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June 17, 2024

*VIA EMAIL AND U.S. MAIL*  
Corporation Clerk  
Florida Housing Finance Corporation  
227 North Bronough Street  
Suite 5000  
Tallahassee, Florida 32301  
[CorporationClerk@floridahousing.org](mailto:CorporationClerk@floridahousing.org)

RECEIVED

JUN 18 2024 8:00 AM

FLORIDA HOUSING  
FINANCE CORPORATION

FHFC Case No.: 2024-037GA

**RE: PETITION FOR DECLARATORY STATEMENT BEFORE THE  
FLORIDA HOUSING FINANCE CORPORATION (the “Corporation”)**

To Whom It May Concern:

This firm represents a developer in Miami-Dade County, Florida, doing business as IMF Doral LLC (the “Developer”). The Developer is presently in the process of converting a hotel located in the City of Doral (the “City”) into a multifamily affordable housing complex. Given the shift from “hotel” to “multifamily housing,” a certificate of occupancy from the City is required to facilitate the conversion. Developer has expended substantial resources to convert the property for the use described herein and ensure the units are compliant with code as multifamily affordable housing.

A potential partnership opportunity has arisen between Developer and a third party for the development of the property. The prospective partner and Developer now seek clarification from the Corporation as to the tax exemptions provided for multifamily affordable housing complexes, and the statutory definition of the term “newly constructed,” as set forth in F.S. 196.1978, before entering a partnership agreement. Accordingly, a declaratory statement from the Corporation clarifying what constitutes ‘newly constructed’ is requested pursuant to F.S. 120.565.

In accordance with F.S. 196.1978 (the “Live Local Act”), “newly constructed multifamily projects” which “contain more than 70 units dedicated to housing natural persons or families” may be eligible for ad valorem tax exemptions. F.S. 196.1978(3)(a)(2) defines ‘newly constructed’ as “an improvement to real property which was substantially completed within 5 years before the date of an applicant’s first submission of a request for certification or an application for an exemption pursuant to this section, whichever is earlier.” ‘Substantially completed’ means “the improvement or some self-sufficient unit within it can be used for the purpose for which it was constructed.” F.S. 192.042.

Based on the statutory definitions and intent of the Live Local Act, Developer believes that a conversion from “hotel” to “multifamily housing” qualifies as ‘new construction’ under F.S.

196.1978(3)(a)(2). First, ‘newly constructed’ is defined as: “**an improvement** to real property.” (Emphasis added.) Thus, an **improvement**, such as substantial rehabilitation and conversion of a hotel to a multifamily affordable housing development, must be included in the statutory definition of ‘newly constructed.’ Further, the statutory definition of the term “substantially completed” includes reference to a “**self-sufficient unit within.**” F.S. 192.042. (Emphasis added.) Such reference precludes a narrow application limiting the exemption to those multifamily complexes which are built newly from the ground up. Finally, “substantially completed” refers to the time at which the property or improvement “**can be used for the purpose for which it was constructed.**” *Id.* (Emphasis added.). In the context of a conversion from a hotel to a multifamily complex, the property could not have been used for affordable housing purposes until a change of use was completed. Thus, a change of use which allows a property to be used for multifamily purposes must constitute “new construction” within the meaning of the Live Local Act. *See* Correspondence from Housing Coalition, **Exhibit A.**

In light of the Developer’s pending partnership opportunity, which depends on the property qualifying for an ad valorem tax exemption, and potential ambiguity in the application of F.S. 196.1978, Developer respectfully requests a declaratory statement from the Corporation confirming that a change of use from hotel to multifamily affordable housing constitutes ‘new construction’ within the meaning of F.S. 197.1978, and is entitled to the statutory ad valorem tax exemption set forth therein, provided the remaining conditions imposed by the Live Local Act are met.

Should you have any questions regarding this request for Declaratory Statement, please feel free to contact my office directly. I am available by phone or e-mail at your convenience.

Sincerely,

/s/ Ryan A. Abrams

Ryan A. Abrams, Esq.  
Florida Bar No. 111323

**Abrams Law Firm, P.A.**

*Counsel for Petitioner*

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**Petitioner:**

**IMF Doral LLC**

**1212 NW 82<sup>nd</sup> Ave,**

**Miami, FL 33126**

## **EXHIBIT A**



Kody Glazer <glazer@flhousing.org>

To: Sydney Satz

Cc: Ryan McKinless <mckinless@flhousing.org>



Thu 5/2/2024 1:35 PM

Hi Sydney, I was forwarded your question about s. 196.1978.

Our opinion is that "newly constructed" can apply to changes of use. If you reference the definition of "substantially completed" in s. 196.1978(3)(a)3. to the definition at s. 192.042(1), "substantially completed" just means that "the improvement or some self-sufficient unit within it can be used for the purpose for which it was constructed." There are no caveats for greenfield development, rehabilitations, or other changes of use.

If you are looking for a formal opinion to solidify the position, you'll need to reach out to the Florida Housing Finance Corporation or your local property appraiser.

**Kody Glazer, Esq.**  
**Chief Legal and Policy Officer**  
[Florida Housing Coalition](#)  
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