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FLORIDA HOUSING
FINANCE CORPORATION

**BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

CULMER PLACE PHASE 2, LLC

Petitioner,

vs.

FHFC No. 2012-003UC
Application No. 2011-243C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____ /

PETITION FOR REVIEW

Pursuant to Sections 120.569 and .57, Florida Statutes (F.S.) and Rule 67-48.005(5), Florida Administrative Code (F.A.C.), Petitioner, Culmer Place ("Culmer Place") requests an administrative hearing to challenge FLORIDA HOUSING FINANCE CORPORATION's ("Florida Housing") scoring actions concerning Universal Cycle Application No. 2011-243C. In support of this Petition, Culmer Place provides as follows:

1. Culmer Place is a Florida for-profit limited liability corporation with its address at 3 East Stow Road, Suite 100, Marlton, New Jersey 08053. Culmer Place is in the business of providing affordable rental housing units in the State of Florida.

2. Florida Housing is the state agency delegated the authority and responsibility for administering and awarding funds pursuant to Chapter 420, F.S., and Rules 67-21 and 67-48, F.A.C.

Nature of the Controversy

3. On December 6, 2011, Culmer Place applied to Florida Housing for funding pursuant to the Low Income Housing Tax Credit Program (LIHTC). The purpose of the requested funds was to supplement the construction of an affordable housing apartment complex in Miami, Florida, named Culmer Place Phase 2.

4. Pursuant to section 420.5099, Florida Statutes, Florida Housing is the designated “housing credit agency” for the State of Florida and administers Florida’s low-income housing tax credit program. Through this program, Florida Housing allocates Florida’s annual fixed pool of federal tax credits to developers of affordable housing.

5. The tax credits allocated annually to each state are awarded by state “housing credit agencies” to single-purpose applicant entities created by real estate developers to develop specific multi-family housing projects. An applicant entity will then sell this ten-year stream of tax credits, typically to a “syndicator,” with the sale proceeds generating much of the funding necessary for development and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to operate the project at rents that are affordable to low-income and very-low-income tenants.

6. The United States Congress has created a program, governed by Section 42 of the Internal Revenue Code (“IRC”), by which federal income tax credits are allotted annually to each state on a per capita basis to encourage private developers to build and operate affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder’s federal tax liability, which can be taken for up to ten years if the project continues to satisfy all IRC requirements.

7. Because Florida Housing’s available pool of federal tax credits each year is limited, qualified projects must compete for this funding. To assess the relative merits of proposed projects, Florida Housing has established a competitive application process pursuant to Chapter 67-48, F.A.C. Specifically, Florida Housing’s application process for 2011, as set forth in Rules 67-48.002-.005, F.A.C., involves the following:

- (a) The publication and adoption by rule of an application package;
- (b) The completion and submission of applications by developers;
- (c) Florida Housing’s preliminary scoring of applications;
- (d) An initial round of administrative challenges in which an applicant may take issue with Florida Housing’s scoring of another application by filing a Notice of Possible Scoring Error (“NOPSE”)

- (e) Florida Housing’s consideration of the NOPSEs submitted, with notice to applicants of any resulting change in their preliminary scores;
- (f) An opportunity for the applicant to submit additional materials to Florida Housing to “cure” any items for which the applicant received less than the maximum score;
- (g) A second round of administrative challenges whereby an applicant may raise scoring issues arising from another applicant’s cure materials by filing a Notice of Alleged Deficiency (“NOAD”);
- (h) Florida Housing’s consideration of the NOADs submitted, with notice to applicants of any resulting change in their scores;
- (i) An opportunity for applicants to challenge, via informal or formal administrative proceedings, Florida Housing’s evaluation of any item for which the applicant received less than the maximum score; and
- (j) Final scores, ranking, and allocation of tax credit funding the applicants through the adoption of final orders.

8. At the completion of this process a Final Score is assigned to each Application. Based on these Final Scores, and a series of Tie Breakers, Applications are then ranked. Funds are awarded to applicants starting with applicable preferences and set asides and the highest scoring applicants, until the available funds are exhausted. Applicants compete for funds, in large part, against other applicants in the same county size group, and against other applicants seeking to provide housing to the same demographic group.

9. Based on a review of Florida Housing's Scoring Summary dated March 27, 2012, Culmer Place received a final score of 74 out of a possible 79 points for its Application. Additionally, Culmer Place received 6.00 out of 6.00 Ability To Proceed points and 36.50 out of 37 Tie-Breaker Proximity Points.

10. Florida Housing's scoring action in the instant case concerns whether Culmer Place provided information to support a Local Government Contribution from Miami Dade County which meets the requirements of the Universal Cycle Application and Rule. As will be explained more fully below, Florida Housing's scoring action in the instant case is erroneous.

Substantial Interests Affected

11. As an applicant for funds allocated by Florida Housing, Culmer Place's substantial interests are adversely affected by the scoring decisions here. The final scoring actions of Florida Housing resulted in Culmer Place's Application not maximizing total points. Since the purpose of the loan program in general is to provide funding to developers of apartment projects for low income residents, then Culmer Place's interests are adversely and substantially affected by the loss of funding. Indeed, without the requested funding, Culmer Place's ability to provide much needed affordable housing units will be severely jeopardized.

Scoring of Culmer Place's Application

12. The Universal Application at Part IV requests information regarding Local Government support. Specifically, at Part IV(A), the Application requires the Applicant to provide information concerning Local Government Contributions for the proposed project. To be eligible to receive the 5 points an applicant must provide a properly completed and executed Local Government Verification of Contribution Form.

13. The Universal Application also indicates that to be eligible for a Local Government Contribution, the Contribution must provide a tangible economic benefit that results in a quantifiable cost reduction and must be given specifically to the proposed Development.

14. In its original Application, Culmer Place provided a properly executed Exhibit 37. Local Government Contribution from Miami-Dade, in the amount of \$277,474.12.

15. After conducting its preliminary review of the Application and all NOPSEs, Florida Housing found as follows:

Item #	Description	Created as Result	Rescinded as Result
11S	The Applicant provided a Local Government Verification of Contribution – Fee Waiver form at Exhibit 37. Based on evidence provided by a NOPSE, it appears the impact fees were calculated incorrectly and may have been overstated. Therefore, the Applicant received zero points for the Local Government Contribution. The Applicant is not eligible for automatic points.	NOPSE	

(See Attachment A.)

16. In response to Florida Housing’s preliminary scoring decision, Culmer Place provided cure documents, including a revised Exhibit 37 and detailed explanation of the required calculation. (see Attachment B).

17. In response to the Cures, Florida Housing on March 27, 2012, found that Culmer Place had addressed most scoring issues raised in preliminary scoring and by NOPSEs. However, Florida Housing concluded that Culmer Place's CURE raised additional issues with the Local Government Contribution. Specifically, Florida Housing in its Final Scoring Summary concluded as follows:

Item #	Description	Created as Result	Rescinded as Result
11S	As a CURE for 11S, the Applicant submitted a Local Government Verification of Contribution – Fee Waiver form. However, per Part IV.A of the 2011 Universal Cycle Application Instructions in order for a fee waiver to be considered complete and eligible for points the calculations by which the total amount of each waiver is determined must be provided. No calculation was provided and the proposed Development is not eligible for automatic points.	Final	

18. In the instant case, Florida Housing has simply determined that the fee calculations for the fee waiver awarded by Miami Dade County were not provided.

19. Florida Housing’s scoring decision is erroneous in that the fee calculation was originally provided with the Application and subsequently revised as explained in the CURE documents.

20. Specifically, the CURE explains:

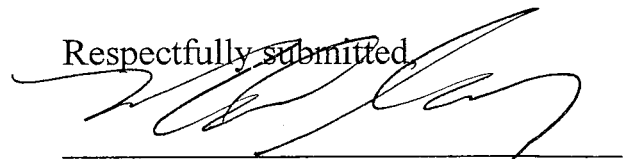
Culmer Place will only affect four existing buildings containing a total of 29 existing Dwelling Units. Applicant has proposed 120 units of new construction, by applying the Impact Fee Credit (29 Units) the applicant will be eligible for a waiver in the amount of 91 units. This calculation has been further verified by Miami-Dade County and attached is a revised Exhibit 37 which provides verification of fee waiver in the amount of \$210,417.87.

21. To the extent that a cost per unit calculation was needed, the CURE explanation provides for that calculation as follows: \$210,417.87 (total amount waived) divided by 91 (unit total) = \$2,312.280 (amount per unit). This is the same calculation as was included with the initial Application and the amount waived per unit did not change.

22. Accordingly, Exhibit 37 meets the requirements of the Universal Cycle Application.

WHEREFORE, Culmer Place requests that it be granted an administrative proceeding to contest Florida Housing's erroneous scoring decisions. To the extent there are disputed issues of fact, this matter should be forwarded to the Division of Administrative Hearings. Ultimately, Culmer Place requests the entry of a Recommended and Final Order which finds that it has met threshold and awards Culmer Place all applicable points.

Respectfully submitted,




Michael P. Donaldson

FL Bar No. 0802761
CARLTON FIELDS, P.A.
P.O. Drawer 190
215 S. Monroe St., Suite 500
Tallahassee, FL 32302
Telephone: (850) 224-1585
Facsimile: (850) 222-0398

Counsel for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed by Hand Delivery with the Agency Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301; and a copy furnished to Wellington H. Meffert, II, Esq., Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301, this 18th day of April, 2012.


MICHAEL P. DONALDSON

ELECTION OF RIGHTS

Application Number: 2011-2430 Development Name: Culture Place

- 1. I do not desire a proceeding.
- 2. I elect an informal proceeding to be conducted in accordance with Sections 120.569 and 120.57(2), Florida Statutes. In this regard I desire to (Choose one):

- submit a written statement and documentary evidence; or
- attend an informal hearing to be held in Tallahassee.

Note: Rule 28-106.301, Florida Administrative Code, requires Applicant to submit a petition in a prescribed format. (attached)

- 3. I elect a formal proceeding at the Division of Administrative Hearings. This option is available only if there are disputed issues of material fact.

Note: Applicant must submit an appropriate petition in accordance with Rule 28-106.201, Florida Administrative Code. (attached)

Following are my top four preferences, in order from 1-4 (with 1 being my first choice, etc.) for scheduling my informal hearing. All formal hearings will be scheduled by the Division of Administrative Hearings:


Hearing Dates:	A.M.	P.M.
May 7, 2012	X	X
May 8, 2012	X	X
May 9, 2012	X	X

Hearing Dates:	A.M.	P.M.
May 10, 2012		
May 11, 2012		

Matters heard after these dates will likely not be funded in the current Application Cycle.

Please provide a Hearing Schedule to me via e-mail or fax at: m.donaldson@carltonfields.com or 850-222-0398
(E-Mail Address) (Fax Number - include Area Code)

Date: 4/18/12


Signature of Petitioner

Name: Michael Donaldson

Address: 215 S. Monroe Street Suite 500
Tallahassee, FL

Phone: 850-224-1585
(include Area Code)

TO PRESERVE YOUR RIGHT TO A PROCEEDING, YOU MUST RETURN THIS FORM WITHIN TWENTY-ONE (21) CALENDAR DAYS OF RECEIPT OF THIS NOTICE. THE FORM MUST BE RETURNED TO THE FLORIDA HOUSING FINANCE CORPORATION AT THE ADDRESS INDICATED IN THE NOTICE OF RIGHTS. TO FACILITATE THE SCHEDULING OF HEARINGS, THIS FORM MAY BE SUBMITTED PRIOR TO FILING A PETITION.

Scoring Summary Report

File #: 2011-243C Development Name: Culmer Place Phase 2

As of: 03/27/2012

	Maximum Points/Eligibility	Preliminary	NOPSE	Final	Final Ranking
Met Threshold	Y/N	N	N	Y	
Total Points	79	71.00	66.00	74.00	
Ability to Proceed Tie-Breaker Points	6	6.00	6.00	6.00	
Proximity Tie-Breaker Points	37	10.00	10.00	36.50	
Eligible for 1/8th Mile Ranking Preference	Y/N	N	N	N	
Eligible for Age of Development Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
Eligible for Concrete Construction Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
Eligible for Florida General Contractor Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
RA Level Classification (preference given to the lowest RA Level Classification)	1 - 6	5	5	5	

Scores:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Developer									
1S	II.	B.	1.c.	Housing Credit Development Experience	3.00	0.00	0.00	3.00	
Construction Features and Amenities									
2S	III.	B.	3.a.	Optional - NC & Rehab. Units	9.00	9.00	9.00	9.00	
3S	III.	B.	3.b.	Optional - All Developments Except SRO	12.00	12.00	12.00	12.00	
3S	III.	B.	3.c.	Optional - SRO Developments	12.00	0.00	0.00	0.00	
4S	III.	B.	3.d.	Optional - Universal Design & Visitability	10.00	10.00	10.00	10.00	
5S	III.	B.	5.a.(1)	Green Building Features (NC & Redev.)	7.00	0.00	0.00	0.00	
5S	III.	B.	5.a.(2)	Green Building Certification (NC & Redev.)	10.00	10.00	10.00	10.00	
5S	III.	B.	5.b.	Green Building Features (Rehab. & Preserv.)	10.00	0.00	0.00	0.00	
Set-Aside Commitments									
6S	III.	E.	1.b.(2)	Special Needs Households	4.00	4.00	4.00	4.00	
7S	III.	E.	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	
8S	III.	E.	3.	Affordability Period	5.00	0.00	0.00	5.00	
Resident Programs									
9S	III.	F.	1.	Programs for Non-Elderly & Non-Homeless	6.00	6.00	6.00	6.00	
9S	III.	F.	2.	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00	0.00	
9S	III.	F.	3.	Programs for Elderly	6.00	0.00	0.00	0.00	
10S	III.	F.	4.	Programs for All Applicants	8.00	8.00	8.00	8.00	
Local Government Contributions									
11S	IV.	A.		Contributions	5.00	5.00	0.00	0.00	
Local Government Incentives									
12S	IV.	B.		Incentives	4.00	4.00	4.00	4.00	

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded As Result
1S	The Applicant provided one chart for both the General Development Experience and the HC Development Experience. The chart reflects the name of the Developer (Michaels Development Company I, LP) but does not reflect the name of a Principal of the Developer as required for the Housing Credit Development Experience points.	Preliminary	Final
8S	The Applicant failed to specify an affordability period sufficient to achieve any points.	Preliminary	Final
11S	The Applicant provided a Local Government Verification of Contribution - Fee Waiver form at Exhibit 37. Based on evidence provided by a NOPSE, it appears the impact fees were calculated incorrectly and may have been overstated. Therefore, the Applicant received zero points for the Local Government Contribution. The Applicant is not eligible for automatic points.	NOPSE	Final
11S	As a CURE for 11S, the Applicant submitted a Local Government Verification of Contribution - Fee Waiver form. However, per Part IV.A. of the 2011 Universal Cycle Application Instructions in order for a fee waiver to be considered complete and eligible for points the calculations by which the total amount of each waiver is determined must be provided. No calculation was provided and the proposed Development is not eligible for automatic points.	Final	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	III.	C.	2.	Site Control	The Applicant failed to provide any of the required documentation to demonstrate site control.	Preliminary	Final
2T	III.	C.	5.	Environmental Site Assessment	The Applicant failed to provide the required Verification of Environmental Safety – Phase I Environmental Site Assessment form and, if applicable, the Verification of Environmental Safety – Phase II Environmental Site Assessment.	Preliminary	Final
3T	V.	D.	2.	HC Equity	The Applicant failed to provide a syndication commitment. Therefore, no HC equity could be counted as a source of financing.	Preliminary	Final
4T	V.	D.	1.	Non-Corporation Funding	Although the Applicant listed first mortgage financing (with evidence to be provided at Exhibit 47), no commitment for this loan has been provided. Therefore, the loan amount cannot be counted as a source of financing.	Preliminary	Final
5T	V.	B.		Construction/Rehab. Analysis	The Applicant has a construction financing shortfall of \$26,451,000.	Preliminary	Final
6T	V.	B.		Permanent Analysis	The Applicant has a permanent financing shortfall of \$26,351,000.	Preliminary	Final
7T	II.	A.	2.a.	Applicant	The Applicant indicated that it has applied for the Federal Taxpayer Identification Number, but failed to provide a copy of the completed, submitted application for the number.	Preliminary	Final
8T	II.	A.	2.a.	Applicant	The Applicant failed to demonstrate that it is a legally formed entity qualified to do business in the state of Florida as of the Application Deadline. A valid Certificate of Good Standing in the Applicant's name from the Florida Secretary of State was not provided.	Preliminary	Final

Ability To Proceed Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
1A	III.	C.	1.	Site Plan/Plat Approval	1.00	1.00	1.00	1.00	1.00
2A	III.	C.	3.a.	Availability of Electricity	1.00	1.00	1.00	1.00	1.00
3A	III.	C.	3.b.	Availability of Water	1.00	1.00	1.00	1.00	1.00
4A	III.	C.	3.c.	Availability of Sewer	1.00	1.00	1.00	1.00	1.00
5A	III.	C.	3.d.	Availability of Roads	1.00	1.00	1.00	1.00	1.00
6A	III.	C.	4.	Appropriately Zoned	1.00	1.00	1.00	1.00	1.00

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Transit Services									
1P	III.	A.	10.a	Public Bus Stop	2.00	0.00	0.00	0.00	0.00
1P	III.	A.	10.a	Public Bus Transfer Stop or Public Bus Transit Stop	6.00	0.00	0.00	0.00	0.00
1P	III.	A.	10.a	Public Rail Station	7.00	0.00	0.00	0.00	7.00
Tier 1 Services									
2P	III.	A.	10.a	Grocery Store	4.00	0.00	0.00	0.00	3.50
3P	III.	A.	10.a	Public School	4.00	0.00	0.00	0.00	4.00
3P	III.	A.	10.a	Senior Center	4.00	0.00	0.00	0.00	0.00
4P	III.	A.	10.a	Medical Facility	4.00	0.00	0.00	0.00	3.00
Eligible for Tier 1 Service Score Boost (Yes/No)						Y	Y	Y	Y
Total Tier 1 Service Score					12.00	0.00	0.00	0.00	12.00
Tier 2 Services									
5P	III.	A.	10.a	Public Park	2.00	0.00	0.00	0.00	2.00
6P	III.	A.	10.a	Community Center	2.00	0.00	0.00	0.00	2.00
7P	III.	A.	10.a	Pharmacy	2.00	0.00	0.00	0.00	1.75
8P	III.	A.	10.a	Public Library	2.00	0.00	0.00	0.00	1.75
FHFC Proximity List									
9P	III.	A.	10.b	Proximity to Developments on FHFC Development Proximity List	10.00	10.00	10.00	10.00	10.00

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result	Rescinded As Result
1P-8P	The Applicant did not receive any proximity tie-breaker points for Transit, Tier 1 or Tier 2 Services because the Applicant did not submit the Surveyor Certification for Competitive HC Applications form.	Preliminary	Final

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	III.	A.	10.b.	Proximity to Developments on FHFC Development Proximity List	The Application qualifies for 10 automatic proximity points at Part III.A.10.b.(1) of the Application.	Preliminary	

2011 CURE FORM

(Submit a SEPARATE form for EACH reason relative to
EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2011-243C** and pertains to:

Part IV Section A Subsection _____ Exhibit No. 37 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input checked="" type="checkbox"/> Reason Score Not Maxed	Item No. 11S	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a cure to Part _____ Section _____ Subsection _____ Exhibit _____ (if applicable).

Brief Statement of Explanation regarding
Application 2011 – 243C

Provide a separate brief statement for each Cure

ITEM # 11S:

As a result of a NOPSE submitted, it was determined that Applicant's Fee Waiver was incorrectly calculated. The NOPSE filed, incorrectly stated the amount of Impact Fee Credits because the Applicant is NOT seeking to redevelop the entire Public Housing Development known as Culmer Place.

Culmer Place Phase 2 will only affect four existing buildings containing a total of 29 existing Dwelling Units. Applicant has proposed 120 units of new construction, by applying the Impact Fee Credit (29 Units) the applicant will be eligible for a waiver in the amount of 91 Units. This calculation has been further verified by Miami-Dade County and attached is a revised Exhibit 37 which provides verification of fee waiver in the amount of \$210,417.87.

Based upon the change, Applicant's score should be updated to reflect the fact that Applicant has been awarded a Local Government Contribution that exceeds the minimum requirements of FHFC as set forth in FHFC's 2011 Universal Application Instructions.

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - FEE WAIVER

To be eligible to be considered for points, a sheet showing the computations by which the total amount of each fee waiver is determined must be attached to this verification form. Computations should include, where applicable, waived fee amount per set-aside unit.

Name of Development: Culmer Place Phase 2 (Part III.A.1. of the 2011 Universal Application)

SE Corner of NW 7th Avenue & NW 10th Street, Miami, FL 33136

Development Location: (At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

Amount of Fee Waiver: \$ 210,417.87. Is this amount based upon a per set-aside (affordable) unit computation? [X] yes [] no

On or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) the City/County of Miami-Dade, pursuant to Ordinance #98-112, waived the following fees: Impact Fees for Roads

No consideration or promise of consideration has been given with respect to the fee waiver. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee waiver is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution: Name of Government Contact: Gregg Foster, Director, PHCD Address (street address and city): 701 NW 1st Court, 16th Floor Miami, FL 33136 Telephone Number: 786-469-4106

CERTIFICATION

I certify that the foregoing information and the computations stated on the sheet attached to this form are true and correct and that this commitment is effective through 06/30/2012 Date (mm/dd/yyyy)

Signature: Russell Benford Print or Type Name Deputy Mayor Print or Type Title Telephone Number: (305) 375-5071

NOTE TO LOCAL GOVERNMENT OFFICIAL: Waivers that are not specifically made for the benefit of this Development but are instead of general benefit to the area in which the Development is located will NOT qualify as a contribution to the Development. Further, the fact that no impact fees or other fees are levied by a local jurisdiction for ANY type of development DOES NOT constitute a 'Local Government Contribution' to the proposed Development. Similarly, if such fees ARE levied by the local jurisdiction but the nature of the proposed Development exempts it (e.g., typically, a Rehabilitation Development is not subject to impact fees), for purposes of this form, no 'Local Government Contribution' exists and no points will be awarded.

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

Provide Behind a Tab Labeled "Exhibit 37"



OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA

CARLOS A. GIMENEZ
MAYOR

February 27, 2012

Mr. Joe Chambers
The Michaels Development Company I, L.P.
3 East Slow Road Suite 100
Marlton, NJ 08053

RE: Applicant: Culmer Place Phase 2, LLC
Development: Culmer Place Phase 2
Location: Miami-Dade County

Dear Mr. Chambers:

This letter supersedes the previous letter I provided dated December 5, 2011, as there were changes required in the calculation of the local government contribution due to impact fee credits due for existing dwelling units that are proposed to be demolished

As part of the County's commitment to affordable housing, this letter is to confirm the local government contribution for the 2011 Universal Tax Credit Cycle, for the above referenced development. Pursuant to Miami-Dade County Ordinance #88-112, the waiver of Miami-Dade County Impact fees (roads) for this affordable housing development will result in a savings of \$210,417.87. This commitment is effective through June 30, 2012.

If you have any questions regarding this local government contribution, please contact Gregg Fortner, Director, Public Housing and Community Development (PHCD), at (786) 469-4106.

Sincerely,



Russell Benford
Deputy Mayor

C: Gregg Fortner, Director, PHCD