modifications or deviations from the Application or credit underwriting requirements. Applicant shall notify the Corporation. All changes to the Development plans, resident programs and/or marketing plans which are used to describe the Development in accordance with this rule chapter and UA1010 and/or BOR1010 and represented to the Credit Underwriter and Development services are affected by this prior notification requirement. Failure to obtain the Corporation’s approval prior to implementing any such changes shall result in the Applicant and any of the Applicant’s Affiliates being ineligible to participate in any program administered by the Corporation for a period of two years, which shall begin from the date the Board approves the disposition of the Applicant and its Affiliation. Specific Authorities: 420.250 F.S. Law Implem 420.250, 420.580 F.S. F.S. Winters—New 7-12-96, Amended 12-15-96, 7-10-97, 1-6-98, Formers 60.45-80.4, Amended 4-7.98,11-9.98,2-24-00, 2-23-03, 3-7-02.

67-48-005 Applicant Administrative Appeal Procedures.
(1) At the conclusion of the review and scoring process established by Rule 67-48-004, F.A.C., each Applicant will be provided with its final score and notice of rights which shall constitute the point of entry to contest any issue related to the Applicant’s Application for the SAIL Program, the HOME Program or the IC Program.
(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st Calendar Day after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.210(2), or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue and score sought to be challenged. Submission by facsimile or other electronic means will not be accepted. If the petition does not raise a disputed issue of material fact, the challenge will be considered in accordance with subsection 28-106.210(2), or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue and score sought to be challenged. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.571, F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designee hearing officer which will then be considered by the Board.
(3) Any Applicant who wishes to challenge the findings and conclusions of the recommendation ordered entered pursuant to a Section 120.571(2), F.S., proceeding on its own Application, shall have the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation’s Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1309, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider the record and written arguments as it enters the appropriate final orders.
(4) Following the entry of final orders in all petitions filed pursuant to Section 120.571(2), F.S., and in accordance with the prioritization of the QAP and Rule Chapter 67-48, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.571(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the top three applicable final ranking had it been entered prior to the date the final rankings were presented to the Board, provide the requested funding and/or allocation (as applicable) from the non-available funding and/or allocation, whether in the current year or a subsequent year. Funding refers to SAIL or HOME and allocation refers to IC. Nothing contained herein shall affect any applicable credit underwriting requirements.
(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the point of entry to contest any ranking or scoring issue related to any other Applications for the SAIL Program, the HOME Program or the IC Program. An Applicant that wishes to contest the final ranking or score of another Applicant may so do only if:
(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). Submission by facsimile or other electronic means will not be accepted. The petition must conform to subsection 28-106.210(2) or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue, score or ranking sought to be challenged.
(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-48-004(4), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the control of the Applicant at the time the contested issue cannot be one that was both curable and within the Applicant’s sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-48-004(4).
(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range of the top three funds Housing provided the Applicant with its final ranking.
(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.571(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.571(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.
(e) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.571(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application shall be allowed the opportunity to submit written arguments to the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider the record and written arguments as it enters the appropriate final orders.
Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 500, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final order.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final funding, provide the requested funding and/or allocation (as applicable) from the next available funding and/or allocation, whether in the current year or a subsequent year. Funding refers to SAIF or HOME and allocation refers to HC. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not bar the Corporation’s provisions of funding to Applicants per the final rankings referenced in subsection (4) above.


67-48406 Compliance and Reporting Requirements.

(1) Any duly designated representative of the Corporation shall be permitted at any time during normal business hours to inspect and monitor the construction or rehabilitation of a Development. Any duly authorized representative of the Corporation shall have access to any land previously dedicated at any time during normal business hours to inspect and monitor Development and resident records and facilities. All records shall be maintained by the owner of the Development within 50 miles of the Development site.

(2) This section shall be construed for the purpose of insuring that: (a) An authorized representative of the Corporation will, at the Applicant’s expense, conduct four on-site construction inspections during the construction or rehabilitation of a Competitive HC Development. Any required re-inspection due to a finding of non-compliance will be at the Applicant’s expense. (b) An authorized representative of the Corporation will, at the Applicant’s expense, conduct a minimum of one on-site construction inspection of a Non-Competitive HC Development which has received any other Florida Housing financing. Any required re-inspection due to a finding of non-compliance will be at the Applicant’s expense. (c) The Corporation or its representative shall conduct on-site Development inspections at a maximum of every three years, with a typical frequency of annual reviews. (d) The Corporation must approve the selection or replacement of a management company prior to any company assuming responsibility for the Development, using the following criteria: (a) Review of company information including any management personnel, management experience and

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growth and (b) Review of company forms such as application for apartment residence, income verification, forms, lease, etc. (e) Key management company representatives attend at Corporation compliance workshop and (f) A meeting between Corporation compliance staff and the key management company representative.

(5) The Corporation will document approval of the management company by the owner of the Development after successful completion of items (a)-(d).

(6) The owner of the Development shall maintain complete and accurate income records pertaining to each resident occupying a Low-income or Very Low-income unit. Records for each occupied Low-income or Very Low-income unit shall contain the following documentation: (a) The resident’s rental application containing the name or names of each household member, employment and income information for each household member, and other information received by the owner of the Development; (b) An executed lease agreement listing the term of the tenancy and all of the residents residing in the unit; (c) Verification of the income of each resident as acceptable to prove income under Section 8 of the U.S. Housing Act of 1937, as in effect on the date of this rule chapter; and (d) Income Certification Form TIC-1 for each resident. A sample Form TIC-1 can be obtained from the Corporation.

(7) The Applicant shall submit Program Reports pursuant to the following: (a) The initial HC Program Report shall be submitted upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, no later than 120 days following the leasing of any unit. This report shall be submitted each year of the Housing Credit Compliance Period and shall be due in later than the date assigned by the Corporation. The Program Reports shall be accompanied by: 1. Recap of Tenant Income Certification Information Form AR-1; 2. Copies of Tenant Income Certifications executed since the last Program Report and at least 10% of the Housing Credit Tenants in the Development (to be sent to the monitoring agent only); and 3. With respect to the HC Program, the Annual Owner Compliance Certification Form to be signed by the owner of the certifying that for the preceding 12 month period the Development met its Housing Credit Tenants in the Development (to be sent to the following the 120 days following the leasing of any unit. The Program Reports shall be submitted annually via the U.S. Housing Act of 1937, as in effect on the date of this rule chapter; and (d) Income Certification Form TIC-1 for each resident. A sample Form TIC-1 can be obtained from the Corporation. 1. Recap of Tenant Income Certification Information Form AR-1; 2. Copies of Tenant Income Certifications executed since the last Program Report and at least 10% of the Housing Credit Tenants in the Development (to be sent to the monitoring agent only); and 3. With respect to the HC Program, the Annual Owner Compliance Certification Form to be signed by the owner of the certifying that for the preceding 12 month period the Development met its Housing Credit Tenants in the Development (to be sent to the following the 120 days following the leasing of any unit. The Program Reports shall be submitted annually via the U.S. Housing Act of 1937, as in effect on the date of this rule chapter; and (d) Income Certification Form TIC-1 for each resident. A sample Form TIC-1 can be obtained from the Corporation.