

REQUEST FOR CITY OF AUSTIN RESOLUTIONS & OTHER REQUIREMENTS
for
2021 4% Low Income Housing Tax Credits

This is the Application for developers requesting resolutions required by the Texas Department of Housing and Community Affairs (TDHCA) for 4% Low Income Housing Tax Credit applications in 2021. All resolutions being requested are subject to approval by the Austin City Council. This Application can also be used to request TEFRA approvals from the Austin City Council.

- Application Deadlines.** Applications will be accepted quarterly on the following dates. The respective Council dates for setting and conducting the public hearings for the 4% LIHTC resolution are noted. A full application (including the Project Summary Form) must be submitted in order to follow the requested timeline. Please select your desired application due date and timeline.

Applicant Requests (please check):	Application Due Date	Council – Set Hearing	Council – Conduct Hearing
	January 15, 2021	March 4, 2021	March 25, 2021
X	April 9, 2021	May 20, 2021	June 3, 2021
	July 23, 2021	Sept. 2, 2021	Sept. 30, 2021
	Sept. 10, 2021*	Oct. 21, 2021	Nov. 4, 2021

*The September 10, 2021 4% application is limited only to developments that have applied to the Texas Bond Review Board August Collapse, or that have applied/will apply for traditional carryforward.

- Resolutions & TEFRA.** Please indicate each applicable resolution requested from the City of Austin. If a resolution will ultimately be needed from Council approving a TEFRA hearing for another bond issuer, please note so with the last item below.

X Resolution of No Objection from the Local Governing Body

Twice the State Average Per Capita (will be provided to all applicants completing this form and providing all attachments)

One-Mile/Three-Year Rule

Limitations on Developments in Certain Census Tracts

Development is located within a census tract that has a poverty rate above 40% for individuals (subject to staff approval)

X TEFRA Resolution Requested. The TEFRA hearing is tentatively scheduled for
TBD (month) 2021 (year).

- Application Requirements.** For the Resolution request to be considered, please certify this Application and include the following information in the Application PDF:

- 1) A brief narrative overview of the proposed development, including specifying who the target population is as defined by TDHCA (Supportive Housing, elderly, or general).
 - 2) A complete Project Summary Form (completed in Excel) attached as a tab in the PDF. [The Project Summary Form is available on HPD's website.](#) **Please also submit the excel sheet when submitting your application.**
 - 3) S.M.A.R.T. Housing Certification Letter if located within the city's jurisdiction and if the development is new construction. Applications for S.M.A.R.T. Housing certification go through a separate review process. For more information on the [S.M.A.R.T. Housing Program](#), email Alex Radtke, Planner Senior, at Alex.Radtke@austintexas.gov.
 - 4) Provide an aerial map indicating the Development's location and the distance a resident would have to walk on a paved surface to get to the nearest transit stop. Attach the map to the Application behind the appropriate tab.
 - 5) Provide a flood plain map generated by www.ATXFloodPro.com with the property parcel identified and the legend displayed showing the various types of FEMA Flood Plain zones, if any. Attach the map to the Application behind the appropriate tab.
 - 6) Provide information about the Developer's experience and development history. Attach this information to the Application behind the appropriate tab.
 - 7) If located in the ETJ, the application must include the resolution from the applicable county behind the appropriate tab.
 - 8) Provide the inducement resolution from the Issuer of bonds for the proposed development.
- 4) **How to Submit.** Applications should be sent by email to Patrick Russell at patrick.russell@austintexas.gov. **Please include the PDF with all the incorporated attachments and please include the excel version of the Project Summary as well.** If Requestors are unable to submit by email, Applications may be submitted to the Housing and Planning Department, 1000 East 11th Street, 2nd Floor, Austin, TX 78702 to the attention of Patrick Russell. For more information, contact Patrick Russell at 512-974-3141 or by e-mail at patrick.russell@austintexas.gov.

Development Name: LDG The Ridge at East Village, LP

The undersigned hereby certifies that the information provided in this Application, including all attachments and supporting materials, is true and correct under penalty of law, including Chapter 37 of the Texas Penal Code titled Perjury and Other Falsification and is subject to criminal penalties as defined by the State of Texas. The undersigned also affirms understanding of Texas Government Code Chapter 552, Public Information Act, which gives the public the right to access government records through public information requests, and acknowledges that this submitted Application will be treated as a government record.

Applicant (Entity Name) to TDHCA LDG The Ridge at East Village, LP

Authorized Representative Signature 

Authorized Representative Printed Name Jason Trevino

Authorized Representative Title Senior Development Coordinator

Date 4/8/2021

Attachment 1 - Project Narrative

A brief narrative overview of the proposed development. Specify the TDHCA Target Population, whether Supportive Housing, elderly, or general.

Project Narrative

LDG Development is pleased to present this application for a "Resolution of No Objection" for "The Ridge at East Village". The Ridge at East Village is a 300-unit affordable, Class A multifamily development located on 28 acres in northeast Travis County. The site is located at 4801 E. Yager Lane, approximately 20 minutes from downtown Austin. The proposed development will serve the general population and cater to individuals and families making at or below 30%-70% of the Area Median Income (AMI). Projected project rents will range from \$474-\$1,184 for 1-BR's to \$743-\$1,842 for 4-BR's. Income restrictions are estimated to range from \$20,520 to \$68,320.

The development will be a garden-style construction. Amenities include a swimming pool, fitness center, children's playground, and a computer lab. Residents will receive access to social services such as financial literary classes, food pantries, recreational activities, and on-site social events.

Attachment 2 – Project Summary

(Insert a PDF of the Excel Project Summary Form)

Project Summary Form**1) Development Name**

The Ridge at East Village

2) Project Type

100% Affordable

3) New Construction or Rehabilitation?

New Construction

4) Development Owner (as submitted in TDHCA Application)

LDG The Ridge at East Village, LP

5) Developer Company

LDG Development, LLC

6) Location Description (address if available; if not, then, e.g., NEQ of intersection of Y and Z Streets in Austin, Texas, ZIP)

4801 E Yager Lane, Austin, TX 78653

7) Mobility Bond Corridor**8) Census Tract****9) Council District****10) Elementary School**

Pioneer Crossing EL

11) Affordability Period

40 years

12) Type of Structure

Multi-family

13) Occupied?

No

14) How will AHFC funds be used?**15) Bond Issuer (if applicable)**

Austin Affordable PFC

16) HFC, PFC, or Nonprofit that will control General Partner or Managing Member (if applicable)

Austin Affordable Housing Corporation

17) Target Population

General

18) Summary of Rental Units by MFI Level

Income Level	Efficiency	One Bedroom	Two Bedroom	Three Bedroom Unit	Four (+) Bedroom	Total
Up to 20% MFI						0
Up to 30% MFI		2	2	2	2	8
Up to 40% MFI						0
Up to 50% MFI		2	2	2	2	8
Up to 60% MFI		16	130	100	6	252
Up to 70% MFI		4	10	16	2	32
Up to 80% MFI						0
Up to 120% MFI						0
No Restrictions						0
Total Units	0	24	144	120	12	300

19) Summary of Units for Sale at MFI Level

Income Level	Efficiency	One	Two	Three	Four (+)	Total
Up to 60% MFI						0
Up to 80% MFI						0
Up to 120% MFI						0
No Restrictions						0
Total Units	0	0	0	0	0	0

20) Initiatives and Priorities (of the Affordable Units)

Initiative	# of Units	Initiative	# of Units
Accessible Units for Mobility Impairments	15	Continuum of Care Units	0
Accessible Units for Sensory Impairments	6		

Use the City of Austin GIS Map to Answer the questions below

18) Is the property within 1/2 mile of an Imagine Austin Center or Corridor?

Yes

19) Is the property within 1/4 mile of a High-Frequency Transit Stop?

No

20) Is the property within 3/4 mile of Transit Service?

No

21) The property has Healthy Food Access?

No

22) Estimated Sources and Uses of funds

Sources

Debt	51,704,000
Third Party Equity	20,086,315
Grant	

Uses

Acquisition	4,450,000
Off-Site	4,500,000
Site Work	4,350,000

Deferred Developer Fee	
Other	
Previous AHFC Funding	
Expected AHFC Request	

Total \$ 71,790,315

Site Amenities	2,000,000
Building Costs	24,882,000
Contractor Fees	7,039,204
Soft Costs	7,007,778
Financing	9,858,295
Developer Fees	7,703,038

Total \$ 71,790,315

CRP Name			
CRP Ordinance 1		Date	
CRP Ordinance 2		Date	
CRP Ordinance 3		Date	
CRP Ordinance 4		Date	
CRP Ordinance 5		Date	



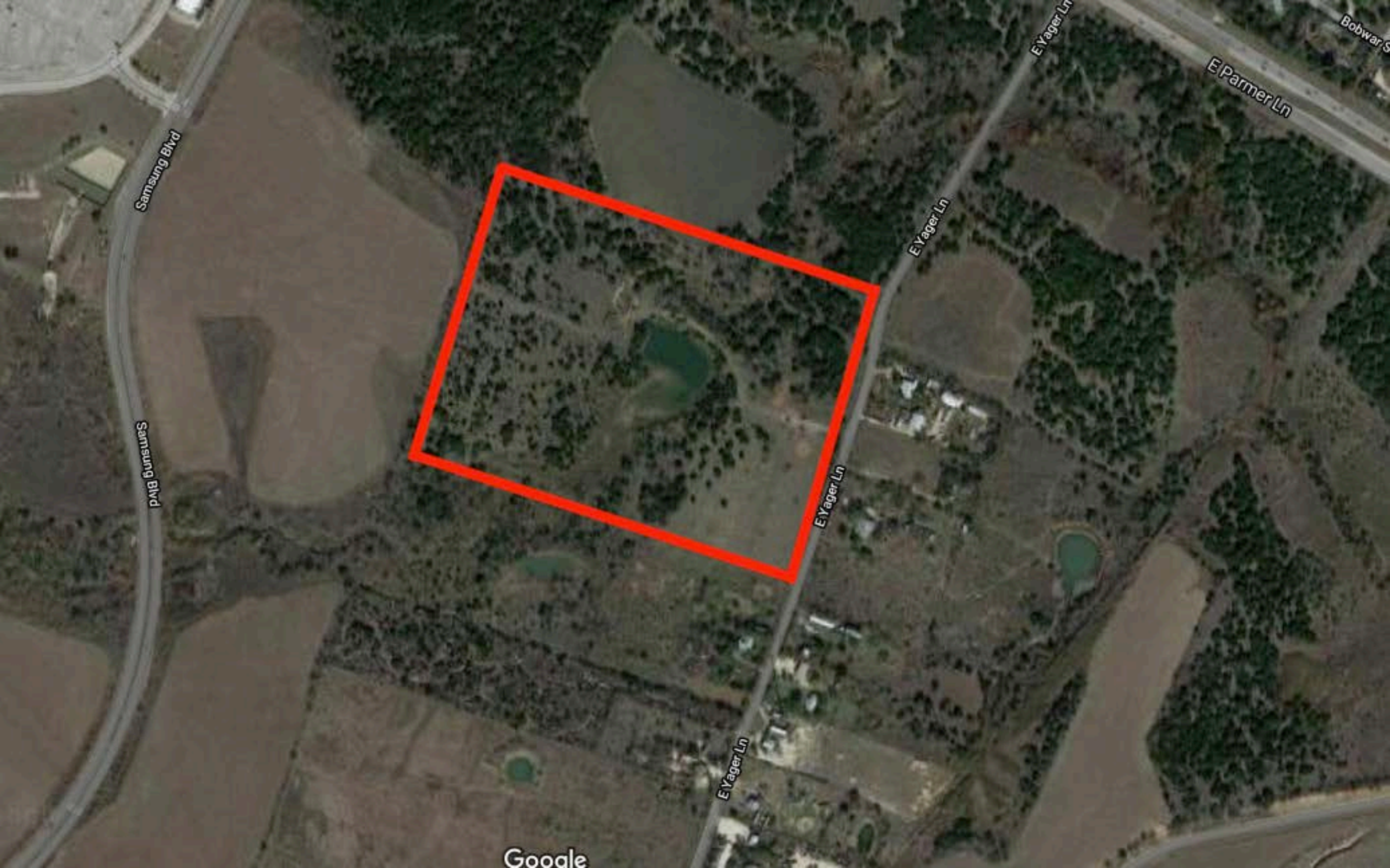
Attachment 3 – S.M.A.R.T. Housing Certification Letter

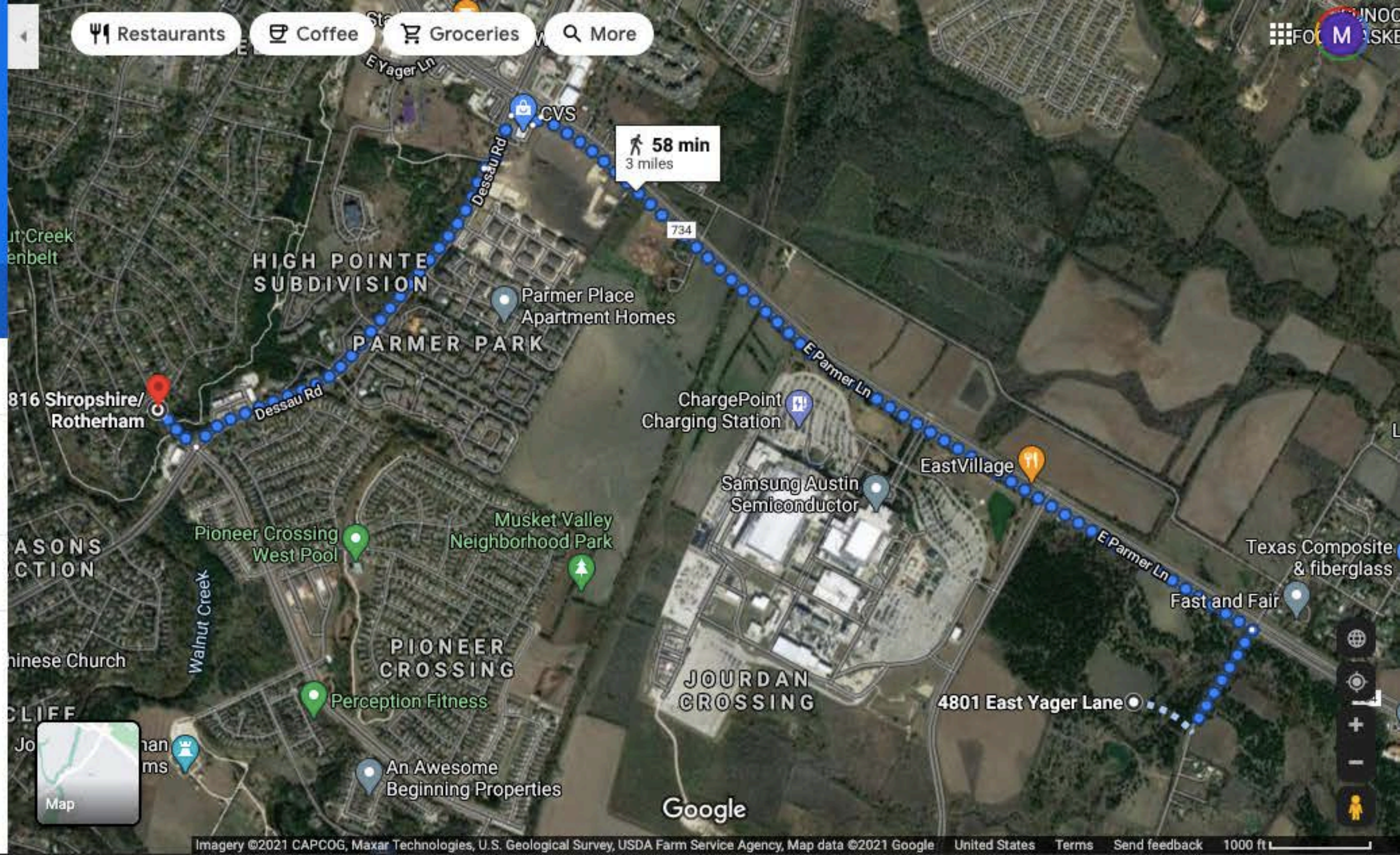
(S.M.A.R.T. Housing Certification Letter for developments located in the city's jurisdiction and that are new construction. Applications for S.M.A.R.T. Housing certification go through a separate review process. For more information on the [S.M.A.R.T. Housing Program](#), email Alex Radtke, Planner Senior, at Alex.Radtke@austintexas.gov.

Not Applicable

Attachment 4 – Map and Nearest Transit Stop

(Insert a map indicating the property location and the distance a resident would have to walk on a paved surface to get to the nearest transit stop)





Attachment 5 - Flood Plain Map

(Insert a map generated by www.ATXFloodPro.com with the property parcel identified and the legend displayed showing the various types of FEMA Flood Plain zones, if any)

City of Austin FloodPro Map

FEMA Floodplain

- 100 Year (Detailed-AE)
- 100 year (Shallow-AO)
- 100 Year (Approx-A)
- X Protected by Levee
- 500 Year
- Outside Austin City Limits
- Streets-Labels-LOD-06-11
- Fire Stations-Labels-LOD-07-11
- Police Stations-Labels-LOD-07-11
- Libraries-Labels-LOD-07-11
- Lakes Centerline-Labels-LOD-02-11
- Lakes-Labels-LOD-02-11
- Creeks-Labels-LOD-10-11
- Parks-Labels-LOD-07-11
- Airport-Labels-LOD-04-11
- Rail-Data-LOD-02-11
- Building Footprints-Data-LOD-07-11
- Streets-Data-LOD-10-11

This custom map was created with FloodPro and is for informational purposes only. It is not intended for or suitable for legal, engineering, or surveying purposes. It does not represent on-the-ground survey and represents only the approximate relative locations of property boundaries. No warranty is made by the City of Austin regarding the specific accuracy or completeness of the map. Final determination of floodplain status for a property must be based on topographic survey by a Texas registered professional. For regulatory purposes, floodplain elevations must be determined from an engineering model created in accordance with the Drainage Criteria Manual and approved by the City of Austin.

0 737 1,475 Feet

Prepared: 3/2/2021



Attachment 6 - Developer's Experience and Development Background

(Provide resumes and/or detailed narratives of the Development members' relevant experience, especially as it pertains to LIHTCs and affordable housing, and please provide a development experience summary, including the property names, their locations, number of units developed, populations served, years of placement in service, and the financing structures)

LDG CLOSED DEVELOPMENTS - COMPREHENSIVE LIST

#	Development Name	City	State	Units	Year Closed
1	Woods of Glen Hill Manor	Louisville	Kentucky	108	2002
2	Elkhorn Creek	Georgetown	Kentucky	44	2004
3	Falcon Crest Apartments	Louisville	Kentucky	208	2004
4	Elk River	Georgetown	Kentucky	40	2004
5	Elkhorn Creek II	Georgetown	Kentucky	48	2004
6	Harris Branch Apartments	Austin	Texas	248	2006
7	Whispering Woods	Louisville	Kentucky	48	2006
8	Santora Villas	Austin	Texas	192	2007
9	The Villas at Shaver	Pasadena	Texas	240	2007
10	Park Place at Loyola	Austin	Texas	252	2007
11	Gleaneagles Apartments	Lexington	Kentucky	184	2007
12	Inwood Crossing	Wichita	Kansas	260	2007
13	Whispering Woods II	Louisville	Kentucky	50	2008
14	Overlook Terrace	Louisville	Kentucky	144	2008
15	Melbourne Senior	Alvin	Texas	110	2009
16	The Muses	New Orleans	Louisiana	211	2009
17	Floral Gardens	Houston	Texas	100	2010
18	The Muses II	New Orleans	Louisiana	52	2010
19	Towne Commons	Elizabethtown	Kentucky	92	2010
20	Cypress Gardens	Houston	Texas	100	2011
21	Steeplechase Farms	Sherman	Texas	156	2011
22	Brookstone Senior	Louisville	Kentucky	56	2011
23	Mallard Crossing	Baton Rouge	Louisiana	192	2011
24	Woodcrest Apartments	Baton Rouge	Louisiana	48	2012
25	Village Du Lac	Lafayette	Louisiana	140	2012
26	Brookcreek Crossing	Midlothian	Virginia	70	2012
27	Villas at Colt Run	Houston	Texas	138	2013
28	Paddock at Norwood	Austin	Texas	228	2013
29	Villages at Ben White	Austin	Texas	183	2014
30	The Pointe at Ben White	Austin	Texas	250	2014
31	Newport Village	Houston	Texas	80	2014
32	Harris Branch Senior	Austin	Texas	216	Aug-15
33	Port Royal	Baton Rouge	Louisiana	192	Nov-15
34	Stallion Pointe	Fort Worth	Texas	264	May-16
35	Paddock at Grandview	Nashville	Tennessee	240	May-16
36	Sansom Ridge	Sansom Park	Texas	100	Jul-16
37	Sansom Pointe	Sansom Park	Texas	216	Jul-16
38	Peach Orchard	Augusta	Georgia	240	Nov-16
39	Riverport FSH & Acedemic Center	Louisville	Kentucky	64	Feb-17
40	Riverport Senior	Louisville	Kentucky	108	Feb-17
41	Villages at Fiskville	Austin	Texas	172	Mar-17
42	Pointe at Crestmont	Houston	Texas	195	Apr-17
43	Riverport Family	Louisville	Kentucky	240	Jun-17
44	Bristol Bluffs	Louisville	Kentucky	216	Sep-17
45	Bridge at Cameron	Austin	Texas	264	Dec-17
46	Commons at Goodnight	Austin	Texas	304	Dec-17
47	Meadows at Nicholson	Baton Rouge	Louisiana	204	Dec-17
48	Jefferson Grove	Newnan	Georgia	160	Feb-18
49	Springs Apartment	Balch Springs	Texas	221	May-18

50	Copper Pointe	San Antonio	Texas	252	Jul-18
51	MLK the Rail	Austin	Texas	235	Jul-18
52	Jefferson Green	Louisville	Kentucky	312	Jul-18
53	Le Jolliet	Lake Charles	Louisiana	264	Aug-18
54	Forestwood	Balch Springs	Texas	220	Oct-18
55	Commons at Manor Village	Manor	Texas	172	Nov-18
56	Sansom Bluff	Sansom Park	Texas	296	Nov-18
57	Brook Point	Lafayette	Louisiana	192	Dec-18
58	Avoca Ridge	Louisville	Kentucky	240	Feb-19
59	Patriot Pointe	Fort Worth	Texas	220	Apr-19
60	Manchaca Commons	Austin	Texas	240	Apr-19
61	Stallion Ridge	Fort Worth	Texas	204	Apr-19
62	Sunrise View (Indian Creek)	Dekalb	Georgia	240	May-19
63	Union Landing	Union City	Georgia	240	May-19
64	The Oaks	Austin	Texas	96	Jun-19
65	Frontgate	Louisville	Kentucky	212	Jul-19
66	Buffalo Trail	Nashville	Tennessee	240	Jul-19
67	Heritage Townhomes	Stonecrest	Georgia	240	Aug-19
68	Horizon Ridge	Augusta	Georgia	240	Aug-19
69	Bridge at Canyon View	Austin	Texas	215	Dec-19
70	Norwood Estates	Austin	Texas	228	Dec-19
71	Moonlight	Austin	Texas	264	May-20
72	Riverstone	San Marcos	Texas	336	Jun-20
73	The Hollows	Channelview	Texas	192	Aug-20
74	Pecan Grove	Seguin	Texas	198	Aug-20
75	Donerail	Louisville	Kentucky	312	Sep-20
76	Skyline	Nashville	Tennessee	178	Sep-20
77	Northwood	Houston	Texas	288	Oct-20
78	The Groves	Auburndale	Florida	240	Oct-20
79	Elkhorn Creek III	Georgetown	Kentucky	156	Nov-20
80	Redwood	San Marcos	Texas	296	Dec-20

Total Closed Units 15,146

Total Closed Projects 80

Attachment 7 – Resolution from County

(If the proposed development is located in the ETJ of Austin, please include the executed resolution from the applicable County Commissioners' Court, as required by TDHCA)

**TRAVIS COUNTY, TEXAS
RESOLUTION FOR TAX-EXEMPT BOND DEVELOPMENT
RELATING TO APPLICATION FROM LDG DEVELOPMENT, LLC
FOR DEVELOPMENT LOCATED AT 4801 E. YAGER LN**

WHEREAS, LDG Development, LLC (the “Developer” and, together with any current or future affiliates or subsidiaries of the Developer, the “Applicant”), a Kentucky limited liability company, has proposed a development for affordable rental housing at 4801 E. Yager Lane, Manor, Texas 78653 (the “proposed Development”) in the extra-territorial jurisdiction of the City of Austin, Texas;

WHEREAS, the Applicant has provided notice to the Travis County Commissioners Court (the “Commissioners Court”) that the Applicant intends to submit an application to the Texas Department of Housing and Community Affairs (“TDHCA”) for a 4% Housing Tax Credit allocation for the Development (the “Application”);

WHEREAS, the TDHCA Housing Tax Credit Qualified Allocation Plan and Texas Government Code §2306.67071 require that the Applicant submit to the TDHCA a resolution from the Commissioners Court that certifies that, after due consideration of the information provided by the Applicant and public comment, the Commissioners Court has no objection to the Application for the Development; and

WHEREAS, except as otherwise provided herein, capitalized terms have the same meaning as those set forth in §11.1 of Title 10 of the Texas Administrative Code and Texas Government Code Section 2306.6702;

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS THAT:

SECTION 1. In accordance with the requirements of Texas Government Code §2306.67071 and §11.204(4) of Title 10 of the Texas Administrative Code, the Commissioners Court certifies that:

- (a) Notice of the Applicant’s intent to file the Application for the proposed Development has been provided to the Commissioners Court in accordance with Texas Government Code, §2306.67071(a) and §11.204(4)(A) of Title 10 of the Texas Administrative Code;
- (b) The Commissioners Court has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development;
- (c) The Applicant has represented to the Commissioners Court that the Applicant is committed to doing the following for the residents of the proposed Development:

- (1) To mitigate for poorly performing schools, the Applicant will provide onsite after-school tutoring at the proposed Development;
- (2) To mitigate for the current lack of public transportation surrounding the proposed Development site, the Applicant will:
 - (A) Provide a shuttle service to residents of the proposed Development; and
 - (B) Continue communications with Capital Metro to extend transit services to the proposed Development.
- (d) On November 17, 2020, the County held a hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code §2306.67071(b);
- (e) After due consideration of the information provided by the Applicant and public comment, the County does not object to the proposed Application or proposed Development;
- (f) Notwithstanding any provision to the contrary, the Applicant must comply with all applicable federal, state, and local statutes, rules, and regulations regarding the construction and operation of the proposed Development, and this resolution shall not be construed:
 - (1) As a waiver of any applicable statutes, rules, or regulations with respect to the proposed Application or the proposed Development; or
 - (2) As an endorsement of the proposed Application or proposed Development.

SECTION 2. The County, acting through its governing body, hereby confirms that it has no objection to the proposed Application or Development, and that this formal action has been taken to put on record such opinion expressed by the governing body of the County on November 17, 2020.

SECTION 3. The Applicant has represented to the County that the Development will provide the following number of units for individuals and families earning the following Area Median Family Income (“MFI”) levels:


Distribution of Units	# of Units	% of Units
Units proposed for households earning up to 30% MFI	8	2.67%
Units proposed for households earning >30 and up to 50% MFI	8	2.67%

Units proposed for households earning >50% and up to 60% MFI	252	84%
Units proposed for households earning >60% and up to 80% MFI	32	10.67%
TOTAL	300	100%


SECTION 4. Based on the Applicant's representation to the County that all of the rental units in the proposed Development will be reserved for occupancy by individuals and families earning less than 80% of the Area Median Family Income, the County, acting through its governing body and in accordance with Texas Local Government Code Section 394.9025, hereby approves the issuance of bonds by Housing Authority of the City of Austin to finance the proposed Development in the County, but only to the extent described in Texas Local Government Code Section 394.9025, and the County incurs no liability for the bonds so issued.

SECTION 5. For and on behalf of the County, Samuel T. Biscoe, County Judge is hereby authorized, empowered, and directed to certify these resolutions to the TDHCA.

PASSED AND APPROVED this 17th day of November 2020.

DocuSigned by:

 CD20CF375B4C8F...
 Samuel T. Biscoe, County Judge

ATTEST:

DocuSigned by:

 2E0F2B04ED50461...
 Dana DeBeauvoir, County Clerk

Attachment 8 – Inducement Resolution

(Attach the inducement resolution from the issuer of bonds for the proposed development)

RESOLUTION NO. 00071

Resolution Declaring Intent to Issue Bonds to Provide Financing for a Multifamily Residential Rental Development for Persons of Low and Moderate Income (The Ridge at East Village); Prescribing Certain Terms and Conditions of such Bonds; Authorizing the Filing of an Application for Allocation of Private Activity Bonds with the Texas Bond Review Board; and Containing Other Provisions Relating to the Subject

WHEREAS, the Board of Commissioners of the Housing Authority of the City of Austin (the "**Unit**") has, pursuant to the Public Facility Corporation Act, Chapter 303, Texas Local Government Code, as amended (the "**Act**"), approved and created the Austin Affordable PFC, Inc., a nonprofit corporation (the "**Issuer**");

WHEREAS, on November 5, 2012, the Issuer's Certificate of Formation was filed with the Secretary of State of the State of Texas;

WHEREAS, the Issuer, on behalf of the Unit is empowered to issue bonds to finance, refinance, or provide one or more public facilities, as such term is defined in the Act, which projects will be within the Unit's boundaries, including Austin, Texas;

WHEREAS, LDG The Ridge at East Village, LP, a Texas limited partnership, or such other limited partnership as the sole member of the general partner of the User designates (the "**User**"), has requested that the Issuer finance a low income multifamily housing project consisting of up to approximately 300 units to be located at approximately the southwest corner of Yager Lane and Parmer, Austin, Texas 78653 in the Austin extraterritorial jurisdiction (the "**Project**"), and further that the Issuer adopt this Resolution with respect to the acquisition and construction of the Project;

WHEREAS, the User has advised the Issuer that a contributing factor which would further induce the User to proceed with providing for the acquisition and construction of the Project would be a commitment and agreement by the Issuer to issue revenue bonds pursuant to the Act (the "**Bonds**") to finance and pay for the Project;

WHEREAS, in view of a shortage of decent, safe and sanitary housing for persons and families of low income at prices or rentals that they can afford, it is considered essential that construction of the Project be completed at the earliest practicable date, but at the same time, the User wishes to begin construction of the Project after satisfactory assurances from the Issuer, subject to the conditions set forth herein, that the proceeds of the sale of the Bonds, or other obligations, of the Issuer in an amount necessary to pay the costs of the Project will be made available to finance the Project; and

WHEREAS, the Issuer finds, intends, and declares that this Resolution shall constitute its official action, subject to the conditions set forth herein, to issue Bonds, or other obligations, pursuant to the Act in an amount prescribed by the User not to exceed the maximum aggregate principal amount up to \$50,000,000 for tax-exempt obligations and to expend the proceeds thereof to acquire, construct, and install the Project and to pay all expenses and costs of the Issuer in connection with the issuance of the Bonds; and

WHEREAS, in order to finance and pay for the Project through the issuance of revenue bonds, the interest on which is excludable from the gross income of the holders thereof under the Internal Revenue Code of 1986, as amended (the "**Code**"), the Issuer must submit an Application for Allocation of Private Activity Bonds or

an Application for Carryforward for Private Activity Bonds (the "**Application**") to the Texas Bond Review Board (the "**TBRB**") for a reservation of state ceiling available to "**private activity bonds**" (as defined in the Code) for a calendar year;

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE AUSTIN AFFORDABLE PFC, INC. THAT:

Section 1. Subject to the terms hereof, the Issuer agrees that it will:

(a) Issue the Bonds, and if the User and the Issuer agree, other evidences of indebtedness providing temporary financing of the Project, which will be issued after the date hereof and be refunded by the Bonds pursuant to the Act, or any other Texas legislation heretofore or hereafter enacted which may provide a suitable method of financing in addition to or in substitution for the Act.

(b) Cooperate with the User with respect to the issuance of the Bonds, and, if arrangements therefor satisfactory to the User and the Issuer can be made, the Issuer will take such action and authorize the execution of such documents and will take such further action as may be necessary or advisable for the authorization, execution, and delivery of any contracts or agreements deemed necessary or desirable by the User or the Issuer in connection with the issuance of the Bonds (collectively, the "**Contracts**"), providing among other things for payment of the principal of, interest on, redemption premiums, paying agents' charges, and Trustee's fees, if any, on the Bonds; payment of fees and charges of the Issuer or the Unit; acquisition, construction, and improvement of the Project or reimbursement of Project costs; and use, operation, and maintenance of the Project (and the execution of any appropriate and necessary guaranty agreements), all as shall be authorized, required, or permitted by law and as shall be mutually satisfactory to the Issuer, the Unit, and the User.

(c) If the proceeds from the sale of the Bonds are insufficient, take such actions and execute such documents as may be necessary to permit the issuance from time to time in the future of additional bonds on terms which shall be set forth therein, whether on a parity with other series of bonds or otherwise, for the purpose of paying the costs of completing the acquisition and construction of the Project, as requested by the User and within then applicable limitations.

(d) Take or cause to be taken such other actions as may be required to implement the aforesaid undertakings or as it may deem appropriate in pursuance thereof.

The Bonds shall specifically provide that neither the State of Texas, the Unit, nor any political issuer, subdivision, or agency of the State of Texas shall be obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the State of Texas, the Unit, or any political issuer, subdivision, or agency thereof is pledged to the payment of the principal of, premium, if any, or interest on the Bonds.

The obligation of the Issuer to issue the Bonds is specifically subject to satisfaction of each of the following conditions:

(i) the receipt of a ruling from the Internal Revenue Service or an opinion from nationally recognized bond counsel, substantially to the effect that the interest on the Bonds is excludable from gross income tax purposes under existing law;

(ii) approval of the Bonds by all other governmental agencies required to approve the Bonds including, but not limited to, approval of the Bonds by the Mayor of the City of Austin, Texas, the Attorney General of the State of Texas and any other applicable governmental authority; and

(iii) any other conditions reasonably imposed by the Issuer.

Section 2. The Issuer hereby authorizes the submission of an Application to the TBRB for a reservation of the state ceiling for "private activity bonds" for program year 2020 (or other available bond funds administered by the TBRB) and each subsequent calendar year at the User's request to finance the Project. Any officer of the Issuer is hereby authorized to execute and submit an Application to the TBRB in such form as may be approved by the TBRB for such purpose.

Section 3. It is understood by the Issuer and the Unit, and the User has represented to the Issuer, that in consideration of this Resolution and by filing the Application, and subject to the terms and conditions hereof, the User has agreed that:

(a) Prior to the sale of the Bonds in one or more series or issues from time to time as the Issuer and the User shall hereafter agree to in writing, the User will enter into the Contracts with the Issuer under the terms of which the User will obligate itself to pay to the Issuer (or to a Trustee, as the case may be) sums sufficient in the aggregate to pay the principal of, interest on, redemption premiums, paying agents' fees, and Trustee's fees, if any, on the Bonds, as and when the same become due and payable, with such contract to contain the provisions described in Section 1 hereof and such other provisions as may be required or permitted by law and to be mutually acceptable to the Issuer and the User.

(b) The User will (1) pay all Project costs which are not or cannot be paid or reimbursed from the proceeds of the Bonds and (2) at all times, indemnify and hold harmless the Issuer against all losses, costs, damages, expenses, and liabilities of whatsoever nature (including but not limited to attorneys' fees, litigation and court costs, amounts paid in settlement, and amounts paid to discharge judgments) directly or indirectly resulting from, arising out of or related to the issuance, offering, sale, or delivery of the Bonds, or the design, construction, operation, use, occupancy, maintenance, or ownership of the Project.

(c) The User will provide to the Issuer all information required to be submitted to the TBRB and any other governmental agencies for approval of the Project or the Bonds and will execute all necessary documents in connection therewith.

Section 4. The Issuer finds, determines, recites and declares that the issuance of the Bonds to provide financing for the Project will promote the public purposes set forth in Section 303 of the Act, including, without limitation, assisting persons of low and moderate income to obtain decent, safe and sanitary housing at rentals they can afford.

Section 5. Neither the User nor any other party is entitled to rely on this Resolution as a commitment to loan funds, and the Issuer reserves the right not to issue the Bonds either with or without cause and with or without notice, and in such event the Issuer shall not be subject to any liability or damages of any nature. Neither the User nor any one claiming by, through or under the User, nor any investment banking firm or potential purchaser of the Bonds shall have any claim against the Issuer whatsoever as a result of any decision by the Issuer not to issue the Bonds.

Section 6. It is recognized and agreed by the Issuer that the User may exercise its rights and perform its obligations with respect to the financing of the Project either through (i) itself in its own name; (ii) any of its wholly-owned subsidiaries; (iii) any "related person" as defined in Section 144(a)(3) of the Code; or (iv) any legal successor thereto, respectively, subject to approval of the Issuer's bond counsel and, provided that suitable guaranties necessary or convenient for the marketability of the Bonds shall be furnished, if required by the Issuer, and all references to the User shall be deemed to include the User acting directly through itself or any such approved entities.

Section 7. This Resolution is affirmative of official action taken by the Issuer towards the issuance of the Bonds within the meaning of Sections 1.1038(a)(5)(i) and (ii) 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 Bonds issued to reimburse Project costs may qualify for the exemption provisions of Section 142(a)(7) of the Code and that the interest on the 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 8. The Issuer hereby authorizes the filing and any resubmission of an Application with the TBRB, and that Coats Rose, P.C. be designated as the authorized representative of the Issuer for purposes of an Application ("**Bond Counsel**"). Any officer of the Issuer is hereby authorized and directed to execute an Application on behalf of the Issuer and to take any and all other actions related to such Application or necessary or desirable to carry out the provisions of this Resolution, including any further revisions to this Resolution.

Section 9. Notwithstanding any other provision of this Resolution, the officers of the Issuer are each hereby authorized to make or approve such revisions to this Resolution and in the form of the documents hereby approved, in the opinion of Bond Counsel, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution; and approval of such changes by the Issuer shall be indicated by such officers' execution of the documents.

PASSED, APPROVED, AND ADOPTED this 26th day of March, 2020.

ATTEST:



Michael G. Gerber, Secretary



Chairperson