

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
June 9, 2006
Action Items



ELDERLY HOUSING COMMUNITY LOAN PROGRAM

Action

I. ELDERLY HOUSING COMMUNITY LOAN PROGRAM

A. Request Approval of 2006 Elderly Housing Community Loan (EHCL) Program Review Committee's Recommendation of Final Rankings

1. Background/Present Situation

- a) The EHCL Program provides loans of up to \$750,000 to developers who are making substantial improvements to elderly housing for life safety, building preservation, health, sanitation, or security related issues.
- b) The EHCL Application Cycle opened on February 20, 2006 and closed April 5, 2006, with an estimated \$1,400,000 available for funding. Four applications were received for this cycle and two have been withdrawn.
- c) The EHCL Review Committee (comprised of Jody Bedgood, Derek Helms and Heather Boyd of Florida Housing, Bob Hunter of the Department of Community Affairs, and Horacio Ferrer and Sherilyn Toro of the Department of Elder Affairs) met on May 16, 2006. The review committee recommends the attached final ranking ([Exhibit A](#)). The eligible applications are Mt. Carmel Gardens for \$479,761 and The Towers of Jacksonville for \$400,000.

2. Recommendation

Approve the EHCL Review Committee's recommendation for final ranking and direct staff to issue preliminary commitment letters and proceed with all necessary credit underwriting activities.

HOMEOWNERSHIP PROGRAMS

Action

II. HOMEOWNERSHIP PROGRAMS

A. Homeownership Assistance for Moderate Income Program - Approval of Amended Rule Chapter 67-51, Florida Administrative Code (F.A.C)

1. Background/Present Situation

- a) The Homeownership Assistance for Moderate Income Program (HAMI) provides down payment and closing costs assistance to home buyers whose incomes are 80.01% of Area Median Income (AMI) or above. The source of this funding is revenues generated from the issuance of Single Family Mortgage Revenue Bonds. The loans, offered in an amount up to \$5,000, are fully amortized over a 10-year term and have level monthly payments.
- b) On March 30, 2006, the Board approved the rule development process.
- c) A Rule Development Workshop was held on April 4, 2006 in Tallahassee.
- d) The proposed amendments to Rule 67-51, F.A.C. was forwarded to the Joint Administrative Procedures Committee (J.A.P.C.) for review and further comments.
- e) A Rule Hearing was held on May 9, 2006 in Tallahassee. No comments from the public were received. Subsequently, a Notice of No Change will be sent to JAPC on June 16, 2006.
- f) The Rule is scheduled to become effective on July 13, 2006.

2. Recommendation

Approve the attached ([Exhibit A](#)) final Rule 67-51, F.A.C.

HURRICANE PROGRAMS

Action

III. HURRICANE PROGRAMS

A. Request to Begin Emergency Rule Development for the Establishment of the Farmworker Housing Recovery Program and the Special Housing Assistance and Development Program

1. Background/Present Situation

- a) The Farmworker Housing Recovery and the Special Housing Assistance and Development Programs were proposed in 2005 as part of the Hurricane Housing Work Group's recommendations (February 2005), but were not funded by the Legislature in 2005.
- b) The Governor again recommended funding for these programs in 2006. House Bill 1363 was passed during the 2006 Legislative session and is expected to become law on July 1, 2006. The bill authorizes the sum of \$15 million from the State Housing Trust Fund to Florida Housing for the Farmworker Housing Recovery Program and the Special Housing Assistance and Development Program

2. Recommendation

Authorize staff to begin the emergency rule development process for the establishment of the Farmworker Housing Recovery and the Special Housing Assistance and Development Programs.

MULTIFAMILY BONDS

Action Supplement

I. MULTIFAMILY BONDS

- A. Request Approval Of The Changes To The Final Credit Underwriting Report For The Development In The Amount Of \$30,000,000 Of Tax-Exempt Bonds, Consisting Of 336 Units, Located In Jacksonville, Duval County, Florida

| | |
|---|---|
| DEVELOPMENT NAME (“Development”): | Mariner’s Club Apartments |
| DEVELOPER/PRINCIPAL (“Applicant”): | Fairfield Mariner’s Club, LLC/Fairfield California Housing Fund, LLC (“FCHF”)/FF California Housing Fund, LLC (“FFCHF”)/California Teachers’ Retirement System (“CalSTRS”)/Fairfield Residential, LLC (“Fairfield”)/Mariner Club, Ltd. (the “Seller”)/Mariner Club, Inc./Thomas V. Spano |
| NUMBER OF UNITS: | 336 |
| LOCATION (“County”): | Duval |
| TYPE (Rental, Homeownership): | Rental/Family |
| SET ASIDE: | 20% @ 50% (MMRB) |
| ALLOCATED AMOUNT: | \$30,000,000 of Tax-Exempt Bonds |

1. Background

- a) In 1996, Florida Housing financed the construction of the Development with \$19,475,000 in tax-exempt bonds and \$3,375,000 in taxable bonds, credit enhanced by the Florida Affordable Housing Guarantee Program (“Guarantee Program”) and designated as 1996 Series K-1 and K-2.
- b) The proposed sale by Mariner Club, Ltd., Mariner Club, Inc., and Thomas V. Spano to Fairfield Mariner’s Club, LLC and Fairfield Residential, LLC will result in termination of the credit enhancement of the bonds by the Guarantee Program.
- c) Applicant submitted an application on behalf of the proposed Development during the 2006 Supplemental MMRB Application Cycle. Applicant applied for tax-exempt bonds in the amount of \$30,000,000 in order to acquire and rehabilitate the Development.
- d) At the April, 2006 Board Meeting, Florida Housing approved the Final Credit Underwriting Report dated April 18, 2006.

2. Present Situation

- a) The Applicant in a letter dated May 15, 2006 requested changes to the Final Credit Underwriting Report (“CUR”) dated April 18, 2006:

MULTIFAMILY BONDS

Action Supplement

- (1) Amend the CUR to allow for a construction completion guaranty as well as a funding agreement from the Applicant and Fairfield Residential LLC in lieu of Condition #3 of the Additional Conditions which states: "All amounts necessary to complete construction/rehabilitation must be deposited with the First Mortgage Lender, Bond Trustee or the Servicer prior to MMRB Loan closing. At all times there will be un-disbursed funds held by the First Mortgage Lender, Bond Trustee or the Servicer, sufficient to complete the construction/rehabilitation. If at any time there are not sufficient funds held by the First Mortgage Lender, Bond Trustee or the Servicer to complete the construction/rehabilitation, the Borrower will be required to expend additional equity on construction/rehabilitation costs or to deposit additional equity with the First Mortgage Lender, Bond Trustee or the Servicer which is sufficient (in Florida Housing's judgment) to complete the construction/rehabilitation before additional MMRB Loan funds are disbursed. This condition specifically includes placing at closing all contingency funding from all sources, including Seller, to complete construction/rehabilitation into an escrow account to be maintained by the First Mortgage Lender, Bond Trustee, or the Servicer."
- (2) Amend the CUR to allow for a construction completion guaranty as well as a funding agreement from the Applicant and Fairfield Residential LLC in lieu of Condition #3 of the General Conditions which states: "Building permits and any other necessary regulatory approvals and permits, as required (e.g., final site plan approval, water management district, Florida Department of Environmental Protection, United States Army Corps of Engineers, Florida Department of Transportation, etc.). An acceptable alternative to this requirement is receipt and satisfactory review of a letter from the local permitting and approval authority stating that the above referenced permits and approvals will be issued upon receipt of applicable fees (with no other conditions), or evidence of 100% lien-free completion, if applicable. If such a letter is provided, copies of all permits and approvals will be required as a condition of the first post-closing draw."
- (3) Amend the CUR to allow for a construction completion guaranty as well as a funding agreement from the Applicant and Fairfield Residential LLC in lieu of Condition #4 of the General Conditions which states: "Final "as permitted" (signed and sealed) site plans, building plans and specifications, as applicable."
- (4) Amend the CUR to allow for a construction completion guaranty as well as a funding agreement from the Applicant and Fairfield Residential LLC in lieu of Condition #6 of the General Conditions which states: "A final construction draw schedule showing itemized sources and uses of funds for each monthly draw. MMRB Program loan proceeds shall be disbursed pro rata with other funding sources during the construction or rehabilitation phase, unless otherwise approved by the Credit Underwriter. The closing draw must include appropriate backup and ACH wiring instructions."

MULTIFAMILY BONDS

Action Supplement

- (5) Amend the CUR to allow for a construction completion guaranty as well as a funding agreement from the Applicant and Fairfield Residential LLC in lieu of Condition #8 of the General Conditions which states: "If the Subject Development is not 100% lien-free completed, 100% Payment and Performance Bonds ("P&P") or Letters of Credit ("LOC") in an amount not less than 25% of the two construction contracts are required in order to secure the construction contracts between Applicant and the primary General Contractor and secondary General Contractor. In each case, Florida Housing must be listed as co-obligee. The P&P bond(s) must be from a company rated at least "A-" by AM Best & Co., with a financial size category at least FSC VI. FHFC, and/or its legal counsel must approve the source, amount(s) and all terms of the P&P Bonds(s) or LOC. If the LOC option is utilized, the LOC must contain "Evergreen" Language and be in a form satisfactory to the Servicer, Florida Housing and its Legal Counsel."
- (6) Amend the CUR to allow for a construction completion guaranty as well as a funding agreement from the Applicant and Fairfield Residential LLC in lieu of Condition #12 of the Additional Conditions which states: "A minimum of 10% retainage holdback on all construction/rehabilitation draws until the Subject Development is 50% complete, with 0% retainage thereafter is required. Retainage will not be released until successful completion of construction/rehabilitation and issuance of all certificates of occupancy."
- (7) Amend the CUR to allow for a construction completion guaranty as well as a funding agreement from the Applicant and Fairfield Residential LLC in lieu of Condition #4 of the Special Conditions which state: Prior to or concurrent with closing, an amount sufficient to purchase all new materials required to install a new exterior Magna Wall siding system at Mariner's Club, as further described in the 4th Amendment will be deposited with the Bond Trustee. This amount is currently estimated to be \$372,750.
- (8) Amend Condition #5 of the Special Conditions to read: Per the 4th Amendment and concurrent with closing, Seller is required to deposit into an escrow account, held by Bond Trustee or Escrow Agent as approved by Florida Housing, \$1,250,000 which amount will be comprised of the Window Escrow Funds (\$500,000) plus Additional Costs Escrow Funds (\$750,000). Disbursements from said escrow account are to be subject to Borrower's approval.
- (9) Amend Condition #11 of the Additional Conditions to read: "Replacement Reserves in the greater of \$200 per unit per year or an amount required by the bond purchaser to be deposited on a monthly basis into a designated escrow account to be maintained by the First Mortgagee, the Bond Trustee or Florida Housing's loan servicing agent. However, Applicant has the option to prepay Replacement Reserves, as allowed per Rule 67-21.014, F.A.C., in the amount of \$67,200 (one-half the required Replacement Reserves for Years 1 and 2). Applicant can waive this election, if at closing of the MMRB Loan, the required debt service coverage is met without the need to exercise the option. It is currently estimated that Replacement Reserves will be

MULTIFAMILY BONDS

Action Supplement

funded from Operations in the greater of \$200 per unit per year or an amount required by the bond purchaser for Years 1 and 2, followed by the greater of \$200 per unit per year or an amount required by the bond purchaser thereafter. An inflation factor based upon the Consumer Price Index will be applied to the Replacement Reserve Deposit beginning in Year 7, unless waived or reduced in the event Obligor provides a Physical Needs Study prepared by an independent third party acceptable to FHFC that evidences an increase in the Replacement Reserve deposit is excessive or unnecessary.”

- (10) Amend Section C, Guarantor Information to allow the Applicant and Fairfield to provide standard Florida Housing guarantees including an environmental indemnity, a guarantee of recourse obligations, a construction completion guarantee, a funding agreement and an unlimited operating deficit guarantee. Fairfield has requested this change due to the fact that CalSTRS is a member of both FCHF and FFCHF and is unable to provide any guarantees.

3. Recommendation

That the Board approve the changes to the Final Credit Underwriting Report dated April 18, 2006 recommending that \$30,000,000 in tax-exempt bonds be issued for the purpose of acquiring and rehabilitating the Development, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

MINUTES

Action

V. MINUTES

- A. Consider Approval of the [April 21, 2006, Board of Directors' Meeting Minutes](#).

PREDEVELOPMENT LOAN PROGRAM (PLP)

Action

VI. PREDEVELOPMENT LOAN PROGRAM (PLP)

A. Request Approval to Begin Rule Development for Rule Chapter 67-38, Florida Administrative Code

1. Background/Present Situation

- a) In order to address necessary changes to Rule Chapter 67-38, Florida Administrative Code (F.A.C.), for PLP staff has determined that it is necessary to begin the rule development process.
- b) A Rule Development Workshop will be held in July 2006 to solicit comments concerning Rule Chapter 67-38, F.A.C.
- c) Staff will advertise the rulemaking process as required.

2. Recommendation

Approve staff's request to begin the rule development process for Rule Chapter 67-38, F.A.C., for PLP.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Action

B. Approve Modification/Reduction in Units, Reduction in PLP Loan Amount and PLP Loan Extension for Westview Terrace (PLP 00-026)

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|---|--|
| DEVELOPMENT NAME (“Development”): | Westview Terrace |
| APPLICANT/DEVELOPER (“Developer”): | Opa-Locka CDC, Inc., a non-profit corporation |
| CO-DEVELOPER: | n/a |
| NUMBER OF SET-ASIDE UNITS: | 337 Rental, 50 homeownership (proposed) |
| LOCATION (“County”): | Miami-Dade |
| TYPE: | Rental, Homeownership |
| SET ASIDE: | Rental 60% @ 60% AMI Homeownership 100% @ 80% AMI |
| PLP LOAN AMOUNT: | \$ 460,000 (proposed) |
| ADDITIONAL COMMENTS: The Technical Assistance Provider (TAP) has recommended approval. | |

1. Background

- a) On July 18, 2003, the Developer closed on a PLP loan in the amount of \$500,000.
- b) To date, the Developer has used \$282,000 for eligible predevelopment costs.

2. Present Situation

- a) On May, 9, 2006 staff received correspondence from the Developer requesting to modify the scope of the development, reduce the number of units and to extend the term of the PLP Loan ([Exhibit A](#)). The original PLP Loan committed to 421 rental units to be acquired and rehabilitated by the Developer and is scheduled to mature on July 18, 2006.
- b) After acquiring the property with bridge financing, the Developer discovered the property needed more extensive rehabilitation than originally planned. Subsequent to this, the property sustained damage from Hurricane Wilma, thus creating additional repairs that were not covered by the Developer’s insurance. After examining the increased rehabilitation costs, the Developer determined the most financially viable plan for this Development would be to convert 84 of the 421 rental units to affordable condominiums for ownership, leaving 337 units available for rental. Of these 84 condominiums, only 50 will be assisted by PLP funds and subject to the set-aside requirement of 100% @ 80% AMI, with the remaining 37 units serving AMI levels up to 120%. This will allow the Developer to be consistent with restrictions set forth by other funding sources as well as offer home ownership opportunities to current tenants whose incomes exceed 80% AMI.
- c) In accordance with the reduction in units, the loan amount will be reduced proportionately to \$460,000.
- d) Although Chapter 67-38 currently prohibits Developers from requesting funding for both multifamily and single family units within the same application, at the time the Developer applied for the PLP, Rule Chapter 67-38 did not prohibit combining these two housing types.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Action

- e) The TAP has recommended approval of the modification as well as a one year extension and believes doing so will result in the success of the Development ([Exhibit B](#)). The TAP has submitted a revised Development Plan ([Exhibit C](#)).

3. Recommendation

Approve the Developer's request to reduce the number of PLP assisted units from 421 to 387 (allowing 50 of the 387 units to be homeownership units), reduce the loan amount to \$460,000 and grant a one year extension to the PLP Loan term to July 18, 2007.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

VII. PROFESSIONAL SERVICES SELECTION (PSS)

A. Requests for Proposals (RFP) for the Development of Transitional Housing for Youths Aging Out of Foster Care (RFP 2006-01)

1. Background

At its December 9, 2005 meeting Florida Housing's Board of Directors authorized staff to draft and issue an RFP to solicit proposals for the development and/or rehabilitation or transitional housing for youths aging out of foster care.

2. Present Situation

- a) An RFP process was initiated and RFP 2006-01 was issued on Friday, January 6, 2006, making up to \$2.5 million available as loans. The deadline for receipt of proposals was 2:00 p.m. Friday, March 17, 2006.
- b) The following proposals were received in response to the RFP. The requested loan amounts are noted:
 - (1) Camillus House, Our Kids, Biscayne Housing Group, and Carlisle Development - \$900,000
 - (2) Carrfour Supportive Housing - \$2,500,000
 - (3) Children's Home Society, Jacksonville - \$249,000
 - (4) Citrus Health Network, Inc. - \$480,000
 - (5) daniel - \$300,000
 - (6) Jacksonville Youth Sanctuary – Requested loan amount was not specified in their proposal
 - (7) Our Mother's Home of Southwest Florida - \$270,000
 - (8) Treasure Coast Division of Children's Home Society - \$750,000
 - (9) Turtle Nest Village – \$1,000,000
 - (10) YMCA Village Allapattah Phase I, LLC – \$1,250,000
 - (11) Youth Crisis Center - \$480,000
- c) The Review Committee members, designated by the Executive Director, were Rob Dearduff, Special Programs Administrator; Angie Sellers, Comptroller; Matt Jugenheimer, Asset Management Manager; Keantha Belton, Special Programs Manager; and Susan Parks, Chief Information Officer.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

- d) Each member of the Review Committee individually reviewed the proposals prior to convening for the Review Committee meetings. The Review Committee met at 2:30 p.m., on Monday, April 10, 2006 and 10:30 a.m., Thursday, April 20, 2006. At its April 10th meeting the Review Committee voted to rank the proposals one through eleven; one being the highest ranked proposal. Results of the Review Committee's ranking are provided as [Exhibit A](#).

3. Recommendation

Accept the review committee's ranking of the eleven (11) proposals submitted with the breaking of the tie between Children's Home Society of Jacksonville and Turtle Nest Village, ranking Children's Home Society fourth and Turtle Nest Village fifth due to the fact that Turtle Nest Village did not prove readiness to proceed for all proposed phases. Authorize the funding of the proposals ranked 1-4 as proposed; partially fund Turtle Nest Village in the amount of up to \$400,000, with the restriction that the total development costs does not exceed 75%; and contingent upon successful negotiation between the parties of the loan terms; and, if additional funding becomes available, because another proposal(s) drops out, offer the additional funding to Turtle Nest Village in order to fully fund their \$1,000,000 loan request amount.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

B. Request for Proposals (RFP) for Community Workforce Housing Innovation Pilot Program

1. Background

- a) House Bill 1363, passed by the Legislature on May 2, 2006, which will, unless vetoed, become law effective on July 1, 2006, creates, at § 27, the Community Workforce Housing Innovation Pilot Program (CWHIP). CWHIP is a pilot program created to provide affordable rental and home ownership opportunities for essential services personnel with whose total annual household income does not exceed 140 percent of the AMI, adjusted for household size or a higher area median income in areas of critical state concern or 150 percent of AMI, adjusted for family size, in areas of critical state concern, in high-cost and high-growth counties. "Essential services personnel" is to be defined in the local housing assistance plan under the SHIP program. The program is designed to use regulatory incentives and state and local funds to promote local public-private partnerships and to leverage government and private sources.
- b) The bill authorizes the Corporation to provide CWHIP loans for construction or rehabilitation of workforce housing in eligible areas at an interest rate of 1 to 3 percent, which may be forgiven where long-term affordability is provided and where at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel. The Corporation is directed to establish a funding process and selection criteria by rule or by request for proposals. The funding appropriated for this pilot program is intended to be used with other public and private sector resources.
- c) The CWHIP program shall provide priority funding consideration to projects in counties where the disparity between the area median income and the median sales price for a single family home is greatest. The Corporation is authorized to fund projects in counties where innovative regulatory and financial incentives are made available. Priority funding consideration shall be given where:
 - (1) The local jurisdiction establishes appropriate regulatory incentives;
 - (2) Projects are innovative, and include new construction or rehabilitation, mixed-income housing, or commercial and housing mixed-use elements, and those that promote homeownership; and
 - (3) Projects that set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project.
- d) For home ownership units, applications must limit the sales price of a detached unit, town home, or condominium unit to not more than 80 percent of the higher of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit. Applicants must require that all eligible purchasers of home ownership units occupy the homes as their primary residence. For rental units, applicants must restrict rents for all workforce housing serving those with incomes at or below 120 percent of the AMI at the appropriate income level using the restricted rents for the federal low-income housing tax credit program. For workforce housing units serving those with incomes above 120 percent of AMI, applicants must restrict rents to those

PROFESSIONAL SERVICES SELECTION (PSS)

Action

established by the Corporation, not to exceed 30 percent of the maximum household income adjusted to unit size. In addition, program applicants must:

- (1) Demonstrate that the applicant is a public-private partnership.
 - (2) Have grants, donations of land or contributions from the public-private partnership or other sources collectively totaling at least 15 percent of the total development cost.
 - (3) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined above.
 - (4) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.
 - (5) Demonstrate the applicant's affordable housing development and management experience.
 - (6) Provide any available research or facts supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.
- e) The bill provides that projects eligible for loans may include certain manufactured housing that includes local contributions or financial strategies.
- f) The corporation is to report to the Governor, Speaker of the House, and President of the Senate, on the CWHIP program not later than two months after the end of the corporation's fiscal year.

2. Present Situation

- a) Because the time for creating the CWHIP program is limited, it is necessary to begin developing the RFP and program rules before the July 1, 2006, effective date of the bill.
- b) Staff will return to the Board with an RFP and draft rules as soon as is practicable after July 1, 2006.

3. Recommendation

Authorize staff to begin development of the CWHIP RFP to select projects for funding, and to begin preliminary work on rules to govern the program.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

C. **Request for Proposals (RFP) for Affordable Housing Through Community Land Trusts (CLT's) (RFP 2006-03)**

1. **Background**

- a) At its March 3, 2006 meeting Florida Housing's Board of Directors authorized Florida Housing staff to reissue and modify an RFP for acquisition of land through CLT's in order to make uncommitted funds that were not previously awarded, available to CLT's and authorized the Executive Director to establish a Review Committee.

2. **Present Situation**

- a) An RFP process was initiated and RFP 2006-03 was issued on Friday, April 7, 2006. Proposals were due on or before 2:00 p.m., Friday, May 12, 2006.
- b) Eight (8) proposals were received by the deadline. They are as follows:
 - (1) Bahama Conch Community Land Trust of Key West, Inc.
 - (2) Escambia County Community Land Trust, Inc.
 - (3) Florida Keys Community Housing and Land Trust, Inc.
 - (4) Good Homes of Manasota, Inc. in partnership with Community Housing Trust of Sarasota County
 - (5) Lee County Housing Development Corporation (7 units)
 - (6) Lee County Housing Development Corporation (3 units)
 - (7) Northwood Renaissance, Inc.
 - (8) St. Petersburg Neighborhood Housing Services, Inc.
- c) The Review Committee members, designated by the Executive Director, were David Westcott, Single Family Deputy Development Officer; Vicki Robinson, Multifamily Deputy Development Officer; Todd Fowler, Special Assets Director; and Elizabeth Radecker, Homeownership Loan Program Administrator.
- d) Each member of the Review Committee individually reviewed the proposals prior to convening for the Review Committee meetings. The Review Committee met at 2:00 p.m., on Tuesday, May 16, 2006.
- e) Section Four, paragraph H., of the RFP provides that "Failure to include and provide the certification statement bearing an original signature shall result in rejection of the Response." At its May 16th meeting, the Review Committee unanimously rejected the proposal submitted by Northwood Renaissance, Inc. for failure to provide a certification statement bearing an original signature as provided in the RFP.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

- f) Section One, Paragraph C., of the RFP provides that “If the Offeror already has title to vacant land as of the deadline for Responses due under this RFP, funding may be used to refinance an existing, bona fide mortgage that was incurred by the Offeror in financing its acquisition of the land.” The Review Committee unanimously rejected the proposal submitted by Lee County Housing Development Corporation (3 units) for ineligible use of funds. At the time of submission of their proposal they could not demonstrate that they had title to the vacant land.
- g) The Review Committee met again on Wednesday, May 17, 2006, at 3:00 p.m. Results of the Review Committee’s scoring are provided as [Exhibit B](#).

3. Recommendation

- a) The Review Committee recommends that the Board authorize funding of all scored responses limiting the loans up to an amount as identified in each response, subject to the terms and conditions of the RFP and subject to further approvals and verifications by the Credit Underwriter, Technical Assistance Provider, and the appropriate Florida Housing staff. Because of issues raised in certain responses, the Review Committee recommends that the following specific conditions be imposed:
 - (1) Bahama Conch Community Land Trust of Key West, Inc. funding is subject to providing evidence that the Uniform Relocation Act documentation was delivered prior to submission of their response, specifically, that the general information notice was provided to all tenants of occupied units identified in their response at the time of applying for HOME funds under the RFP.
 - (2) Because Good Homes of Manasota, Inc. in partnership with Community Housing Trust of Sarasota County was awarded funding under Florida Housing’s RFP 2005-04, their funding is subject to Florida Housing’s Technical Assistance Provider providing a positive recommendation of their capacity to complete the activities proposed in their RFP 2005-04 and 2006-03 responses.
 - (3) Escambia Co. appears to be requesting funds in excess of the costs associated with eligible uses. The final loan amount shall be limited to the lesser of the amount requested or the actual costs of the eligible uses.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

D. Requests for Proposals (RFP) for Housing for Special Needs Populations (RFP 2006-02)

1. Background

At its January 20, 2006 meeting Florida Housing's Board of Directors approved the use of up to \$10 million in HOME funds to be awarded through the issuance of a RFP.

2. Present Situation

- a) An RFP process was initiated and RFP 2006-02 was issued on Friday, February 17, 2006, making up to \$10 million available as loans. The deadline for receipt of proposals was 2:00 p.m., Tuesday, April 18, 2006.
- b) The following proposals were received in response to the RFP.
 - (1) Beneficial Communities
 - (2) Broward Housing Solutions
 - (3) By the River, Inc.
 - (4) Carrfour Supportive Housing
 - (5) Clara White Mission
 - (6) Everglades Supportive Housing, LLC'
 - (7) Housing Authority of the City of Miami Beach
 - (8) River Region Human Services, Inc.
 - (9) Senior Investments LLC, Southland Suites @ Apopka
 - (10) Senior Investments LLC, Southland Suites @ Leesburg
 - (11) Senior Investments LLC, Southland Suites @ Lake Wales
 - (12) Senior Investments LLC, Southland Suites @ Mt. Dora
- c) The Review Committee members, designated by the Executive Director, were Jennifer Chester, Housing Credits Manager; Keantha Belton, Special Programs Manager; Susan Parks, Chief Information Officer; Jody Bedgood, Multifamily Loans Manager; Freyja Sutherland, Housing Policy Senior Analyst; and Jessie Pitt, Multifamily Loans Manager.
- d) Each member of the Review Committee individually reviewed the proposals prior to convening for the Review Committee meetings. The Review Committee met at 10:00 a.m., on Tuesday, May 16, 2006.
- e) Section Four, paragraph F., of the RFP provides that "Failure to include and provide the certification statement bearing an original signature shall result in rejection of the Response." At its May 16th meeting, the Review Committee unanimously rejected the proposal submitted by Beneficial Communities for failure to provide a certification statement as provided in the RFP.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

- f) The Review Committee met again at 2:00 p.m., Monday, May 22, 2006. At its May 22nd meeting the Review Committee unanimously rejected the proposals submitted by:
 - (1) Broward Housing Solutions for failure to commit to the minimum set asides (80% of the HOME assisted units @ 60% median family income; 20% of the HOME assisted units @ 30% median family income);
 - (2) Clara White Mission for failure to provide evidence of site control and failure to met the minimum set aside which was a threshold item;
 - (3) Senior Investments LLC, Southland Suites @ Leesburg for failure to provide evidence of site control;
 - (4) Senior Investments LLC, Southland Suites @ Mt. Dora for failure to provide evidence of site control;
- g) Results of the Review Committee's ranking are provided as [Exhibit C](#)
- h) Pursuant to the Section Four, paragraph B.4., of the RFP "The percentage of the loan requested in response to this RFP in relation to total development cost will be used as a tie breaker in a case where two proposals receive the same score. The lower percentage of funds requested will be ranked higher." Three proposals received a score of 285. The Review Committee ranked them based on the lower percentage of funds requested as follows:
 - (1) Everglades Supportive Housing, Inc. = 32.99%
 - (2) Housing Authority of the City of Miami Beach = 58.61%
 - (3) Senior Investments LLC, Southland Suites @ Apopka = 67.54%

3. **Recommendation**

- a) The Review Committee recommends that the Board award funding to the top five proposals which are as follows:
 - (1) By the River, Inc. for a loan amount of \$2,959,216
 - (2) Everglades Supportive Housing, LLC for a loan amount of \$300,000
 - (3) Housing Authority of the City of Miami Beach for a loan amount of \$2,762,100
 - (4) Senior Investments LLC, Southland Suites @ Apopka for a loan amount of \$2,440,000
 - (5) Senior Investments LLC, Southland Suites @ Lake Wales for a loan amount of \$1,000,000

PROFESSIONAL SERVICES SELECTION (PSS)

Action

E. Request for Proposals (RFP) for the Development and Rehabilitation of Farmworker Housing (RFP 2005-08)

1. Background

- a) At its December 9, 2005 meeting Florida Housing's Board of Directors authorized staff to begin the solicitation process to use SAIL Program funds for the development and rehabilitation of Farmworker Housing.
- b) An RFP process was initiated and RFP 2005-08 was issued on Friday, December 16, 2005, making approximately \$4.5 million in loans available. The deadline for receipt of proposals was 2:00 p.m. Friday, March 17, 2006.

2. Present Situation

- a) Two responses were received by the deadline. They are as follows:
 - (1) Eden Gardens II LLC, Everglades Community Association for a loan request of \$3.5 million
 - (2) Little Manatee Housing Corporation, Everglades Community Association for a loan request of \$1.25 million
- b) The Review Committee members, designated by the Executive Director, were Derek Helms, Multifamily Loans Administrator; Amy Garmon, Housing Credits Senior Analyst; Jody Bedgood, Multifamily Loans Manager; and Shannon Rivera, Multifamily Bonds Manager.
- c) Each member of the Review Committee individually reviewed the proposals prior to convening for the Review Committee meeting held on Tuesday, April 11, 2006.

3. Recommendation

The Review Committee recommends that the Board authorize funding of both of the proposals submitted by Everglades Community Association for a combined total of \$4.75 million.

PROFESSIONAL SERVICES SELECTION (PSS)

Action Supplement

I. PROFESSIONAL SERVICES SELECTION

A. Request for Proposals (RFP) for Housing Credit Developments Located in the Wilma GO Zone (RFP 2006-04)

1. Background

At its January 20, 2006 meeting Florida Housing's Board of Directors approved the use of \$6,496,000 in unallocated SAIL funds to be awarded to 2005 LIHTC developments located in the counties located in the Wilma GO Zone through a competitive RFP process.

2. Present Situation

a) An RFP process was initiated and RFP 2006-04 was issued on Friday, April 7, 2006. The deadline for receipt of proposals was 2:00 p.m., Friday, April 21, 2006.

b) The following proposals were received in response to the RFP. The requested loan amounts are noted:

(1) Reliance – Andrews Associates, Ltd.

Development – Flagler Point

Application No. 2005-116C

Amount of Request: \$1,725,000

(2) Dixie Court Associates, Ltd.

Development – Dixie Court Apartments

Application No. 2005-037C

Amount of Request: \$1,025,000

(3) Lafayette Square, Ltd.

Development – Lafayette Square Apartments

Application No. 2005-063C

Amount of request: \$2,000,000

(4) Merry Place at Pleasant City Associates, Ltd.

Development – Merry Place

Application No. 2005-036C

Amount of Request: \$1,024,000

PROFESSIONAL SERVICES SELECTION (PSS)

Action Supplement

- (5) BHG-79th St., LLC
Development – Villa Patricia
Application No. 2005-053C
Amount of Request: \$1,800,000
- (6) Amber Garden, LLC
Development – Amber Garden
Application No. 2005-041C
Amount of Request: \$1,250,000
- (7) Pinnacle Park, Ltd.
Development – Pinnacle Park
Application No. 2005-100C
Amount of Request: \$1,040,000
- (8) Coral Place Limited Partnership
Development – Coral Place
Application No. 2005-061C
Amount of Request: \$625,000
- (9) Oaks at Shannon's Crossing Limited Partnership
Development – Oaks at Shannon's Crossing
Application No. 2005-124C
Amount of Request: \$1,250,000
- (10) Postmaster Associates, Ltd.
Development – Postmaster Apartments
Application No. 2005-054C
Amount of Request: \$500,000

PROFESSIONAL SERVICES SELECTION (PSS)

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- c) On April 21, 2006, a Formal Protest and Petition for Administrative Hearing regarding the specifications of RFP 2006-04 was filed on behalf of Creative Choice Home XXIX, Ltd. On May 15, 2006, a Notice of Voluntary Dismissal with Prejudice was filed on behalf of the petitioner.
- d) The Review Committee members, designated by the Executive Director, were Derek Helms, Multifamily Loans Administrator; Jennifer Chester, Housing Credits Manager; Jessie Pitt, Multifamily Loans Manager; and Gayle White, Housing Development Manager.
- e) Each member of the Review Committee individually reviewed the proposals prior to convening for the Review Committee meeting. The Review Committee met at 2:00 p.m., Tuesday, May 23, 2006.
- f) The ranking adopted by the Review Committee is provided as [Exhibit D](#).

3. Recommendation

- a) The Review Committee recommends that the Board accept the ranking as provided in Exhibit D and fund in order of ranking up to \$6,496,000.
- b) Staff further recommends that the unfunded developments be kept on a ranked waiting list. In the event SAIL proceeds become available after funding all eligible SAIL developments from the 2006 Universal Cycle and after granting any petitions for rule waiver allowing the developments funded through the 2005 SAIL Farmworker RFP to increase their SAIL loans to the 2006 request limits, staff asks that the Board allow those funds be used to fund developments on the ranked waiting list.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

G. Request for Qualifications (RFQ) for Pool of Qualified Contractors

1. Background

- a) At its April 22, 2005 meeting, Florida Housing's Board of Directors authorized staff to solicit proposals from qualified entities for inclusion within a pool of qualified contractors which property owners can negotiate with to perform the scope of work necessary to seek a waiver of recertification.
- b) An RFQ process was initiated and RFQ 2006-02 was issued on March 17, 2006. Responses to the RFQ were due on or before 2:00 p.m., Wednesday, April 19, 2006.
- c) Two (2) responses were received. They are as follows:
 - (1) A.J. Johnson Consulting Services, Inc.
 - (2) Preferred Compliance Solutions
- d) The Review Committee members, designated by the Executive Director, were Jan Rayboun, Loan Closing Coordinator; Janet Peterson, Asset Management Systems Manager; and Matt Jugenheimer, Asset Management Manager.

2. Present Situation

The Review Committee reviewed the responses to the RFQ individually prior to convening for the Review Committee meeting. The meeting was held on Thursday, May 18, 2006 at 10:00 a.m. Results of the Review Committee's evaluation of the scored items are provided as [Exhibit E](#).

3. Recommendation

The Review Committee recommends that the Board authorize staff to include A.J. Consulting Services, Inc., and Preferred Compliance Solutions on the approved list of qualified contractors to perform the scope of work necessary to seek a waiver of recertification.

SINGLE FAMILY BONDS

Action

VIII. SINGLE FAMILY BONDS

A. Single Family Homeowner Program

1. Background

- a) Florida Housing's latest single family bond issue (\$100 million 2006 Series 2&3) provided mortgage rates of 6.45% for the assisted spot pool, 5.75% for the low rate spot pool, 5.50% for the community spot pool and 4.99% for the subsidized pool. Freddie Mac purchased \$25 million of the 2006 2&3 bond issue at a below-market rate which created a subsidized mortgage pool of 5.50% for the low rate spot pool and 6.20% for assisted spot loans for homebuyers in the Wilma GO Zone.
- b) Based on the strong demand Florida Housing has been experiencing for these mortgage products, staff is requesting approval to issue up to \$250 million of single family bonds to fund mortgages from what will be designated as 2006 Phase Three Bonds (multiple series to be determined).
- c) Consistent with the rotation of senior managers, UBS Securities LLC will serve as senior managing underwriter for the negotiated sale of the 2006 Phase Three Bonds. Bryant Miller & Olive P.A. and Law Offices of Steve E. Bullock, P.A. will serve as bond counsel and Shuffield Lowman & Wilson P.A. will serve as special counsel.
- d) The 2006 Phase Three Bonds are expected to be rated "AA" by Standard & Poor's Ratings Services, "Aa2" by Moody's Investors Service, and "AA" by Fitch Ratings. It is anticipated the 2006 Phase Three Bonds will be secured by guaranteed mortgage backed securities.

2. Present Situation

- a) Authorization necessary to issue the 2006 Phase Three Bonds requires (1) adoption of an authorizing resolution by Florida Housing's Board and (2) approval of the plan of finance by the State Board of Administration. To work within the constraints of regularly scheduled public meetings and maintain Florida Housing's goal of providing continuously available single family mortgage funding, the authorizing resolution for the 2006 Phase Three Bonds is presented for consideration at Florida Housing's June 9, 2006 meeting.
- b) Based on the current rate of production, it is possible that all 2006 Series 2&3 proceeds could be fully reserved by the middle of July 2006. To provide sufficient time to obtain the required approvals, authorization is requested to commit up to \$15,000,000 of Indenture assets to provide interim funding for single family reservations.
- c) Final size, structure, timing and other decisions relating to the 2006 Phase Three Bonds will be made based on production, program changes and market conditions with the advice of CSG Advisors and UBS Securities LLC closer to the time of the anticipated transaction. Issuance costs and capitalized interest (if any) for the 2006 Phase Three Bonds will be funded with assets available under the single family bond indenture and/or by a contribution from Florida Housing's general funds. In the past actual negative reinvestment costs have

SINGLE FAMILY BONDS

Action

been reduced by shortening origination schedules and by investing bond proceeds with the State Treasurer's fund, which until recently has paid a higher rate of interest than could be achieved by investing in a Guaranteed Investment Contract (GIC) or in other qualified investments. The investment determined to be financially advantageous to Florida Housing will be used for the 2006 Phase Three bond proceeds. The current financial conditions indicate a guaranteed investment contract will be a viable option for minimizing negative arbitrage.

d) **Summary of Proposed 2006 Phase Three Bonds:**

- (1) Principal amount: Not to exceed \$250,000,000
- (2) Florida Housing Funds: Not to exceed \$15,000,000 from Indenture resources funds with the expectation that any funds committed will be reimbursed with proceeds of the 2006 Phase Three Bonds.
- (3) Mortgage Rates: Not to exceed a mortgage loan yield of 7.75% for the 2006 Phase Three portfolio.
- (4) Origination & Delivery Period: Four to six months production with up to twelve months delivery period.
- (5) Maximum Combined Loan-To Value: 105% of the lesser of the appraised value or the purchase price of the property except in the case of the person with disability as defined by the Americans with Disabilities Act in which case the combined loan-to-value may be up to 120% with certain restrictions.
- (6) Loan Types: Conventional, VA, Rural Development and FHA.
- (7) Second Mortgages: Home, HAP Down Payment and HAMI.
- (8) Guaranteed Mortgage Securities: Ginnie Mae, Fannie Mae and Freddie Mac.

e) **Private Activity Tax-Exempt Bond Resources Available:**

- (1) \$36,098,702 of tax-exempt bond authority outstanding in the liquidity advance line at the FHLB.
- (2) \$30,979,316 of 2004 carry-forward
- (3) \$387,696,276 of 2005 carry-forward

SINGLE FAMILY BONDS

Action

- f) [Exhibit A](#) – CSG Advisors Method of Sale Letter
- g) [Exhibit B](#) – Draft Program Details
- h) [Exhibit C](#) – Draft Terms Memo
- i) [Exhibit D](#) – Authorizing Resolution
- j) [Exhibit E](#) – Distribution List

3. **Recommendation**

Staff recommends the Board approve the necessary funding (including reimbursable amounts to provide program funding between bond issues), staff actions and the resolution to permit the issuance of the proposed 2006 Phase Three Homeowner Mortgage Revenue Bonds.

STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)

Action

IX. STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)

A. Request to Begin Rule Development for Rule Chapter 67-37, Florida Administrative Code

1. Background/Present Situation

- a) In order to address changes to the SHIP Program as a result of measures passed by the Florida Legislature and issues in the current rule that must be addressed, it is necessary to begin the rulemaking process.
- b) A public meeting will be held in July 2006 to solicit comments concerning Rule Chapter 67-37, F.A.C.
- c) Staff will advertise the rule development process as required.

2. Recommendation

Approve Staff's request to begin the rule development process for Chapter 67-37, F.A.C.

X. SPECIAL ASSETS

A. Request Authorization To Negotiate The Transfer Of The Set-Aside Restrictions For Arundel Apartments (90L-013)

| | |
|--|---|
| Development Name: Arundel Apartments ("Development") | Location: Miami Beach-Dade County |
| Developer/Principal: The Roosevelt Park, L.L.C. ("Developer") Purchased from Ruth Moses | Set-Aside: 100% @ 60% AMI Terms: EUA: 30 years, 12/31/2020 |
| Funding Sources: HC 90L-013 (9%) | Housing Credits: \$15,025; 12/31/05 15yrs. |
| Number of Units: 24 | |
| Demographics: Family | 1611 Meridan Avenue, Miami Beach, FL 33139 |

1. Background

Florida Housing issued a final allocation of \$150,250 in housing credits in 1990 to Ruth Moses, an individual, for the development of a twenty-four (24) unit apartment complex in Miami Beach, Miami-Dade County, Florida. Due to noncompliance, a final 8823 was filed with the Internal Revenue Service (IRS) on May 24, 2002 and Ms. Moses paid interest and recapture of the credits to the IRS.

2. Present Situation

The Roosevelt Park, L.L.C. (Developer) purchased the Development July 6, 2005. The Developer sent a request to Florida Housing to convert the units to condominiums; however the Extended Use Agreement (EUA) prohibits condominiums and does not expire until 2020. As part of the request ([Exhibit A](#)), the Developer has proposed the release of the restrictions on the twenty-four (24) units in the Development in exchange

APPLICATION CYCLES

Action Supplement

I. APPLICATION CYCLES

A. Community Workforce Housing Innovation Pilot Program

1. Background/Present Situation

- a) On June 1, 2006, the Governor signed into law Chapter 2006-69 appropriating, in part, \$50 million for the Community Workforce Housing Innovation Pilot Program (CWHIP).
- b) Staff would like to begin the rule development process for the CWHIP Program by scheduling a rule development workshop on July 28, 2006.

2. Recommendation

Authorize staff to proceed with the rule development process.

SPECIAL ASSETS

Action

for providing forty-eight (48) units in the City of Miami within approximately five miles of the Development.

3. **Recommendation**

Authorize staff to proceed with negotiations to substitute 48 units for the 24 units in the Development currently encumbered by the EUA, subject, but not limited to, the following conditions:

- (1) Rehabilitate the proposed property to conform with the construction features and amenities as required in the current application to achieve maximum points in each category pertaining to “All Developments” and “Rehabilitation Developments” ([Exhibit B](#)).
- (2) Comply with any and all recommendations noted in a Physical Needs Assessment (PNA) study prepared by an independent third party acceptable to Florida Housing or its Servicer.
- (3) Provide an on-site FHFC approved Management Company.
- (4) Set-aside at least 15% of the total units for Extremely Low Income households at 33% Area Median Income.

It is anticipated that staff will bring any such proposal deemed feasible before the Board.