

From: Rodrigo Paredes <rodrigop@htgf.com>
Sent: Wednesday, April 12, 2023 9:33:12 AM
To: Marisa Button <Marisa.Button@floridahousing.org>
Subject: Rule 67-48 comments

Hi Marisa,

I missed yesterday's call/hearing about Rule Development because of an unforeseen situation but I offer you this comments hoping it's not too late:

1. Re definition of scattered site: I recommend you clarify if the added language (about the scattered site needs to contain a residential building) is referring to how the development site is at the time of application, not by the time the development is complete. There's already, I believe, some DOAH "case law" that says that the scattered site definition applies to the situation of the site as per app deadline, and not related to how the site is going to look after building (i.e. a plat recorded post funding can eliminate some roads and create others). BTW, I do believe the definition should not be changed to add the existing building in order to create a scattered site. You want to have the coordinate of the non-contiguous site in the application (regardless of there being a building or not, because a residential building can be added there by the development) to make sure the other scattered site is not more than 1/2 mile (I believe is the requirement) to the principal site where the DLP is, and for Mandatory Distance Requirement (buffers or bubbles are done to all coordinates). Now, if the intention is that FHFC doesn't care about a site as it is on app deadline and what you want is the coordinates of the non-contiguous sites after development completion and if they have a residential building, then it has to be specifically said in the rule, because that's against the current understanding that scattered site definition applies to the site as per the time of application deadline. In any case, clarifying this can avoid future litigation.

2. Re change on when to pay the administrative fee, thanks so much for that. Wondering if you can also add that we can pay at closing when 9: TC in conjunction with SAIL.

Thanks for reading this.

Rodrigo

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