

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
June 11, 2020
Action Items



LEGAL

Action

I. LEGAL

A. **Ambar Trail, Ltd., vs. Florida Housing Finance Corporation (Respondent) and Naranja Lakes Housing Partners, LP, and Slate Miami Apartments, Ltd. (Intervenors); FHFC Case No.: 2020-005BP, DOAH Case No.: 20-1138BID**

Sierra Meadows Apartments, Ltd., vs. Florida Housing Finance Corporation (Respondent) and Naranja Lakes Housing Partners, LP, and Slate Miami Apartments, Ltd. (Intervenors); FHFC Case No.: 2020-006BP, DOAH Case No.: 20-1139BID

Quail Roost Transit Village IV, Ltd., vs. Florida Housing Finance Corporation (Respondent) and Naranja Lakes Housing Partners, LP, and Slate Miami Apartments, Ltd. (Intervenors); FHFC Case No.: 2020-007BP, DOAH Case No.: 20-1140BID

Parc Grove, LLC, vs. Florida Housing Finance Corporation (Respondent) and Naranja Lakes Housing Partners, LP, and Harbour Springs, LLC (Intervenors); FHFC Case No.: 2020-009BP, DOAH Case No.: 20-1141BID

1. Background

- a) This case regards protests filed in Request for Applications 2019-112 Housing Credit Financing for Affordable Housing Developments Located in Miami-Dade County (the “RFA”). Through the ranking and selection process outlined in the RFA, Naranja Lakes Housing Partners, LP (“Naranja”), Slate Miami Apartments, Ltd., (“Slate Miami”), and Harbour Springs, LLC (“Harbour Springs”) were preliminarily selected for funding.
- b) Ambar Trail, Ltd., (“Ambar Trail”), Sierra Meadows Apartments, Ltd., (“Sierra Meadows”), Quail Roost Transit Village IV, Ltd, (“Quail Roost”), Paseo Del Rio, LLC (“Paseo Del Rio”) and Parc Grove, LLC (“Parc Grove”) timely filed notices of intent to protest and formal written protests challenging the scoring process in the RFA. Paseo Del Rio voluntarily dismissed its petition. The four remaining petitions were referred to the Division of Administrative Hearings (“DOAH”) and consolidated. Naranja, Slate Miami, and Harbour Springs filed notices of appearance as specifically named persons.
- c) Naranja and Slate Miami filed a Joint Motion to Dismiss the petitions filed by Ambar Trail, Sierra Meadows, and Quail Roost based on a lack of standing. Florida Housing joined in the Motion to Dismiss. Ambar Trail, Sierra Meadows, and Quail Roost filed a Response to the Joint Motion to Dismiss.
- d) On March 23, 2020, a telephonic hearing on the Joint Motion to Dismiss was conducted before James H. Peterson, III, Administrative Law Judge (“ALJ”) with DOAH. At hearing Ambar Trail, Sierra Meadows, and Quail Roost argued that the entire RFA 2019-112 and the preliminary funding award decisions issued for the RFA should be rescinded.

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2. Present Situation

- a) At the hearing, the Joint Motion to Dismiss, the Response to the Motion to Dismiss, the Petitions filed by Petitioners, and arguments of counsel were considered and discussed. At the end of those discussions, the ALJ orally announced that the Joint Motion to Dismiss was well taken and that a written order to that effect would be entered. On March 24, 2020, Parc Grove filed a notice of voluntary dismissal dismissing its petition. On April 3, 2020, the ALJ issued a Recommended Order of Dismissal, attached as [Exhibit A](#) recommending that Florida Housing enter a Final Order finding that Petitioners Ambar Trail, Sierra Meadows, and Quail Roost lack standing and dismissing the Petitions with prejudice.
- b) On April 13, 2020, Ambar Trail, Sierra Meadows, and Quail Roost filed Petitioners' Objections/Exceptions to the Administrative Law Judge's Recommended Order of Dismissal, attached as [Exhibit B](#). On April 23, 2020, Florida Housing filed its Response to Petitioners' Exceptions, attached as [Exhibit C](#), Naranja and Slate Miami filed a Joint Response to Exceptions, attached as [Exhibit D](#) and Harbour Springs filed a Joinder to the Responses filed by Florida Housing and Naranja and Slate Miami.

3. Recommendation

- a) Staff recommends that the Board:
 - (1) Reject Petitioners' Exceptions #1-9 and;
 - (2) Adopt the Findings of Fact, Conclusions of Law and Recommendation of the Recommended Order of Dismissal; and;
 - (3) Issue a Final Order dismissing with prejudice the Petitions filed by Ambar Trail, Sierra Meadows, and Quail Roost for lack of standing, and preserving the ranking order, eligibility and funding awards originally adopted by the Board for this RFA.

MULTIFAMILY PROGRAMS – ALLOCATIONS

Action

I. MULTIFAMILY PROGRAMS – ALLOCATIONS

A. RFA 2020-102 SAIL Financing for Smaller Permanent Supportive Housing Developments for Persons with Special Needs

1. Background

- a) On March 4, 2020, Florida Housing Finance Corporation (Florida Housing) issued RFA 2020-102 offering \$9,340,730 in SAIL financing for the new construction or acquisition and Substantial Rehabilitation of new housing for Permanent Supportive Housing for Persons with Special Needs.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, April 1, 2020.

2. Present Situation

- a) Florida Housing received 4 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Ryan McKinless, Multifamily Programs Manager (Chair), Tracy Banner, Policy Administrator, Joey Evans, Multifamily Programs Allocations Analyst, Jade Grubbs, Multifamily Programs Administrator, Elaine Roberts, Senior Supportive Housing Analyst, and Zach Summerlin, Assistant Policy Director/Supportive Housing Coordinator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its May 13, 2020 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2020-102 All Applications chart (provided as [Exhibit A](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results as set out on Exhibit A and recommendations for funding as set out on [Exhibit B](#);
 - (2) A motion to recommend that the Board approve the scoring results as set out on Exhibit A and recommendations for funding as set out on Exhibit B.
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS – ALLOCATIONS

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- f) As outlined in the RFA, at the completion of all litigation and approval by the Board of all Recommended Orders with regard to this RFA, Florida Housing shall offer all Applicants within the funding range an invitation to enter credit underwriting.

3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 4 Applications (set out on Exhibit A) and authorize the tentative selection of the 1 Application (set out on Exhibit B) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Application set out on the Exhibit B.
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.
- d) There is an unallocated balance of \$4,951,550 remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.
- e) If no notices of protest or formal written protest are filed, Staff also recommends authorizing the issuance of a new RFA with the remaining unallocated balance, plus an additional \$250,000 in SAIL financing. Applicants eligible to compete in the new RFA would be limited to the Applications that met the minimum point threshold requirement in this RFA. Those Applications are 2020-481S and 2020-482S. The RFA would be limited to allow those Applications to submit new finance scoring information. No other aspects of the Applications would be re-scored. Application 2020-484S would not be eligible to compete in the new RFA because it did not meet the minimum point threshold requirement in this RFA. The Applicant with the highest scoring eligible Application would be recommended for funding.

MULTIFAMILY PROGRAMS – ALLOCATIONS

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B. RFA 2020-103 Housing Credit and SAIL Financing to Develop Housing for Homeless Persons

1. Background

- a) On February 10, 2020, Florida Housing Finance Corporation (Florida Housing) issued RFA 2020-106 offering \$4,075,000 in Housing Credits, \$10,262,100 in SAIL financing, and \$1,339,200 in NHTF funding for the development of housing for Homeless individuals and families.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, March 31, 2020.

2. Present Situation

- a) Florida Housing received 4 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Rachael Grice, Multifamily Programs Coordinator (Chair), Tracy Banner, Policy Administrator, Diana Fields, Policy Administrator, Charles Jones, Multifamily Programs Manager, Matt Jugenheimer, Development Finance Administrator, Elaine Roberts, Senior Supporting Housing Analyst, and Zach Summerlin, Assistant Policy Director/Supportive Housing Coordinator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its May 13, 2020 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2020-103 All Applications chart (provided as [Exhibit C](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results as set out on Exhibit C and recommendations for funding as set out on [Exhibit D](#);
 - (2) A motion to recommend that the Board approve the scoring results as set out on Exhibit C and recommendations for funding as set out on Exhibit D.
- e) The motions passed unanimously.
- f) As outlined in the RFA, at the completion of all litigation and approval by the Board of all Recommended Orders with regard to this RFA, Florida Housing shall offer all Applicants within the funding range an invitation to enter credit underwriting.

3. Recommendation

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- a) Approve the Committee’s recommendations that the Board adopt the scoring results of the 4 Applications (set out on Exhibit C) and authorize the tentative selection of the 2 Applications (set out on Exhibit D) for funding.
- b) There is an unallocated balance of \$1,209,633 in Housing Credits and \$2,541,800 in SAIL funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.
- c) Staff also recommends the Board approve the preliminary section of the next highest ranking eligible unfunded Application, 2020-480CSN, by adding the necessary amount of available Housing Credits and SAIL financing to the remaining unallocated balances to fully fund the Application.
- d) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications approved for funding.
- e) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.

MULTIFAMILY PROGRAMS – ALLOCATIONS

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C. **RFA 2020-106 Financing to Develop Housing for Persons with Disabling Conditions / Developmental Disabilities**

1. **Background**

- a) On February 25, 2020, Florida Housing Finance Corporation (Florida Housing) issued RFA 2020-106 offering \$2,980,000 in Housing Credits, \$4,000,000 in SAIL funding, and \$4,000,000 in grant funding for the development of independent Permanent Supportive Housing for either (i) persons with a Disabling Condition that also includes a portion of units for Homeless individuals and families; or (ii) Persons with Developmental Disabilities.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, March 26, 2020.

2. **Present Situation**

- a) Florida Housing received 5 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Rebecca Sheffield, Multifamily Programs Coordinator (Chair), Diana Fields, Policy Administrator, Sofia Miles, Multifamily Programs Manager, Lisa Nickerson, Multifamily Programs Administrator, Elaine Roberts, Senior Supportive Housing Analyst, and Zachary Summerlin, Assistant Policy Director/Supportive Housing Coordinator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its May 12, 2020 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2020-106 All Applications chart (provided as [Exhibit E](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results as set out on Exhibit E and recommendations for funding as set out on [Exhibit F](#);
 - (2) A motion to recommend that the Board approve the scoring results as set out on Exhibit E and recommendations for funding as set out on Exhibit F.
- e) The motions passed unanimously.

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- f) As outlined in the RFA, at the completion of all litigation and approval by the Board of all Recommended Orders with regard to this RFA, Florida Housing shall offer all Applicants within the funding range an invitation to enter credit underwriting.

3. Recommendations

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 5 Applications (set out on Exhibit E) and authorize the tentative selection of the 1 Applications (set out on Exhibit F) for funding.
- b) There is an unallocated balance of \$1,360,000 in Housing Credits and \$4,000,000 in SAIL funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.
- c) Staff also recommends the Board approve the preliminary selection of the next two highest ranking eligible unfunded Applications, 2020-453CS and 2020-451CS, by adding the necessary amount of available Housing Credits and SAIL financing to the remaining unallocated balances to fully fund the Applications.
- d) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications approved for funding.
- e) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.

MULTIFAMILY PROGRAMS – ALLOCATIONS

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D. RFA 2020-208 SAIL and Housing Credit Financing for the Construction of Workforce Housing

1. Background

- a) On February 24, 2020, Florida Housing Finance Corporation (Florida Housing) issued RFA 2020-106 offering \$2,980,000 in Housing Credits and \$17,954,000 in SAIL funding for the construction of workforce housing.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, March 30, 2020.

2. Present Situation

- a) Florida Housing received 22 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Tracy Willis, Quality assurance Credit Underwriter Administrator (Chair), Tammy Bearden, Loan Closing Manager and Heather Strickland, Multifamily Programs Coordinator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its May 12, 2020 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2020-208 All Applications chart (provided as [Exhibit G](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results as set out on Exhibit G and recommendations for funding as set out on [Exhibit H](#);
 - (2) A motion to recommend that the Board approve the scoring results as set out on Exhibit G and recommendations for funding as set out on Exhibit H.
- e) The motions passed unanimously.
- f) As outlined in the RFA, at the completion of all litigation and approval by the Board of all Recommended Orders with regard to this RFA, Florida Housing shall offer all Applicants within the funding range an invitation to enter credit underwriting.

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3. **Recommendation**

- a) Approve the Committee’s recommendations that the Board adopt the scoring results of the 22 Applications (set out on Exhibit G) and authorize the tentative selection of the 3 Applications (set out on Exhibit H) for funding.
- b) There is an unallocated balance of \$2,980,000 in Housing Credits and \$994,000 in SAIL funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.
- c) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications set out on Exhibit H.
- d) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

I. PROFESSIONAL SERVICES SELECTION (PSS)

A. Contract Renewal – Compliance Administration for Single Family Homebuyer Loan Program and the Mortgage Credit Certificate Program

1. Background

- a) At the June 15, 2018 meeting, Florida Housing’s Board of Directors authorized staff to enter into contract negotiations with Hilltop Securities, Inc., and Housing and Development Services, Inc., d/b/a e-Housing Plus to provide compliance administration services for the Mortgage Credit Certificate Program and the Single Family Homebuyer Loan Program, respectively. These contracts will expire on September 30, 2020.
- b) Contingent upon each entity satisfactorily performing its obligations under their respective contracts as determined by Florida Housing, these contracts may be renewed once for an additional two-year period.

2. Present Situation

- a) Florida Housing staff supports using the two-year renewal option for both contracts.

3. Recommendation

- a) Staff recommends the Board direct staff to proceed with the two-year renewal option for both contracts.