

**FLORIDA HOUSING FINANCE CORPORATION**  
**Board Meeting**  
May 4, 2018  
Action Items



# COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY

## *Action*

### I. COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY

#### A. Community Development Block Grant – Disaster Recovery

##### 1. Background

- a) The Department of Economic Opportunity (DEO) administers the Community Development Block Grant (CDBG) funding for the State of Florida. Due to the major hurricanes in 2017 affecting the state, DEO has been appropriated CDBG Disaster Relief (CDBG-DR) funding to address the long-term recovery, restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2017.

##### 2. Present Situation

- a) DEO has asked Florida Housing to work in partnership as a subrecipient to manage a CDBG-DR program that will result in the construction of new affordable rental housing in areas impacted by Hurricane Irma and in areas that experienced a population influx because of migration from Puerto Rico and the U. S. Virgin Islands due to Hurricane Maria. This program is intended to facilitate the creation of quality, affordable housing units to help Florida build resiliency and alleviate the rental stock shortage caused by the storms in the most impacted areas of the state.
- b) DEO is in the process of completing the State of Florida: Hurricane Irma Unmet Needs Assessment and the Action Plan that will include the new CDBG-DR rental strategy to deliver to the U. S. Department of Housing and Urban Development (HUD) in May.

##### 3. Recommendation

- a) Authorize staff to continue to work with the Department of Economic Opportunity in developing a Community Development Block Grant – Disaster Relief strategy to address the rental needs in the State, to enter into a subrecipient agreement with the Department of Economic Opportunity to administer Community Development Block Grant – Disaster Relief funding for the development of rental housing and to issue appropriate Requests for Applications to fund rental developments with Community Development Block Grant – Disaster Relief funding.

## **FISCAL**

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## **II. FISCAL**

### **A. Unrestricted Net Position Designations**

#### **1. Background**

- a) For financial statement presentation purposes, Florida Housing's net position falls into two primary categories: Restricted and Unrestricted. Restricted net position is those assets on which constraints have been placed by law or external agreements or entities.
- b) Florida Housing's Board may "designate" net position within the Unrestricted Net Position balance for specific purposes. This designation means that the Board has directed the use of these assets for certain purposes.
- c) The designations may be modified by Board action at any time.
- d) There are currently three main categories of designations: demonstration and other initiatives; single family homebuyer loan program; and operating reserve.
- e) Examples of these designations by the Board have included:
  - (1) demonstration loan programs for such categories as victims of domestic violence and persons with special needs;
  - (2) the subordinate mortgage initiative for loans guaranteed by the Guarantee Fund;
  - (3) all funds in the Single Family Escrow accounts for the single family homebuyer loan program. These accounts include cash, investments and loans remaining after bonds were fully defeased. Since these funds derive from the single family homebuyer loan program, they have historically been set aside for use within that program; and
  - (4) a housing credit servicing reserve (for future compliance monitoring fees) and budget stabilization. The amount of this designation currently provides for future compliance monitoring fees and approximately two years of operations.

#### **2. Present Situation**

- a) Staff is requesting the board approve the following general designations for presentation in the financial statements. The exact amounts for the 2017 financial statements are not known until the final financial statement is prepared; however, estimates are provided.
  - (1) Single Family Homebuyer Loan Programs – approximately \$3.8 million. This includes all funds in the single family escrow and related accounts.
  - (2) Dedicated Reserve for Operations – approximately \$44.5 million. This designation includes a housing credit compliance monitoring reserve and operating budget stabilization.

## **FISCAL**

### ***Action***

- (3) Demonstration and Other Initiatives – approximately \$105.5 million. This includes funds for demonstration programs and to support other programs such as Multifamily Programs. This designation includes all net assets not designated for Single Family or Operations. Included in this projected balance is almost \$35.5 million that is committed to existing loans and to Requests for Applications.

### **3. Recommendation**

- a) Staff recommends that the Board approve the designation categories of unrestricted net position as articulated above.

## FISCAL

### Action

#### B. Fiscal Year 2018/2019 Trust Fund Allocation and Re-Allocation of Prior State Funding

##### 1. Background

- a) In most state fiscal years, Florida Housing Finance Corporation has been appropriated spending authority from state documentary stamp tax collections in the Housing Trust Funds. Section 420.507, Florida Statutes (F.S.), authorizes Florida Housing to expend such amounts advanced to further its purposes. Of particular mention are the state programs provided for in Chapter 420, Part V, F.S., such as the State Apartment Incentive Loan (SAIL) program. [Exhibit A](#) shows the historical allocation of funds.
- b) In some years, the Legislature specifies where all funding appropriated to Florida Housing will be spent, while in other years, the Legislature appropriates some or all funding in a lump sum to the corporation for Florida Housing to allocate to state programs. This allows Florida Housing to allocate funding across programs as warranted by real estate and financial markets and housing needs.
- c) In addition, from time to time, Florida Housing has unspent state funds that the Board is authorized to re-allocate to current state programs, again considering current housing needs and conditions.

##### 2. Present Situation

###### a) **Trust Fund Allocation**

- (1) For the state Fiscal Year beginning July 2018, Florida Housing was appropriated a total of \$79,155,000 for state programs. Of this amount, the Legislature made specific spending designations for SAIL totaling \$77,493,000: \$47,493,000 for regular SAIL, \$15 million for SAIL Workforce and another \$15 million for SAIL Workforce in the Keys. This leaves \$1,662,000 for allocation by Florida Housing. Both the State Housing Initiatives Partnership (SHIP) and the Affordable Housing Catalyst programs were appropriated funding separately from the Local Government Housing Trust Fund at \$43.95 million and \$500,000, respectively, for FY 2018/2019.
- (2) Of the \$1,662,000 to be allocated by the Board, staff recommends the following allocations:
  - (a) SAIL – \$1,362,000 – The overall occupancy percentage for units within Florida Housing’s loan portfolio was more than 97% in the fourth quarter of 2017. This is akin to full occupancy, as there is always some unit turnover. Adding funds to the SAIL program ensures that Florida Housing is responding to this strong demand for affordable multifamily rental housing.
  - (b) Florida Housing Data Clearinghouse – Up to \$300,000 – Founded in 2000 with support from Florida Housing’s Board of Directors, the Clearinghouse provides a free, web-based portal for data and reports on demographics, housing need and supply across local communities and at the state level throughout Florida. [Exhibit B](#) provides more background on the Clearinghouse. The Clearinghouse is managed by

## FISCAL

### *Action*

the Shimberg Center for Housing Studies at the University of Florida and is heavily used by local planners, state policymakers, non-profit organizations, grant writers and reporters seeking information about Florida's affordable housing needs. Florida Housing regularly uses Clearinghouse data to assist in policy decisions and relies on Clearinghouse staff to run special reports as needed for this purpose (e.g., hurricane impacts from Irma). The scope of the annual work performed by the Center for Florida Housing is detailed in a contract. Note that additional support from other sources provided by the Shimberg Center also pays for Clearinghouse activities.

#### b) **Re-Allocation of Other State Funding**

- (1) **Community Workforce Innovation Pilot.** In 2006 and 2007, during the housing bubble, the Legislature provided funding for a Community Workforce Housing Innovation Pilot (CWHIP). In 2009, as a result of the economic recession, the Legislature required Florida Housing to return the majority of these funds along with other appropriated funding to assist in covering a massive state budget deficit. This required Florida Housing to de-obligate funding from some CWHIP developments. Others were simply unable to move forward due to the economic downturn. From 2009 through 2013, we offered the remaining CWHIP funds to developments that were previously found eligible, but most of these developments either declined the funds, or accepted and later returned the funds, because the developments were no longer financially feasible (please see the attached spreadsheet/timeline). In all, only two CWHIP developments have been successful: Lowenstein – Mt. Sinai Medical Center in Miami Beach, which has been operational for some years, and Homes of W. Augustine, which will be completed in the next six months.
- (2) CWHIP was codified into statute in 2007. After that date, the Legislature never appropriated any additional funds for CWHIP. As noted above, as part of a legislative requirement to pay back \$190 million in state funds to address the state budget deficit, Florida Housing returned \$84 million in CWHIP to the State Treasury in 2009.
- (3) In recent years, the Legislature has appropriated funds to Florida Housing for workforce housing through the more seasoned and successful SAIL program. Now that the last CWHIP transaction is concluding, we know that we will have \$13,055,231.17 in returned CWHIP funds that the Board can choose to reallocate. Staff proposes to reallocate these funds into the SAIL program. Not only is this coming year's SAIL appropriation relatively low, but at its March 2018 meeting, Florida Housing's Board approved a special award of \$12.2 million in SAIL, along with Housing Credits, to three proposed developments to assist the Florida Keys with hurricane recovery. With limited SAIL available for the upcoming cycle, reallocation of CWHIP funds to this program would be very useful.

## **FISCAL**

### ***Action***

- (4) **Affordable Housing Workgroup.** The 2017 Legislature appropriated up to \$100,000 to Florida Housing to carry out the activities of the workgroup. Now that the group's work is complete, \$51,947.35 remains and is recommended to be reallocated to the SAIL program.

### **3. Recommendation**

- a) Approve the staff recommendations for allocating the Fiscal Year 2018-19 discretionary appropriation from the State Housing Trust Fund as follows:
  - (1) For the SAIL Program, \$1,362,000; and
  - (2) For the Florida Housing Data Clearinghouse, up to \$300,000 with any funds not used for the Data Clearinghouse going to the SAIL program.
- b) Approve the reallocation of state funds to the SAIL program as follows:
  - (1) \$13,055,231.17 from the CWHIP; and
  - (2) \$51,947.35 from the Affordable Housing Workgroup.

## LEGAL

### *Action*

### III. LEGAL

#### A. Resolution

##### 1. Background

- a) In December, 2017, the Board approved the recommendations of the Affordable Housing Workgroup created by Chapter 2017-71, §46 (pp. 28-29), Laws of Florida. Among the recommendations was a proposal to have certain administrative challenges to Corporation scoring handled as final agency action by the Executive Director, instead of holding the matter until the next meeting of the Board, which could be as long as six weeks after the unofficial resolution of certain cases ([Exhibit A](#)).

##### 2. Present Situation

- a) The Resolution attached as [Exhibit B](#) delegates authority to the Executive Director to issue Final Orders constituting final agency action in certain cases involving the scoring of Corporation funding Applications. If executed, this Resolution would authorize the Executive Director to issue Final Orders in scoring cases in which all parties agree to the disposition of the case by the Executive Director in lieu of presentation to the full Board of Directors.
- b) This delegation of authority is not mandatory. Should the Executive Director find that a matter is of heightened public concern or raises significant policy issues he or she may still bring the matter before the Board for consideration.

##### 3. Recommendation

- a) That the Board adopt Resolution 2018-007 Delegating authority as described therein.



## LEGAL

### *Action Supplement*

#### I. LEGAL

##### A. **HTG Osprey Pointe, LLC, vs. Florida Housing Finance Corporation and SP Lake, LLC (Intervenor), FHFC Case No.: 2017-090BP, DOAH Case No.: 18-0479BID**

**Northside Property II, Ltd., vs. Florida Housing Finance Corporation and Sierra Bay Apartments, Ltd. (Intervenor), FHFC Case No.: 2017-099BP, DOAH Case No.: 18-0484BID**

**Liberty Square Phase Two, LLC, vs. Florida Housing Finance Corporation and Woodland Grove Apartments, LLC (Intervenor), FHFC Case No.: 2017-100BP, DOAH Case No.: 18-0485BID**

##### 1. **Background**

- a) This case regards three protests filed in Request for Applications 2017-108 SAIL Financing of Affordable Multifamily Housing Developments To Be Used In Conjunction With Tax-Exempt Bond Financing And Non-Competitive Housing Credits (the “RFA”). Petitioners HTG Osprey Pointe, LLC (“HTG Osprey”), Northside Property II, Ltd., (“Northside II”), and Liberty Square Phase Two, LLC, (“Liberty Square”) and Intervenor SP Lake, LLC (“SP Lake”), Sierra Bay Apartments, Ltd., (“Sierra Bay”), and Woodland Grove Apartments, LLC, (“Woodland Grove”) applied for funding through the RFA.
- b) All applications subject to this litigation were initially deemed eligible for funding. SP Lake, Sierra Bay and Woodland Grove, along with thirteen other applications not party to this litigation, were preliminarily selected for funding.
- c) HTG Osprey, Northside II, and Liberty Square timely filed notices of intent to protest and formal written protests challenging the scoring process. Additionally, six other petitions were filed contesting the scoring in this RFA but were ultimately voluntarily dismissed prior to hearing.
- d) HTG Osprey contested the selection of SP Lake for funding to meet a Family demographic goal because SP Lake applied for funding in the Elderly demographic. Both Florida Housing and SP Lake agreed with HTG Osprey’s challenge in that HTG Osprey should be selected for funding in the Elderly demographic while SP Lake remains an eligible application but is not selected for funding.
- e) Northside II challenged Sierra Bay’s award of proximity points because the bus stop provided by Sierra Bay did not meet the definition of a Public Bus Transfer Stop and, therefore, should have received zero proximity points for transit services. Both Sierra Bay and Florida Housing agreed that the Sierra Bay application should be deemed ineligible because it did not qualify for any proximity points for transit services.

## LEGAL

### *Action Supplement*

- f) Liberty Square challenged the Woodland Grove and Harbour Springs applications as being for the same Development as defined by rule 67-48.004(1). Harbour Springs and Florida Housing agreed that the Harbour Springs and Woodland Grove Applications were for the same Development and therefore the application with the best lotter number, Harbour Springs, is ineligible. Liberty Square also challenged the omission of a “-” in front of the longitude coordinates submitted by Harbour Springs and Woodland Grove for its Development Location Point (“DLP”) and its proximity points for community services. (The “-” or dash before a longitude coordinate denotes the hemisphere. With a dash, it is in the western hemisphere. Without a dash, it is in the eastern hemisphere.) Harbour Springs and Florida Housing contend that the omission of the dash was a waivable, Minor Irregularity as the application, viewed in its entirety, was for a proposed Development in Miami-Dade County.
- g) The matters were referred to the Division of Administrative Hearings (DOAH) and consolidated. The consolidated matter was scheduled for hearing on February 28, 2018. Prior to hearing, the parties filed a Joint Pre-Hearing Stipulation in which the agreed upon issues pertaining to SP Lake, Sierra Bay and Harbour Springs applications were set forth.

### 2. **Present Situation**

- a) A hearing was conducted as scheduled on February 28, 2018, before Administrative Law Judge (“ALJ”) J. Bruce Culpepper at the Division of Administrative Hearings in Tallahassee, Florida. The sole disputed issue at hearing concerned the missing dash in the longitude coordinates of the Woodland Grove application. After the hearing, the parties filed Proposed Recommended Orders. After reviewing the Proposed Recommended Orders, the ALJ issued a Recommended Order on April 19, 2018. A copy of the Recommended Order is attached as [Exhibit A](#). The ALJ determined Florida Housing’s action in waiving the missing dash in the longitude coordinates of the Woodland Grove application was not arbitrary, capricious, or contrary to competition.
- b) The Recommended Order recommended that Florida Housing enter a final order dismissing the protest by Liberty Square. Additionally, it recommended rescinding the preliminary awards to Sierra Bay, SP Lake, and designating Northside II, HTG Osprey, and Pembroke Tower Apartments as recipients of funding under RFA 2017-108. The Recommended Order set out all recipients of funding under RFA 2017-108 in footnote 10 on page 35.
- c) There were no exceptions filed to the Recommended Order.

### 3. **Recommendation**

- a) Staff recommends that the Board enter a Final Order adopting the Recommended Order.

## MULTIFAMILY PROGRAMS

### *Action*

#### IV. MULTIFAMILY PROGRAMS

##### A. Request for Applications (RFA) 2017-111 Housing Credit Financing for Affordable Housing Developments Located In Medium and Small Counties

###### 1. Background

- a) Under this RFA, Florida Housing offered \$10,594,934 of Housing Credits to proposed Developments located in Medium and Small Counties.
- b) The deadline for receipt of Applications was 11:00 a.m., Eastern Time, Wednesday, December 20, 2017.

###### 2. Present Situation

- a) Florida Housing received 167 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Kevin Tatreau, Director of Multifamily Finance (Chair); Heather Greene, Multifamily Programs Manager, Rachael Grice, Multifamily Programs Manager, Lisa Nickerson, Multifamily Programs Administrator, and Libby O'Neill, Multifamily Programs Manager. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its April 17, 2018 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five of the RFA.
- c) The 2017-111 All Applications chart (provided as [Exhibit A](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
  - (1) A motion to adopt the scoring results, as set out on [Exhibit A](#);
  - (2) A motion to tentatively select the Applications set out on [Exhibit B](#) for funding and invite the Applicants to enter credit underwriting.
- e) The motions passed unanimously.
- f) As outlined in subsection 67-48.0072(1), F.A.C., at the completion of all litigation and approval by the Board of all Recommended Orders with regard to this RFA, Florida Housing shall offer all Applicants within the funding range an invitation to enter credit underwriting.

## MULTIFAMILY PROGRAMS

### *Action*

#### 3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 167 Applications (set out on Exhibit A), and authorize the tentative selection of the 9 Applications (set out on Exhibit B) for funding.
- b) An unallocated balance of \$241,026 of Competitive Housing Credit funding remains. As provided in Section Five, B.6. of the RFA, any remaining funding will be distributed as approved by the Board.
- c) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue **an invitation to enter credit underwriting** to the Applications set out on Exhibit B.
- d) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing **invitations to enter credit underwriting** to those Applicants in the funding range.

## MULTIFAMILY PROGRAMS

### *Action*

#### **B. Request for Applications (RFA) 2017-112 Housing Credit Financing for Affordable Housing Developments Located In Miami-Dade County**

##### **1. Background**

- a) Under this RFA, Florida Housing offered \$5,803,694 of Housing Credits to proposed Developments located in Miami-Dade County.
- b) The deadline for receipt of Applications was 11:00 a.m., Eastern Time, Monday, December 18, 2017.

##### **2. Present Situation**

- a) Florida Housing received 29 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Lisa Nickerson, Multifamily Programs Administrator (Chair); Karla Brown, Multifamily Programs Manager, Jade Grubbs, Multifamily Loans Coordinator, Ryan McKinless, Multifamily Programs Analyst, and Elizabeth Thorp, Multifamily Housing Development Manager. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its April 18, 2018 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five of the RFA.
- c) The 2017-112 All Applications chart (provided as [Exhibit C](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
  - (1) A motion to adopt the scoring results, as set out on [Exhibit C](#);
  - (2) A motion to tentatively select the Applications set out on [Exhibit D](#) for funding and invite the Applicants to enter credit underwriting.
- e) The motions passed unanimously.
- f) As outlined in subsection 67-48.0072(1), F.A.C., at the completion of all litigation and approval by the Board of all Recommended Orders with regard to this RFA, Florida Housing shall offer all Applicants within the funding range an invitation to enter credit underwriting.

## MULTIFAMILY PROGRAMS

### *Action*

#### 3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 29 Applications (set out on Exhibit C), and authorize the tentative selection of the 3 Applications (set out on Exhibit D) for funding.
- b) As provided in Section Five, B.2. of the RFA, any remaining funding will be distributed as approved by the Board. No Competitive Housing Credit funding remains.
- c) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications set out on Exhibit D.
- d) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.

## MULTIFAMILY PROGRAMS

### *Action*

#### C. Request for Applications (RFA) 2018-101 SAIL Financing for Smaller Developments for Persons with Special Needs and Homeless Households

##### 1. Background

- a) Under this RFA, Florida Housing offered \$18,200,000 of State Apartment Incentive Loan (SAIL) funding for Non-Profit Applicants proposing new construction or acquisition and Substantial Rehabilitation to create new housing for Persons with Special Needs and Homeless individuals and families.
- b) The deadline for receipt of Applications was 11:00 a.m., Eastern Time, Thursday, March 1, 2018.

##### 2. Present Situation

- a) Florida Housing received 4 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Jade Grubbs, Multifamily Loans Coordinator (Chair); Bill Aldinger, Assistant Policy Director, Diana Fields, Policy Administrator, Rachael Grice, Multifamily Programs Manager, Ryan McKinless, Multifamily Programs Analyst, Libby O'Neill, Multifamily Programs Manager, and Elaine Roberts, Senior Supportive Housing Analyst. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its April 18, 2018 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five of the RFA.
- c) The 2018-101 All Applications chart (provided as [Exhibit E](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
  - (1) A motion to adopt the scoring results, as set out on [Exhibit E](#);
  - (2) A motion to tentatively select the Applications set out on [Exhibit F](#) for funding and invite the Applicants to enter credit underwriting.
- e) The motions passed unanimously.
- f) As outlined in subsection 67-48.0072(1), F.A.C., at the completion of all litigation and approval by the Board of all Recommended Orders with regard to this RFA, Florida Housing shall offer all Applicants within the funding range an invitation to enter credit underwriting.

## MULTIFAMILY PROGRAMS

### *Action*

#### 3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 4 Applications (set out on Exhibit E), and authorize the tentative selection of the 3 Applications (set out on Exhibit F) for funding.
- b) An unallocated balance of \$1,010,246 of Persons with Special Needs SAIL funding and \$4,000,000 of Homeless SAIL funding remains. As provided in Section Five, B.6. of the RFA, any remaining funding will be distributed as approved by the Board.
- c) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications set out on Exhibit F.
- d) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.



## MULTIFAMILY PROGRAMS

### *Action*

#### **D. 2018 Rule Development**

##### **1. Background/Present Situation**

- a) Rule development workshops were held on February 21, 2018 and March 26, 2018 in order to solicit comments concerning the proposed changes to the 2018 Qualified Allocation Plan (QAP) and Rule Chapters 67-21, 67-48, and 67-60, F.A.C.
- b) As a result of this workshop, staff has revised the rules governing the various multifamily programs. Staff would like to proceed with the rule development process for these rules and requests the Board's approval of the proposed Rules and QAP. A supplement to the Board Package has been provided which contains the proposed Rules and the proposed 2018 QAP.
- c) If the Board approves the proposed rules and QAP as presented, the Notices of Proposed Rulemaking (NOPRs) will be published in the May 8, 2018 edition of the Florida Administrative Register. The NOPRs will announce the Rule Hearings which are scheduled for May 31, 2018, in Tallahassee. Following review of the public comments received at the Rule Hearings and the comments received from the Joint Administrative Procedures Committee following its review of the NOPRs, staff will proceed as follows:
- d) If modification of the proposed rules is not required, staff will file the proposed rules for adoption.
- e) If modification of the proposed rules is required, staff will prepare the necessary Notice of Change (NOC) to incorporate all proposed modifications to the proposed rule and, if required, will submit the NOC for Board approval.

##### **2. Recommendation**

- a) Approve the proposed rules and QAP and authorize staff to file the rules for adoption if a NOC is not required, and, if a NOC is required, authorize the Chair to determine whether a NOC makes material, substantive changes to the rule chapter. If the Chair determines that it does not, staff recommends that the Board approve such NOC without the requirement of another Board meeting. In the alternative, if the Chair determines that any NOC does make material, substantive changes to the rule chapter, staff recommends that a telephonic Board meeting be called to obtain Board approval for any required changes, with such changes to be ratified at the next regularly scheduled Board meeting.

# MULTIFAMILY PROGRAMS

## *Action Supplement*

### I. MULTIFAMILY PROGRAMS

#### A. Request for Applications (RFA) 2018-109 Development Viability Loan Funding

##### 1. Background

- a) Under this RFA, Florida Housing offered \$13,472,173 of loan funding for Applicants that have an Active Award of (a) 9 percent Housing Credits, or (b) State Apartment Incentive Loan (SAIL) funding used in conjunction with (i) Tax-Exempt Bond financing (i.e., Corporation-issued Multifamily Mortgage Revenue Bonds (MMRB) or Non-Corporation-issued Tax-Exempt Bonds obtained through a Public Housing Authority (established under Chapter 421, F.S.), a County Housing Finance Authority (established pursuant to Section 159.604, F.S.), or a Local Government and (ii) Non-Competitive Housing Credits, awarded through one of the following Requests for Applications: 2014-111, 2014-114, 2015-106, 2015-107, 2015-108, 2015-111, 2016-103, 2016-109, 2016-110, 2016-112, 2016-113, 2016-114, 2016-116, 2017-102, 2017-103, or 2017-107. Applicants awarded funding under RFA 2017-109 (prior viability loan RFA) were not eligible for funding under this RFA.
- b) This RFA was issued on March 29, 2018. On April 13, 2018, the Corporation received a Formal Written Protest and Petition for Administrative Hearing, submitted by JPM Outlook One, L.P. and Grande Park L.P., challenging the validity of the terms of RFA 2018-109.
- c) The deadline for receipt of Applications was 11:00 a.m., Eastern Time, The Corporation and the Petitioners participated in a statutorily required settlement conference on April 19, 2017. On April 20, 2018, the Corporation issued a dismissal of the RFA terms challenges with prejudice, due to the Petitioners' failure to set forth specific facts that would warrant any amendment or change to the terms of the RFA. The Corporation rescheduled the Review Committee for the RFA for April 30, 2018 Monday, April 16, 2018. Florida Housing received 13 Applications in response to this RFA, which remained sealed until the disposition of the above referenced RFA terms challenge. Florida Housing postponed the Review Committee Meeting previously scheduled for April 23, 2018, pending the disposition of the RFA terms challenge.
- d) The Corporation and the Petitioners participated in a statutorily required settlement conference on April 19, 2017. On April 20, 2018, the Corporation issued a dismissal of the RFA terms challenges with prejudice, due to the Petitioners' failure to set forth specific facts that would warrant any amendment or change to the terms of the RFA. The Corporation rescheduled the Review Committee for the RFA for April 30, 2018.

## MULTIFAMILY PROGRAMS

### *Action Supplement*

#### 2. Present Situation

- a) Florida Housing received 13 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Elizabeth Thorp, Multifamily Housing Development Manager (Chair); Rebecca Sheffield, Multifamily Programs Manager, and Tracy Willis, Qualify Assurance Credit Underwriting Administrator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its April 30, 2018 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five of the RFA.
- c) The 2018-109 All Applications chart (provided as [Exhibit A](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
  - (1) A motion to adopt the scoring results, as set out on Exhibit A;
  - (2) A motion to tentatively select the Applications set out on [Exhibit B](#) for funding and issue Corporation letters of preliminary award to the Applicants.
- e) The motions passed unanimously.
- f) As outlined in subsection 67-48.0072(1), F.A.C., at the completion of all litigation and approval by the Board of all Recommended Orders with regard to this RFA, Florida Housing shall offer all Applicants within the funding range a Corporation letter of preliminary award.

#### 3. Recommendation

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 13 Applications (set out on Exhibit A), and authorize the tentative selection of the 11 Applications (set out on Exhibit B) for funding.
- b) No unallocated loan funding remains. Section Five C. 3. of the RFA provided that if at least \$250,000 of funding remained and there were no further eligible unfunded Applications that could be fully funded, the next highest ranking eligible Application would be selected for funding with the remaining balance. In this case, the final eligible Application, Osprey Pointe, had a funding request of \$809,774.85. The remaining funding balance was \$689,880.55. Therefore, Osprey Pointe would need an additional \$119,894.30 to be fully funded. Staff

## MULTIFAMILY PROGRAMS

### *Action Supplement*

recommends that the Board fully fund Osprey Pointe using unrestricted net assets.

- c) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue a Corporation letter of preliminary award to the Applications set out on Exhibit B.
- d) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.

## PROFESSIONAL SERVICES SELECTION (PSS)

### *Action*

#### V. PROFESSIONAL SERVICES SELECTION (PSS)

##### A. Request for Proposals (RFP) 2018-02, Independent Registered Municipal Advisor (IRMA) Services

###### 1. Background

- a) At the December 8, 2017 meeting, the Board authorized Florida Housing staff to issue a solicitation to procure a qualified firm to provide IRMA services.

###### 2. Present Situation

- a) RFP 2018-02 was issued on February 14, 2018. The deadline for receipt of responses was 2:00 p.m., March 14, 2018. A copy of the RFQ is provided as [Exhibit A](#).
- b) Two responses were received by the deadline from the following:
  - (1) Caine Mitter & Associates Incorporated
  - (2) CSG Advisors Incorporated
- c) Members of the review committee were Melanie Weathers, Senior Financial Administrator (Chairperson); Tamara Alford, Financial Manager; and Michelle Connelly, Financial Manager.
- d) Each member of the Review Committee individually reviewed the proposals submitted prior to convening for the Review Committee meeting which was held at 10:00 a.m., March 28, 2018.
- e) At the March 28<sup>th</sup> meeting, the Review Committee members provided their final scores for the responses received. The score sheet is provided as [Exhibit B](#).

###### 3. Recommendation

- a) The review committee recommends that the Board authorize Florida Housing to enter into contract negotiations with the highest scoring respondent, Caine Mitter & Associates Incorporated. Should contract negotiations with this firm fail, the Review Committee recommends that the Board authorize Florida Housing staff to negotiate with CSG Advisors Incorporated.

## PROFESSIONAL SERVICES SELECTION (PSS)

### *Action*

#### **B. Invitation to Bid (ITB) 2018-03, Printing and Electronic Distribution of Official Statements**

##### **1. Background**

- a) Florida Housing uses an outside firm to provide services for the printing, binding, shipping, and electronic transmission of preliminary and final official statements. At the December 8, 2017 meeting, the Board authorized staff to proceed with a competitive solicitation to re-procure these services. A copy of the ITB is provided as [Exhibit C](#).

##### **2. Present Situation**

- a) ITB 2018-03 was issued on February 14, 2018. Florida Housing received one bid before the March 13, 2018 due date from ImageMaster, LLC.

##### **3. Recommendation**

- a) Staff recommends that the Board authorize Florida Housing to enter into contract negotiations with ImageMaster, LLC.

## PROFESSIONAL SERVICES SELECTION (PSS)

### *Action*

#### C. Request for Qualifications (RFQ) 2018-06, Environmental Engineering/Consulting Services

##### 1. Background

- a) At the January 26, 2018 meeting, the Board authorized Florida Housing staff to issue a solicitation to procure one or more qualified firms to provide Environmental Engineering/Consulting services.

##### 2. Present Situation

- a) RFQ 2018-06 was issued on February 21, 2018. The deadline for receipt of responses was 2:00 p.m., March 15, 2018. A copy of the RFQ is provided as [Exhibit D](#).
- b) Three responses were received by the deadline from the following:
  - (1) Arcadis U.S., Inc.
  - (2) GGI, LLC d/b/a Genesis Group
  - (3) Professional Services Industries, Inc.
- c) Members of the review committee were Nicole Gibson, Assistant Director of Homeownership Programs (Chairperson); David Woodward, Federal Loan Program Manager; and Donna Phillips, Federal Loan Program Senior Analyst.
- d) Each member of the Review Committee individually reviewed the proposals submitted prior to convening for the Review Committee meeting which was held at 10:00 a.m., April 3, 2018.
- e) At the April 3<sup>rd</sup> meeting, the Review Committee members provided their final scores for the responses received. The score sheet is provided as [Exhibit E](#).

##### 3. Recommendation

- a) The review committee recommends that the Board authorize Florida Housing to enter into contract negotiations with all three respondents, Arcadis U.S., Inc.; GGI, LLC d/b/a Genesis Group; and Professional Services Industries, Inc.

## PROFESSIONAL SERVICES SELECTION (PSS)

### *Action*

#### **D. Invitation to Negotiate (ITN) 2017-04, Comprehensive Multifamily Line of Business Software**

##### **1. Background**

- a) At the July 28, 2017 meeting, the Board authorized Florida Housing staff to issue a solicitation to procure a firm to provide Comprehensive Multifamily Line of Business Software.

##### **2. Present Situation**

- a) ITN 2017-04 was issued on November 17, 2017. The deadline for receipt of Statements of Qualifications and Services Offered (SQSO) was 2:00 p.m., January 10, 2018. A copy of the ITN and Addendum #1 is provided as [Exhibit E](#).
- b) Four SQSO responses were received by the deadline from the following:
- (1) Emphasys Software
  - (2) Housing and Development Software
  - (3) ProLink Solutions, Inc.
  - (4) SGS Technologie, LLC
- c) Members of the review committee were Nicole Gibson, Assistant Director of Homeownership Programs (Chairperson); Jade Grubbs, Multifamily Programs Coordinator; David Hearn, Chief Information Officer; David Hines, Compliance Monitoring Administrator; Melissa Levy, Assistant Director of Multifamily Programs; Susan Parks, Data Reporting Manager; and Jean Salmonsens, Multifamily Housing Development Manager.
- d) Each member of the review committee individually reviewed the SQSOs submitted prior to convening for the first review committee meeting which was held at 10:00 a.m., January 24, 2018.
- e) At the January 24<sup>th</sup> meeting, the review committee members provided their final scores for the SQSOs received and chose to move forward to the Demonstration and Negotiation phase of the solicitation with Housing and Development Software and ProLink Solutions, Inc. The score sheet is provided as [Exhibit G](#).
- f) Florida Housing conducted Demonstrations and Negotiations with ProLink Solutions, Inc., on March 7, 2018; and with Housing and Development Services on March 9, 2018. In addition to the review committee, the following staff comprised the negotiation team in attendance at these meetings: Laura Cox, Director of Asset Management and Guarantee Program; Kenny Derrickson, Assistant Comptroller; Barbara Goltz, Chief Financial Officer; Todd Fowler, Special Assets Director; Brantley Henderson, Director of Multifamily



## PROFESSIONAL SERVICES SELECTION (PSS)

### *Action*

Development; Cicely Mason, Project Management Administrator; and Kevin Pichard, Assistant Director of Guarantee Program.

- g) The deadline for receipt of Best and Final Offers (BAFO) was 2:00 p.m., March 21, 2018 and were received timely from both Housing and Development Software and ProLink Solutions, Inc.
- h) Each member of the review committee individually reviewed the BAFOs submitted prior to convening for the second review committee meeting which was held at 10:00 a.m., April 4, 2018.
- i) At the April 4<sup>th</sup> meeting, the review committee members provided their final scores for the BAFOs. The score sheet is provided as [Exhibit H](#).

### 3. **Recommendation**

- a) The review committee recommends that the Board authorize Florida Housing to enter into contract negotiations with ProLink Solutions, Inc.