

**REQUEST FOR APPLICATIONS 2015-110**

**FINANCING OF AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENTS  
WITH HOME FUNDING TO BE USED IN CONJUNCTION WITH  
FLORIDA HOUSING-ISSUED MULTIFAMILY MORTGAGE REVENUE BOND FINANCING  
AND NON-COMPETITIVE HOUSING CREDITS**

**Issued By:**

**FLORIDA HOUSING FINANCE CORPORATION**

**Issued: \_\_\_\_\_, 2015**

**Due: \_\_\_\_\_, 2015**

## SECTION ONE INTRODUCTION

This Request for Applications (RFA) is open to Applicants proposing the development of affordable, multifamily housing utilizing HOME Investment Partnerships (HOME-rental) Program funding in conjunction with Florida Housing-issued Multifamily Mortgage Revenue Bond (MMRB) Program funding and Non-Competitive Housing Credits.

Under this RFA, Florida Housing Finance Corporation (the Corporation) expects to have an estimated \$25 million in HOME funding available for award.

The HOME funding offered in this RFA must be used in conjunction with MMRB and Non-Competitive Housing Credits. By the Application Deadline for this RFA, as outlined in Section Three below, all Applicants requesting HOME funding in this RFA must also submit the Corporation's Non-Competitive Application Form NCA (Rev. 11-14) requesting the MMRB and Non-Competitive Housing Credits for the Development proposed in the HOME Application. A previously submitted Non-Competitive Application Form (i.e., that was submitted prior to the Application Deadline outlined in Section Three below) will be acceptable to meet this MMRB and Non-Competitive Housing Credits application requirement provided that all of the following statements are true as of the Application Deadline for the HOME funding offered in this RFA: (i) the previously submitted Non-Competitive Application Form pertains to the same proposed Development as the HOME Application, (ii) the previously submitted Non-Competitive Application has not been withdrawn, or if it has been withdrawn, the Applicant has submitted a new Non-Competitive Application that pertains to the same proposed Development as the HOME Application; and (iii) the MMRB loan requested in the previously submitted Non-Competitive Application has not closed as of the Application Deadline for the HOME funding. The Non-Competitive Application Form NCA (Rev. 11-14) is available on the Corporation's Website under the link <http://www.floridahousing.org/Developers/MultiFamilyPrograms/NonCompetitive/>

The Corporation is soliciting applications from qualified Applicants that commit to provide housing in accordance with the terms and conditions of this RFA, inclusive of the exhibits, applicable laws, rules and regulations, and the Corporation's generally applicable construction and financial standards. NOTE: If any part of the proposed Development site that is the subject of the Applicant's Application for this RFA is also the subject of an Application submitted in response to the SAIL RFA 2015-112, the proposed Development submitted for the SAIL RFA 2015-112 will not be eligible to receive any funding offered in that RFA.

***Applicants that are selected to receive funding will be invited to enter credit underwriting and will be expected to complete the credit underwriting process, including Board-approval of the credit underwriting report, and execute a HOME written agreement by June 17, 2016.***

## SECTION TWO DEFINITIONS

Unless otherwise defined below, capitalized terms within this RFA shall have the meaning as set forth in Rule Chapters 67-48 and 67-60, F.A.C., in applicable federal regulations.

**SECTION THREE  
PROCEDURES AND PROVISIONS**

A. Submission Requirements.

A complete Application for this RFA consists of the Application found at Exhibit A of the RFA and the Applicant Certification and Acknowledgement form found at Exhibit B of the RFA, as well as all other applicable documentation to be provided by the Applicant, as outlined in Section Four of the RFA.

1. The Application Deadline is 11:00 a.m., Eastern Time, on \_\_\_\_\_, 2015. To meet the submission requirements, prior to the Application Deadline the Applicant must do all of the following for its Application:
  - a. Download and complete the Application and Development Cost Pro Forma found at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-110/> (also available by clicking [here](#)). The download process may take several minutes. Applicants should save the files with a file name that is unique to that Application.
  - b. Next, when the Applicant is ready to submit the completed Application and Development Cost Pro Forma to the Corporation, the Applicant must go to the webpage <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-110/> (also available by clicking [here](#)) and click the link to login and upload the completed Application and Development Cost Pro Forma. To upload the Application and Development Cost Pro Forma, a username and password must be entered. If the Applicant has not previously created a username and password, the Applicant will need to create one prior to the upload process.
  - c. After successfully logging in, click “Upload Application.” The Applicant must also enter the Development Name, click “Browse” to locate the completed Application and Development Cost Pro Forma that were saved on the Applicant’s computer; and then click “Upload Selected File.” The selected Application will then be listed as an Uploaded Application (consisting of the Application and the Development Cost Pro Forma) and its assigned Response Number will be visible in the first column.
  - d. Next, to view and print the Uploaded Application (the completed Application and Development Cost Pro Forma), click “Print Application for Submission to Florida Housing.” The assigned Response Number will be reflected on each page of the printed Uploaded Application. The Applicant must submit four (4) printed copies of the Uploaded Application to the Corporation, as outlined in item e. below.

Note: If the Applicant clicks “Delete” prior to the Application Deadline, the Application will no longer be considered an Uploaded Application and the Applicant will be required to upload the complete Application and the Development Cost Pro Forma again in order for these documents to be considered an Uploaded Application. This will generate a new Response Number.

- e. The Applicant must provide to the Corporation by the Application Deadline sealed package(s) containing four (4) printed copies of the final Uploaded Application with all applicable attachments, as outlined in Section Four, each copy housed in a separate 3-ring-binder with numbered divider tabs for each attachment. The final assigned Response Number should be reflected on each page of the printed Application and Development Cost Pro Forma.
  - (1) One (1) printed copy of the complete Uploaded Application with all applicable attachments must be labeled “Original Hard Copy” and must include the following items:
    - (a) The required non-refundable \$3,000 Application fee, payable to Florida Housing Finance Corporation (check or money order only);
    - (b) The Applicant Certification and Acknowledgement form with an original signature (blue ink preferred); and
  - (2) The remaining three (3) printed copies of the complete Uploaded Application with all applicable attachments should be labeled “Copy.”

If the Applicant does not provide the Uploaded Application and the materials listed in (1) and (2) above as required by the Application Deadline, the Application will be rejected and no action will be taken to score the Application.

- f. The Applicant should label the outside of each shipping box with the applicable RFA number. The Corporation will not consider faxed or e-mailed Applications.
2. After 11:00 a.m., Eastern Time, on the Application Deadline, each Application for which hard copies are received by the Application Deadline will be assigned an Application number. In addition, these Applications will be assigned a lottery number by having the Corporation’s internal auditors run the total number of Applications received through a random number generator program. The printed copies of the complete Application must be addressed to:

Ken Reecy  
Director of Multifamily Programs  
Florida Housing Finance Corporation  
227 N. Bronough Street, Suite 5000  
Tallahassee, FL 32301

If any of the hard copies of Exhibit A are not identical to the Uploaded Application, the Uploaded Application will be utilized for scoring purposes.

- B. This RFA does not commit the Corporation to award any funding to any Applicant or to pay any costs incurred in the preparation or delivery of an Application.

- C. Florida Housing reserves the right to:
1. Waive Minor Irregularities; and
  2. Accept or reject any or all Applications received as a result of this RFA.
- D. Any Interested Party may submit any inquiry regarding this RFA in writing to the Director of Multifamily Programs via e-mail at [RFA\\_2015-110\\_Questions@floridahousing.org](mailto:RFA_2015-110_Questions@floridahousing.org) (also available by clicking [here](#)). All inquiries are due by 5:00 p.m., Eastern Time, on \_\_\_\_\_, 2015. Phone calls or written inquiries other than at the above e-mail address will not be accepted. The Corporation expects to respond to all inquiries by 5:00 p.m., Eastern Time, on \_\_\_\_\_, 2015 and will post a copy of all inquiries received, and their answers, on the Corporation's Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-110/> (also available by clicking [here](#)). The Corporation will also send a copy of those inquiries and answers in writing to any interested party that requests a copy. The Corporation will determine the method of sending its answers, which may include regular United States mail, overnight delivery, fax, e-mail, or any combination of the above. No other means of communication, whether oral or written, shall be construed as an official response or statement from the Corporation.
- E. Any person who wishes to protest the specifications of this RFA must file a protest in compliance with Section 120.57(3), Fla. Stat., and Rule Chapter 28-110, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.
- F. By submitting this Application, each Applicant agrees to the terms and conditions outlined in the RFA. By inclusion and execution of Exhibit A of the RFA, along with all applicable attachments thereto, including the Applicant Certification and Acknowledgement form set out in Exhibit B of the RFA, each Applicant certifies that:
1. **Public Records.** Any material submitted in response to this RFA is a public record pursuant to Chapter 119, Fla. Stat. Per Section 119.071(1)(b)2., the sealed Applications received by the Corporation are exempt from disclosure until such time as the Board provides notice of an intended decision or until 30 Calendar Days after the opening of the sealed Applications, whichever is earlier.
  2. **Noninterference.** At no time during the review and evaluation process, commencing with the Application Deadline and continuing until the Board renders a final decision on the RFA, may Applicants or their representatives contact Board members or Corporation staff, except Corporation legal staff, concerning their own or any other Applicant's Application. If an Applicant or its representative does contact a Board or staff member in violation of this section, the Board shall, upon a determination that such contact was made in an attempt to influence the selection process, disqualify the Application.
  3. **Requirements.** Proposed Developments funded with HOME funds will be subject to the requirements of the RFA, the MMRB requirements outlined in Rule Chapter 67-21, F.A.C., effective February 2, 2015, the Application requirements outlined in Rule Chapter 67-60, F.A.C., effective October 8, 2014, the HOME credit underwriting and program requirements outlined in Rule Chapter 67-48, F.A.C., effective October 8, 2014, the federal requirements of the HOME Program outlined in the July 24, 2013 edition of the Federal Register (accessible by clicking [here](#)), and the Compliance requirements of Rule Chapter 67-53, F.A.C, effective August 20, 2009..

- G. The Corporation expects to select one (1) or more Applications to award the funding contemplated by this RFA. Any such Applications will be selected through the Corporation's review of each Application, considering the factors identified in this RFA.
- H. Pursuant to paragraph 67-60.004(2), F.A.C., an Applicant may request withdrawal of its Application from this RFA by filing a written notice of withdrawal with the Corporation Clerk. For funding selection purposes for this RFA, the Corporation shall not accept any Application withdrawal request that is submitted between 5:00 p.m., Eastern Time, the last business day before the date the Committee meets to make its recommendations to the Board until after the Board has taken action on the Committee's recommendations, and such Application shall be included in the funding selection process as if no withdrawal request had been submitted. Any funding that becomes available after such withdrawal is accepted shall be treated as returned funds and disposed of according to Section Five, E. of this RFA.
- I. Applicants should review subsections 67-48.018(1), F.A.C. to determine eligibility to apply for the HOME funding offered in this RFA.

**SECTION FOUR  
INFORMATION TO BE PROVIDED IN APPLICATION**

Each Applicant must provide a completed Application found in Exhibit A to RFA 2015-110, along with all applicable attachments thereto, which includes the following information:

**A. Exhibit A Items:**

**1. Applicant Certification and Acknowledgement:**

The Applicant must include a signed Applicant Certification and Acknowledgement form as **Attachment 1** to Exhibit A to indicate the Applicant's certification and acknowledgement of the provisions and requirements of the RFA. The form included in the copy of the Application labeled "Original Hard Copy" must reflect an original signature (blue ink is preferred). The Applicant Certification and Acknowledgement form is provided in Exhibit B of this RFA and on the Corporation's Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-110/RelatedForms/> (also accessible by clicking [here](#)). Note: If the Applicant provides any version of the Applicant Certification and Acknowledgement form other than the version included in this RFA, the form will not be considered.

**2. Demographic Commitment:**

The Applicant must select one of the following Demographic Commitments:

- a. Elderly – Indicate whether the proposed Development will be an Elderly Assisted Living Facility (ALF) or an Elderly non-ALF.
- b. Family

**3. Applicant Information:**

- a. The Applicant must state the name of the Applicant.

- b. HOME Community Housing Development Organization (CHDO) Funding Set-Aside: Fifteen (15) percent of the total HOME funding will be available for Applicants that qualify as a CHDO.

To qualify as a CHDO and be eligible for the CHDO funding set-aside, the following requirements must be met:

- (1) A properly completed FHFC CHDO Checklist, along with all appropriate exhibits, must be provided as **Attachment 2** to Exhibit A. The CHDO Checklist must be provided by both CHDOs that have been previously designated by the Corporation and by any new organizations seeking CHDO designation. The service area of the CHDO must include the area in which the proposed Development site is to be located. The CHDO checklist is available on the Corporation's website at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-110/> (also available by clicking [here](#)). To be considered a CHDO, all required information must be provided in the Application.

and

- (2) The CHDO must be organized and structured according to the standards provided in the HOME regulations and its role must be to develop, own or sponsor the HOME-assisted housing (24 CFR §92.300), as outlined below. Documentation evidencing the CHDO's role and eligibility will be required during the credit underwriting process.

- (a) Developer:

Rental housing is "developed" by the community development housing organization if the community housing development organization is the owner of multifamily or single family housing in fee simple absolute (or has a long term ground lease) and the developer of new housing that will be constructed or existing substandard housing that will be rehabilitated for rent to low-income families in accordance with 24 CFR §92.252. To be the "developer," the community development housing organization must be in sole charge of all aspects of the development process, including obtaining zoning, securing non-HOME financing, selecting architects, engineers and general contractors, overseeing the progress of the work and determining the reasonableness of costs. At a minimum, the community housing development organization must own the housing during development and for a period at least equal to the period of affordability in 24 CFR §92.252.

- (b) Owner:

Rental housing is "owned" by the community housing development organization if the community housing development organization is the owner in fee simple absolute of multifamily or single family housing (or has a long term ground lease) for rental to low-income families in accordance with 24 CFR §92.252. If the housing is to be rehabilitated or constructed, the community housing development organization hires and

oversees the developer that rehabilitates or constructs the housing. At a minimum, the community housing development organization must hire or contract with an experienced project manager to oversee all aspects of the development, including obtaining zoning, securing non-HOME financing, selecting a developer or general contractor, overseeing the progress of the work and determining the reasonableness of costs. The community housing development organization must own the rental housing during development and for a period at least equal to the period of affordability in 24 CFR §92.252. If the CHDO acquires housing that meets the property standards in 24 CFR §92.251, the CHDO must own the rental housing for a period at least equal to the period of affordability in 24 CFR §92.252.

(c) Sponsor:

Rental housing is “sponsored” by the community development housing organization if it is rental housing “owned” or “developed” by a subsidiary of a community housing development organization, a limited partnership of which the community housing development organization or its subsidiary is the sole general partner, or a limited liability company of which the community housing development organization or its subsidiary is the sole managing member.

**4. Developer and Management Company Information:**

- a. The Applicant must state the name of each Developer, including all co-Developers.
- b. The Applicant must state the name, address and telephone number for the Management Company.

**5. General Development Information:**

Unless stated otherwise, all information requested in the RFA pertains to the proposed Development.

- a. The Applicant must state the name of the proposed Development.
- b. Location of Development site:
  - (1) The Applicant must indicate the county in which the proposed Development will be located.
  - (2) The Applicant must provide the Address of the Development Site.

Indicate (i) the address number, street name, and name of city, and/or (ii) the street name, closest designated intersection, and either name of city or unincorporated area of county.



## c. Number of Units:

State the total number of units in the proposed Development. Note: The proposed Development must consist of a minimum of 30 total units. If the Elderly Demographic Commitment is selected at question 2 of Exhibit A, the proposed Development cannot exceed the maximum total number of units outlined in Item 1 of Exhibit C.

## d. Development Category:

Indicate the Development Category that best describes the proposed Development:

- New Construction (with or without demolition of existing structures)
- Acquisition and New Construction (with or without demolition of existing structures)

For this RFA, rehabilitation of existing units is not allowed.

## e. Concrete Construction:

For purposes of the Total Development Cost Per Unit Limitation calculation as further explained in Item 5 of Exhibit C, in order for a proposed Development to be considered concrete construction, the proposed Development must meet the following specifications: (i) buildings must have the following poured concrete or concrete masonry elements: all exterior walls and structural elements, not to include roofs; and structural elements at and under the ground floor, as well as the ground floor itself; or (ii) buildings with the Mid-Rise Development Type (4, 5 or 6 story, as selected by the Applicant at question 5.f. of Exhibit A) that utilize a concrete podium structure under the rental living units.

Indicate whether the proposed Development meets the requirements to be considered concrete construction. For purposes of this RFA, the Corporation will only consider an Application to be concrete construction if the answer to question 5.e. of Exhibit A is "Yes".

## f. State the Development Type for the proposed Development. For purposes of determining the number of stories, each floor in the building should be counted regardless of whether it will consist of retail, parking or residential. For mixed-type Developments, indicate the type that will comprise the majority of the units in the Development.

- Garden Apartments (a building comprised of 1, 2 or 3 stories, with or without an elevator)
- Townhouses
- Duplexes
- Quadraplexes
- Mid-Rise with Elevator (a building comprised of 4 stories and each residential building must have at least one elevator)

- Mid-Rise with Elevator (a building comprised of 5 or 6 stories and each residential building must have at least one elevator)

## 6. Set-Aside Commitments:

### a. Minimum HOME-Assisted Units:

HOME Applicants must calculate the minimum number of HOME-assisted units required by HUD at questions 6.a.(1) – (5) of Exhibit A. The minimum number of HOME-Assisted Units will be determined both at Application and in credit underwriting and must meet the minimum requirements of 24 CFR Part 92.

In the event of a discrepancy between the amounts entered by the Applicant at question 6.a.(1) or 6.a.(4) of Exhibit A and those shown elsewhere within the Application, the HOME loan request amount stated at question 10.a. of Exhibit A shall be deemed to be the requested amount and the total number of units stated at question 5.c. of Exhibit A shall be deemed to be the total number of units for the Development.

### b. Total Number of Set-Aside Units Committed for HOME:

Low HOME Rent units must be equal to or greater than 20 percent of the total set-aside units committed to. All remaining set-aside units will be High HOME Rent units. Calculate the number of Low HOME and High HOME rent units. Round up the number of Low HOME Rent Units to the next whole unit. The 2015 Rent Limits – HOME document that outlines the High and Low HOME Rent is available on the Corporation’s website at <http://www.floridahousing.org/PropertyOwnersAndManagers/RentLimits/> (also available by clicking [here](#)).

### c. Affordability Period:

All Applicants are required to set aside the units for the HUD affordability period for new construction of 20 years. Additionally, Florida Housing is requiring and adding to the HUD affordability period, a minimum 10 year extended affordability period.

## 7. HOME Uniform Relocation Act:

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (accessible by clicking [here](#)) is government-wide legislation and compliance begins at the initiation of negotiation for federal assistance. Except for the General Information Notice information, the following required Uniform Relocation Act information must be provided in the Application.

If the proposed Development will involve demolition of occupied, existing residential structures, the Applicant will be required to follow the URA and provide a plan for relocation of existing tenants during credit underwriting. The plan shall provide information regarding the relocation site; accommodations relevant to the needs of the residents and length of time residents will be displaced; moving and storage of the contents of a resident’s dwelling units; as well as the approach to inform and prepare the residents for the rehabilitation activities.

a. Occupied Units:

At question 7.a. of Exhibit A, the Applicant must select "Yes" if any portion of the proposed Development will involve demolition of an occupied, existing residential structure(s), regardless of the Development Category selected at question 5.d. of Exhibit A.

b. Tenant Relocation Information for Existing Properties:

At question 7.b.(1) through (4) of Exhibit A, the Applicant must answer all applicable questions.

At questions 7.b.(5) through (7) of Exhibit A, the Applicant must provide the following required information:

- (5) Provide in the Application, as **Attachment 3**, a list of all occupied units and tenant income certifications. The income of persons and households who are currently occupying a unit that will receive HOME assistance must be provided to determine whether they are income eligible. For all occupied units, the Applicant must provide a summary list of all residents and income certifications for those residents in occupied units that will be HOME-Assisted Units. If the existing residents and/or Development is/are currently participating in a federally subsidized program (such as Project-based Section 8, Section 8 Existing or Section 8 Voucher Programs), the residents' current income certification forms required for that program may be used instead.
- (6) Provide in the Application, as **Attachment 4**, a brief description of how the Development will meet the HOME set-aside requirements. The description must indicate whether the existing residents are HOME eligible residents, or whether the residents will be evicted and replaced with income eligible residents in order to meet the set-aside requirements committed to in this Application.
- (7) Provide in the Application, as **Attachment 5**, a description of how the cost of relocation will be covered. Detail how the temporary and permanent relocation will be handled.

The HOME General Information Notice information will be required only after the Application is selected for funding, as outlined in Item 1.a. of Exhibit B and Item 8.a. of Exhibit C. The due date for this information will be included in the invitation to enter credit underwriting.

c. Uniform Relocation Act Acquisition Information (For All Development Categories):

The Applicant must also provide the following information:

- (1) If the Applicant owns the Development site, provide a narrative describing the acquisition as **Attachment 6** to Exhibit A. This narrative must describe how, when, and from whom the property was acquired and whether or not the property was vacant when acquired.

- (2) If the Applicant is a private company and is acquiring the property, the Applicant (buyer) must provide the seller with a notice that the buyer does not have the power of eminent domain to obtain the property and a determination of market value will estimate the value of the property. This must be done prior to execution of the contract or may be attached as an addendum to the contract. A copy of the required notice must be provided as **Attachment 7** to Exhibit A.
- (3) If the Applicant is a public (government) Applicant, respond to all applicable remaining questions in this relocation section.
- (4) Eminent Domain:
  - (a) If the buyer has the power of eminent domain, buyer must notify the seller in writing that it has such power and the determination of market value for the property is being waived. Provide a copy of the required notice as **Attachment 8** to Exhibit A.
  - (b) If the Applicant is a public (government) Applicant and does not have the power of eminent domain, provide the following: (i) notice of interest, (ii) determination of fair market value, (iii) appraisal of the property, and (iv) written offer of just compensation which includes a statement of just value, property description, and identification of buildings. Provide all required documentation as **Attachment 9** to Exhibit A.

## 8. Site Control:

The Applicant must demonstrate site control by providing, as **Attachment 10** to Exhibit A, the documentation required in Items a., b., and/or c., as indicated below. If the proposed Development consists of Scattered Sites, site control must be demonstrated for all of the Scattered Sites.

- a. Eligible Contract - For purposes of this RFA, an eligible contract is one that has a term that does not expire before June 17, 2016 or that contains extension options exercisable by the purchaser and conditioned solely upon payment of additional monies which, if exercised, would extend the term to a date that is not earlier than June 17, 2016; specifically states that the buyer's remedy for default on the part of the seller includes or is specific performance; and the buyer MUST be the Applicant unless an assignment of the eligible contract which assigns all of the buyer's rights, title and interests in the eligible contract to the Applicant, is provided. If the owner of the subject property is not a party to the eligible contract, all documents evidencing intermediate contracts, agreements, assignments, options, or conveyances of any kind between or among the owner, the Applicant, or other parties, must be provided, and, if a contract, must contain the following elements of an eligible contract: (i) have a term that does not expire before June 17, 2016 or contain extension options exercisable by the purchaser and conditioned solely upon payment of additional monies which, if exercised, would extend the term to a date that is not earlier than June 17, 2016, and (ii) specifically state that the buyer's remedy for default on the part of the seller includes or is specific performance.
- b. Deed or Certificate of Title – The deed or certificate of title (in the event the property was acquired through foreclosure) must be recorded in the county in which the property is located and show the Applicant as the sole Grantee.

- c. Lease - The lease must have an unexpired term of at least 35 years from the Application Deadline and the lessee must be the Applicant. If the owner of the subject property is not a party to the lease, all documents evidencing intermediate leases, subleases, assignments, or agreements of any kind between or among the owner, the lessor, or any sublessee, assignor, assignee, and the Applicant, or other parties, must be provided, and if a lease, must have an unexpired term of at least 35 years from the Application Deadline.

## 9. Match Amount:

To be eligible to be considered for HOME funding in this RFA, all Applications must reflect a Match Amount totaling at least 5 percent of the Applicant's HOME Request Amount (stated by the Applicant at question 9.a. of Exhibit A). Neither Corporation-issued MMRB nor forgone Developer fee can be used as Match funding for purposes of this requirement.

24 CFR §92.220 requires that the Corporation match funds for each HOME dollar spent on a Development. For purposes of Match calculation of interest that is forgiven for future years, the value of the Match is the present discounted cash value, based on the discount rate of 5.61 percent.

For a project that is not 100 percent HOME units, if more than 50 percent of the units in the project are HOME-Assisted, then the contribution to the non-assisted units may be counted as Match. Additionally for mixed-use projects, if at least 51 percent of the floor space in a HOME-Assisted, mixed-use building is residential and at least 50 percent of the residential dwelling units are HOME-Assisted, then the contribution to the commercial space and the non-assisted units may be counted as Match. In all other cases, Match will be calculated on a pro-rata basis on the number of HOME-Assisted Units.

The Applicant must list the amount of each source of Match at question 8 of Exhibit A and provide the required documentation as **Attachment 11** to Exhibit A.

For purposes of this RFA, eligible forms of Match are cash contributions from nonfederal external sources (related party Match contributions are not allowed). Cash contributions must be permanently contributed to the HOME project or to the HOME Match-eligible housing and that Match funding will be a part of the final sources and uses of funding. Cash contributions may include donations made by individuals (except for owners or Developers or prospective owners or Developers of HOME projects), private entities, or other public entities for the express purpose of providing affordable housing.

Cash contributions may include, but are not limited to:

- a. State appropriations;
- b. State or local general revenues;
- c. Housing trust funds;
- d. Foundation grants and private donations; and
- e. Below-market interest rate loans from private lending institutions.

Because owner equity is not an eligible form of Match, the investment in a project of a Non-Profit organization's general funds will not count as Match. However, funds that a Non-Profit organization obtains from individuals or other entities through fundraising for a specific project are considered private donations and, thus, are eligible as Match.

The documentation for cash contributions must state the source, form and value of the cash contribution. Additionally, the documentation should explicitly state that the cash contribution has not been used for Match for any other program.

For loans that will be counted as Match, the documentation should include the calculation used to determine the value of the Match contribution.

Calculating Match for Below-Market Interest Rate Loans:

The Match contribution is the present discounted cash value of the yield foregone (i.e., the difference between payments received on the below-market interest rate loan and the payments that would have been received had the loan been made at the market interest rate). In determining the yield foregone the discount rate is 5.61 percent.

For example, a private lending institution is providing a fully amortizing loan of \$50,000 for 15 years to the Development with the following interest schedule: 0% interest during years 1 to 5, 2.5% interest during years 6 to 10, and 3.5% interest during years 11 to 15. The yield foregone at 5.61% for years 1 through 5 is calculated to be \$1,684.42 per year, \$1,209.13 per year for years 6 through 10, and \$1,098.83 per year for years 11 through 15. The net present value of the yield foregone for the 15 year life of the loan calculated using the discount rate of 5.61% is \$13,799.95. \$13,799.95 is the calculated Match contribution in this example.

## **10. HOME Funding:**

### **a. HOME Request Amount:**

The maximum HOME Request Amount is limited to the lesser of the per unit HOME Rental FHFC Subsidy Limit for the applicable county or \$6 million.

The Applicant must state the amount of HOME funding it is requesting. In the event of a discrepancy between the amount shown in this section and that shown elsewhere within the Application, the amount shown in this section shall be deemed to be the requested amount. If the Applicant states a request amount at question 10.a. of Exhibit A that is greater than the allowable limit, the Corporation will reduce the amount down to the maximum amount the Applicant is eligible to request as provided below.

### **b. The HOME Request Amount cannot exceed the applicable HOME Rental FHFC Subsidy Limits. The actual dollar amount of these limits is based on the number of bedrooms in each unit and the county in which the Development is located. HOME funds are not available for units that are not set-aside units. See the HOME Rental FHFC Subsidy Limits chart provided in Item 8.h. of Exhibit C.**

The Applicant must show the calculation of the total maximum HOME subsidy the Applicant may request based on the Corporation limits by completing the chart at question 10.b. of Exhibit A. For example, if a proposed Development will consist of 25

total units, 20 of which are set-aside units, and will be located in Baker County, calculate the maximum allowed HOME funding request as follows:

| Unit Size<br>(Number of<br>Bedrooms)  | Number of<br>Set-Aside<br>Units for each<br>Unit Size |   | Appropriate Dollar Limit (60%)<br>based on unit size, total number of<br>units in Development, and County in<br>which it is located |   | HOME<br>Subsidy<br>Allowed |
|---------------------------------------|---|---|---|---|----------------------------|
| 0                                     | 0   | x | \$76,367  |   | 0                          |
| 1                                     | 15  | x | \$87,304  | = | \$1,309,560                |
| 2                                     | 5   | x | \$106,453   | = | \$532,265                  |
| 3                                     | 0   | x | \$137,716   |   | 0                          |
| 4                                     | 0   | x | \$150,929   |   | 0                          |
| Total Maximum Home<br>Subsidy Allowed |   |   |   | = | \$1,841,825                |

**B. Funding Selection:**

1. Submission Requirements

The Corporation will reject any competitive Application submittal and no action will be taken to score the Application if any of the following submission requirements are not met: (i) the Application is not submitted online by the Application Deadline, (ii) the required number of hard copies are not submitted by the Application Deadline, (iii) the Applicant’s hard copy submission is not contained in a sealed package, (iv) the required HOME Application fee is not paid as of Application Deadline; (v) the Applicant Certification and Acknowledgement form, containing an original signature, is included in the Application labeled “Original Hard Copy” as of the Application Deadline; and (vi) by the Application Deadline for this RFA, the Applicant has not submitted a corresponding Non-Competitive Application Form NCA (Rev. 11-14) requesting MMRB and Non-Competitive Housing Credits for the Development proposed in this RFA.

2. Mandatory Items - Applications will be scored based on the following Mandatory items:

| Mandatory Items  |
|--|
| Demographic Commitment                                   |
| Name of Applicant  |
| Name of Each Developer                                   |
| Name of Management Company                               |
| Prior General Management Company Experience Chart        |
| Name of Proposed Development                             |
| County identified  |
| Address of Development Site                              |
| Total Number of Units                                    |
| Development Category                                     |
| Development Type   |
| HOME Set-Asides calculated                               |
| Units occupied question answered                         |
| HOME Uniform Relocation Act documentation, if applicable |
| Applicant’s HOME Funding Request Amount                  |
| Applicant’s HOME Subsidy Calculation Chart               |

3. Financial Arrearage Requirements

An Application will be deemed ineligible to be considered for funding if, as of the close of business the day before the Committee meets to make a recommendation to the Board, there are any financial obligations for which an Applicant or Developer or Principal, Affiliate or Financial Beneficiary of the Applicant or Developer is in arrears to the Corporation or any agent or assignee of the Corporation as reflected on the most recently published Past Due Report posted to the Corporation’s Website under the link Property Owners & Managers/Past Due Reports (also accessible by clicking [here](#)), but not more recently than five (5) business days prior to the date the Committee meets to make a recommendation to the Board.

4. Eligibility Items - Only Applications that are eligible for funding will be considered for the HOME funding selection processes outlined below. Eligibility requirements include the following:

| <b>Eligibility Requirements</b>   | <b>Described in RFA at:</b>            |
|---|--|
| Submission Requirements   | Section Three A and Section Four, B.1. |
| Match Amount totaling at least 5 percent of the Applicant’s HOME Request Amount | Section Four A.9.                      |
| Financial Arrearage Requirements  | Section Four, B.3.                     |
| All Mandatory Items   | Section Four, B.2.                     |

5. Application Sorting Order – All eligible Applications will be sorted in the following order:

- a. First, by the percentage of Match compared to the Applicant’s HOME Request Amount, (rounded to 2 decimal places of the percentage), by dividing the total Match Amount stated at question 9 of Exhibit A by the lesser of the HOME Request Amount (i) as stated by the Applicant at question 10.a. of Exhibit A or (ii) as adjusted by the Corporation as provided in Section Four A.10.a. of the RFA. Applications with a higher percentage of Match will be listed above Applications with a lower percentage;
- b. Next, by the HOME Request Amount per Total HOME-Assisted Units, by dividing the Applicant’s HOME Request Amount stated at question 10.a. of Exhibit A by the greater of the Total HOME-Assisted Units stated at question 6.b.(1) of Exhibit A or question 10.b. of Exhibit A, resulting in the Leveraging Amount (with Applications with a lower Leveraging Amount listed above Applications with a higher Leveraging Amount);
- c. Next, by the Eligible HOME Request Amount per total units, by dividing the Applicant’s Eligible HOME Request Amount by the total number of units stated at question 5.c. of Exhibit A, resulting in the Total Unit Leveraging Amount (with Applications with a lower Total Unit Leveraging Amount listed above Applications with a higher Total Unit Leveraging Amount);
- d. Next, by the Application’s eligibility for the Florida Job Creation Preference which is outlined in Item 6. of Exhibit C below (with Applications that qualify



for the preference listed above Applications that do not qualify for the preference); and

- e. Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

6. Funding Test –

- a. Within the CHDO Set-Aside, Applications will only be selected for funding if there is enough funding available to fully fund the Applicant’s HOME Request Amount, except as outlined in Item 8.a. below.
- b. Within the Remaining HOME Allocation, Applications will only be selected for funding if there is enough funding available to fully fund the Applicant’s HOME Request Amount.

7. County Award Tally –

As each Application is selected for tentative funding, the county where the proposed Development will be located will have one (1) Application credited toward the County Award Tally.

The Corporation will prioritize eligible unfunded Applications that meet the Funding Test and are located in counties that have the lowest applicable County Award Tally above other eligible unfunded Applications in counties with a higher County Award Tally that also meet the Funding Test, even if the Applications with a higher County Award Tally are higher ranked. If there are multiple eligible unfunded Applications that meet the Funding Test and have the lowest County Award Tally, the Corporation will select the highest ranking Application among them for tentative funding.

For instance, Application 1 and Application 2 are the only eligible unfunded Applications that meet the Funding Test. Application 1 is higher ranked than Application 2 and has a County Award Tally of 1. Although Application 2 is lower ranked than Application 1, it has a County Award Tally of 0, and, therefore, Application 2 will be selected for funding.

8. Selection Process –

- a. CHDO Set-Aside:

In accordance with Section 67-48.014(2), F.A.C., and 24 CFR Part 92, the Corporation shall set aside at least 15 percent of the HOME allocation available for award under this RFA for CHDOs. The first Applications selected for funding will be the eligible CHDO Applications. To qualify as a CHDO Application, the Applicant must have met the CHDO requirements outlined in Section Four A.3.b. of the RFA.

The highest ranked eligible unfunded CHDO Applications will be selected for funding, subject to the Funding Test and the County Award Tally. If CHDO Set-Aside funding remains and no eligible unfunded CHDO Application can meet the Funding Test, then the highest ranked eligible unfunded CHDO Application will

receive the remaining CHDO Set-Aside funding with the balance of the funding awarded from the Remaining HOME Allocation amount.

If CHDO Set-Aside funding remains and there are no eligible unfunded CHDO Applications, any remaining unallocated funding for the CHDO Set-Aside will be allocated to the non-CHDO designated funds.

b. Remaining HOME Allocation:

CHDO Applications that were not funded under the CHDO Set-Aside, will compete with all other Applications for these non-CHDO designated funds.

The highest ranked eligible unfunded Applications will be selected for funding, subject to the Funding Test and the County Award Tally.

If funding remains and no eligible unfunded Applications can meet the Funding Test, no further Applications will be considered for funding and any remaining funding will be distributed as approved by the Board.

9. Returned Allocation –

Funding that becomes available after the Board takes action on the Committee’s recommendations, due to an Applicant withdrawing its Application, an Applicant declining its invitation to enter credit underwriting or the Applicant’s inability to satisfy a requirement outlined in this RFA and/or Rule Chapter 67-48, F.A.C., will be distributed in the following manner:

- a. If the funding was originally awarded to a CHDO Application that was funded in the CHDO Set-Aside, the returned funding will be distributed to the highest ranked eligible unfunded CHDO Application provided the Application can meet the Funding Test. If there is no eligible unfunded CHDO Application that can be fully funded, then the funds will be distributed as approved by the Board.
- b. If the funding was originally awarded to an Application that was not funded in the CHDO Set-Aside (regardless of whether or not the original Application qualified as a CHDO), the returned funding will be distributed to the highest ranked eligible unfunded Application that can be fully funded. If funding remains but no eligible unfunded Applications can be fully funded, then the remaining funding will be distributed as approved by the Board.

**SECTION FIVE  
EVALUATION PROCESS**

Committee members shall independently evaluate and score their assigned portions of the submitted Applications, consulting with non-committee Corporation staff and legal counsel as necessary and appropriate.

The Committee shall conduct at least one public meeting during which the Committee members may discuss their evaluations, select Applicants to be considered for award, and make any adjustments deemed necessary to best serve the interests of the Corporation’s mission. The Committee will list the Applications deemed eligible for funding in order from highest total score to lowest total score, applying

the funding selection criteria outlined in Section Four B above, and develop a recommendation or series of recommendations to the Board.

The Board may use the Applications, the Committee's scoring, any other information or recommendation provided by the Committee or staff, and any other information the Board deems relevant in its selection of Applicants to whom to award funding. Notwithstanding an award by the Board pursuant to this RFA, funding will be subject to a positive recommendation from the Credit Underwriter based on criteria outlined in the credit underwriting provisions in Rule Chapter 67-48, F.A.C, for the HOME funding, and Rule Chapter 67-21, F.A.C., for the MMRB and Non-Competitive Housing Credits.

## **SECTION SIX AWARD PROCESS**

The Corporation shall provide notice of its decision, or intended decision, for this RFA on the Corporation's Website the day of the applicable Board vote. After posting, an unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., et. al. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., et. al. shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

**Exhibit A to RFA 2015-110- Financing of Affordable Multifamily Housing Developments with HOME funding to be used in conjunction with Florida Housing-Issued MMRB and Non-Competitive Housing Credits**

**1. Applicant Certification and Acknowledgement:**

The Applicant must include a signed Applicant Certification and Acknowledgement form as **Attachment 1** to Exhibit A, as outlined in Section Four A.1. of the RFA.

**2. Demographic Commitment:**

The Applicant must select one of the following Demographic Commitments:

- a. Elderly – The Applicant must indicate the type of Elderly Development:
  - ALF
  - Non-ALF
- b. Family

**3. Applicant Information:**

a. The Applicant must state the name of the Applicant:

[Click here to enter text.](#)

b. HOME Community Housing Development Organization (CHDO) Funding Preference:

To qualify as a CHDO Application and compete for the CHDO set-aside, the Applicant must state the CHDO name and provide the required CHDO Checklist along with all appropriate exhibits thereto as **Attachment 2**.

Does the Application qualify as a CHDO Application?

- Yes                      ● No

If “Yes”, state CHDO Name:

[Click here to enter text.](#)

**4. Developer and Management Company Information:**

a. Developer:

The Applicant must state the name of each Developer (including all co-Developers):

[Click here to enter text.](#)

[Click here to enter text.](#)

[Click here to enter text.](#)

- b. General Management Company Information:

Name of Management Company: [Click here to enter text.](#)

Mailing Address: [Click here to enter text.](#)

Telephone: [Click here to enter text.](#)

**5. General Development Information:**

- a. The Applicant must state the name of the proposed Development:

[Click here to enter text.](#)

- b. Location of Development Site:

- (1) County:

The Applicant must indicate the County: [Choose a county](#)

- (2) Address of Development Site:

The Applicant must state (i) the address number, street name, and name of city and/or (ii) the street name, closest designated intersection, and either name of city or unincorporated area of county:

[Click here to enter text.](#)

- c. Number of Units in Proposed Development:

The Applicant must state the total number of units: [Click here to enter text.](#)

- d. Development Category:

The Applicant must select one applicable Development Category:

- New Construction, with or without demolition
- Acquisition and New Construction, with or without demolition

- e. Does the proposed Development meet the requirements to be considered concrete construction?

- Yes                       No

- f. The Applicant must select one (1) applicable Development Type:

[Choose an item.](#)

Note: The Applicant should refer to Section Four A.5.f. of the RFA before making a selection.

**6. Set-Aside Commitments:**

- a. Minimum Number of HOME-Assisted Units Required by HUD:
  - (1) HOME loan requested: \$ [Click here to enter text.](#)
  - (2) Anticipated Total Development Cost: \$ [Click here to enter text.](#)
  - (3) Percentage of Total Development Cost provided by HOME Loan: [Click here to enter text.](#) %  
(Divide (1) by (2) and round up to the next whole percentage number)
  - (4) Total number of units in Development: [Click here to enter text.](#)
  - (5) Minimum number of HOME-Assisted Units Required by HUD: [Click here to enter text.](#)  
(Multiply (4) by (3), round up to the next whole number)
  
- b. Total Number of HOME-Assisted Units Committed for HOME:
  - (1) Total HOME-Assisted Units [Click here to enter text.](#)  
(must equal or exceed the answer at 6.a.(5) above)
  - (2) Low HOME Rent Units [Click here to enter text.](#)  
(must equal or exceed 20 percent of the total units stated at 6.b.(1) above)
  - (3) High HOME Rent Units [Click here to enter text.](#)  
[(1) minus (2)]

Any errors in the calculations performed by the Applicant in this section may be corrected by the Corporation.

**7. HOME Uniform Relocation Act:**

- a. Are there any units occupied?
  - Yes       No
  - If “Yes” – Go to question b. below.
  - If “No” – Go to question c. below.
  
- b. Tenant Relocation Information for Existing Properties:
  - (1) How many total units now exist in the development? [Click here to enter text.](#)
  - (2) How many units are occupied? [Click here to enter text.](#)

- (3) Based on the income information of each tenant, is permanent relocation (displacement) anticipated during or after the construction/rehabilitation period?

Yes  No

If “Yes”, how many units are affected? [Click here to enter text.](#)

- (4) Will temporary relocation of any tenants be required?

Yes  No

If “Yes”, how many tenants will require temporary relocation? [Click here to enter text.](#)

- (5) Provide the required list of all occupied units and tenant income certifications as **Attachment 3**.

- (6) Provide the required description of how the Development will meet the HOME set-aside requirements as **Attachment 4**.

- (7) Provide the required description of how the cost of relocation will be covered as **Attachment 5**.

c. Uniform Relocation Act (URA) Acquisition Information (For All Development Categories):

- (1) Does the Applicant own the Development site?

Yes  No

If “Yes” - Provide a narrative regarding the acquisition as **Attachment 6** and skip questions (2) through (4) below.

If “No” - Answer question (2) below.

- (2) Is Applicant a private company?

Yes  No

If “Yes” - Provide a copy of the notice provided to the seller as **Attachment 7** and skip questions (3) and (4) below.

If “No” - Answer question (3) below.

- (3) Is the Applicant a public (government) Applicant?

Yes  No

If “Yes” - Answer question (4) below.

If “No” - Skip question (4) below.

- (4) Does the Applicant have eminent domain power?
- Yes  No

If “Yes” - Provide a copy of the required notice as **Attachment 8**.

If “No” - Provide the required information as **Attachment 9**.

**8. Site Control:**

The Applicant must demonstrate site control by providing the following documentation as **Attachment 10**, as outlined at Section Four A.8. of the RFA:

- a. A fully executed eligible contract for purchase and sale for the subject property; and/or
- b. A recorded deed or recorded certificate of title; and/or
- c. A copy of the fully executed long-term lease.

**9. Match Amount:**

The Applicant must list the amount of each source of Match and provide the required documentation as **Attachment 11**:

- a. Source(s)
  - [Click here to enter text.](#) \$ [Click here to enter text.](#)
  - [Click here to enter text.](#) \$ [Click here to enter text.](#)
  - [Click here to enter text.](#) \$ [Click here to enter text.](#)
  - [Click here to enter text.](#) \$ [Click here to enter text.](#)
  - [Click here to enter text.](#) \$ [Click here to enter text.](#)
- b. Total Match Amount: \$ [Click here to enter text.](#)

**10. HOME Funding:**

- a. HOME Request Amount: \$ [Click here to enter text.](#)
- b. The Applicant must complete the chart by including the following information concerning the HOME-Assisted (set-aside) Units:

| Unit Size (Number of Bedrooms) | Number of Set-Aside Units for each Unit Size * |   | Appropriate Dollar Limit (60%) based on unit size, total number of units in Development, and County in which it is located |   | HOME Subsidy Allowed            |
|--------------------------------|--|---|--|---|---------------------------------|
| 0                              | <a href="#">Enter Units</a>                    | x | \$ <a href="#">Enter Amount</a>  | = | \$ <a href="#">Enter Amount</a> |



|                                       |                    |   |                        |   |                        |
|---------------------------------------|--------------------|---|------------------------|---|------------------------|
| 1                                     | <u>Enter Units</u> | x | \$ <u>Enter Amount</u> | = | \$ <u>Enter Amount</u> |
| 2                                     | <u>Enter Units</u> | x | \$ <u>Enter Amount</u> | = | \$ <u>Enter Amount</u> |
| 3                                     | <u>Enter Units</u> | x | \$ <u>Enter Amount</u> | = | \$ <u>Enter Amount</u> |
| 4                                     | <u>Enter Units</u> | x | \$ <u>Enter Amount</u> | = | \$ <u>Enter Amount</u> |
| Total Maximum Home<br>Subsidy Allowed |                    |   |                        | = | \$ <u>Enter Amount</u> |

\*If the total number of set-aside units stated in this chart is not equal to the total number of HOME-Assisted Units stated at question 6.b.(1) above, the Corporation will use the greater of the two.

**Exhibit B to RFA 2015-110 - Applicant Certification and Acknowledgement:**

1. The Applicant acknowledges and certifies that the following information will be provided by the time the Applicant's Non-Competitive Application is deemed complete, or as otherwise outlined in the invitation to enter credit underwriting for the HOME funding:
  - a. The required information and documentation relative to the General Information Notice (required by the HOME Uniform Relocation Act), consistency with the Consolidated Plan, conformance with Federal Labor requirements, as well as Debarment/Suspension and Lead Based Paint regulations, as outlined in Item 8 of Exhibit C;
  - b. The unit mix for the proposed Development (number of bedrooms per unit, number of baths per unit, and number of units per bedroom type);
  - c. Provide the required construction features and amenities, as set forth in Item 3 of Exhibit C of the RFA;
  - d. Selection of resident programs, as required in Item 4 of Exhibit C of the RFA;
  - e. Confirmation that all features and amenities committed to and proposed by the Applicant shall be located on the Development site; and
  - f. Confirmation of the proposed Development's eligibility for HOME funding in the event that construction has commenced.
  
2. Applicants are required to execute a HOME written agreement by June 17, 2016. To meet this requirement, all Applicants that are invited to enter credit underwriting will be expected to complete the credit underwriting process and receive Board-approval of the credit underwriting report prior to that date.
  
3. By submitting the Application, the Applicant acknowledges and certifies that:
  - a. The proposed Development will meet all state building codes, including the 2012 Florida Accessibility Code for Building Construction, adopted pursuant to Section 553.503, F.S., the Fair Housing Act as implemented by 24 CFR Part 100, Section 504 of the Rehabilitation Act of 1973 pursuant to Rule Chapter 67-48, F.A.C., and the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, incorporating the most recent amendments, regulations and rules;
  - b. If the Elderly Demographic Commitment is selected, the proposed Development must meet all of the requirements for the Elderly Demographic Commitment as outlined in Items 1, 3, and 4 of Exhibit C of the RFA.  
  
If the Family Demographic Commitment is selected, the proposed Development must meet all of the requirements for the Family Demographic Commitment as outlined in Items 3 and 4 of Exhibit C of the RFA;
  - c. The success of an Applicant in being selected for funding is not an indication that the Applicant will receive a positive recommendation from the Credit Underwriter or that the Development Team's experience, past performance or financial capacity is satisfactory. The past performance record, financial capacity, and any and all other matters relating to

the Development Team, which consists of Developer, Management Company, General Contractor, Architect, Attorney, Accountant, and, if applicable, Service Provider, will be reviewed during credit underwriting. The Credit Underwriter may require additional information from any member of the Development Team including, without limitation, documentation on other past projects and financials. Development Teams with an unsatisfactory past performance record, inadequate financial capacity or any other unsatisfactory matters relating to their suitability may result in a negative recommendation from the Credit Underwriter;

- d. The proposed Development will include all required construction features and amenities applicable to the Demographic selected, as outlined in Item 3 of Exhibit C of the RFA. The quality of the features and amenities committed to by the Applicant is subject to approval of the Board of Directors;
  - e. The proposed Development will include all required resident programs applicable to the Demographic selected, as outlined in Item 4 of Exhibit C of the RFA. The quality of the resident programs committed to by the Applicant is subject to approval of the Board of Directors;
  - f. The Applicant irrevocably commits to set aside units in the proposed Development for a minimum of 30 years;
  - g. The Applicant's commitments will be included in the Land Use Restriction Agreement (LURA) for the HOME funding and must be maintained in order for the Development to remain in compliance, unless the Board approves a change. In addition, the Development is subject to minimum set-aside requirements for MMRB and non-Competitive Housing Credits, and the most restrictive minimum set-aside requirements must be maintained in order to remain in compliance;
  - h. The applicable fees outlined in Item 7 of Exhibit C of the RFA will be due as outlined in this RFA, Rule Chapter 67-48, F.A.C., and/or as otherwise prescribed by the Corporation and/or the Credit Underwriter;
  - i. If the Applicant indicates at question 7.a. of Exhibit A that there are existing occupied units, the Applicant must provide to the Credit Underwriter a plan for relocation of existing tenants, as outlined in Section Four A.7.a. of the RFA; and
  - j. The Applicant agrees and acknowledges that the Application will be subject to the Total Development Cost Per Unit Limitation during the credit underwriting and final allocation process, as outlined in Item 5 of Exhibit C of the RFA.
4. The Applicant acknowledges that any funding preliminarily secured by the Applicant is expressly conditioned upon any independent review, analysis and verification of all information contained in this Application that may be conducted by the Corporation, the successful completion of credit underwriting, and all necessary approvals by the Board of Directors, Corporation or other legal counsel, the Credit Underwriter, and Corporation Staff.
  5. If preliminary funding is approved, the Applicant will promptly furnish such other supporting information, documents, and fees as may be requested or required. The Applicant understands and agrees that the Corporation is not responsible for actions taken by the undersigned in reliance on a preliminary commitment by the Corporation. The Applicant commits that no qualified

residents will be refused occupancy because they have Section 8 vouchers or certificates. The Applicant further commits to actively seek tenants from public housing waiting lists and tenants who are participating in and/or have successfully completed the training provided by welfare to work or self-sufficiency type programs.

- 6. By Certificate of Occupancy, the Applicant commits to participate in the statewide housing locator system, as required by the Corporation.
- 7. The Applicant and all Financial Beneficiaries have read all applicable Corporation rules governing this RFA and have read the instructions for completing this RFA and will abide by the applicable Florida Statutes and the credit underwriting and program provisions outlined in Rule Chapters 67-21 and 67-48, F.A.C.
- 8. In eliciting information from third parties required by and/or included in this Application, the Applicant has provided such parties information that accurately describes the Development as proposed in this Application. The Applicant has reviewed the third party information included in this Application and/or provided during the credit underwriting process and the information provided by any such party is based upon, and accurate with respect to, the Development as proposed in this Application.
- 9. The undersigned understands and agrees that in the event that the Applicant is invited into credit underwriting, the Applicant must submit IRS Form 8821 for all Financial Beneficiaries in order to obtain a recommendation for the HOME funding.
- 10. If any part of the proposed Development site that is the subject of the Applicant’s Application for this RFA is also the subject of an Application submitted in response to the SAIL RFA 2015-112, the proposed Development submitted for the SAIL RFA 2015-112 will not be eligible to receive any funding offered in that RFA.
- 11. The Respondent understands and agrees to cooperate with any audits conducted in accordance with the provisions set forth in Section 20.055(5), Fla. Stat.
- 12. The undersigned is authorized to bind all Financial Beneficiaries to this certification and warranty of truthfulness and completeness of the Application.

Under the penalties of perjury, I declare and certify that I have read the foregoing and that the information is true, correct and complete.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Name (typed or printed)

\_\_\_\_\_  
Title (typed or printed)

## **Exhibit C to RFA 2015-110 – Other Requirements**

### **1. Elderly Demographic Commitment Requirements:**

In order for a proposed Development to qualify for the Elderly Demographic, the Development must meet the following requirements:

- a. The total number of units is limited as follows:
  - (1) Developments in all counties except Miami-Dade County and Broward County are limited to 160 total units; and
  - (2) Developments in Miami-Dade County and Broward County may consist of up to 200 total units.
- b. The Applicant understands, acknowledges and agrees that it will comply with the Federal Fair Housing Act requirements for housing for older persons and rent at least 80 percent of the total units to residents that qualify as older persons pursuant to that Act or as provided under any state or federal program that the Secretary of HUD determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program). Further, the Applicant understands, acknowledges and agrees that all such units are subject to the income restrictions committed to in the Set-Aside Commitment section of this Application.
- c. At least 50 percent of the total units must be comprised of one-bedroom units and no more than 15 percent of the total units can be larger than 2 bedroom units.
- d. A minimum of one elevator per residential building must be provided for all proposed Developments that consist of more than one story if any of the Elderly set-aside units will be located on a floor higher than the first floor.

### **2. Applicant Requirements:**

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

### **3. Required Construction Features and Amenities:**

- a. All Applicants will be required to provide the following General Features and Accessibility, Universal Design and Visitability Features:
  - (1) The following General Features must be provided for all proposed Developments:
    - Termite prevention;
    - Pest control;
    - Window covering for each window and glass door inside each unit;

- Cable or satellite TV hook-up in each unit and, if the Development offers cable or satellite TV service to the residents, the price cannot exceed the market rate for service of similar quality available to the Development's residents from a primary provider of cable or satellite TV;
- Full-size range and oven in all units;
- At least two full bathrooms in all 3 bedroom or larger new construction units; and
- Bathtub with shower in at least one bathroom in at least 90% of the new construction non-Elderly units.

(2) Accessibility, Universal Design and Visitability Features:

(a) All units of the proposed Development must meet all federal requirements and state building code requirements, including the following:

- 2012 Florida Accessibility Code for Building Construction as adopted pursuant to Section 553.503, Florida Statutes;
- The Fair Housing Act as implemented by 24 CFR 100;
- Section 504 of the Rehabilitation Act of 1973; and
- Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR 35, incorporating the most recent amendments, regulations and rules.

For purposes of the Housing Credit Program, a Housing Credit allocation shall be deemed "Federal financial assistance" within the meaning of that term as used in Section 504 of the Rehabilitation Act of 1973 as implemented by 24 CFR Part 8 for all Housing Credit Developments.

(b) All units that are located on an accessible route must have the following features:

- Primary entrance door shall have a threshold with no more than a ½-inch rise;
- All door handles on primary entrance door and interior doors must have lever handles;
- Lever handles on all bathroom faucets and kitchen sink faucets;
- Mid-point on light switches and thermostats shall not be more than 48 inches above finished floor level;
- Cabinet drawer handles and cabinet door handles in bathroom and kitchen shall be lever or D-pull type that operate easily using a single closed fist.

b. All units must include the following General Features and Green Building Features:

(1) General Features in all Family Demographic Developments:

Provide reinforced walls for future installation of grab bars that meet or exceed 2010 ADA Standards for Accessible Design around each tub/shower unit in each

dwelling unit. At the request of and at no charge to a resident household, the Development shall purchase and install grab bars around each tub/shower unit in the dwelling unit. The product specifications and installation must meet or exceed 2010 ADA Standards for Accessible Design. The Development shall inform a prospective resident that the Development, upon a resident household's request and at no charge to the household, will install grab bars around a dwelling unit's tub/shower unit, pursuant to the 2010 ADA Standards. At a minimum, the Development shall inform each prospective lessee by including language in the Development's written materials listing and describing the unit's features, as well as including the language in each household's lease.

(2) Green Building Features in all Family and Elderly Demographic Developments:

- Low or No-VOC paint for all interior walls (Low-VOC means 50 grams per liter or less for flat; 150 grams per liter or less for non-flat paint);
- Low-flow water fixtures in bathrooms with the following specifications:
  - Toilets: 1.28 gallons/flush or less,
  - Faucets: 1.5 gallons/minute or less,
  - Showerheads: 2.0 gallons/minute or less;
- Energy Star qualified refrigerator;
- Energy Star qualified dishwasher;
- Energy Star Water Heater
- Energy Star qualified ceiling fans with lighting fixtures in bedrooms;
- Air Conditioning minimum efficiency specifications (choose in-unit or commercial):
  - In-unit air conditioning: minimum 15 SEER; or Central chiller AC system—based on size:
    - 0-65 KBtuh: Energy Star certified; or
    - >65-135 KBtuh: 11.9 EER; or
    - >135-240 KBtuh: 12.3 EER; or
    - >240 KBtuh: 12.2 EER.

c. In addition to the required features outlined in a. and b. above, all Applications with the Elderly Demographic must also provide the following in all units:

- (1) Fifteen (15) percent of the units must have roll-in showers. Five percent of the overall requirement for roll-in showers may be met with walk-in type shower stalls with permanently affixed seats which meet or exceed the federal 2010 ADA Standards for Accessible Design.
- (2) Horizontal grab bars in place around each tub and/or shower, the installation of which meets or exceeds 2010 ADA Standards for Accessible Design, Section 609. In addition, the following standards for grab bars are required:
  - If a bathtub/shower combination with a permanent seat is provided, grab bars shall be installed to meet or exceed 2010 ADA Standards for Accessible Design, Section 607.4.1;
  - If a bathtub/shower combination without a permanent seat is provided, grab bars shall be installed to meet or exceed 2010 ADA Standards for Accessible Design, Section 607.4.2;

- If a roll-in shower is provided, grab bars shall be installed to meet or exceed 2010 ADA Standards for Accessible Design, Section 608.3.2; and
  - Reinforced walls for future installation of horizontal grab bars in place around each toilet, the installation of which meets or exceeds 2010 ADA Standards for Accessible Design, Section 604.5.1 (Side Wall).
- (3) Roll-out shelving or drawers in all bottom bathroom vanity cabinets;
  - (4) Adjustable shelving in master bedroom closets (must be adjustable by resident); and
  - (5) In at least one of the kitchen's bottom or base cabinets, there shall be a large drawer that has full extension drawer slides.

#### **4. Required Resident Programs:**

- a. Applications with the Family Demographic must commit to provide at least two (2) of the following resident programs outlined below. The Applicant will make the actual selection of the specific programs during the credit underwriting process.
  - (1) After School Program for Children – This program requires the Applicant or its Management Company to provide supervised, structured, age-appropriate activities for children during after school hours, Monday through Friday. Activities must be on-site.
  - (2) Literacy Training- Applicant or its Management Company must make available, at no cost to the resident, literacy tutor(s) who will provide weekly literacy lessons to residents in private space on-site. Electronic media, if used, must be used in conjunction with live instruction. If the Development consists of Scattered Sites, this resident program must be provided on the Scattered Site with the most units.
  - (3) Employment Assistance Program – Applicant or its Management Company must provide, at no cost to the resident, a minimum of quarterly scheduled Employment Assistance Program workshops/meetings offering employment counseling by a knowledgeable employment counselor. Such a program includes employability skills workshops providing instruction in the basic skills necessary for getting, keeping, and doing well in a job. The instruction must include, but not be limited to, the following:
    - Evaluation of current job skills;
    - Assistance in setting job goals;
    - Assistance in development of and regular review/update of individualized plan for each participating resident;
    - Resume assistance;
    - Interview preparation; and



- Placement and follow-up services.
- b. Applications with the Elderly Demographic:
- (1) All non-ALF Developments must select at least three (3) of the following resident programs:
    - (a) Literacy Training – Applicant or its Management Company must make available, at no cost to the resident, literacy tutor(s) who will provide weekly literacy lessons to residents in private space on-site. Training must be held between the hours of 8:00 a.m. and 7:00 p.m. and electronic media, if used, must be used in conjunction with live instruction. If the Development consists of Scattered Sites, this resident program must be provided on the Scattered Site with the most units.
    - (b) Computer Training – The Applicant or its Management Company shall make available computer and internet training classes (basic and/or advanced level depending on the needs and requests of the residents). The training classes must be provided at least once a week, at no cost to the resident, in a dedicated space on site. Training must be held between the hours of 8:00 a.m. and 7:00 p.m. and electronic media, if used, must be used in conjunction with live instruction. If the Development consists of Scattered Sites, this resident program must be provided on the Scattered Site with the most units.
    - (c) Daily Activities – Applicant or its Management Company must provide on-site supervised, structured activities, at no cost to the resident, at least five days per week which must be offered between the hours of 8:00 a.m. and 7:00 p.m. If the Development consists of Scattered Sites, this resident program must be provided on the Scattered Site with the most units.
    - (d) Assistance with Light Housekeeping, Grocery Shopping and/or Laundry – The Applicant or its Management Company must provide residents with a list of qualified service providers for (i) light housekeeping, and/or (ii) grocery shopping, and/or (iii) laundry and will coordinate, at no cost to the resident, the scheduling of services. The Developer or Management Company shall verify that the services referral information is accurate and up-to-date at least once every six (6) months.
    - (e) Resident Assurance Check-In Program – Applicant commits to provide and use an established system for checking in with each resident on a pre-determined basis not less than once per day, at no cost to the resident. Residents may opt out of this program with a written certification that they choose not to participate.
  - (2) All ALF Developments must provide the following resident programs:
    - (a) Medication Administration – The Applicant or its Management Company shall provide, pursuant to ALF licensure requirements, staff to

administer medications in accordance with a health care provider’s order or prescription label.

- (b) Services for Persons with Alzheimer’s Disease and Other Related Disorders – The Applicant or its Management Company shall advertise and provide supervision and services to persons with Alzheimer’s disease and other related disorders that are specific to each affected resident and pursuant to ALF licensure requirements.

**5. Total Development Cost Per Unit Limitation:**

The Corporation shall limit the Total Development Cost (TDC) per unit for all Developments categorized by the construction type of the units as indicated by the Applicant in the RFA. The maximum amounts are provided on the TDC Per Unit Limitation chart set out below (the maximum TDC per unit exclusive of land costs and exclusive of any operating deficit reserves that are part of the permanent phase (i.e., non-construction) financing for the Development which have not been included within the Developer fee, applying any applicable TDC multiplier and/or TDC add-on) and will be tested during the credit underwriting process, and during the final allocation process, as outlined below.

This RFA does not incorporate any TDC Multipliers (to be applied against the Development’s TDC) or TDC Add-Ons (to be added to the Maximum TDC Per Unit Limitation).

These TDC Per Unit Base Limitation amounts are effective from the Application Deadline through Final Cost Certification.

| Measure   | New Construction Units |                  |                |                    |
|---|------------------------|------------------|----------------|--------------------|
|   | Garden Wood*           | Garden Concrete* | Mid-Rise-Wood* | Mid-Rise-Concrete* |
| Maximum TDC Per Unit Limitation** for all counties except Broward and Miami-Dade Counties | \$188,000              | \$224,000        | \$224,000      | \$245,900          |
| Maximum TDC Per Unit Limitation** for Broward and Miami-Dade Counties                     | \$194,900              | \$232,300        | \$232,300      | \$255,000          |

\* Garden includes all Development Types other than Mid-Rise; Mid-Rise includes Development Types of Mid-Rise with Elevator (4 stories, 5 stories, or 6 stories)

\*\* Exclusive of land costs and exclusive of any approved operating deficit reserves that are part of the permanent phase (i.e., non-construction) financing for the Development which have not been included within the Developer fee. When the term of operating deficit reserves (ODR) are mentioned in this TDC Per Unit Limitation section, the term shall refer to these particular operating deficit reserves.

- a. Any Applicant that has the Credit Underwriter present a credit underwriting report with an amount that exceeds these limitations by more than 5 percent, after taking into consideration an escalation factor for construction costs rising after the Application Deadline of either (i) 2.7 percent for any Development that is not located within Broward or Miami-Dade Counties, or (ii) 3.9 percent for any Development that is located within Broward or Miami-Dade Counties, and incorporating any applicable TDC reduction and adjustments processes provided below will receive a negative recommendation by the Credit Underwriter.

Any Applicant that has the Credit Underwriter present a credit underwriting report with an amount that exceeds these limitations, after taking into consideration the applicable

escalation factor outlined above, will require staff to review the credit underwriting report for compliance to the TDC reduction and adjustment procedure provided below:

- (1) The Developer fee will be limited to the maximum allowable within the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, in all instances. A Developer fee can be earned on qualifying TDC exclusive of land and operating deficit reserves up to the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, but it cannot be earned on costs in excess of said limitation. If the Development costs exceed the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, then the maximum allowable Developer fee will be adjusted as outlined below. The maximum allowable Developer fee can be determined by multiplying the applicable TDC Per Unit Base Limitation with respect to the Development as provided in this RFA, inclusive of any applicable escalation factor, by the number of total units in the Development. Second, divide this product by 1.18\* and then multiply the result by 18 percent\*. This will yield the maximum allowable Developer fee within the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor.

Prior to determining any necessary adjustment, if the Developer fee initially stated by the Applicant or Credit Underwriter is in excess of the maximum allowable Developer fee as provided in (1) above, the stated Developer fee will be reduced to said maximum allowable Developer fee and the TDC will be equally reduced to incorporate the cost reduction.

- (2) Subsequent to reducing the stated Developer fee to the maximum allowable amount provided above, additional adjustments may be necessary if the TDC Per Unit Base Limitation remains exceeded. An adjustment to the maximum allowable Developer fee shall be determined by reducing the maximum allowable Developer fee as determined in (1) above dollar-for-dollar for any costs in excess of the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, up to the lesser of (a) the actual amount of costs in excess of the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, (b) \$500,000, or (c) 25 percent of the maximum allowable Developer fee. If the stated Developer fee, inclusive of any necessary adjustments incorporated above, exceeds the maximum allowable Developer fee as adjusted herein, the stated Developer fee, inclusive of any necessary adjustments incorporated above shall be further adjusted to not exceed the new maximum allowable Developer fee and the TDC will be equally reduced to incorporate the cost reduction. If after following this Developer fee limitation process, the TDC exclusive of land costs and operating deficit reserves is reduced to be within the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, then the Developer fee adjustment calculation is complete. If the TDC exclusive of land costs and operating deficit reserves remains above the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, then there is an additional Developer fee adjustment, as outlined in (3) below.
- (3) An additional Developer fee adjustment will be initiated to further reduce the allowable Developer fee in the event the Development's TDC exclusive of land

costs and operating deficit reserves (as adjusted above) exceeds the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor. The reduction will be determined by deriving a percentage amount that the Development's TDC exclusive of land costs and operating deficit reserves (as adjusted above) exceeds the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, and multiplying this excess percentage by the amount of the adjusted Developer fee, resulting in a product that is the additional adjustment to the Developer fee (with a corresponding adjustment to the Development's TDC exclusive of land costs and operating deficit reserves). For instance, if the Development's adjusted TDC exclusive of land costs and operating deficit reserves exceeds the limitation, inclusive of any applicable escalation factor, by 4 percent, then the allowable Developer fee is further reduced by 4 percent. Once this step is complete, there is no further Developer fee adjustment or corresponding cost savings to be incorporated into the TDC as a result of having a TDC exclusive of land costs and operating deficit reserves that exceeds the limitation.

It is at this point the Development's adjusted TDC exclusive of land costs and operating deficit reserves are compared to the TDC Per Unit Base Limitation and if the TDC Per Unit Base Limitation is exceeded by more than 5% (as presented in the opening paragraph of 5.a. above), the credit underwriting report shall be presented with a negative recommendation by the Credit Underwriter.

As a note, if the Developer fee in the credit underwriting report is already at or below this allowable Developer fee, then there is no additional adjustment to be incorporated into the Developer fee. This also means there are no corresponding costs savings to reduce the TDC since all TDC cost reductions stemming from this process are coming from reducing the Developer fee. If the Developer fee in the credit underwriting report needs to be reduced to incorporate any adjustment as provided above, then as the Developer fee is reduced, so is the TDC in order to incorporate the reduced Developer fee cost.

For example:

An 85-unit Development located in Duval County with a Development Category of new construction and a Development Type of Garden Concrete reports a TDC of \$20,050,000, inclusive of a stated Developer fee of \$3,050,000, but exclusive of land costs and all operating deficit reserves at time of credit underwriting, and also prior to any adjustment:

**Calculate TDC Limitation for the Development and Maximum Allowable Developer fee**

- 1.(a) TDC Per Unit Base Limitation, inclusive of any applicable escalation factor (2.7%) and the applicable TDC Multiplier (100%):  $\$224,000 \text{ Per Unit} \times (1 + 2.7\%) / 100\% = \$230,048 \text{ Per Unit}$ .
- 1.(b) Determine TDC Limitation for the Development:  $\$230,048 \text{ Per Unit} \times 85 \text{ units} = \$19,554,080$ .
- 1.(c) Implied maximum Development Cost per the limitation:  $\$19,554,080 \div 1.18 = \$16,571,255$ .

- 1.(d) Determine maximum allowable Developer fee within the limitation (prior to any Developer fee adjustment):  $\$16,571,255 \times 18\% = \$2,982,825$ .

**First Developer fee/TDC adjustment Calculation Methodology (If necessary)**

- 2.(a)(i) Is the stated Developer fee greater than the maximum allowable?  $\$3,050,000 > \$2,982,825$ .
- 2.(a)(ii) If the response to 2.(a)(i) is yes, then determine the excess:  $\$3,050,000 - \$2,982,825 = \$67,175$  (excess Developer fee and excess TDC).
- 2.(b) Reduce the stated Developer fee to the lesser of either the maximum allowable or the stated fee and reduce the stated TDC by an equal amount:  $\$3,050,000 - \$67,175 = \$2,982,825$ ;  $\$20,500,000 - \$67,175 = \$20,432,825$ .
- 2.(c) If the response to 2.(a)(i) is no or once the adjustment of 2.(b) has been completed, then determine if the TDC remains in excess of the limitation and if so, the amount of the excess:  $\$20,432,825 - \$19,554,080 = \$878,745$ .
- 2.(d) Determine the lesser of either (i) \$500,000, (ii) 25 percent of the maximum allowable Developer fee, or (iii) 100% of the excess TDC:  $25\% \times \$2,982,825 = \$745,707$ ;  $\$500,000 < \$745,707 < \$878,745$ .
- 2.(e) Apply the least amount of the three options in 2(d) above to determine the maximum allowable Developer fee, subject to this adjustment:  $\$2,982,825 - \$500,000 = \$2,482,825$ .
- 2.(f) TDC reduction due to Developer fee adjustment:  $\$20,432,825 - \$500,000 = \$19,932,825$ .

(As a note, this TDC is still greater than the TDC Per Unit Base Limitation, inclusive of the applicable upward adjustment so an additional adjustment to the maximum allowable Developer fee will need to be calculated.)

**Second Developer fee/TDC adjustment Calculation Methodology (If necessary)**

- 3.(a) Determine the percentage the TDC without land costs and operating deficit reserves (as adjusted above for first adjustment) that exceeds the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor:  $\$19,932,825 - \$19,554,080 = \$378,745$ ;  $\$378,745 \div \$19,554,080 = 1.94\%$ .
- 3.(b) Determine the additional adjustment:  $1.94\% \times \$2,482,825 = \$48,091$ .
- 3.(c) Determine the final maximum Developer fee, after adjustments, at time of credit underwriting:  $\$2,482,825 - \$48,091 = \$2,434,734$ .
- 3.(d) Determine the final adjusted TDC at time of credit underwriting:  $\$19,932,825 - \$48,091 = \$19,884,734$ .

- 3.(e) Verify the status of the 5% variance test:  $(\$19,884,734 - \$19,554,080) / \$19,554,080 = 1.69\%$ , which falls under the criteria of being less than or equal to 5% above of the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor.
- b. Any Applicant that presents a Final Cost Certification Application Package (FCCAP) that has amounts that exceed the TDC Per Unit Base Limitation, subject to an escalation factor of either (i) 2.7 percent for any Development that is not located within Broward or Miami-Dade Counties, or (ii) 3.9 percent for any Development that is located within Broward or Miami-Dade Counties, will require staff to review the FCCAP for compliance to the procedure provided in (1), (2) and (3) below if the Development did not have its Developer fee adjusted at credit underwriting as provided in 5.a. above, either voluntarily or by the credit underwriter in order to get the Development's TDC exclusive of land and operating deficit reserves to be in compliance with the TDC Per Unit Base Limitation requirements.

If the Development has already had its Developer fee adjusted at credit underwriting as provided in 5.a. above, either voluntarily or by the credit underwriter in order to get the Development's TDC exclusive of land and operating deficit reserves to be in compliance with the TDC Per Unit Base Limitation requirements and the Development's TDC without land and operating deficit reserves in the FCCAP exceeds the Development's TDC without land costs and operating deficit reserves provided in the credit underwriting report, then the Developer fee will have an additional adjustment to be incorporated as provided in (4) below.

If the Development has already had its Developer fee adjusted at credit underwriting as provided in 5.a. above, either voluntarily or by the credit underwriter in order to get the Development's TDC exclusive of land and operating deficit reserves to be in compliance with the TDC Per Unit Base Limitation requirements, but the Development's TDC without land and operating deficit reserves in the FCCAP is now less than the Development's TDC without land costs and operating deficit reserves provided in the credit underwriting report, then the Developer fee will be re-evaluated based on the procedure provided in 5.a. above just as if it were going through the credit underwriting report process again.

- (1) The Developer fee will be limited to the maximum allowable within the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, in all instances. A Developer fee can be earned on qualifying TDC exclusive of land costs and operating deficit reserves up to the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, but it cannot be earned on costs in excess of said limitation. If the Development costs exceed the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, then the maximum allowable Developer fee will be adjusted as outlined below. The maximum allowable Developer fee can be determined by multiplying the applicable TDC Per Unit Base Limitation with respect to the Development as provided in this RFA, inclusive of any applicable escalation factor, by the number of total units in the Development. Second, divide this product by 1.18\* and then multiply the result by 18 percent\*. This will yield the maximum allowable Developer fee within the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor.

Prior to determining any necessary adjustment, if the Developer fee initially stated by the FCCAP is in excess of the maximum allowable Developer fee as provided in (1) above, the Developer fee will be reduced to said maximum allowable Developer fee and the TDC will be equally reduced to incorporate the cost reduction.

- (2) Subsequent to reducing the Developer fee to the maximum allowable amount, additional adjustments may be necessary if the TDC Per Unit Base Limitation remains exceeded. An adjustment shall be determined by reducing the maximum allowable Developer fee as determined in (1) above dollar-for-dollar for any costs in excess of the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, up to the lesser of (a) the actual amount of costs in excess of the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, (b) \$250,000, or (c) 10 percent of the maximum allowable Developer fee. If the stated Developer fee, inclusive of any necessary adjustments incorporated above, exceeds the maximum allowable Developer fee as adjusted herein, the stated Developer fee, inclusive of any necessary adjustments incorporated above shall be further adjusted to not exceed the new maximum allowable Developer fee and the TDC will be equally reduced to incorporate the cost reduction. If after following this Developer fee limitation process, the TDC exclusive of land costs and operating deficit reserves is reduced to be within the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, then the Developer fee adjustment calculation is complete. If the TDC exclusive of land costs and operating deficit reserves remains above the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor, then there is an additional Developer fee adjustment, as outlined in (3) below.
- (3) An additional Developer fee adjustment will be initiated to further reduce the allowable Developer fee in the event the TDC exclusive of land costs and operating deficit reserves (as adjusted above) exceeds the TDC Per Unit Base Limitation. The reduction will be determined by deriving a percentage amount that the TDC exclusive of land costs and operating deficit reserves (as adjusted above) exceeds the amount allowed by the TDC Per Unit Base Limitation, inclusive of any applicable escalation factor and multiplying this excess percentage by the amount of the adjusted Developer fee, resulting in a product that is the additional adjustment to the Developer fee. For instance, if the Development's adjusted TDC exclusive of land costs and operating deficit reserves exceeds the limitation, inclusive of any applicable escalation factor, by 4 percent, then the allowable Developer fee is further reduced by 4 percent. Once this step is complete, there is no further Developer fee adjustment or corresponding cost savings to be incorporated into the TDC as a result of having a TDC exclusive of land costs and operating deficit reserves that exceeds the limitation.

As a note, if the Developer fee in the FCCAP is already at or below this allowable Developer fee, then there is no additional adjustment to be incorporated into the Developer fee. This also means there are no corresponding costs savings to reduce the TDC since all TDC cost reductions stemming from this process are coming from reducing the Developer fee. If the Developer fee in the FCCAP needs to be reduced to incorporate any penalties provided above,

then as the Developer fee is reduced, so is the TDC in order to incorporate the reduced Developer fee cost.

- (4) For those Developments that have already had its Developer fee adjusted at credit underwriting as provided in 5.a. above and whose TDC without land costs and operating deficit reserves in the FCCAP exceeds the Development's TDC without land costs and operating deficit reserves provided in the credit underwriting report, the allowable Developer fee will incorporate an additional adjustment. This additional Developer fee adjustment will be the lesser of (a) the difference between the amount of the Development's TDC exclusive of land costs and operating deficit reserves as reported in the FCCAP that is in excess of the Development's TDC exclusive of land costs and operating deficit reserves provided in the credit underwriting report, (b) \$250,000, or (c) 10 percent of the allowable Developer fee reported in the credit underwriting report. If the Developer fee in the FCCAP is already equal to or less than the allowable Developer fee as determined with the incorporation of this additional Developer fee adjustment, then neither the Developer fee nor the TDC is further reduced.

For example:

Assuming the Development in the example provided in 5.a. above provides a FCCAP with a TDC exclusive of land costs and operating deficit reserves of \$275,000 higher than the TDC exclusive of land costs and operating deficit reserves provided in the credit underwriting report, but the Developer fee is the same as provided in the credit underwriting report of \$2,434,734. The additional Developer fee adjustment will be the lesser of (a) \$275,000 (the new excess costs), (b) \$250,000 (the maximum dollar limit of this additional Developer fee adjustment), or (c) \$243,474 (10% of the allowable Developer fee reported in the credit underwriting report).

Since (c) is the lowest of the three options, the allowable Developer fee and the TDC will both be lowered by \$243,474. The allowable Developer fee will be \$2,191,260 (the allowable Developer fee reported in the credit underwriting report of \$2,434,734, less the adjustment of \$243,474). The TDC exclusive of land costs and operating deficit reserves in the FCCAP would be adjusted to \$19,916,260 (\$19,884,734 from the credit underwriting report plus \$275,000 of new additional costs less \$243,474 for the reduction in allowable Developer fee).

\* These figures represent the applicable Developer fee percentage for the Development (18%) and one plus the applicable Developer fee percentage for the Development (1+18%).

## **6. Florida Job Creation Preference:**

Each HOME Application will be measured to determine whether it qualifies for the Florida Job Creation Preference. To determine eligibility for the preference, the Corporation will calculate the Application's Florida Job Creation score, which will reflect the number of Florida jobs per \$1 million of HOME funding. Only Applications with a score equal to or greater than 19 will qualify for the Florida Job Creation Preference in Section Four B of the RFA.

Determination of the Florida Job Creation score will be based on the following information:



- The number of units committed to by the Applicant (as stated by the Applicant at question 4.c. of Exhibit A);
- The applicable Florida job creation rate of Rate of 3.811 Florida Jobs per Unit and
- The Eligible HOME Request Amount.

The score for the Florida Rate of Job Creation per \$1 million of HOME funding will be measured using the following calculation:

Number of units x 3.811 Florida Jobs per unit x 1,000,000 / HOME Request Amount = Florida Jobs per \$1 million of HOME funding.

For example:

Application A consists of 70 units and has a HOME Request Amount of \$4,500,000.

$70 \times 3.811 \times 1,000,000 / 4,500,000 =$  Florida Job Creation score of 59.28.

In above example, Application A will qualify for the Florida Job Creation Preference because it has a Florida Job Creation score that is at least 19.

**7. Fees:**

The Corporation and, if applicable, the Credit Underwriter shall collect via check or money order from the Applicant the following fees and charges in conjunction with the HOME Program. These fees will be in addition to the MMRB and Housing Credit fees set out in the Non-Competitive Application Form NCA (Rev. 11-14) and Rule Chapter 67-21, F.A.C. Failure to pay any fee shall cause the funding to be withdrawn as outlined in the credit underwriting and program requirements outlined in Rule Chapter 67-48, F.A.C.

a. Application Fee:

All Applicants requesting HOME funding shall submit to the Corporation as a part of the Application submission a non-refundable Application fee of \$3,000.00.

b. Credit Underwriting Fees:

The following fees are not the fees that will be charged, but are listed below for estimation purposes. The actual fees will be determined based on the current contract and any addendum for services between the Corporation and the Credit Underwriter(s) in effect at the time underwriting begins.

(1) Multiple Program Fee: \$4,149\*

(2) Re-underwriting Fee: \$169 per hour, not to exceed \$7,513

Any HOME Development\* requiring further analysis by the Credit Underwriter pursuant to Rule Chapter 67-48, F.A.C., and this RFA will be subject to a fee based on an hourly rate determined pursuant to contract between the Corporation and the Credit Underwriter. All credit underwriting fees shall be paid by the Applicant prior to the performance of the analysis by the Credit Underwriter.

\*HOME Applicants that do not qualify as a Non-Profit entity under Rule 67-48.002, F.A.C. (at least by the due date for the credit underwriting fees), will be responsible for the fees set out in (1) and (2) above, as well as fees resulting from further analysis pursuant to Rule Chapter 67-48, F.A.C., and this RFA.

c. Compliance Monitoring Fees:

The following fees are not the fees that will be charged, but are listed below for estimation purposes. The actual fees will be determined based on the current contract and any addendum for services between the Corporation and the Compliance Monitor(s).

HOME Additional Program Fee – annual fee of \$882, billed annually.

d. Loan Closing Extension Fees:

In the event a HOME loan does not close within the timeframes prescribed, extension fees will be assessed pursuant to subsection 67-48.0072(26) and paragraph 67-48.0072(4)(c), F.A.C.

e. Permanent Loan Servicing Fees:

The following fee is listed for estimation purposes whereby the actual fees will be determined based on the current contract and any addendum for services between the Corporation and Servicer(s).

Annual fee of 25 bps of the outstanding loan amount, with a minimum monthly fee of \$203 and a maximum monthly fee of \$808, and an hourly fee of \$169 for extraordinary services.

f. Additional HOME Fees:

HOME Applicants that do not qualify as a Non-Profit entity will be charged fees for environmental review and legal counsel based on the current contract for services between the Corporation, the Environmental Provider(s), and legal counsel.

g. Assumption/Renegotiation Fees:

For all loans, excluding MMRB, where the Applicant is requesting a sale and/or transfer and assumption of the loan, the borrower or purchaser shall submit to the Corporation a non-refundable assumption fee of one-tenth of one percent of the loan amount.

For all loans, excluding MMRB, where the Applicant is requesting a renegotiation of the loan, the borrower shall submit to the Corporation a non-refundable renegotiation fee of one-half of one percent of the loan amount.

For all loans, excluding MMRB, where the Applicant is requesting an extension of the loan term, the borrower shall submit to the Corporation a non-refundable extension fee of one-tenth of one percent of the loan amount. If the extension is associated with a renegotiation of the loan, then only the renegotiation fee will be charged.

**8. Additional HOME Requirements:**

If awarded HOME funding under this RFA, the Applicant will be required to comply with the following HOME requirements and provide the following information:

- a. General Information Notice - In accordance with the Uniform Relocation Act (URA), as part of 24 CFR Part 92, a Development receiving HOME funds must provide a notice to all tenants informing them of their rights under the URA in accordance with Chapter 2 of the HUD Handbook 1378. The Handbook is available on the webpage <http://www.hud.gov/offices/adm/hudclips/handbooks/cpdh/1378.0/index.cfm> (also accessible by clicking [here](#)). The proper manner of notice is provided in this Handbook. A copy of each General Information Notice must be provided to each tenant, not just tenants in HOME-Assisted Units. By the due date outlined in the invitation to enter credit underwriting, the Applicant must provide to the Corporation a copy of each General Information Notice for each occupied unit. Each notice must include proof of delivery by certified letter or by signed copy of the notice when hand delivered.

- b. HOME Certification of Consistency with the Consolidated Plan:

In order to be eligible for HOME funding, during the credit underwriting process the Applicant will be required to provide evidence demonstrating that the proposed Development is consistent with the applicable Consolidated Plan. Developments located in entitlement jurisdictions should request a certification of consistency letter from the appropriate authorities in that jurisdiction (typically, the community development staff). Developments located in non-entitlement jurisdictions (e.g. small non-entitlement cities or unincorporated areas of counties) should request a certification of consistency letter from the state. To request a certification of consistency letter from the state (or if you are not sure which Consolidated Plan applies to the location of your proposed HOME Development), please contact:

Eddie Hutton (or his successor)  
CDBG Operations Unit Program Manager  
Florida Department of Economic Opportunity  
850-717-8406

- c. HOME Other Federal Requirements

- (1) Federal Labor Requirements - Owners of a building or buildings which consist of 12 or more HOME-Assisted Units which are to be constructed or rehabilitated by the same contractor under a single contract (including Scattered Site Developments) must comply with the Federal Labor Standards requirements as identified in 24 CFR Part 92 and Rule Chapter 67-48, F.A.C.

Federal Labor Standards require that all persons working on the site be paid an hourly rate not less than the minimum rate specified in the Wage Determination issued by HUD for each particular property. The owner will be required to submit to the Corporation, or its representative servicer, payroll reports and certifications to verify wage payments. Conformance with Labor Standards will be monitored during the construction/rehabilitation period in conjunction with the draw inspections by the consulting engineer/architect engaged by the underwriter/servicer.

If the Development contains 12 or more HOME-Assisted Units to be rehabilitated or constructed under a single contract, the Corporation will require, prior to the start of construction, certification by the Applicant that it has been advised by the Corporation of its responsibilities and obligations regarding the federal labor and wage requirements and that it agrees to comply with the guidelines.

- (2) HUD Environmental Requirements – Applicant will be required to comply with the HUD environmental requirements as provided in 24 CFR Part 92 and 24 CFR Part 58.
- (3) Debarment and Suspension - Owners and contractors are prohibited from employing, awarding contracts, or funding any contractors or subcontractors that have been debarred, suspended, proposed for debarment or placed on ineligibility status by HUD. In addition, any owners who are debarred, suspended, proposed for debarment, or ineligible will be prohibited from participating in the HOME Program. Therefore, a certification must be executed by the contractor for compliance with debarment and suspension regulations. In order to be eligible for HOME funding, during the credit underwriting process the Applicant will be required to provide the executed certification form\*.
- (4) Lead Based Paint - If the Development was built before 1978, Lead Based Paint Regulations may apply. See 24 CFR Part 35 for exemptions. In order to be eligible for HOME funding, during the credit underwriting process the Applicant must certify that it understands the requirements of the current HUD lead based paint regulations as identified in 24 CFR Part 92 and Rule Chapter 67-48, F.A.C.

If the Applicant is purchasing the property and the Development was built before 1978, provide a copy of the executed Disclosure of Information on Lead Based Paint and Lead Based Paint Hazards form\*, signed by both the buyer and the seller.

- d. Eligible Reserve for Replacement Items list, eff. 10/15/2010

The replacement reserve funds required by subsection 67-48.0072(13), F.A.C., are not to be used by the Applicant for normal maintenance and repairs, but shall be used for structural building repairs, major building systems replacements and other items included on the Eligible Reserve for Replacement Items list, effective October 15, 2010\*.

- e. Part IIIA, Sections 401 through 408 and 410, of the Fannie Mae Multifamily Selling and Servicing Guide, in effect as of June 10, 2015

The financial statements and information provided for review (pursuant to paragraph 67-48.0072(14)(b), F.A.C.) should be in satisfactory form (inclusive of the substitution of the Multifamily Underwriting Certificate referenced in Section 407 with a similar certification meeting the same criteria) and shall be reviewed in accordance with Part IIIA, Sections 401 through 408 and 410 of Fannie Mae’s Multifamily Selling and Servicing Guide, in effect as of June 10, 2015\*.

- f. Part IIIA, Section 322, of the Fannie Mae Multifamily Selling and Servicing Guide, effective February 3, 2014.

Pursuant to subsection 67-48.020(9), F.A.C., the Corporation shall require insurance sufficient to meet the standards established in Part IIIA, Section 322 of Fannie Mae's Multifamily Selling and Servicing Guide, effective February 3, 2014\*.

Note: With regard to Items e. and f. above, when referring to the Multifamily Selling and Servicing Guide, any references to "Lender" means the "Corporation-assigned Credit Underwriter" and any references to "Fannie Mae" means "Florida Housing Finance Corporation."

g. CHDO Checklist, effective 8-31-2012

Pursuant to subsection 67-48.014(2), F.A.C., the Corporation shall utilize at least 15 percent of the HOME allocation for CHDOs pursuant to 24 CFR Part 92. In order to apply under the CHDO set-aside, the CHDO must have at least 51 percent ownership interest in the Development held by the General Partner entity and meet all other CHDO requirements as defined by HUD in 24 CFR Part 92 and other Corporation requirements identified in the CHDO Checklist\*.

h. HOME Rental FHFC Subsidy Limits chart

Pursuant to subsection 67-48.014(4), F.A.C., the maximum per-unit subsidy amount of HOME funds that the Corporation shall invest on a per-unit basis in affordable housing shall not exceed the per-unit dollar limits established by the Corporation as identified in the HOME Rental FHFC Subsidy Limits chart below.

|  | FHFC Maximum Subsidy |          |           |           |           |
|--|----------------------|----------|-----------|-----------|-----------|
|  | 0 BR                 | 1BR      | 2 BR      | 3 BR      | 4BR       |
| Baker, Bradford, Clay, Columbia, Duval, Flagler, Nassau, St Johns, Union                             | \$76,367             | \$87,304 | \$106,453 | \$137,716 | \$150,929 |
| Alachua, Dixie, Gilchrist, Levy, Marion, Putnam  | \$74,707             | \$85,641 | \$104,139 | \$134,722 | \$147,883 |
| Franklin, Gadsden, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla | \$75,371             | \$86,402 | \$105,064 | \$135,919 | \$149,197 |
| Bay, Calhoun, Gulf, Holmes, Jackson, Walton, Washington  | \$64,747             | \$74,222 | \$90,254  | \$116,759 | \$128,165 |
| Escambia, Santa Rosa, Okaloosa   | \$67,070             | \$76,886 | \$93,493  | \$120,950 | \$132,766 |
| Hillsborough, Pasco, Hernando, Sumter, Citrus, Pinellas  | \$79,688             | \$91,351 | \$111,082 | \$143,703 | \$157,742 |
| Sarasota, Manatee, Hardee, DeSoto  | \$79,688             | \$91,351 | \$111,082 | \$143,704 | \$157,742 |
| Polk, Highlands  | \$78,692             | \$90,209 | \$109,693 | \$141,907 | \$155,770 |
| St. Lucie, Okeechobee, Indian River  | \$74,707             | \$85,641 | \$104,139 | \$134,722 | \$147,883 |
| Brevard  | \$75,703             | \$86,783 | \$105,527 | \$136,518 | \$149,855 |
| Volusia  | \$74,707             | \$85,641 | \$104,139 | \$134,722 | \$147,883 |
| Orange, Seminole, Lake, Osceola  | \$77,032             | \$88,306 | \$107,378 | \$138,913 | \$152,483 |

|   |          |          |           |           |           |
|---|----------|----------|-----------|-----------|-----------|
| Dade                                    | \$76,367 | \$87,544 | \$106,453 | \$137,716 | \$151,169 |
| Broward                                 | \$77,032 | \$88,306 | \$107,378 | \$138,913 | \$152,483 |
| Palm Beach, Martin                      | \$77,696 | \$89,066 | \$108,304 | \$140,110 | \$153,798 |
| Monroe                                  | \$79,688 | \$91,351 | \$111,082 | \$143,703 | \$157,742 |
| Charlotte, Glades, Hendry, Lee, Collier | \$76,367 | \$87,544 | \$106,453 | \$137,716 | \$151,169 |

FHFC's subsidy limits are based on 60% of HUD's 2012 maximum subsidy limits

i. Financial Reporting Form SR-1

Pursuant to subsection 67-48.020(14), F.A.C., by the date that is 151 Calendar Days after the Applicant's fiscal year end, the Applicant shall submit to the Corporation's servicer with an audited financial statement and a copy of the signed Financial Reporting Form SR-1, Rev. 05-14\*, with Parts 1, 2, and 5 completed. The audited financial statement and signed copy of the Form SR-1 shall be submitted to the Corporation's servicer in both in both PDF format and in electronic form as a Microsoft Excel spreadsheet..

\* Documents can be found on the Corporation's Website

<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-110/> (also available by clicking [here](#))