

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
December 8, 2017
Consent Items



DEMONSTRATION LOAN PROGRAM

Consent

I. DEMONSTRATION LOAN PROGRAM

A. Request Approval of Credit Underwriting Report for Emergency Services and Homeless Coalition of St. Johns County, Inc. for Hope for the Homeless Development (2016-404D)

DEVELOPMENT NAME (“Development”):	Hope for the Homeless
APPLICANT/DEVELOPER (“Developer”):	Emergency Services and Homeless Coalition of St. Johns County, Inc.
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	2
LOCATION (“County”):	St. Johns County
TYPE:	Homeless
MINIMUM SET ASIDE:	20% @ 50% AMI
LOAN AMOUNT:	\$485,262
ADDITIONAL COMMENTS: The original loan amount requested by the Applicant was \$600,000.	

1. Background

- a) On September 30, 2016, Request for Applications 2016-106 was issued with the title Homeless Housing Assistance Loan Demonstration Program (HHAL). Seven applications were received by the November 1, 2016 deadline.
- b) On January 19, 2017, the review committee for the HHAL RFA met to discuss the received applications and to develop a recommendation for funding to the Board. During this meeting, four applications were deemed to meet all threshold requirements of the RFA and were recommended for funding.
- c) On February 3, 2017, the Board approved the recommendation of the review committee to fund the four applicants that met all threshold requirements. The Hope for the Homeless application was among those approved.
- d) On March 30, 2017, the Applicant was assigned to a technical assistance provider (TAP) to assist in the submission of a development plan. The development plan was designed as a preliminary step in the process of moving the Applicant to the credit underwriting process.
- e) On June 26, 2017, the TAP submitted the development plan with a recommendation to assign the Applicant to credit underwriting. Staff reviewed and accepted the development plan as sufficient.
- f) On July 31, 2017, the Applicant was invited into credit underwriting and was assigned to the credit underwriter on August 8, 2017.

2. Present Situation

- a) On November 16, 2017, staff received a credit underwriting report ([Exhibit A](#)) recommending the Demonstration Loan in the amount of \$485,262 subject to the conditions listed in the report.

DEMONSTRATION LOAN PROGRAM

Consent

3. Recommendation

- a) Approve the credit underwriting report for the Demonstration Loan in the amount of \$485,262 to Emergency Services and Homeless Coalition of St. Johns County, Inc. for Hope for the Homeless and allow staff to commence with the loan closing process.

HOUSING CREDITS

Consent

II. HOUSING CREDITS

A. Request Approval to Use Related Subcontractors for River Oaks (2016-505C)

Development Name: River Oaks	Location: Miami-Dade County
Applicant/Borrower: River Oaks Partners, Ltd.	Set Aside(s): 100% @ 60% AMI
Developer/Principal: R.O. Developers, LLC	Demographic/Number of units: Family / 160 units
Requested Amounts: \$626,465 4% HC	Development Category/Type: Acquisition & Rehabilitation / Garden

1. Background/Present Situation

- a) River Oaks Partners, Ltd. submitted an application for 4% Housing Tax Credits to be used in conjunction with local bonds to assist in the rehabilitation of a development serving low-income families in Miami-Dade County.
- b) On October 10, 2017, Florida Housing received a letter from the Applicant (Exhibit A) stating that their General Contractor had previously entered into a subcontract with an affiliated party for flooring installation. The letter also included a request for a variance from Rule 67-21.026(13)(f), F.A.C., which requires 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.
- c) The Development has submitted their cost certification and the work in question had been performed at the time of the request. Hard costs for the development totaled \$6,412,966 (per cost certification) and the amount of the related sub-contracted work totaled \$549,429 or 8.6% of the hard costs.
- d) Due to the fact that this information was provided after it occurred, FHFC proposes that a penalty be imposed. The Applicant agrees that no GC Fee or Developer Fee will be paid on the related sub amount. These calculations will be vetted and verified within the final draft of the Cost Certification.

2. Recommendation

- a) Approve the after-the-fact request to allow the use of the related sub-contractor, subject to the additional penalty described herein.

HOUSING CREDITS

Consent

B. Request Approval to Use Related Subcontractors for Coquina Place (2015-520C)

Development Name: Coquina Place	Location: Miami-Dade County
Applicant/Borrower: Coquina Place Associates, Ltd.	Set Aside(s): 100% @ 60% AMI
Developer/Principal: Brookstone Partners, LLC	Demographic/Number of units: Family / 96 units
Requested Amounts: \$8,400,000 MMRB & \$586,829 4% HC	Development Category/Type: New Construction / Garden

1. Background/Present Situation

- a) Coquina Place Associates, Ltd. submitted an application for Florida Housing tax-exempt bond financing and 4% Housing Tax Credits to assist in the construction of a development serving low-income families in Miami-Dade County.
- b) On November 3, 2017, Florida Housing received a letter from the Borrower (Exhibit B) stating that their General Contractor had previously entered into a subcontract with an affiliated party for flooring installation. The letter also included a request for a variance from Rule 67-21.026(13)(f), F.A.C., which requires 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.
- c) The Development has submitted a draft of the cost certification and the work in question had been performed at the time of the request. Hard costs for the development total approximately \$12,467,277 and the amount of the related sub-contracted work totals \$486,900 or 3.9% of the hard costs.
- a) Due to the fact that this information was provided after it occurred, FHFC proposes that a penalty be imposed. The Applicant agrees that no GC Fee or Developer Fee will be paid on the related sub amount. These calculations will be vetted and verified within the final draft of the Cost Certification.

2. Recommendation

- a) Approve the after-the-fact request to allow the use of the related sub-contractor, subject to the additional penalty described herein.

LEGAL

Consent

III. LEGAL

- A. **Brownsville Manor, LP v. Redding Development Partners, LLC, HTG Hammock Ridge, LLC, Florida Housing Finance Corporation, Grove Manor Phase I, LTD., JIC Grand Palms, LLC, Madison Palms, LTD., and RST The Pines, LP, FHFC Case Nos. 2016-0007BP; 2016-0009BP**

Development Name: (“Development”):	Brownsville Manor
Developer/Principal: (“Developer”):	The Paces Foundation, Inc.
Number of Units: 87	Location: Escambia
Type: Mid-Rise, 4-stories	Set Asides: 10% @ 35% AMI 90% @ 60% AMI
Demographics: Elderly	Funding: 9% HC - \$1,510,000

1. Background

- a) This case regards Request For Applications 2015-106, Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties (the “RFA”). On September 3, 2015, Florida Housing issued the RFA soliciting applications for federal low-income housing tax credit funding (tax credits). On January 29, 2016, Florida Housing posted a notice of its intended decision to award funding to eight applicants, including Grove Manor Phase I, LTD (“Grove Manor”), JIC Grand Palms, LLC (“Grand Palms”), Madison Palms, LTD, (“Madison Palms”), and RST The Pines, LP (“The Pines”). While the applications of HTG Hammock Ridge, LLC (“HTG”), Brownsville Manor, LP, (“Brownsville Manor”), and Redding Development Partners, LLC (“Redding”) were deemed to be eligible, they were not entitled to a preliminary award of funding because of their lottery number ranking.
- b) Timely petitions for protest were filed against HTG, Grove Manor, Grand Palms, Madison Palms, and The Pines. The only challenge relevant to the action at hand is Redding’s challenge to the eligibility of the Brownsville application, No. 2016-093C, for failure to provide a Development Location Point (“DLP”) that complies with the DLP requirements for a Scattered Site in the RFA.
- c) All of the issues went to hearing before Administrative Law Judge (“ALJ”) D.R. Alexander with the Division of Administrative Hearings on March 23, 2016. On April 19, 2016, ALJ Alexander issued a Recommended Order. Of note to the current issue, the Recommended Order recommended that the DLP coordinate provided by Brownsville was a material and non-waivable error. Additionally, awarding points to Brownsville under those circumstances would be clearly erroneous and give Brownsville a competitive advantage over other applications. Among other recommendations, the ALJ recommended finding Brownsville ineligible for funding.

LEGAL

Consent

- d) Brownsville timely filed exceptions to the Recommended Order and Redding and Florida Housing filed a joint response to the exceptions. On May 6, 2016, Florida Housing issued a Final Order that adopted the Recommended Order's Findings of Fact, Conclusions of Law, and the Recommendation. A copy of the Final Order is attached as [Exhibit A](#).

2. Present Situation

- a) On June 6, 2016, Brownsville filed a Notice of Appeal with the First District Court of Appeal ("First DCA") to appeal the Final Order. After briefs were filed and oral argument was heard, the First DCA issued its Opinion on August 21, 2017 reversing and remanding the Final Order. A copy of the Opinion is attached as [Exhibit B](#).
- b) In its Opinion, the First DCA concluded that configuration of a proposed development can be fleshed out in the final site plan approval process, which occurs after the application stage during credit underwriting. The Opinion further concluded that "Brownsville complied with all that was required of it at the application stage under the plain and unambiguous terms of the RFA. The Opinion reversed the final order as contrary to the RFA and remanded with instructions to reinstate Brownsville's eligibility for funding."
- c) As is its customary practice, on September 13, 2017, the First DCA entered a Mandate commanding Florida Housing to comply with the Opinion. A copy of the Mandate is attached as [Exhibit C](#).
- d) According to the funding selection process outlined in the RFA, Brownsville should be selected to receive funding. All other selected applications were invited to credit underwriting in May of 2016.

3. Recommendation

- a) As ordered by the First DCA's mandate, the Board must enter an Amended Final Order determining Brownsville eligible for funding and selecting Brownsville for funding under RFA 2015-106.

LEGAL

Consent

B. In Re: Centerra Associates, Ltd. - FHFC Case No. 2017-076VW

Development Name: (“Development”):	Centerra
Developer/Principal: (“Developer”):	Cornerstone Mara Mades
Number of Units: 54	Location: Miami-Dade County
Type: New high-rise	Set Asides: HOME: 11% @ 50% AMI 41% @ 60% AMI 48% @ MR MMRB: 40% @ 60% AMI 60% @ MR 4%: 94% @ 60% 6% @ MR
Demographics: Low income family	4% HC: \$1,004,859 MMRB: \$15,700,000 HOME: \$5,304,000

1. Background

- a) Centerra Associates, Ltd., (“Petitioner”) successfully applied for an award of HOME funding to be used in conjunction with Florida Housing-Issued MMRB and Non-Competitive Housing Credits under Request for Applications 2015-110 (the “RFA”) to assist in the construction of a development serving low-income families in Miami-Dade County. On November 6, 2017, Florida Housing received a Petition for Waiver of Rule 67-48.0072(26), Fla. Admin. Code, to extend the closing date for the HOME loan. A copy of the Petition is attached as [Exhibit D](#).

2. Present Situation

- a) The relevant portion of Rule 67-48.0072(26), Fla. Admin. Code provides as follows:

For SAIL, EHCL, and HOME, that is not in conjunction with Competitive HC, these Corporation loans and other mortgage loans related to the Development must close within 120 Calendar Days of the date of the firm loan commitment(s), unless the Development is a Tax-Exempt Bond-Financed Development which then the closing must occur within 180 Calendar Days of the firm loan commitment(s). Unless an extension is approved by the Board, failure to close the loan(s) by the specified deadline outlined above shall result in the firm loan commitment(s) being deemed void and the funds shall be de-obligated. Applicants may request one (1) extension of the loan closing deadline outlined above for a term of up to 90 Calendar Days.... In the event the Corporation loan(s) does not close by the end of the extension period, the firm loan commitment(s) shall be deemed void and the funds shall be de-obligated.

- b) Petitioner requests a waiver of the above Rule to allow a further extension of the HOME closing deadline. Petitioner was previously granted one 90-day extension of the HOME loan closing deadline pursuant to rule, as well as three additional extensions granted by rule waivers, from December 24, 2016 to December 31, 2017. Petitioner is requesting a further extension of the HOME loan closing date from December 31, 2017 to February 15, 2018. Petitioner

LEGAL

Consent

asserts that the extension is necessary because of delays in the process for obtaining building and development permits due at least partly to the impact of Hurricane Irma on Miami-Dade County. Petitioner is currently scheduled to close on or about December 15, 2017, but seeks this waiver in an abundance of caution should unforeseen additional delays occur.

- c) Petitioner also requests that no further extension fee be imposed. Rule 67-48.0072(26), Fla. Admin. Code, states: “The Corporation shall charge an extension fee of one (1) percent of each Corporation loan amount if the Board approves the request to extend the loan closing deadline beyond the . . . 180 Calendar Day period outlined above.” Petitioner has not provided any justification or explanation for this request.
- d) On November 8, 2017, Notice of the Petition was published in the Florida Administrative Register in Volume 43, Number 217. To date, Florida Housing has received no comments concerning the Petition.
- e) Section 120. 542(2), Fla. Stat., 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) Granting the requested waiver would not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing. Petitioner has demonstrated that it would suffer a substantial hardship if the waiver is not granted. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

3. Recommendation

- a) Staff recommends the Board **GRANT** Petitioner’s request for a waiver of Rule 67-48.0072(26), Fla. Admin. Code, to allow an extension of the HOME loan closing date to February 15, 2018. Staff Recommends the Board **DENY** Petitioner’s request for a waiver of that portion of Rule 67-48.0072(26), Fla. Admin. Code that requires the payment of an extension fee.

LEGAL

Consent

C. In Re: Sunset Pointe Associates, Ltd. - FHFC Case No. 2017-075VW

Development Name: (“Development”):	Sunset Pointe
Developer/Principal: (“Developer”):	Cornerstone Mara Mades
Number of Units: 136	Location: Miami-Dade County
Type: New garden apartments	Set Asides: HOME: 40% @ 60% AMI 60% @ MR 4% HC: 100% @ 60% AMI
Demographics: Low income family	Funding: 4% HC: \$670,172 MMRB: \$9,200,000 HOME: \$4,346,000 Viability Loan: \$625,000

1. Background

- a) Sunset Pointe Associates, Ltd., (“Petitioner”) successfully applied for an award of HOME funding to be used in conjunction with Florida Housing-Issued MMRB and Non-Competitive Housing Credits under Request for Applications 2015-110 (the “RFA”) to assist in the construction of a development serving low-income families in Miami-Dade County. On November 6, 2017, Florida Housing received a Petition for Waiver of Rule 67-48.0072(26), Fla. Admin. Code, to extend the closing date for the HOME loan. A copy of the Petition is attached as [Exhibit E](#).

2. Present Situation

- a) The relevant portion of Rule 67-48.0072(26), Fla. Admin. Code provides as follows:

For SAIL, EHCL, and HOME, that is not in conjunction with Competitive HC, these Corporation loans and other mortgage loans related to the Development must close within 120 Calendar Days of the date of the firm loan commitment(s), unless the Development is a Tax-Exempt Bond-Financed Development which then the closing must occur within 180 Calendar Days of the firm loan commitment(s). Unless an extension is approved by the Board, failure to close the loan(s) by the specified deadline outlined above shall result in the firm loan commitment(s) being deemed void and the funds shall be de-obligated. Applicants may request one (1) extension of the loan closing deadline outlined above for a term of up to 90 Calendar Days.... In the event the Corporation loan(s) does not close by the end of the extension period, the firm loan commitment(s) shall be deemed void and the funds shall be de-obligated.

- b) Petitioner requests a waiver of the above Rule to allow a further extension of the HOME closing deadline. Petitioner was previously granted one 90-day extension of the HOME loan closing deadline pursuant to rule, as well as two additional extensions granted by rule waivers, from December 24, 2016 to December 31, 2017. Petitioner is requesting a further extension of the HOME loan closing date from December 31, 2017 to February 15, 2018. Petitioner asserts that the extension is necessary because of delays in the process for obtaining building and development permits due at least partly to the impact of Hurricane Irma on Miami-Dade County. Petitioner is currently scheduled to

LEGAL

Consent

close on or about December 15, 2017, but seeks this waiver in an abundance of caution should unforeseen additional delays occur.

- c) Petitioner also requests that no further extension fee be imposed. Rule 67-48.0072(26), Fla. Admin. Code, states: “The Corporation shall charge an extension fee of one (1) percent of each Corporation loan amount if the Board approves the request to extend the loan closing deadline beyond the . . . 180 Calendar Day period outlined above.” Petitioner has not provided any justification or explanation for this request.
- d) On November 8, 2017, Notice of the Petition was published in the Florida Administrative Register in Volume 43, Number 217. To date, Florida Housing has received no comments concerning the Petition.
- e) Section 120. 542(2), Fla. Stat., 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) Granting the requested waiver would not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing. Petitioner has demonstrated that it would suffer a substantial hardship if the waiver is not granted. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

3. Recommendation

- a) Staff recommends the Board **GRANT** Petitioner’s request for a waiver of Rule 67-48.0072(26), Fla. Admin. Code, to allow an extension of the HOME loan closing date to February 15, 2018. Staff Recommends the Board **DENY** Petitioner’s request for a waiver of that portion of Rule 67-48.0072(26), Fla. Admin. Code that requires the payment of an extension fee.

LEGAL

Consent

D. In Re: West Lake I, Ltd. - FHFC Case No. 2017-082VW

Development Name: (“Development”):	Twin Lakes Estates Phase 1 f/k/a West Lake Apartments
Developer/Principal: (“Developer”):	HTG West Lake Developer, LLC Matthew Rieger
Number of Units: 100	Location: Polk County
Type: New garden apartments	Set Asides: SAIL/ELI: 10% @ 45% AMI SAIL: 90% @ 60% AMI MMRB: 40% @ 60% AMI 4% HC: 100% @ 60% AMI
Demographics: Elderly	Funding: 4% HC: \$640,816 SAIL: \$5,000,000 ELI Gap: \$294,000 MMRB: \$9,000,000

1. Background

- a) West Lake I, Ltd, (“Petitioner”) successfully applied for an award of SAIL and ELI Gap funding to be used in conjunction with Florida Housing-Issued MMRB and Non-Competitive Housing Credits under Request for Applications 2015-112 (the “RFA”) to assist in the construction of a development serving elderly persons in Polk County. On November 20, 2017, Florida Housing received a Petition for Waiver of Rule 67-21.008(1)(a), Fla. Admin. Code, to allow it to close on its financing even though a mortgage will not have been recorded. A copy of the Petition is attached as [Exhibit F](#).

2. Present Situation

- a) Rule 67-21.008(1)(a), Fla. Admin. Code, provides as follows:
- (1) Each Mortgage Loan for Development made by the Corporation shall:
- (a) Be evidenced by a properly executed Note or other evidence of indebtedness and be secured by a recorded Mortgage;
- b) Petitioner requests a waiver of the above Rule to allow it to close on its bond financing although it will not be secured by a recorded Mortgage at the time of closing. Petitioner asserts that the U.S. Department of Housing and Urban Development (“HUD”) has a declaration of trust on the development property, and that they will be unable to record a mortgage until HUD releases the declaration of trust. Petitioner also asserts that recent actions by the U.S. House of Representatives have created the possibility that private activity bonds may be abolished after December 31, 2017. Because of the need to close on these bonds by December 31, and because of the existence of the HUD declaration of trust, Petitioner asserts that it will not be possible to record a mortgage on the

LEGAL

Consent

property prior to December 31, 2017. Petitioner anticipates that it will be able to record such mortgage early in 2018.

- c) On November 21, 2017, Notice of the Petition was published in the Florida Administrative Register in Volume 43, Number 230. To date, Florida Housing has received no comments concerning the Petition.
- d) Section 120. 542(2), Fla. Stat., 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.
- e) Granting the requested waiver would not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing. Because of the potentially devastating effects that the proposed Congressional action would have on the market for private activity bonds, the Corporation finds that Petitioner has demonstrated that it would suffer a substantial hardship if the waiver is not granted. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.
- f) In addition to this rule waiver request, Corporation staff also received a letter from the Applicant requesting a waiver of the requirement of RFA 2015-112 requiring that the proposed equity amount to be paid prior to or simultaneous with the closing of construction financing be at least 15 percent of the total proposed equity to be provided. Petitioner asserts that it will not be possible to meet this 15 percent requirement at the closing of the construction financing because of the necessity of closing on the Miami-Dade bonds by December 31. A copy of the letter is attached as [Exhibit G](#).
- g) Staff recommends that the following conditions be included in any order approving these requests:
 - (1) Within six months of closing, the mortgage must be recorded and at least 15% of the total proposed equity must be paid.
 - (2) All funding, including all bond proceeds, will be placed in escrow at closing. If Petitioner has not complied with the first condition above, all funding will be terminated and any bonds held in escrow will be paid off.

LEGAL

Consent

3. Recommendation

- a) Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-21.008(1)(a), Fla. Admin. Code, with conditions, to allow it to close on its financing even though a mortgage will not have been recorded. Staff also recommends the Board **GRANT** Petitioner's request for a waiver of the requirements of RFA 2015-112, with conditions, so that it will not be required to pay 15% of the total proposed equity by closing of the construction financing.

LEGAL

Consent

E. In Re: Coral Bay Cove, LLC - FHFC Case No. 2017-079VW

Development Name: (“Development”):	Coral Bay Cove
Developer/Principal: (“Developer”):	Landmark Development Corp. Francisco Rojo
Number of Units: 224	Location: Miami-Dade County
Type: New garden apartments	Set Asides: SAIL/ELI: 10% @ 30% AMI SAIL: 90% @ 60% AMI MMRB: 100% @ 60% AMI 4% HC: 100% @ 60% AMI
Demographics: Family	Funding: 4% HC: \$2,052,000 SAIL: \$6,500,000 ELI Gap: \$600,000 MMRB: \$29,000,000

1. Background

- a) Coral Bay Cove, LLC (“Petitioner”) successfully applied for an award of SAIL and ELI Gap funding to be used in conjunction with Florida Housing-Issued MMRB and Non-Competitive Housing Credits under Request for Applications 2016-109 (the “RFA”) to assist in the construction of a development serving low-income families in Miami-Dade County. On November 20, 2017, Florida Housing received a Petition for Waiver of Rules 67-48.004(3)(c), 67-21.003(8)(c), and 67-60.006(1), Fla. Admin. Code, to allow them to use bonds issued by Miami-Dade County instead of Florida Housing-Issued MMRB. A copy of the Petition is attached as [Exhibit H](#).

2. Present Situation

- a) Rule 67-48.004(3)(c), Fla. Admin. Code, provides as follows:
 - (3) For the SAIL, HOME and Housing Credit Programs, 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:

- (c) Program(s) applied for;
- b) Rule 67-21.003(8)(c), Fla. Admin. Code, provides as follows:
 - (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:

- (c) Program(s) applied for;

LEGAL

Consent

- c) Petitioner requests a waiver of the above Rules to allow it to obtain and use bonds issued by Miami-Dade County instead of the Corporation bonds initially applied for. Petitioner asserts that recent actions by the U.S. House of Representatives have created the possibility that private activity bonds may be abolished after December 31, 2017. Because it is not possible for the Corporation to issue multifamily mortgage revenue bonds for this development by that date, Petitioner asserts that it is necessary for it to find another source of bonds that it can close on by December 31, 2017, and that Miami-Dade County is expected to be such a source.
- d) On November 21, 2017, Notice of the Petition was published in the Florida Administrative Register in Volume 43, Number 230. To date, Florida Housing has received no comments concerning the Petition.
- e) Section 120. 542(2), Fla. Stat., 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) Granting the requested waiver would not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing. Because of the potentially devastating effects that the proposed Congressional action would have on the market for private activity bonds, the Corporation finds that Petitioner has demonstrated that it would suffer a substantial hardship if the waiver is not granted. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.
- g) No waiver of Rule 67-60.006(1), F.A.C., is required in this case.
- h) In addition to this rule waiver request, Corporation staff also received a letter from the Applicant requesting a waiver of the requirement of RFA 2016-109 requiring that the proposed equity amount to be paid prior to or simultaneous with the closing of construction financing be at least 15 percent of the total proposed equity to be provided. Petitioner asserts that it will not be possible to meet this 15 percent requirement at the time it closes on the Miami-Dade bonds since they must close before December 31 but Corporation funding will not have closed by then. Petitioner will be required to meet this 15 percent requirement at the time of closing on Corporation funding.
- i) RFA 2016-109 includes a requirement that if an Applicant intends to use Non-Corporation-issued Tax-Exempt Bonds, the Applicant must provide a letter from the agency that it has requested bonds from. Since Petitioner applied for Corporation-issued bonds, no such letter was provided in the application. Petitioner therefore also seeks a waiver of this requirement of the RFA.

LEGAL

Consent

3. Recommendation

- a) Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rules 67-48.004(3)(c) and 67-21.003(8)(c), Fla. Admin. Code, to allow the use of bonds issued by Miami-Dade County instead of Corporation-issued bonds. Staff also recommends the Board **GRANT** Petitioner's request for a waiver of the requirements of RFA 2016-109 so that it will not be required to pay 15% of the total proposed equity by closing of the Miami-Dade bonds, and so that it will not be required to have submitted a letter from Miami-Dade County in its Application.

MULTIFAMILY BONDS

Consent

IV. MULTIFAMILY BONDS

A. Request Approval of Credit Underwriting Report for Sunset Pointe Apartments (2015-105B/2016-107H/2017-286V)

Development Name: Sunset Pointe Apartments	Location: Miami-Dade County
Applicant/Borrower: Sunset Pointe Associates, Ltd.	Set Aside(s): 40% @ 60% AMI (MMRB) 100% @ 60% AMI (HC) 20% of HOME Assisted Units @ 50% AMI (HOME) 80% of HOME Assisted Units @ 60% AMI (HOME)
Developer/Principal: Cornerstone Group Partners, LLC	Demographic/Number of units: Family / 136
Requested Amounts: \$15,600,000 Multifamily Mortgage Revenue Bond (MMRB) \$4,346,000 HOME Loan \$625,000 Viability Loan \$1,141,583 Non-Competitive Housing Credits (HC)	Development Category/Type: New Construction / Garden Apartments

1. Background/Present Situation

- a) On September 4, 2015, Florida Housing issued a Request for Applications (RFA) 2015-110 for the 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.
- b) As required in RFA 2015-110, the Applicant submitted a Non-Competitive Application package requesting MMRB in the amount of \$8,600,000 and Housing Credits in the amount of \$587,272. The Applicant has subsequently increased the MMRB request amount to \$15,600,000.
- c) On December 11, 2015, the Board approved the final scores and recommendations for RFA 2015-110 and directed staff to proceed with all necessary credit underwriting activities.
- d) On August 7, 2017, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2017-109 for Development Viability Loan Funding for Developments experiencing a significant reduction in Housing Credit equity as a result of changing market conditions.
- e) On September 22, 2017, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities. Staff issued a notice of preliminary award to the Applicant on October 3, 2017.
- f) Staff received a final credit underwriting report with a positive recommendation for MMRB, HOME, and Viability Loan funding ([Exhibit A](#)). Staff has reviewed

MULTIFAMILY BONDS

Consent

this report and finds that the development meets all of the requirements of RFA 2015-110, RFA 2017-109, and the Non-Competitive Application.

2. Recommendation

- a) Approve the final credit underwriting report and direct staff to proceed with closing activities, 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 of Credit Underwriting Report for Freedom Gardens II f/k/a Liberty Gardens (2016-368BS)

Development Name: Freedom Gardens II f/k/a Liberty Gardens	Location: Hernando County
Applicant/Borrower: HTG Liberty, LLC	Set Aside(s): 100% @ 60% AMI (MMRN and HC) 10% @ 40% AMI (SAIL and ELI) 90% @ 60% AMI (SAIL)
Developer/Principal: HTG Liberty Developer, LLC / Housing Trust Group	Demographic/Number of units: Family / 94
Requested Amounts: \$8,600,000 Multifamily Mortgage Revenue Note (MMRN) \$5,500,000 State Apartment Incentive Loan (SAIL) \$493,400 ELI Gap Funding (ELI) \$646,891 Non-Competitive Housing Credits (HC)	Development Category/Type: New Construction / Garden Apartments

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for the SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order(s) allowing staff to proceed with invitations to credit underwriting and preliminary awards.
- d) On March 31, 2017, staff issued an invitation to enter credit underwriting to the Applicant.
- e) Staff received a final credit underwriting report with a positive recommendation for MMRN, SAIL, and ELI funding ([Exhibit B](#)). Staff has reviewed this report and finds that the development meets all of the requirements of RFA 2016-109.

2. Recommendation

- a) Approve the final credit underwriting report and direct staff to proceed with closing activities, subject to further approvals and verifications by the Credit Underwriter, Note Counsel, Special Counsel, and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

C. **Request Approval of Credit Underwriting Report for Lake Mangonia Apartments (2016-100B)**

Development Name: Lake Mangonia Apartments	Location: Palm Beach County
Applicant/Borrower: Palm Grove Affordable LLC	Set Aside(s): 90% @ 60% AMI (MMRB) 100% @ 60% AMI (HC)
Developer/Principal: Southport Development, Inc.	Demographic/Number of units: Family / 200
Requested Amounts: \$14,000,000 Multifamily Mortgage Revenue Bond (MMRB) \$898,838 Non-Competitive Housing Credits (HC)	Development Category/Type: Acquisition and rehabilitation / Mid-Rise (4 Stories)

1. **Background/Present Situation**

- a) The Applicant submitted a Non-Competitive Application package requesting tax exempt MMRB in the amount of \$14,000,000 and non-competitive Housing Credits in the amount of \$719,000.
- b) On June 1, 2017, staff issued an invitation to enter credit underwriting to the Applicant.
- c) Staff received a final credit underwriting report with a positive recommendation for MMRB funding ([Exhibit C](#)). Staff has reviewed this report and finds that the development meets all of the requirements of the Non-Competitive Application.

2. **Recommendation**

- a) Approve the final credit underwriting report and direct staff to proceed with closing activities, 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 the Method of Bond/Note Sale Recommendation from Florida Housing's Independent Registered Municipal Advisor and Assignment of a Bond/Note Underwriter

1. Background

- a) Pursuant to staff's request for approval to issue bonds/notes to finance the rehabilitation/construction 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 for the transactions and approval of the recommended methods of sale. A brief description of the Developments are detailed below, along with staff's recommendations.
- b) Pursuant to Rule 67-21.0045, F.A.C., staff has requested a review of the proposed financing structures by the Independent Registered Municipal Advisor (IRMA) in order to make a recommendation to the Board for the methods of bond/note sale for the developments. Caine Mitter and Associates Incorporated has prepared an analysis and recommendations for the methods of bond/note sale for the Developments. The recommendation letters are attached as Exhibits D-F.

2. Present Situation

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

3. Recommendation

- a) Approve the assignment of the recommended professionals and the Independent Registered Municipal Advisor's recommendations for the methods of bond/note sale, as shown in the chart below, for the proposed Developments.

Development Name	Location of Development	Number of Units	Method of Bond Sale	Recommended Professional	Exhibit
Sunset Pointe Apartments	Miami-Dade County	136	Negotiated Private Placement	RBC Capital Markets, LLC	Exhibit D
Freedom Gardens II fka Liberty Gardens	Hernando County	94	Negotiated Note Placement	RBC Capital Markets, LLC	Exhibit E
Lake Mangonia Apartments	Palm Beach County	150	Negotiated Public Offering	RBC Capital Markets, LLC	Exhibit F

MULTIFAMILY BONDS

Consent

E. Request Approval for Subordination of the LURA and ELIHA and Extension of the ELIHA for Mystic Pointe II (2000 Series F / 2000-501C)

Development Name: Mystic Pointe II	Location: Orange County
Applicant/Borrower: Mystic Pointe II, Ltd.	Set Aside(s): 50% @ 60% AMI (MMRB) 100% @ 60% AMI (HC)
Developer/Principal: Davis Heritage Ltd.	Demographic/Number of units: Family / 265 units
Funded Amounts: \$11,190,000 Multifamily Mortgage Revenue Bond (MMRB) \$788,480 Non-Competitive Housing Credits (HC)	Development Category/Type: New Construction / Garden

1. Background/Present Situation

- a) Florida Housing financed the construction of the above referenced Development in 2000 with \$8,680,000 in tax-exempt MMRB designated as 2000 Series F-1 and \$2,510,000 in taxable MMRB designated as 2000 Series F-2. In addition, \$788,480 in Housing Credits was allocated to this Development. The bonds were subsequently redeemed in September 2011.
- b) Mystic Pointe II, Ltd. (“Owner”) is refinancing the Development with a loan from Greystone Servicing Corporation to be insured by the U.S. Department of Housing and Urban Development and requests Florida Housing’s consent to subordinate the MMRB Land Use Restriction Agreement “LURA” and the Housing Credits Extended Low-Income Housing Agreement “ELIHA” to the new first mortgage. The Owner also requests Florida Housing’s consent to extend the ELIHA extended use period to such period that the ELIHA is outstanding for a total of 15 years past the HUD loan closing. The ELIHA’s extended use period currently terminates on or about December 31, 2031.

2. Recommendation

- a) Approve the subordination of the LURA and ELIHA, along with the extension of the ELIHA’s extended use period, with further approval by the Credit Underwriter, Bond Counsel, Special Counsel and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

F. Request Approval of Credit Underwriting Update Letter for Douglas Gardens V (2016-177BS)

Development Name: Douglas Gardens V	Location: Broward County
Applicant/Borrower: Douglas Gardens V, Ltd.	Set Aside(s): 100% @ 60% AMI (MMRB and HC) 10% @ 33% AMI (SAIL and ELI) 90% @ 60% AMI (SAIL)
Developer/Principal: Douglas Gardens V Developer, LLC	Demographic/Number of units: Elderly / 110
Requested Amounts: \$12,000,000 Multifamily Mortgage Revenue Bond (MMRB) \$5,000,000 State Apartment Incentive Loan (SAIL) \$781,900 ELI Gap Funding (ELI) \$852,662 Housing Credits (HC)	Development Category/Type: New Construction / Mid-Rise (4 stories)

1. Background/Present Situation

- a) On October 9, 2015, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2015-112 for the SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On March 18, 2016, the Board approved the Final Order(s) allowing staff to proceed with invitations to credit underwriting and preliminary awards.
- c) On March 21, 2016, staff issued an invitation to enter credit underwriting to the Applicant.
- d) On July 28, 2017, the Board approved the credit underwriting report giving a positive recommendation for a SAIL loan in the amount of \$5,000,000, ELI Gap funding in the amount of \$781,900, and \$12,200,000 in Tax Exempt MMRB. Subsequently, the Borrower requested approval to change the financial structure due to tax issues associated with the buyer of the MMRB and the tax credit syndicator being related parties.
- e) On September 22, 2017, the Board approved a credit underwriting update letter with a positive recommendation for a different buyer of the Tax Exempt MMRB in the amount of \$12,000,000, a SAIL loan in the amount of \$5,000,000, and a ELI Gap funding in the amount of \$781,900.
- f) On November 21, 2017, staff received a credit underwriting update letter with a positive recommendation for a change in the bond structure, a different buyer (related to the previously approved buyer) of the Tax Exempt MMRB in the amount of \$12,000,000, a SAIL loan in the amount of \$5,000,000, and a ELI Gap funding in the amount of \$781,900 ([Exhibit G](#)). Staff has reviewed this letter and finds that the development meets all of the requirements of RFA 2015-112.

MULTIFAMILY BONDS

Consent

2. **Recommendation**

- a) Approve the final credit underwriting update letter and direct staff to proceed with closing activities, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

MULTIFAMILY PROGRAMS

Consent

V. MULTIFAMILY PROGRAMS

A. Request Approval of Credit Underwriting Report for The Independence Home (2016-335G)

Development Name: The Independence Home	Location: Lake County
Applicant/Borrower: The Arc Sunrise of Central Florida a/k/a SunriseArc, Inc.	Set Aside(s): 33.3% @ 40% AMI and 66.7% at 60% AMI
Developer/Principal: N/A	Demographic/Number of Residents: Persons with Developmental Disabilities / 6 Residents
Requested Amounts: \$392,000 Grant Funding	Development Category/Type: New Construction

1. Background/Present Situation

- a) On March 11, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-105 for Financing to Build or Rehabilitate Smaller Permanent Supportive Housing Properties for Persons with Developmental Disabilities.
- b) On June 24, 2016, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On October 5, 2016, staff issued an invitation to enter credit underwriting to The Arc Sunrise of Central Florida a/k/a SunriseArc, Inc.
- d) On November 3, 2017, staff received a positive recommendation for a grant amount of \$392,000 to be allocated to the Development ([Exhibit A](#)).

2. Recommendation

- a) Staff recommends that the Board approve the final credit underwriting report, and direct staff to proceed with issuance of a firm commitment and closing activities.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

VI. PREDEVELOPMENT LOAN PROGRAM (PLP)

A. Request Approval of Partial Release of Mortgage to Melbourne Housing Authority for Palms at University (2016-009P-09)

DEVELOPMENT NAME (“Development”):	Palms at University
APPLICANT/DEVELOPER (“Developer”):	Melbourne Housing Authority
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	60 rental units
LOCATION (“County”):	Brevard
TYPE:	Elderly and Persons with Disabilities
MINIMUM SET ASIDE:	20% @ 50% AMI
PLP LOAN AMOUNT:	\$500,000
ADDITIONAL COMMENTS:	

1. Background

- a) On August 5, 2016, the Board approved a PLP loan for Palms at University in the amount of \$500,000.
- b) On November 3, 2016, the Developer closed on the PLP loan.

2. Present Situation

- a) The PLP loan was not used to acquire the subject property, but the Developer executed a mortgage in favor of Florida Housing at the time of closing. The developer has requested that a portion of the subject property (0.9 acres of the total 4.1 acre parcel) be released from the PLP mortgage so that the owner, Melbourne Housing Authority, can build a previously planned office for its organization on the site. The release on this portion of the property will have no effect on the number of units to be constructed.
- b) In exchange for the release of this portion of the property, the developer will repay a proportionate amount of the PLP loan (\$48,650) that represents the percentage of land being released from the mortgage to Florida Housing upon commencement of construction on the office building.
- c) On November 6, 2017, staff received a letter ([Exhibit A](#)) from our technical assistance provider (TAP) recommending approval of the developer’s request.
- d) Staff has reviewed the request and believes that this action will not have a negative impact on the development of the affordable housing units or on Florida Housing’s security in the property once the repayment of the \$48,650 is made.

3. Recommendation

- a) Approve the developer’s request to release the 0.9 acre parcel from the PLP mortgage in exchange for the repayment of \$48,650 upon construction of the office building and allow staff to amend legal documents accordingly.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

VII. PROFESSIONAL SERVICES SELECTION (PSS)

A. Single Source Procurement for Hardest Hit Fund (HHF) Homeowner Retention Data

1. Background

- a) Each quarter, staff gathers data necessary to determine if HHF funded applicants are still in their homes. This process takes several weeks of research and requires staff to currently account for over 40,000 individual HHF borrowers. A significant number of these must also be researched by reviewing records across each of the 67 counties' websites, and the number will keep increasing as the number of HHF funded applicants increases.
- b) In early 2015, staff researched alternative methods of efficiently and effectively pulling the retention data, and determined that CoreLogic Solutions, LLC is the only provider in the market that can pull the specific types of data needed in the timeframe required. The Board approved moving forward with a single source procurement at the March 2015 meeting, and Florida Housing entered into the first one-year contract with CoreLogic Solutions, LLC on April 16, 2015.
- c) The Board approved the third one-year single source procurement for these services at the December 2016 meeting.

2. Present Situation

- a) Staff continues to believe that CoreLogic Solutions, LLC is the only provider in the market that can provide the services needed within the timeframes required.

3. Recommendation

- a) Authorize staff to enter into another one-year single source contract with CoreLogic Solutions, LLC for the HHF retention data.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

B. Single Source Procurement for the Foreclosure Counseling Program's (FCP) Web Portal

1. Background

- a) On January 17, 2013, the Legislative Budget Commission approved a \$10 million allocation from National Mortgage Settlement funds to provide foreclosure counseling services to be administered by Florida Housing. The funding allows Florida Housing to carry out the following objectives:
 - (1) Help prevent homeowners from going into foreclosure; and
 - (2) Provide at-risk homeowners with good financial management education to help them better manage their money and assist them with credit problems to become financially stable.
- b) In April 2013, Florida Housing's Executive Director authorized¹ a single source contract with Homeowner Toolbox, Inc., d/b/a CounselorDirect, to assist with the collection of data, billing and reporting requirements from the participating housing counseling agencies related to the FCP. At that time, CounselorDirect was the only national vendor who could develop such a complex, customized system within the timeframes given by the legislature.
- c) Florida Housing entered into an initial contract with CounselorDirect in May 2013, and a subsequent single source contract in January 2017.

2. Present Situation

- a) The original contract for these services is set to expire on January 31, 2018. However, Florida Housing is still administering the FCP and expects to continue the program for 1-2 more years until the funding is fully expended. Knowing the contract was due to expire in January, this summer Florida Housing's Information Technology staff evaluated the resource cost and feasibility of bringing the service in house. The staff determined that the cost to staff time of programming and then ongoing management of the service would be greater than continuing to pay for external contracting.
- b) Due to the proprietary nature of the software and the cost and delay of changing providers, staff believe that retaining CounselorDirect as the provider of this service will allow the program to continue serving citizens in danger of foreclosure without interruption of services.

¹ During this time, the Executive Director had this authority per Ch. 67-49, F.A.C. The Rule was amended in February 2014 to give the Board the authority to exempt commodities or contractual services from competitive solicitation requirements upon a determination by the Executive Director that such commodities or services are most readily available from a single source or that the best interests of the Corporation or the public are served by obtaining such commodities or services from a single source.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

3. Recommendation

- a) Authorize staff to enter into a one-year single source contract with Homeowner Toolbox, Inc., d/b/a CounselorDirect, to continue to maintain the FCP web portal.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

C. Single Source Procurement for OnBase Licensing

1. Background

- a) Florida Housing uses OnBase as its document management system. Hyland Software, Inc., is the developer of our OnBase software.

2. Present Situation

- a) Florida Housing seeks to renew its OnBase license for 2018.

3. Recommendation

- a) Staff believes that it is in the best interests of Florida Housing to proceed with a new single source contract to proceed with renewing the license for OnBase software.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

D. Contract Renewal for Arbitrage Rebate Services

1. Background

a) At the April 2014 meeting, the Board of Directors of Florida Housing authorized staff to enter into contract negotiations with the following firms for Arbitrage Rebate Services:

(1) BLX Group, LLC

(2) Hawkins, Delafield & Wood, LLP

b) The initial three-year term for both contracts began in June 2014. Contingent upon these firms satisfactorily performing its obligations under the contract as determined by Florida Housing, these contracts may be renewed three times. Each renewal shall be for an additional one-year period. Two optional renewal terms remain.

2. Present Situation

a) Florida Housing staff supports a renewal to extend the term of the contracts for the second one-year period.

3. Recommendation

a) Staff believes that it is in the best interest of Florida Housing to continue to retain BLX Group, LLC and Hawkins, Delafield & Wood, LLP, pursuant to existing contracts and recommends the Board direct staff to proceed with the second one-year renewal option.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

VIII. STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

A. Request Approval of Firm Loan Commitment Issuance Extension for Ambar Key Homes (2017-167BS)

Development Name: Ambar Key Homes	Location: Miami-Dade County
Applicant/Borrower: Ambar Key Homes, Ltd.	Set-Aside(s): 5% @ 30%, 40% @ 60%, 55% @ 80% AMI
Developer/Principal: Ambar3, LLC	Demographic/Number of Units: Family/149
Requested Amounts: SAIL \$8,500,000 Annual 4% HC \$177,885	Development Category/Type: New Construction & Rehabilitation/Townhouses

1. Background/Present Situation

- a) On October 21, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-112 for SAIL Financing for the Construction of Workforce Housing in Miami-Dade County and Monroe County.
- b) On February 3, 2017, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On April 24, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Ambar Key Homes, Ltd., which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 28, 2017, giving them a firm loan commitment issuance deadline of January 28, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On November 2, 2017, staff received a request from the Applicant to extend the January 28, 2018 firm loan commitment issuance deadline to July 28, 2018 ([Exhibit A](#)), which will allow additional time to obtain civil and architectural plans, and to complete the underwriting process. Issues have slowed the progress due to volatility in the equity markets and development approvals due to Hurricane Irma. Staff has reviewed this request and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 28, 2018 to July 28, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

B. Request Approval of Firm Loan Commitment Issuance Extension for Twin Lakes Estates – Phase II f/k/a Lake Beulah View (2016-369BS)

Development Name: Twin Lakes Estates – Phase II f/k/a Lake Beulah View	Location: Polk County
Applicant/Borrower: Lake Beulah, Ltd.	Set-Aside(s): 10% @ 40% AMI & 90% @ 60% AMI
Developer/Principal: HTG Lake Beulah Developer, LLC; Polk County Housing Developers, Inc.	Demographic/Number of Units: Family/132
Requested Amounts: MMRB \$16,000,000 SAIL \$6,000,000 ELI \$600,000 Annual 4% HC \$704,212	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Lake Beulah, Ltd., which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 5, 2017, giving them a firm loan commitment issuance deadline of January 5, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 20, 2017, staff received a request from the Applicant to extend the January 5, 2018 firm loan commitment issuance deadline to July 5, 2018 ([Exhibit B](#)), which will allow additional time to achieve commitment equity, final construction documents and complete the underwriting process. Delays are due to the substantial reduction on LIHTC pricing which put the LIHTC market on a full stop for several months. Staff has reviewed this request and finds that it meets all requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 5, 2018 to July 5, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

C. Request Approval of Firm Loan Commitment Issuance Extension for Delphin Downs (2016-356S)

Development Name: Delphin Downs	Location: Escambia County
Applicant/Borrower: SP Downs LLC	Set-Aside(s): 10% @ 40% AMI & 90% @ 60% AMI
Developer/Principal: Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.	Demographic/Number of Units: Family/72
Requested Amounts: SAIL \$4,180,000 ELI \$400,000 Annual 4% HC \$500,000	Development Category/Type: New Construction/ Mid-Rise, 4 stories

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to SP Downs LLC, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 5, 2017, giving them a firm loan commitment issuance deadline of January 5, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 7, 2017, staff received a request from the Applicant to extend the January 5, 2018 firm loan commitment issuance deadline to July 5, 2018 ([Exhibit C](#)), which will allow additional time to obtain final construction plans, budget, contract and complete the underwriting process. Due to the uncertainty of the current LIHTC equity market, it is proving difficult to secure an investor at an equity price that makes the deal feasible. NIMBY issues have required additional meetings to get all parties to sign off on the final product. Staff has reviewed this request and finds that it meets all requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 5, 2018 to July 5, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

D. Request Approval of Firm Loan Commitment Issuance Extension for Woodlawn Trail (2016-385S)

Development Name: Woodlawn Trail	Location: Pinellas County
Applicant/Borrower: SP Trail LLC	Set-Aside(s): 10% @ 40% AMI & 90% @ 60% AMI
Developer/Principal: Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.	Demographic/Number of Units: Family/80
Requested Amounts: SAIL \$4,100,000 ELI \$410,400 Annual 4% HC \$540,000	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to SP Trail LLC, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 5, 2017, giving them a firm loan commitment issuance deadline of January 5, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 7, 2017, staff received a request from the Applicant to extend the January 5, 2018 firm loan commitment issuance deadline to July 5, 2018 ([Exhibit D](#)), which will allow additional time to obtain final construction plans, budget, contract and complete the underwriting process. Due to the uncertainty of the current LIHTC equity market, it is proving difficult to secure an investor at an equity price that makes the deal feasible. Staff has reviewed this request and finds that it meets all requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 5, 2018 to July 5, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

E. Request Approval of Firm Loan Commitment Issuance Extension for Redland Crossings (2017-163BS)

Development Name: Redland Crossings	Location: Miami-Dade County
Applicant/Borrower: Redland Crossings, LLC	Set-Aside(s): 40% @ 60% AMI, 5% @ 30% & 55% @ 80% AMI
Developer/Principal: RS Development Corp and Lewis V. Swezy	Demographic/Number of Units: Family/134
Requested Amounts: MMRB \$16,000,000 SAIL \$7,488,000 Annual HC \$437,012	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On October 21, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-112 for SAIL Financing for the Construction of Workforce Housing in Miami-Dade County and Monroe County.
- b) On February 3, 2017, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On April 24, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Redland Crossings, LLC, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 26, 2017, giving them a firm loan commitment issuance deadline of January 26, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On November 8, 2017, staff received a request from the Applicant to extend the January 26, 2018 firm loan commitment issuance deadline to July 26, 2018 ([Exhibit E](#)), which will allow additional time to secure subordinate financing from Miami-Dade County and complete the credit underwriting process. Staff has reviewed this request and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 26, 2018 to July 26, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

F. Request Approval of Firm Loan Commitment Issuance Extension for Coral Bay Cove (2016-394S)

Development Name: Coral Bay Cove	Location: Miami-Dade County
Applicant/Borrower: Coral Bay Cove, LLC	Set-Aside(s): 10% @ 30% AMI & 90% @ 60% AMI
Developer/Principal: Landmark Development Corp.	Demographic/Number of Units: Family/224
Requested Amounts: MMRB \$29,000,000 SAIL \$6,500,000 ELI \$600,000 Annual HC \$2,052,000	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Coral Bay Cove, LLC which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on March 31, 2017, giving them a firm loan commitment issuance deadline of January 2, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 9, 2017, staff received a request from the Applicant to extend the January 2, 2018 firm loan commitment issuance deadline to July 2, 2018 ([Exhibit F](#)), which will allow additional time to obtain pending development approvals, obtain various civil engineering permits and complete the underwriting process. Staff has reviewed this request and finds that it meets all requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 2, 2018 to July 2, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

G. Request Approval of Firm Loan Commitment Issuance Extension for Bethune Residences I at West River (2016-376S)

Development Name: Bethune Residences I at West River	Location: Hillsborough County
Applicant/Borrower: West River Phase 1 A, LP	Set-Aside(s): 10% @ 40% AMI & 90% @ 60% AMI
Developer/Principal: WRDG Bethune I, LLC	Demographic/Number of Units: Elderly/160
Requested Amounts: SAIL \$7,000,000 ELI \$600,000 Annual HC \$1,411,259.25	Development Category/Type: New Construction/Mid-Rise (5 to 6 stories)

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to West River Phase 1 A, LP, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 4, 2017, giving them a firm loan commitment issuance deadline of January 4, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 8, 2017, staff received a request from the Applicant to extend the January 4, 2018 firm loan commitment issuance deadline to July 5, 2018 ([Exhibit G](#)), which will allow additional time to submit the final permit package to the City of Tampa, receive final building plan approvals, receive the RAD commitment and complete the underwriting process. Staff has reviewed this request and finds that it meets all requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 4, 2018 to July 5, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

H. Request Approval of Firm Loan Commitment Issuance Extension for Perrytown Apartments (currently known as Tidewater Apartments) (2016-386S)

Development Name: Perrytown Apartments (currently known as Tidewater Apartments)	Location: Taylor County
Applicant/Borrower: Perrytown Apartments, LLC	Set-Aside(s): 10% @ 50% AMI & 90% @ 60% AMI
Developer/Principal: AMCS Development, LLC; SCG Development Partners, LLC	Demographic/Number of Units: Family/100
Requested Amounts: SAIL \$2,670,400 ELI \$194,600 Annual HC \$296,178	Development Category/Type: Acquisition and Rehabilitation/Substantial Rehabilitation/Garden

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Perrytown Apartments, LLC, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 6, 2017, giving them a firm loan commitment issuance deadline of January 8, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 13, 2017, staff received a request from the Applicant to extend the January 8, 2018 firm loan commitment issuance deadline to July 9, 2018 ([Exhibit H](#)), which will allow additional time to receive the HUD-221(d)4 firm commitment, complete third-party review and approval of the plans and specifications and complete the underwriting process. Staff has reviewed this request and finds that it meets all requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 8, 2018 to July 9, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

I. Request Approval of Firm Loan Commitment Issuance Extension for Emerald Villas Phase Two (2016-367BS)

Development Name: Emerald Villas Phase Two	Location: Orange County
Applicant/Borrower: Emerald Villas Phase Two, LLC	Set-Aside(s): 10% @ 40%, 90% @ 60%
Developer/Principal: Emerald Villas Phase Two Developer, LLC	Demographic/Number of Units: Elderly/96
Requested Amounts: MMRB \$11,500,000 SAIL \$4,950,000 ELI \$426,200 Annual HC \$874,865	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Emerald Villas Phase Two, LLC, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 4, 2017, giving them a firm loan commitment issuance deadline of January 4, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 1, 2017, staff received a request from the Applicant to extend the January 4, 2018 firm loan commitment issuance deadline to July 5, 2018 ([Exhibit 1](#)), which will allow additional time to finalize construction drawings, obtain pending development approvals, and complete the underwriting process. Staff has reviewed this request and finds that it meets all requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 4, 2018 to July 5, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

J. Request Approval of Firm Loan Commitment Issuance Extension for The Quarry (2016-168CS)

Development Name: The Quarry	Location: Monroe County
Applicant/Borrower: Quarry Big Coppitt, Ltd.	Set-Aside(s): 5% @ 25%, 40% @ 60%, 55% @ 120% - 140%
Developer/Principal: Ambar3, LLC	Demographic/Number of Units: Family/96
Requested Amounts: SAIL \$3,000,000 Annual HC \$898,985	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On October 21, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-112 for the SAIL Financing for the Construction of Workforce Housing in Miami-Dade County and Monroe County.
- b) On February 3, 2017, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On April 24, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Quarry Big Coppitt, Ltd., which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 28, 2017, giving them a firm loan commitment issuance deadline of January 28, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On November 2, 2017, staff received a request from the Applicant to extend the January 28, 2018 firm loan commitment issuance deadline to July 28, 2018 ([Exhibit J](#)), which will allow additional time to finalize construction drawings, obtain pending development approvals, and complete the underwriting process. Staff has reviewed this request and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 28, 2018 to July 28, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

K. Request Approval of Firm Loan Commitment Issuance Extension for Palos Verdes Apartments (2016-380BS)

Development Name: Palos Verdes Apartments	Location: Osceola County
Applicant/Borrower: Osceola Palos Verdes, Ltd.	Set-Aside(s): 10% @ 40%, 90% @ 60%
Developer/Principal: Banyan Development Group, LLC; Judd Roth Real Estate Development, Inc.; DSRG Development, LLC	Demographic/Number of Units: Elderly/120
Requested Amounts: MMRB \$10,000,000 SAIL \$5,200,000 ELI \$552,300 Annual HC \$566,696	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Osceola Palos Verdes, Ltd., which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 6, 2017, giving them a firm loan commitment issuance deadline of January 6, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 8, 2017, staff received a request from the Applicant to extend the January 6, 2018 firm loan commitment issuance deadline to July 6, 2018 ([Exhibit K](#)), which will allow additional time to finalize construction drawings, obtain pending development approvals, and complete the underwriting process that has been delayed due to Hurricane Irma. Staff has reviewed this request and finds that it meets all requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 6, 2018 to July 6, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

L. Request Approval of Firm Loan Commitment Issuance Extension for Banyan Court (2016-379BS)

Development Name: Banyan Court	Location: Palm Beach County
Applicant/Borrower: BDG Banyan Court, LP	Set-Aside(s): 10% @ 33%, 90% @ 60%
Developer/Principal: Banyan Development Group, LLC; Judd Roth Real Estate Development, Inc.	Demographic/Number of Units: Family/85
Requested Amounts: MMRB \$11,500,000 SAIL \$5,400,000 ELI \$600,000 Annual HC \$709,973	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to BDG Banyan Court, LP, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on April 3, 2017, giving them a firm loan commitment issuance deadline of January 4, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 8, 2017, staff received a request from the Applicant to extend the January 4, 2018 firm loan commitment issuance deadline to July 5, 2018 ([Exhibit L](#)), which will allow additional time to finalize construction drawings, obtain pending development approvals, and complete the underwriting process that has been delayed due to Hurricane Irma. Staff has reviewed this request and finds that it meets all requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 4, 2018 to July 5, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

M. Request Approval of Firm Loan Commitment Issuance Extension for Regatta Place (2016-390BS)

Development Name: Regatta Place	Location: Miami Dade County
Applicant/Borrower: Regatta Place Associates, Ltd.	Set-Aside(s): 10% @ 30%, 90% @ 60%
Developer/Principal: Cornerstone Group Partners, LLC	Demographic/Number of Units: Family/108
Requested Amounts: MMRB \$12,250,000 SAIL \$3,000,000 ELI \$600,000 Annual HC \$759,977	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On September 19, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-109 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 24, 2017, the Board approved the Final Order resolving all pending litigation pertaining to RFA 2016-109, allowing staff to proceed with all necessary credit underwriting activities.
- d) On March 31, 2017, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Regatta Place Associates, Ltd., which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on March 31, 2017, giving them a firm loan commitment issuance deadline of January 2, 2018. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- e) On November 10, 2017, staff received a request from the Applicant to extend the January 2, 2018 firm loan commitment issuance deadline to July 2, 2018 ([Exhibit M](#)), which will allow additional time to complete the underwriting process, which is anticipated to be completed in time for the tentatively scheduled January board meeting. Staff has reviewed this request and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 2, 2018 to July 2, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

N. Request Approval of Credit Underwriting Report for The Pines (2016-019C / 2017-289V)

Development Name: The Pines	Location: Volusia County
Applicant/Borrower: RST The Pines, LP	Set-Aside(s): 10% @ 40% AMI & 90% @ 60% AMI
Developer/Principal: Roundstone Development, LLC	Demographic/Number of Units: Family/100
Requested Amounts: Viability Loan \$1,000,000 Annual 9% HC \$1,510,000	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On September 3, 2015, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2015-106 for Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties.
- b) On January 29, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities. Staff issued an invitation to enter credit underwriting to the Applicant on May 6, 2016.
- c) On August 7, 2017, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2017-109 for Development Viability Loan Funding for Developments experiencing a significant reduction in Housing Credit equity as a result of changing market conditions.
- d) On September 22, 2017, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities. Staff issued a notice of preliminary award to the Applicant on October 3, 2017.
- e) On November 20, 2017, staff received a final credit underwriting report with a positive recommendation for Housing Credits and Viability Loan funding ([Exhibit N](#)). Staff has reviewed this report and finds that it meets all requirements of the RFA.

2. Recommendation

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

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

O. Request Approval of Credit Underwriting Report for Heron Estates Senior (2016-172S)

Development Name: Heron Estates Senior	Location: Palm Beach County
Applicant/Borrower: HTG Heron Estates Senior, LLC	Set-Aside(s): 10% @ 33% AMI & 90% @ 60% AMI
Developer/Principal: HTG Heron Estates Senior Developer, LLC	Demographic/Number of Units: Elderly/101
Requested Amounts: SAIL \$4,971,218 ELI \$720,500 Annual HC \$826,638	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) On October 9, 2015, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2015-112 for the SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 11, 2015, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On March 18, 2016, the Board approved the Final Orders resolving all pending litigation pertaining to RFA 2015-112, allowing staff to proceed with all necessary credit underwriting activities.
- d) On May 6, 2016, the Board authorized staff to allocate the remaining/returned SAIL funding to the highest ranked eligible unfunded applications from RFA 2015-112.
- e) On May 17, 2016, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to HTG Heron Estates Senior, LLC with a closing deadline of May 17, 2017.
- f) On May 5, 2017, the Board approved a request to extend the loan closing deadline from May 17, 2017 to May 17, 2018.
- g) On November 20, 2017, staff received a final credit underwriting report with a positive recommendation for funding ([Exhibit O](#)). Staff has reviewed this report and finds that it meets all requirements of the RFA.

2. Recommendation

- a) 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 the Extension of the HOME Loan for Mira Verde Limited Partnership, a Florida Limited Partnership, for Mira Verde (97HR-006/97L-067)

Development Name: Mira Verde (“Development”)	Location: Hendry County
Developer/Principal: Richman Group (“Developer”); Mira Verde Limited Partnership (“Borrower”)	Set-Aside: HOME 26% @ 50%, 74% @ 60% AMI; HC 15% @ 35% & 85% @ 60% AMI LURA & EUA: 50 years
Number of Units: 140	Allocated Amount: HOME \$1,360,000; HC \$975,000
Demographics: Farmworker/Family	Servicer: First Housing Development Corporation

1. Background

- a) During the 1997 funding cycle, Florida Housing Finance Corporation awarded a \$1,360,000 Home Investment Partnership Program Loan (“HOME”) to Mira Verde Limited Partnership, a Florida limited partnership (“Borrower”), for the construction of a 140-unit development in Hendry County. The HOME loan closed on December 17, 1997 and will mature on December 17, 2017. The Development also received a 1997 allocation of low-income housing tax credits (“HC”) of \$975,000.

2. Present Situation

- a) The Borrower has requested approval to extend the HOME loan, at its current terms, to December 17, 2018, to allow time for the refinancing of the Development. The Borrower has agreed to pay the loan extension fee, and to an extension of the affordability period under the Land Use Restriction Agreement (“LURA”) to be equal to the loan extension (adding one year to the current 50 years).

3. Recommendation

- a) Approve the extension of the HOME loan, at its current terms, to December 17, 2018, extension of the LURA for an additional year, and direct staff to proceed with loan document modification activities as needed.

SPECIAL ASSETS

Consent

B. Request Approval of the Extension of the HOME Loan for Indiantown Non-Profit Housing, Incorporated, a Florida not-for-profit Corporation, for New Hope Community II (95HR-011)

Development Name: New Hope Community II (“Development”)	Location: Martin County
Developer/Principal: Indiantown Non-Profit Housing, Incorporated (“Developer”)/ (“Borrower”)	Set-Aside: HOME 63.8% @ 50%, 22.7% @ 60% & 8.5% @ 80% AMI LURA: 52 years
Number of Units: 57	Allocated Amount: HOME \$1,910,814
Demographics: Family/Farmworker	Servicer: AmeriNational Community Services, Inc.

1. Background

- a) During the 1995 funding cycle, Florida Housing Finance Corporation awarded a \$1,910,814 Home Investment Partnership Program Loan (“HOME”) to Indiantown Non-Profit Housing, Incorporated, a Florida not-for-profit corporation (“Borrower”), for the construction of a 57-unit development in Martin County. The HOME loan closed on January 26, 1996, and originally matured on January 26, 2016. The Board previously approved extensions to January 26, 2018.

2. Present Situation

- a) The Borrower has requested approval of an additional one-year extension of the HOME loan, at its current terms, to allow time to refinance the Development. The Borrower is applying for funding in the FHFC RFA-2018 funding cycle which will provide funds for refinancing and rehabilitation of the Development if the application is successful. The Borrower has agreed to pay the loan extension fee, and to an extension of the affordability period under the Land Use Restriction Agreement (“LURA”) to be equal to the loan extension (adding one year to the current 52 years).

3. Recommendation

- a) Approve the extension of the HOME loan, at its current terms, to January 26, 2019, extension of the LURA for an additional year, and direct staff to proceed with loan document modification activities as needed.

SPECIAL ASSETS

Consent

C. Request Approval of the Extension of the SAIL Loan for Willow Creek Associates, Ltd., a Florida Limited Partnership, for Willow Creek Apartments (2000-018CS)

Development Name: Willow Creek (“Development”)	Location: Sarasota County
Developer/Principal: Alden Torch Financial (“Developer”); Willow Creek Associates, Ltd. (“Borrower”)	Set-Aside: SAIL & HC 15% @ 30% & 85% @ 60% AMI; LURA & EUA: 50 years
Number of Units: 120	Allocated Amount: SAIL \$1,225,000; HC \$495,000
Demographics: Elderly	Servicer: Seltzer Management Group

1. Background

- a) During the 2000 State Apartment Incentive Loan Program Cycle (“SAIL”), Florida Housing (“FHFC”) awarded a \$1,225,000 construction/permanent loan to Willow Creek Associates, Ltd., a Florida limited partnership (“Borrower”), for the development of a 120-unit development in Sarasota County. The SAIL loan closed on November 9, 2001, and will mature on January 1, 2018. The Development also received a 2000 allocation of low-income housing tax credits (“HC”) of \$495,000.

2. Present Situation

- a) The Borrower has requested approval to extend the SAIL loan, at its current terms, to January 1, 2019, to allow time for refinancing of the Development. The Borrower has agreed to pay the FHFC loan extension fee, and to extend the affordability period under the Land Use Restriction Agreement (“LURA”) by a length of time equal to the loan extension (adding one year to the current 50 years).

3. Recommendation

- a) Approve the extension of the SAIL loan, at its current terms, to January 1, 2019, extension of the LURA for an additional year, and direct staff to proceed with loan document modification activities as needed.

SPECIAL ASSETS

Consent

D. Request Approval of the Extension of SAIL Loan for Del Prado Acquisition, LLC, a Florida Limited Liability Company, for Del Prado Gardens (98S-009/97L-029)

Development Name: Del Prado Gardens (“Development”)	Location: Miami-Dade County
Developer/Principal: Carrfour Supportive Housing, Inc. (“Developer”); Del Prado Acquisition, LLC, (“Borrower”)	Set-Aside: SAIL 50% @ 50% & 40% @ 60% AMI; HC 15% @ 35%, 35% @ 50% and 50% @ 60% AMI; LURA: 53 years; EUA: 50 years
Number of Units: 32	Allocated Amount: SAIL - \$332,592 Housing Credits: \$168,577
Demographics: Family	Servicer – Seltzer Management Group

1. Background

a) During the 1996-97 State Apartment Incentive Loan (“SAIL”) Cycle X(a), Florida Housing awarded a \$332,592 construction/permanent loan to Del Prado Acquisition, LLC., a Florida limited liability company (“Borrower”), for the construction of a 32-unit development in Miami-Dade County. The SAIL loan closed on November 24, 1998, and originally matured on November 23, 2014. The Board previously approved extensions to November 23, 2017. The Development also received a 1997 allocation of low-income housing tax credits of \$168,577.

2. Present Situation

a) The Borrower has requested approval of an additional one-year extension of the SAIL loan, at its current terms, to allow time for refinancing of the Development. The Borrower has received a firm commitment for a HUD 221(d)(4) loan of which proceeds will be used to rehabilitate the Development and pay off the SAIL loan. The Borrower needs the additional time to complete the refinancing. The Borrower has agreed to an additional one-year extension of the SAIL Land Use Restriction Agreement (“LURA”) term (adding one year to the current 53 years).

3. Recommendation

a) Approve the extension of the SAIL loan, at its current terms, to November 23, 2018, extension of the LURA for an additional year, and direct staff to proceed with loan document modification activities as needed.