

**SUPPLEMENTAL BOARD BOOK  
OF  
October 14, 2021**



**Leo Vasquez III, Chair**  
**Paul Braden, Vice-Chair**  
**Sharon Thomason, Member**  
**Ajay Thomas, Member**  
**Brandon Batch, Member**  
**Kenny Marchant, Member**

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

**A G E N D A  
9:00 AM  
October 14, 2021**

**John H. Regan Building, JHR 140  
1400 Congress Ave  
Austin, Texas 78701**

**CALL TO ORDER**

**ROLL CALL**

**Leo Vasquez, Chair**

**CERTIFICATION OF QUORUM**

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

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

**CONSENT AGENDA**

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

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

**EXECUTIVE**

- a) Presentation, discussion, and possible action on Board meeting minutes summary for September 2, 2021

**Beau Eccles**  
Board  
Secretary

**ASSET MANAGEMENT**

- b) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement

**Rosalio Banuelos**  
Director of Asset  
Management

01144	Autumn Oaks of Corinth	Corinth
02008	Prairie Commons	Dallas
03066	Anson Park	Abilene
03190	Westview Ranch	Pearsall
04241	Anson Park II	Abilene
98174	Lodge at Merriltown	Austin
99005	Homes of Parker Commons	Fort Worth
99059	The Retreat at Texas City	Texas City

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

- c) Presentation, discussion, and possible action regarding a Material Amendment to the Land Use Restriction Agreement

534339 Southwest Village Apartments Marble Falls

- d) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application

20192 Arbor Park Austin  
20205 Ella Grand Houston  
20451 Crossroad Commons Austin

- e) Presentation, discussion, and possible action regarding a waiver of §10.101(b)(4)(M) of the 2016 Uniform Multifamily Rules

16373 Avondale Farms Seniors Haslet

**BOND FINANCE**

- f) Presentation, discussion, and possible action on Resolution No. 22-003 authorizing request to the Texas Bond Review Board for annual waiver of Single Family Mortgage Revenue Bond set-aside requirements, authorizing the execution of documents and instruments relating thereto, making certain findings and determinations in connection therewith, and containing other provisions relating to the subject
- g) Presentation, discussion, and possible action on Inducement Resolution No. 22-004 for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority

**Monica Galuski**  
Director of Bond  
Finance

**Teresa Morales**  
Director of  
Multifamily Bonds

21628 The Preserve at Cottonwood Creek Wilmer  
21629 Union Acres Center  
21630 Palladium Glenn Heights Town Center Glenn Heights  
22600 Harvest Ridge at Brushy Creek Hutto  
22601 Torrington Arcadia Trails Balch Springs  
22603 Marine Park Fort Worth  
22604 Socorro Village Socorro

- h) Presentation, discussion, and possible action on Inducement Resolution No. 22-005 for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority

21608 Fiji Lofts Dallas  
21609 Throckmorton Villas McKinney

- i) Presentation, discussion, and possible action on Inducement Resolution No. 22-006 for Multifamily Housing Revenue Bonds Regarding Authorization for Filing an Application for Private Activity Bond Authority for Delafield Villas (#21610)

**SINGLE FAMILY & HOMELESS PROGRAMS**

- j) Presentation, discussion, and possible action authorizing the submission of requests to remove property from the Neighborhood Stabilization Program land bank
- k) Presentation, discussion, and possible action regarding a waiver of 10 TAC §23.31(a)(2)(c) relating to submission of a Reservation to assist owners of unoccupied housing under the Homeowner Reconstruction Assistance Program

**Abigail Versyp**  
Director of Single Family  
and Homeless Programs

**RULES**

- l) Presentation, discussion, and possible action on an order proposing the amendment of 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.3, Sick Leave Pool; and an order directing its publication for public comment in the Texas Register
- m) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.801, Project Access Initiative; proposing new 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.801, Project Access Initiative; and directing their publication for public comment in the Texas Register

**Brooke Boston**  
Deputy Director of  
Programs

**MULTIFAMILY FINANCE**

- n) Presentation, discussion, and possible action regarding the issuance of a Determination Notice for 4% Housing Tax Credits for K Avenue Lofts (#21454) in Plano

**Teresa Morales**  
Director of  
Multifamily Bonds

**COMMUNITY AFFAIRS**

- o) Presentation, discussion, and possible action on the selection of Community Council of South Central Texas, Inc. to administer the Weatherization Assistance Program in Brewster, Crane, Culberson, Hudspeth, Jeff Davis, Pecos, Presidio, and Terrell counties

**Michael De Young**  
Director of  
Community Affairs

**FINANCIAL ADMINISTRATION**

- p) Presentation, discussion, and possible action to adopt a resolution regarding designating signature authority and superseding previous resolutions

**Joe Guevara**  
Director of  
Financial Administration

**CONSENT AGENDA REPORT ITEMS**

**ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:**

- a) Media Analysis and Outreach Report (August 2021)
- b) Report on Activities Related to the Department’s Response to COVID-19 Pandemic
- c) Housing Finance Activity Report
- d) Report on the closing of the Department’s Single Family Mortgage Revenue Bonds, Series 2021A and Single Family Mortgage Revenue Refunding Bonds, Series 2021B (Taxable)

**Michael Lyttle**  
Director of  
External Affairs  
**Brooke Boston**  
Deputy Director  
of Programs  
**Cathy Gutierrez**  
Director of Texas  
Homeownership  
**Michelle Straley**  
Senior Financial Analyst

**ACTION ITEMS**

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

**Leo Vasquez**  
Chair

**ITEM 3: EXECUTIVE**

Executive Director’s Report

**Bobby Wilkinson**  
Executive Director, TDHCA

**ITEM 4: BOND FINANCE**

Presentation, discussion, and possible action regarding the Issuance of Multifamily Housing Revenue Bonds (The Park at Kirkstall) Series 2021 Resolution No. 22-007, and a Determination Notice of Housing Tax Credits

**Teresa Morales**  
Director of  
Multifamily Bonds

**ITEM 5: SINGLE FAMILY & HOMELESS PROGRAMS**

- a) Presentation, discussion, and possible action regarding a waiver of 10 TAC §23.32(a)(19) relating to submission of Reservations to assist owners of housing under the disaster relief set-aside
- b) Presentation, discussion, and possible action to authorize the issuance of the 2022 HOME Investment Partnerships Program Single Family General Set-Aside Notice of Funding Availability and publication of the NOFA in the Texas Register

**Abigail Versyp**  
Director of Single Family  
and Homeless Programs

**Chad Landry**  
Manager of  
HOME Program

- c) Presentation, discussion, and possible action to authorize the issuance of the 2022 HOME Investment Partnerships Program Single Family Persons with Disabilities Set-Aside Notice of Funding Availability and publication of the NOFA in the Texas Register
- d) Presentation, discussion, and possible action to authorize the issuance of the 2022 HOME Investment Partnerships Program Single Family Contract for Deed Set-Aside Notice of Funding Availability and publication of the NOFA in the Texas Register

**ITEM 6: RULES**

- a) Presentation, discussion, and possible action on the proposed repeal of 10 TAC Chapter 13, Multifamily Direct Loan Rule, the proposed new 10 TAC Chapter 13, Multifamily Direct Loan Rule, and directing their publication for public comment in the Texas Register
- b) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 10 Subchapter E, Post Award and Asset Management Requirements, and an order proposing new 10 TAC Chapter 10 Subchapter E, Post Award and Asset Management Requirements, and directing their publication for public comment in the Texas Register

**Charlotte Flickinger**  
Multifamily Direct  
Loan Manager

**Rosalio Banuelos**  
Director of Asset  
Management

**ITEM 7: MULTIFAMILY FINANCE**

- a) Presentation, discussion, and possible action to amend the 2021-3 Multifamily Direct Loan Notice of Funding Availability
- b) Presentation, discussion, and possible action regarding awards from the Multifamily Direct Loan (MFDL) 2021-3 Notice of Funding Availability (NOFA), as amended
- c) Presentation, discussion and possible action on requests for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events for Applications Awarded Competitive (9%) Housing Tax Credits in Prior Application Rounds

**Charlotte Flickinger**  
Multifamily Direct  
Loan Manager

**Cody Campbell**  
Director of Multifamily  
Programs

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

**EXECUTIVE SESSION**

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

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

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

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

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

**OPEN SESSION**

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

**ADJOURN**

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

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Nancy Dennis, at 512-475-3959 or Relay Texas at 1-800-735-2989, at least five days before the meeting so that appropriate arrangements can be made. Non-English speaking individuals who require interpreters for this meeting should contact Kathleen Vale Castillo, 512-475-4144, at least five days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Kathleen Vale Castillo, al siguiente número 512-475-4144 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

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**BOARD ACTION REQUEST**

**SINGLE FAMILY AND HOMELESS PROGRAMS DIVISION**

**OCTOBER 14, 2021**

Presentation, discussion, and possible action authorizing the submission of requests to remove property from the Neighborhood Stabilization Program land bank

**RECOMMENDED ACTION**

**WHEREAS**, the Texas Department of Housing and Community Affairs (the Department or TDHCA) entered into a Neighborhood Stabilization Program 1 (NSP1) contract with Texas State Affordable Housing Corporation (TSAHC) on September 1, 2009, for the creation of a land bank to acquire, hold, maintain and ultimately transfer into final eligible use 281 foreclosed homes or residential properties in Angelina, Bastrop, Brazos, Cameron, Dallas, Hidalgo, McLennan, Nacogdoches, Tarrant, and Travis counties by August 31, 2019;

**WHEREAS**, TSAHC and the Department mutually terminated their agreement on August 31, 2021, and transferred the undeveloped land bank properties in Brazos county to Brazos Valley Affordable Housing Corporation (BVAHC), a local nonprofit entity with previous experience developing affordable housing in the subdivision where the NSP land bank properties are located as a developer under the TSAHC contract;

**WHEREAS**, staff has consulted with BVAHC regarding additional federal requirements that they would be subject to under a new agreement with TDHCA, which make pursuing continued activity on these lots with NSP funds untenable; and

**WHEREAS**, each of the properties included in the transfer to BVAHC has already met a national objective for acquisition, and was acquired for less than \$25,000 per lot, which qualifies them as eligible for removal from the NSP with no further activity required on the lots and without repayment to the US Department of Housing and Urban Development (HUD) or the NSP account;

**NOW, therefore, it is hereby**

**RESOLVED**, that the Executive Director or his designee are hereby authorized, empowered, and directed, for and on behalf of this Board, to submit a request to HUD to remove the remaining NSP land bank properties in Brazos County, and proceed with such removal if approved by HUD; and

**FURTHER RESOLVED**, that the Executive Director or his designee are hereby



authorized, empowered and directed to, for and on behalf of this Board, to submit any future request to HUD for removal of properties from the NSP, if such removal will effectuate more prompt closure of the NSP grant, and if no repayment to HUD or the NSP account will be required as a result of the request.

### **BACKGROUND**

The Neighborhood Stabilization Program (NSP) is a HUD-funded program authorized by H.R. 3221, the Housing and Economic Recovery Act (HERA) of 2008, as a supplemental allocation to the Community Development Block Grant (CDBG) Program through an amendment to the existing State of Texas 2008 CDBG Action Plan. The purpose of the program is to redevelop, or acquire and hold, abandoned and foreclosed properties in areas with declining property values resulting from excessive foreclosures.

In the fall of 2019, TDHCA received on-site technical assistance from Enterprise Community Partners, who provided the technical assistance to TDHCA at the request of HUD, to provide specific recommendations related to the NSP land bank, and to facilitate closure of the NSP grant. Included in the recommendations was a process to dispose of property in the land bank within a reasonable time frame, and to consider a reasonable timeframe for development. One option outlined in the technical assistance recommendation is to allow subrecipients to retain lots that met the national objective for acquisition, but that have not yet entered into their final eligible use. This is a potential option for all lots in the current land bank portfolio, as each lot meets the criteria.

TDHCA has requested permission from HUD to remove various lots from the NSP in the City of Port Arthur and in Dallas County; this request has been approved. At this time, staff recommends that the Department submit a request to HUD for removal of property that was included in the land bank formerly operated by the Texas State Affordable Housing Corporation (TSAHC), and was transferred to the Brazos Valley Affordable Housing Corporation (BVAHC).

BVAHC has acted as the developer for the neighborhood where the lots are located through a development partnership with TSAHC. When TSAHC entered into their agreement with TDHCA, some federal requirements did not apply, including those that require a certain percentage of units be constructed in accordance with requirements of the Americans with Disabilities Act. Since the TSAHC agreement with TDHCA was signed prior to the imposition of these requirements on new development of single family housing, this requirement was not incorporated into these restrictions for prior NSP activities in the subdivision. Additionally, BVAHC has expressed concern about the income targeting requirements of the NSP, and their ability to find financing for households at or below 50% AMFI. While TDHCA is confident that BVAHC could meet these requirements, they may prove an impediment to the timely redevelopment of the remaining lots in the subdivision; since removing the lots from the NSP while allowing BVAHC to retain the lots for development and sale in accordance with their mission of provision of affordable housing, staff recommends submission of a request to HUD to remove these properties from the NSP, and to allow BVAHC to retain the lots with no repayment required so that they may be redeveloped and sold in accordance with their mission.

Additionally, staff recommends that the Executive Director, or his designee, be authorized to approve submission of future requests to remove property from the NSP, so long as the removal would not result in repayment to HUD or to the NSP account.

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**BOARD ACTION REQUEST**

**SINGLE FAMILY AND HOMELESS PROGRAMS DIVISION**

**OCTOBER 14, 2021**

Presentation, discussion, and possible action regarding a waiver of 10 TAC §23.32(a)(19) relating to submission of Reservations to assist owners of housing under the disaster relief set-aside

**RECOMMENDED ACTION**

**WHEREAS**, a disaster proclamation was issued on August 23, 2017, for Jefferson County, as a result of Hurricane Harvey;

**WHEREAS**, the Texas Department of Community Affairs (the Department) was granted a waiver by the Office of the Governor in response to this disaster that permitted HOME funds to be committed in HOME Participating Jurisdictions in response to this disaster notwithstanding the language in Tex. Gov't Code §2306.111(c)(1);

**WHEREAS**, the Department entered into a Reservation System Participation Agreement with the City of Port Arthur, a HOME Participating Jurisdiction, to provide Homeowner Reconstruction Assistance (HRA) under the disaster relief set-aside on April 2, 2019;

**WHEREAS**, as of November 26, 2020, new HOME Single Family Rules require that Reservations for projects proposing to assist households under the disaster relief set-aside be submitted not more than four years after the date that the disaster occurred;

**WHEREAS**, the City of Port Arthur was notified by the Department of the deadline on December 17, 2020, and submitted four Reservations prior to the deadline which were reviewed and subsequently disapproved in accordance with 10 TAC §23.28(a)(12);

**WHEREAS**, the City of Port Arthur resubmitted the same four Reservations under the disaster relief set-aside on August 31, 2021, more than four years from the date of the disaster declaration;

**WHEREAS**, on March 13, 2020, a separate disaster proclamation was issued in response to the COVID-19 pandemic for all Texas counties, and under that disaster proclamation the Governor granted a waiver that permits HOME funds to be committed in HOME Participating Jurisdictions, therefore a disaster declaration continues to be in effect and applicable for the four households; **WHEREAS**; the

City of Port Arthur has requested a waiver to 10 TAC §23.32(a)(19); and

**WHEREAS**, staff believes there is good cause to grant this waiver to ensure the four households obtain the assistance needed;

**NOW, therefore, it is hereby**

**RESOLVED**, that a waiver of 10 TAC §23.32(a)(19) as discussed herein for the City of Port Arthur is granted.

### **BACKGROUND**

On August 23, 2017, the Governor issued a disaster proclamation for multiple Texas counties, including Jefferson County, to initiate disaster response and recovery efforts for those impacted by Hurricane Harvey. In order to respond to the needs of Texans impacted by Hurricane Harvey, the Department requested and was granted a waiver of Tex. Gov't Code §2306.111(c)(1), which allowed TDHCA HOME funds to be utilized to assist households impacted by the disaster under the disaster set-aside within HOME Participating Jurisdictions, which includes the City of Port Arthur.

The City of Port Arthur entered into a HOME Reservation System Participation (RSP) Agreement with TDHCA on April 2, 2019, to provide Homeowner Reconstruction Assistance (HRA) to households impacted by Hurricane Harvey. Under the RSP Agreement, which extends until April 1, 2022, the City of Port Arthur would also be eligible to submit Reservations to assist those impacted by future disasters if the provisions of Tex. Gov't Code §2306.111(c)(1) are waived for those disasters as well. Participation in the Reservation System, or entering into an RSP Agreement, is not a guarantee of funding availability.

On December 17, 2020, staff reached out to the City of Port Arthur to alert them of the potential expiration of the waiver authority for Tex. Gov't Code §2306.111(c)(1), and also provided guidance in writing that all activities under the disaster set-aside must be submitted within four years of the date of the disaster. This communication is included as Attachment A.

On January 7-8, 2021, the City of Port Arthur submitted four activities under the disaster set-aside. These submissions were initiated after the effective date of the HOME Single Family Rules adopted to be effective on November 26, 2020, and these activities were reviewed in accordance with this iteration of the HOME Single Family Rules. Each of these activities was reviewed, and deficiency notices were issued. TDHCA staff worked with the City of Port Arthur to resolve these deficiencies over the next months, but ultimately, on August 10-13, 2021, each activity was disapproved as required documentation to cure the deficiencies was not submitted by the City. Each notice of disapproval, Attachment B to this item, included instructions for the process to appeal staff decision related to the disapproval; no such appeal was received. In accordance with 10 TAC §23.28(a)(12), a disapproved request is not considered a Reservation of Funds, and any resubmission is considered a new Reservation of Funds.

On August 31, 2021, each of these four activities were submitted again by the City as a new Reservation of Funds. As this date exceeds four years from the date of the disaster, staff disapproved these

Reservations in accordance with the rule. Staff contacted the City of Port Arthur prior to the disapproval to explain why the requests would be disapproved, and the City of Port Arthur staff indicated that the city would likely submit a request to waive the regulation relating to the deadline for submission of an activity under the disaster set-aside.

On September 16, 2021, the City of Port Arthur requested a waiver of 10 TAC §23.31(a)(2)(C), but this provision is related to unoccupied housing. Staff understands the request to actually be a request to waive 10 TAC §23.32(a)(19), relating to the four-year limitation, and this Board item presents this as a waiver to this regulation; no waiver of 10 TAC §23.31(a)(2)(C) would be required. The request is included as Attachment C to this item.

While the Department is no longer operating under a Gubernatorial suspension/waiver for Harvey related disasters for Section 2306.111(c)(1) of the Tex. Gov't Code, on March 13, 2020, a separate disaster proclamation was issued in response to the COVID-19 pandemic for all Texas counties. Under that disaster proclamation the Governor granted a suspension/waiver that permits HOME funds to be committed in HOME Participating Jurisdictions as it had for Harvey related disasters. Therefore a disaster declaration continues to be in effect and applicable for the four households.

As to the 10 TAC §23.32(a)(19) requirement that “evidence that the housing unit occupied by the eligible Household was damaged as a direct result of a federal, state, or locally declared disaster that occurred less than four years prior to the submission of the Activity,” the Board may waive the four year requirement for “good cause” under 10 TAC 23.1(a):

. . . The Governing Board may waive rules subject to this Chapter for good cause to meet the purpose of the HOME Program as described further in subsection (b) of this section, provided the waiver does not conflict with the federal regulations governing the use of these funds, or impact federally imposed obligation or expenditure deadlines governing the HOME Program.

Based on the disaster suspension/waiver of Tex. Gov't Code §2306.111(c)(1) currently in effect, good cause having been demonstrated to staff for the waiver of the four year limit under 10 TAC §23.32(a)(19), and the need to continue to assist the four affected households, staff recommends that the Board grant this waiver request.

**From:** [Abigail Versyp](#)  
**To:** ["Beverly Freeman"](#)  
**Cc:** [Chad Landry](#); [Pamela Langford](#); [Meredith Hudson](#); [Deborah Freeman](#)  
**Subject:** RE: [NON-CoPA] RE: [NON-CoPA] RE: [NON-CoPA] RE: Duplication of Benefits  
**Date:** Thursday, December 17, 2020 10:43:00 AM  
**Attachments:** [image001.png](#)

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Yes, there is a limit on the number of submissions at any given time, but the limit is 5, not four. I would recommend working through these as quickly as possible since the waiver can expire. There is also limited funding in the Disaster set-aside, so that may be an issue. Right now, there is about \$612K, which will be enough for these 4, but there may not be more.

Please note that the HOME Rules in effect require that all activities under the Disaster set-aside be submitted not later than 4 years after the disaster date, so there is a deadline coming up soon regardless of the statutory waiver.

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**From:** Beverly Freeman <[beverly.freeman@portarthurtx.gov](mailto:beverly.freeman@portarthurtx.gov)>  
**Sent:** Thursday, December 17, 2020 10:37 AM  
**To:** Abigail Versyp <[abigail.versyp@tdhca.state.tx.us](mailto:abigail.versyp@tdhca.state.tx.us)>  
**Cc:** Chad Landry <[chad.landry@tdhca.state.tx.us](mailto:chad.landry@tdhca.state.tx.us)>; Pamela Langford <[pamela.langford@portarthurtx.gov](mailto:pamela.langford@portarthurtx.gov)>; Meredith Hudson <[meredith.hudson@tdhca.state.tx.us](mailto:meredith.hudson@tdhca.state.tx.us)>; Deborah Freeman <[deborah.freeman@portarthurtx.gov](mailto:deborah.freeman@portarthurtx.gov)>  
**Subject:** Re: [NON-CoPA] RE: [NON-CoPA] RE: [NON-CoPA] RE: Duplication of Benefits

Awesome!!! Thank you so much!!!

The applicants in the HCS are the only 4 so far. We have an additional 4 that will be submitted after you approve these. We were told that you will only review 4 at a time.

In addition, we will get these submitted for your approval asap!!

Thanks again,  
Beverly Freeman  
(409) 549-0773  
(409) 983-8283

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**From:** Abigail Versyp <[abigail.versyp@tdhca.state.tx.us](mailto:abigail.versyp@tdhca.state.tx.us)>  
**Sent:** Thursday, December 17, 2020 10:19 AM  
**To:** Beverly Freeman <[beverly.freeman@portarthurtx.gov](mailto:beverly.freeman@portarthurtx.gov)>  
**Cc:** Chad Landry <[chad.landry@tdhca.state.tx.us](mailto:chad.landry@tdhca.state.tx.us)>; Pamela Langford <[pamela.langford@portarthurtx.gov](mailto:pamela.langford@portarthurtx.gov)>; Meredith Hudson <[meredith.hudson@tdhca.state.tx.us](mailto:meredith.hudson@tdhca.state.tx.us)>; Deborah Freeman <[deborah.freeman@portarthurtx.gov](mailto:deborah.freeman@portarthurtx.gov)>  
**Subject:** [NON-CoPA] RE: [NON-CoPA] RE: [NON-CoPA] RE: Duplication of Benefits

Hi, Beverly, great news. I just consulted with executive leadership at TDHCA, and they said to carry forward with these activities. Are there any additional activities that you have been working on that we are not aware of?

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**From:** Beverly Freeman <[beverly.freeman@portarthurtx.gov](mailto:beverly.freeman@portarthurtx.gov)>  
**Sent:** Thursday, December 17, 2020 9:53 AM  
**To:** Abigail Versyp <[abigail.versyp@tdhca.state.tx.us](mailto:abigail.versyp@tdhca.state.tx.us)>  
**Cc:** Chad Landry <[chad.landry@tdhca.state.tx.us](mailto:chad.landry@tdhca.state.tx.us)>; Pamela Langford <[pamela.langford@portarthurtx.gov](mailto:pamela.langford@portarthurtx.gov)>; Meredith Hudson <[meredith.hudson@tdhca.state.tx.us](mailto:meredith.hudson@tdhca.state.tx.us)>; Deborah Freeman <[deborah.freeman@portarthurtx.gov](mailto:deborah.freeman@portarthurtx.gov)>  
**Subject:** Re: [NON-CoPA] RE: [NON-CoPA] RE: Duplication of Benefits

I will work on the scheduling of the meeting and get back with you.

Beverly Freeman

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**From:** Abigail Versyp <[abigail.versyp@tdhca.state.tx.us](mailto:abigail.versyp@tdhca.state.tx.us)>  
**Sent:** Thursday, December 17, 2020 9:35 AM  
**To:** Beverly Freeman <[beverly.freeman@portarthurtx.gov](mailto:beverly.freeman@portarthurtx.gov)>  
**Cc:** Chad Landry <[chad.landry@tdhca.state.tx.us](mailto:chad.landry@tdhca.state.tx.us)>; Pamela Langford <[pamela.langford@portarthurtx.gov](mailto:pamela.langford@portarthurtx.gov)>; Meredith Hudson <[meredith.hudson@tdhca.state.tx.us](mailto:meredith.hudson@tdhca.state.tx.us)>; Deborah Freeman <[deborah.freeman@portarthurtx.gov](mailto:deborah.freeman@portarthurtx.gov)>  
**Subject:** [NON-CoPA] RE: [NON-CoPA] RE: Duplication of Benefits

I have reviewed the contract and do see 4 "Pending" activities; however, they were never submitted to TDCHA for review.

## CONTRACT ACTIVITY

	Activity#	Household Name	Address	City/Colonia	Activity Status	Attachments
<a href="#">Delete</a>	<a href="#">Unassigned</a>	Carolyn Francis	1001 W. 6th St.	Port Arthur	Pending	<a href="#">[3]</a>
<a href="#">Delete</a>	<a href="#">Unassigned</a>	Thomas Trevino	1013 Neches Ave.	Port Arthur	Pending	<a href="#">[3]</a>
<a href="#">Delete</a>	<a href="#">Unassigned</a>	Thuy B. Dang	3847 32nd St.	Port Arthur	Pending	<a href="#">[3]</a>
<a href="#">Delete</a>	<a href="#">Unassigned</a>	Eloise Shankle	1737 Stilwell Blvd.	Port Arthur	Pending	<a href="#">[4]</a>

[Add Contract Activity](#) [City / Colonia](#)

**From:** Beverly Freeman <[beverly.freeman@portarthurtx.gov](mailto:beverly.freeman@portarthurtx.gov)>

**Sent:** Thursday, December 17, 2020 9:24 AM

**To:** Abigail Versyp <[abigail.versyp@tdhca.state.tx.us](mailto:abigail.versyp@tdhca.state.tx.us)>

**Cc:** Chad Landry <[chad.landry@tdhca.state.tx.us](mailto:chad.landry@tdhca.state.tx.us)>; Pamela Langford <[pamela.langford@portarthurtx.gov](mailto:pamela.langford@portarthurtx.gov)>; Meredith Hudson <[meredith.hudson@tdhca.state.tx.us](mailto:meredith.hudson@tdhca.state.tx.us)>; Deborah Freeman <[deborah.freeman@portarthurtx.gov](mailto:deborah.freeman@portarthurtx.gov)>

**Subject:** Re: [NON-CoPA] RE: Duplication of Benefits

Good morning Abigail,

Thank you for your response. And thank you for informing us that Ms. Hudson is assigned as our Performance Specialist.

We currently have 4 applicants who have been informed that they qualify to receive assistance with demo and reconstruction of their owner occupied homes. The applicants information is uploaded into the HCS, waiting review. The demo/reconstruction Contractor has been selected through a formal bid process and is scheduled to go before our City Council review and authorization Tuesday, December 22, 2020.

I am not totally clear on the information you provided below. Can we schedule a conference call so we can get clarity. This is the first time we've heard of the statutory waiver and it is our obligation to inform our City Manager on the status of these activities.

Your assistance is appreciated.

*Beverly A. Freeman*

Housing & Neighborhood Revitalization Manager

City Hall

444 4<sup>th</sup> Street

Port Arthur, TX 77640

409.983.8259

409.983.8283

[beverly.freeman@portarthurtx.gov](mailto:beverly.freeman@portarthurtx.gov)

[www.portarthurtx.gov](http://www.portarthurtx.gov)

*"You are braver than you believe and stronger than you seem, and smarter than you think."*

**From:** Abigail Versyp <[abigail.versyp@tdhca.state.tx.us](mailto:abigail.versyp@tdhca.state.tx.us)>

**Sent:** Wednesday, December 16, 2020 5:07 PM

**To:** Beverly Freeman <[beverly.freeman@portarthurtx.gov](mailto:beverly.freeman@portarthurtx.gov)>

**Cc:** Deborah Freeman <[deborah.freeman@portarthurtx.gov](mailto:deborah.freeman@portarthurtx.gov)>; Chad Landry <[chad.landry@tdhca.state.tx.us](mailto:chad.landry@tdhca.state.tx.us)>

**Subject:** [NON-CoPA] RE: Duplication of Benefits

Good afternoon, Ms. Freeman. Thank you for your inquiry. The statutory waiver for the Harvey disaster that allowed TDHCA to utilize its HOME funds in a Participating Jurisdiction (PJ) expired on December 1, 2020. As of this date, activities in a PJ may not be funded with HOME funds in accordance with our state statute. You may still assist those that are outside of the Participating Jurisdiction so long as the activity is submitted for approval on or before the 4<sup>th</sup> anniversary of the disaster, or the end date of your RSP agreement, whichever occurs first. Meredith Hudson is listed as the Performance Specialist for your agreements in the Housing Contract System as of 11/1/2020.

**Abigail Versyp**



Director, Single Family and Homeless Programs  
Texas Department of Housing and Community Affairs  
221 E. 11th Street | Austin, TX 78701  
Office: 512.475.0908

**About TDHCA**

The Texas Department of Housing and Community Affairs is committed to expanding fair housing choice and opportunities for Texans through the administration and funding of affordable housing and homeownership opportunities, weatherization, and community-based services with the help of for-profits, nonprofits, and local governments. For more information about fair housing, funding opportunities, or services in your area, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us) or the [Learn about Fair Housing in Texas](#) page.

---

**From:** Beverly Freeman <[beverly.freeman@portarthurtx.gov](mailto:beverly.freeman@portarthurtx.gov)>  
**Sent:** Wednesday, December 16, 2020 3:34 PM  
**To:** Abigail Versyp <[abigail.versyp@tdhca.state.tx.us](mailto:abigail.versyp@tdhca.state.tx.us)>  
**Cc:** Deborah Freeman <[deborah.freeman@portarthurtx.gov](mailto:deborah.freeman@portarthurtx.gov)>  
**Subject:** Duplication of Benefits

Good afternoon Abigail,

Our Program Specialist, Ms. Frances Acosta retired, and we have not yet been assigned a new Program Specialist. Can you direct me to the TDHCA HOME Disaster Program guidelines and/or guidance on Duplication of Benefits as it relates to the Homeowner Rehab Program.

Your assistance is appreciated.

*Beverly A. Freeman*

Housing & Neighborhood Revitalization Manager  
City Hall  
444 4<sup>th</sup> Street  
Port Arthur, TX 77640  
409.983.8259  
409.983.8283  
[beverly.freeman@portarthurtx.gov](mailto:beverly.freeman@portarthurtx.gov)  
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*“You are braver than you believe and stronger than you seem, and smarter than you think.”*

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**From:** [Meredith Hudson](#)  
**To:** ["Beverly Freeman"](#)  
**Cc:** ["Deborah Freeman"](#)  
**Subject:** Disapproval Notice for TDHCA HOME Program Project Setup  
**Date:** Friday, August 13, 2021 2:16:00 PM

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Dear Ms. Freeman:

The project setup that was entered on 01/07/2021 for the Francis household has been disapproved for HRA based on the following eligibility restriction(s):

- REASON FOR DENIAL: A notice of Deficiency was sent on 05/25/2021. The curative period has passed and one deficiency remains uncured, specifically:
  1. The plans submitted did include the seal and signature from the architect, but it is unclear from the plans if they comply with 2306.514.
  2. The builder was identified on the work write up form but there were not any builder eligibility documents, accepted builders bid, and construction contract submitted.
  3. The homestead exemption documents submitted were for 2018. The verification period that is needed to confirm that this was the principal residence would need to be dated in 2017 since that was when the disaster occurred.
  4. The intake application was resubmitted but is now dated after the HIC effective date. The intake can't be dated after the HIC effective date. If an updated intake wasn't completed during the income certification for when the HIC was effective, we would need to receive an updated HIC as well.
- SUPPORTING RULE STATUTE: 10 TAC 23.28(13) states that if, during review, the Department identifies a Administrative Deficiencies, the Department will allow a cure period of ten (10) business days beginning the start of the first business day following the date the CA, RSP, or Development Owner is notified of the deficiency. If any Administrative Deficiency remains after the cure period, the Department, in its sole discretion, shall disapprove the request. The setup will receive no further review.
- Since the activity is being disapproved at this time, if the activity is resubmitted for review all packets of documents will need to be resubmitted as though it is a new submission. Any future reviews will not be completed if the documentation submitted is not in the format that is required by the setup checklist.

In accordance with the Department's Administrative Rules at 10 TAC §1.7, the Administrator may appeal this decision to TDHCA's Executive Director. If you wish to appeal this decision, we will prepare an appeal file. The appeal must be in writing, must be addressed to Bobby Wilkinson, and must be received no later than seven days from the date of this notice. The appeal should include any additional information that may be relevant to the appeal.

**Meredith Hudson**

Performance Team Leader  
HOME and Homeless Programs Division

Texas Department of Housing and Community Affairs  
221 E. 11th Street | Austin, TX 78701  
Phone: 512.305.9259

**From:** [Meredith Hudson](#)  
**To:** ["Beverly Freeman"](#)  
**Cc:** ["Deborah Freeman"](#)  
**Subject:** Disapproval Notice for TDHCA HOME Program Project Setup  
**Date:** Friday, August 13, 2021 12:07:00 PM

---

Dear Ms. Freeman:

The project setup that was entered on 01/08/2021 for the Trevino household has been disapproved for HRA based on the following eligibility restriction(s):

- REASON FOR DENIAL: A notice of Deficiency was sent on 05/24/2021. The curative period has passed and one deficiency remains uncured, specifically:
  1. The initial inspection form is still missing a check box for the administrator certification to be complete.
  2. The income documentation submitted is incomplete. Please submit the award letters for the benefits the applicant receives.
  3. The plans submitted did include the seal and signature from the architect, but it is unclear from the plans if they comply with 2306.514.
  4. The builder was identified on the work write up form but there were not any builder eligibility documents, accepted builders bid, and construction contract submitted.
  5. The homestead exemption documents submitted were for 2018. The verification period that is needed to confirm that this was the principal residence would need to be dated in 2017 since that was when the disaster occurred.
  6. The intake application was resubmitted but is now dated after the HIC effective date. The intake can't be dated after the HIC effective date. If an updated intake wasn't completed during the income certification for when the HIC was effective, we would need to receive an updated HIC as well.
- SUPPORTING RULE STATUTE: 10 TAC 23.28(13) states that if, during review, the Department identifies a Administrative Deficiencies, the Department will allow a cure period of ten (10) business days beginning the start of the first business day following the date the CA, RSP, or Development Owner is notified of the deficiency. If any Administrative Deficiency remains after the cure period, the Department, in its sole discretion, shall disapprove the request. The setup will receive no further review.
- Since the activity is being disapproved at this time, if the activity is resubmitted for review all packets of documents will need to be resubmitted as though it is a new submission. Any future reviews will not be completed if the documentation submitted is not in the format that is required by the setup checklist.

In accordance with the Department's Administrative Rules at 10 TAC §1.7, the Administrator may appeal this decision to TDHCA's Executive Director. If you wish to appeal this decision, we will prepare an appeal file. The appeal must be in writing, must be addressed to Bobby Wilkinson, and must be received no later than seven days from the date of this notice. The appeal should include any additional information that may be relevant to the appeal.

**Meredith Hudson**

Performance Team Leader  
HOME and Homeless Programs Division  
Texas Department of Housing and Community Affairs  
221 E. 11th Street | Austin, TX 78701  
Phone: 512.305.9259

**From:** [Meredith Hudson](#)  
**To:** ["Beverly Freeman"](#)  
**Cc:** ["Deborah Freeman"](#)  
**Subject:** Disapproval Notice for TDHCA HOME Program Project Setup  
**Date:** Tuesday, August 10, 2021 1:44:00 PM

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Dear Ms. Freeman:

The project setup that was entered on 01/08/2021 for the Dang household has been disapproved for HRA based on the following eligibility restriction(s):

- REASON FOR DENIAL: A notice of Deficiency was sent on 05/24/2021. The curative period has passed and additional deficiencies still remain uncured, specifically:
  1. Plans were not submitted. The document attached in the system is a letter from the engineer regarding windstorm but the actual plans and verification of compliance with 2306.514 was not submitted.
  2. The letter from the household stating the home had been damaged by Hurricane Harvey shows that Harvey occurred on 08/28/2021. Which was not the date of the hurricane.
  3. The builder was identified on the work write up form but there were not any builder eligibility documents, accepted builders bid, and construction contract submitted.
  4. The homestead exemption documents submitted were for 2018 & 2021. The verification period that is needed to confirm that this was the principal residence would need to be dated in 2017 since that was when the disaster occurred.
  5. The certification of principal residence was not submitted.
  6. The initial inspection form is still missing a check box for the administrator certification to be complete.
  7. The intake application was resubmitted but is now dated after the HIC effective date. The intake can't be dated after the HIC effective date. If an updated intake wasn't completed during the income certification for when the HIC was effective, we would need to receive an updated HIC as well.
- SUPPORTING RULE STATUTE: 10 TAC 23.28(13) states that if, during review, the Department identifies a Administrative Deficiencies, the Department will allow a cure period of fourteen (14) business days beginning the start of the first business day following the date the CA, RSP, or Development Owner is notified of the deficiency. If any Administrative Deficiency remains after the cure period, the Department, in its sole discretion, shall disapprove the request. The setup will receive no further review.
- Since the activity is being disapproved at this time, if the activity is resubmitted for review all packets of documents will need to be resubmitted as though it is a new submission. Any future reviews will not be completed if the documentation submitted is not in the format that is required by the setup checklist.

In accordance with the Department's Administrative Rules at 10 TAC §1.7, the Administrator may

appeal this decision to TDHCA's Executive Director. If you wish to appeal this decision, we will prepare an appeal file. The appeal must be in writing, must be addressed to Bobby Wilkinson, and must be received no later than seven days from the date of this notice. The appeal should include any additional information that may be relevant to the appeal.

**Meredith Hudson**

Performance Team Leader  
HOME and Homeless Programs Division  
Texas Department of Housing and Community Affairs  
221 E. 11th Street | Austin, TX 78701  
Phone: 512.305.9259

**From:** [Meredith Hudson](#)  
**To:** ["Harvey.Robinson@portarthurtx.gov"](mailto:Harvey.Robinson@portarthurtx.gov)  
**Cc:** [Beverly Freeman](#); ["Deborah Freeman"](#)  
**Subject:** Disapproval Notice for TDHCA HOME Program Project Setup  
**Date:** Tuesday, August 10, 2021 1:07:00 PM

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Dear Mr. Robinson:

The project setup that was entered on 01/08/2021 for the Shankle household has been disapproved for HRA based on the following eligibility restriction(s):

- REASON FOR DENIAL: A notice of Deficiency was sent on 05/20/2021. The curative period has passed and additional deficiencies still remain uncured, specifically:
  1. HIC – New document submitted is not signed by all parties and is in excel format. This document needs to be signed by all and PDF'd. The updated information needs to be updated on the household screen in the Housing Contract System as well.
  2. The bank statement balances on the HIC are not correct. On a savings account, only the most recent statement balance is what should reflect on the HIC. Savings accounts are not averaged.
  3. The bank statements from Chase according to the Intake Application indicate there is a checking and savings account. However, there were not any savings account statements from Chase included in the attachments and the checking account statements were incomplete. Please include all pages of the statements. Also, there is another person listed on the bank account. We would need verification of who Shawn Sinegal is. Is this another household member?
  4. The income documentation submitted is incomplete. Please submit the award letters for the Social Security benefits and the retirement monthly gross amount from the Teacher Retirement System.
  5. The plans submitted did include the seal and signature from the architect, but it is unclear from the plans if they comply with 2306.514.
  6. The builder was identified on the work write up form but there were not any builder eligibility documents, accepted builders bid, and construction contract submitted.
- SUPPORTING RULE STATUTE: 10 TAC 23.28(13) states that if, during review, the Department identifies a Administrative Deficiencies, the Department will allow a cure period of fourteen (14) days beginning the start of the first business day following the date the CA, RSP, or Development Owner is notified of the deficiency. If any Administrative Deficiency remains after the cure period, the Department, in its sole discretion, shall disapprove the request. The setup will receive no further review.
- Since the activity is being disapproved at this time, if the activity is resubmitted for review all packets of documents will need to be resubmitted as though it is a new submission. Any future reviews will not be completed if the documentation submitted is not in the format that is required by the setup checklist.



In accordance with the Department's Administrative Rules at [10 TAC §1.7](#), the Administrator may appeal this decision to TDHCA's Executive Director. If you wish to appeal this decision, we will prepare an appeal file. The appeal must be in writing, must be addressed to Bobby Wilkinson, and must be received no later than seven days from the date of this notice. The appeal should include any additional information that may be relevant to the appeal.

**Meredith Hudson**

Performance Team Leader  
HOME and Homeless Programs Division  
Texas Department of Housing and Community Affairs  
221 E. 11th Street | Austin, TX 78701  
Phone: 512.305.9259

THURMAN BILL BARTIE, MAYOR  
DONALD FRANK, SR., MAYOR PRO TEM



RONALD BURTON  
CITY MANAGER

SHERRI BELLARD, TRMC  
CITY SECRETARY

VAL TIZENO  
CITY ATTORNEY

September 16, 2021

Texas Department of Housing and Community Affairs  
ATTN: Bobby Wilkinson  
221 East 11th Street  
Austin, Texas 78701-2410

**RE: Waiver for 10 TAC §23.31 (2) (C) states that the activity may be eligible for New Construction of housing meeting the following conditions: (C) Replacement of a housing unit determined to be uninhabitable within four years of submission of a Reservation for funds on the same site or another site.**

Dear Mr. Wilkinson,

The City of Port Arthur entered into an agreement with the Texas Department of Housing and Community Affairs (TDHCA) to assist low-moderate homeowners devastated by Tropical Storm Harvey. The Contract began on April 2, 2019, and has a completion date of April 2, 2022.

City Staff has worked diligently and consistently with TDHCA over the past several months to process four applicants to receive assistance to demolish and reconstruct their homes.

On Friday, September 10, 2021, Beverly Freeman, Housing & Neighborhood Revitalization Manager, was informed by TDHCA staff that Port Arthur's project setups entered for four households were disapproved for Disaster Housing Rehab Assistance based on the following eligibility restriction(s):

***10 TAC §23.31 (2) (C) states that the activity may be eligible for New Construction of housing meeting the following conditions: (C) Replacement of a housing unit determined to be uninhabitable within four years of submission of a Reservation for funds on the same site or another site. The deadline for the submission of this activity was 08/17/2021.***

Since our Contract clearly states the Agreement is effective until April 2, 2022, we were unaware that the Contract would expire four (4) years after the initial disaster declaration date.

Port Arthur is asking for a waiver of the stated 10 TAC §23.31 (2) (C) to continue working with the HOME Reservation System Participant Agreement and provide rehabilitation assistance to the four submitted applicants.

The citizens of our community are faced with trying to recover their loss from the devastation of Tropical Hurricane Harvey. The opportunity to assist these low-moderate income applicants with transitioning to a

better quality of life is our ultimate goal. We are committed to diligently working with these four applicants to provide the quality of life they deserve.

Thank you in advance for your consideration of this request.

If you have additional questions or concerns regarding this request, please do not hesitate to contact me at (409) 983-8136, [pamela.langford@portarthurtx.gov](mailto:pamela.langford@portarthurtx.gov), or Beverly Freeman at (409) 983-8283, [Beverly.freeman@portarthurtx.gov](mailto:Beverly.freeman@portarthurtx.gov).

Sincerely,

A handwritten signature in blue ink that reads "Pamela D. Langford". The signature is stylized with large, flowing letters.

Pamela D. Langford  
Assistant City Manager – Operations/  
Director of Development Services

7b

# The following ministerial corrections were made to item 7b in the original Board Book posted Thursday October 7, 2021

Item 7b Page 1, 215071 Westwind at Dumas was added to table 1, which was included and described in the original BAR

Item 7b Page 2, the contract due date was off by one year and has now been corrected.

Item 7b Page 3, the total dollar figure at the top of page 3 has been updated to reflect the correct amount now that the correction to table 1, as noted above, is complete

**\*\*Please re-download the original Board Book to see these changes to item 7b.\*\***