



I. LEGAL

- D. [In re: WHFT LL Workforce, LTD., and WHFT LL Workforce Developer, LLC; FHFC Case No. 2026-039VW](#)

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D. In re: WHFT LL Workforce, LTD., and WHFT LL Workforce Developer, LLC
FHFC Case No. 2026-039VW

Development:	Catchlight Crossings Live Local Workforce	Location:	Orange County	
Category:	New Construction	Developer(s):	WHFT LL Workforce Developer, LLC	
Type:	Mid-Rise (5-6 Stories)	Principal:	Wolf, Jonathan	
Demographic:	Family	Owner:	WHFT LL Workforce, Ltd.	
		Parent Owner:	Wendover Housing Partners, LLC	
Total Units: 84	5 Units @ 30% AMI (ELI)	Funding Requests:	SAIL-LL	\$11,793,621
	13 Units @ 50% AMI (SAIL-LL)		ELI	\$391,900
	66 Units @ 80% AMI (SAIL-LL)			

1. Background:

- a) WHFT LL Workforce, Ltd., and WHFT LL Workforce Developer, LLC (collectively, "Petitioner") applied for funding under Request for Applications 2024-213 (the "RFA") to assist in the construction of Catchlight Crossings Live Local Workforce, an 84-unit development located in Orange County, Florida (the "Development"). Petitioner's Application requested Live Local SAIL funding but did not request tax-exempt bond financing or 4% Housing Credits. Petitioner's Application was ultimately selected for funding following final agency action in the related bid protest proceeding. On July 20, 2026, Florida Housing received a Petition for Waiver of Rule 67-21.003(1), F.A.C. (2024), and certain provisions of the RFA. On August 4, 2026, Petitioner filed an Amended Petition for Waiver specifying Rules 67-21.003(1)(a) and (b), F.A.C. (2024), and providing additional allegations and supporting documents concerning the proposed financing (the "Amended Petition").
- b) The Amended Petition seeks authorization for Petitioner to apply for Non-Competitive 4% Housing Credits through the Non-Competitive Application process, and to use tax-exempt bonds proposed to be issued by Capital Trust Authority as additional financing for the Development. The Amended Petition also proposes to increase the Development from 84 to 129 units, revise the Development's set-aside commitments, and make corresponding changes to its sources and uses. A copy of the Amended Petition is attached as [Exhibit A](#).

2. Present Situation:

- a) Rules 67-21.003(1)(a) and 67-21.003(1)(b), F.A.C. (2024), state, in relevant part:

Unless otherwise set forth in a competitive solicitation pursuant to rule Chapter 67-60, F.A.C., Applicants shall apply for Non-Competitive HC or a combination of MMRB and Non-Competitive HC as set forth below. For purposes of this subsection only, the term NC Award shall refer to Non-Competitive HC or a combination of MMRB and Non-Competitive

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HC, and funding from the Predevelopment Loan Program (PLP) will not be considered to be other Corporation funding.

(a) If the NC Award will be made available, with or without other Corporation funding, through the competitive solicitation funding process outlined in rule Chapter 67-60, F.A.C., the Applicant shall apply for the NC Award using the forms and procedures specified in the applicable competitive solicitation for such other funding. Unless otherwise specifically provided in the solicitation, all of the substantive provisions of this chapter will continue to apply to the NC Award. Any references in this chapter to “Application” shall mean the application or response submitted for such other funding.

(b) If the NC Award will not be made available through the competitive solicitation funding process outlined in rule Chapter 67- 60, F.A.C., the Applicant shall utilize the Non-Competitive Application Package. The Non-Competitive Application Package or NCA (Rev. 06-2024) is adopted and incorporated herein by reference and consists of the forms and instructions available, without charge, on the Corporation’s website under the Multifamily Programs link labeled Non-Competitive Programs or from <http://www.flrules.org/Gateway/reference.asp?No=Ref-16897>, which shall be completed and submitted to the Corporation in accordance with this rule chapter.

- b) Rule 67-21.003(1)(b), F.A.C. (2024), incorporates by reference the Non-Competitive Application Package (“NCA”). The NCA includes the following requirements:

When applying for funding for the proposed Development, Applicants shall only utilize the Non-Competitive Application Form to apply for the following new funding when no other new Corporation funding sources, besides the Predevelopment Loan Program (PLP), are being requested:

Corporation-issued MMRB and Non-Competitive Housing Credits (4 Percent HC). The Non-Competitive Application Form can be submitted to the Corporation any time after the effective date of Rule Chapter 67-21, F.A.C.; or

Non-Competitive Housing Credits (4 Percent HC) only, to be used for a Tax-Exempt Bond-Financed Development where the bonds are issued by a County Housing Finance Authority (HFA) established pursuant to Section 159.604, F.S. The Non-Competitive Application Form can be submitted anywhere from the time the Applicant completes Credit Underwriting for the Bonds up until the last Corporation business day of December of the year the Development is placed in service; or

Non-Competitive Housing Credits (4 Percent HC) only, to be used for a Tax-Exempt Bond-Financed Development where the bonds are issued by an entity other than the Corporation or a County HFA. The Non-Competitive Application Form can be submitted once the Applicant receives affirmation that the tax-exempt multifamily bond allocation has been reserved or that the entity issuing the bonds has agreed to award the necessary allocation when available, but no later than 14 days after the TEFRA Hearing, and in no event may the Application be submitted after commencement of Rehabilitation or construction.

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- c) Request for Applications 2024-213 (the "RFA") includes the following requirement:
- Applications must request State Apartment Incentive Loan (SAIL) appropriated by the Live Local Act set forth in Section 420.50871, F.S., created by the Florida Legislature under Section 32 of the Live Local Act of 2023 "Live Local SAIL" Applications may request Live Local SAIL in conjunction with (a) Tax-Exempt Bond financing (i.e., Corporation-issued Multifamily Mortgage Revenue Bonds (MMRB) or Non-Corporation-issued Tax-Exempt Bonds obtained through a Public Housing Authority (established under Chapter 421, F.S.), a County Housing Finance Authority (established pursuant to Section 159.604, F.S.), or a Local Government); and (b) 4% Housing Credits.
- d) The RFA further requires an Applicant seeking MMRB and/or 4 percent Housing Credits in conjunction with Live Local SAIL to request those resources as part of its competitive Application for SAIL funding. Petitioner did not request either resource in its Application.
- e) Petitioner did not request 4% Housing Credits as part of its competitive Application. The limited relief recommended by staff would not authorize Petitioner to amend or supplement its competitive Application for purposes of evaluation, scoring, ranking, or selection. Instead, it would permit Petitioner to submit a separate Non-Competitive Application for 4% Housing Credits, subject to the requirements applicable to that process. Accordingly, staff's recommendation does not rely upon or purport to grant a waiver of Rules 67-21.003(8)(c) or 67-48.004(3)(c), F.A.C. (2024).
- f) Petitioner requests a waiver of Rules 67-21.003(1)(a) and (b), F.A.C., to permit it to submit a Non-Competitive Application for 4% Housing Credits notwithstanding that those Housing Credits were available through the RFA and were not requested in Petitioner's competitive Application. Although the Amended Petition refers generally to waiver of applicable RFA criteria, the specific actions requested are permission to submit a Non-Competitive Application for 4% Housing Credits and permission to use tax-exempt bonds proposed to be issued by Capital Trust Authority. This item addresses only those two requests. Petitioner acknowledges that it did not contemplate or request 4% Housing Credits or tax-exempt bonds when it submitted its competitive Application.
- g) Petitioner states that inflationary stresses, budgetary uncertainties, and changes in local government policy have made it necessary to seek additional funding for the Development. Petitioner states that the Development's budget was premised on close schedule coordination with the other related phases of Catchlight Crossings and that Petitioner received favorable pricing from its contractors and suppliers that may be lost if it is unable to close on financing and commence construction expeditiously. Petitioner further states that additional costs may be incurred if it cannot obtain permits for the Development before the new Florida Building Code goes into effect. Petitioner also notes that Orange County has recently reduced its fee waiver from 100% to 50% of the Development's impact fees.

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- h) Petitioner states that Orange County and the local Housing Authority have already committed their available bond allocation for the year and that no allocation will be available through those entities until the next funding cycle. Petitioner therefore proposes to use Capital Trust Authority as the issuer of \$25 million in tax-exempt bonds. The letter submitted as Exhibit 2 to the Amended Petition states that Capital Trust Authority has received an allocation of volume cap from the Florida Division of Bond Finance that expires December 31, 2026, and that \$25 million of that allocation has been allocated to WHFT LL Workforce, Ltd. The letter establishes an allocation of volume cap for eligible financing purposes. It does not establish that bonds have been issued or identify the anticipated bond borrower, loan agreement, TEFRA approval, issuance date, or final financing structure.
- i) The RFA permits Non-Corporation-issued tax-exempt bonds only when obtained through a Public Housing Authority established under Chapter 421, F.S., a County Housing Finance Authority established under s. 159.604, F.S., or a Local Government. The RFA defines capitalized terms by reference to the RFA, the applicable rule chapters, and applicable law. Section 420.503(24), F.S., defines “Local government” as a unit of local general-purpose government, and s. 218.31(2), F.S., defines that term as a county or municipality established by general or special law.
- j) Capital Trust Authority is a separate legal entity created through an interlocal agreement between the City of Gulf Breeze and the City of Quincy. It is not itself a county, municipality, Public Housing Authority, or County Housing Finance Authority. Section 163.01(7)(d), F.S., authorizes certain interlocal entities to issue bonds, but that authority does not make Capital Trust Authority a Local Government as defined by the RFA. Florida Housing does not dispute Capital Trust Authority’s general statutory authority to issue tax-exempt bonds. The issue is whether Capital Trust Authority is within one of the issuer categories permitted by this particular competitive solicitation. It is not.
- k) The general NCA language allowing Housing Credits to be used with bonds issued by an entity other than the Corporation or a County HFA does not supersede the RFA. Rule 67-21.003(1) begins with the qualification, “Unless otherwise set forth in a competitive solicitation.” Because 4 percent Housing Credits were made available with Live Local SAIL through RFA 2024-213, paragraph (1)(a) required Petitioner to request the Housing Credits using the forms and procedures specified in the RFA. Paragraph (1)(b) applies when the Non-Competitive Award was not made available through a competitive solicitation. Petitioner’s decision not to request Housing Credits in its Application does not convert the award into one that was unavailable through the competitive solicitation.
- l) Permitting Petitioner to submit a separate Non-Competitive Application for 4 percent Housing Credits would not reopen, rescore, or alter the final agency action selecting Petitioner’s competitive Application. Any allocation of Housing Credits would be determined through the separate Non-Competitive Application and the applicable Housing Credit and credit underwriting requirements. The RFA’s issuer requirements, however, applied equally to all applicants and were not challenged during the period established by s. 120.57(3)(b), F.S. Petitioner now asks, after selection, to use a bond issuer that the RFA did not permit any applicant to propose. Allowing the use of Capital Trust Authority would depart from the requirements under which all Applications were submitted, evaluated, and

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selected. Petitioner has not demonstrated that permitting the use of Capital Trust Authority would preserve the purposes of the competitive allocation process or avoid providing treatment unavailable to other similarly situated applicants.

- m) On January 30, 2026, the Board approved a waiver of Rules 67-21.028(1)(a), (2)(a), (3)(f), and (3)(g), F.A.C., to allow a 25 percent tax-exempt bond-financing threshold for Applications submitted under current and prior rule versions utilizing tax-exempt bonds and 4 percent Housing Credits when the bonds are issued after December 31, 2025. Petitioner's Application did not utilize tax-exempt bonds or 4 percent Housing Credits. In any event, the January 30 Board action addressed only the percentage of aggregate basis required to be financed with tax-exempt bonds. It did not authorize an applicant to add bonds or Housing Credits after the Application Deadline, alter the issuer categories established by an RFA, or use the NCA process in place of the competitive Application process. Accordingly, the January 30 action does not resolve the issues presented by this Amended Petition.
- n) Petitioner further states that it will be increasing the number of total units from 84 to 129 and revising its set-aside mix to: 65 units at 80% AMI; 31 units at 50% AMI; and 33 units at 30% AMI. Both the unit increase and the revised set-aside mix are allowable by Rule with staff approval. Those proposed changes are not approved through this waiver item. If approved, they would reduce the maximum allowable Live Local SAIL award under the RFA from \$12,185,521 to \$7,998,000. The Amended Petition does not include a revised Development Cost Pro Forma or otherwise address whether the self-sourced financing commitment identified in Petitioner's Application will remain in the revised financing structure. The revised sources and uses, the continued availability of committed financing, and the financial feasibility of the revised Development will be evaluated through the applicable review and credit underwriting processes.
- o) On July 22, 2026, the Notice of Petition was published in the Florida Administrative Register in Volume 52, Number 141. The Amended Petition was filed and posted on Florida Housing's website on August 4, 2026. The original notice accurately described the nature of the relief requested, and no additional notice was required because the Amended Petition did not change the rule or substantive nature of the requested relief. On August 3, 2026, Senator Jason Brodeur submitted a letter supporting the requested waiver. A copy of the letter is attached as [Exhibit B](#). On August 4, 2026, BDG Fern Grove Phase Two, LP ("Fern Grove") submitted comments in opposition to the Petition and Amended Petition. A copy of Fern Grove's comments is attached as [Exhibit C](#). As of August 5, 2026, Florida Housing has received no additional comments concerning the Petition.
- p) Section 120.542(2), F.S. 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 the application of a rule would create a substantial hardship or would violate principles of fairness.

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- q) Strict application of Rules 67-21.003(1)(a) and (b), F.A.C., would prevent Petitioner from using the Non-Competitive Application process to seek 4% Housing Credits for the Development because those Housing Credits were made available through the RFA and were not requested in Petitioner's competitive Application. Based on the economic and timing circumstances described in the Amended Petition, Petitioner has demonstrated that foreclosing access to that application process would create a substantial economic hardship. The purposes of s. 420.5099, F.S., will be achieved by other means because the limited waiver will permit Petitioner only to apply for the Housing Credits. It will not award or allocate Housing Credits. Unlike Corporation-issued MMRB or other limited resources awarded through a competitive solicitation, 4% Housing Credits are generally considered unlimited because they are not subject to the State Housing Credit Ceiling or a per-capita allocation, although they remain dependent on qualifying tax-exempt bond financing and sufficient bond volume cap. Permitting Petitioner to submit a Non-Competitive Application therefore does not award a limited Corporation resource, and the relief does not extend to Corporation-issued MMRB or any other limited resource not requested in Petitioner's competitive Application. Petitioner will remain subject to the applicable Non-Competitive Application, credit underwriting, Housing Credit, and bond-financing requirements. Through those processes, Florida Housing will retain the ability to apply the procedures necessary for the proper allocation and distribution of Housing Credits and to evaluate the timeliness of the application, the location of and need for the Development, its economic feasibility, and Petitioner's ability to proceed to completion. Granting the limited waiver will also facilitate the maximum use of available Housing Credits to encourage the development of low-income housing. This finding does not determine the financial feasibility of the original or revised Development, approve any revised sources and uses, or establish Petitioner's entitlement to an allocation of Housing Credits.

Petitioner has not, however, demonstrated that the requirements of s. 120.542(2), F.S., are satisfied with respect to its request to use tax-exempt bonds issued by Capital Trust Authority. The RFA's issuer limitation was part of the procedures under which Live Local SAIL funding, tax-exempt bonds, and 4% Housing Credits were made available through the competitive solicitation. Capital Trust Authority is not a Public Housing Authority, County Housing Finance Authority, or Local Government as required by the RFA. Petitioner has not demonstrated that permitting an issuer outside the categories specified in the RFA would otherwise preserve the uniform procedures and requirements under which applicants competed and were selected. Petitioner also has not demonstrated that application of the issuer limitation would violate principles of fairness. The limitation applied equally to all applicants, and Petitioner has not identified a similarly situated applicant that was permitted to use an issuer outside the categories specified in the RFA. The economic and timing circumstances described by Petitioner do not establish that the issuer limitation affects Petitioner in a manner significantly different from other applicants subject to the same solicitation. Accordingly, Petitioner has satisfied the waiver standard only to the extent necessary to permit it to apply for 4% Housing Credits through the Non-Competitive Application process using tax-exempt bonds obtained through an issuer permitted by RFA 2024-213.

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3. **Recommendation:**

- a) Staff recommends the Board GRANT IN PART and DENY IN PART the Amended Petition. Staff recommends that the Board GRANT a limited waiver of Rules 67-21.003(1)(a) and (b), F.A.C. (2024), solely to permit Petitioner to submit a Non-Competitive Application for 4% Housing Credits for the Development notwithstanding that those Housing Credits were made available through RFA 2024-213 and were not requested in Petitioner's competitive Application.
- b) Staff recommends that the Board DENY Petitioner's request to use tax-exempt bonds issued by Capital Trust Authority. RFA 2024-213 limits eligible issuers of Non-Corporation-issued tax-exempt bonds to a Public Housing Authority established under Ch. 421, F.S., a County Housing Finance Authority established pursuant to s. 159.604, F.S., or a Local Government. Capital Trust Authority is not within any of those categories. Any Non-Corporation-issued tax-exempt bonds used by the Development must be obtained through an issuer permitted by, and otherwise comply with, RFA 2024-213.
- c) This action does not amend, rescore, or otherwise alter Petitioner's competitive Application or the final agency action selecting it. This action does not award or allocate Housing Credits, approve a bond transaction, approve the proposed increase in units or revised set-aside commitments, establish the final amount of Live Local SAIL funding, or determine the financial feasibility of the revised Development. Those matters remain subject to all applicable staff approval, Non-Competitive Application, credit underwriting, rule, and RFA requirements. Except for the limited relief expressly granted, all other applicable requirements remain in effect.

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

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AUG 4 2026 9:36 AM

WHFT LL WORKFORCE, LTD., and
WHFT LL WORKFORCE DEVELOPER, LLC

Petitioners,

2026-039VW
FHFC Case No.: 20
RFA No.: 2024-213
Application No.: 2025-345S

FLORIDA HOUSING
FINANCE CORPORATION

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

_____ /

**AMENDED PETITION FOR WAIVER OF RULE 67-21.003(1)(a) and (b) &
REQUEST FOR APPLICATIONS 2024-213**

Petitioners, WHFT LL Workforce, Ltd., and WHFT LL Workforce Developer, LLC, (collectively, Petitioners or Catchlight Workforce), by and through undersigned counsel, petitions Florida Housing Finance Corporation (Florida Housing) for a waiver of Rule 67-21.003(1)(a) and (b) (effective August 27, 2024) as well as criteria within Request for Applications 2024-213 SAIL Funding for Live Local Mixed Income, Mixed-Use, and Urban Infill Developments (the RFA). Due to events outside of its control, Catchlight Workforce requests to diversify its funding sources and intends to expand the proposed project to increase the number and affordability of the units within the proposed development.

This Petition is filed in accordance with Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. With this Petition, Catchlight Workforce requests a permanent waiver of the Rule 67-21.003(1)(a) and (b) and the pertinent RFA criteria. In support, Catchlight Workforce states:

Petitioner & Project

1. For purposes of this Petition, WHFT LL Workforce, Ltd.'s, address is c/o Laura S. Olympio, Esq., Nason Yeager Gerson Harris Fumero, PA, 3001 PGA Boulevard, Suite 305, Palm Beach Gardens, Florida 33410. Telephone number for the undersigned counsel is 561-686-4402, the facsimile number is 561-686-5442, and email address is lolympio@nasonyeager.com; vdavis@nasonyeager.com.

2. For purposes of this Petition, WHFT LL Workforce Developer, LLC's, address is c/o Laura S. Olympio, Esq., Nason Yeager Gerson Harris Fumero, PA, 3001 PGA Boulevard, Suite 305, Palm Beach Gardens, Florida 33410. Telephone number for the undersigned counsel is 561-686-4402, the facsimile number is 561-686-5442, and email address is lolympio@nasonyeager.com; vdavis@nasonyeager.com.

3. Following issuance of the RFA, Catchlight Workforce timely submitted Application No. 2025-345S (Application) requesting Live Local SAIL funds (with no Housing Credits), for an 84-unit development known as Catchlight Crossings Live Local Workforce (Project). As reflected in the Application, majority of the proposed units were designated as Non-Housing Credit 80% AMI Live Local Housing Units. Specifically, Catchlight Workforce proposed completing 66 units, or 78% of the units, with an 80% AMI set-aside. Application p. 15. The Project is one of four buildings comprising the second 400-unit phase of a large, innovative affordable and workforce housing community known as Catchlight Crossings. It contains just a portion of the workforce housing that will be available when Catchlight Crossings is complete.

4. Catchlight Crossings is a one-of-a-kind partnership and large-scale project of significant regional impact focused on providing affordable and workforce housing as well as related medical, educational, and retail facilities to support those working within Orlando's tourist and hospitality industries. Once complete, Catchlight Crossings will have 1,000 total units that

support all levels of affordable and workforce housing demographics. Due to the multi-phased development of Catchlight Crossings, the Project's budget, design, construction, and overall timelines are interconnected with other phases of the larger community. Florida Housing is familiar with and supported the initial phase of Catchlight Crossings. *See* Application 2025-157S submitted in response to Request for Applications 2024-216 Live Local SAIL Financing for the Construction of Large-Scale Developments of Significant Regional Impact (RFA 2024-216). Important here, keeping timely continuity between each phase of Catchlight Crossings is critical to each phase of the larger project's budget and overall success in serving its affordable and workforce housing clientele.

5. Catchlight Workforce's Application was determined to be eligible but was not preliminarily selected for funding by Florida Housing's Board of Directors (Board). Catchlight Workforce timely filed a Notice of Intent and Formal Written Protest and Petition for Formal Administrative Hearing (Petition) in accordance with Sections 120.569 and 120.57(3), Florida Statutes and Chapter 28-106, Florida Administrative Code. Catchlight Workforce's Petition was transferred to the Division of Administrative Hearings, an Administrative Law Judge was assigned, and a two-day hearing took place on March 25-26, 2025. On May 9, 2025, the Administrative Law Judge issued a Recommended Order finding, among other things, that Catchlight Workforce should remain eligible for funding.

6. On June 13, 2025, Florida Housing's Board issued a Final Order adopting the Findings of Fact, Conclusions of Law, and Recommendations of the Recommended Order issued in DOAH Case No. 25-1110BID *WHFT Workforce Ltd., et. al. v. Florida Housing Finance Corporation*, which found Application No. 2025-345BS eligible for funding under the RFA.

Issuance of Board's Final Order resulted in the selection of Catchlight Workforce's Application for a funding award pursuant to the terms of the RFA.

7. Following the Board's Final Order, Catchlight Workforce was invited to enter credit underwriting and submitted a signed acknowledgment to accept that invitation. At this time, Catchlight Workforce is actively engaged in credit underwriting with Florida Housing's chosen underwriter.

8. As explained more fully below, after entering credit underwriting the Project has faced numerous challenges and budgetary constraints which prompted Catchlight Workforce to expand the scope of the Project to incorporate additional units, with a more varied affordability mix than what was reflected in the Application. Catchlight Workforce requests this waiver so it can diversify its funding sources and more efficiently provide the capital required to continue forward and complete the expanded, and more income restricted, Project.

Statutes and Rules Implemented by the Requested Waiver

9. Florida Housing is a public corporation created pursuant to Chapter 420, Part V, Florida Statutes, to administer the financing of affordable housing in Florida. §420.504, Fla. Stat. It is designated as the housing credit agency for Florida within the meaning of section 42(h)(7)(A) of the Internal Revenue Code and has the responsibility to administer and distribute funds allocated under the Live Local Act. §§420.5099; 420.50871; 420.50872, Fla. Stat.

10. Passage of the Live Local Act in 2023 represented a significant investment in expanding affordable and workforce housing developments statewide. One of the Live Local Act's key provisions is its recognition of the importance of public-private partnerships, encouraging creative collaboration among state and local governments, housing finance agencies, nonprofit organizations, and private developers to leverage resources, accelerate housing production, and

maximize community impact. §§ 420.0002(10); 420.0003(2)(b); 420.6015(7), Fla. Stat. To advance this vision, it identified specific funding allocations to support the development of large-scale projects of significant regional impact. §420.50872(2)(a), Fla. Stat.

11. Florida's Legislature has maintained its support of innovative and creative solutions to increase affordable and workplace housing statewide. This is evidenced by its continual revision and expansion of the Live Local Act's provisions in 2024, 2025, and 2026 showing an steadfast commitment to promoting public-private partnerships, removing procedural roadblocks, and supporting flexible solutions to advance Live Local developments.

12. Numerous provisions within Part V of Chapter 420, Florida Statutes¹, authorize Florida Housing to allocate Live Local SAIL funds by means of a request for proposal or other competitive solicitations. §§420.507(22) and (48), 420.5099, 420.50871, 420.50872. Chapter 67-60, Florida Administrative Code, governs the competitive solicitation process. Rule 67-48.0072, Florida Administrative Code, governs the credit underwriting process which includes a *de novo* review of Catchlight Workforce's Application including a comprehensive review of the Application, Catchlight Workforce, the real estate, the economics of the Project, the ability for Project success, the need for affordable housing along with a determination that the Project meets such needs, and a determined funding amount.

13. Chapter 67-21, Florida Administrative Code, governs the noncompetitive funding process as established by Florida Housing. Florida Housing's Board may make available non-competitive funding, including 4% Housing Credits or Multifamily Mortgage Revenue Bonds (MMRB), to support proposed affordable housing developments in applicable circumstances.

¹ Collectively, (the Act).

§420.5099, Fla. Stat.; Fla. Admin. Code R 67-21.003(1). Rule 67-21.003(1), Florida Administrative Code, provides that:

- (1) Unless otherwise set forth in a competitive solicitation pursuant to Chapter 67-60, F.A.C., Applicants shall apply for Non-Competitive HC or a combination of MMRB and Non-Competitive HC as set forth below.²
- (a) If the NC Award will be made available, with or without other Corporation funding, through the competitive solicitation funding process outlined in Chapter 67-60, F.A.C., the Applicant shall apply for the NC Award using the forms and procedures specified in the applicable competitive solicitation for such funding. Unless otherwise specifically provided in the solicitation, all of the substantive provisions of this chapter will continue to apply to the NC Award.³
- (b) If the NC Award will not be made available through the competitive solicitation funding process outlined in rule Chapter 67-60, F.A.C., the Applicant shall utilize the Non-Competitive Application Package. The Non-Competitive Application Package or NCA (Rev. 60-2024) is adopted herein by reference and contains the forms and instructions available, without charge, on the Corporation's website under the Multifamily Programs link labeled Non-Competitive Program or from <https://www.flrules.org/Gateway/reference.asp?No=Ref-16897> which shall be completed and submitted to the Corporation in accordance with this chapter.

14. The Non-Competitive Application Package is incorporated in Rule 67-21.003(1)(b), Florida Administrative Code, and provides, in relevant part:

When applying for funding for the proposed Development, Applicants shall only utilize the Non-Competitive Application Form to apply for the following new funding when no other new Corporation funding sources, besides the Predevelopment Loan Program (PLP), are being requested:

² For the purposes of this subsection only, the term NC Award shall refer to Non-Competitive Housing Credits or a combination of MMRB and Non-Competitive Housing Credits and funding from the Predevelopment Loan Program (PLP) will not be considered to be other Corporation funding.

³ Any reference in this chapter to "Application" shall mean the application or response submitted for such other funding.

- Corporation-issued MMRB and Non-Competitive Housing Credits (4 Percent HC). The Non-Competitive Application Form can be submitted to the Corporation any time after the effective date of Rule Chapter 67-21, F.A.C.; or
- Non-Competitive Housing Credits (4 Percent HC) only, to be used for a Tax-Exempt Bond Financed Development where the bonds are issued by a County Housing Finance Authority (HFA) established pursuant to Section 159.604, F.S. The Non-Competitive Application Form can be submitted anywhere from the time the Applicant completes Credit Underwriting for the Bonds up until the last Corporation business day of December of the year the Development is placed in service; or
- Non-Competitive Housing Credits (4 Percent HC) only, to be used for a Tax-Exempt Bond Financed Development where the bonds are issued by an entity other than the Corporation or a County HFA. The Non-Competitive Application Form can be submitted once the Applicant receives affirmation that the tax-exempt multifamily bond allocation has been reserved or that the entity issuing the bonds has agreed to award the necessary allocation when available, but no later than 14 days, after the TEFRA Hearing, and in no event may the Application be submitted after the commencement of Rehabilitation or construction.

15. In addition, Florida Housing has the authority to grant waivers to its administrative rules and RFA criteria when strict application of the same will lead to unreasonable, unfair, and unintended results in particular instances. §120.542(1), Florida Statutes; Fla. Admin. Code Chpt. 28-104. Waivers shall be granted when the person subject to the rule demonstrates that the application of Florida Housing's administrative rules and RFA criteria will: (1) create a substantial hardship or violate principals of fairness, and (2) the purpose of the underlying statute has been or will be achieved by other means. §120.542(2), Fla. Stat. For these purposes, "substantial hardship" means a "demonstrated economic, technological, legal or other type of hardship" while "principals of fairness" are violated when "literal application of a rule affects a particular person in a manner significantly different from a way it affects similarly situated persons who are subject to the rule."

Id.

RFA Criteria Implemented by the Requested Waiver

16. Section One of RFA states that:

Applications must request State Apartment Incentive Loan (SAIL) appropriated by the Live Local Act set forth in Section 420.50871, F.S., created by the Florida Legislature under Section 23 of the Live Local Act of 2023 “Live Local SAIL”. ... All other Applications may request Live Local SAIL in conjunction with (a) Tax-Exempt Bond financing (i.e., Corporation-issued Multifamily Mortgage Revenue Bonds (MMRB) or Non-Corporation-issued Tax-Exempt Bonds obtained through a Public Housing Authority (established under Chapter 421, F.S.), a County Housing Finance Authority (established pursuant to 159.604, F.S.), or a Local Government); and (b) 4% Housing Credits.

17. No statutory reference is included to define the term “Local Government” within Section One of the RFA. However, as a capitalized term, Section Two of the RFA recognizes that: “Capitalized terms within the RFA shall have the meaning as set forth in this RFA, in Exhibit B, Rule Chapters 67-21 F.A.C. and 67-48, F.A.C. (effective August 27, 2024) and Rule Chapter 67-60, F.A.C., (effective October 23, 2024), or in applicable federal regulations.⁴” For purposes of the RFA, (as well as this Petition and requested waiver), “Local Government” means a county or a municipality established by general or special law. §218.31(2), Fla. Stat.

18. It is evident that Florida Housing did not include a new definition for “Local Government” when preparing competitive solicitations disbursing Live Local Act funds. Instead, Florida Housing simply incorporated its standard definition used in other requests for application. *Compare* RFA 2025-216, RFA 2025-215, RFA 2025-214, and RFA 2025-213 (Live Local RFAs) to RFA 2025-204 and RFA 2025-205. This was an opportunity missed as the Legislature clearly

⁴ As a competitive solicitation, Rule 67-48(76), Florida Administrative Code, recognizes that a “Local Government” is defined in Section 420.503, Florida Statutes. That statute defines “Local Government” as a unit of local general-purpose government which is further defined in Section 218.31(2), Florida Statutes. Page 132 of the RFA further recognizes that a “Local Government (as defined in Section 420.503, F.S.) shall”

sought to promote innovation, flexibility, and public-private coordination when allocating funds to Florida Housing to support Live Local Act developments. §§ 420.0002(10); 420.0003(2)(b); 420.6015(7), Fla. Stat.

19. Section Four.A.6 addresses the number of units and the proposed project's related set-aside requirements. First, Section Four A.6.a. requires the identification of the number of proposed units while Section Four A.6(c)(1), of the RFA addresses the minimum set-aside requirements for the proposed projects. It states in relevant part:

(1) Minimum Set-Aside Commitments per Section 42 of the IRC

If not requesting 9% Housing Credits or MMRB or local bonds with 4% Housing Credits, select "Live Local SAIL only" as the set-aside commitment at question 6.c.(1) of Exhibit A.

20. Next, Section Four.A.10(a) addresses the proposed development's funding sources. This section includes identification of the amount of requested funding from Florida Housing (Section Four.A.10(a)(1)), a request amount for Housing Credits ((Section Four.A.10(a)(2)), as well as the Development Cost Pro Forma which identifies the proposed project's sources and uses (Section Four.A.10(c)).

The Requested Waiver will Serve the Underlying Purpose of the Act

21. With this Petition, Catchlight Workforce requests a waiver from the applicable administrative rules and RFA criteria. In submitting its Application seeking a competitive funding award pursuant to the RFA, Catchlight Workforce did not contemplate nor request to utilize tax-exempt bonds or 4% Housing Credits. At the time, Catchlight Workforce solely requested Live Local SAIL funding to support its development of the 84-unit portion of the larger community, the majority of which were designated to serve 80% AMI. This occurred because Florida Housing issued tax-exempt bonds for the first phase of Catchlight Crossings that was awarded funding in

response to RFA 2024-216. *See generally* Application 2025-157S submitted in response to RFA 2024-216. As the second phase of a larger community, Florida Housing preferred not to issue additional tax-exempt bonds to support the same affordable housing development, despite being developed under a separate legal entity. In addition, Catchlight Workforce did not request local Housing Authority funds for this specific proposed development because other phases of Catchlight Crossings will be receiving such funds.

22. After entering credit underwriting, the Project, through no fault of its own, now faces significant inflationary stresses, budgetary uncertainties, and policy changes with the local government on the waiver of impact fees. Noted above, the Project's original scope and budget was premised on the overlapping continuity of this Project in relation to the larger Catchlight Crossings community. This included reliance not only on timely commencement and progress of construction of each phase, but also coordination with Orange County for design, permitting, and necessary approvals. This is reflected in the bids received and accepted by the Project's contractor and sub-contractor teams who gave favorable pricing on supply and labor costs due to the expected continuing scope of work, the benefits of which will be lost if the Project is unable to commence in the immediate future. It is also reflected in the design and permitting timelines with Orange County. At present, Catchlight Workforce's Project has pending building permits and Project designs that are grandfathered under earlier versions of the Florida Building Code.

23. Recently, Orange County notified Catchlight Workforce of its decision to waive a portion, only 50%, instead of all the Project's impacts fees. This change in policy alone, enacted after the Application entered credit underwriting, has caused an approximately \$1,000,000.00 increase in the budget for the Project. Catchlight Workforce also faces other policy uncertainties with Orange County related to the vested nature of its permit applications. The Project's building

permits are complete and ready to be issued; however, recent timing delays has led to shifts in the Orange County's position about the vested and permit-ready position of Catchlight Workforce's approvals. This policy shift has placed Catchlight Workforce between a rock and a hard place – continue to rely on Orange County's original vested position or pull the permits, paying over \$1,300,000.00 in permit fees, impact fees, and utility connection charges for the single Project building (and more than \$5,800,000.00 for all four of the buildings within the second phase), just to wait and see if the Project will close. If this vested status is lost, the Project must be redesigned and re-permitted in accordance with the current version of the Florida Building Code, adding significant time, redesign costs with its architect and engineers, and construction cost increases due to both the building code changes and the timeline before commencement.

Funding Diversification for the Project

24. Catchlight Workforce has worked diligently to address these issues and seeks to address them by diversifying its allowable funding sources. Specifically, Catchlight Workforce seeks to incorporate tax-exempt bonds and to apply for Non-Competitive 4% Housing Credits from Florida Housing.

25. Once the Project's budget challenges were apparent, Catchlight Workforce explored obtaining tax-exempt bonds from the RFA's allowable sources. At that time, Orange County and the local Housing Authority had already distributed their allocated funds for the year and there is no way to obtain funds until the next funding cycle. Due to the interconnectivity and continuity of the Project and the ongoing phases, Catchlight Workforce cannot wait until 2027 for these avenues of funding to become available. Catchlight Workforce has already extended its credit underwriting timelines once, adding further strain to the critical budget and construction timelines, and cannot afford to extend the timeframes past the current December 2026 deadline.

26. To address this, Catchlight Workforce secured tax-exempt bonds from a different entity, Capital Trust Authority. With this waiver, Catchlight Workforce seeks to incorporate these bonds into the Project's funding and have Florida Housing recognize these tax-exempt bonds as an allowable funding source.

27. Capital Trust Authority is an interlocal agency formed by two Florida municipalities, the City of Gulf Breeze (Gulf Breeze) and City of Quincy (Quincy). §§163.01; 163.01(7), Fla. Stat. It was created in accordance numerous general laws including Chapter 125, Florida Statutes, which organizes counties and their intergovernmental relations, the Municipal Home Rule Powers Act (Chapter 166, Florida Statutes), which forms the basis of municipal governance and local home rule authority, Chapter 159, Florida Statutes, which addresses bond financing, and the Florida Interlocal Cooperation Act (Section 163.01, Florida Statutes), which encourages local governments to make the most efficient use of their authorities by cooperating with other localities. Specifically, Section 163.01(2), Florida Statutes, promotes the use of interlocal agreements to "provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities."

28. Just like counties, public housing authorities, and municipalities, (and Florida Housing itself), Capital Trust Authority receives bond allocation authority and TEFRA approvals through the Florida Division of Bond Finance and the Executive Office of the Governor and Cabinet. With this allocation, Capital Trust Authority issues tax-exempt bonds on behalf of its incorporator municipalities, Gulf Breeze and Quincy. §163.01(7)(d), Fla. Stat. ("[A]ny separate legal entity created pursuant to this section and controlled by the municipalities of this state ... may, for the purpose of financing or refinancing any capital projects, exercise all powers in

connection with the authorization, issuance, and sale of bonds. ... Bonds issued by such entity are deemed issued on behalf of the counties, municipalities, or private entities which enter into loan agreements with such entity as provided in this paragraph.”). Further any loan agreement executed by Capital Trust Authority is “governed by the provisions of Part I of chapter 159 ... or in the case of municipalities and charter counties, part II of Chapter 166.”

29. Over the past three years, Capital Trust Authority and its incorporator municipalities have issued over \$1.9 billion in tax-exempt bonds to numerous affordable housing projects, continuing to support the statutorily recognized public-private partnerships that advance the Live Local Act and Florida’s need for expansive affordable and workforce housing so families can live and enjoy the communities where they work. §§ 420.0002(10); 420.0003(2)(b); 420.6015(7), Fla. Stat. A list of affordable housing projects funded by Capital Trust Authority is attached as Exhibit 1.

30. Catchlight Workforce was able to obtain tax-exempt bonds from Capital Trust Authority quickly and for no additional cost due to the recent change in federal law that reduced the amount of tax-exempt bonds required to qualify for 4% housing credits from 50% to twenty-five percent (25%). With a surplus of funds, Capital Trust Authority stands ready to issue \$25 million in tax-exempt bonds to support the Project. A letter from Capital Trust Authority is attached and incorporated as Exhibit 2.

31. Here strict application of Florida Housing’s administrative rules and the RFA will impose a substantial hardship on the Project. The RFA recognizes that applicants could utilize multiple funding sources. For the reasons discussed, Catchlight Workforce solely requested Live Local SAIL funds. Now, due to forces outside of its control, the Project needs to diversify its funding sources to ensure that the Project will proceed timely, which is critical due to the

interconnected nature of the larger Catchlight Crossings community. Without budgetary diversification, the Project in its current state would struggle to be financially feasible. Catchlight Workforce seeks to address this by applying for Non-Competitive 4% Housing Credits and incorporating tax-exempt bonds from Capital Trust Authority.

32. In seeking this waiver, Catchlight Workforce has secured a commitment from a valid source of tax-exempt bond financing through the Capital Trust Authority, a legally authorized Florida interlocal entity with statutory authority to issue tax-exempt bonds for affordable housing projects. Catchlight Workforce was able to secure this allocation at no additional cost, due to recent federal changes to reduce the tax-exempt bond financing thresholds. This unique market circumstance created available tax-exempt bond capacity that allowed Capital Trust Authority to promptly finance the Project. Timing is critical to the success of the Project and no other allowable funding sources can meet these tight deadlines. Requiring Catchlight Workforce to abandon this in-hand financing and seek tax-exempt bonds through another issuer will result in additional delays, increased transaction costs, uncertainty, and potential loss of future financing commitments since other portions of Catchlight Crossings are set to receive funding from the local Housing Authority in 2027. One or all these outcomes threaten the Project's critical timelines.

33. Granting the request waiver also fully satisfies and supports the purpose of the Florida Housing's statutes and the Live Local Act. The Live Local Act reflects the Legislature's clear recognition that Florida faces a statewide affordable housing shortage. Therein, the Legislature designated Florida Housing as the agency to address this shortage by the implementation of Live Local programs and allocation of Live Local funds. With this framework, the Live Local Act requires Florida Housing to support the expedited development of affordable and workforce housing through innovative public-private partnerships and flexible financing

mechanisms. The RFA's limitation on "Local Governments" as an allowable funding source conflicts with this statutory intent and legislative directive.

34. Capital Trust Authority is precisely the type of governmental financing entity contemplated by these statutory objectives. It is an interlocal agency, created by statute, that receives and issues tax-exempt bonds on behalf of two municipalities. Like counties, municipalities, housing authorities, and Florida Housing itself, Capital Trust Authority receives bond allocation authority through the Florida Division of Bond Finance and issues tax-exempt bonds pursuant to state law. Here, the requested waiver will not introduce a novel or unauthorized financing mechanism but would simply permit Florida Housing to recognize financing issued by another legally authorized governmental entity that performs a public financing function. Capital Trust Authority has a demonstrated track record of supporting affordable housing projects, as well as the availability and, importantly, the flexibility and eagerness to issue tax-exempt bonds to support the Project's critical credit underwriting timelines.

35. Granting the waiver would not undermine the RFA's purpose and instead would further the Legislature's policy embodied in the Live Local Act by removing procedural obstacles and narrow interpretations of the solicitations/request for proposals that competitively allocate Live Local funds. Importantly, the requested waiver will ensure legislative intent is implemented while allowing the Project to timely proceed, using readily available financing, from an equivalent local government supported funding source.

36. Overall, the addition of tax-exempt bonds and Non-Competitive 4% Housing Credits to support the Project's funding sources will also not adversely impact Florida Housing. Due to the multi-phase nature of Catchlight Crossings, the Project was unable to request the other funding sources at the time of Application. Since entering credit underwriting, other allowable

funding sources such as Orange County and the local Housing Authority have distributed their bond allocations for the year, and no funds are currently available until the 2027 funding cycle, which is beyond the Project's already-extended December 2026 deadline for credit underwriting, and far beyond the Project's urgent timeline for commencement to maintain bid pricing and contractor continuity.

37. If the requested waiver is granted, Catchlight Workforce will continue to abide by the RFA and Florida Housing's rules and policies for all funding sources which is required upon its acceptance of the RFA's Live Local SAIL funds. In addition, Catchlight Workforce commits to using the same law firm as bond counsel - Bryant, Miller, & Olive - who coordinated with Florida Housing on the successful bond issuance and closing of the first phase of Catchlight Crossings.

Expansion of the Project

38. These changes also prompted Catchlight Workforce to re-evaluate its Project as a whole and it now desires to expand the scope of its originally proposed Project to include an additional 45 affordable housing units that are included within the 400-unit workforce phase of Catchlight Crossings. Beyond increasing the Project's scope from 84 to 129 units, Catchlight Workforce also seeks to diversify the affordability of these units and increase the number of units that serve low and extremely low-income residents. All of the 45 units added to the Project will be at 50% and 30% AMI, supporting low and extremely low-income residents, while the majority of the second phase will support the missing-middle, workforce income levels.

39. Catchlight Workforce now seeks to complete 65 units, or 50% of the units, with an 80% AMI set-aside; 31 units, or 24% of units, with a 50% AMI set-aside; and 33 units, or 25% of the units, with a 30% AMI set-aside. The expanded Project, when completed, will have 100% of the units set-aside, with 65 units serving low-income residents and 64 units serving extremely low-

income residents. In addition to the enhanced affordability of the units presented within this Application, as noted before, the Project is only a portion of the larger second phase of Catchlight Crossings. Once complete, this second phase will provide a total of 400 units, 250 of which will be offered at 100% AMI, covering the missing middle set-aside levels, and an additional 21 units (outside of the Application) will also be offered at 80% AMI set-aside levels, complementing the 129 units proposed by the expanded Project. This second phase is only a portion of the overall affordability that will be provided within Catchlight Crossings, a one-of-a-kind community and large-scale project of regional impact that will encompass 1,000 units, *in toto*.

40. Here, strict adherence to Florida Housing's administrative rules and the RFA's criteria would impose a substantial hardship on Catchlight Workforce and a waiver is justified because it is necessary to avoid economic hardship and continue to timely advance much needed affordable housing in Orange County. Noted above, the Project is the second phase of an innovative, one-of-a-kind housing community that will provide affordable and workforce housing for the thousands of hospitality and tourism industry workers that support the amusement parks located outside of downtown Orlando. Granting Catchlight Workforce's request will allow the Project to move forward, ensuring continuity of service, and overall success of the larger community.

41. In this instance, Catchlight Workforce meets the standard for waiver of the administrative rules and pertinent criteria within the RFA. Catchlight Workforce believes its request serves the purposes of the Act and its implementing administrative rules because one of its overarching goals is for Florida Housing to facilitate the availability of safe, decent, and sanitary housing to Florida's low-income individuals. §420.502(4), Fla. Stat.

42. The requested waiver will not adversely impact Florida Housing or the Project. Instead, granting this request will ensure that 129 units of much-needed affordable housing will become available in Orange County, Florida. With 100% of the 129 units set-aside for low-income and extremely-low income residents meeting the 80%, 50%, and 30% AMI set-asides, the Project's expanded scope, as a single building within the 400 unit second phase of Catchlight Crossings, and the requested waiver further serves the purposes of Florida Housing's statutory authority and mission to increase affordable housing for those of low, moderate, and middle income in Florida.

43. Strict application of the administrative rules and RFA will create a substantial hardship for Catchlight Workforce because it will not be able to meet strict application of these standards requirements through no fault of its own. Noted above, after entering credit underwriting, numerous factors with contractors, permitting, and the local government impacted the Project causing budgetary and timing challenges. Catchlight Workforce acted quickly to mitigate these unexpected issues, seeking out new funding sources while expanding the scope and affordability of the Project. At this stage, the Project is permit-ready, and Catchlight Workforce has an engaged and committed construction and subcontractor team. Without this waiver, the Project will face even greater additional budget constraints and significant time delays including but not limited to the loss of potential bids, loss of construction transition and demobilization, and loss of coordination with Orange County on the vested status of building permit approvals leading to redesign of the Project to meet newest version of the Florida Building Code. Any of these outcomes would violate the principles of fairness and lead to insurmountable costs and time delays.

44. Demonstrated within, strict application of the administrative rules and pertinent RFA criteria will constitute a substantial hardship and violate the principles of fairness. §120.542(2), Fla. Stat. Waiver of Florida Housing's administrative rules and the applicable RFA

criteria will also serve the purposes of the Act because one of Florida Housing's primary goals is to facilitate the availability of decent, safe, and sanitary housing in Florida to low, moderate, and middle income persons and households. §420.502(4)-(6), Fla. Stat. Granting the requested waiver will also promote the legislative intent of the Live Local Act and its desire to creatively and expediently support public-private partnerships that develop affordable and workforce housing statewide.

45. Should Florida Housing require additional information, Catchlight Workforce is available to answer questions and provide all information necessary for consideration and approval of this Amended Petition.

WHEREFORE, Catchlight Workforce respectfully requests that Florida Housing:

1. Grant the Amended Petition and all the request relief;
2. Permanently waive the applicable administrative rules and RFA criteria; and
3. Grant any such further relief as may be deemed appropriate or just.

Respectfully submitted this 4th day of August 2026.

/s/ Laura S. Olympio
Laura S. Olympio, FBN 117942
NASON YEAGER GERSON
HARRIS & FUMERO, P.A.
3001 PGA Boulevard, Suite 305
Palm Beach Gardens, Florida 33410
(561) 686-3307 Telephone
(561) 982-7116 Facsimile
lolympio@nasonyeager.com
vdavis@nasonyeager.com
Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed with the Florida Housing Finance Corporation's Corporation Clerk (CorporationClerk@floridahousing.org) and the Joint Administrative Procedures Committee (joint.admin.procedures@leg.state.fl.us) on this 4th day of August 2026.

/s/ Laura S. Olympio
Counsel for Petitioners

List of Affordable Housing Projects Financed by Capital Trust Authority since 2021:

Kingdom West Palm Beach \$77,940,000

College Park \$39,000,000

Kingdom Kensington \$29,870,000

Lake Osborne \$34,535,000

Lake Worth \$60,126,429

Gulf Coast Portfolio: \$257,060,587.95

Pending Affordable Housing Projects Financed by Capital Trust Authority:

Helm's Bay Landing \$55,000,000

The Waters at North Port \$75,000,000

Aura at Silver Lake \$50,000,000

The Park at Lake Como \$80,000,000

CAPITAL TRUST AUTHORITY

315 Fairpoint Drive • Gulf Breeze, Florida 32561 • Office 850-934-4046

August 3, 2026

Ryan Von Weller
WHFT LL Workforce, Ltd.

Re: Expiring Volume Cap Allocation for WHFT LL Workforce, Ltd.

Dear Mr. von Weller:

On behalf of Capital Trust Authority, I am writing to confirm that Capital Trust Authority has received an allocation of volume cap from the Florida Division of Bond Finance that is scheduled to expire on December 31, 2026.

Of that allocation, Twenty-Five Million Dollars (\$25,000,000) has been allocated to WHFT LL Workforce, Ltd. for its eligible financing purposes.

Please contact me if you need any additional information or documentation regarding this volume cap allocation.

Sincerely,



Denis A. McKinnon, III
Executive Director
Capital Trust Authority



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Agriculture,
Environment, and General Government, *Chair*
Appropriations
Appropriations Committee on Health and
Human Services
Governmental Oversight and Accountability
Regulated Industries
Rules

SELECT COMMITTEE:

Joint Select Committee on Collective Bargaining

JOINT COMMITTEES:

Joint Legislative Auditing Committee,
Alternating Chair
Joint Legislative Budget Commission

SENATOR JASON BRODEUR

President Pro Tempore
10th District

August 3, 2026

Melissa Levy
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

Re: Catchlight Crossings Phase II – Utilization of CTA Bond Allocation

Dear Ms. Levy,

I am writing regarding Catchlight Crossings Phase II, an affordable and workforce housing development in Orange County that represents one of the most ambitious implementations of the Legislature's vision under the Live Local Act.

The Florida Legislature enacted the Live Local Act to remove barriers to housing production and encourage innovative public-private partnerships that deliver meaningful housing opportunities for Florida's workforce. Catchlight Crossings embodies that legislative intent. Upon completion, the development will provide approximately 1,000 rental apartments integrated with transportation access, healthcare, early childhood education, adult education, neighborhood-serving retail, and other essential services in one cohesive community serving the International Drive employment corridor.

The project is already demonstrating success. Phase I is currently under construction and will deliver 300 affordable homes together with the mixed-use infrastructure that will support the entire development. Phase II is fully permitted, shovel-ready, and prepared to immediately commence construction on an additional 400 homes, including 150 affordable units and 250 workforce units.

As I understand it, Phase II received a competitive SAIL award under RFA 2024-213. However, escalating construction costs have required adjustments to the financing structure that were neither anticipated nor caused by the developer. Wendover Housing Partners has identified an available allocation of tax-exempt bonds through the Capital Trust Authority (CTA), allowing the project to close financing without delay while preserving the overall delivery schedule of this transformative community.

REPLY TO:

- ☐ 110 Timberlachen Circle, Suite 1012, Lake Mary, Florida (407) 333-1802
- ☐ 416 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5010

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

August 3, 2026
Page 2

Unfortunately, I also understand that Florida Housing has expressed concerns regarding the eligibility of CTA as a qualifying local governmental issuer under the applicable Rule and Request for Applications. Respectfully, I encourage Florida Housing to reconsider that position. CTA was established pursuant to Section 163.01, Florida Statutes, specifically to allow local governments to work collaboratively through interlocal agreements to finance affordable housing and other public purpose projects. CTA receives bond allocation authority and TEFRA approvals through the Florida Division of Bond Finance and the Executive Office of the Governor and Cabinet, demonstrating longstanding recognition by the State of Florida of CTA's authority to issue tax-exempt bonds for eligible public purposes.

Permitting Catchlight Crossings Phase II to utilize CTA-issued bonds would be fully consistent with both the statutory framework established by the Legislature and the policy objectives embodied in the Live Local Act. More importantly, it would allow construction to continue without interruption, preserve pricing secured through the earlier phases of development, maintain continuity for contractors and suppliers, and accelerate delivery of critically needed affordable and workforce housing to Central Florida residents. Delaying this project because of financing technicalities would undermine precisely the type of innovative housing solution the Legislature intended to encourage.

Accordingly, I respectfully request that Florida Housing support the requested waiver and allow Catchlight Crossings Phase II to utilize the CTA bond allocation in accordance with Florida law. Doing so would advance the Legislature's clear policy objectives, facilitate the timely production of hundreds of affordable and workforce housing units, and reinforce Florida Housing's shared commitment to addressing our state's housing shortage through practical, collaborative solutions. Without allowing this proposed CTA bonds application, Phase II would be delayed by at least a year, if not two, which would have additional devastating cost implications, in addition to delaying much needed affordable housing inventory to the International Drive market.

Thank you for your consideration of this request and for your continued dedication to expanding affordable housing opportunities throughout Florida. I appreciate your thoughtful review and look forward to working together to ensure that this landmark development proceeds without unnecessary delay.

Sincerely,

A handwritten signature in black ink that reads "Jason Brodeur". The signature is fluid and cursive, with the first name "Jason" and last name "Brodeur" clearly legible.

Jason Brodeur
Florida State Senator
District 10

RECEIVED

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FLORIDA HOUSING
FINANCE CORPORATION

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

WHFT LL WORKFORCE, LTD. AND
WHFT LL WORKFORCE DEVELOPER,
LLC,

Petitioner,

v.

FHFC Case No. 2026-039VW
RFA 2024-213
Application No. 2025-345S

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

**COMMENTS IN OPPOSITION TO PETITION AND
AMENDED PETITION FOR WAIVER BY
WHFT LL WORKFORCE, LTD. & WHFT LL WORKFORCE DEVELOPER, LLC**

BDG Fern Grove Phase Two, LP (“Fern Grove”), by and through its undersigned attorneys, and pursuant to section 120.542(6), Florida Statutes, hereby provides the following comments on the above-referenced Petition for Waiver and the Amended Petition for Waiver (collectively referred to as the “Amended Petition” except as otherwise noted) filed by WHFT LL Workforce, Ltd. and WHFT LL Workforce Developer, LLC (collectively referred to as “Catchlight”). For the reasons set forth below, the Amended Petition should be denied or, alternatively, Fern Grove’s prior application that was displaced by Catchlight’s application should be funded subject to credit underwriting.

Background Facts

1. This Amended Petition involves a request for waiver by Catchlight regarding its application number 2025-345S filed in response to Florida Housing’s RFA 2024-213, SAIL Funding for Live Local Mixed Income, Mixed-Use, and Urban Infill Developments (the “RFA”).

2. Fern Grove application number 2025-317BS, also filed in response to the RFA, was deemed eligible and was initially selected for funding. Catchlight was deemed eligible but was not selected for funding.

3. Catchlight filed its Notice of Protest and Petition for Formal Administrative Hearing alleging that Fern Grove was not eligible to receive funding under the terms of the RFA for failure to meet certain technical requirements regarding developer and management company experience. Fern Grove, in turn, alleged that Catchlight's application was ineligible for funding because, among other reasons, its project, as proposed, would have a significant funding shortfall.

4. Catchlight's Application included a funding letter from JP Morgan Chase ("Chase"). The Chase letter contained certain debt service coverage ratio requirements as a condition of loan funding. Extensive evidence was presented at the trial before the Administrative Law Judge that the project, as presented, could not meet those requirements and additional funding sources would be required.

5. Catchlight did not dispute this evidence. Instead, it argued it was irrelevant.

6. The ALJ ultimately agreed the evidence was not relevant. Florida Housing entered a Final Order determining that Fern Grove's application was ineligible and that Catchlight's application was eligible and selected for funding. *WHFT LL Workforce, Ltd., et. al v. Florida Housing Finance Corporation*, DOAH Case No. 25-1110BID, *et. al* (F.O. June 13, 2025).

7. Fern Grove has appealed the Final Order that determined that its application was ineligible. That case is still pending. *BDG Fern Grove Phase Two, LP v. Florida Housing Finance Corporation*, First DCA Case No. 1D2025-1661.

8. Through the filing of this Amended Petition, Catchlight is now validating Fern Grove's contention. The Catchlight project, as presented and reviewed by Florida Housing, was underfunded and now needs additional and different funding sources to move forward.

9. Catchlight seeks a waiver of criteria within the RFA to change its application as well as avoiding requirements in Rule 67-21.003(1), Florida Administrative Code, so that it can try to use additional funding sources and obtain the financing it has needed from the outset.

10. This begs the question as to whether Catchlight's application would have been next in line behind Fern Grove if it had configured its application in a manner that would have eliminated the need for the relief it now seeks. For example:

- a. Catchlight's application did not include 4% Housing Credits or non-Corporation tax exempt bonds that it now seeks to use.
- b. Catchlight proposed 84 units in its application. It now proposes to increase that number by 45 units. This 53% increase is clearly intended to try to legitimize the amount of permanent debt originally referenced in the Chase letter. The Chase letter required a minimum debt service coverage ratio of 1.15. However, the unrefuted evidence from Fern Grove was that the project at 84 units would only generate a debt service coverage ratio of approximately 0.7—far below Chase's requirements. The proposal to add more units is needed to generate the revenue to correct that significant shortfall.
- c. Catchlight included approximately \$7.6 million in self-sourced financing that helped it obtain the priority that made it next in line behind Fern Grove. But apparently the failure to have 4% credits or tax exempt bonds and/or the failure to include enough self-sourced funds has resulted in the shortfall Catchlight now

faces. It is not clear whether Catchlight plans to eliminate or replace the self-sourced funds with some other source.¹

11. These new funding sources were not subject to scrutiny during the application process. If this waiver is granted, Catchlight would be provided with a competitive advantage not provided to Fern Grove or any other applicant by avoiding that scrutiny.

12. Had Catchlight not been next in line behind Fern Grove, Catchlight would not have had standing to challenge Fern Grove and it would have been Fern Grove's application that would have been funded. These defects in the Catchlight application were ignored at the application phase. If this Amended Petition is granted and the requested changes are allowed, Catchlight would be provided with a significant competitive advantage at the expense of Fern Grove. Fern Grove continues to be ready for funding.

13. There are multiple reasons Catchlight's Amended Petition for Waiver should be denied.

Applicable Waiver Standard

14. The statutory basis for the waiver sought by Catchlight is section 120.542, Florida Statutes. This statute states, in part:

(2) 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. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

¹ The Catchlight Application contained a Self-Sourced Financing Commitment Verification Form signed by Jonathan L. Wolf as the Manager of the General Partner of the Applicant.

There Is No Basis to Waive Rule Requirement for Tax Credit Applications

15. Section 120.542 only allows for waivers of administrative rules adopted by agencies. Catchlight seeks a waiver of (1) Rule 67-21.003(1), Florida Administrative Code; and (2) “criteria within [the RFA].”

16. Rule 67-21.003(1) provides a process for applying for Non-Competitive Housing Credits or for a combination of MMRB and Non-Competitive Housing Credits. It then specifies the forms for such applications.

17. Catchlight’s Amended Petition fails to explain what portion or process within this rule needs to be waived and why. Is Catchlight suggesting that it should be granted Housing Credits without even having to apply? That seems unlikely. But if that is what it is seeking, Catchlight provides no explanation or justification as to why it should not have to go through the application process or how that process affects it in a manner that is significantly different from others that are similarly situated.

18. If Catchlight is not asking to waive the application process, then it is not clear what portion or process within this rule is standing in its way. Catchlight’s request in this regard is vague and fails to justify waiver.

The Request to Waive Portions of the RFA is Vague and Exceeds the Board’s Statutory Authority

19. The request to waive criteria in the RFA is deficient for several reasons.

20. First, it is not clear if Catchlight is seeking to waive criteria in the RFA or if it is now trying to change what was in its original application. Instead of waiving RFA requirements, it seems Catchlight is trying to amend its application to add funding sources referenced in the RFA but that were not used by Catchlight when it submitted its application. Catchlight also seeks to change the number of units.

21. However, the law is clear on this point. Section 120.57(3), Florida Statutes, governs the competitive solicitation process used by Florida Housing. Rule 67-60.009, Fla. Admin. Code. Section 120.57(3)(f), Florida Statutes, plainly states that "...no submissions made after the agency announces its intent to award a contract...which amend or supplement the reply shall be considered."²

22. A change to Catchlight's application to add funding sources not previously used or to add units cannot be accomplished by the requested waiver. It is black letter law that an agency cannot waive provisions of a statute, and the statute does not allow application amendments. Section 120.542(1), Fla. Stat.

23. Second, the request by Catchlight for a waiver of criteria within the RFA is vague. There is no explanation of which criteria in the RFA need to be waived nor any discussion as to why they weren't complied with during the application process.

24. Third, section 120.542 only allows an agency to waive provisions of an administrative rule. The RFA is not a rule so there is no legal authority at this point in the process to waive RFA requirements.

The Stated Reasons for Waiver are Vague and Fail to Meet the Statutory Standard

25. The Amended Petition should also be denied because it fails to demonstrate a substantial hardship or explain how application of the rule or RFA criteria would violate principles of fairness. The statute requires Catchlight to demonstrate it would suffer substantial hardship from strict application of the rule; not that it would suffer hardship due to the denial of the waiver petition. *Melitta A. Lane et al. v. Department of Environmental Protection and International*

² Many years ago, the Florida Housing application process allowed applicants to change or "cure" their applications after preliminary scoring by staff. That process did not work well and was abandoned long ago. In this Amended Petition, Catchlight is asking the Board to allow major application changes that are not allowed.

Paper Company, DOAH Case No. 05-1609, R.O. at pp. 73-74, 86-87 (R.O. May 11, 2007). The Amended Petition fails to articulate how application of this rule or RFA would constitute a hardship.

26. In its initial Petition, Catchlight stated, without further elaboration, that "...the Project, through no fault of its own, now faces significant inflationary stresses, budgetary uncertainties, and policy changes with the local government on the waiver of impact fees." Catchlight calls these "unexpected issues."

27. However, no details were provided in the original Petition. Some additional elaboration was provided in its Amended Petition filed on August 4, 2026 although there remain unsubstantiated claims.

28. Catchlight asserts that Orange County has recently indicated that it will only waive a portion of the Project's impact fees resulting in an increase in project costs of approximately \$1 million. However, Catchlight does not explain how much of that increase is attributable to its decision to increase the number of units by over 50%--a factor within the exclusive control of Catchlight. They also fail to explain how this cost could not be covered with the contingency funds of \$1.3 million included in its original application.

29. Catchlight next discusses the tax-exempt bonds it now seeks from Capital Trust Authority. This funding source was not revealed nor subject to scrutiny during the application process although other bidders did not get this same accommodation. If this waiver is approved, Catchlight would be given a competitive advantage not provided to Fern Grove or any other bidder.³

³ The letter from Capital Trust Authority attached as Exhibit 2 to the Amended Petition would likely not have withstood scrutiny under the requirements of the RFA had this funding source been listed due to its failure to include details required by the RFA.

30. Catchlight goes to great lengths to try to explain the nature of the Capital Trust Authority organization. What seems clear is that it is not the Corporation or a County Housing Finance Authority.

31. While Catchlight claims its need for these funds are due to factors outside of its control, it fails to explain why this source was not referenced in its application. Stated otherwise, this is a problem of Catchlight's own making.

32. Catchlight repeatedly references goals within the Live Local Act as providing support for its waiver request. However, that Act was a central theme in the RFA. There is nothing new about that law that justifies the waiver.

33. The nature and extent of "inflationary stresses" referenced in the Amended Petition are not explained in any fashion. The Catchlight application was filed in December 2024. Inflation is not something that was or should have been "unexpected."

34. Likewise, the excuse of any other "budgetary uncertainties" is extremely vague and fails to meet the statutory requirement to show "...a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver." As noted above, Catchlight appears to have gained a competitive advantage in the RFA process by providing an inadequate funding scheme for its project. The waiver process does not exist to remedy those deficiencies.

Conclusion

35. Catchlight filed an application in response to RFA 2024-213 that 'checked the boxes' in a way that maximized its ability to get the preferences that would give it the best chance to get funded. Catchlight came in second and was then successful in getting Fern Grove deemed ineligible. But now Catchlight concedes its funding sources were inadequate which means it

should not have been selected. Instead of Catchlight, it should be Fern Grove that is moving forward with its affordable housing project. Now that it successfully navigated the competitive selection process, Catchlight is trying to fix its problems that should not have been unforeseen. Had it properly configured its application at the outset to avoid the problems it now faces, it might not have been selected. That may never be known.

36. What is known is that this Amended Petition fails to satisfy the statutory requirements for the requested waiver.

37. Catchlight should not be granted waivers to move forward with these other funding sources and unit increases. Further, if Catchlight is seeking to reduce its self-sourced funding commitments, that effort should be rejected. Alternatively, if Catchlight is granted this waiver, Fern Grove's application should also be funded subject to credit underwriting in order to avoid the competitive advantage that would be granted to Catchlight by allowing it to make the requested changes to what was a deficient initial application.

For the foregoing reasons, Fern Grove respectfully requests that the Amended Petition For Waiver by Catchlight be DENIED.

DATED this 4th day of August 2026.

[SIGNATURE ON NEXT PAGE]



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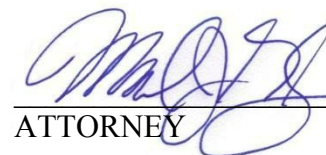
Attorneys for BDG Fern Grove Phase Two,
LP d/b/a Fern Grove Phase Two

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of August 2026 the foregoing has been filed by e-mail with the Corporation Clerk (CorporationClerk@floridahousing.org), Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, and the Joint Administrative Procedures Committee (joint.admin.procedures@leg.state.fl.us) and a copy has been furnished by Electronic Mail to the following:

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