

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
September 21, 2007
Consent Items



DEMONSTRATION LOANS

Consent

I. DEMONSTRATION LOANS

A. Request Approval To De-Obligate Demonstration Loan Funds For M.I.S.S. Inc. of The Treasure Coast (RFP 2001/08-004HL)

DEVELOPMENT NAME (“Development”):	Butterfly Gardens
DEVELOPER/PRINCIPAL (“Developer”):	M.I.S.S., Inc. of the Treasure Coast, a not-for-profit corporation
NUMBER OF UNITS:	20
LOCATION (County):	Martin County
TYPE:	Rental, Homeless/Transitional
SET ASIDE:	Homeless
DEMONSTRATION LOAN AMOUNT:	\$500,000
ADDITIONAL COMMENTS:	

1. Background/Present Situation

- a) On June 22, 2001, Florida Housing issued a Request for Proposals (RFP) for developments to house extremely low income and/or homeless tenants.
- b) The M.I.S.S. Inc. of the Treasure Coast submitted a response and on September 20, 2001, the Board approved funding in the amount of \$500,000 for this Development, subject to a positive recommendation from the Credit Underwriter.
- c) On April 26, 2002, the Board approved the credit underwriting report supporting the funding of \$500,000 for Butterfly Gardens and authorized staff to issue a firm commitment and proceed with loan closing activities.
- d) In May 2006, the Developer informed Florida Housing that the Development had received grant and donation funding that would likely be adequate to complete the construction, but would not relinquish the demonstration loan until construction was complete.
- e) Subsequently, written correspondence was sent from Florida Housing to the Developer on four occasions requesting that they voluntarily de-obligate the Butterfly Gardens Demonstration loan. The Developer did not respond to any of the correspondence. In addition, several attempts to contact the Developer via e-mail and phone calls. Messages were left, but not returned. [Exhibit A](#) details all attempts at communicating with the Developer.

2. Recommendation

Approve staff’s request to de-obligate the Butterfly Gardens Demonstration Loan.

HOMEOWNERSHIP LOAN PROGRAM

Consent

II. HOMEOWNERSHIP LOAN PROGRAM

A. Request for Approval to Extend the Construction Period for Hancock Place / HAP02-007

Applicant Name (“Applicant”):	St. Johns Housing Partnership, Inc. (Non-Profit)
Development Name (“Development”):	Hancock Place
Developer/Principal (“Developer”):	Bill Lazar
Number of Units: 32	Location: St. Augustine, St. Johns County
Type: HAP Construction Loan	Allocated Amount: \$840,000

1. Background

- a) The Applicant submitted an application during the 2002 Homeownership Loan Program Cycle, which scored within the funding range and was invited into credit underwriting on October 30, 2002.
- b) The final credit underwriting report, dated March 17, 2004, was approved at the April 2, 2004 Board Meeting. The construction loan closed on October 29, 2004, with the construction period scheduled to end on October 29, 2007.
- c) To date, the Developer has completed and closed on 9 homes, utilizing \$250,245.10 out of the original \$840,000 that was awarded. An additional 6 homes will close within 30 days.
- d) Pursuant to rule 67-50.040(11) a one-year extension is permissible with approval by the Board.

2. Present Situation

On August 23, 2007, the Developer requested a one-year extension, advising of delays with the installation of the infrastructure and a change in their financing plan to allow the construction of 10 homes at a time. The letter is attached as [Exhibit A](#).

3. Recommendation

Staff recommends that the Board grant an extension of the construction period until October 29, 2008.

LEGAL

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III. LEGAL

A. In Re: Tallman Pines Associates II, Ltd. - FHFC Case No. 2007-026VW

Development Name: (“Development”):	Tallman Pines II Application No. 2006-068C//2006-352HR
Developer/Principal: (“Developer”):	Tallman Pines Associates II, Ltd.
Number of Units: 24	Location: Broward
Type: Garden Apartments	Set Aside: 15% at 30% 85% at 60%
Demographics: Family	RRLP: \$5,800,000
	MMRB: \$4,500,000

1. Background/Present Situation

- a) During the 2006 Supplemental Cycle, Tallman Pines Associates II, Ltd. (“Petitioner”) applied for and was awarded Multifamily Mortgage Revenue Bonds (“MMRB”) and 2006 Rental Recovery Loan Program (“RRLP”) funds to finance the construction of Tallman Pines II (the “Development”) in Broward County, Florida.
- b) On July 18, 2007, Florida Housing received a “Petition for Waivers [sic] of Part II.A.2.c.1 of the 2006 Rental Recovery Loan Program Application Instructions and Part II.A.2.a.(2) of the 2006 Universal Application Instructions for a change in Petitioner’s Ownership Structure,” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit A](#).
- c) The RRLP Application Instructions at Part II.A.2.c.(1)¹, provides in pertinent part:

...The Applicant entity shall be the borrowing entity and cannot be changed until after loan closing. Replacement of the Applicant or a material change (33.3% of more of the Applicant, a General Partner of the Applicant, or a member of the Applicant) in ownership structure of the named Applicant prior to this time shall result in disqualification from receiving funding and shall be deemed a material misrepresentation. Changes after loan closing require Board approval.

¹ Rule 67ER06-15(1)(a), F.A.C. (2006) adopts and fully incorporates as rules the RRLP Application Package, including the Application Instructions. In its Petition, Petitioner incorrectly cites to Rule 67ER06-21(1)(a) as incorporating the Application Package. The correct rule is 67ER06-15(1)(a), but this is obviously what Petitioner intended.

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- d) The MMRB Application Instruction at Part II.A.2.a.(2)², provides in pertinent part:

If applying for MMRB, SAIL, or HOME, the Applicant entity shall be the borrowing entity and cannot be changed until after loan closing. Replacement of the Applicant or 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 funding and shall be deemed a material misrepresentation. Changes after loan closing require Board approval.

- e) McCan Communities, Inc. (“McCan”) is a General Partner of the Applicant entity with a 49% ownership interest. U.S.A. Institutional Tax Credit Fund LIV, L.P. (the “Limited Partner”) requests that McCan’s ownership interest in the Applicant entity be transferred to its wholly-owned, for-profit subsidiary in order to avoid negative tax consequences to the Limited Partner. Petitioner avers that these tax consequences to the Limited Partner would adversely affect the Development by reducing the equity contribution by the Limited Partner.
- f) On July 27, 2007, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has received no comments concerning the Petition.

- g) 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.

- h) Petitioner has demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness. Petitioner has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute.

2. **Recommendation**

Staff recommends the Board **GRANT** Petitioner’s request for a waiver of Part II.A.2.c.(1) of the RRLP Application Instructions, and Part II.A.2.a.(2) of the 2006 Universal Application Instructions, to permit Petitioner’s General Partner, McCan, to transfer its ownership interest of 49% in the Applicant entity to TP Homes and Communities, Inc., its wholly-owned subsidiary.

² Rule 67-21.003(1)(a), F.A.C. (2006), adopts and fully incorporates as rules the Universal Application Package, including the Application Instructions.

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B. In Re: Sea Grape Apartments, Ltd. - FHFC Case No. 2007-046VW

Development Name: (“Development”):	Sea Grape Apartments Application No. 2006-077CS
Developer/Principal: (“Developer”):	Sea Grape Development, LLC (sole member is Carlisle Dev Group, LLC)
Number of Units: 56	Location: Monroe County, FL
Type: Midrise	Set Aside: 100% at 60% AMI
Demographics: Family	SAIL: \$ 4,000,000 HC: \$1,435,000

1. Background/Present Situation

- a) During the 2006 Universal Cycle, Sea Grape Apartments, Ltd. (“Petitioner”) applied for and was awarded State Apartment Incentive Loan (“SAIL”) and Housing Credits (“HC”) to finance the construction of Sea Grape Apartments (the “Development”) located in Monroe County, Florida.
- b) On August 22, 2007, Florida Housing received a “Petition for Waiver of Rule 67-48.004(14)(e) to Change the Site of the Sea Grape Apartments Development” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit C](#).
- c) Rule 67-48.004(14)(e), F.A.C. (2006), 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...

Those items are as follows:

(e) Site for the Development;

- d) The Development at issue herein is phase one of a two-phase Development³. Petitioner contends that in its original Application, it submitted a legal description which encompassed both phases of the two phase development. Petitioner has requested a waiver of the above rule to allow Petitioner to separate and carve out its legal description from the entire two-phase project.
- e) On August 31, 2007, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has received no comments concerning the Petition.
- f) 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 Applicant Sea Grape II, Ltd. has applied for funding in application number 2007-126CS in the 2007 Universal Cycle to develop phase two.

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- g) Petitioner has demonstrated that neither the location of the Development nor its Tie-Breaker Measurement Point (“TBMP”) will be changed. Thus, Petitioner will obtain no advantage should Florida Housing grant its request.
- h) Petitioner has demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness. Petitioner has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute.

2. **Recommendation**

Staff recommends the Board **GRANT** Petitioner’s request for a waiver of Rule 67-48.004(14)(e), to allow Petitioner to change the legal description of its Development for the purpose of separating the legal descriptions of the two phases of the project.

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C. In Re: Morris Court II, Ltd. - FHFC Case No. 2007-047VW

Development Name: (“Development”):	Morris Court II Application No. 2006-065C
Developer/Principal: (“Developer”):	Morris Court II Development, LLC (sole member is Carlisle Dev Group, LLC)
Number of Units: 74	Location: Escambia County, FL
Type: Garden Apartments	Set Aside: 15% at 35% AMI 85% at 60% AMI
Demographics: Family	HC: \$1,100,000

1. Background/Present Situation

- a) During the 2006 Universal Cycle, Morris Court II, Ltd. (“Petitioner”) applied for and was awarded Housing Credits (“HC”) to finance the construction of Morris Court II (the “Development”) located in Escambia County, Florida.
- b) On August 22, 2007, Florida Housing received a “Petition for Waiver of rule 67-48.004(14)(e) to Modify the Site of the Morris Court II Development” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit D](#).
- c) Rule 67-48.004(14)(e), F.A.C. (2006), 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...

Those items are as follows:

- (e) Site for the Development;

- d) When Petitioner submitted its Application during the 2006 Universal Cycle, the Development was intended to be situated within a 14-acre parcel as more particularly described in said submitted Application No. 2006-065C. Subsequent to submitting its application, Petitioner has determined that the proposed Development can be constructed on approximately 7.9 acres within said 14-acre parcel.
- e) On August 31, 2007, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has received no comments concerning the Petition.
- f) 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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- g) Petitioner has demonstrated that neither the location of the Development nor its Tie-Breaker Measurement Point (“TBMP”) will be changed. Thus, Petitioner will obtain no advantage should Florida Housing grant its request. Moreover, if Petitioner’s request is granted, it will reduce construction costs for the Development.
- h) Petitioner has demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness. Petitioner has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute.

2. Recommendation

Staff recommends the Board **GRANT** Petitioner’s request for a waiver of Rule 67-48.004(14)(e), to allow Petitioner to reduce the legal description of the Development to the 7.9-acre parcel within the original 14-acre tract.

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D. In Re: Creative Choice Homes XXXII, Ltd. - FHFC Case No. 2007-045VW

Development Name: (“Development”):	Manatee Springs Application No. 2003-020C
Developer/Principal: (“Developer”):	Creative Choice Homes
Number of Units: 72	Location: Levy County, FL
Type: Garden Apartments	Set Aside: 39% at 30% AMI 61% at 60% AMI
Demographics: Family	HC: \$662,145

1. Background/Present Situation

- a) During the 2003 Universal Cycle, Creative Choice Homes XXXII, Ltd. (“Petitioner”) applied for and was awarded Housing Credits (“HC”) to finance the construction of Manatee Springs (the “Development”) located in Levy County, Florida.
- b) On August 22, 2007, Florida Housing received a “Petition for Waiver of Rule 67-48.004(14)(e), F.A.C.” (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit E](#).
- c) Rule 67-48.004(14)(e), F.A.C. (2003), 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...

Those items are as follows:

- (e) Site for the Development;

- d) In addition to the construction of the buildings and amenities, Petitioner constructed a lift station which was required by the approved plans for the Development. Now, the City of Chiefland is requiring that Petitioner dedicate the portion of the Development site (a 20 foot by 25 foot area) containing the lift station (the “Lift Station Site”) to the City. However, the City will not accept a deed for the Lift Station Site while it is subject to the Extended Use Agreement (“EUA”).
- e) On August 31, 2007, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has received no comments concerning the Petition.
- f) 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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- g) Petitioner has demonstrated that neither the location of the Development nor its Tie-Breaker Measurement Point ("TBMP") will be changed. Thus, Petitioner will obtain no advantage should Florida Housing grant its request. Moreover, the City of Chiefland provides utility services to the Development and requires that Petitioner convey the Lift Station Site in connection with those services.
- h) Petitioner has demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness. Petitioner has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute.

2. Recommendation

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-48.004(14)(e), to allow Petitioner to convey the Lift Station Site, a 20 foot by 25 foot area, to the City of Chiefland.

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Consent

E. In Re: Pebble Hill Estates Limited Partnership - FHFC Case No. 2007-039 VW

Development Name: (“Development”):	Pebble Hill Estates
Developer/Principal: (“Developer”):	RLI Beneficial Development 5 LLC
Number of Units: 80	Location: Jackson County/Marianna
Type: Single Family Rental	Set Aside: 50% @ 50% AMI 50% @ 60% AMI
Demographics: Family	
	Housing Credits: \$941,011

1. Background

- a) During the 2005 Universal Application Cycle, Florida Housing awarded an allocation of low income housing tax credits to Pebble Hill Estates Limited Partnership (“Petitioner”). On August 20, 2007, Florida Housing received a “Petition for Waiver of Rule 67-48.004(14)(e), F.A.C.” (“Petition”), from Petitioner. A copy of the Petition is attached as [Exhibit F](#).
- b) On August 31, 2007, the Notice of the Petition was published in Volume 33, Number 35, of the Florida Administrative Weekly. Florida Housing received no 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(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...

- (e) Site for the Development;

- c) Petitioner requests a variance to the above provision, to reduce the number of acres on which the Development is located, as the remaining land has been dedicated to the City of Marianna for a conservation and recreation easement.

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3. Recommendation

Staff recommends the Board GRANT the Petitioner's request for a waiver. Petitioner has demonstrated that 20 acres of the original 45 acre parcel has not changed and that most if not all of the remaining land has been dedicated to the City of Marianna as part of the development process. The Tie-Breaker Measurement Point contained in Petitioner's Application will still be located on the revised parcel and has not changed, and accordingly Petitioner has not received any unfair advantage over the other applicants from the Universal Cycle. Moreover, not granting this waiver would violate principles of fairness and an imposition of a substantial hardship to Petitioner in that unless the petition is granted, the Development will not be able to go forward and that the City of Marianna required the dedication of the land.

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Consent

F. In Re: Fox Hollow Associates, Ltd. - FHFC Case No. 2007-024VW

Development Name: (“Development”):	Fox Hollow Apartments Application No. 2006-12BS
Developer/Principal: (“Developer”):	Fox Hollow Associates, Ltd.
Number of Units: 156	Location: Orange
Type: Garden Apartments	Set Aside: 100% at 60% SAIL 100% at 60% HC (4%) 85% at 60% MMRB
Demographics: Family	Housing Credits (4%) \$453683 MMRB \$6,635,000 SAIL \$2,110,000 (1990 cycle) Housing Credits (9%) \$737,370 (1990)

1. Background/Present Situation

a) During the 2005 Supplemental Cycle, Fox Hollow Associates, Ltd. (“Petitioner”) applied for MMRB, SAIL, and non-competitive (4%) housing credits funds to finance the construction of Fox Hollow Apartments (the “Development”) in Orange County, Florida.

b) On June 26, 2007, Florida Housing received a “Petition for Variance [from] Rule 67-21.003(14)(j) & 67-48.004(14)(j), Florida Administrative Code (2006)”, (“Petition”) from Petitioner. A copy of the Petition is attached as [Exhibit G](#).

c) Rule 67-21.003(14)(j), Florida Administrative Code (2005), provides 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. These items include:

(j) Total number of units;

All other items may be submitted as cures pursuant to subsection (6) above.

d) Rule 67-48.004(14)(j), Florida Administrative Code (2005), provides 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. These items include:

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- (j) Total number of units;

All other items may be submitted as cures pursuant to subsection (6) above.

- e) Petitioner requests a variance from the above rules in order to allow the reduction in total units of the Development from 156 units to 155 units. The Petitioner applied for MMRB financing to rehabilitate the Development. The Petitioner contemplated offering tenant programs and activities in the MMRB/Credit Application, but needed a Community Center to fulfill those obligations. Petitioner chose to convert a one-bedroom apartment into a Community Center to offer the contemplated programs and activities. The requested change will not affect the funding amounts requested.
- f) On July 6, 2007, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has received no comments concerning the Petition.
- g) 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.
- h) Strict application of the above Rule under these circumstances, where the Petitioner is converting a one-bedroom apartment into a Community Center that will benefit all tenants, instead of building a new cost-prohibitive building would cause substantial hardship to Petitioner and violate the principles of fairness. Permitting this change in Development would also serve the underlying purpose of the statute.

2. Recommendation

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-21.003(14)(j) & 67-48.004(14)(j), Florida Administrative Code, to permit Petitioner to use the converted one-bedroom as a Community Center.

MULTIFAMILY BONDS

Consent

IV. MULTIFAMILY BONDS

A. Request Approval Of The Final Credit Underwriting Report For Dixie Court II Apartments

DEVELOPMENT NAME (“Development”):	Dixie Court II Apartments
DEVELOPER/PRINCIPAL (“Applicant”):	Dixie Court II, Ltd./CDG Dixie Court II, LLC/Dixie Court GP, Inc./Carlisle Development Group, LLC/Dixie Court II Development, LLC/HEF-Dixie Court Development, LLC/Lloyd J. Boggio
NUMBER OF UNITS:	32
LOCATION (“County”):	Broward
TYPE (Rental, Homeownership):	Rental/Family (MMRB, RRLP and HC)
SET ASIDE:	85% @ 60% (MMRB) 21% @ 30% (RRLP) 79% @ 60% (RRLP) 100% @ 60% (HC)
ALLOCATED AMOUNT:	\$4,750,000 of Tax-Exempt Bonds and \$5,346,305 RRLP

1. Background

Applicant submitted an application (“Application”) on behalf of the proposed Development during the 2006 MMRB Supplemental Cycle. Applicant applied for Tax-Exempt Bonds in the amount of \$6,000,000 and \$7,025,000 in RRLP loans (consisting of \$6,550,000 base loan and \$475,000 supplemental loan for a total loan amount of \$7,025,000) in order to construct 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 notify it of any such changes.
- b) The Application requested an MMRB Bond amount of \$6,000,000 for both construction and permanent financing. The Bond amount has decreased to \$4,750,000 during construction and will be paid off in full at conversion to the permanent phase.
- c) The Application requested an RRLP loan amount of \$6,550,000. The loan amount has decreased to \$5,346,305. RRLP loan proceeds not drawn down during construction will be drawn at the time of conversion to the permanent phase to pay down the MMRB Bonds.
- d) The Equity Limited Partner has changed from The Richmond Group Affordable Housing Corporation, as listed in the Application, to PNC Bank, N.A.
- e) The Applicant committed to provide window treatments on all windows and termite or pest control throughout the affordability period in the Application but these features and amenities were not included in the plans and specifications. The final plans and specifications will be amended to reflect window treatments on all windows and termite and pest control throughout the affordability period.

MULTIFAMILY BONDS

Consent

- f) In the Application, a Contract for Purchase and Sale of Real Property between the Applicant and the Housing Authority of the City of Fort Lauderdale (“Housing Authority”) was submitted. Subsequently, the Applicant submitted a Termination of Contract for Purchase and Sale of Real Property and Acknowledge of Ground Lease Agreements dated August 1, 2006 by the Applicant and the Housing Authority. The Applicant also submitted a Ground Lease Agreement dated and executed on August 1, 2006 by the Applicant and the Housing Authority.
- g) The Application specified that there would be twenty-eight (28) units in the development. A Rule Waiver was requested and approved at the June 22, 2007 Florida Housing Board meeting granting the Applicant permission to provide an additional four (4) units to be set aside at 60% AMI. The Applicant further committed to provide 25% of the units at 30% AMI and 75% of the units at 60% AMI. As a result of the Rule Waiver granting the additional four (4) units, the set asides are now 21% of the units at 30% AMI and 79% of the units at 60% of AMI.
- h) The credit underwriter has determined that these changes have no material impact on their loan recommendation for this development.
- i) A Final Credit Underwriting Report dated September 7, 2007 is attached as [Exhibit A](#).

3. Recommendation

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Report dated September 7, 2007, recommending that \$4,750,000 in tax-exempt bonds and \$5,346,305 in RRLP loan funds be issued for the purpose of constructing 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 Final Credit Underwriting Report For Greenview Manor Apartments

DEVELOPMENT NAME (“Development”):	Greenview Manor Apartments
DEVELOPER/PRINCIPAL (“Applicant”):	American Opportunity for Housing-Greenview Manor LP/AOH-Greenview Manor GP, Inc./American Opportunity for Housing, Inc.
NUMBER OF UNITS:	52
LOCATION (“County”):	Pinellas
TYPE (Rental, Homeownership):	Rental/Elderly (MMRB and HC)
SET ASIDE:	85% @ 60% (MMRB) 100% @ 60% (HC)
ALLOCATED AMOUNT:	\$1,945,000 of Tax-Exempt Bonds

1. Background

Applicant submitted an application (“Application”) on behalf of the proposed Development during the 2006 MMRB Supplemental Cycle. Applicant applied for Tax-Exempt Bonds in the amount of \$1,985,000 in order to acquire and rehabilitate 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 notify it of any such changes.
- b) Sources and Uses listed in the Application were changed to reflect the addition of borrower equity to cover the Equity Provider’s requirement for operating and relocation reserves.
- c) Total cost of the Development decreased by \$46,641, from the total listed in the Application. This difference was primarily the addition of a hard cost contingency, required operating and re-tenancy reserves, decreases in construction costs and a reduction in the Developer’s fee.
- d) The Application listed Savarino Southeast, LLC as the General Contractor completing the rehabilitation. The Borrower provided a contract with Savarino Construction Company, which is the parent of Savarino Southeast, LLC. The underwriter has reviewed the resume, financials and experience of Savarino Construction Company and considers the change favorable.
- e) A Final Credit Underwriting Report dated September 7, 2007 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 September 7, 2007, recommending that \$1,945,000 in Tax-Exempt Bonds 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

C. **Request Approval Of A Supplemental Letter To The Final Credit Underwriting Report For Reserve At Lake Pointe Apartments**

DEVELOPMENT NAME (“Development”):	Reserve at Lake Pointe Apartments
DEVELOPER/PRINCIPAL (“Developer” or “Purchaser”):	El-Ad Group Florida, LLC/Landmark Residential LLC/El-Ad Reserve at Lake Pointe, LLC/Kings Lynn Lake Apartments, LLC/Kings General Partners III LLC
NUMBER OF UNITS:	806
LOCATION (“County”):	Pinellas
TYPE (“Rental, Homeownership”):	Rental
SET ASIDE:	20% @ 50%
ALLOCATED AMOUNT:	\$40,580,000 of Tax-Exempt Bonds
ADDITIONAL COMMENTS: Supplemental Letter to the Final Credit Underwriting Report	

1. **Background**

- a) In 2005, Florida Housing financed the acquisition and rehabilitation of the Development with \$40,580,000 in tax-exempt bonds, designated as 2005 Series B1 and B2.
- b) In 2007, Florida Housing approved the transfer of ownership of the Development to the Purchaser.

2. **Present Situation**

- a) The Purchaser, in a letter dated August 20, 2007, attached as [Exhibit C](#) requests approval to allow subordinate financing to be added to the Development simultaneously with the transfer of ownership.
- b) The Credit Underwriter has reviewed the request and by letter, dated September 7, 2007, attached as [Exhibit D](#) recommends that Florida Housing approve the request.

3. **Recommendation**

That the Board approve the Supplemental Letter to the Credit Underwriting Report 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

D. Request Approval To Amend The Multifamily And Sail LURA For Fox Hollow Apartments

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 (MMRB)(SAIL)(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
ADDITIONAL COMMENTS: Land Use Restriction Agreement (“LURA”) Amendment	

1. Background

In April 2006, Florida Housing financed the acquisition and rehabilitation of the Development with Tax-Exempt Bonds in the amount of \$6,635,000 designated as 2006 Series B. Simultaneously with the Bond issuance, an assumption and extension of the SAIL loan in the amount of \$2,060,000, was closed for the Development.

2. Present Situation

- a) The Applicant in a letter dated August 31, 2007, attached as [Exhibit E](#) requests the LURA be amended to reflect a change from 156 residential units to 155 with the conversion of one unit to a community center. This will allow the Development the necessary facilities for the offering of tenant programs and activities.
- b) The Credit Underwriter has reviewed the request and by letter, dated September 5, 2007, attached as [Exhibit F](#) 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 appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

E. Request Approval To Amend The LURA For The Park At Palm Bay Apartments

DEVELOPMENT NAME (“Development”):	The Park at Palm Bay Apartments
DEVELOPER/PRINCIPAL (“Applicant”):	The Park at Palm Bay, Ltd/McCormack Baron Salazar, Inc./Mudco 4, Inc.
NUMBER OF UNITS:	234
LOCATION (“County”):	Brevard
TYPE (Rental, Homeownership):	Rental
SET ASIDE:	50% @ 60% (MMRB)
ALLOCATED AMOUNT:	\$8,095,000 of Tax-Exempt and \$2,960,000 of Taxable Bonds
ADDITIONAL COMMENTS: Land Use Restriction Agreement (“LURA”) Amendment	

1. Background

In 2000, Florida Housing financed the development with \$8,095,000 in tax-exempt bonds and \$2,960,000 in taxable bonds, for a total of \$11,055,000 in Bonds, designated as 2000 Series R-1 and 2 (the “Bonds”).

2. Present Situation

- a) The Owner, in a letter dated September 15, 2006, attached as [Exhibit G](#), requests the LURA be amended to remove the requirement for interior floor coverings of vinyl in the entry, kitchen, bathroom and utility room, with carpet throughout the remaining living areas. This change will allow the Owner to install ceramic tile or upgraded vinyl in the first floor living areas in an effort to decrease the likelihood of damage and/or inconvenience to the residents in the event of a hurricane.
- b) The Credit Underwriter has reviewed the request and by letter, dated August 28, 2007, attached as [Exhibit H](#) 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 appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

F. Request Approval To Amend The Multifamily And SAIL LURA For St. Andrews Pointe Apartments

DEVELOPMENT NAME (“Development”):	St. Andrews Pointe Apartments
DEVELOPER/PRINCIPAL (“Applicant”):	CED Capital Holdings 2002MM, LLC/Cove at St. Andrews Partners, Ltd./
NUMBER OF UNITS:	184
LOCATION (“County”):	St. Lucie
TYPE (Rental, Homeownership):	Rental (MMRB)(SAIL)(HC)
SET ASIDE:	79% @ 60% (MMRB) 20% @ 50% (SAIL) 100% @ 60% (HC)
ALLOCATED AMOUNT:	\$8,700,000 of Tax-Exempt Bonds and \$115,000 Taxable Bonds
ADDITIONAL COMMENTS: Land Use Restriction Agreement (“LURA”) Amendment	

1. Background

In 2002, Florida Housing financed the Development with \$8,815,000 in Tax-Exempt Bonds and \$115,000 in Taxable Bonds designated as 2003 Series E-1 and 2 (the “Florida Housing Bonds”). Additionally, the development was financed with a \$1,500,000 SAIL loan.

2. Present Situation

- a) The Applicant in a letter dated August 29, 2007, attached as [Exhibit I](#) requests the LURA be amended to reflect a change from heat pumps with a minimum of HSPF of 7.4 to hydronic (combo unit) heating and air conditioning units and a change from electric water heaters with energy factor of .91 or better to gas water heaters with energy factor of .58 or better.
- b) The Credit Underwriter has reviewed the request and by letter, dated August 29, 2007, attached as [Exhibit J](#) 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 appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

G. 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 Developments referenced below, Final Credit Underwriting Reports are being presented to the Board for approval simultaneously with this request to assign the appropriate professionals to these transactions. Brief descriptions of the Developments are detailed below along with the Staff's recommendation for the assignments.
- b) Additionally, the Corporation's Senior Financial Advisor has prepared method of bond sale letters. Staff has reviewed the method of sale letters 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 Developments.
- b) The Senior Financial Advisor's recommendations for the methods of bond sale are being presented to the Board at the current meeting during the Multifamily Mortgage Revenue Bond Program Update of items on the agenda.

3. Recommendation

- a) That the Board approve the assignment of the recommended professionals as shown in the chart for the proposed Developments.

Development Name	Location of Development	Number of Units	Method of Bond Sale	Recommended Professional
Dixie Court II Apartments	Broward	32	Private Placement	Stern Brothers & Company, Inc.
Greenview Manor	Pinellas	52	Private Placement	RBC Dain Rauscher, Inc.

MULTIFAMILY BONDS

Consent

H. Request Approval Of The Method Of Bond Sale Recommendations From Florida Housing's Senior Financial Advisor

1. Background/Present Situation

- a) The Credit Underwriter has provided Final Credit Underwriting Reports for the proposed Developments below. Florida Housing seeks Board approval pursuant to the recommendations 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 structures by the Senior Financial Advisor in order to make recommendations 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 Developments. The recommendation letters are attached as [Exhibit K](#).

Development Name	Location of Development	Number of Units	Method of Bond Sale
Dixie Court II Apartments	Broward	32	Private Placement
Greenview Manor	Pinellas	52	Private Placement

2. Recommendation

That the Board approve the recommendations of the Senior Financial Advisor for the method of bond sale for the above Developments.

RENTAL RECOVERY LOAN PROGRAM (RRLP)

Consent

V. RENTAL RECOVERY LOAN PROGRAM (RRLP)

A. Request Approval of the Updated Credit Underwriting Review for Gulf Breeze Apartment and the Extension of the SAIL Loan Closing Deadline, RRLP (2005-319HR)

Development Name: Gulf Breeze Apartments (“Development”)	Location: Charlotte County
Developer/Principal: Gulf Breeze Apartments Developers, L.L.C. and Norstar Development USA L.P. (“Developer”)	Set-Aside: 15% @ 40% and 83% @ 60% AMI
Number of Units: 171	Allocated Amount: \$2,300,000
Type: Townhomes, Triplexes & Quadruplexes	Housing Credit Equity: \$8,867,020
Demographics: Family	MMRB: \$2,700,000 (local)

1. Background/Present Situation

- a) On June 8, 2007, the Board approved the final credit underwriting report and directed staff to proceed with issuance of a firm loan commitment and loan closing activities.
- b) On August 7, 2007, a firm commitment letter was issued with a closing deadline of October 8, 2007.
- c) On August 28, 2007 staff received an updated credit underwriting review approving the placement of the RRLP funds into an “RRLP Fund” under the Escrow Agreement to be held by the Bond Trustee to secure a portion of the Series B Bonds on a proportionate basis with other funds. This is a change from the original underwriting report that stated that the RRLP funds would be used to pay down a portion of the Bonds at conversion to permanent financing ([Exhibit A](#)).
- d) On August 30, 2007, staff received a letter from the Developer requesting an extension of the closing deadline until November 16, 2007 to allow time for HUD to complete their approval process ([Exhibit B](#)).

2. Recommendation

Approve the updated credit underwriting review and the request to extend the SAIL closing deadline until November 16, 2007, subject to payment of the loan closing extension fee pursuant to Rule Chapter 67-48, F.A.C.

RENTAL RECOVERY LOAN PROGRAM (RRLP)

Consent

B. Request Approval of RRLP Credit Underwriting Report for Dixie Court Apartments II (2006-357HR / 2006A-225B)

Development Name: Dixie Court Apartments II (“Development”)	Location: Broward County
Developer/Principal: Dixie Court II Development, LLC and HEF-Dixie Court Development, LLC (“Developer”)	Set-Aside: 21% @ 30% and 79% @ 60% AMI
Number of Units: 32	Allocated Amount: \$4,554,840
Type: Garden Apartments	Total Housing Credit Equity: \$2,806,518
Demographics: Family	MMRB: \$4,750,000

1. Background/Present Situation

- a) On October 20, 2006, the Board approved the final scores and ranking for the 2006 RRLP Application cycle.
- b) On March 2, 2007, staff issued a preliminary commitment letter and an invitation to enter credit underwriting for an RRLP Loan in an amount up to \$7,025,000 for this 32-unit family development located in Broward County. During credit underwriting the RRLP loan amount was reduced to \$5,346,305. The Development was also awarded an MMRB allocation. The credit underwriting report is addressed in the MMRB section of this Board package. Staff has reviewed this report and finds that the Development meets all of the requirements of RRLP Rule 67ER06-25, 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.

RENTAL RECOVERY LOAN PROGRAM (RRLP)

Consent

C. **Request Approval of Credit Underwriting Report for Palm Gardens Apartments, RRLP (2006-307HR)**

Development Name: Palm Gardens Apartments (“Development”)	Location: Palm Beach County
Southport Financial Services, Inc., a Washington Corporation (“Developer”)	Set-Aside: 17% @ 30% and 83% @ 60% AMI
Number of Units: 80	Allocated Amount: \$10,368,587
Type: Twenty Two-Story Townhomes and Flats	Housing Credit Equity: \$5,960,000
Demographics: Family	MMRB: Local Bonds

1. **Background/Present Situation**

- a) On March 17, 2006, the Applicant submitted a proposal requesting \$10,930,000 for RRLP program funding for this 80-unit Family housing development in Palm Beach County.
- b) On March 2, 2007, staff issued a preliminary commitment letter and an invitation to enter credit underwriting for an RRLP Loan in an amount up to \$10,930,000.
- c) On September 10, 2007, staff received a credit underwriting report with a positive recommendation for an RRLP loan in the amount of \$10,368,587 ([Exhibit C](#)). Staff has reviewed this report and finds that the Development meets all of the requirements of RRLP Rule 67-ER06, 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.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

VI. STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

A. Request Approval of Credit Underwriting Report for Dixie Court Apartments, Wilma Go Zone (RFP 2006-04-03/2005-037/2006-003C)

Development Name: Dixie Court Apartments (“Development”)	Location: Broward County
Dixie Court Development, LLC, HEF-Dixie Court Development, LLC. , and Carlisle Development Group, LLC (owns 100% of Dixie Court Development, LLC) (“Developer”)	Set-Aside: 20% @ 30% and 80% @ 60% AMI
Number of Units: 122	Allocated Amount: \$1,025,000
Type: Townhome and Duplex Apartment Units Located in One Three-Story Residential Building with Elevator and Three Two-Story Residential Buildings	Housing Credit Equity: \$12,010,511
Demographics: Family	MMRB: N/A

1. Background/Present Situation

- a) Through an RFP process in April, 2006, developments that were located in the counties damaged by Hurricane Wilma and were awarded an allocation of only Competitive Housing Credits (HC) in the Universal Application Cycle were allowed to request SAIL funds. The Applicant applied for a SAIL loan in the amount of \$1,025,000 for this 122-unit family development in Broward County.
- b) On July 10, 2006, staff issued a preliminary commitment letter and an invitation to enter credit underwriting for a SAIL loan in an amount up to \$1,025,000.
- c) On September 7, 2007, staff received a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$1,025,000 ([Exhibit A](#)). Staff has reviewed this report and finds that the Development meets all of the requirements of SAIL Rule Chapter 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.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

B. Request Approval of the Extension of the SAIL Loan Closing Deadline for Eden Gardens II, (RFP 2005-08-01)

Development Name: Eden Gardens II (“Development”)	Location: Collier County
Developer/Principal: JR Beneficial Development, LLC, and Everglades Community Association, Inc. (“Developer”)	Set-Aside: 70% @ 50% AMI
Number of Units: 37	Allocated Amount: \$3,500,000
Type: Garden Style	Housing Credit Equity: N/A
Demographics: Farmworker	MMRB: N/A

1. Background/Present Situation

- a) On June 22, 2007, the Board approved the final credit underwriting report and directed staff to proceed with issuance of a firm loan commitment and loan closing activities.
- b) On July 16, 2007, a firm commitment letter was issued with a closing deadline of September 13, 2007.
- c) On August 27, 2007, staff received a letter from the Applicant requesting an extension of the closing deadline until October 31, 2007 to allow time to acquire third party approvals and/or exhibits required to close ([Exhibit B](#)).

2. Recommendation

Approve the request to extend the SAIL closing deadline until October 31, 2007, subject to payment of the loan closing extension fee pursuant to Rule Chapter 67-48, F.A.C.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

C. Request Approval of Additional Subordinate Financing for Royalton, Cycles XVI and XVII (2004-037CS/2005-048S)

Development Name: Royalton (“Development”)	Location: Miami-Dade County
Developer/Principal: Royalton Development, LLC and Carrfour (“Developer”)	Set-Aside: 16% @ 30% AMI and 84% @ 60% AMI
Number of Units: 100	Allocated Amount: \$2,000,000 (2004) and \$1,000,000 (2005)
Type: Single Room Occupancy (SRO)	Housing Credit Equity: \$7,832,434
Demographics: Homeless	Historic Tax Credit Equity: \$1,823,407

1. Background/Present Situation

- a) On October 11, 2006, a SAIL loan in the amount of \$3,000,000 for this 100-unit homeless Development in Miami-Dade County closed.
- b) On June 6, 2007, staff received a letter from the Borrower requesting approval of an additional \$1,250,000 in SURTAX funds ([Exhibit C](#)).
- c) On August 22, 2007, staff received a credit underwriting review with a positive recommendation for additional subordinate financing in the amount of \$1,250,000 ([Exhibit D](#)). Staff has reviewed this report and finds that the Development meets all of the requirements of Rule Chapter 67-48, F.A.C.

2. Recommendation

Approve the request for additional subordinate financing and direct staff to proceed with the modification of closing documents.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

D. Request Approval of Additional Subordinate Financing for Villa Aurora, Cycle XVII (2005-020CS)

Development Name: Villa Aurora (“Development”)	Location: Miami-Dade County
Developer/Principal: Carrfour Supportive Housing, Inc. (“Developer”)	Set-Aside: 21% @ 30% AMI and 79% @ 60% AMI
Number of Units: 76	Allocated Amount: \$3,000,000
Type: High-Rise	Housing Credit Equity: \$20,701,206
Demographics: Homeless	MMRB: N/A

1. Background/Present Situation

- a) On July 27, 2007, the Board approved a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$3,000,000 and directed staff to proceed with loan closing activities.
- b) On August 08, 2007, staff issued a firm commitment letter for a SAIL loan in an amount of \$3,000,000 for this 76-unit homeless Development in Miami-Dade County.
- c) On August 28, 2007, staff received a letter from the Borrower requesting approval of additional subordinate financing ([Exhibit E](#)).
- d) On August 28, 2007, staff received a credit underwriting review with a positive recommendation for additional subordinate financing in the amount of \$50,000 ([Exhibit F](#)). Staff has reviewed this report and finds that the Development meets all of the requirements of Rule Chapter 67-48, F.A.C.

2. Recommendation

Approve the request for additional subordinate financing and direct staff to proceed with loan closing activities.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

E. Request Approval to Exchange Energy Conservation Features for St. Andrews Pointe, Cycle XIV (2002-079BS)

Development Name: St. Andrews Pointe a/k/a The Cove at St. Andrews (“Development”)	Location: St. Lucie County
Developer/Principal: Sandspur Housing Partners, Ltd. (“Developer”)	Set-Aside: 20% @ 50% AMI and 79% @ 60% AMI
Number of Units: 184	Allocated Amount: \$1,500,000
Type: Garden Style	Housing Credit Equity: \$4,681,544
Demographics: Family	MMRB: \$8,815,000

1. Background/Present Situation

- a) On March 28, 2003, a SAIL loan in the amount of \$1,500,000 closed for this 184-unit family Development in St. Lucie County.
- b) On August 29, 2007, staff received a letter from the Borrower requesting the exchange of a heat pump with a minimum HSPF of 7.4 and electric water heater with energy factor of .91 or better for a hydronic (combo unit) HVAC and a gas water heater with energy factor of .58 or better ([Exhibit G](#)). By committing to the hydronic HVAC and the gas water heater, the Borrower will be committing to a greater number of points than in the original application.
- c) On August 29, 2007, staff received a credit underwriting review from the credit underwriter with a positive recommendation for the exchange of Energy Conservation Features ([Exhibit H](#)).

2. Recommendation

Approve the request to exchange the Energy Conservation Features and direct staff to proceed with amending the Land Use Restriction Agreement.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

F. Request Approval to Extend Mandatory Paydown Date to Match the Projected Conversion Date for The Cove at Lady Lake Apartments, Cycle XVI and Cycle XVII, 2004-138S/2005-068S

Development Name: The Cove at Lady Lake Apartments (“Development”)	Location: Lake County
Developer/Principal: Sandspur Housing Partners, Ltd. (“Developer”)	Set-Aside: 100% @ 60% AMI
Number of Units: 176	Allocated Amount: (2004) \$1,500,000 and (2005) \$1,500,000
Type: Garden Style	Housing Credit Equity: \$7,037,000
Demographics: Family	MMRB: 9,800,000 (Local)

1. Background/Present Situation

- a) On May 9, 2005, a 2004 SAIL loan in the amount of \$1,500,000 for this 176-unit family Development in Lake County closed. In the 2005 Universal Application Cycle, Applicants that were successful in receiving an award of 2004 SAIL funds could request additional funding for the difference in the 2004 and 2005 SAIL request limits.
- b) On March 14, 2006, a 2005 SAIL loan in the amount of \$1,500,000 for this Development closed.
- c) On August 11, 2006, staff received a letter from the Developer requesting approval of an additional allocation of \$1,500,000 in tax-exempt bonds from Orange County Housing Finance Authority due to increased construction costs.
- d) On October 2, 2006, staff received a credit underwriting review with a positive recommendation for an additional allocation of \$1,500,000 in tax-exempt bonds. This was approved at the October 20, 2006 Board meeting.
- e) On January 23, 2007, staff received a letter from the Developer requesting approval to extend the conversion date through July 31, 2007 as agreed to by the Syndicator. This was approved at the March 16, 2007 Board meeting.
- f) On July 5, 2007, staff received a letter from the Developer requesting approval to extend the mandatory paydown date to match the projected conversion date of September 15, 2007.
- g) On July 10, 2007, staff received a credit underwriting review with a positive recommendation for the extension of the mandatory paydown date until September 15, 2007. This was approved at the July 27, 2007 Board meeting.
- h) On August 29, 2007, staff received a letter from the Developer requesting approval to extend the conversion date until October 15, 2007 due to timing issues ([Exhibit I](#)).
- i) On August 30, 2007, staff received a credit underwriting review with a positive recommendation for the extension of the mandatory paydown date until October 15, 2007 ([Exhibit J](#)). Staff has evaluated this review and finds that the Development meets all of the requirements of SAIL Rule Chapter 67-48, F.A.C.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

2. **Recommendation**

Approve the final credit underwriting review and direct staff to proceed with the modification of closing documents.

SPECIAL ASSETS

Consent

VII. SPECIAL ASSETS

A. Request Approval Of Transfers Of General Partnership Interests In Eight Landmark Companies Developments To Cascade Affordable Housing, LLC

Development Name: Cedar Grove (“Development”)	Location: Miami-Dade
Developer/Principal: Landmark Companies (“Developer”)	Set-Aside: SAIL 7% @ 33%, 93% @ 60% AMI, 50 Years HC 100% @ 60% AMI, 30 Years
Funding Sources: SAIL 2001-095S HC 2002-507C Guarantee Fund 73	Amounts: SAIL \$2,500,000 HC \$1,028,720 (annually) GF \$15,530,000 (mgt guarantee)
Number of Units: 288	Type: Family
Development Name: Stirling I (“Development”)	Location: Broward
Developer/Principal: Landmark Companies (“Developer”)	Set-Aside: SAIL 90% @ 60% AMI, 50 Years HC 100% @ 60% AMI, 30 Years
Funding Sources: SAIL 1998-083S HC 1998-507C Guarantee Fund 31	Amounts: SAIL \$1,330,500 HC \$489,377 (annually) GF \$7,400,000 (mgt guarantee)
Number of Units: 147	Type: Family
Development Name: Stirling II (“Development”)	Location: Broward
Developer/Principal: Landmark Companies (“Developer”)	Set-Aside: HC 100% @ 60% AMI, 30 Years
Funding Sources: HC 1998-518C Guarantee Fund 37	Amounts: HC \$359,644 (annually) GF \$6,400,000 (mgt guarantee)
Number of Units: 104	Type: Family
Development Name: Running Brook (“Development”)	Location: Miami-Dade
Developer/Principal: Landmark Companies (“Developer”)	Set-Aside: SAIL 2.15% @ 33%, 92.85% @ 60% AMI, 50 Years HC 100% @ 60% AMI, 50 Years
Funding Sources: SAIL 2000-022s HC 2001-503C	Amounts: SAIL \$1,900,000 HC \$660,573 (annually)
Number of Units: 186	Type: Family
Development Name: Emerald Dunes (“Development”)	Location: Miami-Dade
Developer/Principal: Landmark Companies (“Developer”)	Set-Aside: HC 11% @ 30, 89% @ 60% AMI, 50 Years
Funding Sources: HC 2003-003C	Amounts: HC \$1,093,404 (annually)
Number of Units: 141	Type: Family

SPECIAL ASSETS

Consent

Development Name: Lakeside Commons (“Development”)	Location: Palm Beach
Developer/Principal: Landmark Companies (“Developer”)	Set-Aside: HC 15% @30%, 85% @60% AMI, 50 Years
Funding Sources: HC 2002-170C	Amounts: HC \$793,839 (annually)
Number of Units: 99	Type: Family
Development Name: Park Villas (“Development”)	Location: Brevard
Developer/Principal: Landmark Companies (“Developer”)	Set-Aside: HC 15% @28%, 85% @60% AMI, 50 Years
Funding Sources: HC 2004-094C	Amounts: HC \$915,200 (annually)
Number of Units: 160	Type: Family
Development Name: Pine Meadows (“Development”)	Location: Duval
Developer/Principal: Landmark Companies (“Developer”)	Set-Aside: HC 15% @30%, 85% @60% AMI, 50 Years
Funding Sources: HC 2003-060C	Amounts: HC \$1,300,000 (annually)
Number of Units: 224	Type: Family

1. Background

- a) Landmark Companies, Inc. has received funding from FHFC for development of 8 affordable housing properties from 1998 to 2004. Funding sources from FHFC have included Housing Credits, SAIL, and the Guarantee Program. The developments are as follows:
- (1) The three properties in which Florida Housing Finance Corporation ("Lender") has Loans and is the HC authority;
 - (a) Cedar Grove Apartments, Ltd., a Florida limited partnership ("Borrower") (Cedar Grove);
 - (b) Stirling Apartments Associates Partnership, a Florida limited partnership ("Borrower") (Stirling I);
 - (c) Running Brook Associates, Ltd., a Florida limited partnership ("Borrower") (Running Brook)
 - (2) The five Properties in which there are General Partner Interests in which FHFC is the Housing Credit authority, but not lender:
 - (a) Stirling Apartments II, Ltd., a Florida limited partnership (Stirling II);
 - (b) Emerald Dunes Apartments, Ltd., a Florida limited partnership (Emerald Dunes);
 - (c) Lakeside Commons Ltd., a Florida limited partnership (Lakeside Commons);

SPECIAL ASSETS

Consent

- (d) Park Villas Associates, Ltd., a Florida limited partnership (Park Villas);
- (e) Pine Meadows Associates, Ltd., a Florida limited partnership (Pine Meadows)
- (3) The three properties that have been credit enhanced by the FHFC Guarantee Fund;
 - (a) Cedar Grove Apartments, Ltd., a Florida limited partnership (“Borrower”) (Cedar Grove);
 - (b) Stirling Apartments Associates Partnership, a Florida limited partnership (“Borrower”) (Stirling I);
 - (c) Stirling Apartments II, Ltd., a Florida limited partnership (“Borrower”) (Stirling II);

2. Present Situation

- a) By letter dated June 19, 2007 ([Exhibit A](#)), Landmark is requesting Florida Housing’s approval of the transfer of the general partnership interests in these developments to affiliates of Cascades Holdings, LLC.
- b) Staff received a credit underwriting report from Seltzer Management ([Exhibit B](#)) providing a positive recommendation for the transfers.

3. Recommendation

Approve the transfer of general partnership interest in these developments and direct staff to proceed with loan modification activities as required subject to the conditions in the credit underwriting report dated August 8, 2007.

SPECIAL ASSETS

Consent

- B. Request Approval For The Transfer Of General Partnership Interest In Pines Of Punta Gorda, Ltd., From LCA Development, Inc., Entity To Alliant Holdings Of Punta Gorda, LLC, Or Its Affiliate (Alliant) For Pines Of Punta Gorda Home Loan (00HR-060)**

Development Name: Pines of Punta Gorda (“Development”)	Location: Charlotte County
Developer/Principal: LCA Development, Inc. (“Developer”)	Set-Aside: Home 22@ 50, 78@60-HC 15@33, 85@60, 50 Years
Number of Units: 336	Allocated Amount: Home \$2,290,000
Demographics: Family	Housing Credits: \$1,528,861

1. Background

During the 2000 Universal Application Cycle, Florida Housing awarded \$2,290,000 Home loan (00HR-060) to Punta Gorda Pines, Ltd., a Florida Limited Partnership (“Borrower”), for the development of a 336-unit development in Charlotte County. The loan closed on June 29, 2001 and matures on June 29, 2023. The Development also received a 2000 allocation of 9% low-income housing tax credits of \$1,528,861 (2000-060CH). The Development was placed in service on 10/11/2001.

2. Present Situation

In a letter dated July 5, 2007 ([Exhibit C](#)), the borrower has requested a transfer of general partnership interest to Alliant Holdings of Punta Gorda, LLC a Florida limited liability company or its affiliate (Alliant). Staff received a credit underwriting report from Seltzer Management ([Exhibit D](#)) providing a positive recommendation for the transfers.

3. Recommendation

Approve the transfer of General Partnership interest and direct staff to proceed with loan modification activities as required subject to the conditions in the credit underwriting report dated August 30, 2007.