

FLORIDA HOUSING FINANCE CORPORATION
REGULATORY PLAN FOR 2016-2017

Pursuant to Section 120.74, Florida Statutes (F.S.), the Florida Housing Finance Corporation (FHFC) has prepared the following regulatory plan for 2016-2017. Sections below correspond with the requirements set forth in Section 120.74(1), F.S.

- (a) In compliance with paragraph 120.74(1)(a), F.S., below is a list of laws enacted or amended during the 12 months prior to October 1, 2016, which create or modify the statutory duties or authority of FHFC.

Chapter 2016-210, Laws of Florida (SB 1534)

During the 2016 Regular Session, SB 1534, codified in Chapter 2016-210, Laws of Florida, was enacted, modifying the duties or authorities of FHFC.

Section enacted or modified that creates or modifies FHFC authority or duties.	Is rulemaking necessary to implement the law?	<i>If rulemaking is not necessary</i> , statement explaining reasons why the law may be implemented without rulemaking.	<i>If rulemaking is necessary</i> , has notice of rule development been published in the FAR? If yes, which FAR issue?	Rule Number and Title
§420.503	No	This section redefines the term “service provider.” The correction is self-implementing and doesn’t require rulemaking.		
§420.507	No	This section revises the powers that FHFC may exercise in developing and administering the State Apartment Incentive Loan Program. The corrections are self-implementing and do not require rulemaking.		
§420.5087	Yes		Subsection (1), (3), and paragraph (f) of Subsection (6) require rulemaking. Notice of rule development for Ch. 67-48 was published on January 5, 2016; Vol. 42/02. Ch. 67-48 was amended effective September 15, 2016 to incorporate these amendments.	67-48 Selection Procedures for Developments
§420.511	No	This section deletes a requirement that the corporation’s business plan and annual report recognize certain fiscal periods. The		

		corrections are self-implementing and do not require rulemaking.		
§420.622	No	This section relates to the State Office on Homelessness and its coordination among agencies and providers to produce a statewide inventory for the state's entire system of homeless programs and deletes certain requirements. The corrections are self-implementing and does not require rulemaking.		
§420.624	No	This section revises requirements for the local homeless assistance continuum of care plan and provides that components of the continuum of care plan should include Rapid ReHousing. The corrections are self-implementing and does not require rulemaking.		
§420.6265	No	This section relates to legislative findings and intent relating to Rapid ReHousing and provides Rapid ReHousing methodology. These additions are self-implementing and do not require rulemaking.		
§420.9071	No	This section redefining the terms "local housing incentive strategies" and "rent subsidies" is self-implementing and does not require rulemaking.		
§420.9072	Yes		Paragraph (b) of Subsection (3) requires rulemaking. Notice of rule development has been posted in FAR at volume 42/190.	67-37 State Housing Initiatives Partnership Program
§420.9075	No	This section provides that a certain partnership process of the State Housing Initiatives Partnership Program should involve lead agencies of local homeless assistance continuums of care and encourages developing a		

		strategy to reduce homelessness. This is self-implementing and doesn't require rulemaking.		
§420.9076	No	This section revising requirements related to the creation and appointment of members of affordable housing advisory committees is self-implementing and doesn't require rulemaking.		
§420.9089	No	This section providing for legislative findings and intent is self-implementing and doesn't require rulemaking.		

(b) In compliance with section 120.74(1)(b), F.S., the following is a list of rules FHFC expects to implement by rulemaking before July 1, 2017:

1. Section 42.9072 will be implemented by amending the following rules, in order to clarify the processes and requirements in those rules.

67-37.002	Definitions
67-37.005	Local Housing Assistance Plans (LHAP)
67-37.006	Review of Local Housing Assistance Plans and Amendments
67-37.007	Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans
67-37.008	Local Housing Assistance Trust Fund
67-37.010	Local Affordable Housing Advisory Committees and Incentive Strategies
67-37.019	Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds

2. Subsections 420.507(4), (13) and (14), and Sections 420.508 and 420.509, F.S., will be implemented by amending the following rules, in order to clarify the process and improve coordination with other agencies.

67-53.006	Compliance and Monitoring Procedures for the Pre-Development Loan Program (PLP)
67-53.008	Compliance and Reporting Requirements for State Apartment Incentive Loan (SAIL) Program, HOME Investment Partnerships (HOME) Rental Program, Multifamily Mortgage Revenue Bond (MMRB) Program, Housing Credit (HC) Program, Rental Recovery Loan Program (RRLP), and Elderly Housing Community Loan Program (EHCL)
67-53.009	Compliance and Monitoring for Homeownership Assistance Program (HAP) and Homeownership Programs

3. Subsections 420.507(12) and (13), F.S., will be implemented by amending the following rules, in order to clarify the processes and requirements in those rules:

67-49.001	Definitions
67-49.002	Procurement of Commodities or Contractual Services
67-49.003	Withdrawal of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications
67-49.0031	Emergency Purchases
67-49.004	Modification of Terms of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications
67-49.005	Responsibility of Bidders and Offerors
67-49.007	Evaluation of Responses
67-49.008*	Identical (Tie) Responses
67-49.009	Right to Waive Minor Irregularities
67-49.011	Nonresponsive Bids
67-49.012	Contract Administrator
67-49.013	Contracts; Terms, Amendments, Renewals

4. Section 420.507, F.S., will be implemented by amending the following rules in order to clarify and simplify the processes and requirements in those rules and to increase efficiency.


67-59.001	Purpose and Intent
67-59.005	Definitions
67-59.010	Programs
67-59.020	Eligibility for UMAP or UMAP/MLRP
67-59.030	Eligibility for MLRP Only
67-59.040	Application
67-59.050	Form of Assistance
67-59.060	Quarterly Reviews
67-59.201	Overview
67-59.210	Eligibility for PR
67-59.220	Application
67-59.230	Form of Assistance

- (c) FHFC's Regulatory Plan from 2015 identified four rule chapters that the agency expected to adopt before June 30, 2016. All of the identified rules in Chapters 67-48 and 67-21 were amended as expected. The identified rules in Chapters 67-53 and 67-59 were not adopted due to delays attributable to the Federal Government. These rules are listed in paragraph (b) above. A Notice of Rule Development for Chapter 67-53 was published on September 26, 2014 in Volume 40/188 of the F.A.R. A Notice of Rule Development for Chapter 67-59 was published on January 1, 2015 in Volume 41/10 of the F.A.R.

(d) The Chair of the Board of Directors of FHFC, and the General Counsel of FHFC, hereby certify that this Regulatory Plan has been reviewed by each signatory and is true and complete to the best of our knowledge. We also certify that FHFC regularly reviews all of its rules, most recently in June of 2016, to determine whether the rules remain consistent with FHFC's rulemaking authority and the laws implemented.



Bernard Smith
Chair of the Board of Directors
Florida Housing Finance Corporation



Hugh Brown
General Counsel
Florida Housing Finance Corporation

DONE this 29 day of September, 2016, in Tallahassee, Florida. A copy of this Regulatory Plan will be posted on FHFC's website on or before October 1, 2016.