

**REQUEST FOR CITY OF AUSTIN RESOLUTIONS & OTHER REQUIREMENTS**  
**for**  
**2023 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 2023. All resolutions being requested are subject to approval by the Austin City Council. Staff reserves the right not to recommend approval for any resolution request.

This Application can also be used to request TEFRA approvals from the Austin City Council.

1. **Application Deadlines.** Applicants will not be accepted unless the Applicant provides both an Inducement Resolution from the local issuer as well as a Certificate of Reservation from the Texas Bond Review Board. If a Certificate of Reservation is not yet available, the Applicant must demonstrate that receipt is imminent.

Applications are accepted on a rolling basis. To ensure resolutions are approved and executed in advance of the deadline 14 calendar days prior to the TDHCA Board Meeting, please submit the application to HPD Staff as early as possible once a reservation is imminent.

2. **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.

\_\_\_\_\_ 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)

\_\_\_\_\_ TEFRA Resolution Requested. The TEFRA hearing is tentatively scheduled for \_\_\_\_\_ (month) \_\_\_\_\_ (year).

3. **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. **IT IS STRONGLY ADVISED THAT SMART APPLICATIONS BE SUBMITTED AT LEAST THREE WEEKS BEFORE THE RESOLUTION APPLICATION DEADLINE.** For more information on the [S.M.A.R.T. Housing Program](#), email Nathan Jones at [nathan.jones@austintexas.gov](mailto:nathan.jones@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](http://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, **as well as a Certificate of Reservation from the Texas Bond Review Board.** If the Certificate of Reservation is not yet available, the Applicant must demonstrate that its receipt is imminent.
  - 9) If the proposed development involves the rehabilitation of a currently occupied development, provide an excel table of the current rents by unit type and the proposed rents by unit type following the completion of rehabilitation.
- 4) **How to Submit.** Applications should be sent by email to Brendan Kennedy at [Brendan.Kennedy@austintexas.gov](mailto:Brendan.Kennedy@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 Brendan Kennedy. For more information, contact Brendan Kennedy at 512-978-1594 or by e-mail at [brendan.kennedy@austintexas.gov](mailto:brendan.kennedy@austintexas.gov).

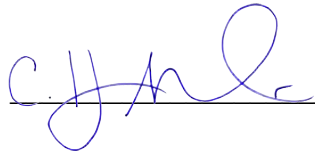
Development Name: \_\_\_\_\_

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

\_\_\_\_\_

Authorized Representative Signature

 \_\_\_\_\_

Authorized Representative Printed Name

\_\_\_\_\_

Authorized Representative Title

\_\_\_\_\_

Date

\_\_\_\_\_

## **Attachment 1 - Project Narrative**

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





Blue Ridge Apartments is a proposed 321-unit affordable multifamily development located at 9825 Wildhorse Ranch Trail, Austin, TX 78724. Blue Ridge is a part of a vibrant masterplan community with access to a new Elementary School, single family homes, market rate apartments, parkland, and future commercial developments. The community will serve families earning up to 60% AMI and provide 1-, 2-, 3-, and 4-bedroom units. The community will offer a clubhouse to residents that provides a Learning Center, fitness center, swimming pool, community room, and other amenities. The community will be financed through TDHCA's 4% HTC program and will be under a Land Use Restriction Agreement for 30 years.

The site is in close proximity to several growing employment hubs within the area, including Tesla, Samsung, EastVillage, Walnut Creek Business Park, Colony Park, and countless industrial developments on 130/290. A future Green Line stop is contemplated at nearby Wildhorse which would transform this area and drastically improve mobility. Blue Ridge residents will also enjoy the public parks and amenities near the site.

Blue Ridge is committed to providing a free after-school Learning Center that will offer **15 + hours of weekly educational services** for elementary, middle, and high school children who live at the community. The program will be hosted on-site and be free of charge. The programming will be tailored to the needs of the individual students who participate. The following support will be provided:

- Tutoring
- English as a Second Language (ESL) education
- Test preparation
- Homework assistance
- Reading/Writing
- Technology training
- Music and creative arts

## **Attachment 2 – Project Summary**

*(Insert a PDF of the Excel Project Summary Form)*

**Project Summary Form**

1) Development Name: Blue Ridge

2) Project Type: 100% Affordable

3) New Construction or Rehabilitation?: New Construction

4) Development Owner (as submitted in TDHCA Application): ECG Blue Ridge LP

5) Developer Company: Elmington

6) Location Description (address if available; if not, then, e.g., NEQ of intersection of Y and Z Streets in Austin, Texas, ZIP): 9825 Wildhorse Ranch Trail, Austin, TX 78724

7) Mobility Bond Corridor: N/A

8) Census Tract: 22.19

9) Council District: District 1

10) Elementary School: LAGO VISTA EL

11) Affordability Period: 30 Years

12) Type of Structure: Multi-family

13) Occupied?: No

14) How will AHFC funds be used?: N/A

15) Bond Issuer (if applicable): Strategic HFC

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

17) Target Population: General

**18) Summary of Rental Units by MFI Level**

Income Level	Efficiency	One Bedroom	Two Bedroom	Three Bedroom	Four (+) Bedroom	Total
Up to 20% MFI						0
Up to 30% MFI						0
Up to 40% MFI						0
Up to 50% MFI						0
Up to 60% MFI		57	162	89	13	321
Up to 70% MFI						0
Up to 80% MFI						0
Up to 120% MFI						0
No Restrictions						0
<b>Total Units</b>	<b>0</b>	<b>57</b>	<b>162</b>	<b>89</b>	<b>13</b>	<b>321</b>

**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
<b>Total Units</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**20) Initiatives and Priorities (of the Affordable Units)**

Initiative	# of Units	Initiative	# of Units
Accessible Units for Mobility Impairments	19	Continuum of Care Units	
Accessible Units for Sensory Impairments	8	Non-CoC Supportive Housing Units	

**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?  Yes
- 21) The property has Healthy Food Access?  No

**22) Estimated Sources and Uses of funds**

<b>Sources</b>		<b>Uses</b>	
Debt	56,950,000	Acquisition	10,800,000
Tax Credit Equity	33,108,314	Off-Site	2,513,700
Grant	-	Site Work	6,287,225
Deferred Developer Fee	11,546,726	Site Amenities	750,000
<b>Elmington Contribution</b>	<b>2,750,489</b>	Building Costs	49,905,483
Previous AHFC Funding	-	Contractor Fees	7,134,769
Expected AHFC Request	-	Soft Costs	4,212,000
		Financing	11,205,626
		Developer Fees	11,546,726
<b>Total \$</b>	<b>104,355,529</b>	<b>Total \$</b>	<b>104,355,529</b>

### **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 at [Alex.Radtke@austintexas.gov](mailto:Alex.Radtke@austintexas.gov) or Nathan Jones at [Nathan.Jones@austintexas.gov](mailto:Nathan.Jones@austintexas.gov).*



# City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.austintexas.gov/department/housing-and-planning](http://www.austintexas.gov/department/housing-and-planning)

## Housing Department S.M.A.R.T. Housing Program

August 18, 2023

**S.M.A.R.T. Housing Certification**  
ECG Acquisitions, LLC  
9825 Wildhorse Ranch Trail (ID XX-XX)

TO WHOM IT MAY CONCERN:

Owner ECG Acquisitions, LLC (development contact: Mark McCord, ph: 859-588-2748; email: [mmccord@elmingtoncapital.com](mailto:mmccord@elmingtoncapital.com)) is planning to develop Blue Ridge, a 375-unit new construction multi-family development at 9825 Wildhorse Ranch Trail Austin, TX 78653.

<b>S.M.A.R.T. Housing – Rental – 9825 Wildhorse Ranch Trail</b>	
<b>Total units:</b> 375 units	
<u>Minimum Required:</u> 40% (150 units) at or below 80% MFI - Requirements for 100% fee waiver	<u>Proposed unit mix:</u> 100% (375 units) at or below 60% MFI
<b>Affordability Period (S.M.A.R.T. units):</b> 5 Years	
<b>Fee waiver level:</b> 100%	
<b>AWU Capital Recovery Fees:</b> 00/375 units eligible	

Note: This certification letter only reflects the minimum requirements for the relevant program (S.M.A.R.T. Housing). Should the owner choose to participate in other affordability programs, the development may be subject to additional affordability restrictions and/or a longer affordability period.

Because the applicant has proposed a unit mix that meets the minimum program thresholds, the development will be eligible for a waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance except for Austin Water Utility Capital Recovery Fees (see below). The fee waiver level is listed above. The project will be subject to its minimum affordability period after issuance of a certificate of occupancy, unless funding requirements are longer.

Based on the requirements under the Texas Local Government Code, Chapter 395.16(g) and 42 U.S.C. Section 12745 (A)(1) as it relates to how housing qualifies as affordable housing, only a certain number of units may be eligible to receive Austin Water Utility Capital Recovery Fee (CRF) waivers. The table above lists the number of units which are eligible to receive CRF fee waivers.

The Housing Department certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. The expected fee waivers may include the following fees:

- |                         |                         |                           |
|-------------------------|-------------------------|---------------------------|
| Building Permit         | Electrical Permit       | Plumbing Permit           |
| Concrete Permit         | Mechanical Permit       |                           |
| Site Plan Review        | Subdivision Plan Review | Regular Zoning Fee        |
| Construction Inspection | Parkland Dedication Fee | Zoning Verification       |
| Demolition Permit Fee   | (by separate ordinance) | Land Status Determination |

Building Plan Review

**Prior to issuance of building permits and starting construction, the developer must:**

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or [greenbuilding@austinenergy.com](mailto:greenbuilding@austinenergy.com)).
- ◆ Submit plans demonstrating compliance with the required accessibility or visitability standards.

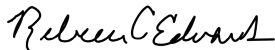
**Before a Certificate of Occupancy will be granted, the development must:**

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify that the required accessibility or visitability standards have been met.
- ◆ An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.978.1783 or by email at [rebecca.edwards@austintexas.gov](mailto:rebecca.edwards@austintexas.gov) if you need additional information.

Sincerely,



Rebecca Edwards, Project Coordinator  
Housing Department

Cc: Kristin Martinez, AE

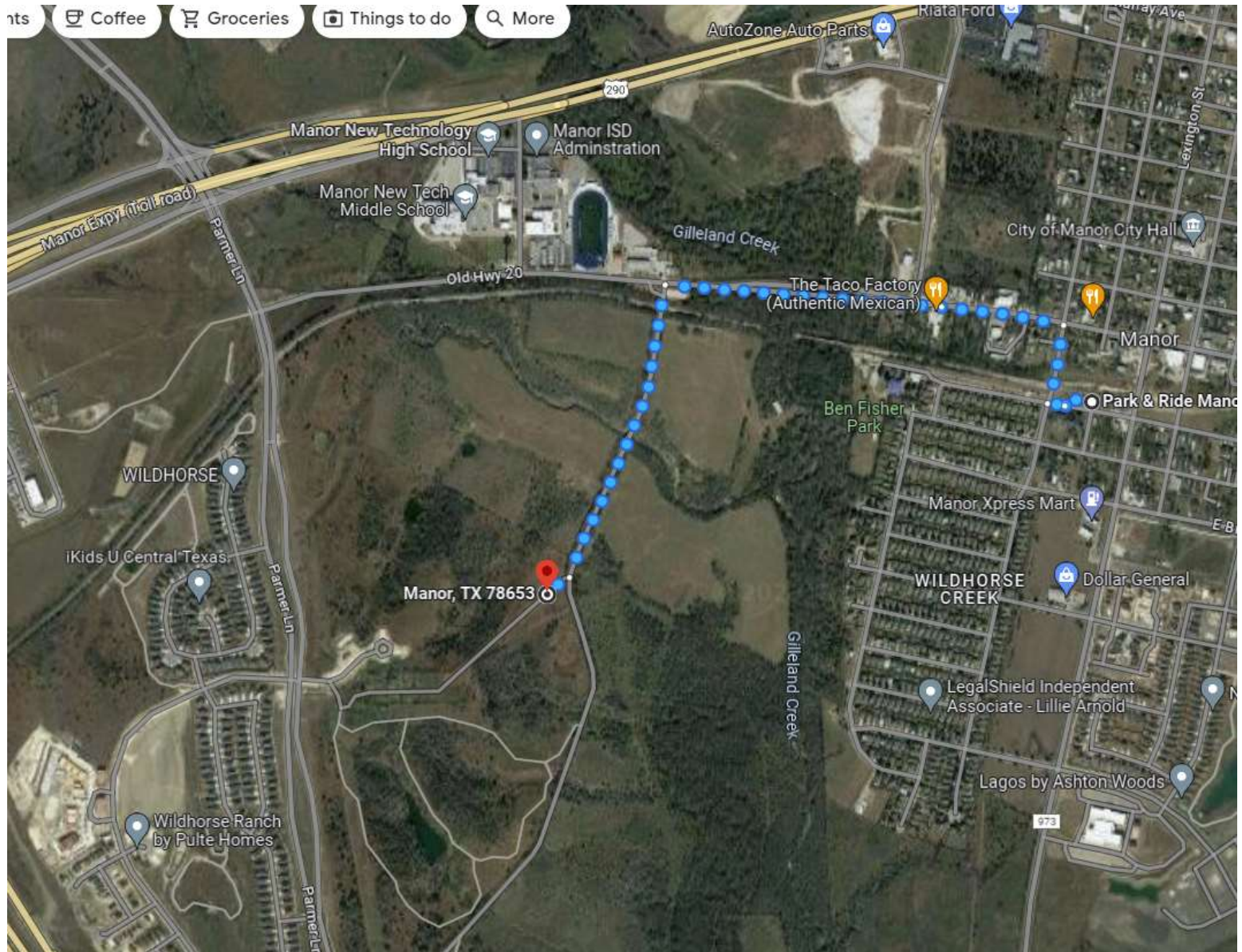
Jonathan Orenstein, AWU

Mashell Smith, ORS

## **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)*

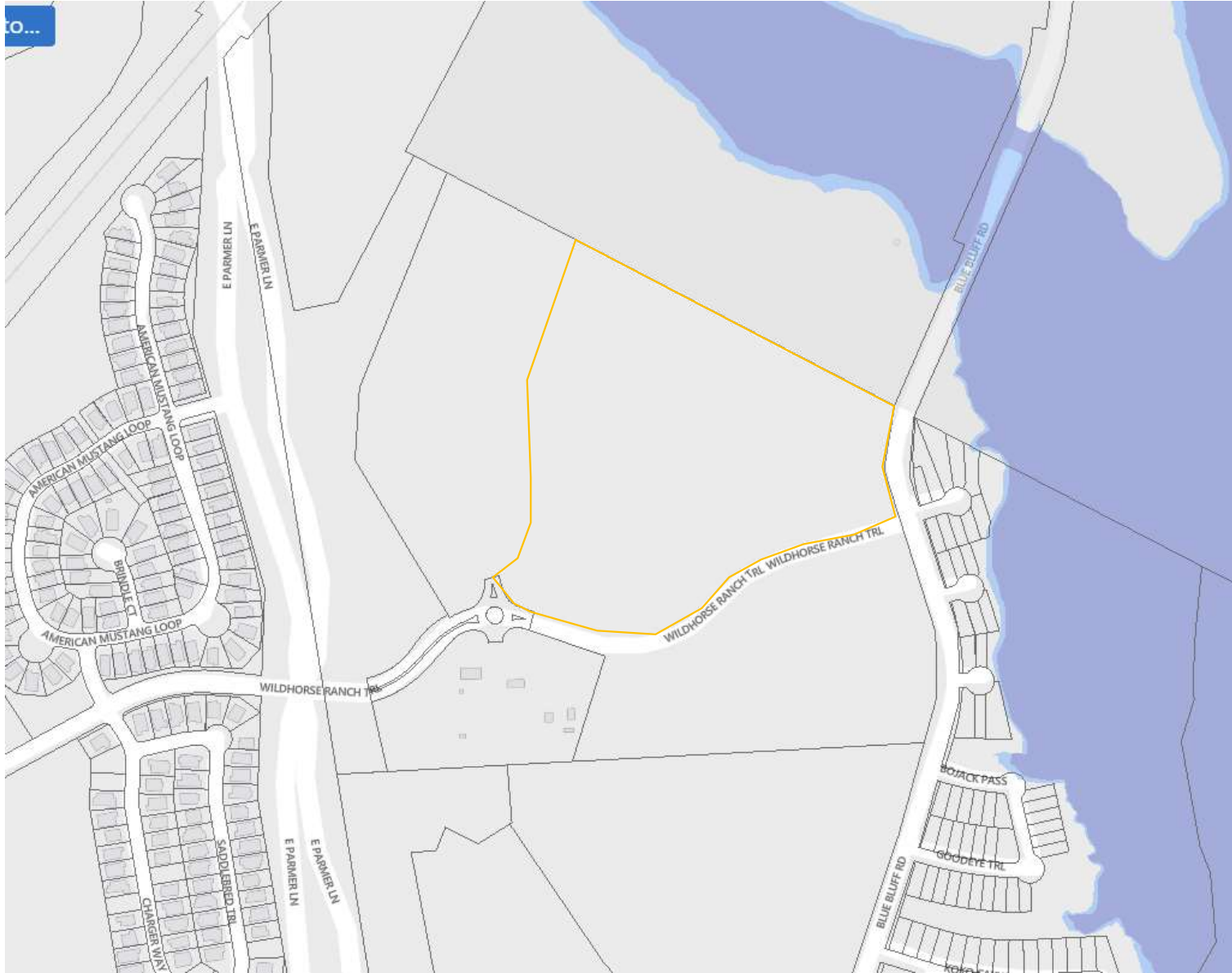






## **Attachment 5 - Flood Plain Map**

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



## **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)*

# Elmington Overview

Elmington Affordable is a privately owned commercial real estate development firm. Elmington primarily acquires underutilized land with a strategy to create long-term sustainable affordable housing that meets the specific needs of the community.

Elmington is a national leader in workforce and affordable housing development. The team leverages a broad array of capital strategies including conventional debt/equity, Low-Income Tax Credits (LIHTC), public/private partnerships, HUD and local programs to deliver quality housing to individuals and families in need.

To date, Elmington has developed over 8,000 units across the United States. Elmington is currently active in TX, TN, NC, OH, and AL.

Elmington is under construction on 4 communities (1,141 units), in Travis County.

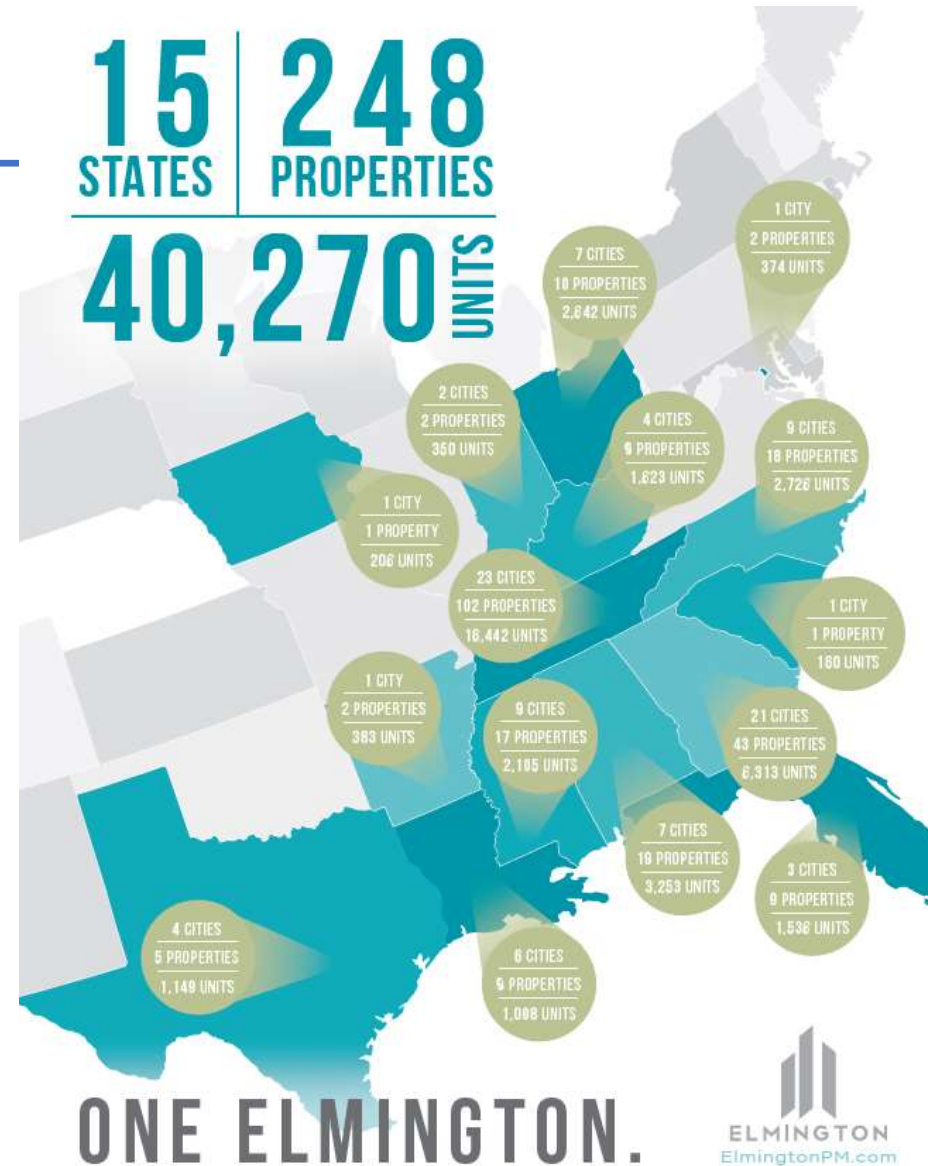
Elmington has full-service capabilities with property management (Elmington Property Management) and construction (Elmington Construction) functions.

## Elmington Construction

Elmington Construction is a full-service residential and commercial General Contractor. EC coordinates construction for all ECG developments and focuses on cost estimation, pre-planning, subcontractors and suppliers.

## Elmington Property Management

Elmington Property Management currently manages 40,000 housing units. EPM manages a variety of communities but has a deep expertise in affordable housing.





# ELMINGTON ELEVATES

Since 2015, Elmington Elevates has been engaging our employees, business partners, vendors, and residents to create meaningful impact in our local communities.

Elmington Elevates is its own 501c(3) operating in close partnership with Elmington Property Management and employees.

Over the past few years, Elevates has:

- Collected over **10,000 cans of food** for those experiencing food insecurity
- Raised over **\$12,000 for school supplies** to ensure that students thrive in the classroom
- **Built a playground** at KIPP Kirkpatrick Elementary School
- Collected over **\$8,700 for families to rebuild** after the Nashville tornado and to support vulnerable families during COVID-19
- **Donated over \$100,000** to local public schools!



## DEVELOPMENT EXPERIENCE

[ElmingtonDevelops.com](http://ElmingtonDevelops.com)



# HILLSIDE







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COMMON AREAS & AMENITIES





COMMON AREAS & AMENITIES







UNIT FINISHES



**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)*

**NOT APPLICABLE**

## **Attachment 8 – Inducement Resolution & TBRB Certificate of Reservation**

*(Attach the inducement resolution from the issuer of bonds for the proposed development, **as well as a Certificate of Reservation from the Texas Bond Review Board.** If the Certificate of Reservation is not yet available, the Applicant must demonstrate that its receipt is imminent.)*



## TEXAS BOND REVIEW BOARD

Governor Greg Abbott, Chairman  
Lieutenant Governor Dan Patrick  
Speaker Dade Phelan  
Comptroller Glenn Hegar

Robert B. Latsha II  
Executive Director

### CERTIFICATE OF RESERVATION Docket Number 5072

Pursuant to the terms of Chapter 1372 of the Texas Government Code, as amended (the "Act"), and the Internal Revenue Code of 1986, as amended (the "Code"), the undersigned hereby issues this Certificate of Reservation for the purpose of reserving a portion of the State ceiling for private activity bonds (as defined in the Code) for calendar year 2023.

The undersigned certifies that on August 22, 2023 (the "Reservation Date") an *Application for Reservation* was accepted as a qualified application by the Texas Bond Review Board for filing.

The amount of \$50,000,000 is hereby reserved for Strategic Housing Finance Corporation of Travis County (the "Issuer") to be used for Qualified Residential Rental Project (Blue Ridge Apartments) the purpose of which is described in the *Application for Reservation*.

The undersigned certifies that the State ceiling of \$3,603,548,640, imposed by the Code, has not been exceeded for calendar year 2023.

This Certificate of Reservation shall be null and void if the Issuer is not in compliance with the procedures and deadlines outlined in the Act and the Code.

This Certificate of Reservation is not to be construed as: (i) a representation or warranty by the Texas Bond Review Board or its Executive Director that the above-mentioned bonds will be paid or that any obligations assumed by any of the parties under the instruments delivered in connection with the bonds will in fact be performed; (ii) a pledge of the faith or credit of the State of Texas or any agency, instrumentality or political subdivision of the State of Texas; or (iii) a representation or warranty concerning the validity of the corporate existence of the Issuer or the validity of the bonds.

To the best of my knowledge and belief, I hereby certify under penalty of perjury that this reservation and endorsement was not made in consideration of a bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

A handwritten signature in blue ink, consisting of the initials "RL" followed by a long horizontal line extending to the right.

Robert B. Latsha II  
Executive Director

Dated this 22<sup>nd</sup> day of August, 2023



**Attachment 9 – Rents by Unit Type: Before and After Rehabilitation  
(if applicable)**

*(If the proposed development involves the rehabilitation of a currently occupied development, attach an excel table of the current rents by unit type and the proposed rents by unit type following the completion of rehabilitation)*

**NOT APPLICABLE**