b>Inadequate Transportation</b>					
Thomasson Square	\$ 3,000,000	North Central Texas Council of Governments, 2009 Sustainable Development Grant	Design & Construction of at-grade improvements	90% Design	all funds committed; partially expended
Thomasson Square	\$ 750,000	City of Mesquite 4B Fund	Design & Construction; required grant match for at-grade improvements	90% Design	funds committed
Thomasson Square	\$ 600,000	City of Mesquite 4B Fund	Additional funds for at-grade improvements	Anticipated Construction Start Date: Summer 2013	funds committed
Thomasson Square	\$ 739,000	City of Mesquite 4B Fund	ONCOR Utility Relocation	Anticipated Construction Start Date: Summer 2013	funds committed
Thomasson Square	\$ 65,045	City of Mesquite 4B Fund	Right of Way Acquisition	In process	funds committed
<b>Presence of Adverse Environmental Conditions</b>					
Casa View Heights Infrastructure	\$ 6,500,000	Combination of DUD and Water	Water Sewer & Drainage within the Casa View Heights single family residential area	completed 2006	funds expended
Casa View Heights Infrastructure	\$ 170,000	Project Renewal Sidewalk Program	Sidewalk replacement	Completed 2009	funds expended
Thomasson Square	\$ 125,368	City of Mesquite	Water Sewer & Drainage Design	90% Design	funds expended
Thomasson Square	\$ 1,676,045	Combination of DUD and Water	and Sewer Funds Water Sewer & Drainage Construction	Anticipated Construction Start Date: Summer 2013	funds committed
<b>Blighted Structures</b>					
Thomasson Square	\$ 2,500	City of Mesquite General Fund	Appraisal costs for the purchase of private property within Thomasson Square	completed August 2012	funds expended
Thomasson Square	\$ 285,000	City of Mesquite 4B Fund	Purchase of private property for the completion of grant objectives and project design	Purchased August 2012	funds expended
Thomasson Square	\$ 22,000	City of Mesquite 4B Fund	Demolition of purchased property for future redevelopment	Property Cleared November 2012	funds expended

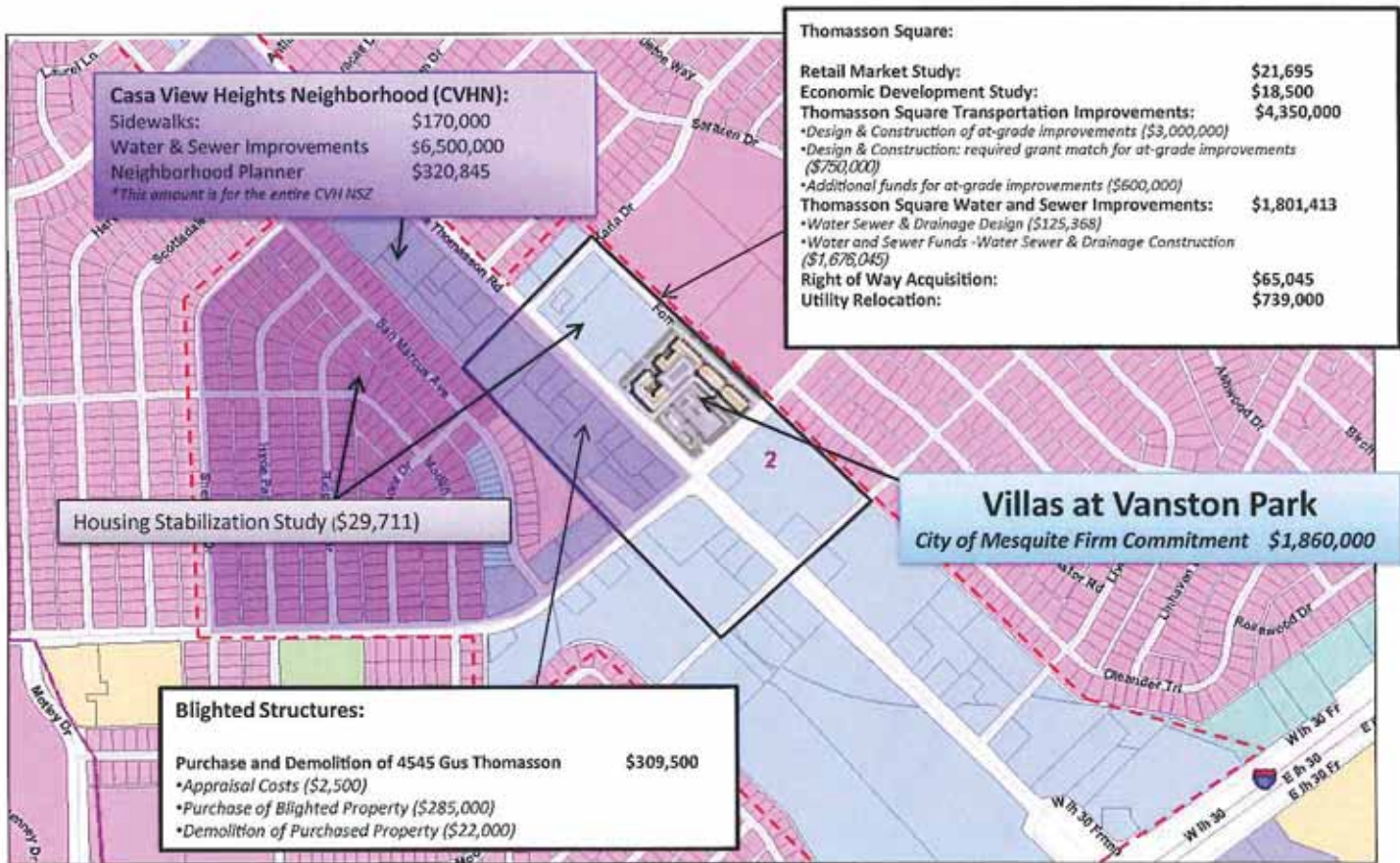
**TOTAL \$14,325,709.00**

Sheet1  
TOTAL \$ 6,528,319

**EXHIBIT 7**

# Casa View Heights Neighborhood Sustainability Zone

Merging the Casa View Heights Neighborhood and the Gus Thomasson Corridor



## **EXHIBIT 8**



RESOLUTION NO. 05-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, EXPRESSING SUPPORT FOR THE APPLICATION OF VANSTON PARK INVESTMENTS, L.P., FOR NINE-PERCENT LOW-INCOME HOUSING TAX CREDITS WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE CONSTRUCTION OF THE VILLAS OF VANSTON PARK PROJECT LOCATED AT 4540 GUS THOMASSON ROAD, MESQUITE, DALLAS COUNTY, TEXAS; PROVIDING A LOCAL FUNDING COMMITMENT FOR THE PROJECT; AND DECLARING THAT THE PROJECT WILL CONTRIBUTE SIGNIFICANTLY TO THE REVITALIZATION EFFORTS OF THE CITY TO IMPROVE THE NORTH GUS THOMASSON ROAD CORRIDOR.

WHEREAS, Vanston Park Investments, L.P. (Applicant), has filed a pre-application and intends to file a full application with the Texas Department of Housing and Community Affairs (TDHCA) for 2013 nine-percent low-income housing tax credits (LIHTC) for the construction of an affordable housing project known as The Villas of Vanston Park (Project) to be located at 4540 Gus Thomasson Road; and

WHEREAS, on February 1, 2013, the Applicant filed a written request with the City of Mesquite (City) seeking City Council support for the Project and the approval of gap funding for its full application; and

WHEREAS, the proposed Project presents the City with a rare catalyst opportunity to launch the revitalization of the distressed North Gus Thomasson Commercial Corridor as envisioned by residents of the Casa View Heights Neighborhood, and the Project will play a crucial role in such revitalization efforts; and

WHEREAS, a housing study conducted in 2010 for the North Gus Thomasson Corridor notes that future retail activity within the commercial redevelopment zone of the corridor, which includes the site of the proposed Project, must be made accessible to low- to moderate-income households, and further, the study recommends that the City "should explore mechanisms to incentivize developers to construct new affordable housing units" as a means for stabilizing housing conditions over the long-term; and

WHEREAS, the proposed Project is designed to comply with the City's North Gus Thomasson Corridor Revitalization Code, and once constructed, the Project will affirmatively demonstrate the City's goal to encourage a more sustainable form of development and signal that the City's progressive regulations can help property owners and private investors maintain the value of their investment in new construction and rehabilitation within the area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City of Mesquite affirmatively supports the application for a Texas Department of Housing and Community Affairs's nine-percent low-income housing tax credit allocation for the Villas of Vanston Park to be located at 4540 Gus Thomasson Road, Mesquite, Dallas County, Texas, for the acquisition and new construction of a multifamily residential development for affordable family housing with up to 177 dwelling units.

SECTION 2. That the City hereby approves as a firm commitment to the Project funds in the amount of \$1,860,000 which in the City's discretion may be in the form of a construction and/or permanent loan with an interest rate not to exceed three percent per annum and term of at least five years, or a grant, an in-kind contribution, a contribution which will support the Project, such as vouchers, or a combination thereof. Further, the final form of said commitment shall be determined by the City Council prior to September 1, 2013, and notwithstanding anything contained herein to the contrary, the commitment by the City more fully set forth in this Resolution shall be contingent on: (i) the Applicant securing tax credits for the Project on or before September 1, 2013; (ii) compliance with Section 4 of this Resolution; (iii) approval by the City of all matters discovered through the due diligence conducted by or on behalf of the City in connection with the Project; (iv) the issuance to the City of a title commitment, survey and environment assessments in a form acceptable to the City if a construction and/or permanent loan is all or any part of the funds advanced in support of the Project; and (v) the City and the Applicant mutually agreeing in writing, on or before September 1, 2013, to all of the terms, provisions and conditions of any documents to be executed by the City and/or the Applicant in connection with any construction and/or permanent loan, grant, in-kind contribution, other contributions supporting the Project such as vouchers, or any combination thereof.

SECTION 3. That the Project is deemed crucial to the revitalization of the North Gus Thomasson Road Corridor, and the City Council has determined that said Project will contribute most significantly to the concerted revitalization efforts of the City to improve the corridor, its commercial activity and the surrounding neighborhoods. The Director of Community Development for the City (Director) is, therefore, authorized to amend the Casa View Heights Neighborhood Plan (Plan) accordingly for the purpose of giving the Project priority in the implementation of the Plan's strategic objectives.

SECTION 4. That the City's funding of the Applicant's Project as more fully set forth in this Resolution is contingent upon the following:

Prior to closing on the tax credits with TDHCA, Sphinx Development Corporation on behalf of the Applicant shall submit a complete site plan, storefront floor plans and building elevations for the Project to the Community Development Department and receive approval for the same from the Director.

SECTION 5. That in compliance with Texas Administrative Code Title 10, §11.3(b), in the event that the City is determined to have more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds, the City Council by this Resolution votes specifically to support the construction of the Project and authorize the allocation of Housing Tax Credits for the Project pursuant to Texas Government Code §2306.6703(a)(4).

SECTION 6. That in compliance with Texas Administrative Code Title 10, §11.3(c), in the event that the proposed Project is located one linear mile or less from a development that serves the same type of household as the proposed Project and has received an allocation of Housing Tax Credits or Private Activity Bonds for new construction since December 17, 2009, the City Council by this Resolution votes specifically to support the construction of the Project and authorize an allocation of Housing Tax Credits for the Project.

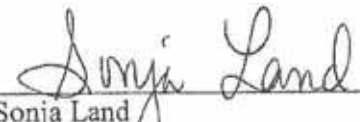
SECTION 7. That in compliance with Texas Administrative Code Title 10, §11.3(d), in the event that the proposed Project is located within a census tract that has more than 30 percent Housing Tax Credit Units per total households as established by the U.S. Census Bureau for the most recent Decennial Census, the City Council by this Resolution votes specifically to support the construction of the Project and authorize the allocation of Housing Tax Credits for the Project.

SECTION 8. That the City Manager is hereby authorized to execute all documents, contracts and loan agreements deemed necessary and proper to effectuate the purposes of this Resolution.

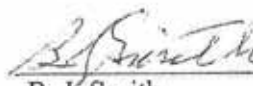
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 18th day of February, 2013.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B.J. Smith  
City Attorney

## **EXHIBIT 9**

**MESQUITE**  
T E X A S  
Real. Texas. Service.

Jean Marie Latsha  
Competitive Tax Credit Program Manager  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

May 30, 2013

Ms. Latsha,

This letter serves to confirm that the proposed Villas at Vanston Park tax credit project is located within the City of Mesquite's Casa View Heights Neighborhood Sustainability Zone (CVH NSZ) and that the revitalization work within this zone has been ongoing since 2005.

Starting in 2005 the City of Mesquite has made revitalization of its building stock and older neighborhoods a top priority. To achieve this goal the City identified target neighborhoods for concentrated reinvestment, created a staff position for the sole purpose of neighborhood revitalization, worked with residents and property owners to identify local improvement strategies, conducted studies to verify information and plans and established revitalization district boundaries. To date the City of Mesquite has expended and/or obligated roughly \$14,325,709 within the Casa View Heights Neighborhood Sustainability Zone (CVH NSZ) to achieve the public's revitalization goals.

A key component in each step of the revitalization process – from the onset of the Addressing Mesquite Initiative to the adoption of the Casa View Heights Neighborhood Plan and the creation of the Casa View Heights Neighborhood Sustainability Zone (CVH NSZ) – was the desire to not only improve existing housing stock but also to create a wider range of affordable housing types. The Villas at Vanston Park stands to serve as the first major housing catalyst project to fulfill this need in the CVH NSZ. Moreover the design for Villas at Vanston Park will become the first mixed-use form-based building in the City. Together these factors have the potential to set a new development standard within the City of Mesquite and for all infill revitalization areas in the Dallas-Fort Worth Metroplex. To be able to provide affordable housing within an infill revitalization scenario like that of the CVH NSZ - and to do so with a high quality design that will create a walkable and accessible environment for all users – is unprecedented in Dallas-Fort Worth.

Planning & Zoning Division  
1515 N. Galloway Avenue • Mesquite, TX • 75149  
P.O. Box 850137 • Mesquite, TX • 75185-0137



Villas at Vanston Park has provided you a revised budget along with clarifying documentation on the validity of our revitalization efforts in the CVH NSZ. Please note that the revised budget of \$14,325,709 includes additional items that were previously assumed to be discounted per terms of the TDHCA application; or have been committed since the time of the original submission. Again all of the listed funds have been expended and/or obligated.

Originally, Section 3 of the Casa View Heights Neighborhood Plan Resolution (#15-2007) states "That the Casa View Heights Neighborhood Plan shall be used as the basis for allocating financial assistance, including but not limited to Community Development Block Grant funds, for neighborhood revitalization purposes." However the City of Mesquite continues to enlarge its efforts and sources of funds as other needs and opportunities present themselves.

The following documentation can be referenced to verify revitalization effort in the district:

- **Resolution #16-2005:** Established the Addressing Mesquite Initiative on May 16, 2005, that aimed to revitalize Mesquite's building stock and neighborhoods.
- **Resolution #15-2007:** Adopts the Casa View Heights Neighborhood Plan on April 2, 2007.
- **Ordinance #3910:** The Comprehensive Plan Amendment on November 5, 2007 identifying two Neighborhood Sustainability Zones, one which includes both the Casa View Heights Neighborhood and the entire North Gus Thomasson Corridor.
- **Ordinance #4021:** Expands the Casa View Heights Neighborhood boundaries on December 5, 2008, to include the entire North Gus Thomasson Corridor and establishes the Casa View Heights Neighborhood Sustainability Zone.
- **Ordinance #4022:** Creates the Gus Thomasson Corridor Revitalization Code on December 5, 2008. The ordinance ties the intent of the Code to the objectives of the CVH NSZ.
- **Resolution #33-2010:** On August 2, 2010 Council authorizes the City of Mesquite to enter into an agreement with the North Central Texas Council of Governments to receive \$3,000,000 in funds to make infrastructure improvements along the Gus Thomasson Corridor. The resolution reiterates the City's "[commitment] to the redevelopment of the Casa View Heights target neighborhood, including the Gus Thomasson Road commercial corridor, as manifested in the Casa View Heights Neighborhood Plan and North Gus Thomasson Corridor Revitalization Code."
- **Gus Thomasson Corridor Revitalization Code:** 1.1.1 of the Gus Thomasson Corridor Revitalization Code expressly links the document to the Casa View Heights Neighborhood Plan.
- **Casa View Heights Neighborhood Plan:** Neighborhood Land Use & Zoning Strategies outline the need to connect the neighborhood to the Gus Thomasson Corridor and the desire to improve the condition of the Corridor. The Plan also identifies the need for affordable housing per the recommendations of the Gus Thomasson Corridor Housing Study and identifies the Villas at Vanston Park as the key housing component for revitalization.
- **Gus Thomasson Corridor Housing Study (September 15, 2011):** Appendix A, Housing Stabilization Methods summarizes housing revitalization strategies, identifying a mix of housing types, the construction of new affordable housing, and the involvement of housing tax credit deals as major components to meet the area's affordable housing needs. For specific references, please see pages 48, 49, 51 and 52.

- **Mesquite Comprehensive Plan:** Outlines and identifies the location of Neighborhood Sustainability Zones. Specific references can be found on pages IV-6, IV-17, and IV-19.
- **The City of Mesquite's Community Development Block Grant (CDBG) Consolidated Plan 2010-2014:** As a recipient of CDBG funds, the Casa View Heights Neighborhood Sustainability Zone is subject to the objectives set forth by the CDBG Consolidated Plan. The Consolidated Plan outlines a rental gap in Mesquite's affordable housing (page 33), and defines decent housing and an affordable housing strategy as a key factor in revitalization (pages 27, 28, and 31)

We appreciate the opportunity to partner with Villas at Vanston Park LLC and TDHCA to achieve the revitalization goals of the Casa View Heights Neighborhood Sustainability Zone. Over the past seven to eight years we have been working with residents, property owners, elected officials and partnering governmental organizations to make a deep and lasting impact on the area. We are looking forward to including TDHCA as another partner in this initiative. Please contact us with any further questions.

Thank you,



Danielle Wonkovich  
Senior Neighborhood Planner  
dwonkovi@cityofmesquite.com  
972-329-8523

3b

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 13, 2013**

Presentation, Discussion, and Possible Action to Issue a list of Approved Applications for Housing Tax Credits (“HTC”) in accordance with §2306.6724(e) of the Texas Government Code

**RECOMMENDED ACTION**

**WHEREAS**, the Department must approve a list of approved competitive (9%) HTC applications each year by June 30, in accordance with §2306.6724(e) of the Texas Government Code, from which final commitments may be made prior to July 31, 2013, in accordance with §2306.6724(f); and

**WHEREAS**, not all applications on the approved list have completed the review process and not all will ultimately receive an award of housing tax credits; however this list will satisfy the statutory requirements;

**NOW, therefore, it is hereby**

**RESOLVED**, the attached list of active applications for the 2013 competitive HTC application round, modified to reflect prior actions relating to appeals on today’s agenda, is approved in accordance with §2306.6724(e) of the Texas Government Code, subject to meeting the requirements of the Qualified Allocation Plan and associated rules.

**BACKGROUND**

The Department’s Board is required by §2306.6724(e) of the Texas Government Code to “review the recommendations of department staff regarding applications and shall issue a list of approved applications each year in accordance with the qualified allocation plan not later than June 30.” Moreover, as required by §2306.6724(f) of the Texas Government Code, the Board “shall issue final commitments for allocations of housing tax credits each year in accordance with the qualified allocation plan not later than July 31.” At the Board meeting of July 25, 2013, the list presented to the Board will clearly identify those applications being recommended for a Commitment.

One-hundred thirty-three (133) competitive (9%) HTC applications were submitted prior to the application deadline of March 1, 2013. To date, five applications have been withdrawn or terminated, excluding those terminated but with appeal rights remaining. Of the 128 applications remaining, many have not been fully reviewed and may be determined to be ineligible at a later date, including several applications appealing a staff termination on today’s agenda.

**Not all of the 128 approved applications will be recommended for an award and receive a commitment of housing tax credits; this list today merely reflects the approval of**

**applications to participate in the pool of applications from which awarded applications may be selected.** Staff currently anticipates that there will only be funds sufficient to award approximately 65 new developments. This is approximately a 30% increase over the number of awards that have been typical in the recent annual competitive cycles, which is primarily the result of incentives for smaller scale developments, a reduction in the award maximum from \$2,000,000 to 1,500,000 for all non-At-Risk transactions, incentives to leverage other non-tax credit resources and the lack of forward commitments from the previous years.

The attached list includes the current score for each active application as well as relevant application information. Those applications that have received a final scoring notice are identified in the “Review Status” column with a “C,” indicating that a complete program review has been completed. Those applications that are currently under review are identified with a “UR” and those with an “N” have not been prioritized for review.

At this time, applications remain subject to underwriting, completion of any remaining program review, a complete review of any challenges that may have been filed by the challenge deadline of May 15, 2013, and a previous participation review. Further, the credit amount reflected on this list is the requested credit amount and may change to reflect a recommended credit amount and/or may have conditions placed on the allocation in July. In addition to applications that may be removed from the list for issues of financial feasibility, applications may also be removed from the list of approved applications as determinations are made on appeals.





Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (CRP / de-ductions)	(3) Development Cost/FI	(4) Senator/Rep letters	(5) QOP	(6) Other than OCP	Total Possible Score	Review Status	Notes regarding score adjustments, terminations, etc.*	Census Tract	Quartile of Median HH Income	Poverty Rate	
<b>Region 2 / Urban</b>																															
13246	The Reserves at Maplewood	S side of N Regent Dr, E of McNiel Ave	Wichita Falls	76308	Wichita	2	Urban				NC	36	0	36	General	\$571,912	Brett Johnson	Matt Gillam	96	10	12	10	4	132	C		48485012600	2nd Q	8.7%		
																<b>Total HTCs Requested</b>	<b>\$571,912</b>														
<b>Region 3 / Rural</b>																															
13115	Abbingdon Meadows	SWC of Hall Cemetery Rd & S Collins Freeway	Howe	75459	Grayson	3	Rural				NC	39	25	64	General	\$500,000	William J. Rea, Jr.	Sean Brady	118	10	12	10	4	154	C		48181001801	1st Q	11.3%		
13184	The Village at Forney Crossing	E side of FM 460, N of US Hwy 80	Forney	75126	Kaufman	3	Rural				NC	57	9	66	General	\$710,000	Stacy Kaplowitz	Mike Rodriguez	115	10	0	10	4	139	N		48257050201	1st Q	3.6%		
																<b>Total HTCs Requested</b>	<b>\$1,210,000</b>														
<b>Region 3 / Urban</b>																															
13152	KIRON at Aubrey	5700 Hwy 377 S	Aubrey	76227	Denton	3	Urban				NC	100	50	150	General	\$1,238,447	Thomas Huth	Dru Childre	113	10	12	10	4	149	C		48121020103	2nd Q	7.4%		
13240	Summit Place	SW Corner of Merit Dr & Hwy 635	Dallas	75251	Dallas	3	Urban				NC	75	23	98	General	\$1,487,000	Lisa Stephens	Mitchell Friedman	109	10	12	10	4	145	C		48113013200	1st Q	8.3%		
13124	Serenity Place Apartments	3124 Denley	Dallas	75216	Dallas	3	Urban	X			NC	45	0	45	Supp. Hsg.	\$451,191	Sherman Roberts	Will Henderson	108	10	12	10	4	144	UR	terminated per §10.204(9) - pending appeal	48113005700	4th Q	41.1%		
13214	Flora Street Lofts	2121 Flora	Dallas	75201	Dallas	3	Urban				NC	39	8	47	General	\$500,000	Graham Green	Ben Reavis	108	10	12	14	0	144	C		48113002100	1st Q	4.6%		
13259	The Millennium - McKinney	NEQ of McKinney Ranch Prky & Stacy Rd	McKinney	75070	Collin	3	Urban				NC	130	34	164	General	\$1,500,000	Brandon Bolin	Alan McDonald	108	10	12	10	4	144	C		48085030513	1st Q	12.3%		
13102	Reserve at McAlister	N of McAlister Rd & E of Hemphill St	Fort Worth	76028	Tarrant	3	Urban				NC	112	12	124	Elderly	\$1,238,974	Chris Applequist	Brian M. McGeady	107	10	12	10	4	143	C		48439111016	1st Q	1.9%		
13023	Patriot's Crossing (Ika Veteran's Place)	4623 S Lancaster Road	Dallas	75216	Dallas	3	Urban	X			NC	150	0	150	General	\$1,499,292	Yigal Lelah	Claire Palmer	106	10	12	10	4	142	UR		48113005700	4th Q	41.1%		
13058	Evergreen at Hebron Senior Community	2200 Block of Parker Road	Hebron	75010	Denton	3	Urban	X			NC	136	0	136	Elderly	\$1,500,000	Brad Forslund	Becky Villanueva	106	10	12	10	4	142	C		48121021625	1st Q	0.4%		
13145	Mariposa at Elk Drive	Appr 100 block Elk Dr, NWQ Elk Dr & SE John Jones Dr	Burleson	78676	Johnson	3	Urban				NC	117	63	180	Elderly	\$1,500,000	Stuart Shaw	Casey Bump	106	10	12	10	4	142	C		48251130215	1st Q	1.1%		
13044	Villas of Vanston Park	4540 Gus Thomasson Road	Mesquite	75150	Dallas	3	Urban				NC	113	47	160	General	\$1,500,000	Joseph Agumadu	Vanessa Hardy	106	10	12	14	0	142	N	CRP under review	48113018001	3rd Q	12.3%		
13140	Villas at Justin	18 acres off of FM 156 adjacent & S of Bishop Park	Justin	76247	Denton	3	Urban				NC	130	28	158	General	\$1,500,000	Keicia Boulaware	Donna Rickenbacker	111	-6	10	12	10	4	141	N	not eligible for CRP points	48121020308	2nd Q	5.4%	
13186	Desoto Senior Living	SW Corner of S Westmoreland Rd & W Belt Line Rd	Desoto	75115	Dallas	3	Urban				NC	120	12	132	Elderly	\$1,500,000	Dweepak P. Sulakhe	Jason Lain	104	10	12	10	4	140	N		48113016612	1st Q	1.7%		
13138	Mariposa at Woodbridge	Appr S of Intersection of McCreary Rd & W Kirby (aka FM 544) on McCreary Rd (East Side)	Wylie	75098	Collin	3	Urban				NC	120	60	180	General	\$1,500,000	Stuart Shaw	Casey Bump	106	10	12	10	0	138	N	scoring pending appeal	48085031317	1st Q	3.3%		
13091	Heritage Park Vista - Phase Two	8729 Ray White Rd	Fort Worth	76244	Tarrant	3	Urban				NC	80	5	85	Elderly	\$1,095,676	Theresa Allgeier	Robert G. Hoskins	99	8	12	14	0	133	N		48439113921	1st Q	7.8%		
13064	HomeTowne on Magnolia	NWC of US 380 & FM 1385	Savannah	76227	Denton	3	Urban				NC	117	45	162	General	\$1,500,000	Kenneth W. Fambro, II	Christina Schwartz	107	10	0	10	4	131	N		48121020105	2nd Q	7.6%		
13045	Evergreen at Murphy Senior Community	401 W FM 544	Murphy	75094	Collin	3	Urban	X			NC	132	0	132	Elderly	\$1,500,000	Brad Forslund	Becky Villanueva	106	10	0	10	4	130	N		48085031313	1st Q	3.0%		
13249	Old Town Plaza Apartments	Leonard St. & E Walters St	Lewisville	75057	Denton	3	Urban				NC	112	28	140	General	\$1,500,000	Dweepak P. Sulakhe	Jason Lain	102	10	0	10	4	126	N		48121021618	3rd Q	13.7%		
13090	Residences at Caruth Lake	1049 Williams St	Rockwall	75087	Rockwall	3	Urban	X			NC	57	3	60	General	\$998,472	Dan Allgeier	Monique Allen	104	10	-12	10	4	116	N		48397040200	1st Q	0.6%		
																<b>Total HTCs Requested</b>	<b>\$23,509,051</b>														
<b>Region 4 / Rural</b>																															
13114	Abbingdon Estates	Appr 250' S of Veterans Memorial Prky on Arnold Paul Rd	Canton	75103	Van Zandt	4	Rural				NC	40	40	80	General	\$500,000	William J. Rea, Jr.	Sean Brady	116	10	12	10	4	152	C		48467950600	1st Q	14.0%		
13173	Canton Village Homes	SW Intersection of IH-20 & Edgewood Rd (aka FM 859)	Canton	75103	Van Zandt	4	Rural				NC	65	15	80	General	\$619,000	Doak Brown	Leslie Holleman	116	10	12	10	4	152	C		48467950600	1st Q	14.0%		
13032	StoneLeaf at Eustace	320 FM 316	Eustace	75124	Henderson	4	Rural				NC	45	4	49	General	\$656,094	Victoria Sugrue	Ben Dempsey	114	10	12	10	4	150	C		48213950500	1st Q	12.1%		
13011	Villas at Henderson	W Fordall St	Henderson	75652	Rusk	4	Rural				NC	80	0	80	General	\$1,254,960	Jay Collins	Brenda Given	109	10	12	10	4	145	N		48401950800	2nd Q	12.7%		
13235	Pinecrest Park	Lots 6 & 7 off Whipporwill, Pinecrest Addition #1	Kilgore	75662	Gregg	4	Rural	X			NC	52	4	56	Elderly	\$747,187	Emanuel H. Glockzin, Jr.	Pixie Straconer	108	10	12	14	0	144	N		48183010600	1st Q	10.0%		
13073	Lakeland Villas	1390 CR 4628	Athens	75751	Henderson	4	Rural				NC	49	0	49	General	\$482,650	Jay Milam	Jack Jenks	114	10	0	14	0	138	N		48213950300	1st Q	11.9%		
																<b>Total HTCs Requested</b>	<b>\$4,259,891</b>														
<b>Region 4 / Urban</b>																															
13242	Saige Meadows	SEQ of Hwy 69 & Experimental Station Rd/James Fair Pkwy	Tyler	75706	Gregg	4	Urban				NC	82	10	92	General	\$1,163,876	Lisa Stephens	Michael Wohl	100	8	12	10	4	134	C		48423001601	4th Q	29.8%		
13037	The Preserve at the Crossing	SWQ of Three Lakes Pkwy & Crosswater Dr, TBD Crosswater Dr	Tyler	75703	Smith	4	Urban				NC	124	20	144	Elderly	\$1,409,847	Tracy Ambridge	Tamea Dula	88	10	0	10	4	112	N		48423001905	1st Q	6.1%		
																<b>Total HTCs Requested</b>	<b>\$2,573,723</b>														
<b>Region 5 / Rural</b>																															
13005	Tower Village	Tower Rd & Park St	Nacogdoches	75961	Nacogdoches	5	Rural				NC	36	0	36	General	\$805,000	Mark Musemehde	Ofelia Elizondo	100	-1	8	12	10	4	133	C	penalty per §11.9(f)(1)	48347951000	4th Q	34.9%	
13018	Hudson Providence	NWQ of Hwy 94 W of Hudson Heights	Hudson	75904	Angelina	5	Rural				NC	80	0	80	Elderly	\$871,803	Miranda Ashline	Tamea Dula	96	-1	10	12	10	4	131	C	penalty per §11.9(f)(1); scoring pending appeal	48005000301	1st Q	13.8%	
																<b>Total HTCs Requested</b>	<b>\$1,676,803</b>														

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (GPP / de-ductions)	(3) Development Cost/FI	(4) Senator/Rep letters	(5) QOP	(6) Other than OCP	Total Possible Score	Review Status	Notes regarding score adjustments, terminations, etc. *	Census Tract	Quartile of Median HH Income	Poverty Rate		
<b>Region 5 / Urban</b>																																
13203	Providence on Major	SWG of N Major Dr & Westfield, Appr 3900 N Major Dr	Beaumont	77713	Jefferson	5	Urban				NC	108	20	128	Elderly	\$1,245,259	Miranda Ashline	Tamea Dula	100	10	12	10	4	136	C		48245000307	1st Q	12.0%			
Estimated Amount Available to Allocate		\$842,885														Total HTCs Requested	\$1,245,259															
<b>Region 6 / Rural</b>																																
13053	Heritage Plaza	Flagship Blvd & Hwy 149 (Liberty St)	Montgomery	77356	Montgomery	6	Rural	X			NC	64	16	80	General	\$749,479	Chris Richardson	Jessica Bailey	117	10	12	10	4	153	C		48339694500	1st Q	9.3%			
13059	Timberbrook Village	11899 Old Montgomery Rd	Willis	77318	Montgomery	6	Rural				NC	62	18	80	General	\$750,000	David Mark Koogler	Keith Richards	113	10	12	10	4	149	N		48339694202	1st Q	2.8%			
13183	Newport Village	SWG of S Diamondhead Blvd & N Main St (FM 2100)	Crosby	77532	Harris	6	Rural				NC	80	0	80	General	\$750,000	Justin Hartz	Chris Dischinger	113	10	12	10	4	149	N		48201251902	1st Q	4.9%			
13254	Rice Senior Housing	862 acres Southwest from the corner of Loop 2765 & Hwy 71	El Campo	77437	Wharton	6	Rural	X			NC	52	4	56	Elderly	\$749,360	Emanuel H. Glockzin, Jr.	Pixie Straconer	102	10	12	14	0	138	N		48481740900	1st Q	13.3%			
Estimated Amount Available to Allocate		\$500,000														Total HTCs Requested	\$2,998,839															
<b>Region 6 / Urban</b>																																
13222	Gardens at Friendswood Lakes II	1423 W Parkwood Ave	Friendswood	77546	Galveston	6	Urban				NC	31	5	36	Elderly	\$500,000	Les Kilday	Phyllis Sefeldt	106	10	12	10	4	142	C		48167720400	1st Q	0.1%			
13113	Reserve at Arcola Senior Living	South of Hwy 6 & E of Darby Lane	Arcola	77583	Fort Bend	6	Urban				NC	112	12	124	Elderly	\$1,280,834	Chris Applequist	Brian M. McGeady	105	10	12	10	4	141	C		48157674501	1st Q	4.2%			
13026	The Huntington at Sienna Plantation	4200 block Trammel Fresno Road	Missouri City	77459	Fort Bend	6	Urban				NC	105	27	132	Elderly	\$1,300,000	Mark Musemeche	Ofelia Elizondo	104	10	12	10	4	140	C		48157674501	1st Q	4.2%			
13062	The Retreat at Westlock	W side of 24000 block of SH 249, just S of Westlock	Houston ETJ	77377	Harris	6	Urban				NC	99	41	140	Elderly	\$1,260,904	Marcelo Voller	Ann Duggin	103	10	12	10	4	139	UR		48201555502	1st Q	4.7%			
13042	The Cottages at South Acres	E side of the Appr 11300 block of Scott St	Houston	77047	Harris	6	Urban				NC	102	42	144	General	\$1,425,351	Marcy H. Voller	Ann Duggin	102	10	12	14	0	138	C		48201331500	4th Q	23.3%			
13110	El Dorado Green Apartments	Appr 240 W El Dorado Blvd	Houston	77546	Harris	6	Urban				NC	88	20	108	Elderly	\$1,424,000	Gary Brinkley	Donna Rickenbacker	105	10	12	10	0	137	C		48201350601	1st Q	1.6%			
13151	Lafayette Plaza	Appr NEC of Clarewood Dr & Bonhomme Rd	Houston	77036	Harris	6	Urban				NC	98	24	122	Elderly	\$1,439,550	William D. Henson	Cheryl L. Henson	102	8	12	10	4	136	UR		48201432802	4th Q	29.6%			
13144	Mariposa at Pecan Park	Approx the 3600 block of Canada 0.2 miles N of W Fairmont Pkwy	La Porte	77571	Harris	6	Urban				NC	120	60	180	Elderly	\$1,500,000	Stuart Shaw	Casey Bump	101	8	12	10	4	135	C		48201343000	2nd Q	11.5%			
13143	The Hamilton	1800 St Joseph Parkway	Houston	77003	Harris	6	Urban				NC	134	14	148	General	\$1,500,000	J. Steve Ford	Carrie Ford	98	-1	8	12	14	0	131	C	penalty per \$11,900(1)	48201100000	2nd Q	32.7%		
13223	Campanile at Jones Creek	1717 Fm 359	Richmond	77406	Fort Bend	6	Urban	X			NC	72	6	78	Elderly	\$890,000	Les Kilday	Phyllis Sefeldt	107	10	0	10	4	131	N		48157673400	1st Q	4.8%			
13117	Red Bluff Apartment Homes	NEC of Strawberry Rd & Genoa Red Bluff Rd	Houston	77034	Harris	6	Urban				NC	50	22	72	General	\$650,000	Adrian Iglesias	Rick J. Deyoe	107	10	0	10	4	131	N		48201324000	1st Q	6.8%			
13256	4320 Lofts	4320 Old Spanish Trail	Houston	77021	Harris	6	Urban				NC	81	15	96	General	\$1,000,000	Audrey Martin	Teresa Bowyer	102	10	0	10	4	126	N		48201313200	3rd Q	20.5%			
13077	KIRON at Spring	NW quadrant of Kuykendahl Rd & Louetta Rd	Spring	77379	Harris	6	Urban				NC	108	52	160	General	\$1,328,377	Thomas Huith	Dru Childre	108	10	-12	10	4	120	N		48201553801	1st Q	3.1%			
13052	Southfork Plantation	Southfork Parkway & County Rd 59	Manvel	77578	Brazoria	6	Urban	X			NC	94	23	117	Elderly	\$1,040,709	Chris Richardson	Jessica Bailey	108	10	-12	10	0	116	N		48039666002	1st Q	7.2%			
Estimated Amount Available to Allocate		\$9,384,969														Total HTCs Requested	\$16,539,725															
<b>Region 7 / Rural</b>																																
13022	Liberty Manor	US Hwy 29 W @ Bailey Lane	Liberty Hill	78642	Williamson	7	Rural				NC	70	4	74	Elderly	\$750,000	Ken Blankonship	Breck Kean	113	10	12	10	4	149	C		48491020202	1st Q	7.6%			
13201	The Trails at Carmel Creek	West of FM 685, S of Carl Stern Dr extension	Hutto	78634	Williamson	7	Rural				NC	50	11	61	Elderly	\$500,000	Janine Sisak	Teresa Bowyer	112	10	12	10	4	148	UR		48491020804	1st Q	6.3%			
13251	River Terrace	Home Depot Way & Hwy 304	Bastrop	78602	Bastrop	7	Rural				NC	35	13	48	General	\$500,000	Will Markel	Jim Markel	112	10	12	10	0	144	N		48021950300	2nd Q	9.1%			
13137	Mariposa at Ranch Road 12	Appr the 1440 Bk of RR 12 on E Side of Ranch Rd 12	Wimberley	78676	Hays	7	Rural				NC	40	40	80	Elderly	\$500,000	Stuart Shaw	Casey Bump	111	8	-12	10	4	121	N		48209101804	2nd Q	4.1%			
Estimated Amount Available to Allocate		\$500,000														Total HTCs Requested	\$2,250,000															
<b>Region 7 / Urban</b>																																
13112	Liberty Trails Townhomes	Appr 95 acres; NEC of Hwy 29 & Hwy 1869	Liberty Hill	78642	Williamson	7	Urban				NC	75	25	100	General	\$1,090,000	Jorge A. Aguirre	Donna Rickenbacker	109	10	12	10	4	145	C		48491020202	1st Q	7.6%			
13071	Windy Ridge Apartments	10910 Ranch Rd 620	Austin	78726	Travis	7	Urban				NC	120	0	120	General	\$1,080,918	Adrian Iglesias	Rick Deyoe	108	10	12	10	4	144	C		48453001765	1st Q	6.2%			
13108	Skyway Studios	2800 S Lamar Blvd	Austin	78704	Travis	7	Urban	X			NC	109	0	109	Supp. Hsg.	\$1,002,000	Walter Moreau	Jennifer Hicks	107	10	12	14	0	143	C		48453001901	2nd Q	4.7%			
13109	Homestead Apartments	3226 W Slaughter Lane	Austin	78748	Travis	7	Urban	X			NC	126	14	140	General	\$1,252,000	Walter Moreau	Jennifer Hicks	105	10	12	10	4	141	N		48453001746	2nd Q	5.2%			
13125	Songhai at West Gate	8700 Westgate Boulevard	Austin	78745	Travis	7	Urban				NC	140	6	146	General	\$1,220,000	Miguel Medallin	Cherno M. Njile	104	10	12	14	0	140	N		48453001729	2nd Q	6.3%			
13159	4800 Berkman	SWC of Berkman Dr & Barbara Jordan Blvd	Austin	78723	Travis	7	Urban				NC	140	30	170	General	\$1,500,000	Janine Sisak	Wayne Gerami	105	8	12	14	0	139	N	scoring pending appeal	48453000306	4th Q	19.1%			
13142	The Hills of Pflugerville	SWS of "to-be built" Colorado Sand Dr, N side of Pflugerville Pkwy	Pflugerville	78660	Travis	7	Urban				NC	117	0	117	Elderly	\$1,500,000	J. Steve Ford	Carrie Ford	105	10	12	10	0	137	N		48453001858	1st Q	2.1%			
Estimated Amount Available to Allocate		\$3,361,954														Total HTCs Requested	\$8,644,918															
<b>Region 8 / Rural</b>																																
13033	StoneLeaf at Fairfield	113 W Reunion St	Fairfield	75840	Freestone	8	Rural				NC	45	4	49	General	\$500,000	Victoria Sugrue	Ben Dempsey	116	10	12	10	4	152	C		48161000200	1st Q	8.1%			
13147	Eagles Crossing Apartments	1800 Block of Old Brandon Road	Hillsboro	76645	Hill	8	Rural				NC	38	10	48	General	\$470,493	Justin Zimmerman	Ben Mitchell	115	10	12	10	4	151	C		48217961100	1st Q	12.1%			
13250	Hidden Glen	NE of Intersection of Mary Ln & Vaness St	Salado	76571	Bell	8	Rural				NC	35	10	45	Elderly	\$500,000	Will Markel	Jim Markel	112	10	12	10	4	148	N		48027023403	1st Q	3.5%			
Estimated Amount Available to Allocate		\$543,735														Total HTCs Requested	\$1,470,493															
<b>Region 8 / Urban</b>																																
13118	Oak Ridge Apartments	W of 10th St & Nolan Ridge Dr	Nolanville	76559	Bell	8	Urban				NC	48	0	48	General	\$500,000	Chris Applequist	Brian M. McGeady	109	10	12	10	4	145	C		48027021800	1st Q	12.8%			

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (CRP / deductions)	(3) Development Cost/FT	(4) Senator/Rep letters	(5) OCP	(6) Other than OCP	Total Possible Score	Review Status	Notes regarding score adjustments, terminations, etc.*	Census Tract	Quartile of Median HH Income	Poverty Rate	
13187	Barron's Branch	N 9th St & Colcord Ave (Appr 1323 N 9th st)	Waco	76707	McLennan	8	Urban				NC	77	15	92	General	\$963,900 Lisa Stephens	David Deutch		105	-1	8	12	14	0	138	C	penalty per §11.9(f)(1); scoring pending appeal	48309001200	4th Q	58.1%	
13021	The Manor at Commerce Park Estimated Amount Available to Allocate	SWQ of Commerce St & Sparta Road \$1,541,431	Belton	76513	Bell	8	Urban				NC	80	8	88	Elderly	\$956,000 Ken Blankenship Total HTCs Requested \$2,419,900	Breck Kean		101		10	12	10	4	137	C		48027021700	1st Q	8.2%	
<b>Region 9 / Rural</b>																															
13167	Freedoms Path at Kerrville	3600 Block of Memorial Blvd	Kerrville	78028	Kerr	9	Rural		X	NC		49	0	49	Supp. Hsg.	\$717,000 Donald Paxton	Craig Taylor		116		10	12	10	4	152	UR		48265960100	2nd Q	6.9%	
13020	The Manor at Currey Creek	10 FM 474	Boerne	78006	Kondall	9	Rural			NC		70	4	74	Elderly	\$715,000 Ken Blankenship	Breck Kean		111		10	12	10	4	147	UR		48259970402	1st Q	1.2%	
13013	Ana's Cove Estimated Amount Available to Allocate	S Uvalde St to US 281 to E side of Sierra Blvd \$500,000	Pleasanton	78064	Atascosa	9	Rural			NC		36	0	36	General	\$625,288 Rene Sierra Total HTCs Requested \$2,057,288	Sylvia Romans		98	-4	10	12	10	2	128	C	penalty per §11.9(f)(1)	48013960100	3rd Q	13.2%	
<b>Region 9 / Urban</b>																															
13262	Paso Fino Apartment Homes	10729 Shaenfield Rd	San Antonio	78254	Bexar	9	Urban			NC		149	11	160	General	\$1,500,000 Manish Verma	Walter Martinez		109		10	12	10	4	145	C		48029181726	1st Q	5.3%	
13273	Richland Meadows Apartments	+/- 9.31 Acres on Richland Hills Dr	San Antonio	78251	Bexar	9	Urban			NC		140	0	140	General	\$1,324,827 Ezequiel P. Elizondo	Enrique Flores		108		10	12	10	4	144	C		48029171924	1st Q	2.1%	
13192	Shaenfield Apartments	10585 Shaenfield Rd	San Antonio	78254	Bexar	9	Urban		X	NC		105	39	144	General	\$1,405,470 Shaenfield Apartments Ltd.	Ben Amor		108		10	12	10	4	144	C		48029181726	1st Q	5.3%	
13193	Balcones Lofts	SC of Gentleman Rd & Hillcrest Dr	Balcones Heights	78201	Bexar	9	Urban		X	NC		50	34	84	General	\$711,849 Balcones Lofts Ltd.	Debra Guerrero		107		10	12	10	4	143	UR		48029180800	4th Q	31.1%	
13196	Emerald Village Estimated Amount Available to Allocate	NEC of NW Loop 1604 & Corporate Woods Dr \$3,991,607	San Antonio	78259	Bexar	9	Urban		X	NC		134	30	144	General	\$1,500,000 Emerald Village Ltd. Total HTCs Requested \$6,442,146	Lori Hall		112	-4	10	0	10	4	132	N	not eligible for CRP points	48029121906	1st Q	2.7%	
<b>Region 10 / Rural</b>																															
13273	Bailey Square Estimated Amount Available to Allocate	SEQ of N Valley St & E Bailey St \$500,000	Cuero	77954	DeWitt	10	Rural			NC		48	8	56	General	\$500,000 Audrey Martin Total HTCs Requested \$500,000	Teresa Bowyer		113		10	12	10	4	149	C		48123970300	2nd Q	12.6%	
<b>Region 10 / Urban</b>																															
13082	Woodland Creek Apartments Estimated Amount Available to Allocate	11641 Leopard St \$1,196,625	Corpus Christi	78410	Nueces	10	Urban		X	Recon		94	0	94	General	\$1,356,998 Gilbert M. Plette Total HTCs Requested \$1,356,998	Roger H. Canales		103		10	12	14	0	139	C		48355003601	1st Q	10.0%	
<b>Region 11 / Rural</b>																															
13046	La Esperanza Del Rio	W of FM 3167 & S of Eisenhower Rd	Rio Grande City ETJ	78582	Starr	11	Rural			NC		50	10	60	General	\$500,000 Sara Reidy	Linda S. Brown		118		10	12	10	4	154	C		48427950104	1st Q	17.0%	
13051	Royal Gardens	Eisenhower St (SW of Eisenhower St & Charco Blanco Rd)	Rio Grande City	78582	Starr	11	Rural		X	NC		80	0	80	General	\$586,271 Noorallah Jooma	Robert Wilson		117		10	12	10	4	153	N		48427950104	1st Q	17.0%	
13087	Villas del Rio	N Hwy 83 & 300' W of Hernandez Rd & Corrales Rd	Rio Grande City	78582	Starr	11	Rural			NC		50	30	80	General	\$860,000 Kyndiel Bennett	Matthew Long		117		10	12	10	4	153	UR		48427950104	1st Q	17.0%	
13154	Trosper Apartments Estimated Amount Available to Allocate	Niar 5 mile Rd & Trosper \$923,603	Alton	78573	Hidalgo	11	Rural			NC		80	0	80	General	\$1,138,000 Mike Lopez Total HTCs Requested \$3,084,271	Tim Smith		102		8	0	10	4	124	N		48215024113	3rd Q	41.3%	
<b>Region 11 / Urban</b>																															
13100	Villages of Penitas	10 acres out of Diamond Commercial Park Subdivision	Penitas	78576	Hidalgo	11	Urban			NC		116	12	128	General	\$1,383,000 Steve Lollis	Donna Rickenbacker		112		10	12	10	4	148	C		48215024203	2nd Q	17.0%	
13263	Sunland Apartments	19000 FM 508	Combes	78550	Cameron	11	Urban			NC		100	40	140	General	\$1,500,000 Mr. Sunny K. Philip	Michelle Grandt		115	-6	10	12	14	0	145	UR	not eligible for CRP points	48061010203	1st Q	25.0%	
13281	Sunquest Apartments	23850 Stuart Place Road	Primera	78552	Cameron	11	Urban		X	NC		100	28	128	General	\$1,400,000 Mr. Sunny K. Philip	Michelle Grandt		108		10	12	10	4	144	C		48061010302	1st Q	30.5%	
13081	River Bank Village	202 Aquero Boulevard	Laredo	78045	Webb	11	Urban			NC		114	38	152	General	\$1,225,000 Apolonio ("Nono") Flores	Doak Brown		109	-1	10	12	10	4	144	C	penalty per §11.9(f)(1); scoring pending appeal	48479001711	1st Q	11.7%	
13270	Bella Terra Apartments	+/- 10.5 acres at SEQ of Morrison Rd & Pablo Kisel Blvd	Brownsville	78526	Cameron	11	Urban			NC		120	0	120	General	\$1,420,889 Enrique Flores	Enrique Flores, IV		108		10	12	10	4	144	C		48061012612	1st Q	12.9%	
13275	Bella Vista Apartments	+/- 8.5 acres at SWQ of McColl Rd & Sprague St	Edinburg	78539	Hidalgo	11	Urban			NC		120	0	120	General	\$1,210,263 Enrique Flores	Enrique Flores, IV		107		10	12	10	4	143	N		48215023904	1st Q	12.3%	
13068	Mayorca Villas Estimated Amount Available to Allocate	8.75 acres W Marcelo Blvd at Jose Marti Blvd \$4,912,368	Brownsville	78575	Cameron	11	Urban			NC		48	72	120	General	\$500,000 Melissa Adami Total HTCs Requested \$8,639,152	Dewey Stevens		112		10	12	0	4	138	N		48061012613	1st Q	22.2%	
<b>Region 12 / Rural</b>																															
13180	Mission Village of Pecos	SEC of Texas St & W Washington St	Pecos	79772	Reeves	12	Rural			NC		49	11	60	General	\$500,000 Michael Ash	Marissa Downs		115		10	12	10	4	151	C		48389950400	1st Q	23.3%	
13211	Mustang Springs Apartments	NWC of Quail Ridge Dr & NE Mustang Dr	Andrews	79714	Andrews	12	Rural			NC		49	11	60	General	\$500,000 Michelle Den Bleyker	Joseph Ortega		115		10	12	10	4	151	N		48003950100	1st Q	16.9%	
13160	Sands Terrace Apartments Estimated Amount Available to Allocate	IH-20 Business Appr 3,000' E of S James Ave \$500,000	Monahans	79756	Ward	12	Rural			NC		38	10	48	General	\$453,000 Justin Zimmerman Total HTCs Requested \$1,453,000	Ben Mitchell		112		10	12	10	4	148	N		48475950200	2nd Q	9.1%	
<b>Region 12 / Urban</b>																															
13016	Westridge	5100 Bk of Graceland	Midland	79703	Midland	12	Urban		X	NC		84	12	96	Elderly	\$739,061 Granger MacDonald	Carrie Adams		94		10	12	10	4	130	C		48329001300	2nd Q	9.0%	
13043	Progress Senior Living	NEC of W Loop 338 & W 8th St	Odessa	79763	Ector	12	Urban		X	NC		80	0	80	Elderly	\$817,898 Bernadino Spears	Sharon Laurence		93		8	12	10	4	127	N		48135000100	3rd Q	22.4%	

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (GPP / deductions)	(3) Development Cost/FI	(4) Senator/Rep letters	(5) OCP	(6) Other than OCP	Total Possible Score	Review Status	Notes regarding score adjustments, terminations, etc. *	Census Tract	Quartile of Median HH Income	Poverty Rate				
13136	Concho Villas	2001 S Concho Dr	San Angelo	76904	Tom Green	12	Urban				NC	49	0	49	General	\$638,000 Jay Milam	Jack Jenks		89	10	0	10	4	113	N		48451001708	1st Q	2.2%					
Estimated Amount Available to Allocate		\$750,260															Total HTCs Requested	\$2,194,959																
<b>Region 13 / Rural</b>																																		
13131	Montana Vista Palms	Off of Montana Ave at Peggy Hopkins & Oshea Dr	El Paso	79938	El Paso	13	Rural				NC	48	0	48	General	\$474,000 R.L. "Bobby" Bowling, IV	Demetrio Jimenez		95	10	12	10	4	131	C		48141010340	1st Q	14.1%					
13132	San Elizario Palms II	A parcel directly behind 13850 Socorro Rd	San Elizario	79849	El Paso	13	Rural				NC	48	0	48	General	\$415,000 R.L. "Bobby" Bowling, IV	Demetrio Jimenez		87	10	12	10	4	123	N		48141010501	4th Q	57.5%					
13096	Laureles del Este	SWG Fabens St & Citizen Transfer Station Rd	Fabens	79838	El Paso	13	Rural				NC	42	0	42	General	\$460,396 Ike J. Monty	María Espinoza		85	10	12	10	4	121	N		48141010505	4th Q	42.4%					
Estimated Amount Available to Allocate		\$500,000															Total HTCs Requested	\$1,349,396																
<b>Region 13 / Urban</b>																																		
13133	Verde Palms	Btwn Joe Battle & Pine Springs Dr on Loma Verde Dr	El Paso	79936	El Paso	13	Urban				NC	100	52	152	General	\$1,254,000 R.L. "Bobby" Bowling, IV	Demetrio Jimenez		103	10	12	10	4	139	UR		48141010338	1st Q	6.5%					
13130	North Desert Palms	11001 Dyer St	El Paso	79934	El Paso	13	Urban				NC	100	52	152	General	\$1,254,000 R.L. "Bobby" Bowling, IV	Demetrio Jimenez		100	10	12	10	4	136	C		48141010207	2nd Q	10.2%					
13099	Villas at West Mountain	NWQ Helen of Troy & New Harvest (Ika Export)	El Paso	79912	El Paso	13	Urban				NC	76	0	76	General	\$813,434 Ike J. Monty	María Espinoza		100	10	12	10	4	136	C		48141010215	1st Q	9.8%					
13098	Meadow Heights	11620 Pellicano	El Paso	79936	El Paso	13	Urban				NC	50	0	50	General	\$500,000 Ike J. Monty	María Espinoza		100	10	12	10	2	134	C		48141004309	1st Q	12.5%					
13097	Eastpointe Estates	NEQ Zaragoza & Pebble Hills	El Paso	79938	El Paso	13	Urban				NC	104	0	104	General	\$1,135,364 Ike J. Monty	María Espinoza		97	10	12	10	4	133	UR		48141010341	2nd Q	18.9%					
13166	Artspace El Paso Lofts	601 N Oregon St	El Paso	79901	El Paso	13	Urban				NC	51	0	51	General	\$1,077,426 Sarah White	Cathryn Vandenberg		105	0	12	14	0	131	UR		48141001600	4th Q	46.3%					
Estimated Amount Available to Allocate		\$2,399,822															Total HTCs Requested	\$6,034,224																
<b>TOTALS</b>																																		
Total Estimated 2013 HTC Ceiling		\$58,824,435	Total Applications Received										128	Total HTCs Requested										\$118,557,172										

\* The notes included herein are abbreviated in form and are intended to convey the summary result of an Applicant's or Staff's actions related to a pre-application or application. Applicants are advised not to rely solely on the notes section for a complete understanding of the circumstances for which the notes relate.