

Hi Marisa,

I would like to submit these questions and comments (attached) in advance of today's workshop meeting at 2pm. If you could please confirm receipt of these or advise if an alternative method of submission is required, that would be greatly appreciated.

While we believe SB 102 outlines some requirements that are meant to be permissive (or vs and), we have some concerns that based on the plain language of the RFA outline (not the RFA itself), that it is more restrictive than outlined in statute and out of an abundance of caution, want to ensure all envisioned projects are deemed eligible.

Thank you!

--

Kevin Comerer

Rubin, Turnbull & Associates

Offices: Tallahassee/St. Petersburg

Phone: 407.949.2336

RubinTurnbull.com

Florida Housing Finance Corporation
2023-213 SAIL Funding for Live Local Mixed Income, Mixed-Use, and Urban Infill
Developments
Workshop 10/3/23

The Live Local Act is a transformational policy that was intended to incentivize the private development of affordable and workforce housing throughout the State. Through its zoning preemption, tax incentives, and funding, the Live Local Act expands the potential opportunities for residential development. However, the Draft Outline of RFA 2023-213 SAIL Funding for Live Local Mixed Income, Mixed-Use, and Urban Infill Developments takes a very narrow approach to develop and unnecessarily constrains the projects that may qualify for SAIL funding through very restrictive project parameters and conditions.

1. All applications must qualify as a mixed-income development and either an urban infill development or a mixed-use development. **The second condition should be expanded to also include projects constituting urban redevelopment, pursuant to Section 163.3164.**
2. The goal of the RFA is to fund one Elderly, Mixed-Use Development. **Consider elimination of the mixed-use requirement. The retail market is very unstable at this time and projects may not be able to finance the commercial component, jeopardizing the entire project. What is more, commercial uses take up space that could be used for senior amenities. Conversely, consider a project situated amongst a mix of uses within a 5-minute walk. Additionally, consider funding more than one project.**
3. Proposed Developments must request Tax-Exempt Bond Financing and Non-Competitive Housing Credits in conjunction with the request for SAIL funding. **Consider making this conditions permissive. As an addition or alternative, consider providing that project must/may pursue and elect other government subsidy such as County surtax or other loans or federal appropriations.**
4. Developer experience. **Consider expanding qualifications criteria to those having completed at least one affordable housing rental property within the past 3-5 years. Additionally, consider expanding the type of funding used for qualified projects that go to developer's experience to include those that have used innovative financing to fund affordable housing, senior, and/or workforce housing, including, but not limited to, County Surtax loans, general obligation bonds funds, and/or other governmental appropriations, instead of limiting it only to projects developed with 9%/4% Housing Credits and 25% of the units as non-Housing Credit units. This development condition hurts developers that have been able to developed affordable/workforce housing without the benefit of housing credit; innovative financing should be incentivized.**

5. Management experience. **Consider expanding qualifications criteria to those having managed at least one affordable housing rental property within the past 3-5 years.**
6. Number of buildings and units. **Consider increasing the maximum number of elderly units to 350 in counties with a population over 1 million.**

Please clarify the allocation of funding in the RFA. The RFA provides that \$100 Million will be allocated through this RFA, while another \$50 Million will be allocated through one or more subsequent RFAs. This total of \$150 Million is seeming the appropriation provided in the Live Local Act, Section 46 of which provides the following:

For the 2023-2024 fiscal year, the sum of \$150 million in recurring funds and \$109 million in nonrecurring funds from the State Housing Trust Fund is appropriated in the Grants and Aids - Housing Finance Corporation (HFC) - Affordable Housing Programs appropriation category to the Florida Housing Finance Corporation. The recurring funds are appropriated to implement s. 420.50871, Florida Statutes, as created by this act.

Section 420.5081 goes on to provide that the FHFC shall allocate 70 percent of the funds provided by this section to issue competitive requests for application for the affordable housing project purposes, of the following types:

- a) Both redevelop an existing affordable housing development and provide for the construction of a new development within close proximity to the existing development to be rehabilitated. Each project must provide for building the new affordable housing development first, relocating the tenants of the existing development to the new development, and then demolishing the existing development for reconstruction of an affordable housing development with more overall and affordable units.*
- (b) Address urban infill, including conversions of vacant, dilapidated, or functionally obsolete buildings or the use of underused commercial property.*
- (c) Provide for mixed use of the location, incorporating nonresidential uses, such as retail, office, institutional, or other appropriate commercial or nonresidential uses.*
- (d) Provide housing near military installations in this state, with preference given to projects that incorporate critical services for servicemembers, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life.*

From the remaining funds, the corporation shall allocate the funds to issue competitive requests for application for any of the following affordable housing purposes:

- (a) Propose using or leasing public lands. Projects that propose to use or lease public lands must include a resolution or other agreement with the unit of government owning the land to use the land for affordable housing purposes.*

- (b) Address the needs of young adults who age out of the foster care system.*
- (c) Meet the needs of elderly persons.*
- (d) Provide housing to meet the needs in areas of rural opportunity*

The FHFC through the RFA does not seem to be allocating funding pursuant to the foregoing. That is, the \$100/\$50 million split does not fit the aforementioned 70%/30% split. Nor does it follow the categories provided in this statute within the mandate proportion.