

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
October 23, 2009
Consent Items



I. COMMUNITY WORKFORCE HOUSING INNOVATION PILOT (CWHIP) PROGRAM

A. Request for Approval of the Credit Underwriting Report for Homes of West Augustine / CWHIP06-18

Applicant Name (“Applicant”):	Housing Finance Authority of St. Johns Count / St. Johns County Community Redevelopment Agency
Development Name (“Development”):	Homes of West Augustine
Developer/Principal (“Developer”):	Tom Crawford
Number of Units: 111 - Homeownership	Location: St. Johns County, Florida
Type: CWHIP Loan	Allocated Amount: \$5,000,000

1. Background

- a) On April 27, 2007, the Board approved the final rankings for the 2006 Community Workforce Housing Innovation Pilot (CWHIP).
- b) On April 30, 2007, Florida Housing issued the Applicant an invitation into credit underwriting.
- c) On August 8, 2008, the Board granted an extension of the credit underwriting period until May 8, 2009, contingent upon receipt of a 1% extension fee, pursuant to the rule.
- d) On April 24, 2009, the Developer was advised that their preliminary commitment of CWHIP funds was being de-obligated, pursuant to the implementation of 67ER09-4, FAC.
- e) Due to the withdrawal of another project, \$5,000,000 in CWHIP funds was offered to the Developer on July 28, 2009 as the project was the next highest ranking unfunded eligible 2006 CWHIP Development, pursuant to Emergency Rule 67ER09-4, F.A.C.

2. Present Situation

- a) The Credit Underwriter has provided staff with a Credit Underwriting Report (CUR) dated October 8, 2009, outlining the parameters of the proposal, which is attached as [Exhibit A](#).
- b) Staff has reviewed the CUR and concurs with the Credit Underwriter’s recommendation to award \$5,000,000 for a CWHIP Loan to assist with the development of 111 homes, subject to the conditions contained in the CUR.

3. Recommendation

Staff recommends that the Board approve the CUR and authorize staff to issue a loan commitment letter in the amount of \$5,000,000 to the Developer for a CWHIP Loan, subject to further approvals by the credit underwriter, counsel, and the appropriate corporation staff.

COMMUNITY WORKFORCE HOUSING INNOVATION PILOT (CWHIP) PROGRAM

Consent

B. Request for Approval of the Credit Underwriting Report for Hammon Park / 2007-037W

Applicant Name (“Applicant”):	New Urban / RFC Lake Worth, L.L.C.
Development Name (“Development”):	Hammon Park
Developer/Principal (“Developer”):	Tim Hernandez
Number of Units: 33 - Homeownership	Location: Palm Beach County, Florida
Type: CWHIP Loan	Allocated Amount: \$1,410,256

1. Background

- a) On May 2, 2008, the Board approved the final rankings for the 2007 Community Workforce Housing Innovation Pilot (CWHIP).
- b) Per their request, Florida Housing extended an invitation to credit underwriting on June 30, 2008 with the express condition that the Developer was doing so at their own risk.
- c) On April 24, 2009, the Developer was advised that their preliminary commitment of CWHIP funds was being de-obligated, pursuant to the implementation of 67ER09-4, FAC.
- d) Due to the withdrawal of another project, \$5,000,000 in CWHIP funds was offered to the Developer on July 28, 2009 as the project was the next highest ranking unfunded eligible 2007 CWHIP Development, pursuant to Emergency Rule 67ER09-4, F.A.C.

2. Present Situation

- a) The proposed project has been reduced from 117 units to 33 units and the funding sources have been reduced accordingly.
- b) The Credit Underwriter has provided staff with a Credit Underwriting Report (CUR) dated October 8, 2009, outlining the parameters of the proposal, which is attached as [Exhibit B](#).
- c) Staff has reviewed the CUR and concurs with the Credit Underwriter’s recommendation to award \$1,410,256 for a CWHIP Loan and a Supplemental Loan of \$165,000 to assist with the development of 33 homes, subject to the conditions contained in the CUR.

3. Recommendation

- a) Staff recommends that the Board approve the CUR and authorize staff to issue a loan commitment letter in the amount of \$1,410,256 to the Developer for a CWHIP Loan and a Supplemental Loan of \$165,000, subject to further approvals by the credit underwriter, counsel, and the appropriate corporation staff.
- b) Pursuant to Emergency Rule 67ER09-4, F.A.C., the remaining \$3,589,744 in CWHIP funds will be de-obligated and the CWHIP funds will be offered to the next highest ranking unfunded eligible 2007 CWHIP Development.

HOME RENTAL

Consent

II. HOME RENTAL

A. Request Approval of HOME Credit Underwriting Report for North Central Heights (2007-041H)

Development Name: North Central Heights (“Development”)	Location: Highlands County
Developer/Principal: JR Beneficial Holdings 7 LLC (“Developer”) Avon Park Housing Development Corporation (Principal)	Set-Aside: 20% @ 50% AMI /80% @ 60% AMI 40 HOME Units
Number of Units: 40	Allocated Amount: \$5,340,560
Type: Single Family /New Construction	Demographics: Family

1. Background/Present Situation

- a) On September 21, 2007, the Board approved the final scores and ranking for the 2007 Universal Application Cycle and directed Staff to proceed with all necessary credit underwriting activities.
- b) Due to a higher ranked Applicant withdrawing their preliminary commitment, on January 7, 2008, North Central Heights was issued a preliminary commitment letter and an invitation to enter credit underwriting for a HOME loan in an amount up to \$5,340,560 for this 40-unit family Development located in Highlands County.
- c) Rule Chapter 67-48.0072(4)(c), F.A.C., states the HOME loan must close within 14 months of the issuance of the preliminary commitment. Applicants may request one (1) extension of up to 10 months.
- d) On May 4, 2009, staff received a letter from the Developer requesting an extension of 10 months to close the HOME loan. At the June 5, 2009 meeting, the Board approved to extend the deadline until January 7, 2010 to close the HOME loan, subject to payment of the extension fee pursuant to Rule Chapter 67-48.0072(4)(c), F.A.C.
- e) On October 9, 2009, staff received a final credit underwriting report with a positive recommendation for a HOME loan in the amount of \$5,340,560 ([Exhibit A](#)). 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 final credit underwriting report and direct staff to proceed with issuance of a firm loan commitment and loan closing activities.

HOME RENTAL

Consent

B. Request Approval of HOME Loan Closing Extension for SCLAD Plaza (2008-082H)

Development Name: SCLAD Plaza ("Development")	Location: Miami-Dade County
Developer/Principal: Spinal Cord Living Assistance (SCLAD) (Principal)	Set-Aside: 20% @ 50% AMI /80% @ 60% AMI 18 HOME Units
Number of Units: 18	Allocated Amount: \$1,200,000
Type: Mid-Rise-4 Story /New Construction	Demographics: Family

1. Background/Present Situation

- a) On September 26, 2008, the Board approved the final scores and ranking for the 2008 Universal Application Cycle and directed Staff to proceed with all necessary credit underwriting activities.
- b) SCLAD Plaza was issued a preliminary commitment letter and an invitation to enter credit underwriting for a HOME loan in an amount up to \$1,200,000 for this 18-unit family Development located in Miami-Dade County.
- c) Rule Chapter 67-48.0072(4)(c), F.A.C. states the HOME loan must close within 14 months of the issuance of the preliminary commitment. Applicants may request one (1) extension of up to 10 months.
- d) On September 29, 2009, staff received a letter from the Developer requesting an extension of 10 months to close the HOME loan ([Exhibit B](#)). Obtaining the Building Permit has taken much longer than anticipated, due to circumstances beyond SCLAD's control.

2. Recommendation

Approve the request for a 10 month extension until August 30, 2010 to close the HOME loan, subject to payment of the extension fee pursuant to Rule Chapter 67-48.0072(4)(c), F.A.C.

HOME RENTAL

Consent

C. Request Approval of HOME Loan Closing Extension for Sleepy Hollow (2008-123H)

Development Name: Sleepy Hollow ("Development")	Location: Highlands County
Developer/Principal: National Development Foundation, Inc. (Principal)	Set-Aside: 20% @ 50% AMI /80% @ 60% AMI 48 HOME Units
Number of Units: 48	Allocated Amount: \$6,347,800
Type: Garden /New Construction	Demographics: Family

1. Background/Present Situation

- a) On September 26, 2008, the Board approved the final scores and ranking for the 2008 Universal Application Cycle and directed Staff to proceed with all necessary credit underwriting activities.
- b) Sleepy Hollow was issued a preliminary commitment letter and an invitation to enter credit underwriting for a HOME loan in an amount up to \$6,347,800 for this 48-unit family Development located in Highlands County.
- c) Rule Chapter 67-48.0072(4)(c), F.A.C. states the HOME loan must close within 14 months of the issuance of the preliminary commitment. Applicants may request one (1) extension of up to 10 months.
- d) On October 2, 2009, staff received a letter from the Developer requesting an extension of 10 months to close the HOME loan due to delays in securing a firm commitment for financing ([Exhibit C](#)).

2. Recommendation

Approve the request for a 10 month extension until August 30, 2010 to close the HOME loan, subject to payment of the extension fee pursuant to Rule Chapter 67-48.0072(4)(c), F.A.C.

HOME RENTAL

Consent

D. Request Approval of HOME Loan Closing Extension for Everglades Farmworker Village (RFP 2005-05-03)

Development Name: Everglades Farmworker Village (“Development”)	Location: Miami Dade County
Developer/Principal: Everglades Community Association, Inc. (Principal)	Set-Aside: 20% @ 50% AMI /80% @ 60% AMI 30 HOME Units
Number of Units: 40	Allocated Amount: \$1,030,665
Type: Townhouse /New Construction	Demographics: Migrant Farmworkers

1. Background/Present Situation

- a) On June 5, 2009, the Board approved a credit underwriting report with a positive recommendation for a HOME loan in the amount of \$1,030,665, and directed staff to proceed with loan closing activities.
- b) On June 9, 2009, staff issued a firm commitment letter for a HOME loan in an amount up to \$1,030,665. Pursuant to Rule Chapter 67-48, F.A.C. the loan must close within 60 days of issuance of the firm commitment letter. The deadline for the loan to close was August 10, 2009.
- c) On July 24, 2009, the Board approved an extension of the loan closing deadline until October 9, 2009.
- d) On October 1, 2009, staff received a letter from the Developer requesting an extension of the loan closing deadline until January, 2010, as project permitting encountered two unexpected delays: (1) Miami Dade Water and Sewer presented an unanticipated water sewer easement concern; and (2) Public Works posed a traffic concurrency issue in regards to the Everglades Migrant Housing ([Exhibit D](#)).

2. Recommendation

Approve the HOME loan closing extension for Everglades Farmworker Village.

LEGAL

Consent

III. LEGAL

A. In Re: Gulf Breeze Apartments Partners, Ltd. - FHFC Case No. 2009-032VW

Development Name: (“Development”):	Gulf Breeze Apartments Application No. 2005-319 HR
Developer/Principal: (“Developer”):	Gulf Breeze Apartments Partners, LLC
Number of Units: 170	Location: Punta Gorda
Type: Garden Apartments	Set Aside: 15% at 40% AMI 83% at 60% AMI
Demographics: Family	RRLP loan amount requested: 2,300,000

1. Bckground

- a) During the 2005 RRLP cycle, Gulf Breeze Apartments Partners, Ltd. (“Petitioner”) applied for and was awarded funds) to finance the construction of Gulf Breeze Apartments (the “Development”) located in Charlotte County, Florida.
- b) On September 18, 2009, Florida Housing received a “Petition for Waiver of Rule 67ER05-10(14)(h) to allow a change in the number of Units to be included in the Development. A copy of the Petition is attached as [Exhibit A](#).
- c) Rule 67ER05-10(14)(h) 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. Those items are as follows:

(h) Total number of units;

- d) Petitioner has requested a waiver of the above rule to allow the total number of residential units to be reduced from 171 to 170, so that one market rate unit can be used as a community police service site, while the number of affordable housing units is maintained at 168. Petitioner asserts that a denial of this petition would result in substantial hardship to the development by failing to allow Petitioner to provide additional police presence on site as a resident service.
- e) The requested change would neither affect the scoring of Petitioner’s application nor allow Petitioner to gain an unfair advantage over other applicants.
- f) On September 21 2009, the Notice of Petition was published in the Florida Administrative Weekly. To date, Florida Housing has received no comments concerning the Petition.

LEGAL

Consent

- 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 Rule 67ER05-10(14)(h), to allow Petitioner to reduce the number of residential units from 171 to 170, provided that the unit be used as a community police service site and the number of affordable housing units remains unaltered at 168.

LOW INCOME HOUSING TAX CREDITS

Consent

IV. LOW INCOME HOUSING TAX CREDITS

A. Request Approval to Amend Set-Asides due to Scrivener's Error for Valencia Pointe (2008-513C)

DEVELOPMENT NAME ("Development"):	Valencia Pointe APPLICATION # 2008-513C
DEVELOPER/PRINCIPAL("Developer"):	Cornerstone Group Development, LLC
APPLICANT: ("Owner")	Valencia Pointe Associates, Ltd.
NUMBER OF UNITS:	148
LOCATION ("County"):	Miami-Dade County
TYPE:	New Construction
SET ASIDE:	4% @ 33% AMI (ELI, MMRB, SAIL, HC) 60% @ 60% AMI (MMRB, SAIL, HC) 100% @ 60% AMI (Miami-Dade Surtax)
ALLOCATED AMOUNT:	\$841,970.00

1. Background/Present Situation

- a) Valencia Pointe is a Non-Competitive Housing Credit, New Construction Development providing 95 set-aside units in Miami-Dade County, Florida. Florida Housing issued a preliminary determination of \$841,970 in housing credits in July 2008.
- b) Florida Housing received a request from the Owner on August 31, 2009 to amend the set-asides in the Extended Use Agreement ([Exhibit A](#)), due to a scrivener's error, from 10% of residential units set-aside at 33% AMI or less and 60% of residential units set-aside at 60% AMI or less to 4% of residential units set-aside at 33% AMI or less and 60% of residential units at 60% AMI or less.
- c) The credit underwriting report was finalized on November 20, 2007 and states: "The 10% of all units at 33% set-aside was predicated on receiving \$1,275,000 in ELI funds. The development was only awarded 40% of that amount (\$510,000) thus the corresponding 33% set-aside commitment was reduced to an equivalent 4% of all units."
- d) The Land Use Restriction Agreements for SAIL and MMRB, executed July 9, 2008 and July 1, 2008 respectively, reflect 4% of units set-aside at 33% AMI or less and 60% of units set-aside at 60% AMI or less for the first 15 years of the compliance period. For the remaining 35 years, 64% of units will be set-aside at 60% AMI or less.

2. Recommendation

Approve the requested changes reflected above and direct staff to amend the Extended Use Agreement to reflect the changes.

LOW INCOME HOUSING TAX CREDITS

Consent

B. Request Approval to Exchange Amenities for Greenwood Apartments

DEVELOPMENT NAME (“Development”):	Greenwood Apartments APPLICATION # 2003-509C
DEVELOPER/PRINCIPAL (“Developer”):	Banc of America Community Development Banking
APPLICANT: (“Owner”)	Greenwood Apartments, LLC
NUMBER OF UNITS:	192
LOCATION (“County”):	Pinellas
TYPE:	Acquisition/Rehabilitation
SET ASIDE:	85% @ 60% AMI
ALLOCATED AMOUNT:	\$471,634.00

1. Background/Present Situation

- a) Greenwood Apartments is a Non-Competitive Housing Credit, Acquisition/Rehabilitation Development providing 164 set-aside units in Pinellas County, Florida. Florida Housing issued an allocation of \$471,634.00 in housing credits in July 2004.
- b) Florida Housing received a request from the Owner dated September 3, 2009 to change the amenities in the Extended Use Agreement ([Exhibit B](#)). The Applicant requests the following exchanges:
 - (1) “Steel Exterior Entry Door Frames” (1 pt.) exchanged for “Microwave oven inside each unit” (1 pt.)

2. Recommendation

Approve the requested changes reflected above and direct staff to amend the Extended Use Agreement to reflect the changes.

LOW INCOME HOUSING TAX CREDITS

Consent

C. Request Approval to Amend Features and Amenities for Belmont Heights Estates Phase III (2003-110C)

DEVELOPMENT NAME (“Development”):	Belmont Heights Estates Phase III APPLICATION # 2003-110C
DEVELOPER/PRINCIPAL (“Developer”):	Joseph Purcell
APPLICANT: (“Owner”)	Belmont Heights Associates Phase III, Ltd.
NUMBER OF UNITS:	266
LOCATION (“County”):	Hillsborough County
TYPE:	New Construction
SET ASIDE:	13% @ 30% AMI & 87% @ 60% AMI
ALLOCATED AMOUNT:	\$1,820,000

1. Background/Present Situation

- a) Belmont Heights Estates Phase III is a Competitive Housing Credit, New Construction Development providing 266 set-aside units in Hillsborough County, Florida. Florida Housing issued an allocation of \$1,820,000 in housing credits in December of 2003.
- b) Florida Housing received a request from the Owner on June 11, 2009 to swap features and amenities including ceramic tile bathroom floors for double compartment kitchen sink and microwave oven in each unit. In addition the Applicant requested to swap laundry facilities with full size washers and dryers available in at least one common area on site for swimming pool. These requests were approved by the Board on July 24, 2009. However, double compartment kitchen sink was previously selected in the original Application. Therefore, the Applicant provided revised request on September 18, 2009 to swap ceramic tile bathroom floors for steel exterior door frames and microwave oven in each unit ([Exhibit C](#)).
- c) The proposed change is of equal value to the amenities originally chosen in the application.

2. Recommendation

Approve the requested changes reflected above and direct staff to amend the Extended Use Agreement accordingly.

LOW INCOME HOUSING TAX CREDITS

Consent

D. Request Approval of Market Study Review Letters

1. Background/Present Situation

- a) On July 31, 2009, Florida Housing staff issued RFP 2009-03 for Nine Percent Low-Income Housing Tax Credits With or Without Tax Credit Assistance Program (TCAP) Funding. On August 20, 2009 the Board approved the award list of the Request for Proposals (RFP) 2009-03 and directed staff to proceed with all necessary credit underwriting activities.
- b) On August 21, 2009 staff issued an invitation to enter credit underwriting for the Developments listed below. Staff received a market study review letter for each Development. Staff has reviewed these letters and finds that each of the Developments meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-03.
 - (1) Notre Dame Apts. (2009-025CT) [Exhibit D](#)
 - (2) Beach Village at Palm Coast Apartments – Phase 1 (2009-033CT) [Exhibit E](#)
 - (3) Mirabella Apartments (2009-030CT) [Exhibit F](#)
 - (4) Pine Berry Senior Apartments (2009-036CT) [Exhibit G](#)
 - (5) The Fountains on Falkenburg – Phase II (2009-028CT) [Exhibit H](#)
 - (6) Covington Club – Phase I (2009-032CT) [Exhibit I](#)
 - (7) Stenstrom Road Senior Village (2009-026CT) [Exhibit J](#)
 - (8) Villages at Delray (2009-037CT) [Exhibit K](#)

2. Recommendation

Approve the market study review letters and direct staff to proceed with the process of issuing the Preliminary Allocation Certificate and Carryover Allocation Agreement.

LOW INCOME HOUSING TAX CREDITS

Consent

E. Request Approval of Market Study Review Letters

1. Background/Present Situation

- a) On July 31, 2009, Florida Housing staff issued RFP 2009-04 to award Exchange funds with or without TCAP funding (that would require a nominal allocation of 9 percent Housing Credits) for Applicants that received a Housing Credit award in 2006, 2007 and 2008 that, as of February 17, 2009, have been unsuccessful in locating a syndicator for the Housing Credits which would make the proposed development financially viable for Nine Percent Low-Income Housing Tax Credits With or Without Tax Credit Assistance Program (TCAP) Funding. On August 20, 2009 the Board approved the award list of the Request for Proposals (RFP) 2009-04 and directed staff to proceed with all necessary credit underwriting activities.
- b) On August 21, 2009 staff issued an invitation to enter credit underwriting for the Developments listed below. Staff received a market study review letter for each Development. Staff has reviewed these letters and finds that each of the Developments meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-04.
- (1) Villas at Crowder Ridge (2009-046CTX) [Exhibit L](#)
 - (2) Arbours at Shoemaker Place (2009-042X) [Exhibit M](#)
 - (3) Brownsville Transit Village II (2009-056X) [Exhibit N](#)
 - (4) Everett Stewart, Sr. Village (2009-040X) [Exhibit O](#)
 - (5) Madison Vines (2009-053X) [Exhibit P](#)
 - (6) Shepherd's Court (2009-044CTX) [Exhibit Q](#)
 - (7) Graceland Manor (2009-051CTX) [Exhibit R](#)
 - (8) Labre Place (2009-063CTX) [Exhibit S](#)
 - (9) Oakdale Apartments (2009-048CTX) [Exhibit T](#)
 - (10) Vista Mar (2009-060CTX) [Exhibit U](#)
 - (11) Northwest Gardens I (2009-057X) [Exhibit V](#)
 - (12) Renaissance Preserve (2009-059CTX) [Exhibit W](#)
 - (13) Dr. Barbara Carey-Shuler Manor (2009-038X) [Exhibit X](#)

2. Recommendation

Approve the market study review letters and direct staff to proceed with the process of issuing the Preliminary Allocation Certificate and Carryover Allocation Agreement.

MULTIFAMILY BONDS

Consent

V. MULTIFAMILY BONDS

A. Request Approval to Allocate \$22,000,000 in Tax-Exempt, Private Activity Bond Allocation to the Developments

Development Name: Towers of Jacksonville (“Development”)	Location: Duval
Developer/Principal: Towers of Jacksonville, LP/TOJ GP, LLC (“Developer”, “Principal”, or “Owner”)	Set-Aside: 85% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$15,000,000 Tax-Exempt Bonds
Number of Units: 194	Type: Rental/Elderly

1. Background

At the January 23, 2009 meeting, the Board authorized the MMRB Program to conduct a supplemental application cycle.

2. Present Situation

- a) The Developments are 2009 Supplemental MMRB Applications (the “Applications”) to acquire and rehabilitate or construct new affordable developments in the Counties.
- b) The rules governing the 2009 Supplemental MMRB Application cycle require an application to achieve a perfect score of seventy (70) points in order to be funded. 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.”
- c) The Applications for these Developments are only requesting MMRB and 4% non-competitive HC. These requests do not require any other Florida Housing funding. Staff believes that the public policy purposes served by obtaining these Developments as affordable for thirty (30) years far outweigh any failure to achieve a perfect score on the Applications.

3. Recommendation

Approve the request to allocate \$22,000,000 in tax exempt, private activity bonds to the Developments, 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 Amend the Bond Documents to Allow for Confirming Letter of Credit for Autumn Place Apartments

Development Name: Autumn Place Apartments (“Development”)	Location: Hillsborough
Developer/Principal: Foxtrail Acres, Ltd./Foxtrail Acres GP, LLC/TRG Member, LLC/The Richman Group Development Corporation/Richard P. Richman, individually (“Developer”, “Principal”, or “Owner”)	Set-Aside: 10% @ 33% AMI 75% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$8,000,000 Tax-Exempt Bonds
Number of Units: 120	Type: Rental/Family

1. Background

On July 30, 2008, Florida Housing financed the construction of the Development with the issuance of \$8,000,000 in tax-exempt bonds, designated as 2008 Series K-1 (the “Series 2008K-1 Bonds”). In February of 2009, Florida Housing issued an additional \$200,000 in tax-exempt bonds, designated as 2008 Series K-2 which are no longer outstanding.

2. Present Situation

The Owner, in a letter dated September 24, 2009, attached as [Exhibit A](#), has requested that Florida Housing allow certain of the Bond Documents to be amended to allow for a confirming Letter of Credit from the Federal Home Loan Bank of Atlanta to stand behind the existing SunTrust Letter of Credit. This change is attributable to a downgrade in SunTrust’s short term rating by S&P which has resulted in an increase in the variable rate interest rate. It is anticipated that this change will result in an upgrade of the rating on the Bonds to Aaa thus reducing the interest rate. Attached as [Exhibit B](#), is a resolution allowing for the amending of certain of the Bond Documents, to allow for the confirming Letter of Credit.

3. Recommendation

That the Board approve the Amendment of the Bond Document for the Development, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

C. Request Approval of the Cross Collateralization of Mariner’s Club Apartments with Pier Club Apartments

Development Name: Mariner’s Club (“Development”)	Location: Duval
Developer/Principal: Fairfield Mariner’s Club, LLC/FF California Housing Fund, LLC/FF Properties, Inc./Fairfield Residential, LLC (“Developer”, “Principal”, or “Borrower”)	Set-Aside: 20% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$30,000,000 Tax-Exempt Bonds
Number of Units: 336	Type: Rental/Family

1. Background

- a) In 1996, Florida Housing financed the construction of the Mariner’s Club development with \$19,750,000 in tax-exempt bonds and \$3,375,000 in taxable bonds, designated as 1996 Series K.
- b) In 2006, the bonds were refinanced in the amount of \$30,000,000 in tax-exempt bonds, designated as 2006 Series I.

2. Present Situation

The Borrower, in a letter dated October 8, 2009, attached as [Exhibit C](#) has requested that Florida Housing consent to the cross collateralization of the Mariner’s Club development with another Fairfield development, Pier Club Apartments, located in Broward County, Florida, that was financed at the same time as the Mariner’s Club development, with a different issuer of its Bonds. The Borrower states Goldman Sachs purchased the bonds for both developments and entered into swap transactions with Fairfield; the swap obligations are secured by a mortgage on the Pier Club development. Pier Club’s borrower guarantees the Mariner’s Club development’s performance and the Borrower requests consent for the Mariner’s Club development to guarantee Pier Club’s performance by allowing a similar subordinate mortgage on the Mariner’s Club development. The Borrower states Pier Club is the stronger performing development, so the cross collateralization is being done primarily to strengthen the Mariner’s Club development. The mortgage securing the Pier Club debt will be subordinate and inferior to the Mariner’s Club development’s bond mortgage.

3. Recommendation

That the Board approve the cross collateralization of the Mariner’s Club development, through a subordinate mortgage, 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 of the LURA Amendments for Valencia Pointe Apartments

Development Name: Valencia Pointe (“Development”)	Location: Miami-Dade
Developer/Principal: Valencia Pointe Associates, Ltd./Cornerstone Valencia Pointe, LLC (“Developer”, “Principal”, or “Owner”)	Set-Aside: 20% @ 60% AMI (MMRB)
Funding Sources: MMRB	Amounts: \$10,500,000 Tax-Exempt Bonds
Number of Units: 148	Type: Rental/Family

1. Background

- a) In 2008, Florida Housing financed the construction of the Development with \$10,500,000 in tax-exempt bonds, designated as 2008 Series J.
- b) At the time of credit underwriting, the Owner requested a change in the features and amenities from electric water heater with an energy factor of .93, in all two and three bedroom units to be replaced with 1) programmable thermostats; 2) energy star rated reversible ceiling fans in the bedrooms and living areas; 3) showerheads that use 2.5 gallons of water per minute or less; and 4) energy star rating for all windows.

2. Present Situation

- a) The Owner, in a letter dated August 19, 2009, attached as [Exhibit D](#), requested an amendment of the LURA from Energy Star rating for all windows to be replaced with Faucets that use 2 gallons of water per minute or less in the kitchen and all bathrooms and Daylight sensors or timers on all outdoor lighting. The Owner states that due to a conflict in the specifications of energy star rated windows compared to the requirement of the application of single pane windows with shading coefficient of .67, the Owner constructed the Development with the single pane windows with shading coefficient of .67.
- b) The Credit Underwriter has reviewed the request and by letter, dated October 8, 2009, attached as [Exhibit E](#), and recommends that Florida Housing approve the request.

3. Recommendation

That the Board approve LURA Amendment for the Development, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, Credit Enhancer of Bondholder (if required or applicable) and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

E. Request Approval of the Final Credit Underwriting Report for Walden Pond Villas

DEVELOPMENT NAME (“Development”):	Walden Pond Villas
DEVELOPER/PRINCIPAL (“Applicant”):	Walden Pond Developer, LLC/Walden Pond Preservation, L.P./RAP FL, LLC/Walden Pond Preservation GP, LLC/Walden Pond Preservation GPM II, LLC/Walden Pond Preservation GP II, LLC/RAP FL 6, LLC//Related Companies, L.P.
NUMBER OF UNITS:	290
LOCATION (“County”):	Miami-Dade
TYPE (Rental, Homeownership):	Rental/Family (MMRB and HC)
SET ASIDE:	85% @ 60% (MMRB) 100% @ 60% (HC)
ALLOCATED AMOUNT:	\$13,700,000 of Tax Exempt Bonds
ADDITIONAL COMMENTS:	Acquisition/Rehabilitation

1. Background

Applicant submitted an Application (“Application”) on behalf of the proposed Development during the 2009 MMRB Supplemental Cycle. Applicant applied for tax-exempt bonds in the amount of \$13,700,000 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) Total development costs listed in the Application have increased from \$23,647,698 to \$25,544,187. The difference is primarily due to increased rehabilitation costs due to additions to the scope of work as a result of recommendations from the Physical Needs Assessment and increases in the Developer Fee partially offset by decreases in general development costs.
- c) The Application indicated that the name of the existing Development was Walden Pond Apartments. The servicer, First Housing has confirmed through its site inspections that the Development signage identifies the Development as Walden Pond Villas rather than Walden Pond Apartments. It is the Developers desire that the Development retain its current name as Walden Pond Villas.
- d) A Final Credit Underwriting Report dated October 6, 2009 is attached as [Exhibit E](#).

3. Recommendation

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Report dated October 6, 2009, recommending that \$13,700,000 in tax exempt bonds be issued for the acquiring and rehabilitating of the Development, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

F. 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 professionals to this transaction. A brief description of the Development is detailed below along with the Staff's recommendations for the assignments.
- 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 Underwriter, the Senior Financial Advisor and Florida Housing staff have reviewed the financing structure for the proposed Development.
- b) The Senior Financial Advisor's recommendations for the method 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

That the Board approves the assignment of the recommended professionals as shown in the chart for the proposed Development.

Development Name	Location of Development	Number of Units	Method of Bond Sale	Recommended Professional
Walden Pond	Miami-Dade	290	Negotiated	RBC Dain Rauscher, Inc.

MULTIFAMILY BONDS

Consent

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

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) TIBOR PARTNERS, Inc. has prepared an analysis and recommendation for the method of bond sale for the Development. The recommendation letter is attached as [Exhibit G](#).

Development Name	Location of Development	Number of Units	Method of Bond Sale
Walden Pond	Miami-Dade	290	Negotiated

2. Recommendation

That the Board approves 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

A. Approval of Revisions to Rule Chapter 67-38, Florida Administrative Code (F.A.C.) Governing the Predevelopment Loan Program (PLP)

1. Background/Present Situation

- a) On June 5, 2009, the Board approved PLP staff to commence with the rule amendment process.
- b) On July 9, 2009, a rule development workshop was conducted. Interested parties were invited to attend in person and via telephone. Written comments were received and considered in making changes to the rule. The changes to the rule clarify eligibility requirements, application process, and program procedures.
- c) A Notice of Rulemaking was published on August 21, 2009. A rule hearing was held on September 17, 2009. No written comments were received after the rule hearing.
- d) If approved by the Board, staff will file the rule ([Exhibit A](#)) for adoption with the Secretary of State on November 2, 2009. The rule will become effective on November 23, 2009.
- e) Summary of substantive rule changes:
 - (1) Section 67-38.0026
 - (1)(e) Adding clarifying information for eligible applicants that are legally formed entities;
 - (2) Adding language regarding site control requirements;
 - (3) Clarifying language limiting non-site acquisition to \$500,000; and
 - (7) Amending the set-aside requirements for rental developments to be consistent with other FHFC programs.
 - (2) Section 67-38.004
 - (2) Adding language to clarify application rejection criteria.
 - (3) Section 67-38.005
 - (8) Submission of required documents for Board approval of the PLP loan;
 - (10), (11), (12) Actions requiring Board approval; and
 - (16), (17) Deadlines for loan closing.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

- (4) Section 67-38.007
 - (1) Amending the PLP loan interest rate to a set one percent (1%) for qualified applicants; and
 - (5) Clarifying repayment requirements of the PLP loan for rental developments.
- (5) Section 67-38.008
 - (2) Clarifying submission of draw requests;
 - (3) Clarifying eligible and ineligible PLP expenses; and
 - (6) Adding language for capital needs assessments when rehabilitating existing affordable rental housing.
- (6) Section 67-38.010
 - (1) Clarifying language for credit underwriting procedures; and
 - (2) Adding language to determine the Applicant entities' and all Principals' eligibility and capacity to produce affordable housing.
- (7) Section 67-38.011
 - (1) Amending language clarifying credit underwriting fee on multiple or scattered sites identified for site acquisition.

2. **Recommendation**

Approve the rule changes to chapter 67-38, F.A.C., and allow staff to proceed with filing the amended rule for adoption with the Secretary of State.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

B. Request Approval of Loan Maturity Extension for Carrfour Supportive Housing, Inc., a Not-for-Profit Entity, for Dr. Barbara Carey-Shuler Manor (PLP 05-085)

DEVELOPMENT NAME (“Development”):	Dr. Barbara Carey-Shuler Manor
APPLICANT/DEVELOPER (“Developer”):	Carrfour Supportive Housing, Inc., a not-for-profit entity
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	90
LOCATION (“County”):	Miami-Dade County
TYPE:	Rental, Homeless
SET ASIDE:	60% @ 60% AMI
PLP LOAN AMOUNT:	\$500,000

1. Background

- a) On October 17, 2006, the Developer closed on a PLP Loan in the amount of \$500,000.
- b) To date, the Developer has drawn \$500,000 for eligible predevelopment expenses.
- c) The loan matures on October 17, 2009. On February 19, 2009, and June 19, 2009, Florida Housing’s Special Assets Department sent the Developer letters informing of the approaching maturity of its PLP Loan and requesting a written response detailing the Developer’s ability and plan for repayment of the PLP Loan.

2. Present Situation

- a) In 2007, the Developer was awarded Low Income Housing Tax Credits (LIHTC), a State Apartment Incentive Loan (SAIL), and a SAIL Supplemental Loan. Due to the deterioration of the economy and housing market, the Developer was unable to secure a syndicator for the LIHTC.
- b) On August 20, 2009, the Developer was approved for a preliminary commitment under the Tax Credit Exchange Program, RFP 2009-04, provided by the American Recovery and Reinvestment Act of 2009. The Development is currently in credit underwriting with Seltzer Management Group.
- c) On September 17, 2009, the Developer forwarded correspondence requesting an extension on the PLP loan ([Exhibit B](#)). As outlined in Exhibit B, the Developer expects to repay the PLP loan from the proceeds of the Tax Credit Exchange Program.
- d) Staff has reviewed the correspondence and believes that an extension is reasonable and necessary to allow the Developer to successfully complete credit underwriting, close on the Tax Credit Exchange Program funds, and repay the PLP Loan.

3. Recommendation

Approve the extension of the PLP Loan term from October 17, 2009, to October 17, 2010, and allow staff to proceed with the loan amendment activities.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

C. Request Approval of Loan Maturity Extension for The HERD Community Development Corporation, a Not-for-Profit Entity for Jackson Place (PLP 05-097)

DEVELOPMENT NAME (“Development”):	Jackson Place
APPLICANT/DEVELOPER (“Developer”):	The HERD Community Development Corporation, a not-for-profit entity
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	27
LOCATION (“County”):	Bay County
TYPE:	Homeownership
SET ASIDE:	100% @ 80% AMI
PLP LOAN AMOUNT:	\$366,947

1. Background

- a) On December 14, 2006, the Developer closed on the PLP Loan in the amount of \$366,947. To date, the Developer has drawn \$336,880.43 for eligible predevelopment expenses.
- b) The loan matures on December 14, 2009. On March 26, 2009, and June 26, 2009, Florida Housing’s Special Assets Department sent the Developer letters informing of the approaching maturity of its PLP Loan and requesting a written response detailing the Developer’s anticipated method of repayment of the PLP Loan.

2. Present Situation

- a) On August 26, 2009, the Developer forwarded correspondence requesting a loan maturity extension on the PLP loan ([Exhibit C](#)). As outlined in Exhibit C, the Developer and Seller of the site are currently involved in arbitration due to the discovery of illegally filled wetlands on the site after purchase. This information was not disclosed by the Seller at the time of purchase by the Developer.
- b) The Developer took the necessary steps with the submission of applications to the U.S. Army Corps of Engineers and Florida Department of Environmental Protection to determine jurisdiction of the wetlands. It was determined by both entities that the wetlands are isolated and non-jurisdictional; however, the Developer must follow proper protocol for the mitigation of the wetlands. After satisfactory resolution of the arbitration, the Developer anticipates being able to mitigate the wetlands and proceed with construction in 2010. The Technical Assistance Provider supports the Developer’s request ([Exhibit D](#)).
- c) Staff has reviewed the correspondence and believes that an extension is reasonable and necessary to allow the Developer to successfully complete the necessary tasks for mitigating the wetlands, proceeding to construction, and repaying the PLP loan.

3. Recommendation

Approve the extension of the PLP Loan term from December 14, 2009, to December 14, 2010, and allow staff to proceed with the loan amendment activities.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

D. Request Approval of PLP Loan for Clear Lake Partners, LLC., a Not-for-Profit Entity, for Fairwinds at Clear Lake (2009-004P-07)

DEVELOPMENT NAME (“Development”):	Fairwinds at Clear Lake
APPLICANT/DEVELOPER (“Developer”):	Clear Lake Partners, LLC., a not-for-profit entity
CO-DEVELOPER (“Co-Developer”)	N/A
NUMBER OF UNITS:	74
LOCATION (“County”):	Orange County
TYPE:	Rental
SET ASIDE:	60% @ 60% AMI
PLP LOAN AMOUNT:	\$500,000

1. Background

- a) On March 31, 2009, Florida Housing received a PLP Application from the Applicant for Fairwinds at Clear Lake. The Development will be located in Orange County.
- b) On June 10, 2009, Florida Housing issued an Invitation to Participate in the PLP to Clear Lake Partners, LLC., a not-for profit organization.

2. Present Situation

The Technical Assistance Provider (TAP) has approved the Development Plan and recommended a loan amount of \$500,000 for PLP eligible activities ([Exhibit E](#)), as well as assisted the Applicant in preparing the Development Plan and budget ([Exhibit F](#)). The TAP recommends a market study be ordered upon Board approval and does not recommend the disbursement of PLP funds unless a favorable study is provided. Staff has reviewed the Development Plan and determined that all budget items are PLP eligible. Staff supports the TAP’s recommendation requiring a market study and the disbursement of PLP funds to fund the market study.

3. Recommendation

Approve the PLP Loan in the amount of \$500,000 to Clear Lake Partners, LLC., a not-for-profit organization, for Fairwinds at Clear Lake predevelopment expenses as recommended by the TAP; and allow staff to issue the Commitment Letter and commence with loan closing proceedings with the condition that the initial disbursement be limited to payment of the market study and associated fees. Upon receipt of a favorable market study, additional PLP funds will be available for disbursement.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

E. Request Approval of PLP Loan for Three Rivers Housing Foundation, Inc., a Not-for-Profit Entity, for South Side Homes (2009-005P-07)

DEVELOPMENT NAME (“Development”):	South Side Homes
APPLICANT/DEVELOPER (“Developer”):	Three Rivers Housing Foundation, Inc., a not-for-profit entity
CO-DEVELOPER (“Co-Developer”)	N/A
NUMBER OF UNITS:	14
LOCATION (“County”):	Leon County
TYPE:	Homeownership
SET ASIDE:	50% @ 80% AMI 50% @ up to 120% AMI
PLP LOAN AMOUNT:	\$586,885

1. Background

- a) On June 5, 2009, Florida Housing received a PLP Application from the Applicant for South Side Homes. The Development will be located in Leon County.
- b) On July 29, 2009, Florida Housing issued an Invitation to Participate in the PLP for Three Rivers Housing Foundation, Inc., a not-for profit organization.

2. Present Situation

- a) The Technical Assistance Provider (TAP) has approved the Development Plan and recommended a loan amount of \$586,885 for PLP eligible activities and site acquisition ([Exhibit G](#)), as well as assisted the Applicant in preparing the Development Plan and budget ([Exhibit H](#)). Staff has reviewed the Development Plan and determined that all budget items are PLP eligible. The TAP recommends a market study be ordered upon Board approval and does not recommend the disbursement of PLP funds unless a favorable study is provided. Staff has reviewed the Development Plan and determined that all budget items are PLP eligible. Staff supports the TAP’s recommendation requiring a market study and the disbursement of PLP funds to fund the market study.
- b) Of the \$586,885, the Applicant has requested \$490,000 for site acquisition. Upon Board approval, the Development will be required to enter credit underwriting for approval of the site acquisition portion of the loan. Upon receipt of a positive recommendation, the Credit Underwriting Report will be presented to the Board for approval. In the interim, staff recommends that the non-site acquisition loan amount of up to \$96,885 be approved to provide the Applicant with funds for eligible non-site predevelopment expenses.

3. Recommendation

Approve the PLP Loan in the amount of \$586,885 to Three Rivers Housing Foundation, Inc., a not-for-profit organization, for predevelopment expenses as recommended by the TAP and allow staff to issue the Commitment Letter and commence with loan closing proceedings on the non-site portion of the PLP Loan in the amount of up to \$96,885 with the condition that the initial disbursement be limited to payment of the market study and associated fees. Upon receipt of a favorable market study, additional PLP funds will be available for disbursement.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

F. Request Approval of PLP Loan for Macon Community Homes, LLC., a Not-for-Profit Entity, for Macon Community Homes (2009-006P-07)

DEVELOPMENT NAME (“Development”):	Macon Community Homes
APPLICANT/DEVELOPER (“Developer”):	Macon Community Homes, LLC., a not-for-profit entity
CO-DEVELOPER (“Co-Developer”)	N/A
NUMBER OF UNITS:	26
LOCATION (“County”):	Leon County
TYPE:	Homeownership
SET ASIDE:	50% @ 80% AMI 50% @ up to 120% AMI
PLP LOAN AMOUNT:	\$600,135

1. Background

- a) On June 5, 2009, Florida Housing received a PLP Application from the Applicant for Macon Community Homes. The Development will be located in Leon County.
- b) On July 29, 2009, Florida Housing issued an Invitation to Participate in the PLP for Macon Community Homes, LLC., a not-for profit organization.

2. Present Situation

- a) The Technical Assistance Provider (TAP) has approved the Development Plan and recommended a loan amount of \$600,135 for PLP eligible activities and site acquisition ([Exhibit I](#)), as well as assisted the Applicant in preparing the Development Plan and budget ([Exhibit J](#)). Staff has reviewed the Development Plan and determined that all budget items are PLP eligible. The TAP recommends a market study be ordered upon Board approval and does not recommend the disbursement of PLP funds unless a favorable study is provided. Staff has reviewed the Development Plan and determined that all budget items are PLP eligible. Staff supports the TAP’s recommendation requiring a market study and the disbursement of PLP funds to fund the market study.
- b) Of the \$600,135, the Applicant has requested \$499,000 for site acquisition. Upon Board approval, the Development will be required to enter credit underwriting for approval of the site acquisition portion of the loan. Upon receipt of a positive recommendation, the Credit Underwriting Report will be presented to the Board for approval. In the interim, staff recommends that the non-site acquisition loan amount of up to \$101,135 be approved to provide the Applicant with funds for eligible non-site predevelopment expenses.

3. Recommendation

Approve the PLP Loan in the amount of \$600,135 to Macon Community Homes, LLC., a not-for-profit organization, for predevelopment expenses as recommended by the TAP and allow staff to issue the Commitment Letter and commence with loan closing proceedings on the non-site portion of the PLP Loan in the amount of up to \$101,135 with the condition that the initial disbursement be limited to payment of the market study and associated fees. Upon receipt of a favorable market study, additional PLP funds will be available for disbursement.

PROFESSIONAL SERVICES SELECTION (PSS)

Consent

VII. PROFESSIONAL SERVICES SELECTION (PSS)

A. Special Counsel Services

1. Background

- a) At its April 22, 2005 meeting, the Board of Directors of Florida Housing authorized staff to enter into contract negotiations with Adorno & Yoss, LLP, Nabors, Giblin, Nickerson, P.A., and Shuffield, Lowman & Wilson, P.A. to provide Special Counsel Services.
- b) The initial term of the Adorno & Yoss contract began December 15, 2005; Nabors, Giblin began December 14, 2005; and Shuffield, Lowman began December 12, 2005. Contingent upon Special Counsel satisfactorily performing its obligations under the contract as determined by Florida Housing, the contracts may be renewed twice. Each renewal shall be for an additional one (1) year period. The contracts were renewed in December of 2008 for one year.

2. Present Situation

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

3. Recommendation

Staff believes that it is in the best interests of Florida Housing to continue to retain its Special Counsel and recommends that the Board direct staff to proceed with the contract renewals. If the need arises for any amendments to the substance of the contracts, such changes will be brought to the Board for approval.

STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM

Consent

VIII. STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM

A. Approval of Revisions to Rule Chapter 67-37, F.A.C., Governing the State Housing Initiatives Partnership (SHIP) Program

1. Background/Present Situation

- a) On June 5, 2009, the Board approved SHIP staff to begin the rule amendment process. The changes to the rule are primarily in response to the changes enacted by the Florida Legislature in Chapter 2009-96, Laws of Florida.
- b) On July 23, 2009, a rule development workshop was conducted. Interested parties were invited to attend in person and via telephone. No written comments were received after the rule workshop. The rulemaking process included a review of the rule as well as accepting comments from the public.
- c) A Notice of Rulemaking was published on August 21, 2009. A rule hearing was held on September 15, 2009. No written comments were received after the rule hearing.
- d) If approved by the Board, staff will file the rule ([Exhibit A](#)) for adoption with the Secretary of State on November 2. The rule will become effective on November 22, 2009.
- e) Summary of Rule Changes:
 - (1) Section 67-37.005
 - (a) Adds a requirement to include initiatives for green building design and the techniques as referenced in Section 420.9075(3) (d), F. S.
 - (b) Allows counties and eligible municipalities to develop a strategy in their Local Housing Assistance Plans for the preservation of assisted rental housing.
 - (c) Allows counties and eligible municipalities to include a strategy in their Local Housing Assistance Plans for a one time relocation grant up to \$5,000 due to eviction or foreclosure of the rental property as referenced in Section 420.9072(7)(b), F.S.
 - (2) Section 67-37.007
 - (a) Allows counties and eligible municipalities to spend a limited amount (20%) of their SHIP distribution for manufactured housing constructed after June 1994, as referenced in Section 420.9075(5)(c), F.S.
 - (b) Clarifies the requirements and procedures for requesting additional funds for disasters declared by Executive Order of the Governor.
 - (c) Details the processes for requesting funds to be used for the purchase of foreclosed properties subject to a SHIP lien as referenced in Section 420.9073(6), F.S.

STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM

Consent

(3) Section 67-37.008

(a) Adds a requirement to track persons with disabilities and other information as needed by the Corporation.

(b) Requires the submission of annual reports through the web based system at: www.FloridaHousing.org/SHIPAR.

2. **Recommendation**

Approve the rule changes to Chapter 67-37, F.A.C., and allow staff to proceed with filing the amended rule for adoption with the Secretary of State.

SPECIAL ASSETS

Consent

IX. SPECIAL ASSETS

A. Request Approval of Extension of HOME Loan for Biscayne Apartments Associates, Ltd., a Florida Limited Partnership for Biscayne Palm Club Apartments (HOME 93HD-013)

Development Name: Biscayne Palm Club Apartments (“Development”)	Location: Miami-Dade
Developer/Principal: Related Group (“Developer”)	Set-Aside: HOME 50% @ 50% AMI, 50% @ 80% AMI, 15 Years; HC 20% @ 40%, 80% @ 60% AMI, 65 Years
Number of Units: 114	Allocated Amount: HOME \$2,800,000, (2.1%), 15 Years
Demographics: Family	Housing Credits: \$225,171 (93L-098)

1. Background

During the 1993 HOME Cycle, Florida Housing awarded a \$2,800,000 HOME loan to Biscayne Apartments Associates, Ltd., a Florida Limited Partnership (“Borrower”), for the construction of a 114-unit development in Miami-Dade County. The HOME loan closed on December 28, 1993 and will mature on December 28, 2008. The Development also received a 1993 allocation of low-income housing tax credits of \$225,171. The Development was placed in service on July 28, 1994. The Board approved a one-year extension of the loan and LURA at its September 2008 meeting.

2. Present Situation

The Borrower has requested an additional one-year HOME loan extension to December 28, 2010 to allow the Borrower sufficient time to refinance the property to maintain the Development’s affordability. Due to the economic environment the Borrower was not able to refinance during 2009 as originally planned. The Borrower currently plans to refinance the project with tax exempt bonds, 4% tax credits, and TCAP funds by early next year.

3. Recommendation

Approve the request to extend the HOME loan and LURA by one year and direct staff to proceed with loan document modification activities.

SPECIAL ASSETS

Consent

B. Request Approval to Refinance the First Mortgage for Camden Club, Ltd., a Florida Limited Partnership for Crescent Club Apartments (2002-101S) (2002-005C)

Development Name: Crescent Club (f/k/a Camden Club) (“Development”)	Location: Orange County
Developer/Principal: Wendover Housing Partners/Camden Club, Ltd. (“Borrower”)	Set-Aside: SAIL: 19% @ 30% & 81% @ 60% AMI HC: 15.42% @ 28% & 84.58 @ 60% AMI LURA: SAIL & HC 50 years
Number of Units: 215	Allocated Amount: SAIL: \$2,417,000, HC \$1,065,000
Demographics: Elderly	Servicer: First Housing Development Co.

1. Background

During the 2002 funding cycle, Florida Housing awarded \$2,417,000 SAIL loan to Camden Club, Ltd., a Florida Limited Partnership (“Borrower”), for the development of a 215-unit apartment complex in Orange County, Florida. The SAIL loan closed on August 6, 2003 and will mature on May 13, 2034. The Development also received a 2002 allocation of low-income housing tax credits of \$1,065,000.

2. Present Situation

- a) In a letter dated July 31, 2009 the Borrower requests consent from the Board to refinance the existing first mortgage and subordinate the SAIL loan to the new first mortgage. The Borrower also requests the SAIL loan term be extended to be co-terminus with the new first mortgage and the SAIL LURA would be extended and reset to the original 50 year term.
- b) On October 9, 2009, [\(Exhibit A\)](#) Staff received a credit underwriting report from First Housing Development Corporation recommending approval for the new financing and subordination of the SAIL loan to the new first mortgage, extension of the SAIL loan term and extension of the SAIL LURA’s affordability period.

3. Recommendation

Approve the refinancing of the first mortgage, extension of the SAIL loan to be co-terminus with the refinanced first mortgage, extension of the SAIL LURA term and subordination of the SAIL loan to the new first mortgage subject to the conditions outlined in the credit underwriter’s report and verification of the required SAIL pay down amount per Rule 67-48 all subject to further approvals and verifications by the credit underwriter, counsel and appropriate Florida Housing staff and direct staff to proceed with loan document modification activities.