

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
August 25, 2005
Consent Items



ELDERLY HOUSING COMMUNITY LOAN (EHCL) PROGRAM

Consent

I. ELDERLY HOUSING COMMUNITY LOAN (EHCL) PROGRAM

A. Request Approval of Credit Underwriting Report for College Arms Towers, Cycle XVI, (2004-001E)

Development Name: College Arms Towers (“Development”)	Location: Volusia County
Developer/Principal: College Arms Towers, Inc. (“Applicant”)	Set-Aside: N/A
Number of Units: 200	Allocated Amount: \$91,150
Type: High-Rise	Total Housing Credit Equity: N/A
Demographics: Elderly	MMRB: N/A

1. Background/Present Situation

- a) On September 10, 2004, the Board approved the final scores and ranking for the 2004 EHCL Cycle and directed staff to proceed with all necessary credit underwriting activities.
- b) On October 6, 2004, staff issued a preliminary commitment letter and an invitation to credit underwriting for an EHCL loan in an amount up to \$200,000 for this 201-unit Elderly development in Duval County.
- c) On August 11, 2005, staff received a credit underwriting report with a positive recommendation for an EHCL loan in the amount of \$91,150 ([Exhibit A](#)). The EHCL loan will be secured with a third mortgage. Staff has reviewed this report and finds that the Development meets all of the requirements of EHCL Rule 67-32, F.A.C.

2. Recommendation

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

ELDERLY HOUSING COMMUNITY LOAN (EHCL) PROGRAM

Consent

B. Request Approval of Credit Underwriting Report for Stanley Axlrod UTD Towers, Cycle XVII, (2005-001E)

Development Name: Stanley Axlrod UTD Towers (“Development”)	Location: Miami-Dade County
Developer/Principal: Stanley Axlrod UTD Towers, Inc. (“Applicant”)	Set-Aside: N/A
Number of Units: 269	Allocated Amount: \$199,975
Type: High-Rise	Total Housing Credit Equity: N/A
Demographics: Elderly	MMRB: N/A

1. Background/Present Situation

- a) On April 22, 2005, the Board approved the final scores and ranking for the 2005 EHCL Cycle and directed staff to proceed with all necessary credit underwriting activities.
- b) On May 6, 2005, staff issued a preliminary commitment letter and an invitation to credit underwriting for an EHCL loan in an amount up to \$199,975 for this 200-unit Elderly development in Miami-Dade County.
- c) On August 11, 2005, staff received a credit underwriting report with a positive recommendation for an EHCL loan in the amount of \$199,975 ([Exhibit B](#)). The SAIL loan will be secured with a third mortgage. Staff has reviewed this report and finds that the Development meets all of the requirements of EHCL Rule 67-32, F.A.C.

2. Recommendation

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

HOME RENTAL

Consent

II. HOME RENTAL

A. Request Approval to Extend HOME Loan Closing Deadline for Normandy Apartments (2005-010H)

Development Name: Normandy Apartments	Location: Duval County
Developer/Principal: Community Housing Partners Corporation	Set-Aside: 20% @ 50% AMI / 80% @ 60% AMI
Number of Units: 100	Allocated Amount: \$4,166,882
Type: Garden Style Buildings/Rehab	Demographics: Family

1. Background/Present Situation

- a) On October 14, 2004, the Board approved the final scores and ranking for the 2004 Universal Application Cycle and directed staff to proceed with all necessary credit underwriting activities.
- b) On October 26, 2004, staff issued a preliminary commitment letter and invitation to credit underwriting for a HOME loan in the amount up to \$4,166,882 for this 100-unit family development in Duval County.
- c) On June 10, 2005, the Board approved the final credit underwriting report and directed staff to proceed with issuance of a firm loan commitment and loan closing activities.
- d) On June 15, 2005, staff issued a firm commitment letter for a HOME loan in an amount up to \$4,166,882. Pursuant to Rule 67-48, the loan must close within 60 days of issuance of the firm commitment letter.
- e) On July 29, 2005, staff received a letter from the Developer requesting a loan closing extension from August 15, 2005 to October 14, 2005 due to the inability to obtain all building permits along with other approvals and permits 2 weeks prior to closing ([Exhibit A](#)).

2. Recommendation

Approve the Developer's request to extend the closing deadline until October 14, 2005.

HOME RENTAL

Consent

B. Request Approval for Additional Funding From the First Mortgage Lender for Magnolia Village. (2003-006H)

Development Name: Magnolia Village	Location: Citrus County
Developer/Principal: Florida Low Income Housing Assoc, Inc.	Set-Aside: 20% @ 50% AMI 80% @ 60% AMI
Number of Units: 40	Allocated Amount: \$2,931,000
Type: NC	Demographics: none

1. Background/Present Situation

- a) On December 23, 2003 a HOME loan for this 40 unit development closed in the amount of \$2,931,000.
- b) On May 19, 2005, staff received a letter from the Developer requesting approval for additional funding from the first mortgage lender ([Exhibit B](#)).
- c) On August 8, 2005 staff received a positive recommendation from the credit underwriter for the additional funding from the first mortgage lender of this development ([Exhibit C](#)).

2. Recommendation

Approve the Developer's request for additional funding from the first mortgage lender.

LEGAL

Consent

III. LEGAL

A. In re: New Singletary Scattered Site, Limited Partnership

Development Name: (“Development”):	Bradenton Village II
Developer/Principal: (“Developer”):	New Singletary Scattered Sites, Limited Partnership
Number of Units: 69	Location: Manatee County
Type: Townhouses and mid-rise	Set Aside: 40 % @ 60%
Demographics: Family	Allocated Amount: n/a
MMRB: n/a	Housing Credits: \$600,000

1. Background

- a) During the 2004 Universal Application Cycle, Florida Housing awarded an allocation of housing credits to New Singletary Scattered Sites, Limited Partnership, in connection with the Development known as Bradenton Village II, a 69-unit townhouse and mid-rise complex intended to serve the Family demographic in Manatee County, Florida.
- b) On July 25, 2005, Florida Housing received a Petition for Variance from or Waiver of Rule 67-48.004(14), Florida Administrative Code (“Petition”), from New Singletary Scattered Sites, Limited Partnership (“Petitioner”). A copy of the Petition is attached as [Exhibit A](#).
- c) Petitioner seeks a variance from or waiver of the rule, seeking to scale back the size of the development, to wit: (1) reduce the total number of unit from 69 to 36, (2) alter the development site by eliminating the parcel to be used for the townhouse units, and (3) to proportionally reduce its requested annual tax credits from \$600,000 to \$313,033.38.
- d) On August 5, 2005, the Notice of Petition was published in the Florida Administrative Weekly in Volume 31, Number 31.
- e) To date, Florida Housing has not received any comments concerning the Petition.

2. Present Situation

Section 120.542(2), Florida Statutes, provides in pertinent part:

Variations 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.

3.

LEGAL

Consent

Recommendation

Staff recommends that the Board grant the waiver of 67-48.004(14) to allow Petitioner to reduce the total number of unit from 69 to 36; alter the development site by eliminating the parcel to be used for the townhouse units; and to proportionally reduce its requested annual tax credits from \$600,000 to \$313,033.38. Petitioner demonstrated that they anticipated additional funding based upon a special taxing district, but were unable to find a lender willing to provide the needed capital. The purpose of the underlying statute will be served by allowing Petitioner to continue to use tax credits to build affordable multifamily rental housing in a Front Porch Florida Community. Moreover, not granting the waiver would create a substantial hardship as Petitioner would have to return all of the project's tax credits, not be able to go forward and threaten completion the development in downtown Bradenton.

LEGAL

Consent

B. In re: Pine Haven Housing, Ltd., LLLP

Development Name: (“Development”):	Pine Haven
Developer/Principal: (“Developer”):	Pine Haven Housing, Ltd., LLLP
Number of Units: 136	Location: Volusia County
Type: duplex/quadrplex	Set Aside: 40 % @ 60%
Demographics: Family	Allocated Amount: n/a
MMRB: n/a	Housing Credits: \$1,000,000

1. Background

- a) During the 2004 Universal Application Cycle, Florida Housing awarded an allocation of housing credits to Pine Haven Housing, Ltd., LLLP, in connection with the Development known as Pine Haven, a 136-unit duplex/quadrplex complex intended to serve the Family demographic in Volusia County, Florida.
- b) On July 14, 2005, Florida Housing received a Petition for “Waiver of Rule 67-48.004(14) and Rule 67-48.002(111) and Part II.A.2.a.(1) of the Universal Application Instructions for a Change in the Identity of the Petitioner’s Developer and the Petitioner’s Ownership Structure” (“Petition”), from Pine Haven Housing, Ltd., LLLP (“Petitioner”). A copy of the Petition is attached as [Exhibit B](#). On August 8, 2005, Florida Housing received an Amendment to the Petition (“Amendment”) from Petitioner. A copy of the Amendment is attached as [Exhibit C](#).
- c) Petitioner seeks a waiver of the rule that prohibits changes in the identity of an applicant’s developer and an applicant’s ownership structure. Petitioner seeks to replace its co-developer with a new co-developer, and to remove its existing co-general partner and be identified as the sole general partner.
- d) On July 29, 2005, the Notice of Petition was published in the Florida Administrative Weekly in Volume 31, Number 30.
- e) To date, Florida Housing has not received any comments concerning the Petition.

2. Present Situation

- a) 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.

LEGAL

Consent

- b) Rule 67-48.004(14) Fla. Admin. Code provides in part:

“(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(b) Identity of each Developer, including all co-Developers;...”

- c) Rule 67-48.002(111) defines the “Universal Application Package” and adopts the Universal Application Instructions. Part II.A.2.a(1) provides in part:

(1) “If applying for HC, the Applicant must be a limited partnership (including a limited liability limited partnership) or a limited liability company. The Applicant entity shall be the recipient of the Housing Credits and cannot be changed until after a Final Housing Credit Allocation has been issued. Replacement of the Applicant or a material change (33.3% or more of the Applicant, a General Partner of the Applicant, or a member of the Applicant) in the ownership structure of the named Applicant prior to this time shall result in disqualification from receiving an allocation and shall be deemed a material misrepresentation. Changes to the limited partner of a limited partnership will not result in disqualification.”

3. Recommendation

Staff recommends that the Board grant the waiver of Rule 67-48.004(14) and Rule 67-48.002(111) and Part II.A.2.a.(1) of the Universal Application Instructions. Petitioner demonstrated that the granting of the waiver will not impact the development as Petitioner and the New Developer have the required experience to serve as co-developers. Petitioner also demonstrated that changing the ownership structure will not impact the development.

LEGAL

Consent

C. In Re: Marbella Lake Apartments

Development Name: (“Development”):	Marbella Lake Apartments
Developer/Principal: (“Petitioner”):	Marbella Lake Apartments, LLC
Number of Units: 200	Location: Orange County
Type: Multifamily	Set Aside: 20% @ 80% AMI 80% @ 150% AMI
Demographics: family	Allocated Amount: \$7,600,000
MMRB: 1985 Series B	Housing Credits:

1. Background

- a) In 1985, Florida Housing awarded an allocation of MMRB funds to Kings Lakeside Apartments, LLC (“Seller”) for the development of Lakeside South Apartments. Petitioner, Marbella Lake Apartments, LLC, purchased the development in 2004 and renamed it as “Marbella Lake Apartments.”
- b) On July 20, 2005, Florida Housing received a “Petition for Waiver of Rule 67-21.008(1)(g), Florida Administrative Code, for Fiscal Year 2004”(“Petition”), from the new owner of the development, Marbella Lake Apartments, LLC,(“Petitioner”). A copy of the Petition is attached as [Exhibit D](#).
- c) Rule 67-21.008(1)(g), Florida Administrative Code, states in pertinent part:

Each Mortgage Loan for a Development made by the Corporation shall...

(g) Require the submission to the Corporation of an annual financial statement for the Development, and for the Applicant if revenue from multiple projects is being pledged. An annual financial statement compiled or reviewed by a licensed Certified Public Accountant may be submitted in lieu of an audited financial statement for the Development prior to the issuance of a certificate of occupancy for any unit in the Development, provided that the subsequent annual audited financial statement shall include all operations since inception.

- d) Petitioner requests a waiver of the above Rule. Specifically, Petitioner requests that they be relieved of the rule requirement to submit annual audited financial statements for fiscal year 2004. Petitioner reports that since purchasing the property in 2004 and through no fault of its own, it has been unable to obtain the necessary information from the Seller to compile such a report. Petitioner was required to submit detailed financial information regarding itself to Florida Housing during the process of buying the development.
- e) On July 29, 2005, the Notice of Petition was published in the Florida Administrative Weekly.
- f) To date, Florida Housing has not received any comments concerning the Petition.

2.

LEGAL

Consent

Present Situation

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.

3. Recommendation

Staff recommends the Board grant the Petitioner's request for a waiver of Rule 67-21.008(1)(g), Florida Administrative Code, as to fiscal year 2004 only. Petitioner should be required to include the 2004 information in its 2005 annual audited financial report, to the extent possible.

LEGAL

Consent

D. In Re: Park at Regency Apartments

Development Name: (“Development”):	Park at Regency Apartments
Developer/Principal: (“Petitioner”):	Park at Regency Apartments, LLC
Number of Units: 200	Location: Duval County
Type: Multifamily	Set Aside: 20% @ 80% AMI 80% @ 150% AMI
Demographics: family	Allocated Amount: \$7,200,000
MMRB: 1983 Series K	Housing Credits:

1. Background

- a) In 1983, Florida Housing awarded an allocation of MMRB funds to Kings Waterford Apartments, LLC (“Seller”) for the development of Oaks at Regency Apartments (subsequently renamed Waterford at Regency Apartments). Petitioner, Park at Regency Apartments, LLC, purchased the development in 2004 and again renamed the development, now known as “Park at Regency Apartments.”
- b) On July 20, 2005, Florida Housing received a “Petition for Waiver of Rule 67-21.008(1)(g), Florida Administrative Code, for Fiscal Year 2004”(“Petition”), from the new owner of Park at Regency Apartments, LLC,(“Petitioner”). A copy of the Petition is attached as [Exhibit E](#).
- c) Rule 67-21.008(1)(g), Florida Administrative Code, states in pertinent part:
 - (1) Each Mortgage Loan for a Development made by the Corporation shall:...
 - (g) Require the submission to the Corporation of an annual financial statement for the Development, and for the Applicant if revenue from multiple projects is being pledged. An annual financial statement compiled or reviewed by a licensed Certified Public Accountant may be submitted in lieu of an audited financial statement for the Development prior to the issuance of a certificate of occupancy for any unit in the Development, provided that the subsequent annual audited financial statement shall include all operations since inception.

LEGAL

Consent

- d) Petitioner requests a waiver of the above Rule. Specifically, Petitioner requests that they be relieved of the rule requirement to submit annual audited financial statements for fiscal year 2004. Petitioner reports that since purchasing the development and through no fault of its own, it has been unable to obtain the necessary information from the Seller to compile such a report. Petitioner was required to submit detailed financial information regarding itself to Florida Housing during the process of buying the development.
- e) On July 29, 2005, the Notice of Petition was published in the Florida Administrative Weekly.
- f) To date, Florida Housing has not received any comments concerning the Petition.

2. **Present Situation**

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.

3. **Recommendation**

Staff recommends the Board grant the Petitioner's request for a waiver of Rule 67-21.008(1)(g), Florida Administrative Code, as to fiscal year 2004 only. Petitioner should be required to include the 2004 information in its 2005 annual audited financial report, to the extent possible.

MULTIFAMILY BONDS

Consent

IV. MULTIFAMILY BONDS

A. Request Approval of the Transfer of Ownership of the Development

DEVELOPMENT NAME (“Development”):	Falls of Venice
DEVELOPER/PRINCIPAL (“Developer/Owner”):	Falls of Venice Investments, Inc./FF Realty, LLC/California State Teachers’ Retirement System
NUMBER OF UNITS:	304
LOCATION (“County”):	Hillsborough
TYPE (Rental, Homeownership):	Rental
SET ASIDE:	20% @ 80%; 80% @ 150%
ALLOCATED AMOUNT:	\$8,800,000 Tax-Exempt Bonds
ADDITIONAL COMMENTS: Transfer of Ownership	

1. Background

- a) In 1987, Florida Housing financed the construction of the Development with \$8,800,000 in tax-exempt bonds designated as 1987 Series E.
- b) In 1999, Florida Housing approved the transfer of ownership of the Development to the current Owner.
- c) In 2000, Florida Housing approved the refunding of the bonds for the Development, with \$8,800,000, in tax-exempt bonds, designated as 2000 Series G
- d) In January 2005, Florida Housing approved the transfer of ownership of the Development to Altman Development Corporation; however, the transfer did not take place.

2. Present Situation

- a) Fairfield Residential LLC, (“Purchaser”) in a letter dated June 16, 2005 ([Exhibit A](#)), requests approval of a transfer of ownership of the Development to the Purchaser. As part of the acquisition, the Purchaser anticipates completion of approximately \$2,430,000 (\$10,000 per unit) in renovations. The bonds are variable rate bonds and will continue to be credit enhanced by Fannie Mae.
- b) A Final Credit Underwriting Report dated August 3, 2005 ([Exhibit B](#)) recommends that Florida Housing allow the transfer.

3. Recommendation

That the Board approve the transfer of ownership 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 the Transfer of General and Limited Partnership Interests in, and Subordinate Financing for the Development

DEVELOPMENT NAME (“Development”):	The Waves
DEVELOPER/PRINCIPAL (“Developer/Owner”):	Henderson Global Investors (NA), Inc./U.S. Property Fund/BOA Partnership, LP/BOA Partnership GP, LLC/Henderson NA Property Fund Holdings, LLC
NUMBER OF UNITS:	280 Phase I
LOCATION (“County”):	Broward
TYPE (Rental, Homeownership):	Rental
SET ASIDE:	20 @ 80%; 80@ 150%
ALLOCATED AMOUNT:	\$16,500,000 Tax-Exempt Bonds
ADDITIONAL COMMENTS: Transfer of General and Limited Partnership Interests and Subordinate Financing	

1. Background

- a) In 1985, Florida Housing financed the construction of the Development with \$16,500,000 in tax-exempt bonds designated as 1985 Series PP.
- b) In 2002, Florida Housing approved the transfer of ownership of the Development to the current Owner.

2. Present Situation

- a) Henderson Global Investors (North America), Inc., (“Owner”) in a letter dated July 19, 2005 ([Exhibit C](#)), requests approval of a transfer of the general partnership and limited partnership interests from BOA Properties, Inc. and Phoenix Life Insurance Company Real Estate Separate Account R, respectively to BOA Partnership GP, LLC and Henderson NA Property Fund Holdings, LLC, respectively. The Owner also requests approval to add subordinate financing in the form of a taxable loan that will be cross-defaulted and cross-collateralized with Phase II of the Development, a market rate property consisting of 208 units. The subordinate loan is necessary for the purchase and will only bring the total loan-to-value ratio of both properties to 65%.
- b) A Final Credit Underwriting Report dated August 9, 2005 ([Exhibit D](#)) recommends that Florida Housing allow the transfer and subordinate financing.

3. Recommendation

That the Board approve the transfer of general and limited partnerships of and subordinate financing for 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 a Transfer of Managing Member Interests and to Amend the Land Use Restriction Agreement (“LURA”) for both the MMRB and SAIL Programs

DEVELOPMENT NAME (“Development”):	Lake Shore Apartments
DEVELOPER/PRINCIPAL (“Developer” or “Owner”):	Lake Shore Apartments, LLC/TRG GP LLC/The Richman Group of Florida, Inc./Richard Richman
NUMBER OF UNITS:	192
LOCATION (“County”):	Palm Beach
TYPE (“Rental, Homeownership”):	Rental
SET ASIDE:	7% @ 30% 78% @ 60%
ALLOCATED AMOUNT:	\$7,900,000 of Tax-Exempt Bonds
ADDITIONAL COMMENTS: Transfer of Managing Member Interests and LURA Amendment	

1. Background

In June 2004, Florida Housing financed the construction of the Development with \$7,900,000 in tax-exempt bonds, designated as 2004 Series H.

2. Present Situation

a) Owner’s counsel, in a letter dated July 5, 2005 ([Exhibit E](#)) requests approval of transfers of member interests in TRG GP LLC, the managing member of the Development from:

Richard Richman	62.3%
Richman Family Irrevocable Grantor Trust I	17.8%
Richman Family Irrevocable Grantor Trust II	14.9%
David Salzman	5.0%

to:

Richard Richman	32.3%
David Salzman	10.0%
Kristin Miller	17.0%
William T. Fabbri	8.0%
Richman Family Irrevocable Grantor Trust I	17.8%
Richman Family Irrevocable Grantor Trust II	14.9%

b) The Owner wishes to make these changes to allow key employees to obtain ownership benefits.

c) The Owner, in a letter dated July 20, 2005 ([Exhibit F](#)) also requests approval of a LURA amendment substituting a kiddie pool for the volleyball court. The point value in the application for these amenities is identical.

MULTIFAMILY BONDS

Consent

- d) The Credit Underwriter has reviewed both requests and by letters, dated July 28, 2005 and July 27, 2005 respectively ([Exhibit G](#)) recommends that Florida Housing approve the requests.

3. **Recommendation**

That the Board approve the transfer of managing member interests and amendment to the LURA for the Development for both the MMRB and SAIL program, 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 for an Assumption and Amendment of LURA Obligations of the Development

DEVELOPMENT NAME (“Development”):	Parrot’s Landing
DEVELOPER/PRINCIPAL (“Developer”)/ (“Owner”):	ConAm Management Corporation/Principal Enhanced Property Fund/Principal Real Estate Investors, LLC/Principal Global Investors/Principal Financial Group
NUMBER OF UNITS:	408
LOCATION (“County”):	Broward
TYPE (Rental, Homeownership):	Rental
SET ASIDE:	20% @ 80%; 75% @ 150%
ALLOCATED AMOUNT:	\$15,835,000 Tax-Exempt Bonds
ADDITIONAL COMMENTS:	Assumption and Amendment of LURA Obligations

1. Background

In 1985, Florida Housing financed the construction of the Development with \$15,835,000 in Tax-Exempt Bonds (the “Bonds”), designated as 1985 Series AA.

2. Present Situation

- a) Counsel for the Owner, in a letter dated July 18, 2005 ([Exhibit H](#)), states the Bonds will be redeemed and the property will be sold to an affiliate of the Principal Financial Group. Counsel also requests that the LURA be amended to reflect that the provisions of Section 9(a) (prohibiting encumbrance of the property subject to the LURA) no longer apply, since the Bonds are being redeemed.
- b) The Credit Underwriter has reviewed the Owner’s request and by letter dated August 3, 2005 ([Exhibit I](#)) recommends that Florida Housing approve the request.

3. Recommendation

That the Board approve the Assumption and Amendment of LURA Obligations 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

E. Request Approval for a Change to the Plans and Specifications Referred to in the Credit Underwriting Report (“CUR”) for the Development

DEVELOPMENT NAME (“Development”):	Mill Creek Apartments
DEVELOPER/PRINCIPAL (“Developer” or “Owner”):	Prime/Commander Drive, LLC/Whiteco Residential, LLC/White/Peterman RD, LLC/Timothy J. Connelly
NUMBER OF UNITS:	312
LOCATION (“County”):	Orange
TYPE (“Rental, Homeownership”):	Rental
SET ASIDE:	85% @ 60% (MMRB)
ALLOCATED AMOUNT:	\$15,500,000 of Tax-Exempt Bonds
ADDITIONAL COMMENTS: Change in Plans and Specifications	

1. Background

In December 2004, Florida Housing financed the construction of the Development with \$15,500,000 in tax-exempt bonds, designated as 2004 Series K.

2. Present Situation

- a) The Owner, in a letter dated July 28, 2005 ([Exhibit J](#)) requests a change in the plans and specifications referred to in the CUR to upgrade the exterior of the property from stucco to hardy plank to minimize future maintenance problems.
- b) The Development is currently under construction. The request to change the exterior building material is timely and will not result in an increase in construction costs.
- c) The Credit Underwriter has reviewed the request and by letter, dated August 3, 2005 ([Exhibit K](#)) recommends that Florida Housing approve the request.

3. Recommendation

That the Board approve the change in the plans and specifications referred to in the CUR for the Development subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

V. PREDEVELOPMENT LOAN PROGRAM (PLP)

A. Request Approval of PLP Loan to The Housing League, Inc., a Non-Profit Corporation, for Murray Manor (PLP 03-056)

DEVELOPMENT NAME (“Development”):	Murray Manor
APPLICANT/DEVELOPER (“Developer”):	The Housing League, Inc., a non-profit corporation
CO-DEVELOPER:	n/a
NUMBER OF UNITS:	15
LOCATION (“County”):	St. Johns
TYPE:	Homeownership
SET ASIDE:	100% @ 80% AMI
PLP LOAN AMOUNT:	\$ 218,150
ADDITIONAL COMMENTS: The Technical Assistance Provider (TAP) has recommended approval.	

1. Background/Present Situation

- a) On October 20, 2004, Florida Housing issued an Invitation to Participate in the PLP to the non-profit Developer. The Development will be located in St. Johns County.
- b) The Technical Assistance Provider (TAP) has approved the development plan and has recommended a loan amount of \$218,150 for PLP eligible activities ([Exhibit A](#)). The TAP assisted the Developer in preparing the development plan and budget ([Exhibit B](#)). Staff has reviewed them and determined that all budget items are PLP eligible.
- c) Additionally, \$75,000 of the \$218,150 total PLP Loan amount will be utilized for site acquisition. As such, the Development is in the process of undergoing credit underwriting to approve the site acquisition portion of the loan. Upon receipt of such positive recommendation, the credit underwriting report will be presented to the Board for approval. In the interim, the Applicant has other financial obligations related to the Development that will require Florida Housing to close on the initial \$143,150, which is the non-site acquisition portion of the loan.

2. Recommendation

Approve a PLP Loan in the total amount of \$218,150 to the Developer for predevelopment expenses as recommended by the TAP and allow staff to begin loan closing proceedings for the non-site acquisition portion of the PLP Loan in the amount of \$143,150.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

B. Request Approval of Credit Underwriting Report for Housing Assistance Corporation of Nassau County, Inc., a Non-Profit Corporation, for Senior Housing (PLP 05-063)

DEVELOPMENT NAME (“Development”):	Senior Housing
APPLICANT/DEVELOPER (“Developer”):	Housing Assistance Corporation of Nassau County, Inc., a non-profit corporation
CO-DEVELOPERS:	n/a
NUMBER OF UNITS:	23
LOCATION (“County”):	Nassau
TYPE:	Rental, Elderly
SET ASIDE:	60% @ 60% AMI
PLP LOAN AMOUNT:	\$ 301,455
ADDITIONAL COMMENTS: The Credit Underwriter (CU) has recommended approval	

1. Background/Present Situation

- a) On February 22, 2005, Florida Housing issued an Invitation to Participate in the PLP to the non-profit Developer. The Development will be located in Nassau County.
- b) On June 10, 2005, the Board approved the development plan and budget that was submitted by the Technical Assistance Provider (TAP) recommending a loan of \$301,455 for PLP eligible activities. Of this \$301,455, Staff was authorized to proceed with loan closing activities for \$201,000, the non-site acquisition portion of the loan, with the remaining \$100,000 pending a positive recommendation from the Credit Underwriter for site acquisition.
- c) Staff received a credit underwriting report on August 1, 2005 with a positive recommendation for a PLP Loan in the amount of \$301,455, subject to the conditions outlined in the report ([Exhibit C](#)).

2. Recommendation

Approve the Credit Underwriter’s final recommendation and authorize staff to issue a firm loan commitment and proceed with loan closing activities.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

C. Request Approval of PLP Loan to Florida Low Income Housing Associates, Inc., a Non-Profit Corporation, for Rolling Oaks (PLP 05-069)

DEVELOPMENT NAME (“Development”):	Rolling Oaks
APPLICANT/DEVELOPER (“Developer”):	Florida Low Income Housing Associates, Inc., a non-profit corporation
CO-DEVELOPER:	n/a
NUMBER OF UNITS:	40
LOCATION (“County”):	Citrus
TYPE:	Homeownership
SET ASIDE:	100% @ 80% AMI
PLP LOAN AMOUNT:	\$ 313,320
ADDITIONAL COMMENTS: The Technical Assistance Provider (TAP) has recommended approval	

1. Background/Present Situation

- a) On June 9, 2005, Florida Housing issued an Invitation to Participate in the PLP to the non-profit Developer. The Development will be located in Citrus County.
- b) The TAP has approved the development plan and has recommended a loan amount of \$313,320 for PLP eligible activities ([Exhibit D](#)). The TAP assisted the Developer in preparing the development plan and budget ([Exhibit E](#)). Staff has reviewed them and determined that all budget items are PLP eligible.
- c) Additionally, \$149,000 of the \$313,320 total PLP Loan amount will be utilized for site acquisition. As such, the Development will be undergoing credit underwriting to approve the site acquisition portion of the loan. Upon receipt of such positive recommendation, the credit underwriting report will be presented to the Board for approval. In the interim, the Applicant has other financial obligations related to the Development that will require Florida Housing to close on the initial \$164,320, which is the non-site acquisition portion of the loan.

2. Recommendation

Approve a PLP Loan in the total amount of \$313,320 to the Developer for predevelopment expenses as recommended by the TAP and allow staff to begin loan closing proceedings for the non-site acquisition portion of the PLP Loan in the amount of \$164,320.

PROFESSIONAL SERVICES SELECTION

Consent

VI. PROFESSIONAL SERVICES SELECTION (PSS)

A. Trustee, Registrar, Paying Agent, and Dissemination Bond Agent Services

1. Background

At its June 23, 2003 meeting, the Board of Directors of Florida Housing directed staff to enter into contract negotiations with the following firms to provide Trustee, Registrar, Paying Agent, and Dissemination Bond Agent services:

- (1) The Bank of New York Trust Company of Florida, N.A.
- (2) SunTrust Bank
- (3) Wells Fargo & Company
- (4) U.S. Bank National Association

2. Present Situation

- a) The initial term of the contracts is for a three (3) year period , subject to satisfactory performance at the sole discretion of Florida Housing. All of the contracts will expire in September, 2006. The contracts may be renewed twice. Each renewal shall be for an additional one-year period.
- b) Florida Housing staff supports a renewal to extend the term of the contracts for an additional one-year period.

3. Recommendation

Staff believes that it is in the best interests of Florida Housing to continue to retain our current Trustees pursuant to the existing contracts, and recommends the Board direct staff to proceed with the contract renewal process

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

VII. STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

A. Request Approval for an Increase in the Amount of the Permanent First Mortgage Financing and Approval of a New Permanent First Lender for Savannah Cove Apartments, Cycle XV, (2003-103CS)

Development Name: Savannah Cove Apartments (“Development”)	Location: Pinellas County
Developer/Principal: The Gatehouse Group (“Developer”)	Set-Aside: 29% @ 40% AMI and 71% @ 60% AMI
Number of Units: 160	Allocated Amount: \$1,149,903
Type: Garden Style Buildings	Total Housing Credit Equity: \$6,870,459
Demographics: Elderly	MMRB: N/A

1. Background/Present Situation

- a) On October 9, 2003, the Board approved the final scores and ranking for the 2003 Universal Application Cycle and directed staff to proceed with all necessary credit underwriting activities.
- b) On October 14, 2003, staff issued a preliminary commitment letter and an invitation to credit underwriting for a SAIL second mortgage loan in an amount up to \$1,149,903 for the 160 unit family development in Pinellas County.
- c) On March 17, 2004, the SAIL loan in the amount of \$1,149,903 closed.
- d) On June 8, 2005 staff received a letter from the Developer requesting approval of a new permanent first lender and an increase of \$21,000 in the permanent first mortgage ([Exhibit A](#)).
- e) On August 1, 2005, staff received a credit underwriting review regarding the new permanent first lender and the additional funding ([Exhibit B](#)). Staff has reviewed the report and finds that the Development meets all of the requirements of SAIL Rule 67.48 F.A.C.

2. Recommendation

Approve the updated credit underwriting review for a new permanent first lender and an increase of \$21,000 to the permanent first mortgage.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

B. Request Approval of the Credit Underwriting Report for Roosevelt Gardens, Cycle XVI, (2004-019S)

Development Name: Roosevelt Gardens (“Development”)	Location: Monroe County
Developer/Principal: The Housing Authority of the City of Key West, Florida (“Developer”)	Set-Aside: 100% @ 120% AMI
Number of Units: 96	Allocated Amount: \$2,000,000
Type: Garden Style	Total Housing Credit Equity: N/A
Demographics: Family	MMRB: \$10,650,000 Local

1. Background/Present Situation

- a) On October 14, 2004, the Board approved the final scores and ranking for the 2004 Universal Application Cycle and directed staff to proceed with all necessary credit underwriting activities.
- b) On October 28, 2004, staff issued a preliminary commitment letter and an invitation to credit underwriting for a SAIL third mortgage loan in an amount up to \$2,000,000 for this 96-unit family development in Monroe County.
- c) On August 11, 2005, staff received a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$2,000,000 ([Exhibit C](#)). Staff has reviewed this report and finds that the development meets all of the requirements of SAIL Rule 67-48, F.A.C.
- d) KWHHA is currently the General Contractor contracted to construct the clubhouse. The Developer is in the bid procurement process for an outside third party General Contractor to construct the clubhouse. Should the Developer be successful in procuring a bid for an amount equal to or less than the KWHHA contract, staff requests authority to approve the new General Contractor subject to a positive recommendation from the credit underwriter.

2. Recommendation

Approve the final credit underwriting report, grant staff's request for authority concerning the General Contractor issue, and direct staff to proceed with issuance of a firm loan commitment and loan closing activities.

SPECIAL ASSETS

Consent

VIII. SPECIAL ASSETS

- A. Request Amended Approval of extension of SAIL Loan for Tompkins/Fox Hollow, Ltd., a Florida partnership for Fox Hollow Apartments (90S-004)

Development Name: Fox Hollow Apartments (“Development”)	Location: Orange County
Developer/Principal: Tompkins Investment Group, Inc. (“Developer”)	Set-Aside: 40% @ 60% AMI
Number of Units: 156	Allocated Amount: \$2,110,000
Demographics: Family	Housing Credits: \$737,370

1. **Background**

- a) During the 1990 SAIL Cycle II, Florida Housing awarded a \$2,110,000 construction/permanent loan to Tompkins/Fox Hollow, Ltd., a Florida limited partnership (“Borrower”), for the development of a 156-unit development in Orlando, Florida. The SAIL loan closed on September 21, 1990 and matures on September 21, 2005. The Development also received a 1990 allocation of low-income housing tax credits and was placed in service November 25, 1991.
- b) The Borrower requested a one-year extension on the SAIL loan and Land Use Restriction Agreement (LURA) to allow sufficient time to sell the property at an amount that would include the payoff of the SAIL loan. The request was approved by Consent at the July 22, 2005 Board Meeting.

2. **Present Situation**

Due to a scrivener’s error, an extended SAIL loan maturity date of August 21, 2006 and LURA extension date of August 21, 2006 was recommended and approved. The maturity date for a one-year extension on the SAIL loan is September 21, 2006, and the LURA should be extended to September 21, 2021.

3. **Recommendation**

Approve the amended request to extend the SAIL loan and LURA to the correct September dates and direct staff to proceed with loan modification activities.

SPECIAL ASSETS

Consent

B. Request Amended Approval of extension of SAIL Loan for Tompkins/Rosecliff, Ltd., a Florida partnership for Huntington Reserve Apartments (90S-003)

Development Name: Huntington Reserve Apartments (“Development”)	Location: Seminole County
Developer/Principal: Tompkins Investment Group, Inc. (“Developer”)	Set-Aside: 40% @ 60% AMI
Number of Units: 168	Allocated Amount: \$2,106,000
Demographics: Family	Housing Credits: \$694,170

1. Background

- a) During the 1990 SAIL Cycle II, Florida Housing awarded a \$2,106,000 construction/permanent loan to Tompkins/Rosecliff, Ltd., a Florida limited partnership (“Borrower”), for the development of a 168-unit development in Sanford, Seminole County. The SAIL loan closed on September 7, 1990 and matures on September 7, 2005. The Development also received a 1990 allocation of low-income housing tax credits and was placed in service July 7, 1991.
- b) The Borrower requested a one-year extension on the SAIL loan and Land Use Restriction Agreement (LURA) to allow sufficient time to sell the property at an amount that would include the payoff of the SAIL loan. The request was approved by Consent at the July 22, 2005 Board Meeting.

2. Present Situation

Due to a scrivener’s error, an extended SAIL loan maturity date of August 7, 2006 and LURA extension date of August 7, 2006 was recommended and approved. The maturity date for a one-year extension on the SAIL loan is September 7, 2006, and the LURA should be extended to September 7, 2041.

3. Recommendation

Approve the amended request to extend the SAIL loan and LURA to the correct September dates and direct staff to proceed with loan modification activities,