

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



ELDERLY HOUSING COMMUNITY LOAN (EHCL)

Consent

I. ELDERLY HOUSING COMMUNITY LOAN (EHCL)

A. Request Approval of Firm Loan Commitment Issuance Extension for Campus Towers (2016-350E)

Development Name: Campus Towers	Location: Duval County
Applicant/Borrower: Edward Waters College Senior Citizens Home, Inc.	Set-Aside: 100% @ 50% AMI
Development Category/Type: Rehabilitation/Garden Apartments	Demographic/Number of Units: Elderly/192
Requested Amount: EHCL \$750,000	

1. Background/Present Situation

- a) On September 15, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-108 for Elderly Housing Community Loan (EHCL) funding to be used to provide life-safety, building preservation, health, sanitation, or security-related repairs or improvements to Developments currently serving Elderly residents aged 62 or older.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On December 19, 2016, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Edward Waters College Senior Citizens Home, Inc., which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on December 27, 2016, giving them a firm loan commitment issuance deadline of September 27, 2017. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On July 21, 2017, staff received a request from the Applicant to extend the September 27, 2017 firm loan commitment issuance deadline to March 24, 2018 ([Exhibit A](#)), which will allow additional time to secure additional funding and complete the underwriting process. Staff has reviewed this request and finds that the development meets all the requirements of RFA 2016-108.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from September 27, 2017 to March 27, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

ELDERLY HOUSING COMMUNITY LOAN (EHCL)

Consent

B. Request Approval of Firm Loan Commitment Issuance Extension for Palm City Gardens (2016-352E)

Development Name: Palm City Gardens Apartments	Location: Lee County
Applicant/Borrower: Dunbar Improvement Association, Inc.	Set-Aside: 100% @ 50% AMI
Development Category/Type: Rehabilitation/Garden Apartments	Demographic/Number of Units: Elderly/100
Requested Amount: EHCL \$750,000	

1. Background/Present Situation

- a) On September 15, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-108 for Elderly Housing Community Loan (EHCL) funding to be used to provide life-safety, building preservation, health, sanitation, or security-related repairs or improvements to Developments currently serving Elderly residents aged 62 or older.
- b) On December 9, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On December 19, 2016, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to Dunbar Improvement Association, Inc., which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on December 21, 2016, giving them a firm loan commitment issuance deadline of September 21, 2017. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On August 15, 2017, staff received a request from the Applicant to extend the September 21, 2017 firm loan commitment issuance deadline to March 21, 2018 ([Exhibit B](#)), which will allow additional time to identify the scope of services needed for the rehabilitation work, receive HUD’s approval to increase rent subsidy, obtain third party reports, and complete the credit underwriting process. Staff has reviewed this request and finds that the development meets all the requirements of RFA 2016-108.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from September 21, 2017 to March 21, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

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II. LEGAL

A. In Re: Cabana Club Preservation, LP - FHFC Case No. 2017-057VW

Development Name: (“Development”):	Cabana Club
Developer/Principal: (“Developer”):	Lincoln Avenue Capital LLC Yoni Gruskin
Number of Units: 332	Location: Miami-Dade
Type: Rehabilitation high-rise	Set Asides: 8% at 50% AMI 92% at 60% AMI
Demographics: Elderly non-ALF	9% HC: \$897,435 HOME: \$1,545,000

1. Background

- a) Petitioner was selected to receive a HOME loan from Florida Housing to assist in the construction of a Development serving low-income elderly tenants in Miami, Florida. On August 7, 2017, Florida Housing received a Petition for Waiver of Rules 9I-40.020(12) and (27), F.A.C. (1994), which would allow Petitioner to amend its LURA so that the property may be operated as an “elderly development.” A copy of the Petition is attached as [Exhibit A](#).

2. Present Situation

- a) The Development received HOME funding pursuant to Rule 9I-40, F.A.C., an emergency rule promulgated in 1994. Rule 9I-40.070(3)(c)2 required that at least one rental project serving Special Needs (and located south of Kendall Drive in Dade County) would be set aside; Cabana Club was that development and the Special Needs type chosen was Frail Elderly. Rules 9I-40.020(12) and (27), F.A.C. (1994) provided as follows:

(12) Frail Elderly for the purpose of this program, means any persons, 60 years of age or older, with physical or mental limitations which restrict individual ability to perform the normal activities of daily living and which impede individual capacity to live independently without the provision of support services.

(27) “Special Needs” means a condition requiring support services, including homelessness, mental illness, developmental disability, physical handicap, frail elderly, or illness with AIDS. To be considered under the “Special Needs” set-aside, at least 40 percent of the applicant’s development must exclusively service Special Needs populations and must offer significant support services from qualified professional staff.

- b) HUD is now requiring, as a condition to the closing of Petitioner’s refinancing for the property, that the “frail elderly” designation be removed and the LURA be amended in accordance with a new HUD loan structure. To comply with HUD’s financing requirements, the property must be designated an “elderly development” and the LURA must be amended to include an age restriction that requires at least 80% of the 332 units to be occupied or held available for

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occupancy by at least one resident that is 55 years of age or older, and to remove the requirement that 40% of the units service persons qualifying as “frail elderly.” In addition, the Extended Low-Income Housing Agreement needs to be extended for a period of approximately 13 additional years (a total of forty years beyond the date of the HUD loan endorsement) so that it meets HUD’s requirements for refinancing.

- c) Petitioner has stated that removal of the “frail elderly” designation would not require residents meeting that definition to leave, or prevent others meeting that definition from subsequently residing at Cabana Club. Persons meeting the “frail elderly” definition may renew their leases, or enter into new leases, so long as they remain qualified under the LURA requirements. The HOME loan was paid off and the mortgage satisfied in August of 2014.
- d) On August 9, 2017 Notice of the Petition was published in the Florida Administrative Register in Volume 43, Number 154. 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 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 the waiver is needed in order to efficiently serve low-income elderly persons, and 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 Rules 9I-40.020(12) and (27), F.A.C. (1994) so that Petitioner’s LURA may be amended to designate the property as an “elderly development” and to remove the “frail elderly” designation and requirements. Additionally, staff recommends the Board **GRANT** Petitioner’s request that the Extended Low-Income Housing Agreement be extended for an additional 13 years.

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B. In Re: RST The Pines, LP - FHFC Case No. 2017-058VW (RFA 2015-106/2016-019C)

Development Name: (“Development”):	The Pines
Developer/Principal: (“Developer”):	Roundstone Development, LLC
Number of Units: 100	Location: Volusia County
Type: Garden Apartments	Set Asides: 10% @ 40% AMI 90% @ 60% AMI
Demographics: Family; Link	Funding: 9% HC \$1,510,000

1. Background

- a) RST The Pines, LP, (“Petitioner”) successfully applied for an award of competitive housing credits under Request for Applications 2015-106 for Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties (the “RFA”) to assist in the construction of The Pines.
- b) On August 17, 2017, Florida Housing received a Petition for Waiver of Rule 67-48.002(95) from Petitioner. A copy of the Petition is attached as [Exhibit B](#).

2. Present Situation

- a) Rule 67-48.002(95), Fla. Admin. Code defines and incorporates by reference the following provision of the 2015 Qualified Allocation Plan (“QAP”):

K. Notwithstanding any other provision of this QAP, where a Development has not been placed in service by the date required or it is apparent that a Development will not be placed in service by the date required, and such failure is due to circumstances beyond the Applicant’s control, **and the Applicant has returned its Housing Credit Allocation in the last calendar quarter of the year in which it was otherwise required to be placed in service**, the Corporation may reserve allocation in an amount not to exceed the amount of Housing Credits returned, and may allocate such Housing Credits to the Application for the year after the year in which the Development was otherwise required to be placed in service, provided the following conditions have been met: (i) the sponsor must have provided written notice to the Corporation, describing the circumstances, all remedial measures attempted by the Applicant to mitigate the delay, and any other pertinent information, prior to returning the allocation; and (ii) the Executive Director must find and determine that the delay was caused by circumstances beyond the Applicant’s control, that the sponsor exercised due diligence in seeking to resolve the circumstances causing delay, that the Development in all respects, except time placed in service, still meets the conditions upon which the Housing Credits were originally allocated, and that the Development is still desirable in terms of meeting affordable housing needs.

(emphasis added).

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- b) Petitioner requests a waiver of the above Rule and bolded selection of the QAP provision above to permit it to exchange its tax credits now rather than in the last calendar quarter of 2018. Petitioner asserts that unforeseen events will cause the Development to not be placed in service by December 31, 2017. Petitioner asserts that due to the economic instability in the equity markets, the tax credit investor will reduce its capital contribution, which will in turn cause Petitioner to restructure the transaction and go through underwriting again. Given these circumstances, Petitioner asserts that achievement of the scheduled placed in service deadline is extremely unlikely. Petitioner therefore requests that it be permitted to swap the allocated tax credits now instead of the last quarter of 2018.
- c) On August 18, 2017, the Notice of Petition was published in the Florida Administrative Register in Volume 43, Number 161. To date, Florida Housing has received no comments concerning the Petition.
- d) 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.
- e) Granting the requested waiver would not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development. Petitioner has demonstrated that strict application of the above Rules under these circumstances would constitute a substantial hardship and violate the principles of fairness. 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 the above Rule and 2015 QAP provision to permit Petitioner to exchange its 2016 credits for a subsequent year’s allocation now rather than in the last calendar quarter of 2018.

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C. In Re: SP Gardens, LLC - FHFC Case No. 2017-059VW (RFA 2015-107/2016-137C)

Development Name: (“Development”):	Laburnum Gardens
Developer/Principal: (“Developer”):	Southport Development, Inc.
Number of Units: 81	Location: Hillsborough County
Type: Garden Apartments	Set Asides: 10% @ 40% AMI 90% @ 60% AMI
Demographics: Elderly, Family, Link	Funding: HC \$1,420,000

1. Background

- a) SP Gardens, LLC (“Petitioner”) successfully applied for an award of competitive Housing Credits under Request for Applications 2015-107 (the “RFA”) to assist in the construction of Laburnum Gardens.
- b) On August 17, 2017, Florida Housing received a Petition for Waiver of Rule 67-48.002(95) from Petitioner. A copy of the Petition is attached as [Exhibit C](#). On August 24, Petitioner filed an Amended Petition for Waiver of Rule 67-48.002(95), which is attached as [Exhibit D](#).

2. Present Situation

- a) Rule 67-48.002(95), Fla. Admin. Code defines and incorporates by reference the following provision of the 2016 QAP:

K. Notwithstanding any other provision of this QAP, where a Development has not been placed in service by the date required or it is apparent that a Development will not be placed in service by the date required, and such failure is due to circumstances beyond the Applicant’s control, **and the Applicant has returned its Housing Credit Allocation in the last calendar quarter of the year in which it was otherwise required to be placed in service**, the Corporation may reserve allocation in an amount not to exceed the amount of Housing Credits returned, and may allocate such Housing Credits to the Application for the year after the year in which the Development was otherwise required to be placed in service, provided the following conditions have been met: (i) the sponsor must have provided written notice to the Corporation, describing the circumstances, all remedial measures attempted by the Applicant to mitigate the delay, and any other pertinent information, prior to returning the allocation; and (ii) the Executive Director must find and determine that the delay was caused by circumstances beyond the Applicant’s control, that the sponsor exercised due diligence in seeking to resolve the circumstances causing delay, that the Development in all respects, except time placed in service, still meets the conditions upon which the Housing Credits were originally allocated, and that the Development is still desirable in terms of meeting affordable housing needs.

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- b) Petitioner requests a waiver of the above Rule and bolded selection of the QAP provision above to permit it to exchange its tax credits now rather than in the last calendar quarter of 2018. Petitioner asserts that, based on discussions with Florida Housing, it has upgraded and revised its construction plans for the Development, which has delayed the permitting process. Additionally, Petitioner asserts that pending litigation has the potential to cause further delay, but Petitioner is hopeful for a quick resolution. Further, Petitioner asserts that the tax credit syndicator is requiring Petitioner to request the exchange of the credit allocation for a 2017 allocation. Petitioner therefore requests that it be permitted to swap the allocated tax credits now instead of the last quarter of 2018.
- c) On August 18, 2017, the Notice of Petition was published in the Florida Administrative Register in Volume 43, Number 161. To date, Florida Housing has received no comments concerning the Petition.
- d) 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.
- e) Granting the requested waiver would not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development. Petitioner has demonstrated that strict application of the above Rules under these circumstances would constitute a substantial hardship and violate the principles of fairness. 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 the above Rule and 2016 QAP provision to permit Petitioner to exchange its 2016 credits for a subsequent year’s allocation now rather than in the last calendar quarter of 2018.

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D. In Re: Cocoa Housing Preservation II, LLC - FHFC Case No. 2017-062VW (RFA 2015-111/2016-293C)

Development Name: (“Development”):	Pineda Village
Developer/Principal: (“Developer”):	CHA Developer, LLC and SHAG Pineda Village, LLC
Number of Units: 137	Location: Brevard
Type: Duplex	Set Asides: 20% @ 35% AMI 80% @ 60% AMI
Demographics: Family; Link	Funding: Competitive Housing Credits \$1,350,000

1. Background

- a) Cocoa Housing Preservation II, LLC., (“Petitioner”) successfully applied for an award of competitive housing credits under Request for Applications 2015-111 (the “RFA”) to assist in financing the rehabilitation of Pineda Village.
- b) On August 21, 2017, Florida Housing received a Petition for Waiver Rule 67-48004(3)(i) and (j) for a Change in Number of Units and in Total Set-Aside Percentage from Petitioner. A copy of the Petition is attached as [Exhibit E](#).

2. Present Situation

- a) The relevant portion of Rule 67-48.004(3), Fla. Admin. Code provides as follows:

(3) For the SAIL, HOME and Housing Credit Programs, notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:

(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, as well as review of 24 CFR Part 92 to ensure continued compliance for the HOME Program;

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(j) For the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application. For the HOME Program, the total number of HOME-Assisted Units committed to in the Set-Aside Commitment section of the Application. Notwithstanding the foregoing, the Total Set-Aside Percentage, or total number of HOME-Assisted Units, as applicable, 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, as well as review of 24 CFR Part 92 to ensure continued compliance for the HOME Program;

- b) Petitioner requests a waiver from the above Rules to increase the total number of units from 137 to 144 and decrease the Total Set-Aside Percentage from 100% to 95%. Petitioner will maintain the total number of "low-income units" committed to in its Application at the minimum of 137, and add seven units which will be available as non-Housing Credit units. Petitioner initially committed to set aside 20% (28 units) of the units at or below 35% of Area Median Income ("AMI") and 80% (109 units) of the units at or below 60% AMI. Petitioner requests to remain committed to provide 20% of the total units (now 29 units) at or below 35% AMI and 75% of the total units (now 108 units) at or below 60% AMI.
- c) Petitioner asserts that after a change in its development team, which was approved by Florida Housing's Board of Directors on June 16, 2017, a review was conducted of the current waiting list, necessitating a change in the configuration of units. Additionally, the reduction of tax credit pricing since November of 2016, makes the unit configuration unfeasible due to cost. By changing the configuration of the unit sizes, the number of units will increase from 137 to 144, thereby making the deal feasible. The additional seven units will receive Section 8 subsidy under HUD's Rental Assistance Demonstration Program.
- d) On August 22, 2017, the Notice of Petition was published in the Florida Administrative Register in Volume 43, Number 163. 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.

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- f) Granting the requested waiver would not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development. Petitioner has demonstrated that strict application of the above Rules under these circumstances would constitute a substantial hardship and violate the principles of fairness. 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 the above Rules and allow Petitioner to decrease the Total Set-Aside Percentage from 100% to 95% and to increase the total number of units in the Development from 137 to 144. Petitioner will maintain 20% of the total units (29 units) at or below 35% AMI and 75% of the total units (108 units) at or below 60% AMI.

MULTIFAMILY BONDS

Consent

III. MULTIFAMILY BONDS

A. Request Approval of Credit Underwriting Report for Vista Landing Apartments (2015-108B)

Development Name: Vista Landing Apartments	Location: Duval County
Applicant/Borrower: Vista Landing Preservation, LLC	Set Aside(s): 40% @ 60% AMI (MMRB) 100% @ 60% AMI (Housing Credits)
Developer/Principal: Vista Landing Developer, LLC / Related Group of Florida	Demographic/Number of units: Family / 200
Requested Amounts: \$8,700,000 Multifamily Mortgage Revenue Bond (MMRB) \$565,845 Housing Credits	Development Category/Type: Acquisition and Preservation / Garden Apartments

1. Background/Present Situation

- a) The Applicant submitted a Non-Competitive Application package requesting tax exempt MMRB in the amount of \$8,700,000 and non-competitive Housing Credits in the amount of \$616,365.
- b) On July 26, 2016, staff issued an invitation to enter credit underwriting to the Applicant.
- c) Staff reviewed the credit underwriting report, giving a positive recommendation for a MMRB loan in the amount of \$8,700,000 and \$565,845 in Housing Credits ([Exhibit A](#)). Staff finds that the development meets all of the requirements of the Non-Competitive Application.

2. Recommendation

- a) Approve the recommendation of the Credit Underwriter outlined in the final credit underwriting report recommending and allocating \$8,700,000 in Tax Exempt MMRB for the Acquisition and Preservation of the Development, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

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

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

1. Background/Present Situation

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

MULTIFAMILY BONDS

Consent

2. Recommendation

- a) Approve the recommendations of the Credit Underwriter outlined in the credit underwriting update letter recommending and allocating \$12,000,000 in Tax Exempt MMRB, \$5,000,000 in SAIL funding, and \$781,900 in ELI Gap funding for the Construction of the Development, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

C. Request Approval of the Method of Bond Sale Recommendation from Florida Housing's Independent Registered Municipal Advisor and Assignment of a Bond Underwriter

1. Background

- a) Pursuant to staff's request for approval to issue bonds to finance the preservation and construction of the proposed Developments referenced below, the final credit underwriting reports are being presented to the Board for approval simultaneously with this request to assign the appropriate professionals for the transactions and approval of the recommended method of sales. A brief description of the Developments are detailed below, along with staff's recommendations.
- b) Pursuant to Rule 67-21.0045, F.A.C., staff has requested a review of the proposed financing structures by the Independent Registered Municipal Advisor (IRMA) in order to make a recommendation to the Board for the method of bond sales for the developments. Caine Mitter and Associates Incorporated has prepared an analysis and recommendations for the method of bond sales for the Developments. The recommendation letters are attached as Exhibit C and D.

2. Present Situation

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

3. Recommendation

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

Development Name	Location of Development	Number of Units	Method of Bond Sale	Recommended Professional	Exhibit
Vista Landing Apartments	Duval County	200	Negotiated Public Offering	RBC Capital Markets, LLC	Exhibit C
Douglas Gardens V	Broward County	110	Private Placement	RBC Capital Markets, LLC	Exhibit D

MULTIFAMILY PROGRAMS

Consent

IV. MULTIFAMILY PROGRAMS

A. Request Approval of Developer Change for Hadley Gardens (2016-519C)

Development Name: Hadley Gardens	Location: Miami-Dade County
Applicant/Borrower: Hadley Housing Partners, LP	Set Aside(s): 100% @ 60% AMI
Developer/Principal: Vitus Development IV, LLC	Demographic/Number of units: Elderly / 151 units
Recommended Amounts: \$912,862 in 4% Housing Credits	Development Category/Type: Acquisition/Rehab / Mid-Rise (5-6 stories)

1. Background/Present Situation

- a) Hadley Gardens (2016-519C) is a Non-Competitive Housing Credit, Acquisition and Rehabilitation Development providing 151 set-aside units in Miami-Dade County, Florida. The Applicant was invited to enter credit underwriting on April 27, 2017.
- b) On June 28, 2017, staff received a request from the Applicant for the addition of a co-Developer, Hadley Gardens Preservation GP, LLC (proposed co-Developer structure provided as [Exhibit A](#)). Per Rule Chapter 67-21, F.A.C., 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 this request and finds that the development meets all the requirements of Non-Competitive Application Rev. 08-16 and Rule Chapter 67-21, FAC.

2. Recommendation

- a) Approve the request to allow for the addition of the co-Developer as referenced above.

MULTIFAMILY PROGRAMS

Consent

B. Request Approval of Applicant Structure Change for Cameron Preserve (2016-325CS)

Development Name: Cameron Preserve	Location: Osceola County
Applicant/Borrower: Cameron Preserve LLC	Set Aside(s): 15% @ 40% AMI & 85% @ 60% AMI
Developer/Principal: DRL CP Development LLC	Demographic/Number of units: Homeless / 100 units
Recommended Amounts: \$1,510,000 in 9% Housing Credits; \$4,000,000 in SAIL	Development Category/Type: New Construction / Garden Apartments

1. Background/Present Situation

- a) On January 22, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-102 for Housing Credit and SAIL Financing for Homeless Housing Developments Located in Medium and Large Counties.
- b) On June 24, 2016, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities. Staff issued a preliminary commitment letter and an invitation to enter credit underwriting to the Applicant on July 1, 2016. On May 5, 2017, the Board approved the final credit underwriting report and a Developer structure change. The SAIL loan closed on August 1, 2017.
- c) On August 14, 2017, staff received a request from the Applicant to admit Joseph Mark Waterbury as a 5% member of DRL CP LLC, the member/manager of the Applicant, Cameron Preserve LLC ([Exhibit B](#)). Prior to loan closing, the sole member of DRL CP LLC was Deion Lowery. The new requested structure includes Deion Lowery with 95% ownership, and Joseph Mark Waterbury with 5% ownership. Per RFA 2016-102, after loan closing, any change to the applicant entity, either material or non-material, requires review and approval of the Corporation, as well as approval of the Board prior to the change. Staff has reviewed the request, and has determined that this is a non-material (less than 33.3%) change, and finds the change acceptable per RFA 2016-102.

2. Recommendation

- a) Approve the request to allow for the admission of Joseph Mark Waterbury as a 5% owner to DRL CP LLC, the manager/member of the Applicant.

MULTIFAMILY PROGRAMS

Consent

C. **Request Approval of Credit Underwriting Report for Arc Broward's Eden House (2016-348G)**

Development Name: ARC Broward's Eden House	Location: Broward County
Applicant/Borrower: Achievement and Rehabilitation Centers, Inc. (DBA ARC Broward)	Set Aside(s): 33% @ 33% AMI and 67% at 60% AMI
Developer/Principal: N/A	Demographic/Number of Residents: Persons with Developmental Disabilities / 6 Residents
Requested Amounts: \$101,000 Grant Funding	Development Category/Type: Renovation

1. **Background/Present Situation**

- a) On March 11, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-105 for Financing to Build or Rehabilitate Smaller Permanent Supportive Housing Properties for Persons with Developmental Disabilities.
- b) On June 24, 2016, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On August 1, 2016, staff issued an invitation to enter credit underwriting to Achievement and Rehabilitation Centers, Inc. dba ARC Broward.
- d) On August 18, 2017, staff received a positive recommendation for a grant amount of \$101,000 to be allocated to the Development ([Exhibit C](#)).

2. **Recommendation**

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

MULTIFAMILY PROGRAMS

Consent

D. Request Approval of Credit Underwriting Report for Crestview Group Home 1 (2016-411G)

Development Name: Crestview Group Home 1	Location: Okaloosa County
Applicant/Borrower: Horizons of Okaloosa County (DBA The Arc of the Emerald Coast)	Set Aside(s): 33% @ 33% AMI and 67% at 60% AMI
Developer/Principal: N/A	Demographic/Number of Residents: Persons with Developmental Disabilities / 6 Residents
Requested Amounts: \$417,000 Grant Funding	Development Category/Type: New Construction

1. Background/Present Situation

- a) On October 26, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-107 for Financing to Build or Rehabilitate Smaller Permanent Supportive Housing Properties for Persons with Developmental Disabilities.
- b) On February 3, 2017, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On May 17, 2017, staff issued an invitation to enter credit underwriting to Horizons of Okaloosa County, Inc. dba The Arc of the Emerald Coast.
- d) On August 18, 2017, staff received a positive recommendation for a grant amount of \$417,000 to be allocated to the Development ([Exhibit D](#)).

2. Recommendation

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

MULTIFAMILY PROGRAMS

Consent

E. Request Approval of Credit Underwriting Report for Key View (2016-337G)

Development Name: Key View	Location: Citrus County
Applicant/Borrower: Citrus County Association for Retarded Citizens, Inc.	Set Aside(s): 33% @ 45% AMI and 67% at 60% AMI
Developer/Principal: N/A	Demographic/Number of Residents: Persons with Developmental Disabilities / 6 Residents
Requested Amounts: \$392,000 Grant Funding	Development Category/Type: New Construction

1. Background/Present Situation

- a) On March 11, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-105 for Financing to Build or Rehabilitate Smaller Permanent Supportive Housing Properties for Persons with Developmental Disabilities.
- b) On June 24, 2016, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On October 5, 2016, staff issued an invitation to enter credit underwriting to Citrus County Association for Retarded Citizens, Inc.
- d) On August 17, 2017, staff received a positive recommendation for a grant amount of \$392,000 to be allocated to the Development ([Exhibit E](#)).

2. Recommendation

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

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

V. PREDEVELOPMENT LOAN PROGRAM (PLP)

A. Request Approval of PLP Loan for West Augustine Historical CDC, a not-for-profit entity, for West Augustine Housing Economic Development Project (2017-003P-09)

DEVELOPMENT NAME (“Development”):	West Augustine Housing Economic Development
APPLICANT/DEVELOPER (“Developer”):	West Augustine Historical CDC
CO-DEVELOPER:	Ability Housing
NUMBER OF UNITS:	60 Rental
LOCATION (“County”):	St. Johns
TYPE:	Family
MINIMUM SET ASIDE:	20% @ 50% AMI
PLP LOAN AMOUNT:	\$750,000
ADDITIONAL COMMENTS:	

1. Background

- a) On April 21, 2017, the Developer submitted a PLP application for West Augustine Housing Economic Development.
- b) On April 24, 2017, Florida Housing issued an Invitation to Participate in the PLP to the Developer.

2. Present Situation

- a) On August 9, 2017, staff received a development plan and a letter ([Exhibit A](#)) from our technical assistance provider (TAP) recommending approval of the PLP Loan in the amount of \$750,000. The Developer is requesting \$315,550 of the overall \$750,000 loan for the site acquisition of the subject property. The site acquisition portion of the loan is required to be reviewed by an assigned credit underwriter.
- b) Staff has reviewed the Development Plan and determined that all budget items are PLP eligible.

3. Recommendation

- a) Approve the PLP Loan in the amount of \$750,000 to West Augustine Historical CDC for West Augustine Housing Economic Development and allow staff to commence with the loan closing process on the non-site acquisition funds in the amount of \$434,450 and assign the site acquisition portion of the loan to a credit underwriter.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

B. Request Approval of Credit Underwriting Report for Ability Housing, Inc. for Londontowne Lane (2017-006P-09)

DEVELOPMENT NAME (“Development”):	Londontowne Lane
APPLICANT/DEVELOPER (“Developer”):	Ability Housing, Inc.
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	80 Rental
LOCATION (“County”):	Duval County
TYPE:	Rental, Persons with a Disabling Condition or Homeless
MINIMUM SET ASIDE:	20% @ 50% AMI
PLP LOAN AMOUNT:	\$750,000
ADDITIONAL COMMENTS:	

1. Background

- a) On June 23, 2017, the Board approved a PLP loan for Londontowne Lane in the amount of \$750,000. Of this amount, \$450,000 was requested for the acquisition of the subject property. By rule, this portion of the loan is subject to a review by a credit underwriter.

2. Present Situation

- a) On August 15, 2017, staff received a credit underwriting report ([Exhibit B](#)) recommending the PLP loan in the amount of \$750,000 including \$450,000 for the site acquisition.
- b) The Development has been selected for construction funding under RFA 2017-103-Housing Credit and SAIL Financing for Homeless Persons and Persons with Disabling Conditions.

3. Recommendation

- a) Approve the credit underwriting report and allow staff to commence with the loan closing process on the acquisition portion of the loan in the amount of \$450,000.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

C. **Request Approval of PLP Loan for the CLT of Palm Beach County, Inc., a not-for-profit entity, for Kirk Road CLT Homes (2017-009P-09)**

DEVELOPMENT NAME (“Development”):	Kirk Road CLT Homes
APPLICANT/DEVELOPER (“Developer”):	CLT of Palm Beach County, Inc.
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	6 Homeownership
LOCATION (“County”):	Palm Beach County
TYPE:	Family
MINIMUM SET ASIDE:	50% @ 80% AMI, 50% @ 120% AMI
PLP LOAN AMOUNT:	\$317,000
ADDITIONAL COMMENTS:	

1. **Background**

- a) On July 5, 2017, the Developer submitted a PLP application for Kirk Road CLT Homes.
- b) On July 6, 2017, Florida Housing issued an Invitation to Participate in the PLP to the Developer.

2. **Present Situation**

- a) On August 17, 2017, staff received a development plan and a letter ([Exhibit C](#)) from our technical assistance provider (TAP) recommending approval of the PLP Loan in the amount of \$317,000.
- b) Staff has reviewed the Development Plan and determined that all budget items are PLP eligible.

3. **Recommendation**

- a) Approve the PLP Loan in the amount of \$317,000 to the CLT of Palm Beach County, Inc. for Kirk Road CLT Homes and allow staff to commence with the loan closing process.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

D. Request Approval of PLP Loan for New Beginnings Housing, Inc., a not-for-profit entity, for Clermont Ridge Senior Village (2017-010P-09)

DEVELOPMENT NAME (“Development”):	Clermont Ridge Senior Village
APPLICANT/DEVELOPER (“Developer”):	New Beginnings Housing, Inc.
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	70 Rental
LOCATION (“County”):	Lake
TYPE:	Elderly
MINIMUM SET ASIDE:	20% @ 50% AMI
PLP LOAN AMOUNT:	\$750,000
ADDITIONAL COMMENTS:	

1. Background

- a) On August 8, 2017, the Developer submitted a PLP application for Clermont Ridge Senior Village.
- b) On August 8, 2017, Florida Housing issued an Invitation to Participate in the PLP to the Developer.

2. Present Situation

- a) On August 21, 2017, staff received a development plan and a letter ([Exhibit D](#)) from our technical assistance provider (TAP) recommending approval of the PLP Loan in the amount of \$750,000. The Developer is requesting \$500,000 of the overall \$750,000 loan for the site acquisition of the subject property. The site acquisition portion of the loan is required to be reviewed by an assigned credit underwriter.
- b) Staff has reviewed the Development Plan and determined that all budget items are PLP eligible.

3. Recommendation

- a) Approve the PLP Loan in the amount of \$750,000 to New Beginnings Housing, Inc. for Clermont Ridge Senior Village and allow staff to commence with the loan closing process on the non-site acquisition funds in the amount of \$250,000 and assign the site acquisition portion of the loan to a credit underwriter.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

VI. PROFESSIONAL SERVICES SELECTION (PSS)

A. Single Source Procurement for the Housing Project Portfolio System

1. Background

- a) In November 2001, Florida Housing entered into a contract with Housing and Development Software, LLC to provide a Housing Project Portfolio System to assist with keeping track of funded projects and properties in Florida Housing's portfolio.

2. Present Situation

- a) The Housing and Development Software was custom-designed for Florida Housing's specific needs and is only available from Housing and Development Software, LLC. This application currently provides our fundamental tracking and management database system and has been in place for over 15 years. Multiple business processes, supporting systems, and reporting infrastructure rely upon the collected data and capabilities in the system.
- b) On November 10, 2017, the term for Florida Housing's current contract with Housing and Development Software, LLC is set to auto-renew, and Florida Housing has a continuing need to maintain this system.

3. Recommendation

- a) Staff believes that it is in the best interests of Florida Housing to proceed with a new contract for these services in order to ensure that the contract has a firm term date. Therefore, staff requests authorization to enter into a new single source contract with Housing and Development Software, LLC for maintenance and support of the Housing Project Portfolio System.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

B. Single Source Procurement for a Hardest Hit Fund (HHF) Program Manager

1. Background

- a) Starting in September 2010, Florida Housing has entered into an annual single source contract with Lainie Lowery, President of RCL Consulting and Management, Inc. to act as Program Manager for the HHF Program. Ms. Lowery's experience and knowledge in this field cannot be readily obtained through the competitive solicitation process, and has greatly assisted both the implementation and the continued management of the Program.

2. Present Situation

- a) On September 21, 2017, the term for Florida Housing's current contract with RCL Consulting and Management, Inc. will expire.
- b) Florida Housing has a continuing need for a HHF Program Manager to assist and advise Florida Housing with managing the Hardest Hit Fund program.

3. Recommendation

- a) Staff believes that it is in the best interests of Florida Housing to proceed with a new contract for these services. Staff requests authorization to enter into a single source contract with Lainie Lowery, President of RCL Consulting and Management, Inc.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

C. Contract Renewal for Real Estate Brokerage Services

1. Background

- a) At the December 12, 2014 meeting, the Board of Directors of Florida Housing authorized staff to enter into contract negotiations with CBRE, Inc., for Real Estate Brokerage services.
- b) The initial three-year term for this contract began on February 23, 2015. Contingent upon the firm satisfactorily performing its obligations under the contract as determined by Florida Housing, this contract may be renewed once for a period of up to three years.

2. Present Situation

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

3. Recommendation

- a) Staff believes that it is in the best interest of Florida Housing to continue to retain CBRE, Inc., pursuant to its existing contract and recommends the Board direct staff to proceed with the three-year renewal option.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

VII. STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

A. Request Approval of Loan Closing Extension for Woodland Park Phase I (2016-008CS)

Development Name: Woodland Park Phase I	Location: Alachua County
Applicant/Borrower: Woodland Park Redevelopment I, LLC	Set-Aside(s): 30% @ 33% AMI & 70% @ 60% AMI
Developer/Principal: Pinnacle Housing Group, LLC and GHA Development, LLC	Demographic/Number of Units: Family/96
Requested Amounts: SAIL \$3,840,000, 9% HC \$1,155,000	Development Category/Type: Redevelopment/Garden Apartments

1. Background/Present Situation

- a) On September 3, 2015, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2015-106 for Housing Credit and SAIL Financing for Affordable Housing Developments Located in Medium and Small Counties.
- b) On May 6, 2016, the Board approved the Final Order(s) allowing staff to proceed with all necessary credit underwriting activities.
- c) On May 6, 2016, staff issued a preliminary commitment letter and an invitation to enter credit underwriting to the Applicant with a loan closing deadline of May 6, 2017.
- d) On February 6, 2017, staff received a request from the Applicant for an extension of the loan closing deadline due to the time required to work with HUD on approvals for demolition and disposition ([Exhibit A](#)). The extension request (which would have moved the closing deadline from May 6, 2017 to May 6, 2018), was initially scheduled for consideration by the Board at the May 5, 2017, meeting. However, due to extraordinary circumstances surrounding the suspension of Pinnacle Housing Group, the initial extension request was pulled from the May 5, 2017, Board agenda and the issue was tabled. Subsequently, on August 23, 2017, staff received another request from the Applicant for an extension of the loan closing deadline ([Exhibit B](#)). Per the RFA, the loan must close within 12 months of the date of the invitation to enter credit underwriting. Applicants may request one extension of up to 12 months related to the loan closing. Staff has reviewed these requests and finds that the development meets all of the requirements of the RFA.

2. Recommendation

- a) Approve the requests to extend the loan closing deadline from May 6, 2017 to May 6, 2018, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

SPECIAL ASSETS

Consent

VIII. SPECIAL ASSETS

- A. Request Approval for the Transfer of Ownership Interests, and Assumption of SAIL loan for Colony Park, Ltd., a Florida Limited Partnership, for Colony Park Apartments (2001-075S/2001-521C)

Development Name: Colony Park Apartments (“Development”)	Location: Palm Beach County
Developer/Principal: Shelter Corporation (“Developer”)/Colony Park, Ltd. (“Borrower”)	Set-Aside: SAIL 2.33% @25%; 97.67% @60%; HC 100% @60% AMI LURA: 50 years; EUA: 50 years
Number of Units: 130	Allocated Amount: SAIL \$1,340,000; HC \$444,906
Demographics: Family	Servicer: First Housing Development Corporation

1. Background

- a) During the 2001 funding cycle, Florida Housing Finance Corporation (“FHFC”) awarded a State Apartment Incentive Loan (“SAIL”) in the original amount of \$1,340,000 to Colony Park, Ltd., a Florida limited partnership (“Borrower”), for the development of a 130-unit apartment complex in Palm Beach County, Florida. The SAIL loan closed on June 13, 2002, and matures on August 1, 2041. The Development also received a 2001 allocation of low-income housing tax credits of \$444,906. The Development was HUD risk sharing with Florida Housing’s Guarantee Program (“Guarantee Program”).
- b) On June 19, 2015, the Board approved the refinance of the existing first mortgage with a FHA HUD 223(f) first mortgage loan originated by Lancaster Pollard Mortgage Company, LLC, the proceeds of which were used to satisfy the existing first mortgage from Palm Beach Housing Finance Authority, redeeming the underlying bonds and effectively terminating the mortgage guaranty issued by the Guarantee Program and its associated financial risk to FHFC.
- c) The general partner interests were transferred to SCA Properties, LLC, and the SAIL loan interest rate was renegotiated from a 9% interest rate to a 3% interest rate in accordance with section 420.5087, FS and as stated in Rule 67-48. The Borrower paid all accrued and outstanding 3% interest on the current SAIL note.

2. Present Situation

- a) The Borrower requests approval to transfer the ownership interests in the Development to FF Colony Park LLC, an affiliate of Southport Financial Services, Inc., and the assumption of the SAIL loan.
- b) Staff received a credit underwriting report ([Exhibit A](#)) from First Housing Development Corporation with a positive recommendation for approval of the transfer of ownership interests, and the assumption of the SAIL loan.

SPECIAL ASSETS

Consent

3. **Recommendation**

- a) Approve the transfer of ownership interests, and the assumption of the SAIL loan, subject to the conditions outlined in the credit underwriter's report, and subject to further approvals and verifications by the credit underwriter, counsel, and appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities, as needed.

SPECIAL ASSETS

Consent

B. Request Approval of Transfer of Managing Member Interest in Notre Dame Apartments, LLC., a Florida Limited Liability Company, for Notre Dame Apartments (RFP 2009-03/2009-025CT)

Development Name: Notre Dame (“Development”)	Location: Miami-Dade County
Developer/Principal: Biscayne Housing Group, LLC (“Developer”) / Notre Dame Apartments, LLC (“Borrower”)	Set-Aside: TCAP & HC 10% @ 33%, 90% @ 60% AMI; HOME 1 Unit @ 50% AMI & 1 Unit @ 60% AMI TCAP, EUA & HOME: 50 years
Number of Units: 64	Allocated Amount: TCAP \$4,800,000; HOME \$115,900; HC \$1,808,133
Demographics: Family	Servicer: Seltzer Management Group

1. Background

- a) During the 2009 funding cycle, Florida Housing Finance Corporation (“Florida Housing”) awarded a Tax Credit Assistance Program (“TCAP”) loan in the amount of \$4,800,000 and a \$115,900 HOME Investment Partnership Program (“HOME”) loan to Notre Dame Apartments, LLC (“Borrower”), a Florida limited liability company, for the development of a 64-unit property in Miami-Dade County, Florida. The TCAP loan closed on June 10, 2010, and matures on December 3, 2027. The HOME loan closed on June 10, 2010 and will mature on June 10, 2030. The Development also received a 2009 annual allocation of low-income housing tax credits (“HC”) of \$1,808,133.

2. Present Situation

- a) The Borrower requests approval to transfer the managing member interest in Notre Dame Apartments, LLC, from MM Notre Dame Apartments, LLC, the sole managing member and affiliate of Biscayne Housing Group, holding .01% ownership, to FL Notre Dame GP, LLC an affiliate of Banyan Realty Advisors.
- b) Staff received a credit underwriting report from Seltzer Management Group ([Exhibit B](#)) providing a positive recommendation for the transfer of the managing member interests.

3. Recommendation

- a) Approve the transfer of the managing member interest subject to the conditions outlined in the credit underwriter’s report and subject to further approvals and verifications by the credit underwriter, counsel and appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities, as needed.

SPECIAL ASSETS

Consent

C. Request Approval of Short Sale for Westside Ministries, Inc., a Florida not-for-profit Corporation for Lundy-Cox Communities (PLP 05-126)

Development Name: Lundy Cox Community (“Development”)	Location: Duval County
Developer/Principal: Westside Ministries, Inc. (“Borrower”)	Set-Aside: 60% @ 60% AMI
Number of Units: 75	Allocated Amount: PLP \$500,000
Demographics: Family	Servicer: NA

1. Background

- a) Westside Ministries, Inc., applied for Pre-Development Loan Program (PLP) funds in 2005 and was awarded a PLP loan in the amount of \$500,000 for predevelopment expenses of a 75-unit rental development in Duval County. The PLP loan closed on July 23, 2009 and matured on July 23, 2012. The Board previously approved an extension of the maturity date to July 23, 2018. The Borrower drew \$159,066 of PLP funds but was unable to complete the Development due to lack of additional funding sources and the Borrower listed the property for sale with Colliers International on November 17, 2010.

2. Present Situation

- a) As of April of this year, the Borrower has signed a contract to sell the land which consists of 26.6 undeveloped acres at a price of \$300,000. After payoff of the first mortgage held by Ameris Bank and payment of closing costs, approximately \$60,392 would be available for payment of the PLP loan. Staff negotiated a payment of \$70,000 which is approximately half of the outstanding principal balance remaining on the loan as the Borrower has made monthly payments on the loan reducing the balance from \$159,066 to \$139,549. The Purchaser requests that Florida Housing approve the sale and provide a satisfaction of the mortgage and release of the Land Use Restriction Agreement (“LURA”) upon payment of \$70,000 to be applied to the balance of the PLP loan at the time of the closing. The Borrower has not received any other serious offers on the property since the listing in 2010. In this regard, staff proposes that the \$70,000 offer be accepted allowing Florida Housing to recover a portion of the PLP loan amount.

3. Recommendation

- a) Approve the short sale for the Lundy Cox Community property and direct staff to release the mortgage and LURA upon payment of \$70,000 subject to a review and approval by staff and legal counsel and direct staff to proceed with loan document modification activities as needed.

SPECIAL ASSETS

Consent

D. Request Approval of the Extension of the HOME Loan for Housing and Neighborhood Development Services of Central Florida, Inc, a Florida not-for-profit Corporation, for Lake Jennie II (96HR-005)

Development Name: Lake Jennie II (“Development”)	Location: Seminole County
Developer/Principal: Housing and Neighborhood Development Services of Central Florida, Inc. (“Developer”)/ (“Borrower”)	Set-Aside: HOME 20% @ 50% & 80% @ 60% AMI LURA: 50 years
Number of Units: 40	Allocated Amount: HOME \$1,428,265
Demographics: Family	Servicer: AmeriNational Community Services, Inc.

1. Background

- a) During the 1996 funding cycle, Florida Housing Finance Corporation (“FHFC”) awarded a \$1,428,265 Home Investment Partnership Program Loan (“HOME”) to Housing and Neighborhood Development Services of Central Florida, Inc., a Florida not-for-profit corporation (“Borrower”), for the construction of a 40-unit development in Seminole County. The HOME loan closed on May 27, 1997, and matured on May 27, 2017.
- b) On October 1, 2001 FHFC executed a subordination agreement with Orange County Housing Finance Authority (“OCHFA”) subordinating Florida Housing’s HOME loan to the OCHFA Multifamily Housing Revenue Bonds Series F-3 in the amount of \$910,000 with a maturity date of April 1, 2038.

2. Present Situation

- a) Staff has agreed to recommend to the Board to extend the matured HOME loan under current FHFC Rules to be coterminous with the OCHFA Bonds and extend the HOME loan Land Use Restriction Agreement (“LURA”) for additional years equal to the additional years added to the loan extension term.

3. Recommendation

- a) Approve the extension of the HOME loan, to April 1, 2038, extension of the LURA term, and direct staff to proceed with loan document modification activities, as needed.