

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
September 18, 2009
Consent Items



COMMUNITY WORKFORCE HOUSING INNOVATION PILOT (CWHIP) PROGRAM

Consent

I. COMMUNITY WORKFORCE HOUSING INNOVATION PILOT (CWHIP) PROGRAM

A. Request for Approval to Change Loan Structure for Las Villas at Kenilworth / CWHIP06-17

Applicant Name (“Applicant”):	Highlands County Florida and Partners / Highlands County BCC
Development Name (“Development”):	Las Villas at Kenilworth
Developer/Principal (“Developer”):	Caribbean Real Estate Developers, LLC
Number of Units: 50	Location: Highlands County, Florida
Type: CWHIP Loan	Allocated Amount: \$2,500,000

1. Background

- a) On April 27, 2007, the Board approved the final rankings for the 2006 Community Workforce Housing Innovation Pilot (CWHIP) Program / RFP2006-05.
- b) On January 28, 2008, the Board approved the Final Credit Underwriting Report naming Highlands County Board of County Commissioners (Highlands County BOCC) as the Applicant/Borrower and Guarantor for the CWHIP Loan.
- c) On March 14, 2008, the Board approved a change in Applicant/Borrower for Las Villas at Kenilworth from Highlands County BOCC to Caribbean Real Estate Developers, LLC since it was determined that Highlands County BOCC could not act as a Guarantor on the CWHIP Loan.

2. Present Situation

- a) On August 31, 2009, the Developer advised that it was necessary to restructure the Acquisition and Development and the revolving line of credit loans with Neighborhood Lending Partners of West Florida, Inc. (“NLP”). The loans closed on November 29, 2006 and were scheduled to mature on June 30, 2009; however NLP approved a 90-day extension to allow FHFC to approve the change in terms.
- b) The Credit Underwriter has reviewed this request and recommends the Board grant their request. The letter is attached as [Exhibit A](#).

3. Recommendation

Staff recommends that the Board approve the loan restructure, subject to further approvals by the credit underwriter, counsel, and the appropriate corporation staff.

ELDERLY HOUSING COMMUNITY LOAN PROGRAM (EHCL)

Consent

II. ELDERLY HOUSING COMMUNITY LOAN PROGRAM (EHCL)

A. Request Approval of Credit Underwriting Update Letter for The Allen Apartments, Cycle XX (2008-002E)

Development Name: The Allen Apartments (“Development”)	Location: Miami-Dade County
Developer/Principal: MBCDC: The Allen, LLC (“Applicant”)	Set-Aside: 25% @ 33% AMI & 75% @ 50% AMI
Number of Units: 39	Allocated Amount: \$750,000
Type: High-rise	Housing Credit Equity: N/A
Demographics: Elderly	MMRB: N/A

1. Background/Present Situation

- a) On May 2, 2008, the Board approved the final scores and ranking for the 2008 EHCL Cycle and directed staff to proceed with all necessary credit underwriting activities.
- b) On May 6, 2008, staff issued a preliminary commitment letter an invitation to credit underwriting for an EHCL loan in an amount up to \$750,000 for this 39-unit elderly Development in Miami-Dade County.
- c) On April 24, 2009, the Board approved the final credit underwriting report, which included a requirement for a reduction of the First Mortgage prior to EHCL Loan closing. On April 29, 2009, staff issued a firm commitment with a closing deadline of October 29, 2009.
- d) On August 19, 2009, staff received an update to the credit underwriting report recommending a holdback in EHCL funds and the establishment of a sinking fund in lieu of the reduction of the First Mortgage ([Exhibit A](#)).

2. Recommendation

Approve the credit underwriting update letter and direct staff to proceed with loan closing activities.

HOMEOWNERSHIP LOAN PROGRAM

Consent

III. HOMEOWNERSHIP LOAN PROGRAM

A. Request for Approval for an the Extension of the Homeownership Loan Program (HLP) Construction Period for Abidjan Estates

Applicant Name (“Applicant”):	We Help Community Development Corporation (Non-Profit)
Development Name (“Development”):	Abidjan Estates
Developer/Principal (“Developer”):	Dr. D.M. Walker
Number of Units: 76	Location: Palm Beach County, Florida
Type: Purchase Assistance Loan	Allocated Amount: \$2,000,000

1. Background

- a) The Applicant was funded during the 2003 Homeownership Loan Program Cycle for Abidjan Estates. On February 2, 2004, the Applicant was invited into credit underwriting. On September 10, 2004, the Board approved the final credit underwriting report, dated September 2, 2004. On September 13, 2004, a firm commitment letter was issued with a 3-year construction period through September 13, 2007.
- b) On January 25, 2008 the Board granted the Developer’s request for a one-year extension of the construction period, from September 13, 2007 to September 13, 2008, contingent upon satisfactory resolution of the issues identified in the market study and appraisal, the purchase price increase, a firm commitment from Palm Beach County for down payment assistance for all homes in this Development, and a plan for the developer to repay the Predevelopment Loan Program (PLP) loan.
- c) On March 13, 2009, the Board granted an extension of the construction period until September 13, 2009 to allow the Developer time to complete the closings on the twenty units that were either completed or under construction.
- d) At that time they had closed on 7 homes, utilizing \$313,050 out of the original \$2,000,000 that was awarded. No further closings have occurred.

2. Present Situation

On September 3, 2009, the Servicer advised that they were in the process of finalizing 4 homebuyer files and that they anticipate them to close by the end of September. Each homebuyer has received a firm permanent mortgage loan commitment from a lender with a stated expiration date.

3. Recommendation

Staff recommends that the Board grant an extension of the construction period to allow for the closing of these 4 homebuyers only through the expiration date stated on their mortgage loan commitment letters. After those respective dates, staff recommends that the remaining funds be de-obligated.

HOMEOWNERSHIP LOAN PROGRAM

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B. Request for Approval for an the Extension of Two Reservations in the Homeownership Pool Program in Duval County

1. Background

- a) According to Rule Chapter 67-57, F.A.C. all reservations made under the Homeownership Pool Program has 180 days to close the loan. If the funds for the Eligible Homebuyer are not drawn within that period, the reservation of funds shall be cancelled and the Member must submit a new reservation.
- b) There are two ways an extension may be granted. Existing reservations in counties affected by a newly designated Presidentially Declared Disaster Area shall be granted an automatic ninety (90) Calendar Day extension of the reservation. If additional time is needed, Members must submit a request for an extension which requires Board approval. Reservations without Board approved extensions will be cancelled.

2. Present Situation

On September 3, 2009, staff received a letter from Wight Greger, the Director of the Jacksonville Housing and Neighborhoods Department, asking for an extension on two reservations in Duval County due to the County needing additional time to receive HOME funds necessary to assist these borrowers with the purchase of their home. The request is attached as [Exhibit A](#).

3. Recommendation

Staff recommends that the Board grant the requested sixty (60) day extension of the two Homeownership Pool Program reservations in order to allow the City of Jacksonville the time necessary to provide the needed subsidy for these borrowers.

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IV. LEGAL

A. In Re: Manatee Cove, Ltd. – FHFC Case No. 2009-023VW

Development Name: (“Development”):	Manatee Cove
Developer/Principal: (“Developer”):	The Richman Group of Florida, Inc.
Number of Units: 192	Location: Brevard County
Type: Garden Apartments	Set Aside: 100% @ 60% AMI
Demographics: Family	SAIL: \$3,000,000

1. Background

- a) During the 2005 Universal Cycle, Manatee Cove, Ltd. (“Petitioner”) applied for and was awarded State Apartment Incentive Loan (“SAIL”) funds to finance the construction of Manatee Cove, a 192 unit multi-family rental apartment (the “Development”) located in Brevard County on a 14.3 acre site. Petitioner’s application number was 2005-006S.
- b) On July 1, 2009, Florida Housing received a “Petition for Waiver of Rule 67-48.004(14)(e) F.A.C.” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit A](#). On August 28, 2009, Florida Housing received “Amended and Restated Petition for Waiver of Rule 67-48.004(14)(e) F.A.C. (2005),” (“Amended Petition”) from Petitioner. A copy of the Amended Petition is attached as [Exhibit B](#).
- c) Rule 67-48.004(14), Florida Administrative Code (2005), provides in pertinent part:

Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

- (e) Site for the Development.
- d) Petitioner requests a waiver to the above provision. Specifically, Petitioner is seeking to convey a triangular shaped, one acre outparcel on the Development site which is not part of the Development, but was included in the larger parcel identified in the Purchase and Sale Agreement provided in Petitioner’s 2005 Universal Cycle Application as proof of site control.
- e) On July 17, 2009, the Notice of the Petition was published in Volume 35, Number 28, of the [Florida Administrative Weekly](#).¹ Florida Housing received no comments regarding the Petition.

¹ As the Amended Petition was substantially similar to the Petition and requested the same relief from the same rule, it was not necessary to file a notice in the FAW for the Amended Petition.

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2. Present Situation

- a) Section 120.542(2), Florida Statutes, provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

- b) Petitioner stated that the Development is complete and is leased-up. Petitioner provided that the conveyance of the one acre has no adverse affect on the Development as it is not part of the Development and is not used by the residents and did not impact the Tie Breaker Measurement Point (“TBMP”) provided in Petitioner’s 2005 Universal Cycle Application. Thus, Petitioner will not obtain any advantage over the other applicants from the Universal Cycle should Florida Housing grant its request.
- c) Petitioner further demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness in that unless the petition is granted. The outparcel was neither not part of the Site for the Development, nor was it developed. Denying the request would cause Petitioner to retain acreage that is not needed, creating additional expense through property taxes and potential liability by virtue of having property outside the Development, but still owned by Petitioner. Petitioner will use the proceeds from the sale to pay down its debt on senior financing for the Development. Petitioner presented evidence that permitting this change in Development would also serve the underlying purpose of the statute of providing safe and affordable housing.

3. Recommendation

Staff recommends the Board **GRANT** the Petitioner’s request for a waiver of Rule 67-48.004(14)(e) (2005), to allow Petitioner to change the site plan for the Development for purpose of conveying a one-acre triangular shaped parcel. The proceeds from such conveyance are to be used to pay-down Petitioner’s debt on its senior financing for the Development.

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B. In Re: Florida Non-Profit Services, Inc. – FHFC Case No. 2009-024VW

Development Name: (“Development”):	Esperanza Place
Developer/Principal: (“Developer”):	Florida Non-Profit Services, Inc.
Number of Units: 45	Location: Collier County
Type: Other	Set Aside: 20% at or below 50% AMI 80% at or below 60% AMI
Demographics: Farm worker	SAIL: 5,000,000

1. Background

- a) On December 21, 2007, Florida Housing issued Request for Proposal #2007-10 for New Construction and Substantial Rehabilitation of Farmworker/Commerical Fishing Worker Housing (The “RFP”). Florida Non-Profit Services, Inc., (“Petitioner”) applied for and was awarded State Apartment Incentive Loan (“SAIL”) funds pursuant to the RFP on March 14, 2008, to finance the construction of Esperanza Place (the “Development”) in Collier County, Florida. As provided in the RFP, the terms of the award are governed by Rule Chapter 67-48, F.A.C., and Section 420.5087, Fla. Stat.
- b) On July 6, 2009, Florida Housing received a “Petition for Waiver of Rule 67-48.0072(19), Florida Administrative Code.” (“Petition”) A copy of the Petition is attached as Exhibit A. On August 21, 2009, Florida Housing received an “Amended Petition for Waiver of Rule 67-48.0072(19), Florida Administrative Code.” (“Amended Petition”) A copy of the Amended Petition is attached as [Exhibit C](#).
- c) Rule 67-48.0072(19), F.A.C, (2007) states in pertinent part:

Contingency reserves which total no more than 5 percent of hard and soft costs for new construction...may be included within the Total Development Cost for Application and underwriting purposes.
Contingency reserves shall not be paid from SAIL or HOME funds.
- d) Petitioner requests a waiver of the Rule which mandates that the contingency reserves total no more than five (5%) percent of hard and soft costs for new construction within the Total Development Cost for application and underwriting purposes. Specifically, Petitioner wishes to increase the contingency reserves from five (5%) percent to ten (10%) percent.
- e) On July 17, 2009, the Notice of Petition was published in the [Florida Administrative Weekly](#) in Volume 35, Number 28². To date, Florida Housing has not received any comments concerning the Petition.

² As the Amended Petition was substantially similar to the Petition and requested the same relief from the same rule, it was not necessary to file a notice in the FAW for the Amended Petition.

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- f) Section 120.542(2), Florida Statutes provides in pertinent part:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

- g) Under these circumstances, strict application of the above Rule to this Petitioner would create a substantial hardship or violate the principals of fairness. Petitioner demonstrated that the construction contract was well below the average historic cost range and that it is expected that increases to the actual construction costs will occur and that a five percent contingency reserve is inadequate to address increased costs. Without adequate reserves, Petitioner may not be able to develop the Development. Granting this request furthers Florida Housing's statutory mandate to provide safe, sanitary and affordable housing to the citizens of Florida.

2. **Recommendation**

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-48.0072(19), F.A.C. (2007), to increase the contingency reserves for hard and soft costs for new construction from five (5%) percent to ten (10%) percent for the Development.

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C. In Re: Spinal Cord Living-Assistance Development, Inc. – FHFC Case No. 2009-025VW

Development Name: (“Development”):	SCLAD Plaza - Application # 2008-082H
Developer/Principal: (“Developer”):	Spinal Cord Living-Assistance Development, Inc.
Number of Units: 18	Location: Miami-Dade County
Type: Mid-Rise	Set Aside: 100%
Demographics: Family	HOME: \$1,200,000

1. Background

- a) During the 2008 Universal Cycle, Spinal Cord Living-Assistance Development, Inc. (“Petitioner”) applied for financing for new construction of SCLAD Plaza (the “Development”) located in Miami-Dade County, Florida.
- b) On July 10, 2009, Florida Housing received a “Petition for Waiver of Part III.B.1. of the 2008 Universal Application Instructions Requiring the Provision of Specific Features and Amenities for all Developments” (the “Petition”). A copy of the Petition is attached as [Exhibit D](#). Petitioner requests waiver of a requirement found in the 2008 Universal Application Instructions at part III.B.1.b, as incorporated by reference into Rule 67-48.004(1)(a), F.A.C.
- c) On July 10, 2009, the Notice of the (original) Petition was published in Volume 35 Number 27 of the Florida Administrative Weekly. To date, Florida Housing has received no comments regarding the Petition.
- d) Rule 67-48.004(1)(a), F.A.C. states in pertinent part:

When submitting an Application, Applicants must utilize the Universal Application in effect at the Application Deadline...The Universal Application Package or UA 1016 (Rev. 3-08) is adopted and incorporated herein by reference...
- e) Part III.B.1.b. of the 2008 Instructions requires that:

Required Features and Amenities for All Developments. In addition to meeting all building code, Fair Housing Act, and Americans with Disabilities Act requirements for MMRB, SAIL, HOME and HC Applications, and the HQS Guidelines and Section 504 of the Rehabilitation Act of 1973 for HOME Applications, all units for the type of Development indicated must have the itemized features and amenities.
- f) Part III B.1.b. of the 2008 Application provides that, with respect to all units in all developments, except SRO, there be provided “Bathtub with shower in at least one bathroom in at least 90% of the new construction non-Elderly units.”

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Consent

- g) Specifically, Petitioner requests a waiver of the above requirement to permit construction of the Development of roll-in showers as opposed to bathtubs in all units (100%) to allow individuals who use wheelchairs or who have serious mobility impairments the ability to bathe independently or without considerable assistance. Petitioner demonstrated that thirty-three (33%) of the families to be served by the Development use a wheelchair or have serious mobility impairment and without the roll-in shower, a serious safety hazard would exist for those individuals. Further, the developer will bear the increased cost to install the roll-in showers.
- h) The requested change will not adversely impact the Development or Florida Housing or be prejudicial to the Development or to the market to be served by the Development. However, a denial of the requested waiver would deprive Miami-Dade County of affordable housing for residents with all degrees of physical mobility that are in dire need of housing that meets their safety and functionality requirements.
- i) Section 120.542(2), Florida Statutes, provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

2. Recommendation

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Part III.B.1.b. of the 2008 Universal Application Instructions that require the use of "Bathtub with shower in at least one bathroom in at least 90% of the new construction non-Elderly units," and to permit the use of roll-in showers in all of the units in the Development in at least one bathroom.

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D. In Re: North Central Heights, LLC – FHFC Case No. 2009-026VW

Development Name: (“Development”):	North Central Heights
Developer/Principal: (“Developer”):	Avon Park Housing Development Corp.
Number of Units:	Location: Highlands County
Type:	Set Aside: 18% @ or below 30% AMI 82% @ or below 60% AMI
Demographics:	Allocated Amount: \$5,340,560 (HOME)
MMRB: N/A	Housing Credits: N/A

1. Background

- a) In 2007, Florida Housing awarded a HOME loan in the amount of \$5,340,560.00 to North Central Heights, LLC. (“Petitioner”). On August 17, 2009, Florida Housing received a “Petition for Waiver or Variance From Rule 67-48.020(2)(b), Florida Administrative Code” (the “Petition”), from Petitioner. A copy of the Petition is attached as [Exhibit E](#).
- b) Rule 67-48.020(2), Fla. Admin. Code (2007), provides, in pertinent part:
 - (2) (2) The annual interest rate will be determined by the following:
 - (a) All for-profit Applicants that own 100 percent of the ownership interest in the Development held by the general partner entity will receive a 1.5 percent per annum interest rate loan.
 - (b) All qualified non-profit Applicants that own 100 percent of the ownership interest in the Development held by the general partner entity will receive a 0 percent interest rate loan. For purposes of determining the annual HOME interest rate, the definition of Non-Profit found at Rules 67-48.002 and 67-48.0075, F.A.C., shall not apply; instead, qualified non-profit Applicants shall be those entities defined in 24 CFR Part 92, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida corporation, or organized under similar state law if organized in a jurisdiction other than Florida.
- c) Petitioner requests a waiver of Rule F.A.C. 67-48.020(2), to the extent that the Rule prohibits North Central heights, LLC, from qualifying for a zero percent interest rate on the HOME loan. North Central Heights, LLC, is wholly-owned by the Avon Park Housing Development Corporation, which is a 501(c)(3) not-for-profit entity established under Ch. 617, Florida Statutes. North Central Heights need a waiver of or variance from the rule because it is a Limited Liability Company, rather than a Ch. 617 nonprofit corporation or a limited partnership where the qualified nonprofit is the sole general partner.
- d) On August 28, 2009, Notice of the Petitions was published in Volume 35, Number 34, of the [Florida Administrative Weekly](#).
- e) To date, Florida Housing has received no comments concerning the Petition.

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2. **Present Situation**

a) Petitioner states that the waiver is necessary because North Central Heights, LLC, is wholly-owned by the Avon Park Housing Development Corporation, which is a 501(c)(3) not-for-profit entity established under Ch. 617, Florida Statutes; however, North Central Heights is a Limited Liability Company (“LLC”), rather than a Ch. 617 nonprofit corporation. Under the plain language of the rule, North Central Heights does not qualify for the zero interest loan because it is a different form of business entity. In 2008, Rule 67-48.020(2)(b) was amended to include the phrase “where the qualified nonprofit is the “managing member,” of an LLC. Imposition of the standard HOME 1.5% interest rate will render that financial development of the project untenable.

b) Section 120.542(2), Florida Statutes provides in pertinent part:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

3. **Recommendation**

Staff recommends that the Board GRANT Petitioner’s requested waiver from the requirements of Rule 67-48.020(2)(b), FAC, to the extent required to qualify North Central Heights, LLC, to receive a zero percent interest rate on its HOME loan.

LOW INCOME HOUSING TAX CREDITS

Consent

V. LOW INCOME HOUSING TAX CREDITS

A. Request Approval of Credit Underwriting Report for Madison View (2009-012C)

1. Background/Present Situation

- a) On May 22, 2009, Florida Housing staff issued RFP 2009-01 for Nine Percent Low-Income Housing Tax Credits for State Apartment Incentive Loan (SAIL) Program and Rental Recovery Loan Program (RRLP) Applicants whose Funds were De-obligated. On June 5, 2009 the Board approved the award list of the Request for Proposals (RFP) 2009-01 and directed staff to proceed with all necessary credit underwriting activities.
- b) On June 10, 2009 staff issued an invitation to enter credit underwriting for Madison View. On September 3, 2009 staff received a credit underwriting report with a positive recommendation for a Housing Credit allocation of \$2,356,231 ([Exhibit A](#)). Staff has reviewed this report and finds that the Development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-01.

2. Recommendation

Approve the final credit underwriting report and direct staff to proceed with issuance of a Preliminary Allocation Certificate and Carryover Allocation Agreement.

LOW INCOME HOUSING TAX CREDITS

Consent

B. Request Approval of Credit Underwriting Report for Cross Creek Apartments (2009-010C)

1. Background/Present Situation

- a) On May 22, 2009, Florida Housing staff issued RFP 2009-01 for Nine Percent Low-Income Housing Tax Credits for State Apartment Incentive Loan (SAIL) Program and Rental Recovery Loan Program (RRLP) Applicants whose Funds were De-obligated. On June 5, 2009 the Board approved the award list of the Request for Proposals (RFP) 2009-01 and directed staff to proceed with all necessary credit underwriting activities.
- b) On June 10, 2009 staff issued an invitation to enter credit underwriting for Cross Creek Apartments. On September 1, 2009 staff received a credit underwriting report with a positive recommendation for a Housing Credit allocation of \$2,110,000 ([Exhibit B](#)). Staff has reviewed this report and finds that the Development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-01.

2. Recommendation

Approve the final credit underwriting report and direct staff to proceed with issuance of a Preliminary Allocation Certificate and Carryover Allocation Agreement.

LOW INCOME HOUSING TAX CREDITS

Consent

C. Request Approval of Credit Underwriting Report for Kensington Garden Apartments (2009-016C)

1. Background/Present Situation

- a) On May 22, 2009, Florida Housing staff issued RFP 2009-01 for Nine Percent Low-Income Housing Tax Credits for State Apartment Incentive Loan (SAIL) Program and Rental Recovery Loan Program (RRLP) Applicants whose Funds were De-obligated. On June 5, 2009 the Board approved the award list of the Request for Proposals (RFP) 2009-01 and directed staff to proceed with all necessary credit underwriting activities.
- b) On June 10, 2009 staff issued an invitation to enter credit underwriting for Kensington Garden Apartments. On September 1, 2009 staff received a credit underwriting report with a positive recommendation for a Housing Credit allocation of \$2,110,000 ([Exhibit C](#)). Staff has reviewed this report and finds that the Development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-01.

2. Recommendation

Approve the final credit underwriting report and direct staff to proceed with issuance of a Preliminary Allocation Certificate and Carryover Allocation Agreement.

MULTIFAMILY BONDS

Consent

VI. MULTIFAMILY BONDS

A. Request Approval to Allocate \$70,625,000 in Tax-Exempt, Private Activity Bond Allocation to the Developments

Development Name: Walden Pond (“Development”)	Location: Miami-Dade
Developer/Principal: Walden Pond Preservation, LP/Walden Pond Developer, LLC/The Related Companies, LP (“Developer”, “Principal”, or “Owner”)	Set-Aside: 85% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$13,700,000 Tax-Exempt Bonds
Number of Units: 290	Type: Rental/Family
Development Name: Georgia Ayers Apartments (“Development”)	Location: Miami-Dade
Developer/Principal: Georgia Ayers Apartments, LLC./Georgia Ayers Development, LLC/Biscayne Housing Group/Carrie Meek Foundation (“Developer”, “Principal”, or “Owner”)	Set-Aside: 85% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$8,000,000 Tax-Exempt Bonds
Number of Units: 72	Type: Rental/Family
Development Name: The Landings at Timberleaf (“Development”)	Location: Orange
Developer/Principal: Timberleaf Apartments, Ltd./The Richman Group of Florida, Inc./Richelson Enterprises, LLC (“Developer”, “Principal”, or “Owner”)	Set-Aside: 85% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$11,500,000 Tax-Exempt Bonds
Number of Units: 240	Type: Rental/Family
Development Name: Booker Creek Apartments (“Development”)	Location: Pinellas
Developer/Principal: Booker Creek Apartments, Ltd./The Richman Group of Florida, Inc. (“Developer”, “Principal”, or “Owner”)	Set-Aside: 40% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$10,750,000 Tax-Exempt Bonds
Number of Units: 156	Type: Rental/Family

MULTIFAMILY BONDS

Consent

Development Name: Garden Trail (“Development”)	Location: Pinellas
Developer/Principal: SP Garden Trail, LLC./Southport Financial Services, Inc. (“Developer”, “Principal”, or “Owner”)	Set-Aside: 85% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$5,500,000 Tax-Exempt Bonds
Number of Units: 75	Type: Rental/Family
Development Name: New Horizon’s Apartments (“Development”)	Location: Miami-Dade
Developer/Principal: New Horizons Preservation Associates, LP/Preservation of Affordable Housing, LLC. (“Developer”, “Principal”, or “Owner”)	Set-Aside: 40% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$4,975,000 Tax-Exempt Bonds
Number of Units: 100	Type: Rental/Family
Development Name: Campbell Arms Apartments (“Development”)	Location: Miami-Dade
Developer/Principal: Campbell Arms Preservation Associates, LP/Preservation of Affordable Housing, LLC. (“Developer”, “Principal”, or “Owner”)	Set-Aside: 40% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$3,700,000 Tax-Exempt Bonds
Number of Units: 201	Type: Rental/Family
Development Name: Bayside Reserve (“Development”)	Location: Pinellas
Developer/Principal: Bayside Reserve I, Ltd/NRP Florida Development, LLC/NRP Holdings, LLC (“Developer”, “Principal”, or “Owner”)	Set-Aside: 85% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$12,500,000 Tax-Exempt Bonds
Number of Units: 156	Type: Rental/Family

1. Background

At the January 23, 2009 meeting, the Board authorized the MMRB Program to conduct a supplemental application cycle.

2. Present Situation

- a) The Developments are 2009 Supplemental MMRB Applications (the “Applications”) to acquire and rehabilitate or construct new affordable developments in the Counties.

MULTIFAMILY BONDS

Consent

- b) The rules governing the 2009 Supplemental MMRB Application cycle require an application to achieve a perfect score of seventy (70) points in order to be funded. However, the rules further state: “If there is private activity bond allocation remaining after all eligible Applications are funded, then this allocation will be applied to the Corporation’s single-family bond program or otherwise used as directed by the Board.”
- c) The Applications for these Developments are only requesting MMRB and 4% non-competitive HC. These requests do not require any other Florida Housing funding. Staff believes that the public policy purposes served by obtaining these Developments as affordable for thirty (30) years far outweigh any failure to achieve a perfect score on the Applications.

3. **Recommendation**

Approve the request to allocate \$70,625,000 in tax exempt, private activity bonds to the Developments, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel and the appropriate Florida Housing staff.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

VII. PREDEVELOPMENT LOAN PROGRAM (PLP)

A. Request Approval of Loan Maturity Extension for Lutheran Social Services of North Florida, Inc., a Not-for-Profit Entity for Magnolia Acres (PLP 03-061)

DEVELOPMENT NAME (“Development”):	Magnolia Acres
APPLICANT/DEVELOPER (“Developer”):	Lutheran Social Services of North Florida, Inc., a Not-for-Profit Entity
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	12
LOCATION (“County”):	Leon County
TYPE:	Rental, Homeless
SET ASIDE:	60% @ 60% AMI
PLP LOAN AMOUNT:	\$46,000
ADDITIONAL COMMENTS: The loan was originally approved for \$146,000. Per the Developer’s request, the site acquisition portion of \$100,000 was de-obligated on November 16, 2005, due to receiving donated land from Leon County.	

1. Background

- a) On September 6, 2005, the Developer closed on a PLP Loan in the amount of \$46,000.
- b) To date, the Developer has drawn \$45,967.63 for eligible predevelopment expenses.
- c) On August 8, 2008, the Board approved a one-year loan maturity extension for the PLP Loan from September 6, 2008, to September 6, 2009.

2. Present Situation

- a) On May 4, 2009, and July 29, 2009, Florida Housing’s Special Assets Department sent the Developer letters informing of the approaching maturity of its PLP Loan and requesting a written response containing the Developer’s anticipated method of repayment.
- b) The Developer was also awarded \$350,000 of Demonstration Loan funds on April 22, 2005, under RFP 2004-12 for this Development. On August 13, 2009, staff met with the Developer to discuss the progress of the Development in the credit underwriting process. After meeting with the Developer and a subsequent discussion with the credit underwriter, parties believe that the credit underwriting report for the Demonstration Loan can be presented at the October 2009 Board meeting.
- c) On August 18, 2009, the Developer forwarded correspondence detailing its anticipated repayment on the PLP loan which matures on September 6, 2009 ([Exhibit A](#)). As outlined in Exhibit A, the Developer’s expects to repay the PLP loan from the proceeds of the Demonstration Loan.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

- d) Additionally, on July 1, 2009, the Developer was awarded a loan in the amount of \$446,666 from the City of Tallahassee for construction costs not covered by the Demonstration Loan. Currently, the City's loan has been executed by the required parties and is awaiting the final signature of the City Manager.
- e) Staff has reviewed the correspondence and believes that an extension is reasonable and necessary to allow the Developer to successfully complete credit underwriting, close on the Demonstration Loan, and repay the PLP Loan.

3. Recommendation

Approve the extension to the PLP Loan term from September 6, 2009, to September 6, 2010, and allow staff to proceed with the loan amendment activities.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

B. Request Approval of Credit Underwriting Report for MTZ Carver, LLC., a Not-for-Profit Entity, for The Carver Apartments & Shoppes (07-164)

DEVELOPMENT NAME (“Development”):	The Carver Apartments & Shoppes
APPLICANT/DEVELOPER (“Developer”):	MTZ Carver, LLC., a Not-for-Profit Entity
CO-DEVELOPER:	Undetermined
NUMBER OF UNITS:	10
LOCATION (“County”):	Miami-Dade County
TYPE:	Rental
SET ASIDE:	60% @ 60% AMI
PLP LOAN AMOUNT:	\$412,978
ADDITIONAL COMMENTS: This is a mixed-used development. PLP funds are used solely for the eligible predevelopment expenses on the affordable housing portion of the Development.	

1. Background

- a) On November 25, 2008, Florida Housing issued an Invitation to Participate in the PLP to the Developer, a not-for profit organization for The Carver Apartments & Shoppes. The Development will be located in Miami-Dade County.
- b) On March 13, 2009, the Board approved the development plan and budget that was recommended by the Technical Assistance Provider for a loan in the amount of \$485,978 for PLP eligible activities. Of this \$485,978, staff was authorized to proceed with loan closing activities for up to \$152,978, the non-site acquisition portion of the loan. The remaining \$333,000 was subject to a positive recommendation from the Credit Underwriter for site acquisition.

2. Present Situation

On August 28, 2009, staff received a credit underwriting report with a positive recommendation for the site acquisition portion of the PLP Loan in the amount of \$260,000, subject to the conditions outlined in the report ([Exhibit B](#)). The Applicant’s original request of \$333,000 for site acquisition has been reduced by the credit underwriter to \$260,000 based on the market value of the property. The total predevelopment costs have been reduced from \$485,978 to \$412,978.

3. Recommendation

Approve the Credit Underwriter’s final recommendation and authorize staff to proceed with loan closing activities on the site acquisition portion of the PLP Loan in the amount of \$260,000 for The Carver Apartments & Shoppes.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

C. **Request Approval of PLP Loan for North Central Heights, II, LLC., a Not-for-Profit Entity, for North Central Heights II (2009-003P-07)**

DEVELOPMENT NAME (“Development”):	North Central Heights II
APPLICANT/DEVELOPER (“Developer”):	North Central Heights, II, LLC., a Not-for-Profit Entity
CO-DEVELOPER (“Co-Developer”)	JR Beneficial Holdings 7, LLC.
NUMBER OF UNITS:	32
LOCATION (“County”):	Highlands County
TYPE:	Rental
SET ASIDE:	60% @ 60% AMI
PLP LOAN AMOUNT:	\$634,000
ADDITIONAL COMMENTS: The Applicant has committed to set-aside 100% of the units for households at or below 60% AMI. Also, there is a funded PLP application for North Central Heights, which is the first phase of this Development. Both phases have been awarded 2007 and 2008 HOME funds.	

1. **Background**

- a) On March 26, 2009, Florida Housing received a PLP Application from the Applicant for North Central Heights II. The Development will be located in Highlands County.
- b) On June 10, 2009, Florida Housing issued an Invitation to Participate in the PLP to North Central Heights II, a not-for profit organization.

2. **Present Situation**

- a) The Technical Assistance Provider (TAP) has approved the Development Plan and recommended a loan amount of \$634,000 for PLP eligible activities and site acquisition ([Exhibit C](#)), as well as assisted the Applicant in preparing the Development Plan and budget ([Exhibit D](#)). Staff has reviewed the Development Plan and determined that all budget items are PLP eligible.
- b) Of the \$634,000, the Applicant has requested \$350,000 for site acquisition. Upon Board approval, the Development will be required to enter credit underwriting for approval of the site acquisition portion of the loan. Upon receipt of a positive recommendation, the Credit Underwriting Report will be presented to the Board for approval. In the interim, staff recommends that the non-site acquisition loan amount of up to \$284,000 be approved to provide the Applicant with funds for eligible non-site predevelopment expenses.

3. **Recommendation**

Approve the PLP Loan in the amount of \$634,000 to North Central Heights II, LLC., a Not-for-Profit organization, for predevelopment expenses as recommended by the TAP and allow staff to issue the Commitment Letter and commence with loan closing proceedings on the non-site portion of the PLP Loan in the amount of up to \$284,000.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

VIII. PROFESSIONAL SERVICES SELECTION (PSS)

A. Guaranteed Investment Contract (GIC) Broker Services

1. Background

- a) At its October 14, 2005 meeting, the Board of Directors of Florida Housing authorized staff to enter into contract negotiations with Bondlogistix LLC and PackerKiss Securities, Inc. to provide GIC Broker services.
- b) The initial term of the Bondlogistix contract began November 23, 2005 and the initial term of the PackerKiss contract began December 5, 2005. Subject to satisfactory performance at the sole discretion of Florida Housing, the contracts may be renewed twice. Each renewal shall be for an additional one (1) year period.

2. Present Situation

The contracts will expire on November 23, 2009 and December 5, 2009 respectively. Florida Housing staff supports a renewal to extend the term of the contracts for the final one-year period.

3. Recommendation

Staff believes that it is in the best interests of Florida Housing to continue to retain the Bondlogistix LLC and PackerKiss Securities, Inc. pursuant to the existing contracts and recommends the Board direct staff to proceed with the final one-year renewal.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

IX. STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

A. Request Approval of Loan Closing Extension for Pollywog Creek Commons II (RFP 2007-02-01)

Development Name: Pollywog Creek Commons II (“Development”)	Location: Hendry County
Developer/Principal: Everglades Community Association, Inc. & Rural Neighborhoods, Inc. (“Developer”)	Set-Aside: 20% @ 50% AMI
Number of Units: 24	Allocated Amount: \$1,140,282
Type: Garden Style	Housing Credit Equity: N/A
Demographics: Farmworker	MMRB: N/A

1. Background/Present Situation

- a) On January 26, 2007, Florida Housing’s Board of Directors authorized staff to draft and issue an RFP to solicit proposals to use SAIL Program funds for the development and rehabilitation of commercial fishing worker/farmworker housing.
- b) On April 17, 2007, the Applicant submitted a proposal requesting \$1,680,000 for this 24-unit farmworker development in Hendry County. On July 27, 2007, the Board approved the Review Committee’s recommendation and the subject was awarded \$1,680,000 in SAIL funds.
- c) On January 14, 2008, staff issued a preliminary commitment letter and an invitation to enter credit underwriting for a SAIL Loan in an amount up to \$1,680,000. During credit underwriting the SAIL loan amount was reduced to \$1,140,282.
- d) On July 24, 2009, the Board approved a final credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$1,140,282 and directed staff to proceed with issuance of a firm loan commitment and loan closing activities.
- e) Rule Chapter 67-48.0072(4)(c), F.A.C. requires SAIL loans to close within 14 months of the issuance of the preliminary commitment letter. Applicants may request one extension of up to 10 months.
- f) On August 5, 2009, staff received a request from the Developer for a 10 month extension to close the SAIL loan ([Exhibit A](#)).

2. Recommendation

Approve the request for a 10 month extension until January 14, 2010 to close the SAIL and Supplemental loans, subject to the payment of the extension fee pursuant to Rule Chapter 67-48.0072(4)(c), F.A.C.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

B. Request Approval of Unit Mix Change for Southwinds Cove, Cycle XIX (2007-140S/2007-515C)

Development Name: Southwinds Cove (“Development”)	Location: Lake County
Developer/Principal: Atlantic Housing Partners, L.L.L.P. (“Developer”)	Set-Aside: 5% @ 33% AMI and 65% @ 60%
Number of Units: 112	Allocated Amount: \$5,000,000 (SAIL) and \$510,000 (Supplemental)
Type: Garden Style	Housing Credit Equity: \$5,039,593
Demographics: Family	MMRB: \$10,000,000 (Local)

1. Background/Present Situation

- a) On December 1, 2008, a SAIL loan in the amount of \$5,000,000 and a Supplemental loan in the amount of \$510,000 closed for this 112-unit family development in Lake County.
- b) On July 28, 2009, staff received a letter from the Developer requesting a unit mix change in order to decrease the amount of two bedroom units from 32 to 12 and increase the three bedroom units from 80 to 100 due to market demand ([Exhibit B](#)).
- c) On September 1, 2009, staff received a review from the credit underwriter with a positive recommendation for the unit mix change ([Exhibit C](#)).

2. Recommendation

Approve the request to change the unit mix and direct staff to proceed with amending the Land Use Restriction Agreement.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

C. Request Approval of SAIL Loan Closing Extension for Lake City Cabins for Veterans, Cycle XX (RFP 2008-01-03)

Development Name: Lake City Cabins for Veterans (“Development”)	Location: Columbia County
Developer/Principal: Volunteers of America of Florida, Inc. (“Developer”)	Set-Aside: 30% @ 40% AMI and 70% @ 60%
Number of Units: 32	Allocated Amount: \$1,600,000
Type: Garden Apartments	Housing Credit Equity: N/A
Demographics: Homeless	MMRB: N/A

1. Background/Present Situation

- a) On June 5, 2009, the Board approved a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$1,600,000 and directed staff to proceed with loan closing activities.
- b) On June 25, 2009, staff issued a firm commitment letter with a closing deadline of August 25, 2009.
- c) On August 24, 2009, staff received a letter from the Developer requesting an extension of the closing deadline until October 30, 2009 ([Exhibit D](#)).

2. Recommendation

Approve the request to extend the SAIL closing deadline until October 30, 2009, subject to the payment of the loan closing extension fee pursuant to Rule Chapter 67-48, F.A.C.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

D. Request Approval of Loan Closing Extension for Esperanza Place (RFP 2007-10-01)

Development Name: Esperanza Place (“Development”)	Location: Collier County
Developer/Principal: Florida Non-Profit Services, Inc. (“Developer”)	Set-Aside: 20% @ 50% AMI & 80% @ 60%
Number of Units: 47	Allocated Amount: \$3,187,764
Type: Garden Style	Housing Credit Equity: N/A
Demographics: Farmworker	MMRB: N/A

1. Background/Present Situation

- a) On December 7, 2007, Florida Housing’s Board of Directors authorized staff to draft and issue an RFP to solicit proposals to use SAIL Program funds for the development and rehabilitation of commercial fishing worker/farmworker housing.
- b) On January 31, 2008, the Applicant submitted a proposal requesting \$5,000,000 for this 47-unit farmworker development in Collier County. On March 14, 2008, the board approved the Review Committee’s recommendation and the subject was awarded \$5,000,000 in SAIL funds, subject to a positive credit underwriting report.
- c) On March 25, 2008, staff issued a preliminary commitment letter and an invitation to enter credit underwriting for a Farmworker/SAIL Loan in an amount up to \$5,000,000. During credit underwriting the SAIL loan amount was reduced to \$3,187,764.
- d) On July 24, 2009, the Board approved a final credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$3,187,764 and directed staff to proceed with issuance of a firm loan commitment and loan closing activities.
- e) Rule Chapter 67-48.0072(4)(c), F.A.C. requires SAIL loans to close within 14 months of the issuance of the preliminary commitment letter. Applicants may request one extension of up to 10 months.
- f) On July 31, 2009, staff received a request from the Developer for a 10 month extension to close the SAIL loan ([Exhibit E](#)).

2. Recommendation

Approve the request for a 10 month extension until March 25, 2010 to close the SAIL loan, subject to the payment of the extension fee pursuant to Rule Chapter 67-48.0072(4)(c), F.A.C.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

E. Request Approval of Credit Underwriting Letter for Riverview House, Cycle XI, (1999-023S)

Development Name: Riverview House (“Development”)	Location: Palm Beach County
Developer/Principal: The Richman Group of Florida, Inc. (“Developer”)	Set-Aside: 100% @ 60% AMI
Number of Units: 160	Allocated Amount: \$1,662,960
Type: Mid-Rise	Housing Credit Equity \$3,705,092
Demographics: Elderly	MMRB: \$6,000,000 (Local)

1. Background/Present Situation

- a) On July 13, 2000, a SAIL loan in the amount of \$1,662,960 for this 160-unit elderly development in Palm Beach County closed. The LURA requires that each unit be occupied by at least one resident being 55 years of age or older.
- b) On August 31, 2009, staff received a letter from the Developer requesting the Corporation’s approval to amend the SAIL LURA and Housing Credit EUA to permit twenty (20%) of the units to be rented to tenants who may be under 55 years of age ([Exhibit F](#)).
- c) On September 1, 2009, staff received a credit underwriting letter addressing the requested change ([Exhibit G](#)). Staff has reviewed this report and finds that it meets all of the requirements of Rule Chapter 67-48, F.A.C.

2. Recommendation

Approve the request to permit 20% of the units be rented to tenants who may be under 55 years of age and direct staff to proceed with amending the LURA and EUA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

F. Request Approval of Credit Underwriting Letter for Villa Aurora, Cycle XVII (2005-020CS)

Development Name: Villa Aurora (“Development”)	Location: Miami-Dade County
Developer/Principal: Carrfour Supportive Housing, Inc. (“Developer”)	Set-Aside: 21% @ 30% AMI and 79% @ 60% AMI
Number of Units: 76	Allocated Amount: \$3,000,000
Type: High-Rise	Housing Credit Equity \$20,701,206
Demographics: Homeless	MMRB: N/A

1. Background/Present Situation

- a) On December 4, 2007, a SAIL loan in the amount of \$3,000,000 for this 76-unit homeless Development in Miami-Dade County closed.
- b) On May 21, 2009, staff received a letter requesting the Corporation allow office space in the subject property to be leased to Carrfour Supportive Housing, Inc. to house its corporate offices ([Exhibit H](#)).
- c) On August 24, 2009, staff received a credit underwriting letter addressing the requested change ([Exhibit I](#)). Staff has reviewed this report and finds that it meets all of the requirements of Rule Chapter 67-48, F.A.C.

2. Recommendation

Approve the request to allow office space in the subject property to be leased to Carrfour Supportive Housing, Inc. to house its corporate offices, and direct staff to proceed with modification of the loan documents.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

G. Approve Loan Closing Extension for Labre Place, Cycle XVIII (2006-074CS)

Development Name: Labre Place f/k/a St. David (“Development”)	Location: Miami-Dade County
Developer/Principal: St. David Development, L.L.C. (“Developer”)	Set-Aside: 50% @ 33% AMI and 50% @ 60% AMI
Number of Units: 90	Allocated Amount: \$4,000,000
Type: High-Rise	Housing Credit Equity \$16,641,538
Demographics: Homeless	MMRB: N/A

1. **Background/Present Situation**

- a) On March 14, 2008, the Board approved a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$4,000,000 and directed staff to proceed with issuance of a firm loan commitment and loan closing activities.
- b) On April 18, 2008, staff issued a firm commitment letter with a closing deadline of June 17, 2008, after which the Board approved six loan closing extensions.
- c) On July 10, 2009, staff received a letter from the Developer requesting a seventh loan closing extension until December 15, 2009, due to scheduling issues and the impending American Recovery and Reinvestment Act RFP ([Exhibit J](#)).

2. **Recommendation**

Staff recommends the Board approve the SAIL closing deadline until March 31, 2010, to allow the Borrower time to complete the American Recovery and Reinvestment Act RFP process.

SPECIAL ASSETS

Consent

X. SPECIAL ASSETS

- A. Request Approval to Refinance the First Mortgage for Saddlebrook at Palm Beach, Ltd., a Florida Limited Partnership for Saddlebrook Apartments (d/b/a Madison Chase) (2000-086S) (2000-550C)

Development Name: Saddlebrook (d/b/a Madison Chase Apartments) (“Development”)	Location: Palm Beach County
Developer/Principal: Wendover Partners, Ltd. / Banyan Realty Advisors, LLC (“Developer”)	Set-Aside: SAIL: 6.087 % @ 25%, 93.04% @ 60% AMI, 50 Years HC: 100% @ 60% AMI, 50Years
Number of Units: 230	Allocated Amount: SAIL \$2,369,000 HC 4% \$715,443 (annual)
Demographics: Family	Servicer: Seltzer Management Group, Inc.

1. Background

- a) During the 2000 Application Cycle, Florida Housing awarded a \$2,369,000 SAIL loan to Saddlebrook at Palm Beach, Ltd., a Florida Limited Partnership (“Borrower”), for the permanent financing and construction of a 230-unit development in Palm Beach County. The SAIL loan closed on June 11, 2001 and matures on August 1, 2040. The development also received a 2000 allocation of four percent (4%) low-income housing tax credits of \$715,443.
- b) On April 1, 2000, the Housing Finance Authority of Palm Beach County (“Issuer”) issued Multifamily Revenue Tax-Exempt Bonds totaling \$3,100,000 (“First Mortgage”), in which the first mortgage was assigned by the Issuer to The U.S. Bank Trust National Association, as Trustee.
- c) On March 14, 2008, the Board approved the transfer of general partnership interests in four Wendover Partners, Ltd developments to affiliates of Banyan Realty Advisors, LLC (f/k/a Banyan Realty Management, LLC). This transfer has not yet taken place.

2. Present Situation

- a) In a letter dated March 31, 2009 the Borrower, Saddlebrook at Palm Beach, Ltd., requests consent from the Board to refinance the first mortgage and subordinate the SAIL loan to the new first mortgage.
- b) On September 2, 2009, ([Exhibit A](#)) Staff received a credit underwriting report from Seltzer Management Group, Inc. recommending approval for the new financing and subordination of the SAIL loan to the new first mortgage, extension of the SAIL loan term and extension of the SAIL LURA’s affordability period by a length of time equal to the extension of the SAIL loan term.

SPECIAL ASSETS

Consent

3. **Recommendation**

Approve the refinancing of the first mortgage and subordination of the SAIL loan to the new first mortgage, extension of the SAIL loan term and extension of the SAIL LURA's affordability period by a length of time equal to the extension of the SAIL loan term, subject to the conditions outlined in the credit underwriter's report and subject to further approvals and verifications by the credit underwriter, counsel and appropriate Florida Housing staff and direct staff to proceed with loan document modification activities as required.

SPECIAL ASSETS

Consent

B. Request Approval of Transfer of General Partnership Interest for Lenox Court (2001-23C) (2002-053S)

Development Name: Lenox Court (“Development”)	Location: Duval
Developer/Principal: The Carlisle Group (“Developer”)	Set-Aside: SAIL: 15.04% @ 30% 5.01% @ 50% 79.95% @ 60% AMI, 50 Years HC: 15.04% @ 28%, 5.01% @ 50%, 79.95% @ 60% AMI, 50 Years
Number of Units: 360	Allocated Amount: SAIL \$2,000,000 Housing Credit \$1,500,000
Demographics: Family	

1. Background

During the 2002 Universal Application Cycle, Florida Housing awarded a \$2,000,000 SAIL loan to Lenox Court Associates, Ltd., a Florida limited partnership, (Borrower) for the development of a 360-unit Family apartment complex in Duval County, Florida. The Development also received a 2001 Housing Credit allocation of \$1,500,000. The loan closed on May 9, 2003.

2. Present Situation

- a) In a letter dated May 14, 2009, the Special Limited Partner (SLP) provided notice to Florida Housing that they were replacing the co-general partners for cause. In August, additional information was provided and they requested approval to transfer the general partner’s interest of the partnership of Lenox Court Associates, Ltd., to a newly formed subsidiary of JP Morgan Chase & Co. In addition, J.P. Morgan Chase affiliates will replace the SLP, the partners of Centerline Housing Partnership V, L.P. and will effectively own 100% of Lenox Court.
- b) Florida Housing received a positive recommendation from the credit underwriter ([Exhibit B](#)).

3. Recommendation

Staff recommends that the Board approve the transfer of partnership interests along with the assignment and assumption of the SAIL loan and restrictions if required, subject to any conditions provided in the credit underwriting report dated September 3, 2009.

SPECIAL ASSETS

Consent

C. Request Approval for Normandy Apartments to Apply for Funds from the Green Retrofit Program for Multifamily Housing

Development Name: Normandy Apartments (“Development”)	Location: Duval
Developer/Principal: VF Affordable Housing, Inc. (“Developer”)	Set-Aside: 20% @ 50% & 80% @ 60% AMI
Funding Sources: HOME 2004-010H	Amounts: HOME \$4,166,882
Number of Units: 99	Type: Family

1. Background

During the 2004 funding cycle, Florida Housing awarded a HOME loan in the original amount of \$4,166,882, to VF Affordable Housing, Inc. (VFAH), a Florida non-profit corporation (“Borrower”), for the development of a 100-unit apartment complex in Duval County, Florida. By an executed document dated January 26, 2009, FHFC allowed the Borrower to use one non-revenue unit to house an onsite manager.

2. Present Situation

- a) By letter dated August 12, 2009, VFAH requested FHFC’s approval to apply for grant funds under the American Recovery and Reinvestment Act’s Green Retrofit Program (GRP) administered by the U.S. Department of Housing and Urban Development in an attempt to reduce operating costs and make green retrofits to the development. Eligible uses for the funds are improvements that conserve energy and water, improve indoor air quality, or benefit the environment.
- b) VFAH has certified that they would not apply for GRP “loan” funds without the prior written consent of FHFC. The Program requires that a new Use Agreement be recorded against the property requiring affordability for an additional 15 years after the expiration of existing Use agreements. FHFC’s loan documents would be subordinated to the GRP Use Agreement and FHFC approval is required to further encumber the property.

3. Recommendation

Approve VFAH’s request to apply for grant funds under the Green Retrofit Program, and allow VFAH to subordinate FHFC’s existing use restrictions to the new GRP Use Agreement as required by the GRP funding.