

**FLORIDA HOUSING FINANCE CORPORATION**  
**Board Meeting**  
December 12, 2014  
Consent Items



# COMMUNITY WORKFORCE HOUSING INNOVATION PILOT (CWHIP) PROGRAM

## *Consent*

### I. COMMUNITY WORKFORCE HOUSING INNOVATION PILOT (CWHIP) PROGRAM

#### A. Request Approval Extend the Construction Period for the Homes of West Augustine – CWHIP 0618

<b>Applicant Name (“Applicant”):</b>	<b>Housing Finance Authority of St. Johns County (HFA SJC)/ St. Johns County Community Redevelopment Agency (SJCCRA)</b>
<b>Development Name (“Development”):</b>	<b>Homes of West Augustine</b>
<b>Developer/Principal (“Developer”):</b>	<b>Benjamin Coney</b>
<b>Number of Units: 111 - Homeownership</b>	<b>Location: St. Johns County, Florida</b>
<b>Type: CWHIP Loan</b>	<b>Allocated Amount: \$5,000,000</b>

#### 1. Background

- a) On October 23, 2009, the Board approved the Final Credit Underwriting Report (“CUR”) for the Development. The CWHIP loan closed on March 12, 2010, and the construction period extends through March 12, 2015.
- b) The Development consists of 20-acres of land containing 111 lots to be developed into 111 single-family homes. St. Johns County deeded the lots to the SJCCRA, who subsequently donated 34 of the lots to Habitat for Humanity of St. Augustine/St. Johns County to build homes specifically targeting workforce housing households. The remaining 77 lots were to be developed by HFA SJC with the remaining private partners listed above, also targeted for workforce housing households.

#### 2. Present Situation

- a) Applicant has completed 33 of the Habitat for Humanity homes and 30 of the remaining CWHIP homes. To complete the construction of the remaining 48 homes, the Developer has requested an additional 5 years to the construction period to complete the remaining units.
- b) The credit underwriter has reviewed this request and, in a letter (CU letter) dated November 25, 2014 ([Exhibit A](#)) recommends that the construction period be extended for an additional 2 years to continue monitoring progress of the Development.

#### 3. Recommendation

Staff recommends that the Board approve the request to extend the construction period for 2 years as recommend in the CU letter subject to any further approvals by the credit underwriter, counsel and the appropriate corporation staff.

## HOUSING CREDITS

### *Consent*

## II. HOUSING CREDITS

- A. Request release of vacant portion of land for additional units by Emerald Villas, formerly Seville Place (#2009-530C)

DEVELOPMENT NAME (“Development”):	Emerald Villas, formerly Seville Place APPLICATION #2009-530C
DEVELOPER/PRINCIPAL (“Developer”):	Seville Place Developer, LLC
APPLICANT: (“Owner”)	Seville Place Holdings, Ltd.
NUMBER OF UNITS:	264
LOCATION (“County”):	Orange
TYPE:	Acquisition and Rehabilitation
SET ASIDE:	100% @ 60% AMI
NON-COMPETITIVE HOUSING CREDIT ALLOCATION AMOUNT:	\$640,818.00

### 1. Background/Present Situation

- a) Emerald Villas is a Non-Competitive Housing Credit, Acquisition and Rehabilitation Development utilizing tax-exempt bond financing from Orange County. The Development has provided 264 set-aside units targeting the Family demographic in Orange County, Florida.
- b) The legal description included in the existing Extended Use Agreement (EUA) includes an area of vacant land. All of the property’s lenders and the Applicant agreed in their documents that this portion of the land would be released in the future for the development of additional units. Florida Housing has received a request to amend the EUA to release the vacant portion of land for the production of a new phase of affordable residential units.

### 2. Recommendation

Approve the release of the land for the development of additional affordable units and direct staff to amend the existing EUA appropriately.

## HOUSING CREDITS

### *Consent*

- B. Request approval to proceed with the present General Contractor structure of Courtside Family Apartments (#2013-514C)**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Courtside Family Apartments APPLICATION #2013-514C</b>
<b>DEVELOPER/PRINCIPAL (“Developer”):</b>	<b>AMC HTG 1 Developer, LLC</b>
<b>APPLICANT: (“Owner”)</b>	<b>AMC HTG 1, Ltd.</b>
<b>NUMBER OF UNITS:</b>	<b>84</b>
<b>LOCATION (“County”):</b>	<b>Miami-Dade</b>
<b>TYPE:</b>	<b>New Construction</b>
<b>SET ASIDE:</b>	<b>100% @ 60% AMI</b>
<b>NON-COMPETITIVE HOUSING CREDIT ALLOCATION REQUEST AMOUNT:</b>	<b>\$678,832.00</b>

**1. Background/Present Situation**

- a) Courtside Family Apartments is a Non-Competitive Housing Credit, New Construction Development utilizing tax-exempt bond financing from Miami-Dade County. The Development will provide 84 set-aside units targeting the Family demographic in Miami-Dade County, Florida.
- b) Rule Chapter 67-21.026(13) states in part: “The General Contractor must meet the following conditions:
- (f) Ensure that no construction cost is subcontracted to any entity that has common ownership or is affiliated with the General Contractor unless otherwise approved by the Board for a specific Development. With regard to said approval, the Board shall consider the facts and circumstances of each Applicant’s request, inclusive of construction costs and ownership interests in the Development.”
- c) To clarify the present structure, the General Contractor for the Development (CB-HTG, LLC) is a joint venture between Current Builders Construction Services, Inc. (“Current”) and HTG Construction, LLC, and due to the fact that the majority ownership interest of Current in CB-HTG, LLC (50.1%), the Applicant is requesting Board approval of the existing joint venture. ([See Exhibit A](#))

**2. Recommendation**

Approve the request to allow the joint venture to proceed as currently constructed.

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### III. LEGAL

#### A. In Re: Lennard Road Partners, Ltd. – FHFC Case No. 2013-076VW

<b>Development Name: (“Development”):</b>	<b>Grove Park Apartments Application No. 2013-521C</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Atlantic Housing Partners, LLLP</b>
<b>Number of Units: 210</b>	<b>Location: St. Lucie County</b>
<b>Type: Garden</b>	<b>Set Asides: 100% @ 60% AMI</b>
<b>Demographics: Family</b>	<b>HC Request Amount: \$1,372,237</b>

#### 1. Background

- a) In 2013, Leonard Road Partners, Ltd. (“Petitioner”) applied for an allocation of 4% non-competitive tax credits to finance the construction of a development intended to serve low-income individuals and families known as Grove Park Apartments (the “Development”) located in St. Lucie County, Florida. Petitioner had previously applied for and was awarded State Apartment Incentive Loan (“SAIL”) funds in the amount of up to \$4,200,000 with a Total Set-Aside Percentage of 80%.
- b) On October 13, 2014, Florida Housing received a “Petition for Waiver from Florida Administrative Code Rule 67-21.003(8),” for a Change in Total Set-Aside Percentage (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit A](#).

#### 2. Present Situation

- a) Rule 67-21.003(8) Fla. Admin. Code provides in relevant part:
  - (1) “(8) 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 is deemed complete. Those items are as follows:
  - (2) \*\*\*\*\*
  - (3) (j) The Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application.
- b) In its application, Petitioner committed to set aside 100% of the Development’s 210 units at 60% AMI or less.
- c) Petitioner requests waivers of the above rule. Specifically, Petitioner seeks to decrease the Total Set-Aside Percentage from 100% to approximately 80%, to correct a scrivener’s error. Petitioner intends to rent 20% of the units at market rate.

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- d) The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants. The 4% non-competitive housing tax credits application process allows applicants to correct errors in its applications.
- e) On October 15, 2014, Notice of the Petition was published in the Florida Administrative Register in Volume 40, Number 201. To date, Florida Housing has received no comments concerning the Petition.
- f) Section 120.542(2), Florida Statutes provides in pertinent part:
  - (1) 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.
- g) Petitioner has demonstrated that strict application of the above rule and instruction provisions under these circumstances would violate the principles of fairness for Petitioner as it had intended the Development to have 20% of the units at market rate, as indicated in its previous award of SAIL funding. Granting the requested waivers would serve the purpose of the underlying statute and the Act as a whole by facilitating the availability of affordable housing to low-income persons and households, while recognizing that the Development needs to be able to adapt to the market conditions.

### 3. **Recommendation**

Staff recommends the Board **GRANT** Petitioner's request for waivers of Rule 67-21.003(8), Fla. Admin. Code, to permit Petitioner to decrease the Total Set-Aside Percentage from 100% to approximately 80%.

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**B. In Re: Towers of Jacksonville, LP - FHFC Case No. 2013-077VW**

<b>Development Name: (“Development”):</b>	<b>Towers at Jacksonville Application No. 2014-122B</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Towers of Jacksonville, Inc. Retirement Housing Foundation</b>
<b>Number of Units: 194</b>	<b>Location: Duval</b>
<b>Type: High Rise</b>	<b>Set Asides: MMRB: 40% @ 60% AMI HC: 95% @ 60% AMI</b>
<b>Demographics: Elderly</b>	<b>HC: \$699,240 MMRB: \$12,950,000</b>

**1. Background**

- a) In 2014, Towers of Jacksonville, LP (“Petitioner”) applied for and was awarded an allocation of non-competitive tax credits (“4% HC”) and Multifamily Mortgage Revenue Bonds (“MMRB”) funds to finance the acquisition and rehabilitation of the Towers at Jacksonville (the “Development”) located in Duval County, Florida.
- b) On October 14, 2014, Florida Housing received an “Petition for Waiver of Non-competitive Application Instructions, Housing Credit Program, Part A, Section 2(a)(2)” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit B](#).

**2. Present Situation**

- a) Rule 67-21.003(1)(a) Fla. Admin. Code provides, in pertinent part:
  - (a) The Non-Competitive Application Package or NCA (Rev.3-13) is adopted and incorporated herein by reference and consists of the forms and instructions available, without charge, on the Corporation’s Website under the Multifamily Programs link labeled Apply for Funding or from <http://www.flrules.org/Gateway/reference.asp?No=Ref-> which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for MMRB only, Non-Competitive HC only, or both MMRB and Non-Competitive HC.
- b) Part II.A.2.a. (2). of the Instructions provides in pertinent part:

2. Applicant:

- a. State the name of the Applicant.

If applying for MMRB, with or without Non-Competitive HC, the Applicant entity shall be the borrowing entity and cannot be changed until after loan closing. Replacement of the Applicant or a material change (33.3 percent or more of the Applicant, a General Partner of the Applicant, or a member of the Applicant) in the ownership structure of the named Applicant prior to loan closing shall result in disqualification from receiving funding and shall be deemed a material misrepresentation. Changes after loan closing require Board approval.

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- c) Petitioner requested a waiver of the above Rules to allow it to replace the Applicant entity provided at the Application Deadline, prior to the Loan Closing. As justification, Petitioner states that at the time of its application, Towers of Jacksonville, LLC, was the General Partner of the Applicant entity, but that the supporting documents demonstrated that Deland RHF Housing, Inc., as the General Partner. At the time Petitioner's application was submitted, Deland RHF Housing, Inc., was not a 501(c)e tax-exempt entity. It now has this designation.
- d) The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants.
- e) On October 16, 2014, the Notice of Petition was published in the Florida Administrative Register in Volume 40, Number 202. To date, Florida Housing has received no comments concerning the Petition.
- f) 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.
- g) Petitioner demonstrated that strict application of the above Rule under these circumstances would result in a substantial hardship or violate the principles of fairness. Petitioner demonstrated that Retirements Housing Foundation and Towers of Jacksonville, Inc. are the members of both Deland RHF Housing, Inc., and Petitioner. Accordingly, there would be no loss of developer experience. A denial of the requested waiver would result in a substantial unnecessary economic hardship and delay and reduced proposed renovations where a substantial investment in the Development has been made; resulting in delaying much needed housing in Duval County.

### 3. Recommendation

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Part A, Section 2.a.(2) of the Instructions, to allow Petitioner to change the identity of the Applicant from Towers of Jacksonville, LLC to Deland RHF Housing, Inc.



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#### C. In Re: Village Park Senior Housing Partners, Ltd. - FHFC Case No. 2012-080VW

<b>Development Name: (“Development”):</b>	<b>Village Park Senior Housing Application No. 2011-225C; 2013-009C</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Eastwind Development, LLC</b>
<b>Number of Units: 105</b>	<b>Location: Orange County</b>
<b>Type: Garden</b>	<b>Set Aside: 10% at 33% AMI 84% at 60% AMI</b>
<b>Demographics: Elderly</b>	<b>Housing Credits: \$ 1,862,655</b>

#### 1. Background

- a) During the 2011 Universal Cycle, Village Park Senior Housing Partners, Ltd, (“Petitioner”) successfully applied for an allocation of Low Income Housing Tax Credits (HC) to finance the construction of Village Park Senior Housing (the “Development”) located in Orange County, Florida. As part of its application, Petitioner stated that the Development Type for the Development as Garden Apartments.
- b) On November 7, 2014, Florida Housing received a “Petition for Waiver from Florida Administrative Code Rule 67-480.004<sup>1</sup>.” A copy of the Petition is attached as [Exhibit C](#).
- c) Rule 67-48.004(14)(i), Florida Administrative Code (2011), provides in pertinent part:

(14) 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:

(g) Development Type

- d) Petitioner requested a waiver of the above rule to change the Development Type from Garden Apartments to Mid-Rise with Elevator. After submitting its Application for funding and prior to final design and permitting, the City of

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<sup>1</sup> Petitioner incorrectly cites to 67-48.004(3)(g) as to the rule it is requesting relief. The correct cite is 67-48.004(14)(g), Fla. Admin. Code.

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Winter Park encouraged Petitioner to change the site plan and use a four story design, to incorporate a large park into the site plan.

- e) The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants.
- f) Notice of the Petition was published in Volume 40, Number 221, of the Florida Administrative Register. To date, Florida Housing received no comments regarding the Petition.
- g) 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.

- h) Petitioner has demonstrated that strict application of the above Rule under these circumstances would violate the principles of fairness. The change in Development Type, 'Mid-Rise with Elevator,' would not have given Petitioner an unfair advantage in scoring of its Application, and denial of the Petition would preclude the residents the benefits of having a large passive park to enjoy. Petitioner demonstrated that permitting this change in Development would also serve the underlying purpose of the statute. By granting the Petition, Petitioner will be able to provide needed housing in Orange County

## 2. Recommendation

Staff recommends the Board **GRANT** Petitioner's request for a waiver from Rule 67-480.004(14)(i), Florida Administrative Code (2011) to allow Petitioner to change the Development Type from Garden to Mid-Rise with Elevator.

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**D. In Re: Paradise Point Senior Housing, LLC. - FHFC Case No. 2014-081VW**

<b>Development Name: (“Development”):</b>	<b>Paradise Point Senior Housing Application Nos. 2014-080C</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Gorman and Company, Inc.</b>
<b>Number of Units: 47</b>	<b>Location: Monroe County</b>
<b>Type: Garden</b>	<b>Set Asides: 100% 10% @ 25% AMI 90% @ 60% AMI</b>
<b>Demographics: Elderly</b>	<b>HC: \$1,175,000</b>

**1. Background**

- a) Pursuant to RFA 2013-001, Affordable Housing Developments located in Medium and Small Counties (“RFA”), Paradise Point Senior Housing, LLC (“Petitioner”) applied for and was awarded an allocation of tax credits to finance the construction of a development intended to serve the elderly, known as Paradise Point Senior Housing (the “Development”) located in Monroe County, Florida.
- b) On November 11, 2014, Florida Housing received a “Petition for Waiver of Rule 67-48.004(14)(i) and (l) for a change in Number of Units and Housing Credit Request Amount,” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit D](#).

**2. Present Situation**

- a) Rule 67-48.004(14) Fla. Admin. Code provides in relevant part:

“(14) 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:

\*\*\*\*\*

- (i) Total number of units;

\*\*\*\*\*

- (l) Funding Request Amount

- b) In its application, Petitioner committed the Development to a total of 47 new construction units.

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- c) Petitioner requests a waiver of the above rule. Specifically, Petitioner seeks to reduce the total number of units in the Development from 47 to 42, with a pro rata reduction in the Housing Credit allocation proportionate to the reduction in the number of total units, i.e., from \$1,175,000 to \$1,050,000. The request was necessitated by the actions of the seller of the land, who leased a portion of it to a third party, in violation of the land sales contract. The leased property is no longer available to be developed by Petitioner.
- d) The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants. In addition, the Housing Credit allocation for the Development will be reduced in proportion to the reduction in the number of units.
- e) On November 14, 2014, Notice of the Petition was published in the Florida Administrative Register in Volume 40, Number 222. To date, Florida Housing has received no comments concerning the Petition.
- f) 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.
- g) Petitioner has demonstrated that strict application of the above rule under these circumstances would constitute a substantial economic hardship and violate the principles of fairness for Petitioner. Petitioner demonstrated that it is now legally impossible to construct the original number of units, without protracted litigation. The reduced parcel size decreased the number of units permitted to be constructed. Petitioner will still be required to set-aside 100% of the units as affordable. Granting the requested waiver will serve the purpose of the underlying statute and the Act as a whole by facilitating the availability of affordable housing to low-income elderly persons and households that might not be otherwise available, while recognizing the economic realities of constructing affordable housing in Monroe County.

### 3. **Recommendation**

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-48.004(14)(i) and (l) to permit Petitioner to reduce the total number of units in the Development from 47 to 42, with a reduction in Petitioner's Housing Credit allocation for the Development from \$1,175,000 to \$1,050,000.

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**E. In Re: HTG Miami-Dade 5, LLC - FHFC Case No. 2014-082VW**

<b>Development Name: (“Development”):</b>	<b>Wagner Creek Application No. 2014-239C</b>
<b>Developer/Principal: (“Developer”):</b>	<b>HTG Miami-Dade 5 Developer, LLC</b>
<b>Number of Units: 68</b>	<b>Location: Miami-Dade</b>
<b>Type: High Rise</b>	<b>Set Asides: 10% @ 33% AMI 90% @ 60% AMI</b>
<b>Demographics: Family</b>	<b>HC: \$1,601,881</b>

**1. Background**

- a) Pursuant to RFA 2013-003, “Affordable Housing Developments located in Broward, Miami-Dade and Palm Beach Counties” (“RFA”), HTG Miami-Dade 5, LLC (“Petitioner”) applied for and was awarded an allocation of tax credits to finance the construction of a development intended to serve families known as Wagner Creek (the “Development”) located in Miami Dade County, Florida.
- b) On November 12, 2014, Florida Housing received a “Petition for Waiver of Rule 67-48.004(14)(i) and (j) for a Change in Number of Units and in Total Set-Aside Percentage” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit E](#).

**2. Present Situation**

- a) Rule 67-48.004(14) Fla. Admin. Code provides in relevant part:

“(14) 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:

\*\*\*\*\*

- (i) Total number of units; notwithstanding the foregoing, for the SAIL and HC Programs the total number of units may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation;
- (j) With regard to the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application...”.
- b) In its application, Petitioner committed to set aside 100% of the Development’s 68 units at 60% AMI or less.

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- c) Petitioner requests waivers of the above rule and instructions. Specifically, Petitioner seeks to increase the total number of units in the Development from 68 to up to 73, and to decrease the Total Set-Aside Percentage from 100% to approximately 93%. Petitioner intends to rent the additional five units at market rates.
- d) The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants. Petitioner intends to keep the initial 68 units as affordable housing units.
- e) On November 14, 2014, Notice of the Petition was published in the Florida Administrative Register in Volume 40, Number 222. To date, Florida Housing has received no comments concerning the Petition.
- f) 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.
- g) Petitioner has demonstrated that strict application of the above rule and instruction provisions under these circumstances would constitute a substantial economic hardship and violate the principles of fairness for Petitioner. Local zoning ordinances permit additional housing units that would benefit those families seeking to obtain housing that would not qualify for the affordable units. Denying the waiver would create a substantial hardship as a consequence of lower rental revenues. Granting the requested waiver would not only serve the purpose of the underlying statute and the Act as a whole by facilitating the availability of affordable housing to low-income persons and households, but provide the additional benefit of meeting the need for market rate housing.

### 3. Recommendation

Staff recommends the Board **GRANT** Petitioner's request for waivers of Rule 67-48.004(14)(i) and (j), to permit Petitioner to increase the total number of units from 68 to up to 73 and to decrease the Total Set-Aside Percentage from 100% to approximately 93%, with the additional five units available as market rate housing. Petitioner shall maintain the initial 68 units as affordable housing.

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**F. In Re: Urban Edge Apartments, Ltd. - FHFC Case No. 2014-086VW**

<b>Development Name: (“Development”):</b>	<b>Harbour’s Edge Application No. 2011-235C</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Atlantic Housing Partners, LLLP</b>
<b>Number of Units: 85</b>	<b>Location: Pinellas County</b>
<b>Type: Mid-Rise with Elevator</b>	<b>Set Asides: HC: 10% at 33% AMI or lower 90% at 60% AMI or lower</b>
<b>Demographics: Elderly</b>	<b>HC: \$1,660,000</b>

**1. Background**

- a) During the 2011 Universal Cycle, Urban Edge Apartments, Ltd. (“Petitioner”) applied for and was awarded Competitive Housing Credit (HC) funding to finance the construction of Harbour’s Edge (the “Development”) located in Pinellas County, Florida.
- b) On November 20, 2014, Florida Housing received a Petition for Waiver from Florida Administrative Code Rule 67-48.004,” (“Petition”) from Petitioner. Rule 67-48.004(1)(a), F.A.C. (2011), incorporates the 2011 Universal Application and Instructions. A copy of the Petition is attached as [Exhibit F](#).

**2. Present Situation**

- a) Part III.B.3.b.of the 2011 Universal Cycle Instructions provides, in pertinent part:
  - b. Optional Features and Amenities for all Developments Except SRO (maximum 12 points)
- b) Part III.B.3.b. of the 2011 Universal Cycle Application provides, in pertinent part:

Picnic Area with hard cover permanent roof of a design compatible with the Development, open on all sides, containing at least three permanent picnic tables with benches and an adjoining permanent outdoor grill (1 point)
- c) Petitioner has requested a waiver of the above section of the Universal Cycle Instructions and Application to allow the Development to have a picnic area that is open on one side, and that has tables with chairs instead of picnic tables with

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benches, instead of the requirements as set forth in the Application: picnic area open on all sides, with tables and benches.

- d) The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants.
- e) On November 24, 2014, the Notice of Petition was published in the Florida Administrative Register, in Volume 40, Number 228. To date, Florida Housing has received no comments concerning the Petition.
- f) 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.

- g) Petitioner has demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness. Petitioner demonstrated that the picnic area provides a comfortable outside environment, and that if Petitioner were required to reconfigure the picnic area to comply with the requirements of the rule, it would have to remove two parking spaces from the parking garage, where parking is currently limited. Petitioners have also demonstrated that granting this request furthers Florida Housing's statutory mandate to provide safe, sanitary and affordable housing to the citizens of Florida.

### 3. **Recommendation**

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Part III.B.3.b. of the 2011 Universal Application Instructions, to allow the Development to have a picnic area that is open on one side, and that has picnic tables with chairs.



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**G. In Re: The Villages at Noah’s Landing, LLC - FHFC Case No. 2014-078VW**

<b>Development Name: (“Development”):</b>	<b>The Villages at Noah’s Landing Application No. 2014-138CGS</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Royal American Development, Inc. Noah’s Ark of Central Florida, Inc.</b>
<b>Number of Units: 52</b>	<b>Location: Polk County</b>
<b>Type: Various</b>	<b>Set Asides: 40% @ 60% AMI</b>
<b>Demographics: Developmentally Disabled</b>	<b>SAIL: \$1,320,000 Grant: \$1,500,000 HC: \$1,100,000</b>

**1. Background**

- a) Pursuant to RFA 2013-004, Financing To Build Larger Permanent Supportive Housing Properties For Persons With Developmental Disabilities (the “RFA”), The Villages at Noah’s Landing, LLC (“Petitioner”) applied for and was awarded an allocation of SAIL, grant and tax credit funding to finance the construction of a development intended to serve developmentally disabled tenants in Polk County, Florida.
- b) On October 15, 2014, Florida Housing received a “Petition for Waiver of Rule 67-48.004(3)(g), Fla. Admin. Code, requesting waiver of the prohibition against changing Development Type. A copy of the Petition is attached as [Exhibit G](#).

**2. Present Situation**

- a) Rule 67-48.004(3)(g), Fla. Admin. Code, provides in pertinent part:

(3) Notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:

...

(g) Development Type;
- b) The RFA permitted Applicants to select multiple Development Types, and in its application, Petitioner selected four: Townhouse; Garden; Duplex and Triplex + Quadruplex. Petitioner now requests to change from the above Development Type combination to Duplex, Garden Style and Single Family (rental). As grounds, Petitioner states that the new configuration of Development Types would better suit the needs of the targeted demographic and would better suit the layout of the Development,
- c) The requested change would neither affect the scoring of Petitioner’s application nor allow Petitioner to gain an unfair advantage over other applicants. Petitioner states that in the design phase, Petitioner and its architect agreed to a site plan with a variety of housing types, including two single story, single family units, which they believe creates a more walkable, human-scaled, integrated community. Petitioner asserts that to deny this request for a change in

## LEGAL

### *Consent*

Development Type would cause substantial hardship and violate the principles of fairness.

- d) On October 17, 2014, Notice of the Petition was published in the Florida Administrative Register in Volume 40, Number 203. To date, Florida Housing has received no comments concerning the Petition.

- e) 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.

- f) Given the special needs of the target demographic and the flexibility provided regarding Development Type in the RFA, Petitioner has demonstrated that strict application of the above rule under these circumstances would constitute a substantial hardship and violate the principles of fairness for Petitioner,

### 3. **Recommendation**

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-48.004(3)(g), Fla. Admin. Code, to permit the requested change in Development Type.

## LEGAL

### *Consent*

#### H. In Re: NVC Haley Park, LTD - FHFC Case No. 2014-079VW; App. No. 2014-316S

<b>Development Name: (“Development”):</b>	<b>Haley Park</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Haley Park Developer, Inc.</b>
<b>Number of Units: 80</b>	<b>Location: Hillsborough County</b>
<b>Type: Mid-Rise w/ elevator</b>	<b>Set Asides: 90% @ 60% AMI 10% @ 40% AMI</b>
<b>Demographics: Elderly (non-ALF)</b>	<b>SAIL \$2,300,000 ELI Gap: \$600,000</b>

#### 1. Background

- a) Pursuant to RFA 2014-103, Financing of Affordable Multifamily Housing Developments with SAIL Funding to be used in conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits (the “RFA”), NVC Haley Park, Ltd. (“Petitioner”) applied for and was awarded an allocation of State Apartment Incentive Loan (SAIL) and Extremely Low Income (ELI) Gap funding to finance the construction of a development in Hillsborough County, Florida.
- b) On October 31, 2014, Florida Housing received a “Petition for Waiver of Rule 67-48.004(3)(g) for a Change in Development Type” (“Petition”). A copy of the Petition is attached as [Exhibit H](#).

#### 2. Present Situation

- a) Rule 67-48.004(3)(g), Fla. Admin. Code, provides in pertinent part:

(3) Notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:

...

(g) Development Type;
- b) Petitioner states that at the time Petitioner submitted its Application for funding, its civil engineer and architect agreed that to achieve a density of 80-units on the heavily-treed site would require a four-story (Mid-Rise) building to accommodate preservation of trees, storm water retention, ingress and egress, parking spaces and to comply with the required setbacks. Subsequently, it was determined that a re-orientation of the building would allow more latitude in regards to the setbacks, parking and storm water issues, and which could be accomplished with a three-story Garden style development type still providing 80 units.

## LEGAL

### *Consent*

- c) The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants. Petitioner further asserts that not granting this waiver would cause unnecessary expense and delay the provision of this affordable housing to the residents of Hillsborough County, thereby causing substantial hardship and a violation of the principles of fairness.
- d) On November 5, 2014, Notice of the Petition was published in the Florida Administrative Register in Volume 40, Number 216. To date, Florida Housing has received no comments concerning the Petition.
- e) 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.
- f) Petitioner has demonstrated that strict application of the above rule under these circumstances would constitute a substantial hardship and violate the principles of fairness.

### 3. **Recommendation**

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-48.004(3)(g), Fla. Admin. Code, to permit the requested change in Development Type from Mid-Rise w/ elevator (four stories) to Garden (three stories). Petitioner will be subject to and must complete the Development within the Total Development Cost limits of the new Garden development type.

## MULTIFAMILY BONDS

### *Consent*

#### IV. MULTIFAMILY BONDS

##### A. Request Approval of the Transfer of Ownership Interest for Gulfstream Apartments (1998 Series H / 2000-505C)

<b>Development Name: Gulfstream Apartments</b>	<b>Location: Broward County</b>
<b>Development Owner: Reliance Housing Foundation, Inc.</b>	<b>Set-Asides: 50% @ 60% AMI MMRB 20.8% @ 50% AMI Housing Credits 79.2% @ 60% AMI Housing Credits</b>
<b>Funding Source: Multifamily Mortgage Revenue Bonds (MMRB) and 4% Housing Tax Credits (Housing Credits)</b>	<b>Amount: \$3,500,000 MMRB \$292,212 Housing Credits</b>
<b>Number of Units: 96</b>	<b>Type: Family</b>

##### 1. Background

Florida Housing financed the acquisition and rehabilitation of the above referenced Development in 1998 with \$3,500,000 in tax exempt MMRB designated as 1998 Series H. In addition, \$292,212 in Housing Credits was allocated to this Development.

##### 2. Present Situation

In a letter dated October 23, 2014, RHF Gulfstream Associates, Ltd. has requested Florida Housing's consent to transfer the general partner ownership interest of RHF Gulfstream, Inc. to a "to be formed" limited liability company whose sole member will be an affiliate of The Partnership, Inc. ([Exhibit A](#)). Seltzer Management Group, Inc. has reviewed this request and provided a recommendation ([Exhibit B](#)).

##### 3. Recommendation

That the Board approve the general partner transfer, subject to the conditions in the credit underwriting report, with further approval by the Credit Underwriter, Bond Counsel, Special Counsel and the appropriate Florida Housing staff and direct staff to proceed with loan document modification activities as needed.

## MULTIFAMILY BONDS

### *Consent*

**B. Request Approval for a Subordination of the Land Use Restriction Agreement (LURA) and Extended Use Agreement (EUA) for Spinnaker Cove (1996 Series G / 96L-509 / Guarantee / HUD Risk Sharing)**

<b>Development Name: Spinnaker Cove</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal (“Applicant”): Cornerstone Group Development, LLC</b>	<b>Set-Asides: 50% @ 60% AMI (MMRB) 100% @ 60% AMI (Housing Credits)</b>
<b>Funding Source: Multifamily Mortgage Revenue Bonds (MMRB), Guarantee Program/HUD Risk Share, and 4% Housing Tax Credits (Housing Credits).</b>	<b>Amount: \$7,405,000 MMRB \$618,642 Housing Credits</b>
<b>Number of Units: 220</b>	<b>Type: Family</b>

**1. Background**

Florida Housing financed the acquisition and construction of the above referenced Development in 1996 with \$7,405,000 in tax exempt bonds designated as 1996 Series G and an allocation of Housing Credits in the amount of \$618,642. In 2013, the Applicant submitted a 2013 Non-Competitive Application for 4% Housing Credits in the amount of \$1,070,019 to rehabilitate the Development. This Application has not been invited to enter credit underwriting at this time.

**2. Present Situation**

- a) The Borrower intends to use the proceeds of a new bond issue from the Miami-Dade Housing Finance Agency to satisfy the existing 1996 Series G and effectively terminate the mortgage loan guaranty issued by the Guarantee Program and its associated financial risk to FHFC.
- b) The Borrower requests that the Low Income Housing Tax Credit Extended Use Agreement (“EUA”) and the Land Use Restriction Agreement (“LURA”) be subordinated to the new first mortgage.

**3. Recommendation**

Approve the subordination of the MMRB LURA and Housing Credits EUA to the new first mortgage upon the refinancing of the first mortgage and termination of the Guarantee Program commitment thereon, subject to further approvals and verifications by counsel and appropriate Florida Housing staff and direct staff to proceed with loan document modification activities.

## MULTIFAMILY BONDS

### *Consent*

**C. Request Approval for a Subordination of the Extended Use Agreement (EUA) for Tuscany Villas at Brandon fka Sterling Palm (2006 Series F / 97L-517)**

<b>Development Name: Tuscany Villas at Brandon fka Sterling Palm</b>	<b>Location: Hillsborough County</b>
<b>Developer/Principal (“Applicant”): Jackson Square Properties, LLC</b>	<b>Set-Asides: 20% @ 50% AMI (MMRB and Housing Credits)</b>
<b>Funding Source: Multifamily Mortgage Revenue Bonds (MMRB) and 4% Housing Tax Credits (Housing Credits).</b>	<b>Amount: \$15,050,000 MMRB \$106,839 Housing Credits</b>
<b>Number of Units: 248</b>	<b>Type: Family</b>

**1. Background**

Florida Housing financed the acquisition and rehabilitation of the above referenced Development in 2006 with \$15,050,000 in tax exempt bonds designated as 2006 Series F. In addition, \$106,839 in Housing Credits was allocated to this Development.

**2. Present Situation**

In connection with the sale of the property, the proposed Borrower intends to obtain funding from a Freddie Mac or Fannie Mae approved lender. The proceeds of which will be utilized to redeem the 2006 Series F bonds. The Qualified Project Period has expired, therefore the Land Use Restriction Agreement (“LURA”) will terminate upon redemption of the bonds. The proposed Borrower requests that the Low Income Housing Tax Credit Extended Use Agreement (“EUA”) be subordinated to the new first mortgage.

**3. Recommendation**

Approve the subordination of the Housing Credits EUA to the new first mortgage upon the refinancing of the first mortgage, 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.

## MULTIFAMILY BONDS

### *Consent*

- D. Request Approval for an Amendment to the Land Use Restriction Agreement (LURA) for Iona Lakes Apartments (2000 Series B) to reduce the number of residential rental units from 350 to 348

Development Name: Iona Lakes Apartments	Location: Lee County
Development Owner: Northland Iona Lakes LLC	Set-Asides: 30% @ 80% AMI MMRB 60% @ 150% AMI MMRB
Funding Source: Multifamily Mortgage Revenue Bonds (MMRB)	Amount: \$17,155,000 MMRB
Number of Units: 350	Type: Family

1. **Background**

Florida Housing financed the above referenced Development in 1985 with \$17,400,000 in tax exempt MMRB designated as 1985 Series Y. These bonds were refunded in 1989 (1989 Series D) in the amount of \$17,155,000 and again in 2000 (2000 Series B) in the amount of \$17,155,000.

2. **Present Situation**

In correspondence dated July 29, 2014, the owner requested Florida Housing's consent to amend the LURA to allow up to 2 of the 350 rental units to be used for storage / maintenance purposes. The 2 units in question have apparently been used in this fashion for a number of years, and the current owner (which bought the development in July 2013) believed that the prior owner had previously received FHFC permission to use the units for storage / maintenance. The unapproved use was not discovered until a recently completed routine annual review of the property which resulted in it being placed on the non-compliance report. The owner indicates that it is still compliant with regard to providing the agreed upon number of affordable set-aside units, and that the 2 storage units are counted among the market rent units. Total average monthly occupancy through September 2014 was 95%. As these 2 units have not generated rental income for a number of years, there should be no direct impact on the level of financial performance for the development as a result of the LURA Amendment.

3. **Recommendation**

That the Board approve the LURA amendment, subject to any conditions identified by Bond Counsel, Special Counsel and the appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities as needed.



## MULTIFAMILY BONDS

### *Consent*

**E. Request Approval of the Supplement and Extension Letter for Heritage Park Apartments (2014-111B / 2014-288H)**

<b>Development Name: Heritage Park Apartments</b>	<b>Location: Osceola County</b>
<b>Developer/Principal (“Applicant”): Atlantic Housing Partners, L.L.P.</b>	<b>Set-Asides:</b> <b>40% @ 60% AMI (MMRB)</b> <b>70% @ 60% (4% Housing Credits)</b> <b>10% @ 50% (HOME)</b> <b>40% @ 60% (HOME)</b>
<b>Funding Source: Multifamily Mortgage Revenue Bonds (MMRB), HOME Investment Partnerships (HOME), and 4% Housing Tax Credits (Housing Credits)</b>	<b>Amount: \$19,500,000 MMRB</b> <b>\$5,000,000 HOME</b> <b>\$1,162,040 Housing Credits</b>
<b>Number of Units: 238</b>	<b>Type: Family</b>

**1. Background**

- a) On November 22, 2013, Florida Housing issued RFA 2013-010 Financing of Affordable Multifamily Housing Developments with HOME Funding to be used in Conjunction with Florida Housing-Issued Multifamily Mortgage Revenue Bond Financing and Non-Competitive Housing Credits. The Review Committee met on January 22, 2014 to give their scores and submit a recommendation to the Board. Heritage Park Apartments was among the Developments recommended for this funding. The Board approved the recommendation on January 31, 2014.
- b) The Applicant also submitted an Application (“Application”) on behalf of the proposed Development using the 2013 Non-Competitive Application package requesting MMRB in the amount of \$19,500,000 and Housing Credits in the amount of \$1,083,211 in order to construct the Development.

**2. Present Situation**

- a) The Board approved a waiver of the issuance of non-Credit Enhanced Revenue Bonds being sold only to a Qualified Institutional Buyer (“QIB”) on October 30, 2014. This waiver permits the sale of the Bonds to Fairview Bond Holdings, L.L.C. The Applicant and Fairview have some common principals. This waiver is subject to certain conditions including the Bonds being fully purchased at closing, along with liquidity and experience requirements.
- b) First Housing Development Corporation prepared a Supplement and Extension Letter updating the Final Credit Underwriting Report that was approved on June 13, 2014. This letter address the reduction in the amount of the letter of credit during construction, updates the terms of the bridge loan and HOME loans, addresses the amortization on the Florida Housing Finance Corporation MMRB, and extends the recommendation of the Credit Underwriting Report until March 1, 2015.
- c) A Supplement and Extension letter dated November 21, 2014 is attached as [Exhibit C](#).

## MULTIFAMILY BONDS

### *Consent*

#### 3. **Recommendation**

That the Board approve the recommendation of the Credit Underwriter outlined in the Supplement and Extension Letter subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

## MULTIFAMILY BONDS

### *Consent*

#### **F. Request Approval of the Method of Bond Sale Recommendation from Florida Housing's Independent Registered Municipal Advisor**

##### **1. Background/Present Situation**

- a) The Credit Underwriter has provided a Final Credit Underwriting Report and Supplement and Extension Letter for the proposed Development below. Florida Housing seeks Board approval pursuant to the recommendation of the Credit Underwriter and the appropriate Florida Housing staff.
- b) Pursuant to Rule 67-21.0045, F.A.C., staff has requested a review of the proposed bond structure by the Independent Registered Municipal Advisor (IRMA) in order to make a recommendation to the Board for the method of bond sale. Caine Mitter and Associates Incorporated has prepared an analysis and recommendation for the method of bond sale for the Development. The recommendation letter is attached as [Exhibit D](#).

<b>Development Name</b>	<b>Location of Development</b>	<b>Number of Units</b>	<b>Method of Bond Sale</b>	<b>Recommended Professional</b>	<b>Exhibit</b>
Heritage Park	Osceola County	238	Negotiated Private Placement	Raymond James & Associates, Inc.	Exhibit D

##### **2. Recommendation**

- a) That the Board approves the recommendation of the Independent Registered Municipal Advisor for the method of bond sale for the above Development.

## MULTIFAMILY BONDS

### *Consent*

**G. Request Approval of the Final Credit Underwriting Report for Marianna Gardens (2014-121B / 2014-327S)**

<b>Development Name: Marianna Gardens</b>	<b>Location: Jackson County</b>
<b>Developer/Principal (“Applicant”): HVPG Developers, LLC and Royal American Development, Inc.</b>	<b>Set-Asides: 10% @ 40% AMI (MMRB, Housing Credits, SAIL, &amp; ELI Gap) 90% @ 60% AMI (MMRB, Housing Credits, SAIL, &amp; ELI Gap)</b>
<b>Funding Source: Multifamily Mortgage Revenue Bonds (MMRB), 4% Housing Tax Credits (Housing Credits), State Apartment Incentive Loan (SAIL), and Extremely Low Income Gap Loan (ELI GAP)</b>	<b>Amount: \$7,300,000 MMRB \$349,697 Housing Credits \$350,000 SAIL \$750,000 ELI Gap</b>
<b>Number of Units: 100</b>	<b>Type: Family</b>

**1. Background**

- a) On January 10, 2014, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2014-103 for the financing of affordable multifamily housing developments with SAIL funding to be used in conjunction with Tax-Exempt Bond financing and Non-Competitive Housing Credits. On August 8, 2014, the Board approved the final scores and recommendations of the review committee and directed staff to proceed with all necessary credit underwriting activities.
- b) Applicant submitted an Application (“Application”) on behalf of the proposed Development using the 2013 Non-Competitive Application package. Applicant applied for Multifamily Mortgage Revenue Bonds (MMRB) in the amount of \$7,600,000 and non-competitive Housing Credits in the amount of \$340,592 in order to acquire and rehabilitate the Development.
- c) Staff issued a preliminary commitment letter for the SAIL and ELI Gap loans and an invitation to enter credit underwriting on August 14, 2014.

**2. Present Situation**

- a) While the current Program Rule does not prohibit changes or modifications of the proposed Development during credit underwriting, the Board has directed staff to notify it of any such changes.

## MULTIFAMILY BONDS

### *Consent*

- b) Development costs for the rehabilitation are \$12,009,553, which is an increase of \$462,556 from Application primarily due to increases in financial costs and extension fees. The Applicant submitted an HC equity letter of interest from Raymond James Tax Credit Funds, Inc. However, since Application, Regions Bank has replaced Raymond James Tax Credit Funds, Inc. as the syndicator.
- c) A Final Credit Underwriting Report dated December 4, 2014, is attached as [Exhibit E](#).

### **3. Recommendation**

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Report recommending and allocating \$7,300,000 in tax exempt MMRB, \$350,000 in SAIL, and \$750,000 in ELI Gap for the acquisition and rehabilitation of the Development subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

## MULTIFAMILY BONDS

### *Consent*

**H. Request Approval of the Final Credit Underwriting Report for Towers of Jacksonville (2014-122B / 2005-008E/ PLP 07-168)**

<b>Development Name: Towers of Jacksonville</b>	<b>Location: Duval County</b>
<b>Developer/Principal (“Applicant”): Retirement Housing Foundations, Inc. and Towers of Jacksonville, Inc.</b>	<b>Set-Asides: 40% @ 60% AMI (MMRB) 95% @ 60% AMI (Housing Credits) 60% @ 60% AMI (PLP)</b>
<b>Funding Source: Multifamily Mortgage Revenue Bonds (MMRB), 4% Housing Tax Credits (Housing Credits), Elderly Housing Community Loan Program (EHCL), and Predevelopment Loan Program (PLP)</b>	<b>Amount: \$13,300,000 MMRB \$787,009 Housing Credits \$200,000 EHCL \$450,000 PLP</b>
<b>Number of Units: 344</b>	<b>Type: Elderly</b>

**1. Background**

- a) Applicant submitted an Application (“Application”) on behalf of the proposed Development using the 2013 Non-Competitive Application package. Applicant applied for Multifamily Mortgage Revenue Bonds (MMRB) in the amount of \$12,950,000 and non-competitive Housing Credits in the amount of \$680,680 in order to acquire and rehabilitate the Development.
- b) This development previously received an EHCL loan in the amount of \$200,000 in 2005 and PLP loan in the amount of \$450,000 in 2009. The PLP Land Use Restriction Agreement (LURA) set-asides are 60% @ 60% for 15 years from the date the loan is paid off. Both the PLP loan and EHCL loan will be paid off prior to or simultaneously with the MMRB closing.

**2. Present Situation**

- a) While the current Program Rule does not prohibit changes or modifications of the proposed Development during credit underwriting, the Board has directed staff to notify it of any such changes.
- b) The Applicant’s ownership structure has changed since the time of Application. The General Partner of the Applicant has changed from TOJ GP, LLC to Deland RHF Housing, Inc. The Applicant increased the MMRB request amount from \$12,950,000 to \$13,300,000. A loan of up to \$2,900,000 provided by RHF Foundation, Inc. through its Angelus Trust has been added to assist in fully cash collateralizing the Bonds when used in conjunction with a \$10,400,000 construction/permanent loan provided by CITI. Total Development Costs increased by \$1,064,147 since the time of Application primarily due to an increase in Construction and Financial Costs, FHFC Commitment and Redemption fees, EHCL Loan payoff, FHFC Bond Interest, and Developer Fee.
- c) A Final Credit Underwriting Report dated December 3, 2014, is attached as [Exhibit F](#).

## MULTIFAMILY BONDS

### *Consent*

#### 3. **Recommendation**

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Report recommending and allocating \$13,300,000 in tax exempt Multifamily Mortgage Revenue Bonds for the acquisition and rehabilitation of the Development subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

# MULTIFAMILY BONDS

## *Consent*

### **I. Assignment of Bond Underwriter and Recommended Method of Sale**

#### **1. Background**

- a) Pursuant to staff's request for approval to issue bonds to finance the acquisition and rehabilitation of the proposed Developments referenced below, the Final Credit Underwriting Reports are being presented to the Board for approval simultaneously with this request to assign the appropriate professionals to each transaction and approval of the recommended method of sale. A brief description of the Developments are detailed below along with the Staff's recommendation.
- b) Pursuant to Rule 67-21.0045, F.A.C., staff has requested a review of the proposed bond structures by the Independent Registered Municipal Advisor (IRMA) in order to make recommendations to the Board for the method of bond sale. Caine Mitter and Associates Incorporated has prepared an analysis and recommendation for the method of bond sale for each of the Developments. The recommendation letters are attached as Exhibit [G](#) and [H](#).

#### **2. Present Situation**

The Credit Underwriter, the IRMA, and Florida Housing staff have reviewed the financial structures for the proposed Developments.

#### **3. Recommendation**

That the Board approve the assignment of the recommended professionals and the independent Registered Municipal Advisor's recommendations for the method of bond sale, as shown in the chart below, for the proposed Developments.

<b>Development Name</b>	<b>Location of Development</b>	<b>Number of Units</b>	<b>Method of Bond Sale</b>	<b>Recommended Professional</b>	<b>Exhibit</b>
Marianna Gardens	Jackson County	100	Negotiated Private Placement	RBC Capital Markets, LLC	Exhibit G
Towers of Jacksonville	Duval County	194	Negotiated Public Offering	Citigroup Global Markets, Inc.	Exhibit H



## MULTIFAMILY PROGRAMS

### *Consent*

#### V. MULTIFAMILY PROGRAMS

##### A. Request Approval of Credit Underwriting Report for Bessie Dix Residential Community Group Home (2014-395G)

<b>Development Name:</b>	<b>Bessie Dix Residential Community Group Home</b>
<b>Applicant/Principal:</b>	<b>Human Development Center, Inc.</b>
<b>Location :</b>	<b>Hillsborough County</b>
<b>Type/Demographic:</b>	<b>Persons with Developmental Disabilities</b>
<b>Set-Aside:</b>	<b>2 residents @ 40% AMI; 4 residents @ 60% AMI</b>
<b>Allocated Amount:</b>	<b>\$72,000</b>

##### 1. Background/Present Situation

- a) On February 28, 2014, Florida Housing issued RFA 2014-105 Financing to Build or Rehabilitate Smaller Permanent Supportive Housing Properties for Persons with Developmental Disabilities. The funding must be used for new construction or renovation of existing housing Units, including Community Residential Homes.
- b) On April 25, 2014, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On May 2, 2014, staff issued an invitation to enter credit underwriting to Human Development Center, Inc.
- d) On November 25, 2014, staff received a positive recommendation for a grant amount of \$72,000 be allocated to the Development ([Exhibit A](#)). Staff has reviewed this report and finds that the development meets all of the requirements of RFA 2014-105.

##### 2. Recommendation

Approve the final credit underwriting report and direct staff to proceed with issuance of a firm commitment and closing activities.

## MULTIFAMILY PROGRAMS

### *Consent*

**B. Request Approval of Credit Underwriting Report for Flora Residential Community Group Home (2014-396G)**

<b>Development Name:</b>	<b>Flora Residential Community Group Home</b>
<b>Applicant/Principal:</b>	<b>Human Development Center, Inc.</b>
<b>Location :</b>	<b>Hillsborough County</b>
<b>Type/Demographic:</b>	<b>Persons with Developmental Disabilities</b>
<b>Set-Aside:</b>	<b>2 residents @ 40% AMI; 4 residents @ 60% AMI</b>
<b>Allocated Amount:</b>	<b>\$69,400</b>

**1. Background/Present Situation**

- a) On February 28, 2014, Florida Housing issued RFA 2014-105 Financing to Build or Rehabilitate Smaller Permanent Supportive Housing Properties for Persons with Developmental Disabilities. The funding must be used for new construction or renovation of existing housing Units, including Community Residential Homes.
- b) On April 25, 2014, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On May 2, 2014, staff issued an invitation to enter credit underwriting to Human Development Center, Inc.
- d) On November 25, 2014, staff received a positive recommendation for a grant amount of \$69,400 be allocated to the Development ([Exhibit B](#)). Staff has reviewed this report and finds that the development meets all of the requirements of RFA 2014-105.

**2. Recommendation**

Approve the final credit underwriting report and direct staff to proceed with issuance of a firm commitment and closing activities.

## MULTIFAMILY PROGRAMS

### *Consent*

**C. Request Approval of Credit Underwriting Report and Loan Closing Extension for Pinehurst Group Home (2014-382G)**

<b>Development Name:</b>	<b>Pinehurst Group Home</b>
<b>Applicant/Principal:</b>	<b>UPARC, Inc.</b>
<b>Location:</b>	<b>Pinellas</b>
<b>Number of Residents:</b>	<b>5</b>
<b>Set-Aside:</b>	<b>33% @ 40% AMI &amp; 67% @ 60% AMI</b>
<b>Allocated Amounts:</b>	<b>\$52,502.00 Grant funding</b>

**1. Background/Present Situation**

- a) On February 28, 2014, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2014-105 for Financing to Build or Rehabilitate Smaller Permanent Supportive Housing Properties for Persons with Developmental Disabilities.
- b) On April 25, 2014, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On May 2, 2014, staff issued an invitation to enter credit underwriting to UPARC, Inc. Per RFA 2014-105, the funding must close by October 31, 2014.
- d) On October 30, 2014, staff approved a grant closing deadline extension from October 31, 2014 to January 31, 2015 to allow additional time to complete underwriting. The Borrower has requested an additional credit underwriting extension and 3 month grant closing extension. Staff is requesting a waiver of the January 31, 2015 grant closing deadline, an extension of the credit underwriting deadline to March 30, 2015 and an additional 3 month extension of the grant closing deadline to April 30, 2015.

**2. Recommendation**

Approve a waiver of the January 31, 2015 closing deadline, and grant an extension of the credit underwriting deadline to March 30, 2015 and a 3 month grant closing deadline to April 30, 2015.

## MULTIFAMILY PROGRAMS

### *Consent*

**D. Request Approval of Credit Underwriting Report and Loan Closing Extension for Anclore Group Home (2014-141G)**

<b>Development Name:</b>	<b>Anclore Group Home</b>
<b>Applicant/Principal:</b>	<b>UPARC, Inc.</b>
<b>Location:</b>	<b>Pinellas</b>
<b>Number of Residents:</b>	<b>6</b>
<b>Set-Aside:</b>	<b>33% @ 40% AMI &amp; 67% @ 60% AMI</b>
<b>Allocated Amounts:</b>	<b>\$60,000.00 Grant funding</b>

**1. Background/Present Situation**

- a) On October 11, 2013, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2013-005 for financing to build or rehabilitate smaller permanent supportive housing properties for persons with developmental disabilities.
- b) On December 13, 2013, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On January 10, 2014, staff issued an invitation to enter credit underwriting to UPARC, Inc. Per RFA 2013-005, the funding must close by September 30, 2014.
- d) On September 16, 2014, staff approved a grant closing deadline extension from September 30, 2014 to December 30, 2014 to allow additional time to complete underwriting. The Borrower has requested a credit underwriting extension and 2 month grant closing extension. Staff is requesting a waiver of the December 30, 2014 grant closing deadline and an extension of the credit underwriting deadline to January 30, 2015 and an additional 2 month extension of the grant closing deadline to February 27, 2015.

**2. Recommendation**

Approve a waiver of the December 30, 2014 closing deadline and grant an extension of credit underwriting deadline to January 30, 2015 and 2 month grant closing deadline to February 27, 2015.

## MULTIFAMILY PROGRAMS

### *Consent*

#### E. Request Approval of Loan Closing Extension for Loveland Village (2014-134GS)

<b>Development Name:</b>	<b>Loveland Village</b>
<b>Applicant/Principal:</b>	<b>Loveland Center, Inc.</b>
<b>Location :</b>	<b>Sarasota County</b>
<b>Demographic:</b>	<b>Persons With Developmental Disabilities</b>
<b>Number of Units/Type:</b>	<b>42 units/Garden Style</b>
<b>Set-Aside:</b>	<b>25% @ 35% AMI &amp; 55% @ 60% AMI</b>
<b>Allocated Amount:</b>	<b>\$3,000,000.00 Grant, \$940,000.00 SAIL Loan &amp; \$835,000 ELI Loan</b>

#### 1. Background/Present Situation

- a) On October 11, 2013, Florida Housing Finance Corporation issued a request for proposals (RFA) 2013-004 for financing to build larger permanent supportive housing properties for persons with developmental disabilities.
- b) On December 13, 2013, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On December 19, 2013, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Loveland Center, Inc. Per the RFA, the funding must close by September 30, 2014 and one closing extension of up to 3 months may be requested.
- d) On September 19, 2014, the Board approved a request to extend the loan closing deadline from September 30, 2014 to December 30, 2014 pursuant to the requirements of the RFA.
- e) The Borrower has requested an additional closing extension to allow more time to complete underwriting. Staff is requesting a waiver of the December 30, 2014 closing deadline and an additional extension of the loan closing deadline to February 27, 2015 provided that the final credit underwriting report is presented at the January 30, 2015 Board meeting. This additional extension will allow sufficient time to secure the adequate commitments from various funding sources in order to complete the credit underwriting process and loan closing activities.

#### 2. Recommendation

Approve a waiver of the December 30, 2014 closing deadline and grant an additional closing extension to February 27, 2015.

## MULTIFAMILY PROGRAMS

### *Consent*

**F. Request Approval of Credit Underwriting Report for Kaylee Bay Village f/k/a Tampa Veterans Village (2014-165G)**

<b>Development Name:</b>	<b>Kaylee Bay Village f/k/a Tampa Veterans Village</b>
<b>Applicant/Principal:</b>	<b>Volunteers of America of Florida, Inc.</b>
<b>Location :</b>	<b>Hillsborough County</b>
<b>Demographic:</b>	<b>Homeless</b>
<b>Number of Units/Type:</b>	<b>15 Duplexes</b>
<b>Set-Aside:</b>	<b>50% @ 40% AMI &amp; 50% @ 60% AMI</b>
<b>Allocated Amount:</b>	<b>\$2,100,000.00</b>

**1. Background/Present Situation**

- a) On October 11, 2013, Florida Housing Finance Corporation issued a request for applications (RFA) 2013-006 for financing to build permanent supportive housing for homeless persons and families. The funding must be used to purchase and renovate existing housing or to construct or purchase and renovate small specialty housing of 15 units or less.
- b) On December 13, 2013, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On December 19, 2013, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Volunteers of America of Florida, Inc. Per the RFA, the funding must close by September 30, 2014 and one closing extension of up to 3 months may be requested.
- d) On July 11, 2014, Staff approved a request to extend the loan closing deadline from September 30, 2014 to December 30, 2014 pursuant to the requirements of the RFA.
- e) On November 12, 2014, staff received correspondence from the Applicant requesting an additional loan closing extension.
- f) Staff is requesting a waiver of the December 30, 2014 closing deadline and an additional extension of the loan closing deadline to February 27, 2015 provided that the final credit underwriting report is presented at the January 30, 2015 Board meeting. This additional extension will allow sufficient time to complete the credit underwriting process and closing activities.

**2. Recommendation**

Approve a waiver of the December 30, 2014 closing deadline and grant an additional closing extension to February 27, 2015.

## MULTIFAMILY PROGRAMS

### *Consent*

**G. Request Approval of Credit Underwriting Report for Cottage Avenue Apartments (2014-332G)**

<b>Development Name:</b>	<b>Cottage Avenue Apartments</b>
<b>Applicant/Principal:</b>	<b>Ability Housing of Northeast Florida, Inc.</b>
<b>Location :</b>	<b>Duval County</b>
<b>Demographic:</b>	<b>Homeless</b>
<b>Number of Units/Type:</b>	<b>12 Garden Apartments</b>
<b>Set-Aside:</b>	<b>50% @ 33% AMI &amp; 50% @ 60% AMI</b>
<b>Allocated Amount:</b>	<b>\$1,182,422.00 Grant &amp; \$172,800.00 ELI</b>

**1. Background/Present Situation**

- a) On January 8, 2014, Florida Housing Finance Corporation issued a request for applications (RFA) 2014-101 for financing to build permanent supportive housing for homeless persons and families. The funding must be used to purchase and renovate existing houses or to construct or purchase and renovate small specialty housing of 15 units or less.
- b) On March 14, 2014, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On April 7, 2014, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Ability Housing of Northeast Florida, Inc. Per the RFA, the funding must close by October 31, 2014 and one closing extension of up to 3 months may be requested.
- d) On October 17, 2014, Staff approved a request to extend the loan closing deadline from October 31, 2014 to January 31, 2015 pursuant to the requirements of the RFA.
- e) On November 18, 2014, staff received correspondence from the Applicant requesting an additional loan closing extension due to an unexpected delay related to the zoning of the development.
- f) Staff is requesting a waiver of the January 31, 2015 closing deadline and an additional extension of the loan closing deadline to April 30, 2015. This additional extension will allow sufficient time to resolve the zoning issue and complete the credit underwriting process and closing activities.

**2. Recommendation**

Approve a waiver of the January 31, 2015 closing deadline and grant an additional closing extension to April 30, 2015.

## MULTIFAMILY PROGRAMS

### *Consent*

#### H. Request Approval of Loan Closing Extension for The Villages at Noah's Landing (2014-138CGS)

<b>Development Name:</b>	<b>The Villages at Noah's Landing</b>
<b>Applicant/Principal:</b>	<b>The Villages at Noah's Landing, LLC</b>
<b>Location:</b>	<b>Polk County</b>
<b>Demographic:</b>	<b>Persons with Developmental Disabilities</b>
<b>Number of Units/Type:</b>	<b>52 Townhouse/Duplex/Triplex/Quadraplex</b>
<b>Set-Aside:</b>	<b>25% @ 40% AMI &amp; 75% @ 60% AMI</b>
<b>Allocated Amounts:</b>	<b>\$1,500,000 Grant, \$1,320,000 SAIL Loan &amp; \$1,000,000 ELI Loan</b>

#### 1. Background/Present Situation

- a) On October 11, 2013, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2013-004 for financing to build larger permanent supportive housing properties for persons with developmental disabilities.
- b) On December 13, 2013, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On December 19, 2013, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to The Villages at Noah's Landing, LLC. Per RFA 2013-004, the funding must close by September 30, 2014 and one closing extension of up to 3 months may be requested.
- d) On September 19, 2014, the Board approved a request to extend the loan closing deadline from September 30, 2014 to December 30, 2014 pursuant to the requirements of RFA 2013-004.
- e) The Borrower has requested an additional closing extension to allow more time to complete underwriting. Staff is requesting is a waiver of the December 30, 2014 closing deadline and an additional extension of the loan closing deadline to February 27, 2015 provided that the final credit underwriting is presented at the January 30, 2015 Board meeting. This additional extension will allow sufficient time for final credit underwriting and loan closing activities.

#### 2. Recommendation

Approve a waiver of the December 30, 2014 closing deadline and grant an additional extension of the loan closing deadline to February 27, 2015.



## MULTIFAMILY PROGRAMS

### *Consent*

#### **I. Request Approval of Credit Underwriting Report and Loan Closing Extension for The Arc Village (2014-133CGS)**

<b>Development Name:</b>	<b>The Arc Village</b>
<b>Applicant/Principal:</b>	<b>The Arc Jacksonville Village, Ltd.</b>
<b>Location:</b>	<b>Duval County</b>
<b>Demographic:</b>	<b>Persons with Developmental Disabilities</b>
<b>Number of Units/Type:</b>	<b>97 Duplex/Triplex</b>
<b>Set-Aside:</b>	<b>25% @ 33% AMI &amp; 75% @ 60% AMI</b>
<b>Allocated Amounts:</b>	<b>\$1,500,000.00 Grant, \$1,230,000 SAIL Loan &amp; \$1,790,000 ELI Loan</b>

#### **1. Background/Present Situation**

- a) On October 11, 2013, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2013-004 for financing to build larger permanent supportive housing properties for persons with developmental disabilities.
- b) On December 13, 2013, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On December 19, 2013, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to The Arc Jacksonville Village, Ltd. Per RFA 2013-004, the funding must close by September 30, 2014.
- d) On September 19, 2014, the Board approved a request to extend the loan closing deadline from September 30, 2014 to December 31, 2014 pursuant to the requirements of RFA 2013-004.
- e) The Borrower has requested an additional closing extension to allow more time to complete underwriting. Staff is requesting a waiver of the December 31, 2014 closing deadline and an additional extension of the loan closing deadline to February 27, 2015 provided that the final credit underwriting report is presented at the January 30, 2015 Board meeting. This additional extension will allow sufficient time for final credit underwriting and loan closing activities.

#### **2. Recommendation**

Approve a waiver of the December 31, 2014 closing deadline and grant an additional extension of the loan closing deadline to February 27, 2015.

## PREDEVELOPMENT LOAN PROGRAM (PLP)

### *Consent*

#### VI. PREDEVELOPMENT LOAN PROGRAM (PLP)

A. Request Approval of Credit Underwriting Report for Habitat for Humanity of Citrus County, a not-for-profit entity, for Habitat Village at Southern Pines (2014-005P-09)

DEVELOPMENT NAME ("Development"):	Habitat Villages at Southern Pines
APPLICANT/DEVELOPER ("Developer"):	Habitat for Humanity of Citrus County
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	30
LOCATION ("County"):	Citrus County
TYPE:	Homeownership, Family
MINIMUM SET ASIDE:	50% @ 80% AMI, 50% @ 120% AMI
PLP LOAN AMOUNT:	\$372,750
ADDITIONAL COMMENTS:	

1. **Background**

- a) On August 8, 2014, the Board approved a PLP loan in the amount of \$372,750 for Habitat Villages at Southern Pines. Of this loan amount, \$300,000 was requested for the acquisition of the subject property and was therefore subject to a review by a credit underwriter assigned by staff.
- b) On November 20, 2014, staff received a credit underwriting report ([Exhibit A](#)) with a positive recommendation for the PLP loan subject to conditions as outlined in the report.
- c) One of the conditions in the credit underwriting report is "satisfactory receipt and review of an appraisal consistent with the assumptions presented in this report." Allowing for the appraisal to be provided conditionally is necessary due to a deadline for purchase of the property of December 31, 2014, which will occur before the January 2015 Board meeting. The acquisition portion of the loan will not be closed until this and other conditions are met and approved by the underwriter.

2. **Present Situation**

Staff has reviewed the credit underwriting report and agrees with the recommendation of the credit underwriter.

3. **Recommendation**

Approve the acquisition portion of the PLP Loan in the amount of \$300,000 to Habitat for Humanity of Citrus County for Habitat Village at Southern Pines subject to conditions in the report being met, as recommended by the credit underwriter, and allow staff to issue a Commitment Letter and commence with loan closing.

## PREDEVELOPMENT LOAN PROGRAM (PLP)

### *Consent*

**B. Request Approval of PLP Loan for Neighborhood Housing Foundation, a not-for-profit entity, for Liberty City Homes (2013-006P-09)**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Liberty City Homes</b>
<b>APPLICANT/DEVELOPER (“Developer”):</b>	<b>Neighborhood Housing Foundation</b>
<b>CO-DEVELOPER:</b>	<b>Carrfour Supportive Housing</b>
<b>NUMBER OF UNITS:</b>	<b>103</b>
<b>LOCATION (“County”):</b>	<b>Miami Dade County</b>
<b>TYPE:</b>	<b>Family</b>
<b>MINIMUM SET ASIDE:</b>	<b>20% @ 50% AMI</b>
<b>PLP LOAN AMOUNT:</b>	<b>\$750,000</b>
<b>ADDITIONAL COMMENTS:</b>	

**1. Background**

- a) On December 27, 2013, Florida Housing received a PLP Application from the Developer.
- b) On December 29, 2013, Florida Housing issued an Invitation to Participate in the PLP to the Developer.

**2. Present Situation**

- a) The Technical Assistance Provider (TAP) has submitted a Development Plan and recommended a loan amount of \$750,000 for PLP eligible activities ([Exhibit B](#)). Of the loan amount, \$500,000 is being requested for the acquisition of the subject property and is therefore subject to review by an assigned credit underwriter.
- b) Staff has reviewed the Development Plan and determined that all budget items are PLP eligible.

**3. Recommendation**

Approve the PLP Loan in the amount of \$750,000 to Neighborhood Housing Foundation for Liberty City Homes, as recommended by the TAP, and allow staff to issue a Commitment Letter and commence with loan closing on the non-site acquisition funds in the amount of \$250,000 and assign the loan to a credit underwriter for review of the acquisition funding.

## **PROFESSIONAL SERVICES SELECTION (PSS)**

### *Consent*

#### **VII. PROFESSIONAL SERVICES SELECTION (PSS)**

##### **A. Request Approval of Responses to the Request for Qualifications 2013-01 for Housing Counseling Agencies to Provide Services for the Foreclosure Counseling Program**

###### **1. Background**

- a) On February 1, 2013, the Board approved a staff recommendation to issue a Request for Qualifications (RFQ) for Housing Counseling Agencies (HCAs) for the implementation of the Foreclosure Counseling Program (FCP) funded through the National Mortgage Settlement.
- b) To date, the Board has approved 60 HCAs to provide services through the FCP.

###### **2. Present Situation**

- a) The RFQ allowed for HCAs to respond beyond the original submission date so that Florida Housing can maximize the number of qualified agencies to provide adequate foreclosure counseling coverage across the state. Two (2) additional HCAs have applied to participate in the FCP: Family Foundations of Northeast Florida, Inc. and the Tampa Bay Community Development Corporation.
- b) On October 22, 2014, the proposals were reviewed by the RFQ review committee and recommended for approval pending the submission of required documentation. At this time, all documents have been submitted and reviewed.

###### **3. Recommendation**

Approve Family Foundations of Northeast Florida, Inc. and the Tampa Bay Community Development Corporation to provide services for the Foreclosure Counseling Program, as recommended for approval by the RFQ review committee on October 22, 2014.

## STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

### *Consent*

#### VIII. STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

A. Request Waiver of General Requirement in RFA 2014-111 for The Villages Apartments, Phase I (2014-422S/2013-533C)

<b>Development Name: The Villages Apartments, Phase I (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: New Urban Development, LLC, CSG Development Services II, LLC (“Developer”)</b>	<b>Set-Aside: 5% @ 33% AMI and 95% @ 60% AMI</b>
<b>Number of Units: 150</b>	<b>SAIL: \$5,000,000 &amp; ELI: \$636,500</b>
<b>Development Category: New Construction</b>	<b>Requested Housing Credit Allocation: \$1,361,324</b>
<b>Demographic: Family</b>	<b>MMRB: N/A</b>

1. **Background/Present Situation**

- a) On August 22, 2014, Florida Housing Finance Corporation issued a request for applications (RFA) 2014-111 for the development of affordable multifamily housing for Families and Elderly utilizing State Apartment Incentive Loan (SAIL) funding. The SAIL funding must be used in conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits.
- b) On October 30, 2014, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities. The Villages Apartments, Phase I was among the Applications authorized for tentative selection.
- c) Due to petitions received challenging the scoring of applications submitted in response to this RFA, the SAIL funding process is delayed until all litigation is completed. Therefore, the preliminary commitment cannot be issued.
- d) On November 25, 2014, staff received a letter from the Developer requesting a waiver of a general requirement of RFA 2014-111 which states that the Applicant may not close on Tax-Exempt Bond financing prior to the date of the preliminary commitment for SAIL funding. The letter indicates that this waiver is necessary because they must close their Tax-Exempt Bond Financing (Non-FHFC) before the end of year 2014 in order to satisfy the Community Reinvestment Act (“CRA”) requirements for the lender.

## STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

### *Consent*

#### 2. **Recommendation**

Approve the requested waiver of the general requirement in RFA 2014-111 as stated above for this transaction and allow the Applicant to close the Tax-Exempt Bond Financing (Non-FHFC) prior to the date of the preliminary commitment for SAIL funding. At the completion of all litigation and approval by the Board of all recommended orders, the Corporation shall offer an invitation to enter credit underwriting to all Applicants approved for funding, which will constitute a preliminary commitment.

## STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

### *Consent*

#### **B. Request Approval of Credit Underwriting Report for Smathers Phase Two (2014-306S)**

<b>Development Name: Smathers Phase Two (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Smathers Phase Two Developer, LLC (“Developer”)</b>	<b>Set-Aside: 10% @ 33% AMI and 90% @ 60% AMI</b>
<b>Number of Units: 133</b>	<b>SAIL: \$1,138,150 &amp; ELI Gap \$975,000 Housing Credit Allocation: \$1,028,775</b>
<b>Development Category/Type: Redevelopment/Mid Rise</b>	<b>Demographic: Elderly</b>

#### **1. Background/Present Situation**

- a) On January 10, 2014, Florida Housing Finance Corporation issued a request for applications (RFA) 2014-103 for the financing of affordable multifamily housing developments with SAIL funding to be used in conjunction with Tax-Exempt Bond financing and Non-Competitive Housing Credits.
- b) On August 8, 2014, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On August 14, 2014, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Smathers Phase Two, LLC
- d) On December 4, 2014, staff received a final credit underwriting report with a positive recommendation for a funding ([Exhibit A](#)). Staff has reviewed this report and finds that the development meets all of the requirements of RFA 2014-103.

#### **2. Recommendation**

Approve the final credit underwriting report and direct staff to proceed with issuance of a firm commitment and closing activities.

## SPECIAL ASSETS

### *Consent*

#### IX. SPECIAL ASSETS

- A. Request Approval of Transfer of General Partner Interest and Release of Guarantors in Northwest Properties III, Ltd., a Florida Limited Partnership, for Northwest Gardens III Apartments (RFP 2010-04/RFP 2010-014/2010-046CX /2009-145C)

Development Name: Northwest Gardens III Apartments (“Development”)	Location: Broward County
Developer/Principal: Carlisle Development Corporation (“Developer”)/ Northwest Properties III, Ltd. (“Borrower”)	Set-Aside: TCEP 40% @ 60%; HC 20% @ 30%; 80% @ 60% AMI TCEP: 15 years; EUA 50 years
Number of Units: 150	Allocated Amount: Supplemental \$1,275,000; TCEP \$5,000,000; HC \$2,145,000
Demographics: Elderly	Servicer: Seltzer Management Group

1. **Background**

During the 2010 funding cycle, Florida Housing Finance Corporation (“Florida Housing”) awarded a Tax Credit Exchange Program (“TCEP”) Loan in the amount of \$5,000,000 and a Supplemental Loan in the amount of \$1,275,000 to Northwest Properties III, Ltd. (“Borrower”), a Florida limited partnership, for the development of a 150-unit property in Broward County, Florida. The loans closed on December 10, 2010. The Development also received a 2009 allocation of low-income housing tax credits of \$2,145,000.

2. **Present Situation**

- a) The Borrower requests approval to transfer the managing general partner (“GP”) interest from CDG Northwest Properties III, LLC, a Florida limited liability company, to the Housing Authority of the City of Fort Lauderdale through HEF Sunnyland, Inc., the non-managing co-GP. HEF Sunnyland, Inc. will become the sole GP of the development.
- b) The Borrower also requests the release of the current guarantors and the substitution of HEF Guarantor, LLC, as the sole new guarantor, an affiliate of the Housing Authority.
- c) Florida Housing received a positive recommendation from the credit underwriter ([Exhibit A](#)).

3. **Recommendation**

Staff recommends that the Board approve the transfer of the general partner interest in the borrower entity, and the replacement of guarantors subject to the conditions provided in the credit underwriting report and direct staff to proceed with loan document modification activities as needed.



## SPECIAL ASSETS

### *Consent*

**B. Request Approval of the Release of Guarantors for Northwest Properties I, Ltd., a Florida Limited Partnership, for Northwest Gardens I Apartments fka Alan Apartments (2009-57X)**

<b>Development Name: Northwest Gardens I Apartments (“Development”)</b>	<b>Location: Broward County</b>
<b>Developer/Principal: Carlisle Development Group (“Developer”)/ Northwest Properties I, Ltd. (“Borrower”)</b>	<b>Set-Aside: TCEP: 40% @ 60% AMI TCEP: 15 years</b>
<b>Number of Units: 143</b>	<b>Allocated Amount: TCEP \$18,232,500</b>
<b>Demographics: Family</b>	<b>Servicer: Seltzer Management Group</b>

**1. Background**

- a) During the 2009 funding cycle, Florida Housing Finance Corporation (“Florida Housing”) awarded a Tax Credit Exchange Program (“TCEP”) loan in the amount of \$18,232,500 to Northwest Properties I, Ltd. (“Borrower”), a Florida limited partnership, for the development of a 143-unit property in Broward County, Florida. The loan was closed on June 3, 2010.
- b) At the September 2014 meeting, the Board approved the transfer of general partner (“GP”) interest from CDG Northwest Properties I, LLC, a Carlisle entity, to HEF-Alan, Inc., an affiliate of the Housing Authority of the City of Fort Lauderdale. HEF-Alan, Inc. became the sole GP of the Development.

**2. Present Situation**

- a) The Borrower requests the release of the current guarantors and the substitution of HEF Guarantor, LLC, as the sole new guarantor, an affiliate of the Housing Authority.
- b) Florida Housing received a positive recommendation from the credit underwriter ([Exhibit B](#)).

**3. Recommendation**

Staff recommends that the Board approve the release of the guarantors subject to the conditions provided in the credit underwriting report and direct staff to proceed with loan document modification activities as needed

## SPECIAL ASSETS

### *Consent*

**C. Request Approval of Transfer of General Partner Interests in Royalton Apartments, Ltd., a Florida Limited Partnership, for Royalton Apartments (2005-048S/2008-012CS/2004-037CS)**

<b>Development Name: Royalton Apartments (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Carlisle Development Group (“Developer”)/ Royalton Apartments, Ltd. (“Borrower”)</b>	<b>Set-Aside: SAIL &amp; HC 16% @ 30%; 84% @ 60% AMI LURA 50 years; EUA 50 years</b>
<b>Number of Units: 100</b>	<b>Allocated Amount: SAIL \$3,000,000; HC \$921,555</b>
<b>Demographics: Homeless</b>	<b>Servicer: Seltzer Management Group</b>

**1. Background**

During the 2005 funding cycle, Florida Housing Finance Corporation (“Florida Housing”) awarded a State Apartment Incentive Loan (“SAIL”) in the amount of \$3,000,000 to Royalton Apartments, Ltd. (“Borrower”), a Florida limited partnership, for the development of a 100-unit property in Miami-Dade County, Florida. The loan closed on October 11, 2006, and matures on October 11, 2021. The Development also received a 2008 allocation of low-income housing tax credits of \$921,555.

**2. Present Situation**

- a) The Borrower requests approval to transfer the managing general partner (“GP”) interests from TCG Royalton Apartments, LLC, a Florida limited liability company, to C4 Royalton Apartments, LLC, the non-managing co-GP. C4 Royalton Apartments, LLC will become the sole GP of the development.
- b) Florida Housing received a positive recommendation from the credit underwriter ([Exhibit C](#)).

**3. Recommendation**

Staff recommends that the Board approve the transfer of the general partner interests in the borrower entity, subject to the conditions provided in the credit underwriting report and direct staff to proceed with loan document modification activities as needed.

## SPECIAL ASSETS

### *Consent*

**D. Request Approval of Transfer of General Partner Interest and Release of Guarantors in Dr. Kennedy Homes, Ltd., a Florida Limited Partnership, for Dr. Kennedy Homes Apartments (RFP 2010-04/RFP 2010-014/2009-144C/2010-029CX/2011-010CX)**

<b>Development Name: Dr. Kennedy Homes Apartments (“Development”)</b>	<b>Location: Broward County</b>
<b>Developer/Principal: Carlisle Development Corporation (“Developer”)/ Dr. Kennedy Homes, Ltd. (“Borrower”)</b>	<b>Set-Aside: TCEP 40% @ 60%; HC 10% @ 28%; 90% @ 60% AMI TCEP: 15 years; EUA 50 years</b>
<b>Number of Units: 132</b>	<b>Allocated Amount: TCEP \$6,105,000; HC \$2,150,720</b>
<b>Demographics: Family</b>	<b>Servicer: Seltzer Management Group</b>

**1. Background**

During the 2010 funding cycle, Florida Housing Finance Corporation (“Florida Housing”) awarded a Tax Credit Exchange Program (“TCEP”) Loan in the amount of \$6,105,000 to Dr. Kennedy Homes, Ltd. (“Borrower”), a Florida limited partnership, for the development of a 132-unit property in Broward County, Florida. The loan closed on December 10, 2010. The Development also received a 2009 allocation of low-income housing tax credits of \$2,150,720.

**2. Present Situation**

- a) The Borrower requests approval to transfer the managing general partner (“GP”) interest from CDG Dr. Kennedy Homes, LLC, a Florida limited liability company, to the Housing Authority of the City of Fort Lauderdale through HEF Kennedy, Inc., the non-managing co-GP. HEF Kennedy, Inc. will become the sole GP of the development.
- b) The Borrower also requests the release of the current guarantors and the substitution of HEF Guarantor, LLC, as the sole new guarantor, an affiliate of the Housing Authority.
- c) Florida Housing received a positive recommendation from the credit underwriter ([Exhibit D](#)).

**3. Recommendation**

Staff recommends that the Board approve the transfer of the general partner interests in the borrower entity, and the replacement of guarantors subject to the conditions provided in the credit underwriting report and direct staff to proceed with loan document modification activities as needed.

## SPECIAL ASSETS

### *Consent*

**E. Request Approval of Transfer of General Partner Interest in Wimauma Community, Ltd., a Florida Limited Partnership, for La Estancia Apartments (95S-036/96L-009)**

<b>Development Name: La Estancia Apartments (“Development”)</b>	<b>Location: Hillsborough County</b>
<b>Developer/Principal: Wimauma Group, Inc. (Thomas McMullen) (“Developer”)/ Wimauma Community, Ltd. (“Borrower”)</b>	<b>Set-Aside: SAIL &amp; HC 9% @35%, 8% @40%, 62% @50% AMI LURA 50 years; EUA 50 years</b>
<b>Number of Units: 84</b>	<b>Allocated Amount: SAIL \$1,092,207; HC \$460,666</b>
<b>Demographics: Farmworker</b>	<b>Servicer: First Housing Development Corporation</b>

**1. Background**

During the 1995 funding cycle, Florida Housing Finance Corporation (“Florida Housing”) awarded a State Apartment Incentive Loan (“SAIL”) in the amount of \$1,092,207 to Wimauma Community, Ltd. (“Borrower”), a Florida limited partnership, for the development of an 84-unit property in Hillsborough County, Florida. The loan matures on June 30, 2022. The Development also received a 1996 allocation of low-income housing tax credits of \$460,666.

**2. Present Situation**

- a) The Borrower requests approval to transfer the general partner (“GP”) interest from WNC Florida, LLC, the current GP, a Florida limited liability company, to AHDF-Wimauma G/P, LLC.
- b) Florida Housing received a positive recommendation from the credit underwriter ([Exhibit E](#)).

**3. Recommendation**

Staff recommends that the Board approve the transfer of the general partner interest in the borrower entity subject to the conditions provided in the credit underwriting report and direct staff to proceed with loan document modification activities as needed.

## SPECIAL ASSETS

### *Consent*

- F. **Request Approval to Refinance the First Mortgage for Alhambra Cove Associates, Ltd., a Florida Limited Partnership, for Alhambra Cove Apartments (GUAR/HUD Risk/2004-059S/2005-118S/2005-502C)**

<b>Development Name: Alhambra Cove Apartments (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Cornerstone (“Developer”)/Alhambra Cove Associates, Ltd. (“Borrower”)</b>	<b>Set-Aside: SAIL &amp; HC 100% @ 60% AMI LURA: 50 years; EUA: 30 years</b>
<b>Number of Units: 240</b>	<b>Allocated Amount: SAIL \$2,000,000, \$1,000,000; HC \$999,710</b>
<b>Demographics: Family</b>	<b>Servicer: First Housing Development Corporation</b>

1. **Background**

During the 2004 and 2005 funding cycles, Florida Housing Finance Corporation (“FHFC”) awarded two State Apartment Incentive Loans (“SAIL”) in the original amounts of \$2,000,000 and \$1,000,000 respectively to Alhambra Cove Associates, Ltd., a Florida limited partnership (“Borrower”), for the development of a 240-unit apartment complex in Miami-Dade County, Florida. The first SAIL loan closed on June 28, 2005, and the second SAIL loan closed on March 10, 2006. Both loans will mature on July 15, 2045. The Development also received a 2005 allocation of low-income housing tax credits of \$999,710. The Development is HUD risk sharing with Florida Housing’s Guarantee Program (“Guarantee Program”).

2. **Present Situation**

- a) The Borrower requests consent from the Board to refinance the existing first mortgage. The Borrower intends to obtain a Fannie Mae first mortgage loan originated by Oak Grove Capital, the proceeds of which will be used to satisfy the existing first mortgage from Housing Finance Authority of Miami-Dade County, redeeming the underlying bonds and effectively terminating the mortgage guaranty issued by the Guarantee Program and its associated financial risk to FHFC.
- b) The Borrower also requests that the SAIL loan, the SAIL Land Use Restriction Agreement (“LURA”), and the Low Income Housing Tax Credit Extended Use Agreement (“EUA”) be subordinated to the new first mortgage.
- c) The Borrower requests that the annual SAIL loan interest payments not exceed 75% of surplus cash as required by the new first mortgage lender, as applicable.
- d) Staff has received a credit underwriting report ([Exhibit F](#)) providing a positive recommendation for approval for the new financing, and subordination of the SAIL loan, SAIL LURA, and HC EUA to the new first mortgage.

## **SPECIAL ASSETS**

### *Consent*

#### **3. Recommendation**

Approve the refinancing of the first mortgage loan, and subordination of the SAIL loan, SAIL LURA, and HC EUA 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 needed.

## SPECIAL ASSETS

### *Consent*

- G. **Request Approval to Refinance the First Mortgage, Transfer General Partner Interests, and Renegotiate SAIL Loan Terms for Venice Cove, Ltd., a Florida Limited Partnership, for Venice Cove Apartments fka Venice Homes (GUAR/HUD Risk/2001-073S/2001-519C/SMI)**

<b>Development Name: Venice Cove Apartments (“Development”)</b>	<b>Location: Broward County</b>
<b>Developer/Principal: Boston Financial (“Developer”)/Venice Cove, Ltd. (“Borrower”)</b>	<b>Set-Aside: SAIL 2.01% @ 25%; 97.99% @ 60%; HC 100% @ 60% AMI LURA: 50 years; EUA: 30 years</b>
<b>Number of Units: 150</b>	<b>Allocated Amount: SAIL \$1,548,000; HC \$466,991</b>
<b>Demographics: Family</b>	<b>Servicer: First Housing Development Corporation</b>

#### 1. **Background**

- a) During the 2001 funding cycle, Florida Housing Finance Corporation (“FHFC”) awarded a State Apartment Incentive Loan (“SAIL”) in the original amount of \$1,548,000 to Venice Cove, Ltd. (“Borrower”), a Florida limited partnership, for the development of a 150-unit apartment complex in Broward County, Florida. The SAIL loan closed on June 20, 2002, and matures on March 31, 2042. The Development also received a 2001 allocation of low-income housing tax credits of \$466,991. The Development is HUD risk sharing with Florida Housing’s Guarantee Program (“Guarantee Program”).
- b) The Development also received a loan under the Subordinate Mortgage Initiative (“SMI”) in the original amount of \$385,596.00. The loan closed on April 29, 2011, and matures on May 1, 2021.

#### 2. **Present Situation**

- a) The Borrower requests consent from the Board to refinance the existing first mortgage. The Borrower intends to obtain a Fannie Mae first mortgage loan originated by Oak Grove Capital, the proceeds of which will be used to satisfy the existing first mortgage from Housing Finance Authority of Broward County, redeeming the underlying bonds and effectively terminating the mortgage guaranty issued by the Guarantee Program and its associated financial risk to FHFC. The SMI loan will be repaid prior to or at closing.
- b) The Borrower also requests that the SAIL loan, the SAIL Land Use Restriction Agreement (“LURA”), and the Low Income Housing Tax Credit Extended Use Agreement (“EUA”) be subordinated to the new first mortgage.
- c) The Borrower requests that the annual SAIL loan interest payments not exceed 75% of surplus cash as required by the new first mortgage lender.
- d) The Borrower also requests approval to transfer the general partner interests from BFIM Venice Cove Homes GP, Inc. to DPSF Venice Cove LLC, an affiliate of Southport Financial Services, Inc.

## SPECIAL ASSETS

### *Consent*

- e) Staff has received a credit underwriting report ([Exhibit G](#)) providing a positive recommendation for approval for the transfer of general partner interests, the renegotiation of the SAIL loan terms, and the new financing, and subordination of the SAIL loan, SAIL LURA, and HC EUA to the new first mortgage

### 3. **Recommendation**

- a) Approve the transfer of general partner interests contingent upon the refinancing of the first mortgage and termination of the Guarantee Program commitment thereon, the renegotiation of SAIL loan terms, and the refinancing of the first mortgage loan, and subordination of the SAIL loan, SAIL LURA, and HC EUA 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 needed.



## SPECIAL ASSETS

### *Consent*

**H. Request Approval of Transfer of General Partnership Interest, Refinance of First Mortgage and SAIL Loan Modification for Waterside Apartments, Ltd., a Florida Limited Partnership, for Calusa Cove (2002-017S/2001-039C/2004-002C)**

<b>Development Name: Calusa Cove Apartments (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Enterprise (“Developer”)/Waterside Apartments, Ltd. (“Borrower”)</b>	<b>Set-Aside: SAIL &amp; HC 15% @ 30% &amp; 85% @ 60% AMI; LURA: 50 years; EUA: 50 years</b>
<b>Number of Units: 144</b>	<b>Allocated Amount: SAIL \$1,449,387; HC \$861,120</b>
<b>Demographics: Family</b>	<b>Servicer: Seltzer Management Group</b>

**1. Background**

During the 2002-2003 State Apartment Incentive Loan (“SAIL”) Cycle XIV, Florida Housing Finance Corporation (“Florida Housing”) awarded a \$1,449,387 construction/permanent loan to Waterside Apartments, Ltd. (“Borrower”), a Florida limited partnership, for the development of a 144-unit property in Miami-Dade County. The SAIL loan closed on October 6, 2003, and will mature on June 30, 2019. The Development also received a 2004 allocation of low-income housing tax credits of \$861,120.

**2. Present Situation**

- a) By correspondence dated September 30, 2014, the Borrower requests approval to transfer and assign the General Partner and Limited Partnership interests in Waterside Apartments, Ltd. from affiliates of Enterprise to entities affiliated with Banyan Realty Advisors, LLC (“Banyan”).
- b) Banyan also requests consent from the Board to refinance the existing first mortgage loan. Banyan intends to obtain a first mortgage loan from Hunt Mortgage Corporation, a Fannie Mae DUS Lender, the proceeds of which will be used to satisfy the existing first mortgage and pay accrued interest on the SAIL note.
- c) The refinancing will require the SAIL loan, the SAIL Land Use Restriction Agreement (“LURA”) and the Low Income Housing Tax Credit Extended Use Agreement (“EUA”) be subordinated to the new first mortgage.
- d) The Borrower further requests that the annual SAIL loan interest payments not exceed 75% of surplus cash as required by the new first mortgage lender.
- e) Florida Housing received a positive recommendation from the credit underwriter ([Exhibit H](#)).

## **SPECIAL ASSETS**

### ***Consent***

#### **3. Recommendation**

Approve the refinancing of the first mortgage loan, and transfer of the General Partner and Limited Partnership interests, the assumption and renegotiation of the SAIL loan with the new terms, and subordination of the SAIL loan, SAIL LURA and EUA, all with the conditions provided in the credit underwriting 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 needed.

## SPECIAL ASSETS

### *Consent*

**I. Request Approval of the Extension of the SAIL Loan for TWC Eighty-Eight, Ltd., a Florida Limited Partnership, for Woodhill Apartments (95S-061/96L-001)**

<b>Development Name: Woodhill Apartments (“Development”)</b>	<b>Location: Orange County</b>
<b>Developer/Principal: The Wilson Company (“Developer”)/ TWC Eighty-Eight, Ltd. (“Borrower”)</b>	<b>Set-Aside: SAIL &amp; HC 20% @ 40% &amp; 80% @ 60% AMI; LURA: 53 years; EUA: 50 years</b>
<b>Number of Units: 450</b>	<b>Allocated Amount: SAIL \$3,000,000; HC \$2,454,166</b>
<b>Demographics: Family</b>	<b>Servicer: Seltzer Management Group</b>

**1. Background**

During the 1995 State Apartment Incentive Loan (“SAIL”) Cycle VII, Florida Housing awarded a \$3,000,000 construction/permanent loan to TWC Eighty-Eight, Ltd. (“Borrower”), a Florida limited partnership, for the development of a 450-unit development in Orange County. The SAIL loan closed on September 19, 1995, and had an original maturity date of February 8, 2012. The Board previously approved loan extensions to February 8, 2015. The Development also received a 1996 annual allocation of low-income housing tax credits of \$2,454,166.

**2. Present Situation**

The Borrower has requested approval to extend the SAIL loan, at its current terms, to February 8, 2016, to allow additional time for the refinancing of the Development. The Borrower expects to close on a loan using the HUD 223(f) program by early 2015. The Borrower is requesting the additional extension in the event that the refinancing does not close by February 8, 2015. The Borrower has agreed to an extension of the Land Use Restriction Agreement (“LURA”) term equal to the loan extension (adding one year to the current 53 years).

**3. Recommendation**

Approve the extension of the SAIL loan, at its current terms, to February 8, 2016, extend the LURA for an additional year, and direct staff to proceed with loan document modification activities.

## SPECIAL ASSETS

### *Consent*

**J. Request Approval of the Extension of the SAIL Loan for Homestead Housing Partnership II, Ltd., a Florida Limited Partnership, for San Sherri Villas (93HRR-001/96L-005)**

<b>Development Name: San Sherri Villas (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Richman Group (“Developer”)/ Homestead Housing Partnership II, Ltd. (“Borrower”)</b>	<b>Set-Aside: SAIL &amp; HC 10% @ 40%, 15% @ 45%, 20% @ 50%, &amp; 55% @ 60% AMI; LURA: 53 years; EUA: 50 years</b>
<b>Number of Units: 80</b>	<b>Allocated Amount: SAIL \$2,373,200; HC \$670,096</b>
<b>Demographics: Family</b>	<b>Servicer: First Housing Development Corporation</b>

**1. Background**

During the 1993 State Apartment Incentive Loan/Hurricane Andrew Recovery and Rebuilding Program (“SAIL”) Cycle, Florida Housing awarded a \$2,373,200 construction/permanent loan to Homestead Housing Partnership II, Ltd. (“Borrower”), a Florida limited partnership, for the development of an 80-unit development in Miami-Dade County. The SAIL loan closed on February 19, 1996, and originally matured on February 19, 2012. The Board previously approved extensions to February 19, 2015. The Development also received a 1996 allocation of low-income housing tax credits of \$670,096.

**2. Present Situation**

The Borrower has requested approval to extend the SAIL loan, at its current terms, to February 19, 2016. The Borrower plans to re-capitalize the Development in order to preserve the affordable units and needs the additional time to complete the refinancing. The Borrower has agreed to an extension of the Land Use Restriction Agreement (“LURA”) term equal to the loan extension (adding one year to the current 53 years).

**3. Recommendation**

Approve the extension of the SAIL loan, at its current terms, to February 19, 2016, extension of the LURA for an additional one year, and direct staff to proceed with loan document modification activities.

## SPECIAL ASSETS

### *Consent*

- K. **Request Approval of First Mortgage Refinancing and Renegotiation and Extension for the HOME Loan for Edison Terraces (II), Ltd., a Florida Limited Partnership, for Edison Terraces II (92HR-002/92L-025)**

<b>Development Name: Edison Terraces II (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Tacolcy Economic Development Corporation (“Developer”)/Edison Terraces (II), Ltd. (“Borrower”)</b>	<b>Set-Aside: 83.33% HOME Assisted 20% @ 50%, 80% @ 80% AMI; HC 83.3% @ 60% AMI LURA: 21 years; EUA: 30 years</b>
<b>Number of Units: 60 (50 units set-aside for HOME &amp; HC)</b>	<b>Allocated Amount: HOME \$1,775,000; HC \$150,978</b>
<b>Demographics: Family</b>	<b>Servicer: First Housing Development Corporation</b>

1. **Background**

During the 1992 HOME Cycle, Florida Housing awarded a \$1,775,000 construction/permanent loan to Edison Terraces (II), Ltd. (“Borrower”), a Florida limited partnership, for the construction of a 60-unit development in Miami-Dade County. The HOME loan closed on September 3, 1993, and originally matured on September 3, 2013. The Board previously approved extensions to September 3, 2015. The Development also received a 1992 allocation of low-income housing tax credits of \$150,978.

2. **Present Situation**

- a) The Borrower requests consent from the Board to refinance the existing first mortgage loan as the current first mortgage has matured and has stated they will proceed with foreclosure if not paid off. Borrower intends to obtain a first mortgage loan from Florida Community Loan Fund, the proceeds of which will be used to satisfy the existing first mortgage.
- b) The HOME loan will need to be extended seven years to be coterminous with the new first. The Borrower has agreed to extend the HOME Land Use Restriction Agreement (“LURA”) by the same term as the loan extension adding seven years to the current 21 year term. The Borrower has also agreed to a modification of the HOME loan which will require principal payments based on available annual cash flow. The refinancing will require the HOME loan, the HOME LURA, and the Low Income Housing Tax Credit Extended Use Agreement (“EUA”) be subordinated to the new first mortgage.
- c) Florida Housing staff have reviewed the Development’s operating and financial information, and have provided a positive recommendation for the refinancing of the first mortgage, and the renegotiation of the terms of the HOME loan.

## **SPECIAL ASSETS**

### ***Consent***

#### **3. Recommendation**

Approve the refinancing of the first mortgage, extension and modification of the HOME loan, subordination of the HOME loan, LURA and EUA and extension of the HOME LURA, all subject to further approvals and verifications by counsel and appropriate Florida Housing staff and direct staff to proceed with loan document modification activities as needed.

## SPECIAL ASSETS

### *Consent*

**L. Request Approval of SAIL Loan Modification for Pasco Woods, Ltd., a Florida Limited Partnership, for Pasco Woods (1999-086S/2000-504C/GUAR-41)**

<b>Development Name: Pasco Woods ("Development")</b>	<b>Location: Pasco County</b>
<b>Developer/Principal: Pasco Woods, Ltd. ("Borrower")</b>	<b>Set-Aside: SAIL 99% @ 60%; HC 100% @ 60% AMI; LURA &amp; EUA: 50 years</b>
<b>Number of Units: 200</b>	<b>Allocated Amount: SAIL \$2,000,000; HC \$526,142</b>
<b>Demographics: Family</b>	<b>Servicer: Seltzer Management Group</b>

**1. Background**

During the 1998/1999 State Apartment Incentive Loan ("SAIL") Cycle XI, Florida Housing awarded a \$2,000,000 construction/permanent loan to Pasco Woods, Ltd. ("Borrower"), a Florida limited partnership, for the construction of a 200-unit development in Pasco County. The SAIL loan closed on March 14, 2000, and will mature on August 1, 2039. Other funding sources included Pasco City bonds which are guaranteed by the FHFC Guarantee Fund. The Development also received a 2001 allocation of low-income housing tax credits of \$660,573.

**2. Present Situation**

- a) The Borrower has requested that the SAIL loan interest rate be modified from a 9% interest rate to a 3% interest rate in accordance with Senate Bill 1996 passed by the legislature in 2012 and as stated in Rule 67-48 as follows:

Any SAIL Applicant from SAIL Application cycles with non-amortizing loans at 9 percent simple interest per annum with payments based on Development Cash Flow pursuant to the applicable cycle rule, may submit a written renegotiation request to the Corporation to modify their SAIL loan interest rate going forward from 9 percent simple interest per annum to 3 percent simple interest per annum with payments based on Development Cash Flow pursuant to subsections 67-48.010 (25), F.A.C., in exchange for providing a payment to the Corporation of the deferred interest based on an accrual rate of 3 percent simple interest per annum in no more than five (5) equal annual installments but in no event shall it be later than the maturity date of the loan. Payments made from Development Cash Flow, shall be included as Development Expenses as stated in paragraph 67-48.010 (6) (b), F.A.C. All loan renegotiation requests must be submitted in writing to the Director of Special Assets. In addition to any related professional fees, the Corporation shall charge a non-refundable renegotiation fee as outlined in the Universal Application instructions. The Corporation shall not proceed with the request until the Applicant or Developer has satisfied any financial obligations for which the Applicant or Developer, or Principal, Affiliate or Financial Beneficiary of the Applicant or Developer is in arrears to the Corporation or any agent or assignee of the Corporation.

## **SPECIAL ASSETS**

### ***Consent***

- b) The Borrower has agreed to pay all accrued and outstanding 3% interest on the current SAIL note in order for the loan to be modified to the 3% interest rate.

### **3. Recommendation**

Approve the modification of the loan terms from a 9% cash flow note to a 3% cash flow note for the remaining term of the loan after payment of all accrued 3% base interest and direct staff to proceed with loan document modification activities.