

Questions and Answers for RFA 2018-113 - Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments

Question 1:

Are the 08-16 version of the Ability to Proceed forms acceptable if used in a previous RFA for the same proposed Development?

Answer:

No. The Applicant must utilize the 08-18 version of the Ability to Proceed forms.

Question 2:

Miami-Dade County Water and Sewer Department provided a dated letter of availability, however the information contained in the letter of availability has a 30-day expiration date. Will letters of availability from Miami-Dade that are dated within 12 months of application deadline still suffice, or will the letter of availability have to be dated with the 30-day expiration date taken into consideration? Basically, will a letter dated earlier than October 1, even though it meets the RFA requirement of dated within 12 months, be deemed insufficient to evidence water and sewer availability due to the language of the letter providing for a 30-day expiration?

Answer:

If a letter is provided to demonstrate the availability of infrastructure, but the letter has expired prior to the Application Deadline, the requirement to demonstrate the availability of infrastructure will not be considered met.

Question 3:

The RFA inquires "Does the proposed Development consist of Scattered Sites?" The definition of Scattered Sites as defined in Rule 67-48 states that Scattered Sites "means a Development site that, when taken as a whole, is comprised of real property that is not contiguous." The definition further states that "Real property is contiguous if the only intervening real property interest is an easement, provided the easement is not a roadway or street." We are inquiring as to whether the question in the RFAs is with regard to the existing site to be developed or to the site as it will be after development. We are contemplating submitting an application for a site that is presently "contiguous" as defined in 67-48.002(106). However, the requirements of the local government are such that, after the application deadline, the development of the property will require either (i) the dedication of Rights-of-Way, or (ii) the provision of easements, either of which would be followed by the construction of roadways which would create "Scattered Sites." Please advise whether to answer the Scattered Sites question as the property exists at the time of the application deadline or at the time the Development will be complete.

Answer:

If the proposed Development meets the definition of Scattered Sites, all Scattered Sites requirements that were not required to be met in the Application will be met, including that all features and amenities committed to and proposed by the Applicant that are not unit-specific shall be located on each of the Scattered Sites, or no more than 1/16 mile from the Scattered Site with the most units, or a combination of both. If the Applicant indicates that the proposed Development does not consist of Scattered Sites, but it is determined during credit underwriting that the proposed Development does meet the definition of Scattered Sites, all of the Scattered Sites requirements must have been met as of Application Deadline and, if all Scattered Sites requirements were not in place as of the Application Deadline, the Applicant's funding award will be rescinded.

Per Subsection 67-48.002(34), the Development Location Point for a Development which consists of Scattered Sites must be a single point on the site with the most units that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

Question 4:

I have a Medical Facility that has an ARNP who sees patients in the clinic on a walk-in/appointment basis. There is a Medical Director that is a licensed physician that supervises the clinic/ARNP. Does this clinic meet the definition of a Medical Facility?

Answer:

The first part of the definition of Medical Facility defines Medical Facility as “A medically licensed facility that (i) employs or has under contractual obligation at least one physician licensed under Chapter 458 or 459, F.S. available to treat patients by walk-in or by appointment...” If the Medical Director is employed or under contractual obligation at the facility, and is a physician licensed under Chapter 458 or 459, F.S. available to treat patients by walk-in or by appointment, and if the definition of Medical Facility is otherwise met, the Medical Facility will qualify for purposes of the RFA.

Question 5:

If an Applicant selects the Average Income Test and later determines the selection is not feasible, may the selection be changed during credit underwriting?

Answer:

As stated in the Acknowledgement and Certification form signed by the Authorized Principal Representative, “The Applicant acknowledges and certifies that it will abide by all commitments, requirements, and due dates outlined in the RFA, inclusive of all exhibits.” Additionally, pursuant to Rule 67-48.023(2), F.A.C., all applicants must comply with any Housing Credit set aside committed to in the Application.

Question 6:

In Exhibit A, the Application contact person information has been re-worded slightly. What should an Applicant include under Organization of the Authorized Principal Representative in 3.a.(1)? Should the organization be in connection to the Applicant entity or the Organization the person works for?

Answer:

The Authorized Principal Representative must be a Principal of the Applicant and disclosed on the Principals Disclosure Form. In Exhibit A, the Applicant should insert the name of the organization for which the Principal is associated.

Question 7:

If I am submitting an Application for “Phase II” of a project and Phase I of the project did not receive housing credits, would the Application be disqualified as it is not the FIRST Phase of a Multi-Phase project?

Answer:

For purposes of Section Four A.10.a.(1)(b) of the RFA, the first phase of a multiphase project is considered the first phase that is awarded funding.

Question 8:

Do the entities listed on the Principal Disclosure Form have to be active as of the stamped “Approved” date or as of the Application Deadline?

Answer:

As of the Application Deadline. The Applicant may upload a Principals Disclosure Form stamped "Approved" during the Advance Review Process provide (a) it is still correct as of Application Deadline, (b) it was approved for the type of funding being requested (i.e., Housing Credits or Non-Housing Credits).

Question 9:

The RFA states "Up to three Public Bus Stops may be selected. Each Public Bus Stop must meet the definition of Public Bu Stop, as defined in Exhibit B, using at least one unique bus route. Up to two of the selected Public Bus Stops may be Sister Stops that serve the same route, as defined in Exhibit B".

Sister Stop is defined as "two (2) bus stops that (i) individually, each meet the definition of Public Bus Stop, (ii) are separated by a street or intersection from each other, (iii) are within 0.2 miles of each other, (iv) serve the same bus route(s), (v) and the buses travel in different directions.

Definition #1 above states that 3 Public Bus Stops may be selected but that they must each have at least one unique route. Definition #2 above states that in order to be a Sister Stop, they need to serve the same bus routes. The definitions of Public Bus Stop and Sister Stop contradict one another. How can all these Public Bus routes be unique if two Sister Stops are allowed to have the same bus route?

Answer:

If each of the three bus stops in the above example would individually meet the definition of Public Bus Stop, and the two bus stops that serve Route 81 meet the definition of Sister Stops, the combination of all three Public Bus Stops may be used to achieve a maximum of 6 Transit Points. Sister Stops are a supplemental method in which to achieve three Public Bus Stops

Question 10:

Please note that each of the Florida Housing Ability to Proceed Verification forms (Form Rev. 08-18), includes the following language under "Development Location: "The Location of all Scattered Sites, if applicable, must also be included."

Please assume an application with the following facts:

1. There are two Scattered Sites ("Site A" and "Site B").
2. Site A is in "Municipality X" and Site B is in "Municipality Y."

For certain Ability to Proceed Verification forms, the governmental authority having jurisdiction over the same specific form is different (e.g., the Zoning form), as a consequence of having two Scattered Sites in different municipalities. Must all Scattered Sites be listed on each individual form, or is it permissible to have two separate forms (e.g., two separate Zoning forms) with: **1.** one form indicating Site A only, and executed by an appropriate party from Municipality X, and **2.** a separate form indicating Site B only, and executed by an appropriate party from Municipality Y?

Answer:

It is permissible to provide multiple copies of Ability to Proceed forms to demonstrate infrastructure and zoning for Developments consisting of Scattered Sites.

Question 11:

Please note that some of the Florida Housing Ability to Proceed Verification forms (Form Rev. 08-18), include the following language under “Number of Units in the Development:” “This number must be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.”

For applications with Scattered Sites (especially Scattered Sites within different municipalities) the official that is required to sign a particular form may only be able to opine as to one Scattered Site at a time. For example, a Zoning form may be needed to opine as to the number of units on Site A, in Municipality X, with a separate Zoning form needed to opine as to the number of units on Site B, in Municipality Y. Considering the foregoing, will it be permissible for the sum of the number of units stated in multiple forms of the same type (e.g., on two separate Zoning forms) to be equal to or greater than the number of units stated by the Applicant in Exhibit A of the RFA.

Answer:

When the same type of Ability to Proceed form is executed by different jurisdictions in a Scattered Sites Development and each jurisdiction can only opine as to the number of units on the portion of the site that is within the jurisdiction, Florida Housing will confirm the total number of units on the form(s) is equal to or greater than the total number of units committed to by the Applicant in the Application.

Question 12:

Please note that the Local Government Verification of Contribution – Fee Waiver Form (Form Rev. 08-16), includes the following language under “**Development Location:**” “If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Development Location Point is Located.”

Is it permissible for this form to also list other Scattered Sites, in addition to the Scattered Site where the Development Location Point is Located, in order to verify fee waivers in respect of the other scattered sites as well?

Answer:

Yes.

Question 13:

Our local jurisdiction is stating that they must add additional information on FHFC’s sewer verification form. Please let us know if this is acceptable.

Answer:

If the alterations made to the form change the meaning of the form, the form will not be accepted.

Question 14:

If a PHA utilizes an instrumentality in its Applications, how should the PHA provide verification to FHFC, in its submission, that the entity is an instrumentality of the PHA and is therefore a PHA Applicant/Principal and entitled to the TDC boost allotted to PHA’s?

Answer:

The Applicant should state, at Section Four A.10.e. of the RFA, whether any Principals of the Applicant entity are a Public Housing Authority (PHA) or an instrumentality of the PHA. The Applicant should note on the Principals Disclosure Form that the entity is an instrumentality of the PHA.

A modification to the RFA and Exhibit A will be issued to include an instrumentality of a PHA as eligible for the TDC boost. The modified Exhibit A will include a text box so that the Applicant may identify the PHA.

Question 15:

The RFA states: The Applicant should state whether any Principals of the Applicant entity are a Public Housing Authority. To qualify for the "Add-On Bonus" described Section Five, A.1 of the RFA and in Item 1 of Exhibit C, the Public Housing Authority must be reflected on the Principals of the Applicant and Developer(s) Disclosure Form (Form Rev. 08-16). For purposes of the "Add-On Bonus", the Public Housing Authority must not be disclosed as only the Investor Limited Partner of the Applicant or Investor Member of the Applicant.

Would this mean that the PHA / or instrumentality needs to be both the Owner/Applicant and the Developer, or is this just a reference to the form and the PHA entity just needs to be listed in the ownership? I believe the latter to be the instance, but I have someone asking for clarification.

Answer:

The PHA/instrumentality must be listed as a Principal of the Applicant, but not as ONLY the Investor Limited Partner or Investor Member of the Applicant. For example, in order to qualify for the "Add-On Bonus", if the PHA/instrumentality is serving as the Investor Member of the Applicant, it must also serve as another non-investor type Principal.

Question 16:

If a proposed Development was built prior to 1991, do all units have to comply with the accessibility requirements of the Fair Housing Act?

Answer:

No. All units, regardless of the age of the Development, must meet the Accessibility Requirements outlined in Section Four A.8.c. of the RFA.

Additionally, all Developments must meet the accessibility standards of Section 504 of the Rehabilitation Act of 1973, which require a minimum of 5 percent of the total dwelling units, but not fewer than one unit, be accessible for individuals with mobility impairments, and an additional 2 percent of the total units, but not fewer than one unit, be accessible for persons with hearing or vision impairments.

With regard to public and common use areas, Florida Housing requires the design, construction, or alteration of FHFC-financed Developments be readily accessible to and usable by persons with disabilities and in compliance with federal and state accessibility requirements. When more than one law and accessibility standard applies, the Applicant shall comply with the standard which affords the greater level of accessibility for the residents and visitors.

Question 17:

What is an "accessible route"?

Answer:

An accessible route is a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair, and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps and lifts. A route that complies with the requirements of the Fair Housing Act Guidelines is considered an "accessible route".

Question 18:

I have two Public Bus Stops near the proposed Development. Between the two of them, they serve three routes that each meet the hourly requirement. I see that you now allow three Public Bus Stops to be combined to get a up to 6 Transit Points. Because three routes are served, can I combine the two Public Bus Stops to get up to 6 Transit Points?

Answer:

No. The first part of the definition for Public Bus Stop states that it is “A fixed location at which passengers *may access one or two routes* of public transportation via buses.” In the example provided, one of the stops serves more than one route. According to the definition provided even though it serves two routes, it counts as one bus stop. There is a chart outlined in Item 2 of Exhibit C that is titled “Distances if using one or two Public Bus Stops”. The chart that would be used for calculating points in this scenario has a maximum of two points.

The Q&A process for RFA 2018-113 is concluded and Florida Housing does not expect to issue any further Q&As regarding RFA 2018-113.

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