

**FLORIDA HOUSING FINANCE CORPORATION**  
**Board Meeting**  
September 16, 2022  
Consent Items



**COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RELIEF (CDBG-DR)**

*Consent*

**I. COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RELIEF (CDBG-DR)**

**A. Request Second RFA Waiver Approval of Loan Closing Deadline Extension and Waiver of Extension Fees for Civitas of Cape Coral (2020-018BD)**

<b>Development Name: Civitas of Cape Coral</b>	<b>Location: Lee County</b>
<b>Applicant/Borrower: Pine Island Cape, LLC.</b>	<b>Set-Aside(s):</b> 40% @ 60% AMI (MMRN) 20.833% @ 30% AMI (CDBG-DR & 4%HC) 51.042% @ 60% AMI (CDBG-DR & 4%HC) 28.125% @ 80% AMI (Workforce, CDBG-DR & 4%HC)
<b>Developer/Principal: Catalyst Southwest Florida, LLC/Joseph Bonora, LCHA Developer, LLC/Lee County Housing Authority, and Revital Development Group, LLC/Michael Allan</b>	<b>Demographic/Number of Units:</b> Workforce / 96 units
<b>Requested Amounts (Development Funding):</b>  \$12,500,000 Multifamily Mortgage Revenue Note (MMRN)  \$5,633,218 Community Development Block Grant – Disaster Relief (CDBG-DR)  \$1,160,501 Annual Non-Competitive Housing Credits (4% HC)	<b>Development Category/Type:</b> New Construction/Garden Apartments

**1. Background/Present Situation**

- a) On July 30, 2019, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2019-102 for Community Development Block Grant – Disaster Recovery to be used in conjunction with Tax-Exempt MMRB and Non-Competitive Housing Credits in Counties Deemed Hurricane Recovery Priorities.
- b) On December 13, 2019, 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 17, 2020, the Board approved the Final Order resolving all pending litigation pertaining to the RFA, allowing staff to proceed with all necessary credit underwriting activities. Staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant on April 27, 2020. The Acceptance was acknowledged on May 1, 2020.
- d) On April 30, 2021, the Board approved the request to extend the firm loan commitment issuance deadline from May 1, 2020 to November 1, 2021.

## COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RELIEF (CDBG-DR)

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- e) On August 23, 2021, staff received a final credit underwriting report with a positive recommendation for MMRN and CDBG-DR funding.
- f) On September 10, 2021, the Board approved the authorization for the sale and issuance of a Multifamily Mortgage Revenue Note to finance this affordable housing Development within the State of Florida.
- g) On February 15, 2022, the Applicant requested a six-month loan closing extension from March 28, 2022 to September 28, 2022 citing a closing delay “due to rapidly increasing construction costs and interest rates”, as well as waiving loan closing extension fees. The Applicant also commits to the completion of the Development by the 2024 deadline.
- h) On September 6, 2022, the Applicant requested a second loan closing extension from September 28, 2022 to January 28, 2023 due to the continued rising construction costs and interest rates and a waiver of the loan closing extension fee ([Exhibit A](#)). The Applicant remains committed to the completion of the Development by the 2024 deadline.

### 2. **Recommendation**

- a) Approve the loan closing extension request from September 28, 2022 to January 28, 2023. Additionally, due to the funding source and nature of the CDBG-DR funds, approve the request to waive the applicable extension fee.

**HOME RENTAL**

*Consent*

**I. HOME RENTAL**

**A. Request Approval of HOME Credit Underwriting Report for Thomas Pines (2021-281H)**

<b>Development Name: Thomas Pines</b>	<b>Location: Jackson County</b>
<b>Applicant/Borrower: Ad Meliora Community Development, Inc.</b>	<b>Set-Aside(s): 20% @ 50% AMI 80% @ 60% AMI</b>
<b>Developer/Principal: Ad Meliora Community Development, Inc.: Maurice Harvey, Patrick Sheridan, Melody Evans</b>  <b>Volunteers of America: Janet Stringfellow, Alex Bueno, Helen Gutierrez, et al</b>	<b>Demographic/Number of Units: Family/35 HOME Units</b>
<b>Requested Amounts: HOME \$5,556,051 HOME Viability \$2,200,000</b>	<b>Development Category/Type: New Construction/Duplexes</b>

**1. Background/Present Situation**

- a) The Applicant applied for funding under Request for Applications (“RFA”) 2020-206 seeking an allocation of HOME Financing for the Construction of Small, Rural Developments.
- b) On January 22, 2021, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities for the six (6) eligible Applicants. After a formal written protest by the Developer of Hermosa Arcadia, the Board on March 12, 2021 approved the funding of all seven (7) Applicants, including Hermosa Arcadia.
- c) On March 18, 2021, staff issued a preliminary commitment letter. In accordance with Rule 67-48, the Developers had a March 22, 2022 deadline to complete the credit underwriting report and be issued a firm loan commitment. Pursuant to Rule 67-48.0072(21)(b) the Applicants may request one extension of the deadline of up to six months.
- d) On March 4, 2022, the Board approved the request to extend the firm loan commitment by six (6) months from March 25, 2022 until September 21, 2022, as a result of rising construction costs.
- e) On September 9, 2022 staff received a final credit underwriting report with a positive recommendation for a HOME loan in the amount of \$5,556,051 and a HOME Viability Loan of \$2,200,000 ([Exhibit A](#)). Staff has approved this report and finds the Development meets all of the requirements of Rule Chapter 67-48, F.A.C and any applicable RFA waivers discussed in the credit underwriting report.

## HOME RENTAL

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#### 2. **Recommendation**

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

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**I. LEGAL**

**A. In Re: Casa Devon Venture LP - FHFC Case No. 2022-042VW (App. No. 2019-507C)**

<b>Development Name: (“Development”):</b>	<b>Casa Devon Apartments</b>
<b>Developer/Principal: (“Developer”):</b>	<b>MRK Partners Inc./Sydne Garchik</b>
<b>Number of Units: 210</b>	<b>Location: Miami-Dade County</b>
<b>Type: Acquisition &amp; Rehabilitation, Mid-rise, 4-stories</b>	<b>Set-Asides: 100% @ 60% AMI</b>
<b>Demographics: Elderly Non-ALF</b>	<b>Funding: 4% HC: \$2,385,068</b>

**1. Background**

- a) Casa Devon Venture LP (“Petitioner”) was selected to receive 4% housing tax credits to assist in acquiring and rehabilitating a 210-unit development serving elderly persons in Miami-Dade County, Florida. On July 13, 2022, Florida Housing received a Petition for Waiver of Florida Administrative Code Rule 67-21.026(13)(e) to allow the development’s general contractor to perform work normally performed by subcontractors. A copy of the Petition is attached as [Exhibit A](#).

**2. Present Situation**

- a) Rule 67-21.026(13)(e), Fla. Admin. Code provides, in relevant part:

(13) The General Contractor must meet the following conditions:

...

(e) Ensure that no construction or inspection work that is normally performed by subcontractors is performed by the General Contractor.

- b) On December 17, 2019, Petitioner and NEI General Contracting, Inc. (“NEI”) entered into a Cost plus Fee construction contract with a guaranteed maximum price. As a result of multiple issues arising out of the COVID-19 pandemic, Petitioner states that NEI was required to self-performed certain portions of the contractual work that would normally be performed by subcontractors in order to make up time lost on the project’s schedule and prevent additional project costs.
- c) NEI’s self-performed work totaled \$677,084, which included a) general COVID-19 protocols, including sanitation stations, temperature screening, site signage, additional cleaning of work areas, construction of temporary separation walls, and a full-time elevator operator; b) final unit cleaning and punch list completion; c) wire shelving installation; d) general demolition labor; and e) demolition and finishing associated with Miami-Dade County COVID inspection delays.

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- d) Florida Housing's underwriter, through its construction consultant, has reviewed and verified the scope of the work and the costs incurred by NEI. Florida Housing has received a positive recommendation from its underwriter regarding the self-performed costs incurred by NEI during the project's construction due to the COVID-19 pandemic.
- e) On July 14, 2022, the Notice of the Petition was published in the Florida Administrative Register in Volume 48, Number 136. To date, Florida Housing has received no comments concerning the Petition.
- f) Section 120. 542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.
- g) Granting the requested waiver to allow for NEI's self-performance of work normally performed by subcontractors 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 67-21.026(13)(e), Fla. Admin. Code, allowing the Petitioner's general contractor to perform certain work normally performed by subcontractors, limited to the scope of work described above. This waiver is conditioned upon Petitioner's compliance with the following:
  - (1) The general contractor has included no profit in the cost of the self-performed work described above.
  - (2) The general contractor's fee for the self-performed work described above will be limited to 14% of the cost of work for the first \$350,000 and 10% for any self-performed work over \$350,000.
  - (3) In addition to verifying the amount paid to the general contractor for the self-performed work based on the steps prescribed in the GCCC instructions, an independent CPA will confirm/audit all labor and equipment hours and rates and material invoices for the self-performed work described above.
  - (4) As part of the cost certification process, in addition to confirming/auditing all self-performed work as noted in item 3, an independent CPA will confirm and/or verify an additional 40% of the development's costs per the final cost certification application package.

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**B. In Re: Beacon at Creative Village Partners, Ltd. - FHFC Case No. 2022-050VW (RFA 2021-202/App. No. 2022-122C)**

<b>Development Name: (“Development”):</b>	<b>The Beacon at Creative Village</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Atlantic Housing Partners, II, LLC/W. Scott Culp</b>
<b>Number of Units: 79</b>	<b>Location: Orange County</b>
<b>Type: High Rise/New Construction</b>	<b>Set Asides: 12 units at 30% AMI 45 units at 60% AMI 18 units at 80% AMI 4 units at Market Rate</b>
<b>Demographics: Family</b>	<b>Funding: 9% HC - \$2,375,000</b>

**1. Background**

- a) Petitioner successfully applied for competitive housing credits in RFA 2021-202 to assist in the construction of a 79-unit family housing development named The Beacon at Creative Village in Orange County, Florida (the “Development”). On August 26, 2022, Florida Housing received a Petition for Variance from Rule 67-48.004(3) to Allow a Decrease in the Total Set-Aside Percentage, and Request for Approval of Increase in Total Number of Units (the “Petition”) to allow Petitioner to add additional units to the Development which results in a decrease to the Total Set-Aside Percentage. A copy of the Petition is attached as [Exhibit B](#).

**2. Present Situation**

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

(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:

...

(i) Total number of units; notwithstanding the foregoing, the total number of units may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation. With regard to said approval, the Corporation shall consider the facts and circumstances, inclusive of each Applicant’s request, in evaluating whether the changes made are prejudicial to the Development or to the market to be served by the Development,...

(j) For the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application... Notwithstanding the foregoing, the Total Set-Aside Percentage... may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation. With regard to said approval, the



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Corporation shall consider the facts and circumstances, inclusive of each Applicant's request, in evaluating whether the changes made are prejudicial to the Development or to the market to be served by the Development...

- b) Petitioner requests waiver and approval, as applicable, of the above cited Rules to allow Petitioner to add six units to the development: one Extremely Low Income ("ELI") unit and five market rate units. This would increase the total number of units from seventy-nine (79) to eighty-five (85). The thirteen (13) ELI units would still account for over 15% of the total number of units in the Development as required by the RFA. The number of units at 60% AMI and 80% AMI would remain unchanged at forty-five (45) units and eighteen (18) units respectively.
- c) Petitioner states that adding the market rate units will enhance the financial viability of the Development going forward, in terms of providing additional revenue for debt service and operational costs. Rule 67-48.004(3)(j), Fla. Admin. Code, permits an Applicant to submit a written request to the Corporation to increase the Total Set-Aside Percentage, but does not allow an Applicant to decrease the Total Set-Aside Percentage. Petitioner seeks to add both affordable and market rate units to the Development, which has the result of decreasing the Total Set-Aside Percentage, even though it increases the actual number of affordable units and increases the number of ELI units. The total Set-Aside Percentage will decrease from 94% to 89%, but the number of affordable units will increase from seventy-five (75) to seventy-six (76). Petitioner requests a variance from the rule to allow it to request a change in the number of affordable and market rate units that will have the effect of lowering the Total Set-Aside Percentage of affordable units.
- d) On August 30, 2022, Notice of the Petition was published in the Florida Administrative Register in Volume 48, Number 169. To date, Florida Housing has received no comments concerning the Petition.
- e) Section 120. 542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.
- f) Granting the requested waiver would not impact other participants in funding programs administered by Florida Housing, nor would it detrimentally impact Florida Housing. Petitioner has demonstrated that it would suffer a substantial hardship if the waiver were 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.

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**3. Recommendation**

- a) Staff recommends the Board **GRANT** Petitioner's request for waiver and approval, as applicable, of Rule 67-48.004(3), Fla. Admin. Code, to allow Petitioner to decrease the Total Set-Aside Percentage from 94% to 89% while increasing the total number of units as stated in the Petition.

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**C. In Re: City Place Apartments Ltd. - FHFC Case No. 2022-051VW (RFA 2021-202/App. No. 2022-124C)**

<b>Development Name: (“Development”):</b>	<b>City Place</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Landmark Development Corp/Francisco Rojo</b>
<b>Number of Units: 110</b>	<b>Location: Broward County</b>
<b>Type: High Rise/New Construction</b>	<b>Set Asides: 10% at 28% AMI 80% at 60% AMI 10% at Market Rate</b>
<b>Demographics: Family</b>	<b>Funding: 9% HC - \$2,718,000</b>

**1. Background**

- a) Petitioner successfully applied for competitive housing credits in RFA 2021-202 to assist in the construction of a 110-unit family housing development named City Place in Broward County, Florida (the “Development”). On August 30, 2022, Florida Housing received a Petition for (1) Waiver of Rule 67-48.004(3)(i) (5.18.21) for a Change in the Total Number of Units and (2) Approval Pursuant to Rule 67-48.004(3)(j) (5.18.21) to Change the Total Set-Aside Percentage (the “Petition”) to allow Petitioner to remove market rate units which decreases the total number of units and increases the total set-aside percentage. A copy of the Petition is attached as [Exhibit C](#).

**2. Present Situation**

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

(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:

...

(i) Total number of units; notwithstanding the foregoing, the total number of units may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation. With regard to said approval, the Corporation shall consider the facts and circumstances, inclusive of each Applicant’s request, in evaluating whether the changes made are prejudicial to the Development or to the market to be served by the Development,...

(j) For the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application... Notwithstanding the foregoing, the Total Set-Aside Percentage... may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation. With regard to said approval, the Corporation shall consider the facts and circumstances, inclusive of

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each Applicant's request, in evaluating whether the changes made are prejudicial to the Development or to the market to be served by the Development...

- b) Petitioner requests waiver and approval, as applicable, of the above cited Rules to allow Petitioner to remove eleven (11) market rate units, which will increase the total set-aside percentage to 100% while decreasing the total number of units from one hundred ten (110) to ninety-nine (99). On January 24, 2022, Petitioner accepted Florida Housing's invitation to enter credit underwriting. Since that time, Petitioner states that inflation and supply chain disruptions caused construction costs to unexpectedly and drastically, increase.
- c) On June 24, 2022, Petitioner applied for Florida Housing's Construction Housing Inflation Response Program ("CHIRP"). Petitioner states that even with the CHIRP program funding, additional measures must be taken to maintain the feasibility of the Development's completion. Petitioner is engaging in value engineering to lower the total development costs. Petitioner asserts that it is choosing to forego the eleven (11) market rate units instead of sacrificing any affordable housing units or amenities. If the Petition is granted, the total number of units will decrease from one hundred ten (110) to ninety-nine (99) while increase the total set-aside percentage from 90% to 100%. The total number of affordable housing units will remain unchanged if the request is granted. In addition, the Petitioner has committed to continue to provide 11 units, which equates to 11% of the new unit count as ELI units at or below 28% AMI.
- d) On August 31, 2022, Notice of the Petition was published in the Florida Administrative Register in Volume 48, Number 170. To date, Florida Housing has received no comments concerning the Petition.
- e) Section 120. 542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.
- f) Granting the requested waiver would not impact other participants in funding programs administered by Florida Housing, nor would it detrimentally impact Florida Housing. Petitioner has demonstrated that it would suffer a substantial hardship if the waiver were 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 waiver and approval, as applicable, of Rule 67-48.004(3)(i) and (j), Fla. Admin. Code, to allow Petitioner to decrease the total number of units from 110 to 99 as stated in the Petition, while increasing the Total Set-Aside Percentage from 90% to 100% and maintaining a total of eleven (11) ELI units at or below 28% AMI.

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D. In Re: Casa Dolores Huerta, LLC - FHFC Case No. 2022-052VW (RFA 2021-104/App. No. 2021-289S)

<b>Development Name: (“Development”):</b>	<b>Casa Dolores Huerta</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Rural Neighborhoods, Incorporated - /Steven C. Kirk</b>
<b>Number of Units: 20</b>	<b>Location: Miami-Dade County</b>
<b>Type: Garden Apartments</b>	<b>Set Asides: 10% at 25% AMI 10% at 50% AMI 80% at 60% AMI</b>
<b>Demographics: Unaccompanied Farmworker</b>	<b>Funding: SAIL: \$4,300,000</b>

1. **Background**

- a) Petitioner successfully applied for State Apartment Incentive Loan (“SAIL”) funding RFA 2021-104 to assist in the construction of a 20-unit affordable housing development named Casa Dolores Huerta to be located in Miami-Dade County, Florida (the “Development”). On August 30, 2022, Florida Housing received a “Petition for Waiver of Rule 67-48.0072(21)(b)” (the “Petition”) from Casa Dolores Huerta, LLC (the “Petitioner”) to allow Petitioner to extend the firm loan commitment issuance deadline. A copy of the Petition is attached as [Exhibit D](#).

2. **Present Situation**

- a) Rule 67-48.0072(21)(b), Fla. Admin. Code (2020), provides in relevant part:

(21) Information required by the Credit Underwriter shall be provided as follows:

...

(b) For SAIL, EHCL, and HOME, unless stated otherwise in a competitive solicitation, the firm loan commitment must be issued within twelve (12) months of the Applicant’s acceptance to enter credit underwriting. Unless an extension is approved by the Corporation in writing, failure to achieve issuance of a firm loan commitment by the specified deadline shall result in withdrawal of the preliminary commitment. Applicants may request one (1) extension of up to six (6) months to secure a firm loan commitment. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting the extension and shall detail the time frame to achieve a firm loan commitment. In determining whether to grant an extension, the Corporation shall consider the facts and circumstances of the Applicant’s request, inclusive of the responsiveness of the Development team and its ability to deliver the Development timely. The Corporation shall charge a non-refundable extension fee of one (1) percent of each loan amount if the request to extend the credit underwriting and firm loan commitment process beyond the initial twelve (12) month deadline is approved. If an approved extension is utilized, Applicants must pay the extension fee not later than seven (7) Calendar Days after the original twelve (12) month deadline. If, by the end of the extension period, the Applicant

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has not received a firm loan commitment, then the preliminary commitment shall be withdrawn.

- b) Petitioner requests a waiver of the above-cited rule to allow Petitioner to extend the firm loan commitment issuance deadline. Petitioner accepted an invitation to credit underwriting on March 29, 2021, which provided a firm loan commitment issuance deadline of March 29, 2022.
- c) At the meeting of the Board of Directors on March 4, 2022, the Board granted Petitioner's request to extend the loan commitment issuance deadline to September 29, 2022.
- d) Petitioner asserts that since the initial award of the SAIL financing, construction costs have increased dramatically in Miami-Dade County. As a result thereof, Petitioner applied for and has been initially awarded \$500,000 of Federal Home Loan Bank Affordable Housing Program funds. Application for these funds delayed the initial commencement of preparation of plans and drawings for the Development. Since that time, initial plans have been completed; however, Petitioner has not yet been able to secure a construction contract for the Development, again as a result of increasing construction costs which cause total development costs to exceed available capital sources. Petitioner has undertaken certain steps to value engineer the Development in order to bring down total development cost to a feasible level, and continues to seek additional capital funding to fill the aforementioned financing gap.
- e) On August 31, 2022, Notice of the Petition was published in the Florida Administrative Register in Volume 48, Number 170. To date, Florida Housing has received no comments concerning the Petition.
- f) Section 120. 542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.
- g) Granting the requested waiver would not impact other participants in funding programs administered by Florida Housing, nor would it detrimentally impact 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 67-48.0072(21)(b), Fla. Admin. Code (2020) to allow Petitioner to extend its firm loan commitment issuance deadline from September 29, 2022, to March 29, 2023.
- b)

MULTIFAMILY BONDS

Consent

I. MULTIFAMILY BONDS

A. Request Approval of the Credit Underwriting Report and Authorizing Resolutions for Liberty Square Phase Four (RFA 2020-208 / 2020-468BS)

<b>Development Name: Liberty Square Phase Four</b>	<b>Location: Miami-Dade County</b>
<b>Applicant/Borrower: Liberty Square Phase Four, LLC</b>	<b>Set-Aside(s):</b> <b>40% @ 60% AMI (MMRN)</b> <b>54.839% @ 80% AMI (SAIL Workforce &amp; 4% HC)</b> <b>3.763% @ 60% AMI (SAIL &amp; 4% HC)</b> <b>13.441% @ 40% AMI (SAIL &amp; 4% HC)</b> <b>27.957% @ 30% AMI (SAIL &amp; 4% HC)</b>
<b>Developer/Principal: Liberty Square Phase Four Developer, LLC / Alberto Milo, Jr.</b>	<b>Demographic/Number of Units: Workforce / 186</b>
<b>Requested Amounts:</b> <b>\$43,000,000 Multifamily Mortgage Revenue Notes (MMRN)</b> <b>\$3,250,000 State Apartment Incentive Loan (SAIL)</b> <b>\$3,135,015 Housing Credits (4% HC)</b>	<b>Development Category/Type:</b> <b>New Construction / Mid-Rise</b>

1. Background/Present Situation

- a) On February 24, 2020, Florida Housing issued a Request for Applications (RFA) 2020-208 for SAIL and Housing Credit Financing for the Construction of Workforce Housing.
- b) On June 11, 2020, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On October 16, 2020, the Board approved the Final Order resolving all pending litigation pertaining to the RFA, allowing staff to proceed with all necessary credit underwriting activities. Staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant on October 21, 2020. The acceptance was acknowledged on October 26, 2020.
- d) On October 22, 2021, the Board approved a request to extend the firm loan commitment issuance deadline from October 26, 2021 to April 26, 2022. Additionally, on March 4, 2022, the Board granted a waiver request to extend the firm loan commitment issuance deadline from April 26, 2022 to October 26, 2022.
- e) On September 8, 2022, staff received a final credit underwriting report with a positive recommendation for MMRN and SAIL funding ([Exhibit A](#)). Staff has reviewed this report and finds that the development meets all requirements of the RFA.
- f) Staff reviewed the authorizing resolutions ([Exhibit B](#)) authorizing the sale and issuance of Multifamily Mortgage Revenue Notes to finance this affordable housing Development within the State of Florida. Staff requests approval for the execution of the resolutions.

## MULTIFAMILY BONDS

### *Consent*

#### 2. **Recommendation**

- a) Approve the final credit underwriting report and authorizing resolutions, 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

**B. Request Approval of the Method of Bond/Note Sale Recommendation from Florida Housing’s Independent Registered Municipal Advisor and Assignment of a Recommended Professional**

**1. Background**

- a) Pursuant to staff’s request for approval to issue bonds/notes to finance the construction and acquisition/rehabilitation, of the proposed Development referenced below, the final credit underwriting report is being presented to the Board for approval simultaneously with this request to assign the appropriate professionals for the transaction and approval of the recommended method of sale. A brief description of the Development is detailed below, along with staff’s recommendation.
- b) Pursuant to Rule 67-21.0045, F.A.C., staff has requested a review of the proposed financing structure 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 development. Caine Miter and Associates Incorporated has prepared an analysis and recommendation for the method of bond/note sale for the Development. The recommendation letter is attached as Exhibit C.

**2. Present Situation**

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

**3. Recommendation**

- a) Approve the assignment of the recommended professional and the Independent Registered Municipal Advisor’s recommendation for the method of bond/note sale, as shown in the chart below, for the proposed Development.

<b>Development Name</b>	<b>Location of Development</b>	<b>Number of Units</b>	<b>Method of Bond Sale</b>	<b>Recommended Professional</b>	<b>Exhibit</b>
Liberty Square Phase Four	Miami-Dade County	186	Private Placement	RBC Capital Markets, LLC	<a href="#">Exhibit C</a>

**MULTIFAMILY BONDS**

*Consent*

**C. Request Approval of the Credit Underwriting Update Letter and Amended Authorizing Resolutions for Culmer Apartments (RFA 2019-116 / 2020-435BSN / 2019-572C / 2022 CHIRP ITP)**

<b>Development Name: Culmer Apartments</b>	<b>Location: Miami-Dade County</b>
<b>Applicant/Borrower: Culmer Apartments, Ltd.</b>	<b>Set-Aside(s):</b> 40% @ 60% AMI (MMRB) 53.138% @ 60% AMI (SAIL & 4% HC) 26.778% @ 80% AMI (SAIL & 4% HC) 15.481% @ 30% AMI (SAIL, ELI & 4% HC) 2.510% @ 40% AMI (SAIL & 4% HC) 2.092% @ 50% AMI (SAIL & 4% HC) 1.674% @ 22% AMI (NHTF)
<b>Developer/Principal: APC Culmer Development, LLC / Kenneth Naylor</b>	<b>Demographic/Number of Units:</b> Family / 239
<b>Requested Amounts:</b> \$58,970,000 Multifamily Mortgage Revenue Bonds (MMRB) \$7,000,000 State Apartment Incentive Loan (SAIL) \$4,300,000 Construction Housing Inflation Response Program (CHIRP) Additional Loan Funding \$600,000 Extremely Low Income (ELI) \$1,236,800 National Housing Trust Fund Loan Program (NHTF) \$5,194,449 Housing Credits (4% HC)	<b>Development Category/Type:</b> New Construction / Highrise

**1. Background/Present Situation**

- a) On November 6, 2019, Florida Housing issued a Request for Applications (RFA) 2019-116 for SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) Staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant on July 14, 2020. The acceptance was acknowledged on July 14, 2020.
- c) On August 5, 2022, the Board approved the credit underwriting report and directed staff to proceed with closing activities.
- d) On May 9, 2022, Florida Housing issued the 2022 Construction Housing Inflation Response Program (CHIRP) Invitation to Participate (ITP). Staff received a CHIRP ITP Application from the Applicant on July 5, 2022 requesting additional SAIL funds.
- e) On July 27, 2022, staff received correspondence from the Borrower requesting to increase the MMRB amount from the previous approved amount of \$55,160,000 to \$58,970,000 due to increased development cost.

## MULTIFAMILY BONDS

### *Consent*

- f) On September 8, 2022, staff received a credit underwriting update letter with a positive recommendation for approval of the proposed increases to MMRB and SAIL funding amounts ([Exhibit D](#)). Staff has reviewed this report and finds that the Development meets all requirements of the RFA and CHIRP ITP.
- g) Staff reviewed the amended authorizing resolutions ([Exhibit E](#)) authorizing the sale and issuance of Multifamily Mortgage Revenue Bonds to finance this affordable housing Development within the State of Florida. Staff requests approval for the execution of the resolutions.

### 2. **Recommendation**

- a) Approve the credit underwriting update letter and amended authorizing resolutions, 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 Credit Underwriting Update Letter and Amended Authorizing Resolutions for Rosewood Pointe (RFA 2020-205 / 2021-206BS / 2022 CHIRP ITP)**

<b>Development Name: Rosewood Pointe</b>	<b>Location: Osceola County</b>
<b>Applicant/Borrower: BDG Rosewood Pointe, LLC</b>	<b>Set-Aside(s):</b> 40% @ 60% AMI (MMRN) 45.313% @ 70% AMI (SAIL & 4% HC) 39.583% @ 60% AMI (SAIL & 4% HC) 15.104% @ 30% AMI (SAIL, ELI, & 4% HC)
<b>Developer/Principal: BDG Rosewood Pointe Developer, LLC / Alexander Kiss</b>	<b>Demographic/Number of Units:</b> Family / 192
<b>Requested Amounts:</b> \$28,000,000 Multifamily Mortgage Revenue Notes (MMRN) \$6,000,000 State Apartment Incentive Loan (SAIL) \$4,300,000 Construction Housing Inflation Response Program (CHIRP) Additional Loan Funding \$600,000 Extremely Low Income (ELI) \$2,558,689 Housing Credits (4% HC)	<b>Development Category/Type:</b> New Construction / Garden Apartments

**1. Background/Present Situation**

- a) On October 15, 2020, Florida Housing issued a Request for Applications (RFA) 2020-205 SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt MMRB Financing and Non-Competitive Housing Credits.
- b) Staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant on June 24, 2021. The acceptance was acknowledged on June 25, 2021.
- c) On May 9, 2022, Florida Housing issued the 2022 Construction Housing Inflation Response Program (CHIRP) Invitation to Participate (ITP). Staff received a CHIRP ITP Application from the Applicant on May 10, 2022.
- d) On June 17, 2022, the Board approved the credit underwriting report and directed staff to proceed with closing activities.
- e) On August 4, 2022, staff received a request from the Borrower to increase the MMRN amount from the previously approved amount of \$27,000,000 to \$28,000,000 due to increased construction cost.
- f) On September 8, 2022, staff received a credit underwriting update letter with a positive recommendation for approval of the proposed increase to the MMRN funding amount ([Exhibit F](#)). In addition, Staff has reviewed this report and finds that the Development meets the requirements of the RFA.

## MULTIFAMILY BONDS

### *Consent*

- g) Staff reviewed the amended authorizing resolutions ([Exhibit G](#)) authorizing the sale and issuance of Multifamily Mortgage Revenue Notes to finance this affordable housing Development within the State of Florida. Staff request approval for the execution of the resolutions.
- h) Staff received correspondence from the Borrower requesting approval to allow the General Contractor to exceed the 20% subcontractor limitation for two entities that have common ownership. On March 12, 2021, the Board delegated authority to staff to approve the 20% subcontractor limitation as set forth in Rule Chapters 67-48 and 67-21. Therefore, staff, in conjunction with review by the credit underwriter and construction consultant, and the receipt of a positive recommendation from the underwriter, has approved this request.

### **2. Recommendation**

- a) Approve the final credit underwriting update letter and amended authorizing resolutions 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*

**E. Request Approval of Credit Underwriting Update Letter and Amended Authorizing Resolutions for Northside Transit Village III (RFA 2019-102 / 2020-024BD / 2019-566C)**

<b>Development Name: Northside Transit Village III</b>	<b>Location: Miami-Dade County</b>
<b>Applicant/Borrower: Northside Property III, Ltd.</b>	<b>Set-Aside(s):</b> 40% @ 60% AMI (MMRB) 48% @ 70% AMI (CDBG-DR, Workforce, & 4% HC) 36% @ 60% AMI (CDBG-DR & 4% HC) 16% @ 30% AMI (CDBG-DR & 4% HC)
<b>Developer/Principal: Northside Property III Development, LLC / Kenneth Naylor</b>	<b>Demographic/Number of Units:</b> Workforce / 200 Units
<b>Requested Amounts:</b> \$30,800,000 Multifamily Mortgage Revenue Bonds (MMRB) \$9,550,000 Community Development Block Grant – Disaster Recovery (CDBG-DR) \$2,943,047 Housing Credits (4% HC)	<b>Development Category/Type:</b> New Construction / High Rise

**1. Background/Present Situation**

- a) On July 30, 2019, Florida Housing issued a Request for Applications (RFA) 2019-102 for Community Development Block Grant – Disaster Recovery (CDBG-DR) to be Used in Conjunction with Tax-Exempt MMRB and Non-Competitive Housing Credits in Counties Deemed Hurricane Recovery Priorities.
- b) Staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant on April 27, 2020. The acceptance was acknowledged on May 4, 2020.
- c) On April 29, 2022, the Board approved the credit underwriting report and directed staff to proceed with closing activities.
- d) On July 12, 2022, staff received correspondence from the Borrower requesting to increase the MMRN amount from the previously approved amount of \$26,180,000 to \$30,800,000 due to increased financing and construction cost.
- e) On September 8, 2022, staff received a credit underwriting update letter with a positive recommendation for approval of the proposed increase to the MMRB and CDBG-DR funding amounts ([Exhibit H](#)). Staff has reviewed this report and finds that the Development meets all requirements of the RFA.
- f) Staff reviewed the amended authorizing resolutions ([Exhibit I](#)) authorizing the sale and issuance of Multifamily Mortgage Revenue Bonds to finance this affordable housing Development within the State of Florida. Staff requests approval for the execution of the resolutions.

## MULTIFAMILY BONDS

### *Consent*

#### 2. **Recommendation**

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

**MULTIFAMILY BONDS**

*Consent*

**F. Request Approval of RFA Waiver for Firm Loan Commitment Issuance Deadline Extension and RFA Waiver for Applicant Entity Change and Developer Entity Change for Bid-A-Wee Apartments (RFA 2019-111 / 2020-076BR / 2022 CHIRP ITP)**

<b>Development Name: Bid-A-Wee Apartments</b>	<b>Location: Bay County</b>
<b>Applicant/Borrower: Bid-A-Wee Apartments, LLC</b>	<b>Set-Asides:</b> 15.28% @ 30% AMI (RRLP, ELI, & 4% HC) 55.56% @ 60% AMI (RRLP & 4% HC) 15.28% @ 70% AMI (RRLP & 4% HC) 13.89% @ 80% AMI (RRLP & 4% HC) 40% @ 60% AMI (MMRB)
<b>Developers/Principals: Bid-A-Wee Developer, LLC/James Freeman</b>	<b>Demographic/Number of Units:</b> Family / 144 Units
<b>Requested Amounts:</b> \$20,000,000 Multifamily Mortgage Revenue Bonds (MMRB) \$6,114,900 Rental Recovery Loan Program (RRLP) \$1,056,300 Extremely Low Income (ELI) \$1,186,730 Housing Credits (4% HC)	<b>Development Category/Type:</b> New Construction / Mid-Rise, 4-stories

**1. Background/Present Situation**

- a) On August 1, 2019, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2019-111 for Rental Recovery Loan Program (RRLP). On December 13, 2019, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities. On March 6, 2020, the Board approved the Final Order resolving all pending litigation pertaining to the RFA, allowing staff to proceed with all necessary credit underwriting activities. Staff issued an invitation to enter credit underwriting to the Applicant on March 11, 2020, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on March 16, 2020, giving them a firm loan commitment issuance deadline of March 16, 2021. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- b) On March 12, 2021, the Board approved the request to extend the firm loan commitment issuance deadline extension from March 16, 2021, to September 16, 2021. On September 10, 2021, the Board approved a RFA Waiver to extend the firm loan commitment issuance deadline from September 16, 2021, to March 16, 2022.
- c) On October 12, 2021, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2021-211 for Development Viability Loan Funding to assist Applicants that have received a recent award since 2017 but have not yet started construction or rehabilitation of their proposed Development and are experiencing a financing gap for their Active Award. On December 10, 2021, the Board approved the final scores and recommendations for RFA 2021-211 and directed staff to proceed with all necessary credit underwriting activities. Staff issued a Notice of Preliminary Award to the Applicant on December 15,



## MULTIFAMILY BONDS

### *Consent*

2021. However, the Development Viability Loan Funding was subsequently returned as a result of applying for the Construction Housing Inflation Response Program (CHIRP).

- d) On March 4, 2022, the Board approved an additional RFA Waiver request to extend the firm loan commitment issuance deadline extension from March 16, 2022, to June 17, 2022.
- e) On May 9, 2022, Florida Housing issued the 2022 CHIRP Invitation to Participate (ITP). Staff received a CHIRP ITP Application from the Applicant on June 29, 2022.
- f) On June 17, 2022, the Board approved an additional RFA Waiver request to extend the firm loan commitment issuance deadline extension from June 17, 2022, to September 16, 2022.
- g) On August 15, 2022, staff received a RFA Waiver request from the Applicant for an additional extension to extend the firm loan commitment issuance deadline from September 16, 2022 to December 16, 2022 ([Exhibit J](#)). Bid-A-Wee Apartments has faced challenges with greatly increased construction materials and labor costs, thus making it difficult for many developers to secure general contractors under a fixed price contract. The requested extension will allow additional time so that all forms of financing, including RRLP, Tax Exempt Bond financing, and CHIRP – can be comprehensively evaluated and property sized. Per the RFA, if the Applicant has not received a firm loan commitment by the extended deadline, then the preliminary commitment shall be withdrawn. Since the one extension allowed per the RFA has been approved by the Board, this additional extension request requires a RFA Waiver.
- h) On August 15, 2022, staff received a request from the Applicant to change the organizational structure of the Applicant and Developer ([Exhibit K](#)). Regarding the Applicant Entity change, James Sari and James Freeman (natural persons) were noted as Non-Investor Members on the first principal disclosure level. Bid-A-Wee inadvertently omitted a placeholder Investor Member of the Applicant Entity from the Principal Disclosure form in its RRLP application. Therefore, the Applicant seeks to replace James Sari, Non-Investor Member, on the first level, with Non-Investor Member, Strategic TC Holdings II, LLC, and replace James Freeman, Non-Investor Member with James W. Freeman (Place Holder), Investor Member. Per the RFA, the Applicant entity shall be the borrowing entity and cannot be changed in any way (materially or non-materially) until after loan closing. Therefore, the change to the Applicant entity requires an RFA Waiver.
- i) Furthermore, the Applicant is requesting to remove James Sari as a Manager and Member of Bid-A-Wee Developer, LLC and replace with Ricky B. Novac, Stephen Rothschild, James W. Freeman III, and Strategic TC Holdings II, LLC as Managers. N Vision Communities, Inc. will be added as a Co-Developer. Christopher Straka is an officer and director of N Vision Communities, Inc. and his personal experience as a Principal of a Developer of affordable housing satisfies RFA 2019-111's Developer Experience requirements. Per the RFA, The Principals of each Developer identified in the Application, including all co-Developers, may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting. In addition, any allowable replacement of an

## MULTIFAMILY BONDS

### *Consent*

experienced Principal of a Developer entity must meet the experience requirements that were met by the original Principal. Staff has reviewed these requests and finds that the development meets all other requirements of the RFA.

#### **2. Recommendation**

- a) Approve the request for RFA Waiver for a firm loan commitment issuance deadline extension from September 16, 2022 to December 16, 2022, as well as approve Applicant Entity structure change, and Developer Entity structure change.

**MULTIFAMILY BONDS**

*Consent*

**G. Request Approval of an RFA Waiver for Applicant Entity Change for St. Peter Claver Place Phase I (RFA 2020-205 / 2021-222BS / 2022 CHIRP ITP)**

<b>Development Name: St. Peter Claver Place Phase I</b>	<b>Location: Lee County</b>
<b>Applicant/Borrower: St. Peter Claver Place, Ltd</b>	<b>Set-Aside(s):</b> 100% @ 60% AMI (MMRN & 4% HC) 90% @ 60% AMI (SAIL) 10% @ 33% AMI (SAIL & ELI)
<b>Developer/Principal: National Development of America, Inc. / Eric C. Miller; St. Peter Claver Developer, Inc. / Bishop Frank J. Dewane; LCHA Developer, LLC / Lee County HFA</b>	<b>Demographic/Number of Units:</b> Family / 136
<b>Requested Amounts:</b> \$24,000,000 Multifamily Mortgage Notes (MMRN) \$4,075,000 State Apartment Incentive Loan (SAIL) \$3,787,649 Construction Housing Inflation Response Program (CHIRP) Additional Loan Funding \$600,000 Extremely Low Income (ELI) \$1,980,737 Housing Credits (4% HC)	<b>Development Category/Type:</b> New Construction / Garden Apartments

**1. Background/Present Situation**

- a) On October 15, 2020, Florida Housing issued a Request for Applications (RFA) 2020-205 SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt MMRB Financing and Non-Competitive Housing Credits.
- b) On January 22, 2021, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On June 18, 2021, the Board approved the Final Order resolving all pending litigation pertaining to the RFA, allowing staff to proceed with all necessary credit underwriting activities. Staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant on June 24, 2021. The acceptance was acknowledged on June 29, 2021.
- d) On May 9, 2022, Florida Housing issued the 2022 Construction Housing Inflation Response Program (CHIRP) Invitation to Participate (ITP). Staff received a CHIRP ITP Application from the Applicant on May 12, 2022.
- e) On June 17, 2022, the Board approved the final credit underwriting report with a positive recommendation for MMRN, SAIL, and ELI funding.
- f) On August 25, 2022, staff received a request from the Applicant to change the structure of the Applicant Entity ([Exhibit L](#)). St. Peter Claver Housing, Inc. is the Managing General Partner of the Applicant with 0.0051% ownership. The Applicant is requesting St. Peter Claver Housing, LLC, a special purpose entity, be substituted in place of St. Peter Claver Housing, Inc. as the Managing General Partner with 0.0051% ownership. St. Peter Claver Housing, Inc. is the

## MULTIFAMILY BONDS

### *Consent*

Sole Member of St. Peter Claver Housing, LLC. The syndicator is requiring the additional special purpose entity for tax implications. Per the RFA, the Applicant entity shall be the borrowing entity and cannot be changed in any way (materially or non-materially) until after loan closing. Therefore, the change of the Applicant entity requires an RFA waiver.

#### **2. Recommendation**

- a) Approve the RFA waiver to allow for a change to the Applicant Entity 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

H. Request Approval to Execute Acknowledgment Resolutions

1. Background/Present Situation

- a) Pursuant to Rule 67-21, F.A.C., the Acknowledgement Resolution is the official action taken by the Corporation to reflect its intent to finance a Development provided that the requirements of the Corporation, the terms of the MMRB/MMRN Loan Commitment, and the terms of the Credit Underwriting Report are met. The resolution designates the period within which the Borrower can be reimbursed for allowable project costs incurred with MMRB/MMRN proceeds (with such period starting 60 days prior to the adoption of the resolution).
- b) Staff requests the execution of the Acknowledgement Resolutions for the proposed Developments referenced below intending to finance the acquisition, construction and/or rehabilitation of the Developments. Brief description of the Developments is detailed below. The resolutions being presented to the Board for approval are attached as Exhibits M through P.

2. Recommendation

- a) Approve the execution of the Acknowledgment Resolutions for the proposed Developments, as shown in the chart below.

Development Name	Name of Applicant	County	Number of Units	Applicable Application	Exhibit
WHFT Affordable I	WHFT Affordable I, Ltd.	Orange	150	Non-Competitive Application	<a href="#">Exhibit M</a>
WHFT Affordable II	WHFT Affordable II, Ltd.	Orange	150	Non-Competitive Application	<a href="#">Exhibit N</a>
The Mira	Apopka Leased Housing Associates I, LLLP	Orange	300	Non-Competitive Application	<a href="#">Exhibit O</a>
The Waters	Apopka Leased Housing Associates II, LLLP	Orange	180	Non-Competitive Application	<a href="#">Exhibit P</a>

**MULTIFAMILY BONDS**

*Consent*

**I. Request Approval of the Credit Underwriting Update Letter and Amended Authorizing Resolutions for Stadium Towers (RFA 2020-205 / 2021-245BS / 2020-534C)**

<b>Development Name: Stadium Towers</b>	<b>Location: Miami-Dade County</b>
<b>Applicant/Borrower: Stadium Tower Apartments LLC</b>	<b>Set-Aside(s):</b> <b>40% @ 60% AMI (MMRB)</b> <b>51.007% @ 70% AMI (SAIL &amp; 4% HC)</b> <b>28.188% @ 60% AMI (SAIL &amp; 4% HC)</b> <b>5.369% @ 40% AMI (SAIL &amp; 4% HC)</b> <b>15.436% @ 30% AMI (SAIL, ELI, &amp; 4% HC)</b>
<b>Developer/Principal: RS Development Corp. / Lewis Swezy</b>	<b>Demographic/Number of Units:</b> <b>Family / 149</b>
<b>Requested Amounts:</b> <b>\$23,500,000 Multifamily Mortgage Revenue Bonds (MMRB)</b> <b>\$4,321,000 State Apartment Incentive Loan (SAIL)</b> <b>\$600,000 Extremely Low Income (ELI)</b> <b>\$2,054,369 Housing Credits (4% HC)</b>	<b>Development Category/Type:</b> <b>New Construction / High Rise</b>

**1. Background/Present Situation**

- a) On October 15, 2020, Florida Housing issued a Request for Applications (RFA) 2020-205 SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt MMRB Financing and Non-Competitive Housing Credits.
- b) On January 22, 2021, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On June 18, 2021, the Board approved the Final Order resolving all pending litigation pertaining to the RFA, allowing staff to proceed with all necessary credit underwriting activities. Staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant on June 23, 2021. The acceptance was acknowledged on June 25, 2021.
- d) On June 17, 2022, the Board approved extending the firm loan commitment issuance deadline from June 25, 2022 to December 26, 2022.
- e) On August 5, 2022, the Board approved the final credit underwriting report with a positive recommendation for MMRB, SAIL, and ELI funding.
- f) On September 8, 2022, staff received a credit underwriting update letter with a positive recommendation for approval of the change of the Bond Purchaser and First Mortgage Lender from JP Morgan Chase Bank, N.A. to First Horizon and the increase to the permanent first mortgage from \$13,300,000 to \$13,750,000 ([Exhibit Q](#)). Staff has reviewed this report and finds that the Development meets all requirements of the RFA.

## MULTIFAMILY BONDS

### *Consent*

- g) Staff reviewed the amended authorizing resolutions ([Exhibit R](#)) authorizing the sale and issuance of Multifamily Mortgage Revenue Bonds to finance this affordable housing Development within the State of Florida. Staff requests approval for the execution of the resolutions.

### **2. Recommendation**

- a) Approve the final credit underwriting update letter and amended authorizing resolutions 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

**J. Request Approval of the Transfer of Ownership Interest for Monterra (2009 Series I & 2011 Series E/RFP-2009-06-06/2009-524C)**

<b>Development Name: Monterra</b>	<b>Location: Broward County</b>
<b>Applicant/Borrower: ZOM Monterra, L.P.</b>	<b>Set Aside(s):</b> 85% @ 60% AMI (MMRB) 20% @ 50% AMI & 80% @ 60% AMI (HOME) 100% @ 60% AMI (HC)
<b>Developer/Principals: NRP Group, LLC / J. David Heller</b>	<b>Demographic/Number of units:</b> Family / 300 units
<b>Requested Amounts:</b> \$25,700,000 Multifamily Mortgage Revenue Bond (MMRB) \$3,500,000 HOME Investment Partnerships Program (HOME) \$1,580,643 Non-Competitive Housing Credits (4% HC)	<b>Development Category/Type:</b> New Construction / Garden Apartments

**1. Background**

- a) Florida Housing originally financed the above referenced Development in 2009 with \$25,700,000 in tax exempt MMRB designated as 2009 Series I & 2011 Series E and HOME funding in the amount of \$3,500,000. In addition, \$1,580,643 in 4% HC was allocated to the Development.

**2. Present Situation**

- a) ZOM Monterra, L.P., has requested Florida Housing's consent to the transfer of ownership interest to RFM-ESG Monterra, LLC, an affiliate of The Related Companies, L.P., and transfer and subordination of the MMRB Land Use Restriction Agreement (MMRB LURA), the HOME Land Use Restriction Agreement (HOME LURA) and the Extended Low-Income Housing Agreement (ELIHA). First Housing has reviewed this request and provided a positive recommendation for the transfer, the assignment and assumption, and subordination of the MMRB LURA, HOME LURA and ELIHAs to the new first mortgage loan provided by Berkadia under the Fannie Mae DUS program ([Exhibit S](#)). A portion of the funds from the refinancing will be used to redeem the MMRB and paydown the HOME loan.

**3. Recommendation**

- a) Approve the transfer of ownership, the assignment and assumption, and subordination of the MMRB and HOME LURAs and ELIHA, subject to the conditions in the credit underwriting report with further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.



**MULTIFAMILY BONDS**

*Consent*

**K. Request Approval of the Transfer of Ownership Interest for Fairview Cove Phase I (2008 Series N/2007-137BS/2007-137BSUP/2008-520C)**

<b>Development Name: Fairview Cove Phase I</b>	<b>Location: Hillsborough County</b>
<b>Applicant/Borrower: Fairview Cove, L.L.L.P.</b>	<b>Set Aside(s):</b> 6.81% @ 33% AMI (MMRB, SAIL, & SUP) 63.19% @ 60% AMI (MMRB, SAIL, & SUP) 6.81% @ 33% AMI & 93.19% @ 60% AMI (HC)
<b>Developer/Principals: Atlantic Housing Partners / Tricia Doody</b>	<b>Demographic/Number of units:</b> Family / 88 units
<b>Requested Amounts:</b> \$8,000,000 Multifamily Mortgage Revenue Bond (MMRB) \$5,000,000 State Apartment Incentive Loan (SAIL) \$510,000 Supplemental (SUP) \$583,332 Non-Competitive Housing Credits (4% HC)	<b>Development Category/Type:</b> New Construction / Garden Apartments

**1. Background**

- a) Florida Housing originally financed the above referenced Development in 2007 with \$8,000,000 in tax exempt MMRB designated as 2008 Series N, SAIL funding in the amount of \$5,000,000, SUP loan funding in the amount of \$510,000. In addition, \$583,332 in 4% HC was allocated to the Development.

**2. Present Situation**

- a) Fairview Cove, L.L.L.P., has requested Florida Housing’s consent to the transfer of ownership interest to Lakin Sunshine Investments, LLC, an affiliate of Charles E. Lakin Foundation, Inc., and transfer and subordination of the MMRB Land Use Restriction Agreement (MMRB LURA), the SAIL Land Use Restriction Agreement (SAIL LURA), the SUP Land Use Restriction Agreement (SUP LURA) and the Extended Low-Income Housing Agreement (ELIHA). Seltzer Management Group, Inc. has reviewed this request and provided a positive recommendation for the transfer, the assignment and assumption, and subordination of the MMRB LURA, SAIL LURA, SUP LURA and ELIHA ([Exhibit T](#)). A portion of the proceeds of the transfer will be used to redeem the MMRB and payoff the SAIL and SUP loans.

**3. Recommendation**

- a) Approve the transfer of ownership, the assignment and assumption, and subordination of the MMRB, SAIL, and SUP LURAs and ELIHA, subject to the conditions in the credit underwriting report with further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

L. Request Approval of the Transfer of Ownership Interest for Fairview Cove Phase II (2008 Series O/2008-521C)

<b>Development Name: Fairview Cove Phase II</b>	<b>Location: Hillsborough County</b>
<b>Applicant/Borrower: Fairview Cove II, Ltd.</b>	<b>Set Aside(s): 60% @ 70% AMI (MMRB) 100% @ 60% AMI (HC)</b>
<b>Developer/Principals: Atlantic Housing Partners / Paul M. Missigman</b>	<b>Demographic/Number of units: Family / 66 units</b>
<b>Requested Amounts: \$6,400,000 Multifamily Mortgage Revenue Bond (MMRB) \$351,500 Non-Competitive Housing Credits (4% HC)</b>	<b>Development Category/Type: New Construction / Garden Apartments</b>

1. **Background**

- a) Florida Housing originally financed the above referenced Development in 2007 with \$6,400,000 in tax exempt MMRB designated as 2008 Series O. In addition, \$351,500 in 4% HC was allocated to the Development.

2. **Present Situation**

- a) Fairview Cove II, Ltd., has requested Florida Housing’s consent to the transfer of ownership interest to Lakin Sunshine Investments, LLC, an affiliate of Charles E. Lakin Foundation, Inc., and transfer and subordination of the MMRB Land Use Restriction Agreement (MMRB LURA) and the Extended Low-Income Housing Agreement (ELIHA). Seltzer Management Group, Inc. has reviewed this request and provided a positive recommendation for the transfer, the assignment and assumption, and subordination of the MMRB LURA and ELIHA ([Exhibit T](#)). A portion of the proceeds of the transfer will be used to redeem the MMRB.

3. **Recommendation**

- a) Approve the transfer of ownership, the assignment and assumption, and subordination of the MMRB and ELIHA, subject to the conditions in the credit underwriting report with further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

**MULTIFAMILY PROGRAMS**

*Consent*

**I. MULTIFAMILY PROGRAMS**

**A. Request Approval of Credit Underwriting Update Letter for Quail Roost Transit Village I (RFA 2020-208 / 2020-461SN / 2019-571C / 2022 CHIRP ITP)**

<b>Development Name: Quail Roost Transit Village I</b>	<b>Location: Miami-Dade County</b>
<b>Applicant/Borrower: Quail Roost Transit Village I, Ltd.</b>	<b>Set-Aside(s):</b> 16% @ 30% AMI (SAIL, & 4% HC) 20% @ 50% AMI (SAIL & 4% HC) 9% @ 60% AMI (SAIL, & 4 % HC) 42% @ 70% AMI (SAIL, & 4 % HC & Workforce) 13% @ 80% AMI (SAIL, & 4 % HC & Workforce) 10% @ 30% AMI (NHTF)
<b>Developer/Principal: Quail Roost Development, LLC/Howard D. Cohen</b>	<b>Demographic/Number of Units: Workforce/200 units</b>
<b>Requested Amounts:</b> \$6,500,000 State Apartment Incentive Loan (SAIL) \$3,700,000 Construction Housing Inflation Response Program (CHIRP) National Housing Trust Fund (NHTF) \$3,994,276 Housing Credits (4% HC)	<b>Development Category/Type: New Construction/High-Rise</b>

**1. Background/Present Situation**

- a) On February 24, 2020, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2020-208 for SAIL and Housing Credit Financing for the Construction of Workforce Housing.
- b) On June 11, 2020, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On October 16, 2020, the Board approved the Final Order resolving all pending litigation pertaining to the RFA, allowing staff to proceed with all necessary credit underwriting activities. On October 21, 2020, staff issued an invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on October 23, 2020, giving them a firm loan commitment issuance deadline of October 23, 2021. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On October 22, 2021, the Board approved extending the firm loan commitment issuance deadline from October 23, 2021, to April 25, 2022. On March 4, 2022, the Board approved a Rule waiver request for an additional extension of the firm loan commitment issuance deadline from April 25, 2022, to October 25, 2022.

## MULTIFAMILY PROGRAMS

### *Consent*

- e) On April 29, 2022, the Board approved the RFA Waiver request for the addition of one five-bedroom unit.
- f) On May 9, 2022, Florida Housing issued the 2022 Construction Housing Inflation Response Program (CHIRP) Invitation to Participate (ITP). Staff received a CHIRP ITP Application from the Applicant on June 1, 2022.
- g) On June 17, 2022, the Board approved the final credit underwriting report and any updates to FHFC funding regarding the CHIRP ITP would be presented as an update to the credit underwriting report at a future Board Meeting.
- h) On June 20, 2022, staff issued a firm commitment to the Applicant giving them a loan closing deadline of December 19, 2022.
- i) On September 8, 2022, staff received a credit underwriting update letter with a positive recommendation for the additional subordinate debt of the NHTF Loan of \$3,700,000 in CHIRP funds ([Exhibit A](#)). Staff has reviewed this update and finds that the development meets all requirements of the RFA and the CHIRP ITP.

### 2. **Recommendation**

- a) Approve the credit underwriting update letter and direct staff to proceed with closing activities.

**MULTIFAMILY PROGRAMS**

*Consent*

**B. Request Approval of Credit Underwriting Report, Developer Entity Structure Change and RFA Waiver for Applicant Entity Structure Change for Orchid Lake (RFA 2021-103 / 2021-293CSN / 2022 CHIRP ITP)**

<b>Development Name: Orchid Lake</b>	<b>Location: Brevard County</b>
<b>Applicant/Borrower: HTG Orchid Lake, Ltd.</b>	<b>Set-Aside(s):</b> 15% @ 33% AMI (SAIL, ELI & 9% HC) 85% @ 60% AMI (SAIL & 9% HC) 3.3% @ 22% AMI (NHTF)
<b>Developer/Principal: HTG Orchid Lake Developer, LLC/Matthew A. Rieger, Housing for Homeless, Inc.</b>	<b>Demographic/Number of Units:</b> Homeless/90 units
<b>Requested Amounts:</b> \$4,751,050 State Apartment Incentive Loan (SAIL) \$4,300,000 Construction Housing Inflation Response Program (CHIRP) Additional Loan Funding \$380,000 Extremely Low Income (ELI) \$556,500 National Housing Trust Fund (NHTF) \$1,700,000 Housing Credits (9% HC)	<b>Development Category/Type:</b> New Construction/Garden Apartments

**1. Background/Present Situation**

- a) On February 2, 2021, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2021-103 for Housing Credit and SAIL Financing for Homeless Housing Developments Located in Medium and Large Counties.
- b) On April 30, 2021, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On July 1, 2021, staff issued an invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on July 7, 2021, giving them a firm loan commitment issuance deadline of July 7, 2022. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On October 22, 2021, the Board approved Rule Waiver allowing a development site change due to NHTF wetland restrictions.
- e) On May 9, 2022, Florida Housing issued the 2022 Construction Housing Inflation Response Program (CHIRP) Invitation to Participate (ITP). Staff received a CHIRP ITP Application from the Applicant on May 24, 2022.
- f) On June 17, 2022, the Board approved extending the firm loan commitment issuance deadline from July 7, 2022, to January 7, 2023.

## MULTIFAMILY PROGRAMS

### *Consent*

- g) On August 12, 2022, staff received a request from the Applicant to change the organizational structure of the Applicant and Developer Entities as well as the removal and addition of a Director for the non-profit general partner's Board of Directors. ([Exhibit B](#)). At the time of application, Housing for Homeless, Inc. ("HfH"), a Florida non-profit, was identified as the Applicant's sole general partner as well as co-Developer. The Applicant is requesting that a single purpose entity HfH Orchid Lake, LLC, be inserted at the first principal disclosure level as the Applicant's sole general partner. HfH would then appear at the second disclosure level as HfH Orchid Lake, LLC's sole member and manager. HfH determined it would risk its tax-exempt status by remaining at the first level of the Applicant Entity structure and a substantial hardship would result. Per the RFA, the Applicant entity shall be the recipient of the Housing Credits, and the borrowing entity for the SAIL loan(s) and cannot be changed in any way (materially or non-materially) until after the closing of the loan(s). Therefore, the change to the Applicant entity requires an RFA Waiver.
- h) In addition, the Applicant requests to replace the co-Developer, HfH, with a special purpose co-Developer entity known as HfH Orchid Lake Developer, LLC. Per the RFA, the Principals of each Developer identified in the Application, including all co-Developers, may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting. Staff has reviewed these requests and finds that the development meets all other requirements of the RFA.
- i) On September 8, 2022, staff received final credit underwriting report with a positive recommendation for funding ([Exhibit C](#)). Staff has reviewed this report and finds that the development meets all requirements of the RFA and the CHIRP ITP.

## 2. **Recommendation**

- a) Approve the final credit underwriting report, Developer Entity Structure Change and RFA Waiver for Applicant Entity Structure Change, and direct staff to proceed with issuance of a firm commitment and closing activities.

**MULTIFAMILY PROGRAMS**

*Consent*

**C. Request Approval of Credit Underwriting Report for Baytown Apartments (RFA 2021-108 / 2021-324CG / 2022 CHIRP ITP)**

<b>Development Name: Baytown Apartments</b>	<b>Location: Hillsborough County</b>
<b>Applicant/Borrower: Baytown Apartments, LLC</b>	<b>Set-Aside(s):</b> <b>20% @ 33% AMI (Grant, ELI &amp; 9% HC)</b> <b>80% @ 60% AMI (Grant &amp; 9% HC)</b> <b>10% @ 22% (HOME-ARP)</b> <b>16.67% @ 30% (HOME-ARP)</b>
<b>Developer/Principal: Invictus Development, LLC/Paula Rhodes; CDS Monarch, Inc./Andrew Sewnauth</b>	<b>Demographic/Number of Units:</b> <b>Persons with Developmental Disabilities/30 units</b>
<b>Requested Amounts:</b> <b>\$1,200,000 Grant</b> <b>\$1,978,600 Construction Housing Inflation Response Program (CHIRP) Home Investment Partnerships Program-American Rescue Plan (HOME-ARP)</b> <b>\$920,000 Housing Credits (9% HC)</b> <b>\$421,150 (9% HC CHIRP)</b>	<b>Development Category/Type:</b> <b>New Construction/Garden Apartments</b>

**1. Background/Present Situation**

- a) On May 20, 2021, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2021-108 for Financing for the Development of Housing for Persons with Developmental Disabilities.
- b) On June 18, 2021, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On June 25, 2021, staff issued an invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on June 30, 2021, giving them a firm loan commitment issuance deadline of June 30, 2022. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On May 9, 2022, Florida Housing issued the 2022 Construction Housing Inflation Response Program (CHIRP) Invitation to Participate (ITP). Staff received a CHIRP ITP Application from the Applicant on May 24, 2022.
- e) On May 24, 2022, the Board approved extending the firm loan commitment issuance deadline from June 30, 2022, to December 30, 2022.
- f) On September 8, 2022, staff received final credit underwriting report with a positive recommendation for funding ([Exhibit D](#)). Staff has reviewed this report and finds that the development meets all requirements of the RFA and the CHIRP ITP.

## MULTIFAMILY PROGRAMS

### *Consent*

#### 2. **Recommendation**

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



**MULTIFAMILY PROGRAMS**

*Consent*

**D. Request Approval of Credit Underwriting Update Letter for Valor Preserve at Lake Seminole (RFA 2020-106 / 2020-453CS / 2022 CHIRP ITP)**

<b>Development Name: Valor Preserve at Lake Seminole</b>	<b>Location: Pinellas County</b>
<b>Applicant/Borrower: Valor Preserve, LLLP</b>	<b>Set-Asides: 15.625% @ 33% AMI (SAIL, ELI &amp; 9% HC) 68.750% @ 60% AMI (SAIL &amp; 9% HC) 15.625% @ 30% (HOME-ARP)</b>
<b>Developers/Principals: Norstar Development USA, LP/ Neil Brown, Pinellas Property Management Company, Inc./ Debra Johnson</b>	<b>Demographic/Number of Units: Persons with a Disabling Condition/ 64 units</b>
<b>Requested Amounts: \$3,729,600 State Apartment Incentive Loan (SAIL) \$2,750,000 Construction Housing Inflation Response Program (CHIRP) Home Investment Partnerships Program-American Rescue Plan (HOME-ARP) \$270,400 Extremely Low Income (ELI) \$1,700,000 Housing Credits (9% HC)</b>	<b>Development Category/Type: New Construction/Garden Apartments</b>

**1. Background/Present Situation**

- a) On February 25, 2020, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2020-106 Financing for the Development of Housing for Persons with A Disabling Condition or Developmental Disabilities.
- b) On June 11, 2020, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On July 9, 2020, staff issued an invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on July 15, 2020, giving them a firm loan commitment issuance deadline of July 15, 2021.
- d) On October 16, 2020, the Board approved a Rule waiver request to change the Development Type from Garden Apartments to Quadraplexes.
- e) On June 18, 2021, the Board approved the final credit underwriting report with a positive recommendation for funding and directed staff to proceed with the closing activities. On June 21, 2021, staff issued a firm commitment to the Applicant giving them a loan closing deadline of October 19, 2021. A request for an extension of the loan closing deadline may be considered by the Board for an extension term of up to 90 Calendar Days.

## MULTIFAMILY PROGRAMS

### *Consent*

- f) On September 10, 2021, the Board approved extending the firm loan commitment issuance deadline from October 19, 2021, to January 17, 2022. Subsequently, on January 22, 2021, the Board the approved Rule waiver request for a loan closing extension from January 17, 2022 to July 17, 2022; and on June 17, 2022, the Board approved Rule waiver request to further extend the loan closing deadline to January 17, 2023.
- g) On May 9, 2022, Florida Housing issued the 2022 Construction Housing Inflation Response Program (CHIRP) Invitation to Participate (ITP). Staff received a CHIRP ITP Application from the Applicant on June 20, 2022.
- h) On June 30, 2022, staff approved the Applicant's request to revert the Development Type back to Garden Apartments.
- i) On September 8, 2022, staff received a credit underwriting update letter with a positive recommendation for the additional subordinate debt of HOME-ARP loan of \$2,750,000 in CHIRP funds ([Exhibit E](#)). Staff has reviewed this update and finds that the development meets all requirements of the RFA and the CHIRP ITP.

### **2. Recommendation**

- a) Approve the credit underwriting update letter and direct staff to proceed with closing activities.

**MULTIFAMILY PROGRAMS**

*Consent*

**E. Request Approval of Credit Underwriting Report for Dillingham Apartments (RFA 2021-102 / 2021-302S / 2022 CHIRP ITP)**

<b>Development Name: Dillingham Apartments</b>	<b>Location: Osceola County</b>
<b>Applicant/Borrower: Osceola Mental Health, Inc.</b>	<b>Set-Asides:</b> 10% @ 33% AMI (SAIL & ELI) 70% @ 60% AMI (SAIL) 10% @ 22% AMI (NHTF) 10% @ 30% AMI (NHTF)
<b>Developer/Principal: DDER Development, LLC. /Domingo Sanchez; Osceola Mental Health, Inc./James A. Shanks</b>	<b>Demographic/Number of Units:</b> Persons with Special Needs/Homeless/30 units
<b>Requested Amounts:</b> \$4,875,000 State Apartment Incentive Loan (SAIL) \$434,500 Extremely Low Income (ELI) \$1,099,600 Construction Housing Inflation Response Program (CHIRP) National Housing Trust Fund (NHTF)	<b>Development Category/Type:</b> New Construction/Garden Apartments

**1. Background/Present Situation**

- a) On December 1, 2020, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2021-102 for SAIL Financing for Smaller Developments for Persons with Special Needs.
- b) On April 30, 2021, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On May 13, 2021, staff issued an invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on May 20, 2021, giving them a firm loan commitment issuance deadline of May 20, 2022. Per the RFA, Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On April 29, 2022, the Board approved the request for a firm loan commitment issuance deadline extension from May 20, 2022, to November 20, 2022.
- e) On May 9, 2022, Florida Housing issued the 2022 Construction Housing Inflation Response Program (CHIRP) Invitation to Participate (ITP). Staff received a CHIRP ITP Application from the Applicant on May 24, 2022.
- f) On September 8, 2022, staff received final credit underwriting report with a positive recommendation for funding ([Exhibit F](#)). Staff has reviewed this report and finds that the development meets all requirements of the RFA and the CHIRP ITP.

## MULTIFAMILY PROGRAMS

### *Consent*

#### 2. **Recommendation**

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

**MULTIFAMILY PROGRAMS**

*Consent*

**F. Request RFA Waiver to Increase the TDC Per Unit Base Limitation Test from a 5 Percent to 7.5 Percent Test for Silver Pointe (RFA 2016-110/2017-002C/2018-361C/2021-290C)**

<b>Development Name: Silver Pointe</b>	<b>Location: Marion County</b>
<b>Applicant/Borrower: Silver Pointe, Ltd.</b>	<b>Set-Asides: 10% at 45% AMI and 90% at 60% AMI</b>
<b>Developer/Principal: MHP Silver Pointe Developer, LLC / Christopher Shear Heartland Development Group LLC / Martin Wohl</b>	<b>Demographic/Number of Units: Family / 90</b>
<b>Requested Amounts: \$1,400,000</b>	<b>Development Category/Type: New Construction / Garden Apartments</b>

**1. Background/Present Situation**

- a) Silver Pointe Development Partners, LLC (“Original Applicant”) originally applied for and was awarded funding from Request for Applications (RFA) 2016-110 for Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties. The funds are being utilized to finance the construction of 90 units in a Family development in Marion County. On August 2, 2017, staff issued an invitation to the Original Applicant to enter credit underwriting, and subsequently executed a Carryover Allocation Agreement on December 22, 2017. The Original Applicant was also awarded \$1,250,000 in Development Viability Loan Funding from Request for Applications (RFA) 2018-109 and staff issued a Notice of Preliminary Award to the Original Applicant on June 6, 2018. On November 2, 2018, the Board approved the Original Applicant’s request for a waiver of the Rule and 2016 QAP provision to allow the Original Applicant to exchange their 2017 credit allocation for an allocation of 2018 credits. Staff issued a Carryover Allocation Agreement after the approval, which became effective on November 13, 2018. On December 13, 2019, the Board approved the final credit underwriting report with a positive recommendation for funding and directed staff to proceed with the closing activities. Staff issued the Original Applicant a firm commitment for the Viability Loan on December 16, 2019.
  
- b) On January 22, 2021, the Board approved the replacement of the Original Applicant entity and Development Team in addition to a waiver of the rule and 2016 QAP provision to allow for a second exchange of credits. At this time, the Applicant was changed to Silver Pointe, Ltd. (Existing Applicant) whose natural person principal is Martin Wohl, The Development team was replaced with co-Developers MHP Silver Pointe Developer, LLC (Christopher Shear) and Heartland Development Group LLC (Martin Wohl). Subsequently, on February 12, 2021, a 2021 Carryover Allocation Agreement was executed between the Existing Applicant and Florida Housing. On March 4, 2022, the Board approved an updated final credit underwriting report with a positive recommendation for funding and directed staff to proceed with the closing activities.
  
- c) Most recently, the Existing Applicant submitted an application for 2022 Construction Housing Inflation Response Program (CHIRP) funding, thereby returning its Development Viability Loan Funding. As the Existing Applicant has progressed through an updated final credit underwriting report, the Credit Underwriter determined that the Existing Applicant’s Total Development Cost

## MULTIFAMILY PROGRAMS

### *Consent*

was above the limits as set forth in RFA 2016-110, and further increased per Board approval (June 15, 2018 and March 6, 2020).

- d) The Board has approved four increases to Total Development Cost limitations including increases at the June 15, 2018 Board Meeting, the March 6, 2020 Board Meeting, the July 30, 2021 Board Meeting and the April 1, 2022 Board Meeting. RFA 2016-110 was included in the RFAs to be considered for TDC increases in the items presented at the June 15, 2018 and March 6, 2020 Board Meetings. However, RFA 2016-110 was not included in the RFAs to be considered for TDC increases in the items presented at the remaining two Board Meetings. The Existing Applicant did not request that RFA 2016-110 be included when the items were presented to the Board.
- e) Section 7.(b) of Exhibit C within RFA 2016-110 states in relevant part that the Corporation shall limit the Total Development Cost per unit for all Developments categorized by the construction type of the units as indicated by the Applicant in the RFA. The RFA goes on to state that any Applicant that has a Credit Underwriter present a credit underwriting report with an amount that exceeds these limitations by more than 5 percent<sup>1</sup>, after taking into consideration an escalation factor....and incorporating any applicable TDC reduction and adjustments processes provided will receive a negative recommendation by the Credit Underwriter.
- f) Based on the maximum Development Costs, the maximum Developer Fee that could be incurred by the proposed Development within RFA 2016-110 is \$2,537,478. In the case of Silver Pointe, after incorporating the applicable TDC reduction and adjustment processes as outlined in the RFA, the Developer Fee is cut back to \$1,829,593 but the Total Development Costs still exceeds the TDC Per Unit Base Limitation by 9.07%, which would result in a negative recommendation from the Credit Underwriter, unless the Existing Applicant would cut the Developer Fee back to \$1,080,281, which the Applicant has indicated would not meet investor requirements and render the transaction unfeasible.
- g) On September 7, 2022, Florida Housing received a letter from the Existing Applicant requesting that Florida Housing apply a 7.5 percent test instead of the 5 percent test for TDC Per Unit Base Limitation review. The request letter is provided as [Exhibit G](#).
- h) Due to the fact that this Development has had significant time delays that in some part, are not due to the negligence of the Existing Applicant, but should have been addressed prior to this point in time, as well as the fact that the Development did not receive the benefit of the July 30, 2021 and April 1, 2022 TDC, despite the Existing Applicant not seeking RFA 2016-110 to be included in the increase, Florida Housing staff will recommend that the Board approve an RFA Waiver to increase the TDC Per Unit Base Limitation Test from a 5 percent to 7.5 percent test. This would result in an appropriate reduction of developer fee that allows the transaction to remain viable, which is below what the initial reduction and adjustments processes called for (\$1,829,593) but above the amount that would produce a permissive TDC utilizing the 5 percent test (\$1,080,282). It is important to note that staff would not be considering this increase if RFA 2016-110 was not included in the comprehensive recent TDC

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<sup>1</sup> The 5 percent test

## MULTIFAMILY PROGRAMS

### *Consent*

per unit limitation increases in July 2021 and April 2022. Florida housing does not recommend individual increases in the TDC limits for transactions, particularly those that have been the beneficiary of more comprehensive TDC per unit limitation increases.

- i) Staff has reviewed this request and finds that the Development meets all applicable requirements of the RFA apart from this request.

### **2. Recommendation**

- a) Approve an RFA Waiver to increase the TDC Per Unit Base Limitation Test from a 5 percent to 7.5 percent test.
- b) This requirement will be maintained through cost certification.

**PREDEVELOPMENT LOAN PROGRAM (PLP)**

*Consent*

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

**A. Request Approval of PLP Loan Maturity Extension for Preservation of Affordable Housing, Inc. (POAH), a not-for-profit entity, for CM II (2019-004P-09)**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>CM II</b>
<b>APPLICANT/DEVELOPER (“Developer”):</b>	<b>POAH, Inc.</b>
<b>CO-DEVELOPER:</b>	<b>N/A</b>
<b>NUMBER OF UNITS:</b>	<b>120</b>
<b>LOCATION (“County”):</b>	<b>Miami-Dade County</b>
<b>TYPE:</b>	<b>Family</b>
<b>MINIMUM SET ASIDE:</b>	<b>20% @ 50% AMI</b>
<b>PLP LOAN AMOUNT:</b>	<b>\$750,000</b>
<b>ADDITIONAL COMMENTS:</b>	

**1. Background**

- a) On May 10, 2019, the Board approved a PLP loan in the amount of \$750,000 for Mercy Oaks Phase 1.
- b) On January 31, 2020, the Developer closed on the PLP loan. The maturity date was set as January 31, 2023. To date, \$574,750 has been drawn on the loan.

**2. Present Situation**

- a) On August 26, 2022, staff received a letter ([Exhibit A](#)) from our technical assistance provider (TAP) and the developer requesting approval of a one-year extension to the maturity date on the PLP Loan. The new maturity date would be January 31, 2024.
- b) The developer is in credit underwriting under RFA 2020-205 and has applied for CHIRP funding.
- c) Staff has reviewed the request and believe the request for the maturity extension is warranted.

**3. Recommendation**

- a) Approve the one-year extension to the maturity date of the PLP Loan to POAH, Inc. for CM II and allow staff to commence with the loan closing process.



**PREDEVELOPMENT LOAN PROGRAM (PLP)**

*Consent*

**B. Request Approval of Loan Maturity Extension for McCurdy Senior Housing Corporation, a not-for-profit entity, for Quiet Meadows (2018-004P-09)**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Quiet Meadows</b>
<b>APPLICANT/DEVELOPER (“Developer”):</b>	<b>McCurdy Senior Housing Corporation</b>
<b>CO-DEVELOPER:</b>	<b>N/A</b>
<b>NUMBER OF UNITS:</b>	<b>120 Rental</b>
<b>LOCATION (“County”):</b>	<b>Palm Beach</b>
<b>TYPE:</b>	<b>Elderly</b>
<b>MINIMUM SET ASIDE:</b>	<b>20% @ 50% AMI</b>
<b>PLP LOAN AMOUNT:</b>	<b>\$650,000</b>
<b>ADDITIONAL COMMENTS:</b>	

**1. Background**

- a) On July 27, 2018, the Board approved a loan to the Developer in the amount of \$650,000.
- b) On December 20, 2018, the Applicant closed on the PLP loan. To date, \$154,723.34 has been drawn on the loan.
- c) On October 22, 2021, the Board approved a one-year extension to the maturity date. The new maturity date was December 20, 2022.

**2. Present Situation**

- a) On August 26, 2022, Florida Housing received a letter and revised development plan from the assigned technical assistance provider (TAP) and a letter from the developer ([Exhibit B](#)) requesting a one-year extension to the maturity date for this PLP Loan. The new maturity date will be December 20, 2023.
- b) Staff has reviewed the recommendation and the revised development plan and feel the one-year maturity extension is warranted.

**3. Recommendation**

- a) Approve the one-year loan maturity extension to McCurdy Senior Housing Corporation for Quiet Meadows and allow staff to commence with amending the loan closing documents.

**SPECIAL ASSETS**

*Consent*

**I. SPECIAL ASSETS**

**A. Request Approval of the Extension of the SAIL Loan for Royalton Apartments, Ltd., a Florida Limited Partnership, for Royalton (2004-037CS)**

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

**1. Background**

- a) During the 2005 funding cycle, Florida Housing Finance Corporation (“Florida Housing”) awarded a State Apartment Incentive Loan (“SAIL”) in the amount of \$3,000,000 to Royalton Apartments, Ltd. (“Borrower”), a Florida limited partnership, for the development of a 100-unit property in Miami-Dade County, Florida. The loan closed on October 11, 2006 and matured on October 11, 2021. The Development also received a 2004 allocation of low-income housing tax credits of \$921,555. The Board approved a one-year extension at the October 2021 meeting with a maturity of October 11, 2022.

**2. Present Situation**

- a) The Borrower has requested approval to extend the SAIL loan, for one (1) year, to October 11, 2023, while working on refinancing of the Development. The Development has experienced challenges with occupancy and operations over the last three years. The Borrower is working to improve operations and believes a loan extension will provide that opportunity to move forward with refinancing by the extended maturity date requested.

**3. Recommendation**

- a) Approve the extension of the SAIL loan at its current terms to October 11, 2023, extension of the LURA for an additional year, and direct staff to proceed with loan document modification activities, as needed.