

FLORIDA HOUSING FINANCE CORPORATION

2nd Modification of Request for Applications (RFA) 2018-113
Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Page 1 of the RFA to read as follows:

Issued: September 13, 2018

Due: November 15, 2018

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Three A.1. to read as follows:

1. Application Deadline

The Application Deadline is 3:00 p.m., Eastern Time, on November 15, 2018.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four A.4.b.(2)(e) to read as follows:

(e) The Applicant must provide a Development Category Qualification Letter from HUD or RD, as **Attachment 6** to Exhibit A. The letter must be dated ~~within six months of the Application Deadline~~ no earlier than May 1, 2018, and include the following information:

- Name of the Development *;
- Address of the Development;
- Year built**;
- Total number of units that currently receive PBRA and/or ACC;
- Total number of units that will receive PBRA and/or ACC if the proposed Development is funded;
- All HUD or RD financing program(s) originally and/or currently associated with the existing development; and
- Confirmation that the Development has not received financing from HUD or RD after 1996 where the rehabilitation budget was at least \$10,000 per unit in any year.

*For purposes of this provision, the Name of the Development may be the name at the time of the PBRA and/or ACC award.

** The Development must be built in 1996 or earlier to meet the definition of Preservation and must be built in 1988 or earlier to receive the Age of Development funding selection preference.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four A.5.e. to read as follows:

e. Proximity

For purposes of this RFA, the following counties will automatically meet the Minimum Total Proximity Points and the Proximity Funding Preference: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Taylor, Wakulla, Washington.

For all other counties, tThe Application may earn proximity points based on the distance between the Development Location Point and the Bus or Rail Transit Service (if Private Transportation is not selected at question 5.e.(2)(a) of Exhibit A) and the Community Services stated in Exhibit A. Proximity points will not be applied towards the total score. Proximity points will only be used to determine whether the Applicant meets the required minimum proximity eligibility requirements and the Proximity Funding Preference, as outlined in the chart below.

Requirements and Funding Preference Qualifications

All Large County Applications must achieve a minimum number of Transit Service Points and achieve a minimum number of total proximity points to be eligible for funding. Small and Medium County Applications are not required to achieve a minimum number of Transit Service Points but counties other than Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Taylor, Wakulla, and Washington must achieve a minimum number of total proximity points to be eligible for funding. All Applications that achieve a higher number of total proximity points may also qualify for the Proximity Funding Preference as outlined below.

Location of Proposed Development	Required Minimum Transit Service Points if Eligible for PHA or RD Proximity Point Boost	Required Minimum Transit Service Points if NOT Eligible for PHA or RD Proximity Point Boost	Required Minimum Total Proximity Points that Must be Achieved to be eligible for funding	Total Proximity Points that Must be Achieved to Receive the Proximity Funding Preference
Large County	1.5	2	10.5	12.5 or more
Medium Counties <u>other than Bay</u>	N/A	N/A	7	9 or more
Small Counties <u>other than Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Taylor, Wakulla, and Washington</u>	N/A	N/A	4	6 or more

The Application may earn proximity points through the following:

- Qualifying for the PHA Proximity Point Boost or the RD 515 Proximity Point Boost;

- Providing private transportation or based on the distance between the Development Location Point and the Bus or Rail Transit Service; and
- Based on the distance between the Development Location Point and the Community Services.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four A.5.e.(1)(a) to read as follows:

(a) PHA Proximity Point Boost

An Application that involves a site(s) with an existing Declaration of Trust between a Public Housing Authority (PHA) and HUD will qualify to receive a 3-point boost toward its proximity score if the Applicant provides a letter from the PHA dated ~~within 12 months of the Application Deadline no earlier than November 1, 2017~~ certifying that the site(s) where all of the units in the proposed Development will be located has an existing Declaration of Trust between the PHA and HUD. The letter must be signed by the appropriate person authorized to make such a certification and must be provided as **Attachment 7** to Exhibit A. Note: This 3-point boost will not count toward meeting the mandatory Minimum Transit Services score.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four A.6.d.(2)(a) to read as follows:

(a) Total Income Set-Aside Commitment

- (i) If the proposed Development has a Demographic Commitment of Family, Elderly Non-ALF, or Person with a Disability, ~~and the Applicant does not commit to the Average Income Test~~, the Applicant must set aside a total of at least 80 percent of the Development's total units at 60 percent AMI or less. ~~If the Applicant commits to the Average Income Test, the Applicant must set aside a total of at least 80 percent of the Development's total units at 80 percent AMI or less, but the average AMI of all of the Set-Aside units cannot exceed 60 percent;~~ or
- (ii) If the proposed Development has a Demographic Commitment of Elderly ALF, ~~and the Applicant does not commit to the Average Income Test~~, the Applicant must set aside a total of at least 50 percent of the Development's total units at 60 percent AMI or less. ~~If the Applicant commits to the Average Income Test, the Applicant must set aside a total of at least 50 percent of the Development's total units at 80 percent AMI or less, but the average AMI of all of the Set-Aside units cannot exceed 60 percent.~~

~~Note: If the Applicant commits to the Average Income Test, regardless of the Demographic Commitment, all required Set-Aside Units may be set aside at or below 80 percent AMI, but the average AMI of all of the Set-Aside Units cannot exceed 60 percent.~~

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four A.7.b. to read as follows:

b. Ability to Proceed

The Applicant must demonstrate the following Ability to Proceed elements as of Application Deadline, for the entire proposed Development site, including all Scattered Sites, if applicable, as outlined below. The Florida Housing Ability to Proceed Verification forms (~~Form Rev. 08-18~~) are provided on the Corporation's Website <http://www.floridahousing.org/programs/developers-multifamily-programs/competitive/2018/2018-113/forms-related-to-rfa-2018-113> (also accessible by clicking [here](#)). Note: The Applicant may include the Florida Housing Ability to Proceed Verification forms that were included in a previous RFA submission for the same proposed Development, provided (i) the form(s) used for this RFA are labeled Form Rev. 08-18 or Form Rev. 10-18, (ii) none of the information entered on the form and certified to by the signatory has changed in any way, (iii) the requirements outlined in this RFA are met; and (iv) the forms are dated no earlier than November 1, 2017 within 12 months of the Application Deadline. If the Applicant provides any prior version of the Florida Housing Ability to Proceed Verification form(s), the form(s) will not be considered.

All Applications, including those from Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Taylor, Wakulla, and Washington County, must demonstrate appropriate zoning as outlined in (1) below as part of the Application submission.

Applications from the following counties will be required to demonstrate the Ability to Proceed elements outlined in (2) through (5) below within 21 Calendar Days of the date of an invitation to enter credit underwriting: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Taylor, Wakulla, and Washington.

All Applications from counties other than Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Taylor, Wakulla, and Washington will be required to demonstrate all Ability to Proceed elements outlined below as part of the Application submission.

- (1) Appropriate Zoning. The Applicant must demonstrate that as of the Application Deadline the entire proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming by providing, as **Attachment 9** to Exhibit A, the applicable properly completed and executed verification form:
 - (a) The Florida Housing Finance Corporation Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form (Form Rev. 08-18); or
 - (b) The Florida Housing Finance Corporation Local Government Verification that Development is Consistent with Zoning and Land Use Regulations for Monroe County form (Form Rev. 10-18); or
 - (c) The Florida Housing Finance Corporation Local Government Verification that Permits are Not Required for this Development form (Form Rev. 08-18).

Note: With regard to the terms “Rate of Growth Ordinance (ROGO)” and “Building Permit Allocation System (BPAS),” as used by different jurisdictions within the Florida Keys Area of Critical State Concern, for purposes of the verification forms outlined in (a) and (b) above, all references on these forms to “Rate of Growth Ordinance (ROGO)” shall be considered by the Corporation to have the same meaning as “Building Permit Allocation System (BPAS).”

- (2) Availability of Electricity. The Applicant must demonstrate that as of the Application Deadline electricity is available to the entire proposed Development site by providing as **Attachment 10** to Exhibit A:
 - (a) The properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Electricity form (Form Rev. 08-18); or
 - (b) A letter from the electricity service provider that contains the Development location and is dated no earlier than November 1, 2017~~within 12 months of the Application Deadline~~. The letter may not be signed by the Applicant, by any related parties of the Applicant, by any Principals or Financial Beneficiaries of the Applicant, or by any local elected officials.

- (3) Availability of Water. The Applicant must demonstrate that as of the Application Deadline water is available to the entire proposed Development site by providing as **Attachment 11** to Exhibit A:
 - (a) The properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Water form (Form Rev. 08-18); or
 - (b) A letter from the water service provider that contains the Development location and the number of units, and is dated no earlier than November 1, 2017~~within 12 months of the Application Deadline~~. The letter may not be signed by the Applicant, by any related parties of the Applicant, by any Principals or Financial Beneficiaries of the Applicant, or by any local elected officials.

- (4) Availability of Sewer. The Applicant must demonstrate that as of the Application Deadline sewer capacity, package treatment or septic tank service is available to the entire proposed Development site by providing as **Attachment 12** to Exhibit A:
 - (a) The properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Sewer Capacity, Package Treatment, or Septic Tank form (Form Rev. 08-18); or
 - (b) A letter from the waste treatment service provider that contains the Development location and the number of units, and is dated no earlier than November 1, 2017~~within 12 months of the Application Deadline~~. The letter may not be signed by the Applicant, by any related parties of the Applicant, by any Principals or Financial Beneficiaries of the Applicant, or by any local elected officials.

- (5) Availability of Roads. The Applicant must demonstrate that as of the Application Deadline paved roads either (i) exist and will provide access to the proposed Development site or (ii) will be constructed as part of the entire proposed Development by providing as **Attachment 13** to Exhibit A:
- (a) The properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Roads form (Form Rev. 08-18); or
 - (b) A letter from the Local Government that contains the Development location and is dated ~~no earlier than November 1, 2017~~~~within 12 months of the Application Deadline~~. The letter may not be signed by the Applicant, by any related parties of the Applicant, by any Principals or Financial Beneficiaries of the Applicant, or by any local elected officials.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four A.10.b.(1)(b)(ii) to read as follows:

- (ii) Provide a letter from RD, dated ~~no earlier than May 1, 2018~~~~within six months of the Application Deadline~~, as **Attachment 15** to Exhibit A, confirming the funding source. The RD letter must include the following information:
 - Name of existing development;
 - Name of proposed Development;
 - Current RD Loan balance;
 - Acknowledgment that property is applying for Housing Credits; and
 - Acknowledgment that property will remain in the USDA/RD 515 loan portfolio.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four A.10.b.(2)(b) to read as follows:

- (b) Financing that has closed:
 - (i) If the financing has closed in the Applicant’s name, provide a letter from the lender acknowledging that the loan has closed. The letter must also include the following information:
 - Amount of the construction loan, if applicable;
 - Amount of the permanent loan, if applicable; and
 - Specific reference to the Applicant as the borrower/direct recipient/mortgagee.
 - (ii) Except for HUD and RD funding, if the financing involves an assumption of debt not currently in the Applicant’s name, as evidence that the lender approves of the proposal of assumption, the Applicant must provide a letter from the lender, dated ~~no earlier than May 1, 2018~~~~within six months of the Application Deadline~~, that includes the following information:
 - Specifically references the Applicant as the assuming party;

- If a permanent loan, states the amount to be assumed; and
 - If a construction loan, states the maximum amount of funding capacity.
- (iii) If the debt being assumed is provided by HUD, the Applicant must provide a letter from HUD, dated ~~no earlier than May 1, 2018~~within six months of the Application Deadline, confirming the funding source. The letter must include the following information:
- Name of existing development;
 - Name of proposed Development;
 - Loan balance;
 - Acknowledgment that property is applying for Housing Credits; and
 - Applicable HUD program.
- (iv) If the debt being assumed is provided by RD, the Applicant is only required to provide the information described in Item 10.b.(1) above.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Item 3.j. and k. of Exhibit C to read as follows:

- j. If the Applicant indicated that the proposed Development is the first phase of a multiphase Development, the Applicant must submit to the Corporation an opinion letter by a licensed attorney that the Development meets the definition of a “multiphase project” as defined in the Federal Register. The letter must also include: (a) the name of the declared first phase Development and the Corporation-assigned Application number, (b) the total number of phases and the projected Development name for each phase, (c) the total number of buildings in each phase, (d) the expected completion date for each phase, and (e) any other information as determined by the Corporation and stated in the invitation to enter credit underwriting; ~~and~~
- k. If the Applicant indicated that the proposed Development is a subsequent phase of a multiphase Development, the Development’s status as a subsequent phase will be verified in credit underwriting. If the Development does not qualify and the Applicant’s Housing Credit request is based on such contention and, during the credit underwriting process it is determined that the proposed Development does not meet the criteria for such distinction, the Applicant’s Competitive Housing Credit award may be rescinded; ~~and~~
- l. For Developments located in Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Taylor, Wakulla, and Washington County, provide demonstration of the following Ability to Proceed elements, as outlined in Section Four A.7.b.(2) – (5) of the RFA: Availability of Electricity, Availability of Water, Availability of Sewer, and Availability of Roads.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Item 11 of Exhibit D to read as follows:

11. For 9% HC, the Carryover Allocation Agreement will provide deadlines for additional documentation; ~~and-~~

12. The Rate of Growth Ordinance (ROGO) allocation from the Local Government must be approved no later than December 31, 2018.

Submitted By:

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