

**FLORIDA HOUSING FINANCE CORPORATION**  
**Board Meeting**  
December 7, 2007  
Consent Items



**ELDERLY HOUSING COMMUNITY LOAN PROGRAM (EHCL)**

*Consent*

**I. ELDERLY HOUSING COMMUNITY LOAN PROGRAM (EHCL)**

**A. Request Approval of Credit Underwriting Report for Casa San Pablo, Cycle XIX (2007-008E)**

<b>Development Name: Casa San Pablo (“Development”)</b>	<b>Location: Volusia County</b>
<b>Developer/Principal: Mullally Manor, Inc. (“Applicant”)</b>	<b>Set-Aside: 20% @ 50%</b>
<b>Number of Units: 64</b>	<b>Allocated Amount: \$318,704</b>
<b>Type: Mid-Rise</b>	<b>Total Housing Credit Equity: N/A</b>
<b>Demographics: Elderly</b>	<b>MMRB: N/A</b>

**1. Background/Present Situation**

- a) On July 27, 2007, the Board approved the final scores and ranking for the 2007 EHCL Cycle and directed staff to proceed with all necessary credit underwriting activities.
- b) On August 2, 2007, staff issued a preliminary commitment letter and an invitation to credit underwriting for an EHCL loan in an amount up to \$318,704 for this 64-unit elderly Development in Volusia County.
- c) On November 19, 2007, staff received a credit underwriting report with a positive recommendation for an EHCL loan in the amount of \$318,704 ([Exhibit A](#)). Staff has reviewed this report and finds that the Development meets all of the requirements of EHCL Rule Chapter 67-32, F.A.C.

**2. Recommendation**

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

# GUARANTEE PROGRAM

## Consent

### II. GUARANTEE PROGRAM

#### A. Request Approval for Additional Subordinate Financing for Country Club Villas Apartments Utilizing Miami-Dade County Housing Agency (MDHA) 2006 Surtax Funds

<b>Development Name:</b>	<b>Country Club Villas</b>		
<b>Issuer:</b>	<b>Housing Finance Authority of Dade County</b>	<b>Location:</b>	<b>Miami, Dade County</b>
<b>Developer:</b>	<b>Swezy Realty</b>	<b>Set-Asides:</b>	<b>100% @ 60% AMI, HC</b>
<b>Borrower:</b>	<b>Country Club Villas, Ltd.</b>		
<b>Funding Sources:</b>	<b>GUARANTEE</b>	<b>Amounts:</b>	<b>\$9,400,000 (mtg guarantee)</b>
	<b>HC 2000-543C</b>		<b>\$579,800 (annually)</b>
<b>Number of Units:</b>	<b>216</b>	<b>Type:</b>	<b>Family</b>

#### 1. Background

- a) Country Club Villas apartments was financed with bonds issued by the Housing Finance Authority of Dade County in September 1999. The transaction is credit-enhanced by the Guarantee Program by virtue of its guarantee of the underlying 1<sup>st</sup> mortgage. Construction is 100% complete.
- b) Funding sources from FHFC, specifically, have included Guarantee and Housing Credits.

#### 2. Present Situation

- a) By letter dated February 1, 2007 ([Exhibit A](#)), the borrower is requesting Florida Housing's approval of \$750,000 additional subordinate financing, utilizing MDHA 2006 Surtax funds, as a future advance under the original \$1.25 million Surtax Note granted in June 2001. The combined total will be \$2 million.
- b) Staff has received a written recommendation from Seltzer Management Group (SMG) dated October 24, 2007 ([Exhibit B](#)) providing a positive recommendation for the proposed additional financing.

#### 3. Recommendation

Approve the request for additional subordinate financing subject to satisfactory resolution of requirements in SMG's recommendation.

# HOME RENTAL

## Consent

### III. HOME RENTAL

#### A. Request Approval to Amend the Land Use Restriction Agreement (LURA) for Pueblo Bonito II (2001-027HR)

<b>Development Name: Pueblo Bonito II Apartments (“Development”)</b>	<b>Location: Bonita Springs, Lee County</b>
<b>Developer/Principal: Pueblo Bonito, Ltd. (“Principal”)</b>	<b>Set-Aside: 20% @ 50% AMI-4 units/ 80% @ 60% AMI-16 units</b>
<b>Number of Units: 20</b>	<b>Loan Amount: \$1,243,000</b>
<b>Type: Duplex Style/New Construction</b>	
<b>Demographics: Family</b>	

#### 1. Background/Present Situation

- a) A HOME loan in the amount of \$1,243,000 for new construction of a 150-unit family development in Lee County closed on May 10, 2002.
- b) On November 7, 2007, staff received a letter from the Borrower requesting a change in an amenity ([Exhibit A](#)). During the construction of the bridge for phase III of Pueblo Bonito, one of the phase II amenities (picnic area), had to be moved. It has been determined that there isn't enough land on phase II to relocate the picnic area. The Borrower requests approval to substitute the picnic area with a computer lab. The computer lab will feature two computers with high speed internet access and age appropriate software. Staff has reviewed the request and finds that it meets all requirements of HOME Rule Chapter 67-48, F.A.C.

#### 2. Recommendation

Approve the request to exchange amenities in this Development and direct staff to amend the LURA to reflect the changes identified above.

# HOMEOWNERSHIP LOAN PROGRAM

## *Consent*

### IV. HOMEOWNERSHIP LOAN PROGRAM

#### A. Request for Approval to Extend the Construction Period for Habitat Resources of Duval County (Non-Profit) for 29<sup>th</sup> Street & Chase Avenue Scattered Sites / HAP03-314

<b>Applicant Name (“Applicant”):</b>	<b>Habitat Resources of Duval County (Non-Profit)</b>
<b>Development Name (“Development”):</b>	<b>29<sup>th</sup> Street &amp; Chase Avenue Scattered Sites</b>
<b>Developer/Principal (“Developer”):</b>	<b>Mary Kay O’Rourke</b>
<b>Number of Units: 36</b>	<b>Location: Duval County, Florida</b>
<b>Type: HAP Purchase Assistance Loan</b>	<b>Allocated Amount: \$663,400</b>

#### 1. Background

- a) The Applicant submitted an application during the 2003 Homeownership Loan Program Cycle, which scored within the funding range and was invited into credit underwriting on September 15, 2003.
- b) The final credit underwriting report, dated January 7, 2004, was approved at the January 23, 2004 Board Meeting.
- c) On January 27, 2004, a firm commitment letter was issued to the Developer with the construction period scheduled to end on December 31, 2007.
- d) The Developer has constructed and closed upon 32 homes and utilized \$622,875 out of the original \$663,400 that was awarded.
- e) Pursuant to rule 67-50.040(11) a one-year extension is permissible with approval by the Board.

#### 2. Present Situation

On October 15, 2007, the Developer requested an extension of the construction period from December 31, 2007 until December 31, 2008 advising the remaining 2 units have been completed, however, have not been able to close due to a quiet title suit. The letter is attached as [Exhibit A](#).

#### 3. Recommendation

Staff recommends that the Board grant an extension of the construction period from December 31, 2007 until December 31, 2008.

# HOMEOWNERSHIP LOAN PROGRAM

## *Consent*

### **B. Request for Approval to Extend the Construction Period for Habitat Resources of Duval County (Non-Profit) for Duval Scattered Sites / HAP03-319**

<b>Applicant Name (“Applicant”):</b>	<b>Habitat Resources of Duval County (Non-Profit)</b>
<b>Development Name (“Development”):</b>	<b>Duval Scattered Sites</b>
<b>Developer/Principal (“Developer”):</b>	<b>Mary Kay O’Rourke</b>
<b>Number of Units: 45</b>	<b>Location: Duval County, Florida</b>
<b>Type: HAP Purchase Assistance Loan</b>	<b>Allocated Amount: \$762,625</b>

#### **1. Background**

- a) The Applicant submitted an application during the 2003 Homeownership Loan Program Cycle, which scored within the funding range and was invited into credit underwriting on September 15, 2003.
- b) The final credit underwriting report, dated January 4, 2004, was approved at the January 23, 2004 Board Meeting.
- c) On January 27, 2004, a firm commitment letter was issued to the Developer with the construction period scheduled to end on December 31, 2007.
- d) The Developer has constructed and closed upon 34 homes and utilized \$726,687 out of the original \$762,625 that was awarded.
- e) Pursuant to rule 67-50.040(11) a one-year extension is permissible with approval by the Board.

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

On October 15, 2007, the Developer requested an extension of the construction period from December 31, 2007 until December 31, 2008 advising the remaining 2 units have been completed, however, have not been able to close due to title issues involving the land. The letter is attached as [Exhibit B](#).

#### **3. Recommendation**

Staff recommends that the Board grant an extension of the construction period from December 31, 2007 until December 31, 2008.

# HOMEOWNERSHIP LOAN PROGRAM

## Consent

### C. Request for Approval to Extend the Construction Period for Approval for the City of Tallahassee / Carolina Place / HAPC99-004

Applicant Name (“Applicant”):	City of Tallahassee
Development Name (“Development”):	Carolina Place
Developer/Principal (“Developer”):	Tom Lewis
Number of Units: 14	Location: Leon County
Type: HAP Purchase Assistance Loan	Allocated Amount: \$350,000

#### 1. Background

- a) The Developer submitted an application during the 1999-2000 HAP Construction Loan Program Application Cycle.
- b) The Applicant scored within the funding range and was invited into credit underwriting on March 15, 2001.
- c) The credit underwriting report, dated January 8, 2004, was approved at the January 23, 2004 Board meeting.
- d) On January 27, 2004, a firm commitment letter was issued to the Developer, with the construction period scheduled to end on December 31, 2007.

#### 2. Present Situation

- a) The Developer has completed 9 and closed upon 7 homes, utilizing \$204,000 out of the original \$350,000 that was awarded.
- b) Pursuant to rule 67-50.040(11) a one-year extension is permissible with approval by the Board.
- c) On November 6, 2007, the Developer requested an extension from December 31, 2007 until December 31, 2008, advising of delays due to market changes which made it more difficult for borrowers to obtain first mortgage loans. The letter is attached as [Exhibit C](#).

#### 3. Recommendation

Staff recommends that the Board grant an extension of the construction period from December 31, 2007 until December 31, 2008.

# HOMEOWNERSHIP LOAN PROGRAM

## Consent

### D. Request for Approval to Extend the Construction Period for Ocala Housing Authority (Non-Profit) for Paradise Trails / 00HH-012

Applicant Name (“Applicant”):	Ocala Housing Authority (Non-Profit)
Development Name (“Development”):	Paradise Trails (f/k/a Kings Estates)
Developer/Principal (“Developer”):	Gwendolyn Dawson
Number of Units: 18	Location: Marion County, Florida
Type: HOME Purchase Assistance Loan	Allocated Amount: \$285,000

#### 1. Background

- a) The Applicant submitted an application during the 2000-2001 HOME Construction Loan Program Cycle, which scored within the funding range and was invited into credit underwriting on October 12, 2001.
- b) On December 6, 2002, the Board approved the substitution of the Paradise Trails property due to the environmental hazards found at the King Estates site which were discovered during the environmental review process.
- c) The final credit underwriting report, dated June 5, 2003, was approved at the June 20, 2003 Board Meeting. A firm commitment letter was issued to the Developer with the construction period scheduled to end on December 31, 2005.
- d) On July 8, 2005, the Developer advised of several construction delays, including the unavailability of contractors, and requested an extension until December 31, 2006, which was approved at the August 25, 2005 Board Meeting.
- e) On December 15, 2006, the Board approved an extension of the construction period from December 31, 2006 until December 31, 2007.
- f) The Developer has constructed 13 homes and closed upon 5 homes, utilizing \$79,165 out of the original \$285,000 that was awarded.

#### 2. Present Situation

On October 29, 2007, the Developer requested an extension from December 31, 2007 until December 31, 2008, advising environmental issues and construction delays. The letter is attached as [Exhibit D](#).

#### 3. Recommendation

Staff recommends that the Board grant an extension of the construction period from December 31, 2007 until December 31, 2008.



# HOMEOWNERSHIP LOAN PROGRAM

## *Consent*

**E. Request for Approval to Extend the Construction Period for Northwest Jacksonville CDC (Non-Profit) for NJCDC Scattered Sites - 29<sup>th</sup> & Chase / HAP03-313**

<b>Applicant Name (“Applicant”):</b>	<b>Northwest Jacksonville CDC (Non-Profit)</b>
<b>Development Name (“Development”):</b>	<b>NJCDC Scattered Sites - 29<sup>th</sup> &amp; Chase</b>
<b>Developer/Principal (“Developer”):</b>	<b>Paul Tutwiler</b>
<b>Number of Units: 9</b>	<b>Location: Duval County, Florida</b>
<b>Type: HAP Purchase Assistance Loan</b>	<b>Allocated Amount: \$225,000</b>

**1. Background**

- a) The Applicant submitted an application during the 2003 Homeownership Loan Program Cycle, which scored within the funding range and was invited into credit underwriting on September 15, 2003.
- b) The final credit underwriting report, dated November 12, 2003, was approved at the December 12, 2003 Board Meeting.
- c) On December 15, 2003, a firm commitment letter was issued to the Developer with the construction period scheduled to end on December 31, 2006.
- d) On December 15, 2006, the Board approved an extension of the construction period from December 31, 2006 until December 31, 2007.
- e) The Developer has constructed and closed upon 8 homes and utilized \$200,000 out of the original \$225,000 that was awarded.
- f) Pursuant to rule 67-50.040(11) a one-year extension is permissible with approval by the Board.

**2. Present Situation**

On November 5, 2007, the Developer requested an extension of the construction period from December 31, 2007 until December 31, 2008 advising of the difficulty in obtaining qualified homebuyers. The letter is attached as [Exhibit E](#).

**3. Recommendation**

Staff recommends that the Board grant an extension of the construction period from December 31, 2007 until December 31, 2008.

# HOMEOWNERSHIP LOAN PROGRAM

## Consent

### F. Authorize Staff to De-obligate HAP Funds for Trails End / HAP02-304

<b>Applicant Name (“Applicant”):</b>	<b>Housing Authority of Tarpon Springs (Non-Profit)</b>
<b>Development Name (“Development”):</b>	<b>Trails End</b>
<b>Developer/Principal (“Developer”):</b>	<b>Pat Weber</b>
<b>Number of Units: 11</b>	<b>Location: Pinellas County, Florida</b>
<b>Type: HAP Purchase Assistance Loan</b>	<b>Allocated Amount: \$302,500</b>

#### 1. Background

- a) The Applicant submitted an application during the second cycle of the 2002 Homeownership Loan Program Cycle, which scored within the funding range and was invited into credit underwriting on October 30, 2002.
- b) The final credit underwriting report, dated May 19, 2003, was approved at the June 20, 2003 Board Meeting. On June 25, 2003, a firm commitment letter was issued to the Developer with the construction period scheduled to end December 31, 2006.
- c) On December 15, 2006, the Board approved an extension of the construction period from December 31, 2006 until December 31, 2007.
- d) The Developer has constructed and closed upon 6 homes and utilized \$221,937 out of the original \$302,500 that was awarded.

#### 2. Present Situation

On November 1, 2007, the Developer advised that they would not be able to utilize the remaining \$80,563 in HAP funds due to the inability to obtain eligible homebuyers whose income does not exceed 50% of the area median income. The letter is attached as [Exhibit F](#).

#### 3. Recommendation

Staff recommends that \$80,563 in HAP funds be de-obligated and made available for future use in other homeownership programs.

# HOMEOWNERSHIP LOAN PROGRAM

## Consent

### G. Request for Approval of the Extension for the Purchase of Land for Housing Partnership, Inc. (Non-Profit) / CLTRFP05-04-3

Applicant Name (“Applicant”):	Housing Partnership, Inc. (Non-Profit)
Development Name (“Development”):	CLTRFP05-04-3
Developer/Principal (“Developer”):	Patrick McNamara
Number of Units: 10	Location: Palm Beach County, Florida
Type: Community Land Trust Loan	Allocated Amount: \$1,314,000

#### 1. Background

- a) On March 3, 2006, the Board approved the final rankings for the 2005 Community Land Trust Request for Proposals (“CLTRFP-05”) and Florida Housing issued the Applicant an invitation into credit underwriting on March 13, 2006.
- b) The final credit underwriting report (“CUR”), dated November 16, 2006, specified that the land must be purchased within one year of Board approval of the CUR. The CUR was approved at the December 15, 2006 Board Meeting.
- c) On January 5, 2007, a firm commitment letter was issued to the Developer.
- d) On March 2, 2007, the Developer closed on a loan in the amount of \$360,000 for the refinancing of the acquisition of 3 lots and has since completed 75% of the construction of 3 new homes.

#### 2. Present Situation

- a) On November 8, 2007, the Developer requested an extension, advising of the delays in obtaining the CHDO set-aside subsidy funding from the Board of County Commissioners and their intent to purchase newly constructed homes rather than vacant land. They have identified several homes that fit their cost structure and are in the process of negotiating purchase contracts. The letter is attached as [Exhibit G](#).
- b) The technical assistance provider and the credit underwriter have reviewed their request and have given positive recommendations. Their letters are attached as [Exhibit H](#) and [Exhibit I](#), respectively.

#### 3. Recommendation

Staff recommends that the Board grant an extension for the purchase of the land from December 15, 2007 until December 15, 2008.

# HOMEOWNERSHIP LOAN PROGRAM

## *Consent*

### H. Request for Approval to Extend the Construction Period for We Help Community Development Corporation (Non-Profit) for We Help Scattered Sites / HAP03-308

<b>Applicant Name (“Applicant”):</b>	<b>We Help Community Development Corporation (Non-Profit)</b>
<b>Development Name (“Development”):</b>	<b>We Help Scattered Sites</b>
<b>Developer/Principal (“Developer”):</b>	<b>Dr. D.M. Walker</b>
<b>Number of Units: 34</b>	<b>Location: Palm Beach County, Florida</b>
<b>Type: HOME Purchase Assistance Loan</b>	<b>Allocated Amount: \$1,000,000</b>

#### 1. Background

- a) The Applicant submitted an application during the 2003 Homeownership Loan Program Cycle, which scored within the funding range and was invited into credit underwriting on September 15, 2003.
- b) The final credit underwriting report, dated February 2, 2004, was approved at the February 27, 2004 Board Meeting. On March 2, 2004, a firm commitment letter was issued to the Developer with the construction period scheduled to end on December 31, 2007.

#### 2. Present Situation

- a) The Developer has constructed 18 homes and closed upon 9 homes, utilizing \$193,967.75 out of the original \$1,000,000 that was awarded.
- b) Pursuant to rule 67-50.040(11) a one-year extension is permissible with approval by the Board.
- c) On November 13, 2007, the Developer submitted a request for an extension, advising of construction delays related to the 2004 and 2005 hurricanes. The letter is attached as [Exhibit J](#).

#### 3. Recommendation

Staff recommends that the Board grant an extension from December 31, 2007 until December 31, 2008.

# HOMEOWNERSHIP LOAN PROGRAM

## Consent

**I. Request for Approval of the Credit Underwriting Report for West Palm Beach Housing Authority / Banc of America Community Development Corporation for MerryPlace at Pleasant City / CWHIP06-32**

<b>Applicant Name (“Applicant”):</b>	<b>West Palm Beach Housing Authority / Banc of America Community Development Corporation</b>
<b>Development Name (“Development”):</b>	<b>MerryPlace at Pleasant City</b>
<b>Developer/Principal (“Developer”):</b>	<b>Laurel Robinson</b>
<b>Number of Units: 115</b>	<b>Location: Palm Beach County, Florida</b>
<b>Type: CWHIP Loan</b>	<b>Allocated Amount: \$5,000,000</b>

**1. Background**

On April 27, 2007, the Board approved the final rankings for the Community Workforce Housing Innovation Pilot (CWHIP) Program / RFP2006-05. Florida Housing issued the Applicant an invitation into credit underwriting on April 30, 2007.

**2. Present Situation**

- a) The Credit Underwriter has provided staff with a Credit Underwriting Report (CUR) dated November 21, 2007, outlining the parameters of the proposal, which is attached as [Exhibit K](#).
- b) Staff has reviewed the CUR and concurs with the Credit Underwriter’s recommendation to award \$5,000,000 for a CWHIP Loan to assist with the development of 115 homes, subject to the conditions contained in the CUR.

**3. Recommendation**

Staff recommends that the Board approve the CUR and authorize staff to issue a loan commitment letter in the amount of \$5,000,000 to the Developer for a CWHIP Loan, subject to further approvals by the credit underwriter, counsel, and the appropriate corporation staff.

## LEGAL

### Consent

#### V. LEGAL

##### A. In Re: Housing and Education Alliance - FHFC Case No. 2007-063VW

<b>Development Name: (“Development”):</b>	<b>El Capitan Crossing Application No. 2005-078 PLP</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Fox Hollow Associates, Ltd.</b>
<b>Number of Units: 36</b>	<b>Location: Hillsborough</b>
<b>Type: Townhomes</b>	<b>Set Aside: 100% at 80% AMI</b>
<b>Demographics: Family</b>	<b>\$500,000 PLP</b>

##### 1. Background/Present Situation

- a) In 2005, Housing and Education Alliance (“Petitioner”), a not-for-profit organization and a 501(c)(3) entity, applied for Predevelopment Loan Program (“PLP”) funds to finance the land acquisition and predevelopment activities for the construction of El Capitan Crossing (the “Development”) in Hillsborough County, Florida.
- b) On November 6, 2007, Florida Housing received a “Petition for Variance and Waiver”, (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit A](#).
- c) Rule 67-38.0026(4)(a) Florida Administrative Code (2005)<sup>1</sup>, provides in pertinent part:
  - (4) For Home Ownership Developments
    - (a) The Applicant must commit to sell 100 percent of the completed housing units to persons or households whose incomes do not exceed 80 percent of the area median income, as determined by HUD and adjusted by household size, for the metropolitan statistical area or county in which the individual homes are located.
- d) Petitioner requests a variance from the above rules in order to allow it to set-aside 50 percent of the total units to households with incomes not exceeding 80% of Area Median Income and the remaining 50% of the total units to households with incomes not exceeding 120% of Area Median Income. This is consistent with the requirements for homeownership Developments in the 2007 revised version of the Rule.
- e) Also, Petitioner has restructured the project to provide 44 three-story townhomes instead of the originally planned 36 two-story townhomes.
- f) On November 16, 2007, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has received no comments concerning the Petition.

<sup>1</sup> Petitioner also request Variance from the corresponding provision of the 2005 PLP Application Section 111(B)(2005).

## LEGAL

### *Consent*

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

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

- h) Strict application of the above Rule under these circumstances—where the Petitioner has encountered higher than expected development costs, through no fault of its own, and has increased the number and size of the homes in the Development—would cause substantial hardship to Petitioner and violate the principles of fairness. Permitting this change in Development would also serve the underlying purpose of the statute.

### 2. **Recommendation**

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-38.0026(4)(a), Florida Administrative Code (2005) and Section 111(B) of the 2005 PLP Application, to permit Petitioner to set aside 50 percent of the Development's total units to households with incomes not exceeding 80% Area Median Income and the remaining units to households with incomes not exceeding 120% Area Median Income.

# LEGAL

## Consent

### B. In Re: Silurian Pond, Ltd. - FHFC Case No. 2007-067VW

<b>Development Name: (“Development”):</b>	<b>Silurian Pond Application No. 2006-358HR</b>
<b>Developer/Principal: (“Developer”):</b>	<b>TCG Silurian Pond Development, LLC Circle, Inc.</b>
<b>Number of Units: 72</b>	<b>Location: Escambia County, FL</b>
<b>Type: Garden Apartments</b>	<b>Set Aside: 25% at 35% AMI 75% at 60% AMI</b>
<b>Demographics: Family</b>	<b>RRLP: \$ 8,000,000</b>
	<b>Supplemental Loan: \$1,240,000</b>
	<b>Supplemental MMRB: \$9,000,000</b>

#### 1. Background

- a) During the 2006 Rental Recovery Loan Program Cycle (“RRLP Cycle”), Silurian Pond, Ltd. (“Petitioner”) applied for and was awarded Rental Recovery Loan Program (“RRLP”) and Supplemental Multifamily Mortgage Revenue Bonds (“MMRB”) funds to finance the construction of Silurian Pond (the “Development”) located in Escambia County, Florida.
- b) On November 9, 2007, Florida Housing received a “Petition for Waivers of Rules 67ER06-27.003(14)(e) and 67-21.003(14)(e) to Modify the Site of the Silurian Pond Development” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit B](#).
- c) Rule 67ER06-27.003(14)(e), F.A.C. (2006), provides in pertinent part:

Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline...

Those items are as follows:

- (e) Site for the Development;

- d) Rule 67-21.003(14)(e), F.A.C. (2006), provides in pertinent part:

Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline...

Those items are as follows:

- (e) Site for the Development;

- e) When Petitioner submitted its Application during the 2006 RRLP Cycle, the Development was intended to be situated within a 19.41-acre parcel as more particularly described in said submitted Application. Subsequent to submitting its application, Petitioner has determined that the proposed Development can be constructed on approximately 14.91 acres within said 19.41-acre parcel.



## LEGAL

### *Consent*

- f) On November 21, 2007, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has received no comments concerning 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 neither the location of the Development nor its Tie-Breaker Measurement Point (“TBMP”) will be changed. Thus, Petitioner will obtain no advantage should Florida Housing grant its request. Moreover, if Petitioner’s request is granted, it will reduce construction costs for the Development.
- i) 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 has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute.

### 2. **Recommendation**

Staff recommends the Board **GRANT** Petitioner’s request for a waiver of Rules 67ER06-27.003(14)(e) and 67-21.003(14)(e), to allow Petitioner to change the legal description of the site for the Development to the 14.91-acre tract, which is a portion the original 19.41-acre tract.

## LEGAL

### Consent

#### C. In Re: Spanish Trace Housing, Ltd. - FHFC Case No. 2007-061VW

<b>Development Name: (“Development”):</b>	<b>Spanish Trace Apartments, 2005-019BS</b>
<b>Developer/Principal: (“Developer”):</b>	<b>The Richman Group of Florida, Inc.</b>
<b>Number of Units: 120</b>	<b>Location: Hillsborough County</b>
<b>Type: Garden Apartments</b>	<b>Set Asides: 85% at 60% AMI (MMRB) 100% at 60% AMI (SAIL/HC)</b>
<b>Demographics: Family</b>	<b>SAIL: \$3,000,000</b>
<b>MMRB: \$6,740,000</b>	<b>Credits (4%): \$450,006</b>

#### 1. Background

- a) During the 2005 Universal Cycle, Spanish Trace Housing, Ltd. (“Petitioner”) applied for and was awarded Multifamily Mortgage Revenue Bonds (MMRB), a State Apartment Incentive Loan (“SAIL”), and non-competitive housing credits (“HC”) to fund the construction of a 120-unit family development, known as Spanish Trace Apartments, located in Hillsborough County, Florida (the “Development”).
- b) On September 26, 2007, Florida Housing received “Petition for Variance of Rule 67-21.008(1)(b), Florida Administrative Code (2005)” (the “Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit C](#).
- c) Rule 67-21.008(1)(b) Florida Administrative Code (2005)<sup>2</sup>, states in pertinent part:

Each Mortgage Loan for a Development made by the Corporation shall:

- (b) Provide for a fully amortized payment of the Mortgage Loan in full beginning on the earlier of 36 months after closing, or stabilized occupancy, or conversion to permanent financing under the loan documents and ending no later than the expiration of the useful life of the property, and in any event, no later than 45 years from the dated of the Mortgage Loan.
- d) Petitioner requests a variance from the above provision to allow it to delay the commencement of the fully amortized payment of the Mortgage Loan for an additional 72 months beyond the 36 month commencement currently allowed under the Rule. Petitioner has requested this extension because it has received approval from Citicorp USA, Inc. for a nine (9) year interest-only period. Petitioner is requesting the additional time in order to allow sufficient times for rents to stabilize prior to servicing the principal indebtedness.
- e) On October 12, 2007, the Notice of the Petition was published in Volume 33, Number 41, of the [Florida Administrative Weekly](#). Florida Housing received no comments regarding the Petition.

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<sup>2</sup> No similar provision applies to the rules governing the SAIL or Housing Credit programs under 67-48, therefore no variance from Chapter 67-48, F.A.C. is necessary for this request.

## **LEGAL**

### ***Consent***

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

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

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

- b) 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 has negotiated a nine (9) year interest only period with its lender to allow sufficient time for rents to stabilize prior to servicing the principal indebtedness. Petitioner has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute because it will ensure economic the viability of the Development.

#### **3. Recommendation**

Staff recommends the Board **GRANT** the Petitioner's request for a variance from Rule 67-21.008(1)(b), F.A.C. (2005) to allow Petitioner to delay the commencement of the fully amortized mortgage payments for an additional 72 month period beyond the 36 month period currently allowed under the Rule.

# LEGAL

## Consent

### D. In Re: McCurdy Center, Ltd. - FHFC Case No. 2007-064VW

<b>Development Name: (“Development”):</b>	<b>McCurdy Center</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Greater Miami Neighborhoods, Inc. McCurdy Senior Housing Corp.</b>
<b>Number of Units: 92</b>	<b>Location: Belle Glade</b>
<b>Type: Garden Apartments</b>	<b>Set Aside: 24% at 30% AMI 76% at 60% AMI</b>
<b>Demographics: Homeless</b>	<b>Credits: \$1,363,350</b>
	<b>SAIL: \$1,750,000</b>

#### 1. Background

- a) During the 2005 Universal Cycle, McCurdy Center, Ltd., (“Petitioner”) applied for and was awarded competitive low-income housing tax credits (“Housing Credits”) and a State Apartment Incentive Loan (“SAIL”) to finance the construction of McCurdy Center (the “Development”) located in Belle Glade County.
- b) On November 6, 2007, Florida Housing received a “Petition for Waiver of Rule 67-48.004(14) and Rule 67-48.004(1)(a) and Part II.A.2.A.(1) and (2) of the Universal Application Instructions for a Change in the Identity of the Petitioner’s Developer and the Petitioner’s Ownership Structure; and a Change in Development Site” (“Petition”). The Petition is attached hereto as [Exhibit D](#).
- c) Rule 67-48.004(1)(a), Florida Administrative Code (2005), provides in pertinent part:

(1) When submitting an Application, Applicants must utilize the Universal Application in effect at the Application Deadline.

(a) The Universal Application Package or UA1016 (Rev. 1-05) is adopted and incorporated herein by reference and consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or available, without charge, on the Corporation’s Website under the 2005 Universal Application link labeled Instructions and Application, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the SAIL, HOME, HC, or SAIL and HC Program(s).

- d) Rule 67-48.004(14), Florida Administrative Code (2005), 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:

...(b) Identity of each Developer, including all co-Developers;

## LEGAL

### *Consent*

- e) Rule 67-48.004(14)(e), Florida Administrative Code (2005), 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:
- (e) Site for the Development;
- f) Part II.A.2.a.(1) and (2), of the 2005 Universal Application Instructions provides in pertinent part:
- (1) If applying for HC, the Applicant must be a limited partnership (including a limited liability limited partnership) or a limited liability company. The Applicant entity shall be the recipient of the Housing Credits and cannot be changed until after a Final Housing Credit Allocation has been issued. Replacement of the Applicant or a material change (33.3% 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 this time shall be deemed a material misrepresentation. Changes to the limited partner of a limited partnership will not result in disqualification.
- (2) If applying for MMRB, SAIL, or HOME, 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% 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 this time shall result in disqualification from receiving funding and shall be deemed a material misrepresentation. Changes after loan closing will require Board approval.
- g) Petitioner requests a variance or waiver to the above provisions to allow Greater Miami Neighborhoods, Inc. to withdraw as co-Developer of the project and also for its wholly-owned subsidiary, GMN McCurdy, Inc., to withdraw as co-General Partner of the Development. The Petition further requests that Landmark Development Corporation be added as co-Developer of the Development. The requested change would result in Landmark Development Corporation and McCurdy Senior Housing Corporation serving as co-Developers and McCurdy Center GP, Inc. serving as the sole General Partner (a 0.01% interest) of the Applicant entity.
- h) Petitioner requests a waiver of Rule 67-48.004(14)(e), F.A.C. (2005) to allow a change in Development site to allow a possible future transfer of unnecessary portions of the Project site. Petitioner has demonstrated that it originally intended a single-phase Project at the time it submitted its Application. However, it has later determined that a multi-phase development could be developed.

## LEGAL

### *Consent*

- i) On November 16, 2007, the Notice of the Petition was published in Volume 33, Number 46, of the Florida Administrative Weekly. Florida Housing received no comments regarding the Petition.

### 2. Present Situation

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

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

- b) Petitioner has demonstrated that Greater Miami Neighborhoods, Inc. and GMN McCurdy, Inc., its wholly owned subsidiary are experiencing financial and operational difficulties and are in the process of reorganizing and winding up its business operations, and are therefore unable to fulfill its obligations to the Development. Petitioner has also demonstrated that Landmark Development Corporation possesses the requisite Developer experience.
- c) Petitioner has demonstrated that its request for change in the Site for the Development would not affect the original scoring of its Application; Petitioner has submitted a new Surveyor Certification supporting this fact.
- d) 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 in that unless the petition is granted, Petitioner will not be able to complete construction of the Development. Petitioner has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute.

### 3. Recommendation

Staff recommends the Board **GRANT** the Petitioner's request for a waiver of Rules 67-48.004(14), 67-48.004(1)(a), Florida Administrative Code (2005), and Part II.A.2.A.(1) and (2) of the 2005 Universal Application Instructions to allow Petitioner to change its ownership and developer structure by allowing Greater Miami Neighborhoods, Inc. to withdraw as co-Developer and GMN McCurdy, Inc. to withdraw as co-General Partner. Further, staff recommends the Board **GRANT** the Petitioner's request to add Landmark Development Corporation as co-Developer. Finally, staff recommends the Board **GRANT** the Petitioner's request to allow the Development to be developed on the tract identified by the survey attached to its Petition, which is a portion of originally contemplated tract.

## LEGAL

### Consent

#### E. In Re: Harding Village, Ltd. - FHFC Case No. 2007-065VW

<b>Development Name: (“Development”):</b>	<b>Harding Village Application No. 2003-016CS</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Carrfour Supportive Housing, Inc.</b>
<b>Number of Units: 93</b>	<b>Location: Miami-Dade, FL</b>
<b>Type: Single Room Occupancy (SRO)</b>	<b>Set Aside: 16% at 30% AMI 84% at 60% AMI</b>
<b>Demographics: Homeless</b>	<b>HC: \$497,510 SAIL: \$2,000,000</b>

#### 1. Background

- a) During the 2003 Universal Cycle, Harding Village, Ltd. (“Petitioner”) applied for and was awarded Housing Credits (“HC”) and a State Apartment Incentive Loan (“SAIL”) to finance the rehabilitation of Harding Village (the “Development”) located in Miami-Dade County, Florida.
- b) On November 6, 2007, Florida Housing received a “Petition for Variance/Waiver from Florida Administrative Code Rule 67-48.004(14)” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit E](#).
- c) Rule 67-48.004(14), F.A.C. (2003), provides in pertinent part:

Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline...

Those items are as follows:

  - (i) Total Number of Units;
  - (l) Funding Request (except for Taxable Bonds) amount...
- d) When Petitioner submitted its Application during the 2003 Universal Cycle, the Development was intended to be a 93-unit single-room occupancy for the homeless. The development was intended to consist of 92 units for residents and one manager’s unit. Petitioner claims that, as a result of a zoning dispute with the City of Miami Beach in connection with the issuance of a final certificate of occupancy, it was forced to reduce the total number of units to 92. Petitioner requests waiver of the above rules to allow it to convert the manger’s unit into a common office space to be utilized for the provision of the Development’s on-site supportive services to residents.
- e) If this request is granted, Petitioner also seeks to proportionately reduce its annual tax credit allocation by the amount of \$5,349.57. Petitioner will set aside one additional unit to a tenant with an income not in excess of 30% of area median income.
- f) On November 16, 2007, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has received no comments concerning the Petition.

## LEGAL

### *Consent*

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

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

- h) Petitioner has demonstrated that the need for this change was precipitated by the unanticipated action of the local government and thus by no fault of the Petitioner. Also, the unit reduction will only eliminate a manager's unit and will result in no loss to tenants.
- i) 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 has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute.

### 2. **Recommendation**

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-48.004(14), to allow Petitioner to convert the manager's unit into a common office area which will be used to provide on-site supportive services for tenants and allow Petitioner to set aside one additional unit for a resident with an income not exceeding 30% Area Median Income. Staff further recommends the Board **GRANT** Petitioner's request to return the proportionate amount of tax credits (\$5,349.57) resulting from the unit reduction.



## MULTIFAMILY BONDS

### *Consent*

#### VI. MULTIFAMILY BONDS

##### A. Request Approval Of The Final Credit Underwriting Report For Valencia Pointe Apartments

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Valencia Pointe Apartments</b>
<b>DEVELOPER/PRINCIPAL (“Applicant”):</b>	<b>Valencia Pointe Associates, Ltd./Cornerstone Valencia Pointe, LLC/Cornerstone Group Development, LLC/Jorge Lopez/Stuart I Myers/Leon J. Wolfe/Mara S. Mades</b>
<b>NUMBER OF UNITS:</b>	<b>148</b>
<b>LOCATION (“County”):</b>	<b>Miami-Dade</b>
<b>TYPE (Rental, Homeownership):</b>	<b>Rental/Family (MMRB, SAIL and HC)</b>
<b>SET ASIDE:</b>	<b>4% @ 33% (ELI, MMRB, SAIL, HC) 60% @ 60% (MMRB, SAIL, HC)</b>
<b>ALLOCATED AMOUNT:</b>	<b>\$10,500,000 of Tax-Exempt Bonds and \$ 5,000,000 SAIL \$ 510,000 ELI</b>

##### 1. Background

Applicant submitted an application (“Application”) on behalf of the proposed Development during the 2007 Universal Cycle. Applicant applied for tax-exempt bonds in the amount of \$10,500,000, SAIL funds in the amount of \$5,000,000 and ELI funds in the amount of \$1,275,000 in order to construct the Development.

##### 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 advise it of any such changes.
- b) Due to equipment size and available space, the developer has requested a change in features in the 2 and 3 bedroom units where in lieu of a water heater with .93 energy factor and an A/C handler with a SEER rating of 14 (2 points total) the developer proposes to provide a gated community with a carded entry system and ceramic tile bathrooms floors in all units (2 points total) as well as green features such as programmable thermostats, Energy Star rated reversible ceiling fans in all bedrooms and living areas, showerheads that use 2.5 gallons of water per minute or less and Energy Star rating for all windows.
- c) Total Development costs have increased by \$2,713,920 primarily due to an increase in hard construction costs and land carry cost.
- d) The 10% of all units at 33% set-aside was predicated on receiving \$2,275,000 in ELI funds. The development was only awarded 40% of that amount (\$510,000) thus the corresponding 33% set-aside commitment was reduced to an equivalent 4% of all units.
- e) A Final Credit Underwriting Report dated November 20, 2007, is attached as [Exhibit A](#).

## MULTIFAMILY BONDS

### *Consent*

#### 3. **Recommendation**

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Report dated November 20, 2007 recommending that \$10,500,000 in bonds, \$5,000,000 in SAIL funds, and \$510,000 in ELI funds be issued for the purpose of constructing 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*

**B. Request Approval To Change The HOME And MMRB Set Asides For Casa Santa Marta, Desoto Towers And Lutheran Apartments**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Casa Santa Marta, DeSoto Towers and Lutheran Apartments</b>
<b>DEVELOPER/PRINCIPAL (“Applicant”):</b>	<b>St. Martha’s Housing, Inc./ BREC Development, Inc./ Desoto Towers, Inc./Lutheran Residences, Inc./Federal Housing Administration-Section 221 and Section 231 Guarantees</b>
<b>NUMBER OF UNITS:</b>	<b>78, 204, 225</b>
<b>LOCATION (“County”):</b>	<b>Sarasota, Manatee, Pinellas</b>
<b>TYPE (Rental, Homeownership):</b>	<b>Rental/Elderly (MMRB)(HOME)</b>
<b>SET ASIDE:</b>	<b>40% @ 60% (MMRB) (All Developments) Total HOME Set Aside per Development Casa Santa Marta_ 36% DeSoto Towers – 63% Lutheran - 51% Of the Set Aside Units: 20% @ 50% Of HOME-Assisted Units 80% @ 60% Of HOME-Assisted Units</b>
<b>ALLOCATED AMOUNT:</b>	<b>\$4,338,500 of Tax Exempt Bonds and \$2,500,000 HOME Loan (Casa Santa Marta) \$2,137,500 of Tax-Exempt Bonds and \$5,200,000 HOME Loan (DeSoto Towers) \$2,067,500 of Tax-Exempt Bonds and \$2,500,000 HOME Loan (Lutheran)</b>
<b>ADDITIONAL COMMENTS: Change HOME and MMRB Set Aside Units for Casa Santa Marta, DeSoto Towers and Lutheran Apartments</b>	

**1. Background**

- a) Applicant submitted responses on behalf of the proposed Developments for Request for Proposals 2005-03 and 2005-09 on June 22, 2005 and January 19, 2006, respectively. Applicants applied for tax-exempt bonds in the amount of \$4,338,500 for Casa Santa Marta, \$2,137,500 for DeSoto Towers and \$2,067,500 for Lutheran Apartments in order to refinance and rehabilitate the Development. Applicants also submitted requests for HOME loans in the amount of \$2,500,000 for Casa Santa Marta, \$5,200,000 for DeSoto Towers and \$2,500,000 for Lutheran Apartments.
- b) On June 22, 2007, March 16, 2007 and December 15, 2006 Florida Housing approved the final credit underwriting reports for the financing of the Development’s tax exempt bonds and HOME financing.

## MULTIFAMILY BONDS

### *Consent*

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

- a) On November 19, 2007, attached as [Exhibit B](#), First Housing Development Corporation (First Housing), the HUD Lender for the respective Developments requested the reduction of the HOME and MMRB set asides for all Developments. It has been determined that the original set asides approved by Florida Housing would cause many of the elderly tenants to be displaced.
- b) Attached as [Exhibit C](#) is the Final Credit Underwriting Recommendation letter, dated November 19, 2007. The credit underwriter concludes these changes are not material to the original Credit Underwriting Reports, pose no adverse risk to Florida Housing funds or to the success of the Developments.
- c) The credit underwriter's recommendations for MMRB set asides will result in a change from 85% of the units at 60% or less of area median income (AMI) for Casa Santa Marta and Lutheran Apartments to 40% of the units at 60% of AMI. The MMRB set asides of 20% of the units at 50% of AMI and 55% of the units at 80% of AMI for DeSoto Towers will also change to 40% of the units at 60% of AMI. In addition, the total HOME set asides for each Development will be changed from 100% of the units in each Development to a total of 36% of the units for Casa Santa Marta, 63% of the units for DeSoto Towers and 51% of the units for Lutheran Apartments.

#### 3. **Recommendation**

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Recommendation letter, dated November 19, 2007, recommending the change of the HOME and MMRB set asides for all Developments, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and appropriate Florida Housing staff.

## MULTIFAMILY BONDS

### *Consent*

C. **Request Approval To Allow A \$2,600,000 Freddie Mac Loan As Subordinate Financing For Lighthouse Bay Apartments**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Lighthouse Bay Apartments</b>
<b>DEVELOPER/PRINCIPAL (“Applicant”):</b>	<b>Lighthouse Bay Holdings, Ltd./Lighthouse Bay, Inc./Steven Leaffer/William O’Connell/Peter O’Connell</b>
<b>NUMBER OF UNITS:</b>	<b>320</b>
<b>LOCATION (“County”):</b>	<b>Hillsborough</b>
<b>TYPE (Rental, Homeownership):</b>	<b>Rental/Family (MMRB, SAIL and HC)</b>
<b>SET ASIDE:</b>	<b>35% @ 80% 65% @ 150%</b>
<b>ALLOCATED AMOUNT:</b>	<b>\$8,800,000 of Tax-Exempt Bonds \$1,750,000 of Taxable Bonds</b>
<b>ADDITIONAL COMMENTS: Subordinate Financing</b>	

1. **Background**

In 2002 Florida Housing issued \$8,800,000 in tax-exempt bonds and \$1,275,000 in taxable bonds to refund the existing bonds for the Development.

2. **Present Situation**

- a) The Applicant, in a letter dated October 8, 2007, attached as [Exhibit D](#), requested approval of the addition of subordinate financing to the Development. This will be used to upgrade and repair the existing siding and underlying damage that now exists.
- b) The Credit Underwriter has reviewed the request and by letter, dated November 19, 2007, attached as [Exhibit E](#) recommends that Florida Housing approve the request.

3. **Recommendation**

That the Board approve a \$2,600,000 Freddie Mac Loan As Subordinate Financing for 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*

#### D. Request Approval Of A LURA Amendment For Tuscany Pointe Apartments

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Tuscany Pointe Apartments</b>
<b>DEVELOPER/PRINCIPAL (“Developer” or “Owner”):</b>	<b>El Ad Group Florida, LLC/Landmark Residential LLC/El-Ad Tuscany Pointe, LLC/Kings Horizon Place, LLC/Kings General Partners III LLC</b>
<b>NUMBER OF UNITS:</b>	<b>304</b>
<b>LOCATION (“County”):</b>	<b>Hillsborough</b>
<b>TYPE (“Rental, Homeownership”):</b>	<b>Rental</b>
<b>SET ASIDE:</b>	<b>30% @ 50%</b>
<b>ALLOCATED AMOUNT:</b>	<b>\$12,470,000 of Tax-Exempt Bonds</b>
<b>ADDITIONAL COMMENTS: Amendment to the Land Use Restriction Agreement (LURA)</b>	

#### 1. Background

In 1983, Florida Housing financed the construction of the Development with \$12,470,000 in tax-exempt bonds, designated as 1983 Series F.

#### 2. Present Situation

- a) The Purchaser’s counsel, in a letter dated September 17, 2007, attached as [Exhibit F](#) requests approval for conversion of a smaller laundry room to a conference room/business center.
- b) The Credit Underwriter has reviewed the request and by letter, dated November 19, 2007, attached as [Exhibit G](#) recommends that Florida Housing approve the request.

#### 3. Recommendation

That the Board approve LURA Amendment for 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*

### **E. Assignment Of Bond Underwriters And Structuring Agents**

#### **1. Background**

- a) Pursuant to staff's request for approval to issue bonds to finance the construction of the proposed Development referenced below, a Final Credit Underwriting Report is being presented to the Board for approval simultaneously with this request to assign the appropriate professionals to this transaction. A brief description of the Development is detailed below along with the Staff's recommendation for the assignment.
- b) Additionally, the Corporation's Senior Financial Advisor has prepared a method of bond sale letter. Staff has reviewed the method of sale letter and Board approval is requested at the current meeting.

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

- a) The Credit Underwriters, the Senior Financial Advisor and Florida Housing staff have reviewed the financing structure for the proposed Development.
- b) The Senior Financial Advisor's recommendation for the methods of bond sale is being presented to the Board at the current meeting during the Multifamily Mortgage Revenue Bond Program Update of items on the agenda.

#### **3. Recommendation**

That the Board approve the assignment of the recommended professionals as shown in the chart for the proposed Development.

<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>Valencia Pointe</b>	<b>Miami-Dade</b>	<b>148</b>	<b>Private Placement</b>	<b>Morgan Keegan &amp; Company, Inc.</b>

# MULTIFAMILY BONDS

## *Consent*

### **F. Request Approval Of The Method Of Bond Sale Recommendation From Florida Housing's Senior Financial Advisor**

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

- a) The Credit Underwriter has provided a Final Credit Underwriting Report 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 Senior Financial Advisor in order to make a recommendation to the Board for the method of bond sale.
- c) TIBOR PARTNERS, Inc. has prepared an analysis and recommendation for the method of bond sale for the Development. The recommendation letter is attached as [Exhibit H](#).

<b>Development Name</b>	<b>Location of Development</b>	<b>Number of Units</b>	<b>Method of Bond Sale</b>
<b>Valencia Pointe</b>	<b>Miami-Dade</b>	<b>148</b>	<b>Private Placement</b>

#### **2. Recommendation**

That the Board approve the recommendation of the Senior Financial Advisor for the method of bond sale for the above Development.



## MULTIFAMILY BONDS

### *Consent*

#### G. Request Approval To Change Application Amenities For Villas At Carver Park Apartments

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Villas at Carver Park Apartments</b>
<b>DEVELOPER/PRINCIPAL (“Applicant”):</b>	<b>The Villas at Carver Park, LLLP/The Villas at Carver Park GP, LLC/The Villas at Carver Park, Inc./Findlay Development, LLC/Findlay, LLC/Chris Findlay</b>
<b>NUMBER OF UNITS:</b>	<b>64</b>
<b>LOCATION (“County”):</b>	<b>Orange</b>
<b>TYPE (Rental, Homeownership):</b>	<b>Rental/Elderly (MMRB and HC)</b>
<b>SET ASIDE:</b>	<b>100% @ 50% (MMRB and HC)</b>
<b>ALLOCATED AMOUNT:</b>	<b>\$6,700,000 of Tax-Exempt Bonds</b>
<b>ADDITIONAL COMMENTS: Change in Application Amenities</b>	

#### 1. Background

- a) Applicant submitted an application (“Application”) on behalf of the proposed Development during the 2006 MMRB Supplemental Cycle. Applicant applied for tax-exempt bonds in the amount of \$6,700,000 in order to construct the Development.
- b) On July 27, 2007, Florida Housing approved the final credit underwriting report for the financing of the Development’s tax exempt bonds.

#### 2. Present Situation

- a) On November 6, 2007, attached as [Exhibit I](#), the Developer requested to change their selection of “two or more parking spaces per unit” in the Application to “library consisting of a minimum of 100 books and 5 current magazine subscriptions”. Both items are of equal value in scoring the Application.
- b) Attached as Exhibit J is the Final Credit Underwriting Recommendation letter, dated November 19, 2007. The credit underwriter concludes the change would not have an adverse impact on the proposed Development.

#### 3. Recommendation

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Recommendation letter, dated November 19, 2007, recommending the change of amenities for the Villas at Carver Park Development, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and appropriate Florida Housing staff.

**PREDEVELOPMENT LOAN PROGRAM (PLP)**

*Consent*

**VII. PREDEVELOPMENT LOAN PROGRAM (PLP)**

**A. Request Approval of Credit Underwriting Report for Escambia County Community Land Trust, Inc., a not-for-profit, for ECCLT Affordable Housing Development Phase I (05-091)**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>ECCLT Affordable Housing Development Phase I</b>
<b>APPLICANT/DEVELOPER (“Developer”):</b>	<b>Escambia County Community Land Trust, Inc., a not-for-profit entity</b>
<b>NUMBER OF UNITS:</b>	<b>20</b>
<b>LOCATION (“County”):</b>	<b>Escambia County</b>
<b>TYPE:</b>	<b>Homeownership</b>
<b>SET ASIDE:</b>	<b>100% @ 80% AMI</b>
<b>PLP LOAN AMOUNT:</b>	<b>\$281,666</b>
<b>ADDITIONAL COMMENTS: The development will be comprised of townhome units.</b>	

**1. Background**

- a) On December 20, 2005, Florida Housing Finance Corporation issued an Invitation to Participate in the PLP program to the Developer.
- b) On April 21, 2006, the Board approved the development plan and budget submitted by the Technical Assistance Provider (TAP) recommending a loan of \$500,000 for eligible PLP expenses. Staff was authorized to proceed with loan closing activities for \$121,700 which represented the non-site acquisition portion of the loan, with the remaining \$378,300 pending a positive recommendation from the Credit Underwriter for site acquisition.

**2. Present Situation**

- a) The recommended loan amount for site acquisition has been lowered to \$160,000 due to a reduction in the sales price of land for the development as a result of a change from multiple sites to one development site and an appraisal of said site conducted during the credit underwriting process.
- b) On November 6, 2007, Staff received a Credit Underwriting Report with a positive recommendation for a PLP Loan in the amount of \$281,666, subject to the conditions outlined in the report ([Exhibit A](#)). Of this \$281,666, \$160,000 is recommended for approval for site acquisition. The remaining \$121,666 reflects the amount previously approved for non-site acquisition minus a \$34 reduction due to an overpayment on a credit underwriting fee.

**3. Recommendation**

Approve the Credit Underwriter’s final recommendation and authorize staff to proceed with loan closing activities on the site acquisition portion of the PLP Loan in the amount of \$160,000.

## PREDEVELOPMENT LOAN PROGRAM (PLP)

### *Consent*

#### B. Request Approval of PLP Loan Extension for Marian Manor (PLP 03-046)

<b>DEVELOPMENT NAME</b> ("Development"):	Marian Manor
<b>APPLICANT/DEVELOPER</b> ("Developer"):	Catholic Charities Housing, Diocese of Venice, Inc., a not-for-profit corporation
<b>CO-DEVELOPER:</b>	n/a
<b>NUMBER OF SET-ASIDE UNITS:</b>	32
<b>LOCATION ("County"):</b>	Charlotte County
<b>TYPE:</b>	Rental
<b>SET ASIDE:</b>	60% @ 60% AMI
<b>PLP LOAN AMOUNT:</b>	\$500,000

#### 1. Background

On February 28, 2005, the Developer closed on a PLP Loan in the amount of \$500,000. To date, the Developer has drawn \$408,498.15 for eligible predevelopment expenses. There is a remaining principal balance of \$91,501.85.

#### 2. Present Situation

- a) On June 12 and November 6, 2007, Florida Housing's Special Assets Department sent the Developer letters informing of the approaching maturity (February 28, 2008) of its PLP Loan.
- b) On September 28, 2007, staff received correspondence from the Developer requesting to extend the term of the PLP Loan ([Exhibit B](#)).
- c) The Developer applied for HOME Rental Funding in the 2007 Universal Application and met all threshold requirements, however, was not funded due to all HOME funds being allocated to an applicant ranked higher than Marian Manor. The Developer has indicated that they will apply for HOME Rental funding in the 2008 Universal Cycle, apply for Special Needs funds that may be available in the early part of 2008, and apply for county funding to fund the construction of this development.
- d) The TAP has recommended the extension approval ([Exhibit C](#)).
- e) Staff has reviewed the request and believes that the extension is necessary in order to allow the Developer to pursue permanent funding.

#### 3. Recommendation

Approve the Developer's request for an extension to the maturity date from February 28, 2008, to February 28, 2009 for Marian Manor.

**STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)**

*Consent*

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

**A. Request Approval to Exchange Amenities for /Sunrise Place aka Southwood Apartments, Cycle XV (2003-012S)**

<b>Development Name: Sunrise Place aka Southwood Apartments (“Development”)</b>	<b>Location: Leon County</b>
<b>Community Housing Partners Corporation (“Developer”)</b>	<b>Set-Aside: 100% @ 50% AMI</b>
<b>Number of Units: 99</b>	<b>Allocated Amount: \$900,000</b>
<b>Type: Garden Style</b>	<b>Housing Credit Equity: N/A</b>
<b>Demographics: Family</b>	

**1. Background/Present Situation**

- a) On August 15, 2005, a SAIL loan in the amount of \$900,000 closed for this 99-unit family Development in Leon County.
- b) On October 23, 2007, staff received a letter from the Developer requesting that the requirement for marble window sills be exchanged for a 30-year life expectancy roof ([Exhibit A](#)). The 30-year life expectancy roof has a point value of two points and the marble window sills have a point value of one point causing no negative effect on the points allotted.
- c) On October 24, 2007, staff received a review from the credit underwriter with a positive recommendation for the exchange of amenities ([Exhibit B](#)).

**2. Recommendation**

Approve the request to exchange the amenities and direct staff to proceed with amending the Land Use Restriction Agreement.

## STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

### *Consent*

#### B. Request Approval of Credit Underwriting Report for Valencia Pointe, Cycle XVIII (2007-183BS)

<b>Development Name: Valencia Pointe (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Cornerstone Group Development, LLC. (“Developer”)</b>	<b>Set-Aside: 4% @ 33% AMI and 60% @ 60% AMI</b>
<b>Number of Units: 148</b>	<b>Allocated Amount: \$5,000,000 SAIL and \$510,000 Supplemental</b>
<b>Type: Six Three-Story Garden Style Apartment Buildings</b>	<b>Housing Credit Equity \$7,766,000</b>
<b>Demographics: Family</b>	<b>MMRB: \$10,500,000</b>

#### 1. Background/Present Situation

- a) On September 21, 2007, the Board approved the final scores and ranking for the 2007 Universal Application Cycle and directed staff to proceed with all necessary credit underwriting activities.
- b) On October 1, 2007, staff issued a preliminary commitment letter and an invitation to enter credit underwriting for a SAIL loan in an amount up to \$5,000,000 and a Supplemental loan in the amount of \$510,000 for this 148-unit family development located in Miami-Dade County. The Development was also awarded an MMRB allocation.
- c) The credit underwriting report is addressed in the MMRB section of this board package. Staff has reviewed this report and finds that the Development meets all of the requirements of SAIL Rule Chapter 67-48, F.A.C.

#### 2. Recommendation

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

## STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

### *Consent*

C. **Request Approval of Additional Source of Funding for Royalton, Cycles XVI and XVII (2004-037CS/2005-048S)**

<b>Development Name: Royalton (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Royalton Development, LLC and Carrfour (“Developer”)</b>	<b>Set-Aside: 16% @ 30% AMI and 84% @ 60% AMI</b>
<b>Number of Units: 100</b>	<b>Allocated Amount: \$2,000,000 (2004) and \$1,000,000 (2005)</b>
<b>Type: Single Room Occupancy (SRO)</b>	<b>Housing Credit Equity: \$7,832,434</b>
<b>Demographics: Homeless</b>	<b>Historic Tax Credit Equity: \$1,823,407</b>
<b>MMRB: N/A</b>	

1. **Background/Present Situation**

- a) On October 11, 2006, a SAIL loan in the amount of \$3,000,000 for this 100-unit homeless Development in Miami-Dade County closed.
- b) On October 22, 2007, staff received a letter from the Borrower requesting approval of an additional source of funding in the form of a Homeless Housing Assistance Grant from the Department of Children and Families ([Exhibit C](#)).
- c) On November 19, 2007, staff received a credit underwriting review with a positive recommendation for an additional source of funding in the amount of \$750,000 ([Exhibit D](#)). Staff has reviewed this report and finds that the Development meets all of the requirements of Rule Chapter 67-48, F.A.C.

2. **Recommendation**

Approve the request for an additional source of funding and direct staff to proceed with the modification of closing documents.

## SPECIAL ASSETS

### *Consent*

#### IX. SPECIAL ASSETS

##### A. Request Approval of Extension of Home Loan for Outrigger Village Apartments of Kissimmee, a Florida Limited Partnership, for Outrigger Village Apartments (92HR-007)

<b>Development Name: Outrigger Village (“Development”)</b>	<b>Location: Osceola County</b>
<b>Developer/Principal: Outrigger Village Apartments of Kissimmee/Royal American Development (“Developer”)</b>	<b>Set-Aside: Home 20% @ 50% &amp; 80% @ 80% AMI, HC 100% @ 60% AMI LURA: 15 years; EUA: 30 years</b>
<b>Number of Units: 192</b>	<b>Allocated Amount: Home - \$2,017,130</b>
<b>Demographics: Family</b>	<b>Housing Credits: \$153,586</b>

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

During the 1992 Home Cycle, Florida Housing awarded a \$2,017,130 Home Loan to Outrigger Village Apartments of Kissimmee, a Florida Limited Partnership (“Borrower”), for the acquisition of a 192-unit development in Osceola County. The Home loan closed on December 28, 1992 and will mature on December 28, 2007. The Development also received a 1992 allocation of low-income housing tax credits of \$153,586. The Development was placed in service in March of 1993.

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

In a letter dated October 26, 2007 ([Exhibit A](#)) the Borrower has requested a nine-month Home loan extension to September 28, 2008 to allow the Borrower sufficient time to sell the property to maintain the Development’s affordability. The LURA will also be extended nine-months.

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

Approve the request to extend the Home loan and direct staff to proceed with loan and LURA modification activities.

## SPECIAL ASSETS

### *Consent*

**B. Request Approval of the transfer and assumption of the SAIL loan for Azalea Place Apartments (1999-062S/2000-524C)**

<b>Development Name: Azalea Place Apartments (aka Palm Grove) (“Development”)</b>	<b>Location: Palm Beach County</b>
<b>Developer/Principal: Azalea Place Apartments, Ltd (“Developer”)</b>	<b>Set-Aside: SAIL 50 % @ 50% AMI , 40% @ 60%, 50 years; HC 100% @ 60%, 50 years</b>
<b>Number of Units: 150</b>	<b>Allocated Amount: \$600,000</b>
<b>Demographics: Family (10% Homeless)</b>	<b>Housing Credits: \$ 462,562</b>
<b>Notes:</b>	<b>Servicer: Seltzer Management Group</b>

**1. Background**

During the 1999 Application Cycle, Florida Housing awarded a \$600,000 SAIL construction/permanent loan to Azalea Place Apartments, Ltd., a Florida Limited Partnership (“Borrower”), for the development of a 150-unit development in Palm Beach County. The SAIL loan closed on July 7, 2000 and matures on December 1, 2032. The Development also received a 2000 \$462,562 yearly allocation of low-income housing tax credits.

**2. Present Situation**

- a) In a letter dated September 17, 2007 ([Exhibit B](#)), the Borrower has requested approval of the transfer of the Development and assumption of the SAIL loan.
- b) Staff has received a credit underwriting report from Seltzer Management ([Exhibit C](#)) dated November 19, 2007 providing a positive recommendation for the transfer and assumption of the SAIL loan.

**3. Recommendation**

Approve the transfer of the property and assumption of the SAIL loan as recommended by the Credit Underwriter in the report dated November 19, 2007 with the conditions provided in the credit underwriting report and direct staff to proceed with loan modification activities.