

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
January 20, 2006
Consent Items



DEMONSTRATION LOANS

Consent

I. DEMONSTRATION LOANS

A. Request Approval of Name Change and Correction in the Number of Units for Clam Bayou Apartments (RFP 2004/12-04PMDD)

DEVELOPMENT NAME (“Development”):	Clam Bayou Apartments
DEVELOPER/PRINCIPAL (“Developer”):	Clam Bayou Apartments, Inc., a non-profit corporation
NUMBER OF UNITS:	14
LOCATION (County):	Pinellas
TYPE:	Rental, Supportive Housing
SET ASIDE:	Persons with Physical, Mental or Developmental Disabilities
DEMONSTRATION LOAN AMOUNT:	\$184,130

1. Background/Present Situation

- a) On December 3, 2004, Florida Housing issued a Request for Proposals (RFP) for the development of housing for persons with physical, mental, or developmental disabilities.
- b) The Developer submitted a response to fund 14 units, and on April 22, 2005 the Board approved the final ranking and a loan amount of \$184,130. On October 14, 2005 the Board approved the credit underwriting report and recommendation of the Technical Assistance Provider (TAP).
- c) Subsequent to Board approval, Clam Bayou Apartments, Ltd., a single asset non-profit entity, was created for the sole purpose of holding ownership of the Development. Ownership of Clam Bayou Apartments, Ltd. will be held by Boley Centers for Behavioral Healthcare, Inc., a non-profit corporation. As such, the closing documents will need to reflect the newly created entity.
- d) In addition, the number of units stated on the Board agenda item that was approved in April was 23. The correct number as submitted in the RFP response (and initially approved) and the credit underwriting report was 14.

2. Recommendation

Authorize staff to close the loan in the name of the newly formed entity, Clam Bayou Apartments, Ltd., and acknowledge that the total number of units funded through this loan is 14.

HOME RENTAL

Consent

II. HOME RENTAL

A. Request Approval of Credit Underwriting Report for Maxwell Manor Phase II (2003-133H)

Development Name: Maxwell Manor Phase II (“Development”)	Location: St. Johns County
Developer/Principal: Halo Homes, LLC (“Developer”)	Set-Aside: 22% @ 50% AMI / 78% @ 60% AMI
Number of Units: 36	Allocated Amount: \$2,496,000
Type: Townhome/NC	MMRB: N/A
Demographics: Family	

1. Background/Present Situation

- a) On June 20, 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 July 3, 2003, staff issued a preliminary commitment letter and invitation to credit underwriting for a HOME loan in the amount up to \$2,496,000 for this 36-unit family development in St. Johns County.
- c) On January 5, 2005, staff received a credit underwriting report with a positive recommendation for a HOME loan in the amount of \$2,496,000 ([Exhibit A](#)). The HOME Rental loan will be secured by a second mortgage. Staff has reviewed this report and finds that the Development meets all of the requirements of HOME Rule 67-48, 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.

HOUSING CREDITS

Consent

III. HOUSING CREDITS

A. Approval for Change in Amenities for Laurel Park Apartments (2003-168C)

DEVELOPMENT NAME (“Development”):	Laurel Park APPLICATION # 2003-168C
DEVELOPER/PRINCIPAL (“Developer”):	John Curtis
APPLICANT: (“Owner”)	Laurel Park Apartments, Ltd.
NUMBER OF UNITS:	170
LOCATION (“County”):	Marion County
TYPE:	New Construction
SET ASIDE:	10% @ 30% AMI & 90% @ 60% AMI
ALLOCATED AMOUNT:	\$1,299,990

1. Background/Present Situation

- a) Laurel Park is a Competitive Housing Credit, New Construction Development providing 170 set-aside units in Marion County, Florida. Florida Housing issued an allocation of \$1,299,990 in housing credits in December of 2003.
- b) Florida Housing received a request from the Owner on October 18, 2005 to change the features and amenities in the Extended Use Agreement, ([Exhibit A](#)). The Applicant requests, because the property is townhouses, that it be allowed to change “Laundry facilities with full-size washers and dryers available in at least one common area on every floor if Development consists of more than one story” to “Outside recreation facility of a full size basketball court” AND “Laundry facilities with full size washers and dryers available in at least one common area on site”. The proposed changes are one point higher in value than the features originally chosen. Opinions from the Credit Underwriter and Consultec are provided as [Exhibit B](#).

2. Recommendation

Staff recommends that the Board approve the requested changes reflected above and direct staff to amend the Extended Use Agreement to reflect the changes.

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IV. LEGAL

A. In Re: Fox Hollow Associates, Ltd. #2005A-108B

Development Name: (“Development”):	Fox Hollow Apartments
Developer/Principal: (“Developer”):	Fox Hollow Associates, Ltd.
Number of Units: 156	Location: Orange County
Type: Apartments	Set Asides: 5% @ 60% (MMRB) 100% @ 60% (SAIL) 100% @ 60% (HC)
Demographics: Family	SAIL: \$2,110,000 (1990)
MMRB: \$6,635,000	Housing Credits: \$737,370 (1990)

1. Background

- a) During the 2005 Supplemental Bond Cycle, Florida Housing awarded an allocation of MMRB funding to Fox Hollow Associates, Inc. (“Petitioner”). Petitioner acquired this development from Tompkins/Fox Hollow, Ltd., the previous owner, who received SAIL funding and an award of tax credits from Florida Housing in 1990 as indicated above. This transfer of ownership was approved by the Board on December 9, 2005.
- b) On December 20, 2005, Florida Housing received a “Petition for Variance of Rule 67-21.008(1)(b), Florida Administrative Code” (“Petition”), from Petitioner. A copy of the Petition is attached as [Exhibit A](#).
- c) Rule 67-21.008(1)(b), Florida Administrative Code, states in pertinent part:
 - (1) Each Mortgage Loan for a Development made by the Corporation shall:
 - (b) Provide for a fully amortized payment of the Mortgage Loan in full beginning on the earlier of 36 months after closing, or stabilized occupancy, or conversion to permanent financing under the loan documents and ending no later than the expiration of the useful life of the property, and in any event, no later than 45 years from the date of the Mortgage Loan.
- d) Petitioner requests a variance from the above Rule to delay the start of the fully amortized payment of the mortgage loan from 36 months to 60 months from the date of closing of the MMRB financing.
- e) On, January 6, 2006, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has not received any comments concerning the Petition.

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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.

- b) Petitioner states that this variance is necessary and that denial thereof would create a substantial hardship for Petitioner, in that the viability of the Development will be threatened. Petitioner states that without the additional delay it will be unable to proceed with the rehabilitation of the Development due to the inability to meet the conditions necessary to close on bridge financing required to carry the costs of the Development until the closing of the MMRB transaction. Without the extended period requested, Petitioner must pay off the bridge loan per the bridge loan documents, which may threaten the economic viability of the Development in that Petitioner will incur financial losses associated with the extension or acceleration of the bridge loan.

3. **Recommendation**

Staff recommends the Board grant the Petitioner's request for a variance from Rule 67-21.008(1)(b), Florida Administrative Code, and permit the delay the start of the fully amortized payment of the mortgage loan from 36 months to 60 months from the date of closing of the MMRB financing.

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B. In Re: Huntington Reserve Associates, Ltd. #2005A-018B

Development Name: (“Development”):	Huntington Reserve Apartments
Developer/Principal: (“Developer”):	Huntington Reserve Associates, Ltd.
Number of Units: 168	Location: Seminole County
Type: Apartments	Set Asides: 85% @ 60% (MMRB) 100% @60% (SAIL) 100% @60% (HC)
Demographics: Family	SAIL: \$2,106,000 (1990)
MMRB: \$6,515,000	Housing Credits: \$694,170 (1990)

1. Background

a) During the 2005 Supplemental Bond Cycle, Florida Housing awarded an allocation of MMRB funding to Huntington Reserve Associates, Inc. (“Petitioner”). Petitioner acquired this development from Tompkins/Rosecliff, Ltd., the previous owner, who received SAIL funding and an award of tax credits from Florida Housing in 1990 as indicated above. This transfer of ownership was approved by the Board on December 9, 2005.

b) On December 20, 2005, Florida Housing received a “Petition for Variance of Rule 67-21.008(1)(b), Florida Administrative Code” (“Petition”), from Petitioner. A copy of the Petition is attached as [Exhibit B](#).

c) Rule 67-21.008(1)(b), Florida Administrative Code, states in pertinent part:

(1) Each Mortgage Loan for a Development made by the Corporation shall:

(b) Provide for a fully amortized payment of the Mortgage Loan in full beginning on the earlier of 36 months after closing, or stabilized occupancy, or conversion to permanent financing under the loan documents and ending no later than the expiration of the useful life of the property, and in any event, no later than 45 years from the date of the Mortgage Loan.

d) Petitioner requests a variance from the above Rule to delay the start of the fully amortized payment of the mortgage loan from 36 months to 60 months from the date of closing of the MMRB financing.

e) On, January 6, 2006, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has not received any comments concerning the Petition.

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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.

- b) Petitioner states that this variance is necessary and that denial thereof would create a substantial hardship for Petitioner, in that the viability of the Development will be threatened. Petitioner states that without the additional delay it will be unable to proceed with the rehabilitation of the Development due to the inability to meet the conditions necessary to close on bridge financing required to carry the costs of the Development until the closing of the MMRB transaction. Without the extended period requested, Petitioner must pay off the bridge loan per the bridge loan documents, which may threaten the economic viability of the Development in that Petitioner will incur financial losses associated with the extension or acceleration of the bridge loan.

3. **Recommendation**

Staff recommends the Board grant the Petitioner's request for a variance from Rule 67-21.008(1)(b), Florida Administrative Code, and permit the delay the start of the fully amortized payment of the mortgage loan from 36 months to 60 months from the date of closing of the MMRB financing.

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C. In Re: Eagle Ridge Subdivision, LLC

Development Name: (“Development”):	Eagle Ridge Subdivision
Developer/Principal: (“Developer”):	Eagle Ridge Subdivision LLC
Number of Units: 26	Location: Collier County
Type: HOME Construction Loan	Set Aside: n/a
Demographics: n/a	Allocated Amount: \$911,000
MMRB: n/a	Housing Credits: n/a

1. Background

- a) During the 2002 Homeownership Loan Program, Florida Housing awarded an allocation of \$911,000 to Eagle Ridge Subdivision, LLC. On December 20, 2005, Florida Housing received a “Petition for Waiver” (“Petition”), from Eagle Ridge Subdivision, LLC. (“Petitioner”) On January, 3, 2006, Florida Housing received an “Amended Petition for Waiver” from Petitioner¹. Specifically, Petitioner is seeking a waiver of the requirement that the maximum per-unit subsidy amount of HOME funds may not exceed twenty-five 25% of the purchase price; a change in the unit mix; and establishing the sales price to be the current appraised sales price at completion of the home.
- b) A copy of the Amended Petition is attached as [Exhibit C](#).
- c) On December 30, 2005, the Notice of the Petition was published in Volume 31, Number 52, of the Florida Administrative Weekly. Florida Housing did not receive any comments regarding 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.

- b) Rule 67-50.005(8), F.A.C., (2002) incorporates by reference the HOME Application Package.
- c) Rule 67-50.060(2), F.A.C., (2002), states in pertinent part:

The maximum per-unit subsidy amount of HOME funds that the Corporation may allocate may not exceed twenty five percent 25% of the purchase price.

¹ Petitioner amended its Petition to reflect the correct citation, Rule 67-50.005(8), instead of 67-50.001(8); Petitioner withdrew one of its requests for relief

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3. Recommendation

- a) Staff recommends the Board grant Petitioner's request for a waiver of Rules 67-21.005(8) and 67-50.060(2), F.A.C., (2002). Petitioner demonstrated that the cost of construction has risen rapidly, and the costs at present are substantially greater than the costs at the time of the original application and are anticipated to increase. Moreover, not granting this waiver will result in a substantial hardship to Petitioner, in that loss of the HOME subsidy will cause the development to be economically infeasible for potential low income home buyers in Collier County and will cause a serious economic hardship for Petitioner.

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D. 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 December 6, 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 for Waiver of Rule 67-48.002(91) and Section 10 of the 2004 Qualified Allocation Plan” (“Petition”), from Pine Haven Housing, Ltd., LLLP (“Petitioner”). A copy of the Petition is attached as [Exhibit D](#).
- 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; and seeks a waiver of the rule that prohibits returning tax credits until a time certain. Petitioner seeks to replace its co-developer with a new co-developer, Picerne Affordable Development, LLC, and to remove its existing co-general partner and replace it with a new co-general partner, Picerne Pine Haven, LLC; and seeks to return its 2004 housing credit allocation and obtain a housing credit allocation from a later year.
- d) On December 16, 2005, the Notice of Petition was published in the Florida Administrative Weekly in Volume 31, Number 50.
- 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:

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.

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- 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:

“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.”

- d) Rule 67-48.002(91) defines the Qualified Allocation Plan (“QAP”) and adopts the QAP. Section 10 of the 2004 QAP provides in pertinent part:

“Notwithstanding any other provisions 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, 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 otherwise required to be placed in service, the Corporation may reserve allocation in an amount not to exceed the amount of credits returned...”

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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; and grant the waiver of Rule 67-48.002(91) and Part 10 of the QAP. Petitioner demonstrated that the granting of the waiver will not impact the development as Petitioner and the new Developer and new co-General Partner have the required experience to serve as co-developers and co-general partners. Petitioner demonstrated that changing the ownership structure will not impact the development. Moreover, not granting this waiver will create a substantial hardship for Petitioner. Petitioner and its former co-Developer, TCG Daytona Beach LLC, and former co-General Partner, Pine Haven Development, LLC, of the Development, had differences of management philosophies. Petitioner believed that these differences would result in unnecessary delay and expense, making the completion of the Development on time and within budget impossible. Further, Petitioner demonstrated that allowing it to return its credits prior to the fall of 2006, allows it to avail itself of relief it is otherwise entitled to, in a more timely fashion. Additionally, Petitioner demonstrated that denial of this relief would result in a substantial hardship as Petitioner's tax credit investor will not proceed forward with an equity closing and permit commencement of construction until as such time as such relief is granted.

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E. In Re: The Villages at Halifax Housing, Ltd., LLLP

Development Name: (“Development”):	The Villages at Halifax
Developer/Principal: (“Developer”):	The Villages at Halifax Housing, Ltd., LLLP
Number of Units: 71	Location: Volusia County
Type: apartment	Set Aside: 18 % @ 30%; 82% @ 60%
Demographics: Family	Allocated Amount: n/a
MMRB: n/a	Housing Credits: \$772,196

1. Background

- a) During the 2005 Universal Application Cycle, Florida Housing tentatively awarded an allocation of housing credits to The Villages at Halifax Housing, Ltd., LLLP, in connection with the Development known as The Villages at Halifax , which consists of 71 units intended to serve the Family demographic in Volusia County, Florida.
- b) On December 6, 2005, Florida Housing received a Petition for “Waiver of Rule 67-48.004(14) and Rule 67-48.004(1)(a) and Parts II.A.2.a.(1) and II.B.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 The Villages at Halifax Housing, Ltd., LLLP (“Petitioner”). A copy of the Petition is attached as [Exhibit E](#).
- 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 Picerne Affordable Development, LLC, and to remove its existing co-General Partner and replace it with a new co-General Partner, Picerne Halifax Housing, LLC.
- d) On December 16, 2005, the Notice of Petition was published in the Florida Administrative Weekly in Volume 31, Number 50.
- 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.

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- 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 67-48.004(1)(a) defines the “Universal Application Package” and adopts the Universal Application Instructions. Part II.A.2.a(1) provides in part:

“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.”

- d) Rule 67-48.004(1)(a) defines the “Universal Application Package” and adopts the Universal Application Instructions. Part II.B.1 provides in part:

Developer or principal of Developer (Threshold)

The identity of the Developer(s) listed in this Application may not change until construction or Rehabilitation/Substantial Rehabilitation of the Development is complete.

3. **Recommendation**

Staff recommends that the Board grant the waiver of Rule 67-48.004(14) and Rule 67-48.002(1)(a) and Parts II.A.2.a.(1) and II.B.1., of the Universal Application Instructions. Petitioner terminated its Master Development Agreement with its former co-Developer and co-General Partner on July 6, 2005. Petitioner demonstrated that the granting of the waiver will not impact the development as Petitioner and the new co-developer and new co-general partner have the required experience to serve as co-developers and co-general partners. Petitioner also demonstrated that changing the ownership structure will not impact the development. Moreover, not granting this waiver will create a substantial hardship for Petitioner. Petitioner and its former co-Developer, TCG Daytona Beach LLC, and former co-General Partner, The Villages at Halifax Development LLC, of the Development, had differences of management philosophies. Petitioner believed that these differences would result in unnecessary delay and expense, making the completion of the Development on time and within budget impossible.

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F. In Re: Lakeside Village Housing, Ltd., LLLP

Development Name: (“Development”):	Lakeside Village
Developer/Principal: (“Developer”):	Lakeside Village Housing, Ltd., LLLP
Number of Units: 103	Location: Volusia County
Type: apartment	Set Aside: 18 % @ 30%; 82% @ 60%
Demographics: Family	Allocated Amount: n/a
MMRB: n/a	Housing Credits: \$1,080,000

1. Background

- a) During the 2005 Universal Application Cycle, Florida Housing tentatively awarded an allocation of housing credits to Lakeside Village Housing, Ltd., LLLP, in connection with the Development known as Lakeside Village, which consists of 103 units intended to serve the Family demographic in Volusia County, Florida.
- b) On December 6, 2005, Florida Housing received a Petition for “Waiver of Rule 67-48.004(14) and Rule 67-48.004(1)(a) and Parts II.A.2.a.(1) and II.B.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 Lakeside Village Housing, Ltd., LLLP (“Petitioner”). A copy of the Petition is attached as [Exhibit F](#).
- 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, Picerne Affordable Development LLC, and to remove its existing co-General Partner and replace it with a new co-General Partner, Picerne Lakeside Village LLC.
- d) On December 16, 2005, the Notice of Petition was published in the Florida Administrative Weekly in Volume 31, Number 50.
- 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.

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- 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 67-48.004(1)(a) defines the “Universal Application Package” and adopts the Universal Application Instructions. Part II.A.2.a(1) provides in part:

“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.”

- d) Rule 67-48.004(1)(a) defines the “Universal Application Package” and adopts the Universal Application Instructions. Part II.B.1 provides in part:

Developer or principal of Developer (Threshold)

The identity of the Developer(s) listed in this Application may not change until construction or Rehabilitation/Substantial Rehabilitation of the Development is complete.

3. **Recommendation**

Staff recommends that the Board grant the waiver of Rule 67-48.004(14) and Rule 67-48.002(1)(a) and Parts II.A.2.a.(1) and II.B.1., of the Universal Application Instructions. Petitioner terminated its Master Development Agreement with its former co-Developer and co-General Partner on July 6, 2005. Petitioner demonstrated that the granting of the waiver will not impact the development as Petitioner and the new co-developer and new co-general partner have the required experience to serve as co-developers and co-general partners. Petitioner also demonstrated that changing the ownership structure will not impact the development. Moreover, not granting this waiver will create a substantial hardship for Petitioner. Petitioner and its former co-Developer, TCG Daytona Beach LLC, and former co-General Partner, South Street LLC, of the Development, had differences of management philosophies. Petitioner believed that these differences would result in unnecessary delay and expense, making the completion of the Development on time and within budget impossible.

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G. In Re: Finlay Interests 13, Ltd.

Development Name: (“Development”):	Meeting House at Zephyrhills
Developer/Principal: (“Petitioner”):	Finlay Interests 13, Ltd.
Number of Units: 160	Location: Pasco County
Type: Rental	Set Aside: 40 % @60%
Demographics: Family	Allocated Amount: \$1,365,000
MMRB: n/a	Housing Credits: n/a

1. Background

- a) Petitioner was tentatively awarded \$1,365,000 in SAIL funds through the 2005 Universal Cycle to construct the Development, a 160 unit apartment complex located in Pasco County, Florida. On November 29, 2005, a Petition for Waiver of Rule 67-48.004(1), (14) and (15) Florida Administrative Code, was received by Florida Housing. Specifically, Petitioner is seeking a waiver of the rules restricting the ability to change the site of the Development.
- b) A copy of the Petition is attached as [Exhibit G](#).
- c) On December 9, 2005, the Notice of the Petition was published in Volume 31, Number 49, of the [Florida Administrative Weekly](#). Florida Housing did not receive any comments regarding 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.

- b) Rule 67-48.004(1), Florida Administrative Code adopts and incorporates the Universal Application Package.

- c) Rule 67-48.004(14), Florida Administrative Code provides in pertinent part:

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 ... Any attempted changes to these items will not be accepted. Those items are as follows...

(a) 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 ... Any attempted changes to these items will not be accepted. Those items are as follows...

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Consent

- d) Rule 67-48.004(15), Florida Administrative Code provides in pertinent part:
 - (1) A Development will be withdrawn from funding and any outstanding commitments for funds or HC will be rescinded if at any time the Board determines that the Applicant's Development or Development Team is no longer the Development or Development Team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

3. **Recommendation**

- a) Staff recommends that the Board grant this Petition. Petitioner is proposing moving the Development site approximately 400 feet north of the location it submitted in its Application. Petitioner has demonstrated that revised parcel will be the same size as the original parcel and will contain approximately 70% of the land from the original parcel; the changes in the parcel boundary do not require change to the Development's site plan; the Tie-Breaker Measurement Point contained in Petitioner's Application will still be located on the revised parcel, with all of the Development's proximity to services listed in Petitioner's Application remaining the same; and that the proposed parcel boundaries will not affect relevant site specific demonstrations contained in Petitioner's Application. Moreover, not granting this waiver would violate principles of fairness to Petitioner in that application of the rule affects Petitioner in a significantly different manner than application of the rule to other applicants.

LEGAL

Consent

H. In Re: Wakulla Trace Apartments, Ltd.

Development Name: (“Development”):	Wakulla Trace Apartments
Developer/Principal: (“Developer”):	Wakulla Trace Apartments, Ltd.
Number of Units: 34	Location: Wakulla County
Type: Garden Apartments	Set Aside: 40% @ 60% AMI
Demographics: Elderly	Housing Credits: \$227,999

1. Background

- a) During the 2005 Universal Cycle, Florida Housing awarded an allocation of tax credits to Wakulla Trace Apartments, Ltd. (“Petitioner”).
- b) On December 14, 2005, Florida Housing received a “Petition for Waiver From Rules 67-48.004(1)(a), 67-48.004(14) and (67-48.004(15),” (“Petition”), from Petitioner. A copy of the Petition is attached as [Exhibit H](#).
- c) Rule 67-48.004(1)(a), Florida Administrative Code, states in pertinent part:

The Universal Application Package or UA1016 (Rev. 2-05) consists of the forms and instructions ... [t]he Universal Application Package is adopted and incorporated herein by reference, effective February 7, 2005.

- d) By virtue of the rule above, the Universal Application Instructions are rules. The particular provisions of the Instructions for which Petitioner requests a waiver state, in pertinent part:

Part II. Applicant and Development Team

A.2a(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.

* * *

B.1. The identity of the Developer(s) listed in this Application may not change until the construction or Rehabilitation/Substantial Rehabilitation of the Development is complete.

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Consent

- e) Rule 67-48.004(14), Florida Administrative Code, states in pertinent 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;

- f) Rule 67-48.004(15), Florida Administrative Code, states in pertinent part:

A Development will be withdrawn from funding and any outstanding commitments for funds or HC will be rescinded if at any time the Board determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

- g) On December 23, 2005 the Notice of Petition was published in the Florida Administrative Weekly.
- h) 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:

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.

- b) Petitioner requests a waiver from the above Rules and incorporated provisions of the Instructions to permit the replacement, prior to completion of construction, of the sole member of its General Partner. Petitioner proposes to replace the current sole General Partner, Wakulla County Senior Citizens Council, Inc., a Florida non-profit corporation, with Wakulla Senior Council, LLC, a Florida limited liability company (for profit) and a current limited partner of Petitioner. Petitioner's other limited partner, Judd K. Roth and Kiss and Company, Inc. (also Developers), will be replaced by the tax credit investor, Fifth Third Community Development Corporation. The for-profit applicant entity (Petitioner) would otherwise remain the same – Wakulla Senior Council, LLP, the proposed new General Partner, will remain wholly owned by the current general partner, Wakulla Senior Citizens Council, Inc. Petitioner requests approval of this change to avoid certain tax liabilities to the non-profit entity, to meet anticipated tax benefit delivery schedule of Fifth Third, and

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Consent

to maintain the current credit pricing on the tax credit transaction. Petitioner states that it will suffer substantial financial hardship if the current credit pricing is not preserved.

- c) Additionally, Petitioner requests approval of a change in Developer prior to completion of construction, though the personalities involved will remain the same. Petitioner intends to combine two of the three current Developers into a single entity – Kiss Roth LLP, from current Developers Kiss and Company, Inc., and Judd K. Roth. Petitioner states this rearrangement is being performed for administrative purposes and will have no adverse effect on the Development, as the resulting entity will retain the same expertise and experience to successfully complete the Development, and on which their tax credit application was scored.

3. **Recommendation**

Staff recommends the Board grant the Petitioner's request for a waiver of Rules 67-48.004(1)(a), 67-48.004(14) and (67-48.004(15), Florida Administrative Code, to permit the substitution of Wakulla Senior Council, LLP, as general partner of Petitioner, and to permit the combination of two existing Developers, Kiss and Company, Inc., and Judd K. Roth, into the single entity Kiss Roth, LLP.

MULTIFAMILY BONDS

Consent

V. MULTIFAMILY BONDS

A. Request Approval to Allocate \$6,635,000 in Tax-Exempt, Private Activity Bond Allocation to the Development

DEVELOPMENT NAME (“Development”):	Fox Hollow Apartments
DEVELOPER/PRINCIPAL (“Developer”):	Fox Hollow Associates, Ltd./Fox Hollow Management, LLC/Enhanced Affordable Development Company, LLC/Marc Gelman/David Rubin
NUMBER OF UNITS:	156
LOCATION (“County”):	Orange
TYPE (Rental, Homeownership):	Rental
SET ASIDE:	85% @ 60% (MMRB); 100% @ 60% (HC)
ALLOCATED AMOUNT:	\$6,635,000 of Tax-Exempt Bonds
ADDITIONAL COMMENTS:	Award of bond allocation

1. Background

At the January 14, 2005 meeting, the Board authorized the MMRB Program to conduct a supplemental application cycle.

2. Present Situation

- a) As of September 23, 2005, the MMRB Program has approximately \$300,000,000 in tax-exempt, private activity bond allocation that is not committed to a specific multifamily development.
- b) Fox Hollow is a 2005 Supplemental MMRB Application (“Application”) to acquire and rehabilitate an existing SAIL affordable development in Orange County. The current affordability period of this Development will expire in August of 2006. The Developer, in its Application is committing to an additional affordability period of fifty (50) years and approximately \$2,700,000 for rehabilitation expenditures.
- c) Fox Hollow scored a total of fifty-two (52) points on the application. However, the rules governing the 2005 Supplemental MMRB Application cycle require an application to achieve a perfect score of sixty-six (66) points in order to be funded. Therefore, the Application is ineligible for funding under the 2005 Supplemental MMRB Application cycle. However, the rules further state: “If there is private activity bond allocation remaining after all eligible Applications are funded, then this allocation will be applied to the Corporation’s single-family bond program or otherwise used as directed by the Board.”
- d) Since the corporation’s single-family bond program is not in need of any additional allocation, staff recommends that the Board use its discretion to award private activity bond allocation to Fox Hollow even though it did not obtain a perfect score on its Application. Staff believes that the public policy purposes served by preserving this Development far outweigh any failure to achieve a perfect score on the Application.

MULTIFAMILY BONDS

Consent

3. **Recommendation**

Approve the request to allocate \$6,635,000 in tax exempt, private activity bonds to Fox Hollow Apartments, 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 to Allocate \$6,518,000 in Tax-Exempt, Private Activity Bond Allocation to the Development

DEVELOPMENT NAME (“Development”):	Huntington Reserve Apartments
DEVELOPER/PRINCIPAL (“Developer”):	Huntington Reserve Associates, Ltd./Huntington Reserve Management, LLC/Enhanced Affordable Development Company, LLC/Marc Gelman/David Rubin
NUMBER OF UNITS:	168
LOCATION (“County”):	Seminole
TYPE (Rental, Homeownership):	Rental
SET ASIDE:	85% @ 60% (MMRB); 100% @ 60% (HC)
ALLOCATED AMOUNT:	\$6,518,000 of Tax-Exempt Bonds
ADDITIONAL COMMENTS:	Award of bond allocation

1. Background

At the January 14, 2005 meeting, the Board authorized the MMRB Program to conduct a supplemental application cycle.

2. Present Situation

- a) As of December 30, 2005, the MMRB Program has approximately \$300,000,000 in tax-exempt, private activity bond allocation that is not committed to a specific multifamily development.
- b) Huntington Reserve is a 2005 Supplemental MMRB Application (“Application”) to acquire and rehabilitate an existing SAIL affordable development in Seminole County.
- c) The current affordability period of this Development will expire in August of 2006. The Developer, in its Application is committing to an additional affordability period of fifty (50) years and approximately \$2,700,000 for rehabilitation expenditures.
- d) Huntington Reserve scored a total of fifty-one (51) points on the application. However, the rules governing the 2005 Supplemental MMRB Application cycle require an application to achieve a perfect score of sixty-six (66) points in order to be funded. Therefore, the Application is ineligible for funding under the 2005 Supplemental MMRB Application cycle. However, the rules further state: “If there is private activity bond allocation remaining after all eligible Applications are funded, then this allocation will be applied to the Corporation’s single-family bond program or otherwise used as directed by the Board.”
- e) Since the corporation’s single-family bond program is not in need of any additional allocation, staff recommends that the Board use its discretion to award private activity bond allocation to Huntington Reserve even though it did not obtain a perfect score on its Application. Staff believes that the public policy purposes served by preserving this Development far outweigh any failure to achieve a perfect score on the Application.

MULTIFAMILY BONDS

Consent

3. **Recommendation**

Approve the request to allocate \$6,518,000 in tax exempt, private activity bonds to Huntington Reserve Apartments, 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 to Allocate \$14,700,000 in Tax-Exempt, Private Activity Bond Allocation to the Development

DEVELOPMENT NAME (“Development”):	The Regents Apartments
DEVELOPER/PRINCIPAL (“Developer”):	AOH-Regents, LLC/American Opportunity for Housing, Inc./Midwest Funding Corporation/David Starr/Roberto J. Cavazos/David E. Noon/H. Richard Noon
NUMBER OF UNITS:	304
LOCATION (“County”):	Duval
TYPE (Rental, Homeownership):	Rental
SET ASIDE:	85% @ 60% (MMRB);
ALLOCATED AMOUNT:	\$14,700,000 of Tax-Exempt Bonds
ADDITIONAL COMMENTS:	Award of bond allocation

1. Background

At the January 14, 2005 meeting, the Board authorized the MMRB Program to conduct a supplemental application cycle.

2. Present Situation

- a) As of December 30, 2005, the MMRB Program has approximately \$300,000,000 in tax-exempt, private activity bond allocation that is not committed to a specific multifamily development.
- b) The Regents Apartments is a 2005 Supplemental MMRB Application (“Application”) to acquire and rehabilitate a market-rate development in Duval County. The Developer, in its Application is committing to an additional affordability period of fifty (50) years and approximately \$3,000,000 for rehabilitation expenditures.
- c) The Regents Apartments scored a total of fifty-two (52) points on the application. However, the rules governing the 2005 Supplemental MMRB Application cycle require an application to achieve a perfect score of sixty-six (66) points in order to be funded. Therefore, the Application is ineligible for funding under the 2005 Supplemental MMRB Application cycle. However, the rules further state: “If there is private activity bond allocation remaining after all eligible Applications are funded, then this allocation will be applied to the Corporation’s single-family bond program or otherwise used as directed by the Board.”
- d) Since the corporation’s single-family bond program is not in need of any additional allocation, staff recommends that the Board use its discretion to award private activity bond allocation to The Regents Apartments even though it did not obtain a perfect score on its Application. Staff believes that the public policy purposes served by preserving this Development far outweigh any failure to achieve a perfect score on the Application.

MULTIFAMILY BONDS

Consent

3. **Recommendation**

Approve the request to allocate \$14,700,000 in tax exempt, private activity bonds to The Regents Apartments, 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 to Allocate \$6,500,000 in Tax-Exempt, Private Activity Bond Allocation to the Development

DEVELOPMENT NAME (“Development”):	Gardens of Mount Carmel Apartments
DEVELOPER/PRINCIPAL (“Developer”):	Gardens of Mount Carmel, Inc./NCB Development Corporation/Brian Benwick/Jack Coleman
NUMBER OF UNITS:	74
LOCATION (“County”):	Duval
TYPE (Rental, Homeownership):	Rental
SET ASIDE:	41% @ 60% (MMRB)
ALLOCATED AMOUNT:	\$6,500,000 of Tax-Exempt Bonds
ADDITIONAL COMMENTS: Award of bond allocation	

1. Background

At the January 14, 2005 meeting, the Board authorized the MMRB Program to conduct a supplemental application cycle.

2. Present Situation

- a) As of September 23, 2005, the MMRB Program has approximately \$300,000,000 in tax-exempt, private activity bond allocation that is not committed to a specific multifamily development.
- b) Gardens of Mount Carmel is a 2005 Supplemental MMRB Application (“Application”) to construct an assisted living facility (“ALF”) in Duval County. The Developer, in its Application is committing to an affordability period of thirty (30) years.
- c) Gardens of Mount Carmel scored a total of fifty-two (52) points on the application and did not commit to serving the lower AMI required for an ALF. However, the rules governing the 2005 Supplemental MMRB Application cycle require an application to achieve a perfect score of sixty-six (66) points in order to be funded. Therefore, the Application is ineligible for funding under the 2005 Supplemental MMRB Application cycle. However, the rules further state: “If there is private activity bond allocation remaining after all eligible Applications are funded, then this allocation will be applied to the Corporation’s single-family bond program or otherwise used as directed by the Board.”
- d) Since the corporation’s single-family bond program is not in need of any additional allocation, staff recommends that the Board use its discretion to award private activity bond allocation to Gardens of Mount Carmel even though it did not obtain a perfect score on its Application. Staff believes that the public policy purposes served by preserving this Development far outweigh any failure to achieve a perfect score on the Application.

MULTIFAMILY BONDS

Consent

3. **Recommendation**

Approve the request to allocate \$6,500,000 in tax exempt, private activity bonds to Gardens of Mount Carmel Apartments, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

E. 2005 Supplemental MMRB Application

1. Background/Present Situation

The 2005 Supplemental MMRB Application cycle opened on April 22, 2005. As of December 30, 2005, an application has been submitted, requesting \$9,100,000 in bond allocation ([Exhibit A](#)). This application has been scored and meets the funding requirements.

2. Recommendation

Approve the issuance of an Acknowledgement Resolution and direct that the application be invited in to credit underwriting.

MULTIFAMILY BONDS

Consent

- F. **Request Approval of the Final Credit Underwriting Report for the Development in the Amount of \$6,635,000 of Tax-Exempt Bonds and \$2,060,000 SAIL Loan Extension, Consisting of 156 Units, Located in Orlando, Orange County, Florida**

DEVELOPMENT NAME (“Development”):	Fox Hollow Apartments
DEVELOPER/PRINCIPAL (“Applicant”):	Fox Hollow Associates, Ltd./Fox Hollow Management, LLC/Enhanced Affordable Development Company, LLC/Marc Gelman/David Rubin
NUMBER OF UNITS:	156
LOCATION (“County”):	Orange
TYPE (Rental, Homeownership):	Rental/Family (MMRB, SAIL and HC)
SET ASIDE:	85% @ 60% (MMRB) 100% @60% (SAIL) 100% @60% (HC)
ALLOCATED AMOUNT:	\$6,635,000 of Tax-Exempt Bonds and \$2,060,000 SAIL Loan Extension
ADDITIONAL COMMENTS: Acquisition/Rehabilitation with Extension of existing SAIL Loan	

1. Background

- a) Applicant submitted an application (“Application”) on behalf of the proposed Development during the 2005 Supplemental MMRB Application Cycle. Applicant applied for tax-exempt bonds in the amount of \$6,635,000 in order to acquire and rehabilitate the Development.
- b) At the January 20, 2006 Board meeting, the Board will approve an Acknowledgement Resolution for the issuance of tax-exempt bonds in an amount not to exceed \$6,635,000 for acquisition/rehabilitation of the Development.

2. Present Situation

- a) While the current Program Rule does not prohibit changes or modifications of the proposed Development during credit underwriting, the Board has directed staff to advise it of any such changes.
- b) The Applicant has recently submitted a rehabilitation scope of work and rehabilitation construction contract. The credit underwriter has engaged but not received a pre-construction analysis report at this time.
- c) The Application’s listed development costs are less than the underwriter’s estimates. This change is primarily due to the inclusion of a hard cost contingency.
- d) A Final Credit Underwriting Report dated December 21, 2005, is attached as [Exhibit B](#).

MULTIFAMILY BONDS

Consent

3. **Recommendation**

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Report dated December 21, 2005 recommending that \$6,635,000 in bonds and \$2,060,000 SAIL loan extension be issued for the purpose of acquiring and rehabilitating 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

- G. **Request Approval of the Final Credit Underwriting Report for the Development in the Amount of \$6,515,000 of Tax-Exempt Bonds and \$2,106,000 SAIL Loan Extension, Consisting of 168 Units, Located in Sanford, Seminole County, Florida**

DEVELOPMENT NAME (“Development”):	Huntington Reserve Apartments
DEVELOPER/PRINCIPAL (“Applicant”):	Huntington Reserve Associates, Ltd./Huntington Reserve Management, LLC/Enhanced Affordable Development Company, LLC/Marc Gelman/David Rubin
NUMBER OF UNITS:	168
LOCATION (“County”):	Seminole
TYPE (Rental, Homeownership):	Rental/Family (MMRB, SAIL and HC)
SET ASIDE:	85% @ 60% (MMRB) 100% @60% (SAIL) 100% @60% (HC)
ALLOCATED AMOUNT:	\$6,515,000 of Tax-Exempt Bonds and \$2,106,000 SAIL Loan Extension
ADDITIONAL COMMENTS: Acquisition/Rehabilitation with Extension of Existing SAIL Loan	

1. **Background**

- a) Applicant submitted an application (“Application”) on behalf of the proposed Development during the 2005 Supplemental MMRB Application Cycle. Applicant applied for tax-exempt bonds in the amount of \$6,515,000 in order to acquire and rehabilitate the Development.
- b) At the January 20, 2006 Board meeting, the Board will approve an Acknowledgement Resolution for the issuance of tax-exempt bonds in an amount not to exceed \$6,515,000 for acquisition/rehabilitation of the Development.

2. **Present Situation**

- a) While the current Program Rule does not prohibit changes or modifications of the proposed Development during credit underwriting, the Board has directed staff to advise it of any such changes.
- b) The Applicant has recently submitted a rehabilitation scope of work and rehabilitation construction contract. The credit underwriter has engaged but not received a pre-construction analysis report at this time.
- c) The Application’s listed development costs are less than the underwriter’s estimates. This change is primarily due to the inclusion of a hard cost contingency.
- d) A Final Credit Underwriting Report dated December 20, 2005, is attached as [Exhibit C](#).

MULTIFAMILY BONDS

Consent

3. **Recommendation**

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Report dated December 20, 2006 recommending that \$6,515,000 in bonds and \$2,106,000 SAIL loan extension be issued for the purpose of acquiring and rehabilitating 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

H. Request Approval to Amend the Land Use Restriction Agreement (“LURA”)

DEVELOPMENT NAME (“Development”):	Northbridge at Millenia Apartments
DEVELOPER/PRINCIPAL (“Developer” or “Owner”):	Northbridge at Millenia Partners, Ltd./CED Capital Holdings 2002 RR, LLC/CED Capital Holdings XVI, Ltd./Alan Ginsburg
NUMBER OF UNITS:	316
LOCATION (“County”):	Orange
TYPE (“Rental, Homeownership”):	Rental
SET ASIDE:	20% @ 50% (MMRB/SAIL/HC)
ALLOCATED AMOUNT:	\$30,020,000 of Tax-Exempt Bonds \$3,300,000 of Taxable Bonds and \$2,000,000 SAIL
ADDITIONAL COMMENTS: LURA Amendment	

1. Background

In November 18, 2003, Florida Housing financed the construction of the Development with \$30,020,000 in tax-exempt bonds and \$3,000,000 in taxable bonds, designated as 2003 Series V-1 and V-2.

2. Present Situation

- a) The Owner, in a letter dated April 28, 2005 ([Exhibit D](#)) requests the LURA be amended to reflect a change from gas water heaters to electric water heaters.
- b) The Credit Underwriter has reviewed the request and by letter dated December 20, 2005 ([Exhibit E](#)) recommends that Florida Housing approve the request.

3. Recommendation

- a) That the Board approve the amendment to the LURA 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

I. Request Approval to Amend the Land Use Restriction Agreement (“LURA”)

DEVELOPMENT NAME (“Development”):	Tuscan Isle Apartments
DEVELOPER/PRINCIPAL (“Developer” or “Owner”):	Creative Choice Homes XIV, Ltd/Creative Choice Homes, Inc./Dilip Barot
NUMBER OF UNITS:	298
LOCATION (“County”):	Collier
TYPE (“Rental, Homeownership”):	Rental
SET ASIDE:	40% @ 60% (MMRB) 100% @ 60% (HC)
ALLOCATED AMOUNT:	\$15,900,000 of Tax-Exempt Bonds \$2,650,000 of Taxable Bonds
ADDITIONAL COMMENTS: LURA Amendment	

1. Background

In December, 2002, Florida Housing financed the construction of the Development with \$15,900,000 in tax-exempt bonds and \$2,650,000 in taxable bonds, designated as 2002 Series O.

2. Present Situation

a) The Owner, in a letter dated September 15, 2005 ([Exhibit F](#)) requests the LURA be amended to reflect a change in square footage of the one, two and three bedroom units from:

One bedroom/one bath 680 square feet

Two bedroom/two bath 921 square feet

Three bedroom/two bath 1100 square feet

to

One bedroom/one bath 672 square feet

Two bedroom/two bath 916 square feet

Three bedroom/two bath 1095 square feet

b) The Owner states the difference in measurement of square footage was based on a scale measure estimate prior to development.

c) The Credit Underwriter has reviewed the request and by letter dated January 6, 2006 ([Exhibit G](#)) recommends that Florida Housing approve the request.

3. Recommendation

That the Board approve the amendment to the LURA 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

J. Request Approval to Change the Development Name

DEVELOPMENT NAME (“Development”):	Lynn Lake Apartments
OWNER/PRINCIPAL/ (“Owner”):	Kings Lynn Lake Apartments, LLC/Landmark Residential/Ronald Fieldstone/Michael Denberg/Joe Lubeck/Paul Lester
NUMBER OF UNITS:	807
LOCATION (“County”):	Pinellas County
TYPE (Rental, Homeownership):	Rental
SET ASIDE:	20% @ 50% (MMRB)
ALLOCATED AMOUNT:	\$40,580,000 of Tax-Exempt Bonds
ADDITIONAL COMMENTS: Change of Development Name	

1. Background

In April of 2005, Florida Housing financed the acquisition and rehabilitation of the Development with tax exempt bonds in the amount of \$40,580,000 designated as 2005 Series B.

2. Present Situation

The Owner, in a letter dated December 13, 2005 ([Exhibit H](#)) requested approval of a change in the Development name from Lynn Lake Apartments to The Reserve at Lake Pointe Apartments. This is a marketing change to renovate and reposition the property.

3. Recommendation

Approve the request to change the name of the Development from Lynn Lake Apartments to The Reserve at Lake Pointe Apartments, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

K. Assignment of Bond Underwriters and Structuring Agents

1. Background

- a) Pursuant to staff's request for approval to issue bonds to finance the construction of the proposed Development referenced below, a Final Credit Underwriting Report is being presented to the Board for approval simultaneously with this request to assign the appropriate professional to this transaction. A brief description of the Development is detailed below along with the Staff's recommendation for the assignment.
- b) Additionally, the Corporation's Senior Financial Advisor has prepared a method of bond sale letter. Staff has reviewed the method of sale letter and Board approval is requested at the current meeting.

2. Present Situation

- a) The Credit Underwriters, the Senior Financial Advisor and Florida Housing staff have reviewed the financing structure for the proposed Development.
- b) The Senior Financial Advisor's recommendation for the method of bond sale is being presented to the Board at the current meeting during the Multifamily Mortgage Revenue Bond Program Update of items on the agenda.

3. Recommendation

That the Board approve the assignment of the recommended professional as shown in the chart for the proposed Development.

MULTIFAMILY BONDS

Consent

L. Request Approval of the Method of Bond Sale Recommendation from Florida Housing's Senior Financial Advisor

Development Name	Location of Development	Number of Units	Method of Bond Sale	Recommended Professional
Fox Hollow Apartments	Orange	156	Negotiated/Private Placement	Stern Brothers & Co.
Huntington Reserve Apartments	Seminole	168	Negotiated/Private Placement	Stern Brothers & Co.

1. Background/Present Situation

- a) The Credit Underwriter has provided a Final Credit Underwriting Report for the proposed Development below. Florida Housing seeks Board approval pursuant to the recommendation of the Credit Underwriter and the appropriate Florida Housing staff.
- b) Pursuant to Rule 67-21.0045, F.A.C., staff has requested a review of the proposed bond structure by the Senior Financial Advisor in order to make a recommendation to the Board for the method of bond sale.
- c) CSG Advisors has prepared an analysis and recommendation for the method of bond sale for the Development. The recommendation letter is attached as Exhibit I.

Development Name	Location of Development	Number of Units	Method of Bond Sale
Fox Hollow Apartments	Orange	156	Negotiated/Private Placement
Huntington Reserve Apartments	Seminole	168	Negotiated/Private Placement

2. Recommendation

That the Board approve the recommendation of the Senior Financial Advisor for the method of bond sale for the above Development.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

VI. PREDEVELOPMENT LOAN PROGRAM (PLP)

A. Request Approval of PLP Loan to Lee County Housing Development Corporation, a Non-Profit Corporation, for Lee County Housing Phase I Scattered Site (PLP 05-067)

DEVELOPMENT NAME (“Development”):	Lee County Housing Phase I Scattered Site
APPLICANT/DEVELOPER (“Developer”):	Lee County Housing Development Corporation, a non-profit corporation
CO-DEVELOPER:	n/a
NUMBER OF UNITS:	10
LOCATION (“County”):	Lee County
TYPE:	Homeownership
SET ASIDE:	100% @ 80% AMI
PLP LOAN AMOUNT:	\$ 254,032

1. Background/Present Situation

- a) On April 4, 2005, Florida Housing issued an Invitation to Participate in the PLP to the Developer. The Development will be located in Lee County.
- b) The Technical Assistance Provider (TAP) has approved the development plan and has recommended a loan amount of \$254,032 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.

2. Recommendation

Approve a PLP Loan in the total amount of \$254,032 to the Developer, a non-profit corporation, for predevelopment expenses as recommended by the TAP and allow staff to issue the commitment letter and begin loan closing proceedings.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

B. Request Approval of PLP Loan to St. Luke’s Life Center, Ltd., a Non-Profit Corporation, for St. Luke’s Life Center (PLP 05-081)

DEVELOPMENT NAME (“Development”):	St. Luke’s Life Center
APPLICANT/DEVELOPER (“Developer”):	St. Luke’s Life Center, Ltd.
CO-DEVELOPER:	St. Luke’s Ministries, Inc., a non-profit corporation and Carlisle Development Group, LLC
NUMBER OF UNITS:	150
LOCATION (“County”):	Polk
TYPE:	Rental
SET ASIDE:	60% @ 60% AMI
PLP LOAN AMOUNT:	\$ 500,000
ADDITIONAL COMMENTS: St. Luke’s Life Center, Inc. qualifies as an eligible Applicant since St. Luke’s Ministries, Inc. – a non-profit corporation, holds a 51% ownership interest in the Development held by the general partner entity.	

1. Background/Present Situation

- a) On September 20, 2005, Florida Housing issued an Invitation to Participate in the PLP to the Developer. The Development will be located in Polk County.
- b) The Technical Assistance Provider (TAP) has approved the development plan and has recommended a loan amount of \$500,000 for PLP eligible activities ([Exhibit C](#)). The TAP assisted the Developer in preparing the development plan and budget ([Exhibit D](#)). Staff has reviewed them and determined that all budget items are PLP eligible.

2. Recommendation

Approve a PLP Loan in the total amount of \$500,000 to the Developer for predevelopment expenses as recommended by the TAP and allow staff to issue the commitment letter and begin loan closing proceedings.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

C. Request Approval of PLP Loan to Winter Haven Housing Authority, a Public Housing Authority, for Lucerne Park (PLP 05-082)

DEVELOPMENT NAME (“Development”):	Lucerne Park
APPLICANT/DEVELOPER (“Developer”):	Winter Haven Housing Authority, a Public Housing Authority
CO-DEVELOPER:	Picerne Affordable Development, LLC
NUMBER OF UNITS:	100
LOCATION (“County”):	Polk County
TYPE:	Rental
SET ASIDE:	60% @ 60% AMI
PLP LOAN AMOUNT:	\$ 500,000

1. Background/Present Situation

- a) On September 19, 2005, Florida Housing issued an Invitation to Participate in the PLP to the Developer. The Development will be located in Polk County.
- b) The Technical Assistance Provider (TAP) has approved the development plan and has recommended a loan amount of \$500,000 for PLP eligible activities ([Exhibit E](#)). The TAP assisted the Developer in preparing the development plan and budget ([Exhibit F](#)). Staff has reviewed them and determined that all budget items are PLP eligible.
- c) Also, the Applicant, along with the Co-Developer, anticipates applying for 9% competitive housing credits. As such, staff anticipates that the Applicant/Developer entity will change to that of a single asset entity created for the sole purpose of this Development.

2. Recommendation

Approve a PLP Loan in the total amount of \$500,000 to the Developer, a public housing authority, for predevelopment expenses as recommended by the TAP and allow staff to issue the commitment letter and begin loan closing proceedings. Further, authorize staff to close the PLP loan in the name of the single asset entity, once created.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

D. Substitution of the Developments Involving Carlisle Development Group, LLC (Carlisle), a Florida For-Profit Corporation

1. Background/Present Situation

- a) Rule Chapter 67-38.002 (1), F.A.C. limits the number of outstanding PLP loans that an Applicant, Affiliate, limited partnership or general partner thereof may have at any given time without prior approval by Florida Housing's Board.
- b) Further, Rule Chapter 67-38.0023(1)(e) allows a limited partnership to apply for the PLP as long as the general partner is a non-profit organization that holds at least a 51% ownership interest in the Development.
- c) On July 22, 2005 the Board approved Carlisle's request to be an Applicant and/or Affiliate of four outstanding PLP loans. Subsequently, Florida Housing was notified by the assigned Technical Assistance Provider that Carlisle, a for-profit developer, had been procured as co-developer for Morris Court (PLP 05-066). This would mean that Carlisle is involved in five outstanding PLP loans. However, on December 8, 2005 Florida Housing received notification from the Applicant for Christine Cove Apartments, one of the four developments previously approved by the Board in which Carlisle is a co-developer, de-obligating PLP funds due to the impending closing on permanent financing for the development.
- d) This would allow Carlisle to be a co-developer in a PLP request for Morris Court (see next Consent Agenda item) without requesting authorization to go above the four loans already approved for Carlisle.

2. Recommendation

Allow Carlisle to continue to be involved in a total of four PLP developments as approved by the Board with Morris Court replacing Christine Cove Apartments as the fourth development.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

E. Request Approval of PLP Loan to Morris Court, Ltd. for Morris Court (PLP 05-066)

DEVELOPMENT NAME (“Development”):	Morris Court
APPLICANT/DEVELOPER (“Developer”):	Morris Court, Ltd.
CO-DEVELOPER:	Area Housing Commission, a public housing authority and Carlisle Development Group, LLC
NUMBER OF UNITS:	74
LOCATION (“County”):	Polk
TYPE:	Rental
SET ASIDE:	60% @ 60% AMI
PLP LOAN AMOUNT:	\$ 500,000
ADDITIONAL COMMENTS: Morris Court, Ltd. will be formed prior to submittal of the 2006 FHFC Universal Application. The sole general partner will be a wholly owned subsidiary of the Area Housing Commission.	

1. Background/Present Situation

- a) On September 20, 2005, Florida Housing issued an Invitation to Participate in the PLP to the Developer. The Development will be located in Polk County.
- b) The TAP has approved the development plan and has recommended a loan amount of \$500,000 for PLP eligible activities ([Exhibit G](#)). The TAP assisted the Developer in preparing the development plan and budget ([Exhibit H](#)). Staff has reviewed them and determined that all budget items are PLP eligible.

2. Recommendation

Approve a PLP Loan in the total amount of \$500,000 to the Developer for predevelopment expenses as recommended by the TAP and allow staff to issue the commitment letter and begin loan closing proceedings.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

VII. PROFESSIONAL SERVICES SELECTION (PSS)

A. Technical Assistance Provider Services

1. Background

At its December 3, 2004 meeting, the Board of Directors of Florida Housing authorized staff to enter into contract with The Florida Housing Coalition, Inc. to provide Technical Assistance Provider services for the Predevelopment Loan and Demonstration Loan Programs.

2. Present Situation

- a) The initial term of the contract will expire on January 14, 2006. The contract may be renewed twice. Each renewal shall be for an additional one-year period.
- b) Florida Housing staff support a renewal to extend the term of the contract for an additional one-year period.

3. Recommendation

Ratify staff's decision to extend the term of the contract with The Florida Housing Coalition, Inc. for an additional one-year period.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

VIII. STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

A. Request Approval of Increase in First Mortgage for Ochlockonee Pointe Apartments, Cycle XIII, (2001-131CS/ 2004-151CS)

Development Name: Ochlockonee Pointe (“Development”)	Location: Gadsden County
Developer/Principal: Citizens Housing Development Company (“Developer”)	Set-Aside: 15% @ 28% AMI and 85% @ 60% AMI
Number of Units: 96	Allocated Amount: \$600,000
Type: Garden Style Buildings	Total Housing Credit Equity: \$4,998,000
Demographics: Large Family	
MMRB: N/A	

1. Background/Present Situation

- a) Ochlockonee Pointe applied for funding and failed to meet the requirements during the 2001 cycle. As a result of a scoring appeal, it received a binding commitment for 2004 funds.
- b) On June 8, 2004, staff issued a preliminary commitment letter and invitation to credit underwriting for a SAIL Loan in the amount up to \$600,000 for this 96-unit family development in Gadsden County.
- c) On December 9, 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 December 23, 2005, staff received a letter from the Developer requesting approval of an increase in the loan amount for the first mortgage ([Exhibit A](#)).
- e) On January 5, 2006, staff received a credit underwriting review regarding the increase in the loan amount for the first mortgage ([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 an increase in the loan amount for the first mortgage not to exceed \$4,009,000 and direct staff to include this information in the SAIL loan closing documents.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

B. Request Approval to Exchange Amenities for Calusa Cove Apartments, Cycle XIV, (2001-039C/2002-017S)

Development Name: Calusa Cove Apartments (“Development”)	Location: Miami-Dade County
Developer/Principal: Greater Miami Neighborhoods, Inc. (“Developer”)	Set-Aside: 15% @ 30% AMI and 85% @ 60% AMI
Number of Units: 144	Allocated Amount: \$1,449,387
Type: Mid Rise with Elevators	Total Housing Credit Equity: \$6,888,960
Demographics: Family	MMRB: N/A

1. Background/Present Situation

- a) On October 6, 2003, a SAIL loan in the amount of \$1,449,387 for this 144-unit family development in Miami-Dade County closed.
- b) On November 29, 2005, staff received a letter from the Developer requesting approval of a change of amenities from ceramic tile floors in the bathrooms to microwave ovens in each unit and an on-site car care area ([Exhibit C](#)).
- c) On December 20, 2005, staff received a credit underwriting review with a positive recommendation for the exchange in the amenities ([Exhibit D](#)). The ceramic tile floors had a point value of 2 points in the 2002 application and the microwave ovens and the car care area had a point value of 1 point each in the 2002 application. Staff has reviewed this proposal and finds the Development meets all of the requirements of SAIL Rule 67-48, F.A.C.

2. Recommendation

Approve the request to change the amenities in this Development and direct staff to amend the Land Use Restriction Agreement.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

C. Request Approval to Exchange Amenities for Allapattah Garden Apartments, Cycle XIV, (2002-060S)

Development Name: Allapattah Garden Apartments (“Development”)	Location: Miami-Dade County
Developer/Principal: The Carlisle Group (“Developer”)	Set-Aside: 4.69% @ 35% AMI and 95.31% @ 60% AMI
Number of Units: 128	Allocated Amount: \$1,500,000
Type: Garden Style	Total Housing Credit Equity: \$3,671,000
Demographics: Urban In-Fill	MMRB: \$5,200,000 (Local)

1. Background/Present Situation

- a) On May 12, 2003, a SAIL loan in the amount of \$1,500,000 for this 128-unit urban in-fill development in Miami-Dade County closed.
- b) On October 12, 2005, staff received a letter from the Developer requesting approval of a change of amenities from thirty-year expected life roofing on all buildings to ceramic tile floors in the bathrooms and double compartment kitchen sinks ([Exhibit E](#)).
- c) On December 28, 2005, staff received a credit underwriting review with a positive recommendation for the exchange in the amenities ([Exhibit F](#)). The thirty-year roof had a point value of 2 points in the 2002 application. The ceramic tile floors in bathrooms had a value of 2 points and the double compartment sinks had a value of 1 point in the 2002 application. Staff has reviewed this proposal and finds the Development meets all of the requirements of SAIL Rule 67-48, F.A.C.

2. Recommendation

Approve the request to change the amenities in this Development and direct staff to amend the Land Use Restriction Agreement.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

D. Request Approval of a SAIL Credit Underwriting Report for Alhambra Cove Apartments, Cycle XVII, (2005-118S)

Development Name: Alhambra Cove Apartments (“Development”)	Location: Miami-Dade County
Developer/Principal: Cornerstone Group Development, L.L.C. (“Developer”)	Set-Aside: 100% @ 60% AMI
Number of Units: 240	Allocated Amount: \$1,000,000 and \$2,000,000
Type: Garden Style	Total Housing Credit Equity: \$8,007,960
Demographics: Family	MMRB: \$13,170,000 (Local)

1. Background/Present Situation

- a) On June 28, 2005, a 2004 SAIL loan closed in the amount of \$2,000,000 for this 240-unit family development in Miami-Dade County. In the 2005 Universal Application Cycle, Applicants that were successful in receiving an award of 2004 SAIL funds could request additional funding.
- b) On August 25, 2005, the Board approved the final scores and ranking for the 2005 Universal Application Cycle and directed staff to proceed with all necessary credit underwriting activities.
- c) On September 29, 2005, staff issued a preliminary commitment letter and an invitation to credit underwriting for an additional SAIL loan in an amount up to \$1,000,000 for this 240-unit family development in Miami-Dade County.
- d) On September 29, 2005, staff issued a preliminary commitment letter and an invitation to credit underwriting for an additional SAIL loan in an amount up to \$1,000,000 for this 240-unit family development in Miami-Dade County.

2. Recommendation

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

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

E. Request Approval of a SAIL Credit Underwriting Report for Lake Kathy Apartments, Cycle XVII, (2005-029S)

Development Name: Lake Kathy Apartments (“Development”)	Location: Hillsborough County
Developer/Principal: The Richman Group of Florida, Inc. (“Developer”)	Set-Aside: 100% @ 60% AMI
Number of Units: 360	Allocated Amount: \$3,000,000
Type: Garden Style	Total Housing Credit Equity: \$14,798,835
Demographics: Family	MMRB: \$20,670,000 (Local)

1. Background/Present Situation

- a) On August 25, 2005, the Board approved the final scores and ranking for the 2005 Universal Application Cycle and directed staff to proceed with all necessary credit underwriting activities.
- b) On September 29, 2005, staff issued a preliminary commitment letter and an invitation to credit underwriting for a SAIL loan in an amount up to \$3,000,000 for this 360-unit family development in Hillsborough County.
- c) On December 29, 2005, staff received a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$3,000,000 ([Exhibit H](#)). The SAIL loan will be secured with a second mortgage. Staff has reviewed this report and finds that the Development meets all of the requirements of SAIL Rule 67-48, 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.

IX.