

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JONATHAN L. WOLF, BERKSHIRE
SQUARE, LTD., HAWTHORNE
PARK, LTD., and SOUTHWICK
COMMONS, LTD.,

Petitioners,

vs.

Case No. 2016-052RC

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____)

**PETITION FOR ADMINISTRATIVE DETERMINATION
OF INVALIDITY OF RULES 67-48.002(95) and 67-60.010,
FLORIDA ADMINISTRATIVE CODE, AND NON-RULE POLICY**

Petitioners, Jonathan L. Wolf, Berkshire Square, Ltd., Hawthorne Park, Ltd. and Southwick Commons, Ltd., are challenging: (1) rules 67-48.002(95) and 67-60.010, Florida Administrative Code (“F.A.C.”), as invalid exercises of delegated legislative authority; and (2) the invalid exercise of non-rule policies in Florida Housing Finance Corporation’s 2016 Request for Applications (“RFA” or “RFA 2016-113” or “Large County RFA”) for the competitive selection application process generally set forth in Chapters 67-48 and 67-60, F.A.C.

Rule 67-48.002(95), F.A.C., which adopts by reference the Qualified Action Plan (“QAP”), exceeds Florida Housing’s grant of rulemaking authority and enlarges, modifies, or contravenes the specific provisions of law implemented. Rule 67-60.010, F.A.C., fails to establish adequate standards for agency decisions and vests unbridled discretion in the agency. The RFA contains provisions that are invalid exercises of non-rule policy and are without a basis in or are contrary to the law implemented.

The Division of Administrative Hearings has jurisdiction of this proceeding and the parties hereto pursuant to sections 120.54(1), 120.56(1) and (4) and 120.57(3), Florida Statutes (“F.S.”). As more fully set forth below, RFA 2016-113, by way of the authority purportedly granted through rule 67-60.010, F.A.C., improperly attempts to allocate federal Low Income Housing Tax Credits (“Housing Credits”) in a manner that violates the requirements of Section 42 of the Internal Revenue Code (“IRC”) and Florida Statutes (“F.S.”). Florida Housing has three acceptable alternatives for adopting its policies for the selection of recipients of Housing Credits. The Board can adopt all of the selection criteria for all of the programs as part of the rule when it adopts the QAP. Next, it can restate the general federal considerations in the QAP and assert the selection criteria for each program in the RFA and adopt each programmatic RFA as a rule – the combination constituting the “Plan”¹ contemplated in the definition of the QAP in the IRC; or alternatively it can do a hybrid where some of the common selection criteria are adopted by rule in the QAP and the program specific criteria can be adopted separately by rule in the RFA as part of the Plan. Any of the combinations would be an acceptable QAP under the IRC definition. Section 42(m)(1)(B). Florida Housing has followed none of the three courses; instead, it has chosen to reiterate the general federal criteria in its adopted QAP by rule and the staff has set out the program specific criteria in each RFA without adopting the RFA for each program by rule or as part of the QAP defined in the Code.

Florida Housing’s process for awarding Housing Credits is not supported by the law. In support of the Petition, Petitioners state as follows:

¹ When used in this Petition the “Plan” will refer to the QAP together with the RFA 2016-113 that together define how the allocation of Housing Credits will be administered. The “QAP” being the part adopted by rule and the RFA being the unadopted policy portion of the Plan.

Parties

1. Petitioner, Jonathan L. Wolf “Wolf”, is a “Principal of Developer” as defined in rule 67-48.002(93)(b), F.A.C. Wolf has successfully completed the construction of several affordable housing developments from funding sources allocated by Florida Housing. Petitioners, Berkshire Square, Ltd., Hawthorne Park, Ltd. and Southwick Commons, Ltd., are “applicants” as defined in rule 67-48.002(9), F.A.C. for RFA 2016-113. Petitioners intend to develop affordable housing developments to be located in the counties identified in Section Four A.5.b.(2) of RFA 2016-113.

2. Petitioners’ address is 1105 Kensington Park Drive, Suite 200, Altamonte Springs, Florida 32714. For purposes of this proceeding, the Petitioners’ address is that of its undersigned counsel.

3. Petitioners’ counsel and address for this proceeding is:

Craig D. Varn
Manson, Bolves, Donaldson & Varn P.A.
204 South Monroe Street, Suite 201
Tallahassee, Florida 32301

4. The Respondent is the Florida Housing Finance Corporation, a public corporation created by section 420.504, F.S., (“Florida Housing”) to administer the governmental function of financing or refinancing housing and related facilities in Florida. Florida Housing’s address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Invalid Exercise of Delegated Authority

5. Section 420.507(48), F.S., grants Florida Housing the authority to “award its annual allocation of low-income housing tax credits ... by request for proposals or other competitive solicitation.”

6. Rule 67-60.010(3), F.A.C., provides that Florida Housing “may establish other funding priorities as deemed appropriate for a competitive program or solicitation.”

7. As evidenced in more detail below, this “authority” has been exercised by the staff without adopting standards for Florida Housing’s credit allocation decisions by rule and literally vests unbridled discretion in Florida Housing.

Notice of Solicitation based upon Non-rule Policies and Criteria

8. On October 28, 2016, Florida Housing gave notice of its final agency action by publishing the proposed solicitation of RFA 2016-113 pursuant to Chapter 67-60, F.A.C., on the agency’s website. On November 11, 2016, Florida Housing modified the RFA. A copy of the modified RFA is attached hereto as Exhibit A. All further references to the RFA are to the RFA as modified.

9. The RFA contains terms and conditions for the awarding of Housing Credits that are in effect non-rule criteria, policies that are invalid exercises of legislative authority and are impermissible delegations of authority to local governments in the awarding of federal tax credits.

Summary of the Process of Allocating Housing Credits

10. The United States Congress created a program with the adoption of Section 42 of the Internal Revenue Code (“IRC”), establishing the Housing Credits program whereby federal income tax credits are allotted annually to each state on a per capita basis to help facilitate private development of affordable low-income housing for qualifying families.

11. Section 42 of the IRC requires that each state designate a “housing credit agency” responsible for the proper allocation and distribution of Housing Credits in compliance with Section 42 criteria and guidelines. Pursuant to Section 42 of the IRC and section 420.5099, F.S.,

Florida Housing is the designated as the “housing credit agency” for the state of Florida. It has the authority to administer Florida’s tax credit program under its Housing Credit Program. Rule 67-48.002(55), F.A.C.

12. Florida Housing is directed to allocate Housing Credits to developers of affordable housing subject to and consistent with the requirements of Section 42 of the IRC. Section 420.5099, F.S.; rule 67-60.001(2), F.A.C.

13. Under the IRC, Housing Credits are allocated annually to each state and the designated state “housing credit agencies” awards those available funds to single-purpose applicant entities that successfully competed for their project to be constructed and operated as low income multi-family housing projects. Awarding Housing Credits entitles the holder of the selected qualifying development to a dollar-for-dollar reduction in the holder’s federal tax liability that can be applied annually for up to ten years if the project continues to satisfy IRC requirements.

14. The dollar amount of the Housing Credits is calculated on the “eligible basis” of each building that is part of a low income housing project. The selected applicant entities sell their ten-year stream of Housing Credits, typically to a syndicator, with the sale proceeds generating much of the funding necessary for development and construction of the projects.

15. The equity realized from the sale of Housing Credits in turn reduces the amount of long-term debt required for a project, making it possible to operate the project at below-market-rate rents that are affordable to low-income and very-low-income tenants.

16. Under Section 42 of the IRC, each state is given an amount of Housing Credits based upon its population. Florida intends to distribute approximately \$14,669,052 in

anticipated 2017 annual Housing Credits for this RFA.² These Housing Credits can be utilized by project investors over a 10-year period. Accordingly, the 2017 Florida Housing Credits entitlement will attract significant equity investments in such projects.

17. Florida Housing administers various federal and state affordable housing programs including the Housing Credit Program pursuant to sections 420.507 and 420.5099, F.S., and Chapters 67-48 and 67-60, F.A.C. Florida Housing's authority to implement this process is set forth in sections 420.507(12) and 420.507(48), F.S.

18. Under Federal law, Florida Housing must distribute Low-Income Rental Housing Tax Credits to applicants pursuant to a specific Qualified Allocation Plan ("QAP"). IRC Sec. 42(m)(1)(A). Section 42(m)(1)(A)(i) of the IRC requires that in order for a state to qualify for Housing Credits the housing credit agency must adopt a qualified allocation plan (QAP) "which is approved by the governmental unit..." to include "[c]ertain selection criteria." "The selection criteria set forth in a qualified allocation plan must include:

- (i) project location,
- (ii) housing needs characteristics,
- (iii) project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan,
- (iv) sponsor characteristics,
- (iv) tenant populations with special housing needs,
- (v) public housing waiting lists,
- (vi) tenant populations of individuals with children,
- (vii) projects intended for eventual tenant ownership
- (ix) the energy efficiency of the project, and
- (x) the historic nature of the project."

IRC Sec. 42(m)(1)(C).

² The 2016 Qualified Allocation Plan allocates 2017 Housing Credits. The total allocation of Housing Credits for this RFA is \$146,690,520, or 10 times the annual allocation.

19. The 2016 QAP adopted by Florida Housing on July 25, 2016, merely reiterates the IRC's general selection criteria that Florida Housing was required to consider but fails to guide and direct applicants any further through the processes. The QAP states in section I(B):

The following selection criteria will be considered when determining the allocation of Housing Credits:

- Project location
- Housing needs characteristics
- Projects characteristics including housing as part of a community revitalization plan
- Sponsor characteristics
- Tenant populations with special housing needs
- Public housing waiting lists
- Tenant populations of individuals with children
- Projects intended for eventual tenant ownership
- Energy efficiency of the projects
- Historic nature of the project

The QAP does not expand upon, flesh out or identify any detailed or particular selection criteria it intends to use; instead, adopting verbatim the list of areas of consideration set out in Section 42(m)(1)(C) of the IRC, leaving it to the adoption of the solicitation process to flesh out the selection criteria and in effect complete the plan for allocation of credits through a non-rule RFA published by Florida Housing.

20. Because the QAP must contain certain "selection criteria" mandated by Federal law and those criteria define "an agency statement of general applicability that ... describes the procedure or practice requirements" of Florida Housing, it constitutes a rule under Florida law that must be formally adopted through a rulemaking process. Sections 120.52(16) and 120.54(1)(a), F.S. In Florida, the QAP must be approved by Florida Housing's Board of Directors and by the Governor. IRC Sec. 42(m)(1)(A)(i).

21. While the IRC provides general guidance on those criteria that must be considered when determining allocation credits, the QAP is the vehicle for providing specific details and

clarifying the selection criteria. However, since Florida Housing did not flesh out those criteria in its adopted QAP, the RFA must be adopted by rule to have a complete Plan meeting the federal statutory definition. Adoption of those criteria through rulemaking is necessary to effectively guide and direct applicants through the complex and critical processes for evaluation, review, notice, opportunity to be heard and, ultimately, ranking and approval of developments to receive allocations of Housing Credits.

22. Florida Housing administers the program through a competitive application process described in the RFA to assess the relative merits of proposed developments. Chapter 67-60, F.A.C.

23. Applicants for Housing Credits apply by submitting sealed responses accompanied by a substantial application fee in order to participate in the competitive solicitation for funding under various affordable housing programs in response to solicitations administered by Florida Housing pursuant to Chapter 67-60, F.A.C.

24. Because of the competitive nature of the solicitation, Florida Housing receives many applications that satisfy all of the evaluation criteria for a single RFA. In order to make a selection from among the applications, Florida Housing has tie-breaker provisions that include a lottery system to order the queue on the basis of the random assignment of numbers. RFA 2016-113, Section 3A.2.

25. Florida Housing's evaluation process for awarding Housing Credits is set forth in rule 67-60.007, F.A.C. Under that rule, a scoring committee evaluates and scores the applications based upon the criteria contained in the RFA. Thereafter, the committee makes recommendations to the Florida Housing Board that determines which applications are preliminary selected for funding. Rule 67-60.007(3), F.A.C.

26. An applicant may protest the terms of a competitive solicitation through a procedure adopted by rule in rule 67-60.009, F.A.C.

Substantial Interests Affected

27. Petitioner Wolf's substantial interests are affected as he is a Principal of a Developer for affordable housing as that term is defined in rule 67-48.002(93), F.A.C. Petitioners Berkshire Square, Ltd.'s, Hawthorne Park, Ltd.'s and Southwick Commons, Ltd.'s substantial interests are affected because they will be submitting an Application as an Applicant of affordable housing as those terms are defined by rules 67-48.002(9) and (10), F.A.C. Heritage at Pompano Housing Partners, LTD. v. Florida Housing Finance Corp., DOAH Case No. 14-1361 (F.O. June 10, 2014); HTG Broward, LLC v. Florida Housing Finance Corp., DOAH Case No. 14-1362 (F.O. June 10, 2014); Pinnacle Rio, LLC v. Florida Housing Finance Corp., DOAH Case Nos. 14-1398-1400 & 1428 (F.O. June 4, 2014). Petitioner Wolf has been identified as the "Principal of Developer" in applications submitted to Florida Housing for public financing of affordable housing development activities. Successful applicants receive allocations of Housing Credits under the process described above and the Developers and Principals receive over one million dollars in developer fees. Wolf has been identified in previous applications submitted to Florida Housing and possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing. Berkshire Square, Ltd., Hawthorne Park, Ltd. and Southwick Commons, Ltd. will be Applicants in the proposed RFA in which they will seek an allocation of Housing Credits to construct affordable housing developments.

28. The rules, policies and solicitation challenged by this Petition were designed to allocate Housing Credits but in a manner prohibited by Section 42 of the IRC and section 420.5099, F.S. and lacking in objective or quantified standards and are, as such, invalid.

29. The selection criteria in the RFA have no traceable nexus to the provisions in the adopted QAP; are published without rule, statutory support or Board approval; and, are arbitrary and capricious vesting unbridled discretion in Florida Housing to allocation millions of dollars of federal tax credits.

30. Petitioners' substantial interests are affected as entities and individuals whose efforts in developing affordable housing (as administered by Florida Housing) are subject to Florida Housing's rules and policies, including specifically the rules and policies governing application, evaluation, review and approval of developments for allocation of Housing Credits.

31. As Applicants and Principal of Developer, Petitioners intend to submit applications for an allocation of Housing Credits that will be subject to Chapters 67-48 and 67-60, F.A.C., the 2016 QAP and RFA 2016-113 and to be qualified to receive an allocation of Housing Credits³ and developer fees that could exceed one million dollars for each developed property.

The 2016 QAP and the "Plan"

32. A true and correct copy of the published 2016 QAP rule is attached to this Petition as Exhibit B.

33. Florida Housing is directed to allocate Housing Credits to developers of affordable housing subject to and consistent with the requirements of Section 42 of the IRC. Section 420.5099, F.S.; rule 67-60.001(2), F.A.C.

34. As mentioned above, the dollar amount of the Housing Credits is calculated on the "eligible basis" of each building that is part of a low income housing project. The amount of

³ Under RFA 2016-113, depending upon the county, an Applicant can request up \$2,561,000 in Housing Credits.

the basis (and hence the Housing Credits) is increased by a factor of 30% (the “Boost”) if the project is located in a “high cost area.” IRC Sec. 42(d)(5)(B)(i). Under IRC Sec. 42, “high cost areas” are areas designated by the Secretary of Housing and Urban Development (“HUD”) as Qualified Census Tract (“QCT”) or Difficult Development Areas (“DDA”). IRC Sec. 42(d)(5)(B)(ii) and (iii). A QCT is any tract designated by the HUD where 50% or more of the households have incomes that are less than 60% of the area median gross income or a tract where the poverty rate is at least 25%. IRC Sec. 42(d)(5)(B)(ii). A DDA is a HUD designated area that has high construction, land, and utility costs relative to area median gross income. IRC Sec. 42(d)(5)(B)(iii).

35. Specifically Section 42(d)(5)(B)(i) of the IRC provides:

In the case of any building located in a qualified census tract or difficult development area which is designated for purposes of this subparagraph—

(I) in the case of a new building, the eligible basis of such building shall be **130 percent of such basis** determined without regard to this subparagraph, and

(II) in the case of an existing building, the rehabilitation expenditures taken into account under subsection (e) shall be **130 percent** of such expenditures determined without regard to this subparagraph.

(emphasis added).

36. The project types are not limited in the IRC and the following types of projects entitled to receive the 30% Boost pursuant to the IRC include:

- New Construction
- Rehabilitation
- Acquisition and Rehabilitation
- Redevelopment

37. Consistent with this provision, in prior Large Counties RFAs, Applications for each type of development located in a QCT or DDA were eligible for an award of Housing Credits and to receive the 30% boost.

38. Florida Housing may by rule define areas where it has generically expanded the 30% boost to other areas. However, as discussed below, Florida Housing does not have the authority to exclude developments that are eligible under Sec. 42 of the IRC to receive the boost. In doing so it exceeds its legislative authority and enlarges, modifies or contravenes the specific provisions of Sec. 42 of the IRC.

39. As part of RFA 2016-113, Florida Housing is also attempting to delegate to the counties the exclusive right to select projects for the award of Housing Credits; thereby, abrogating its responsibility for that selection.

40. Florida Housing defined “Local Governments areas of opportunity” in the RFA to include:

Developments receiving a high level of Local Government interest in the project as demonstrated by an irrevocable funding contribution that equals or exceeds 2.5 times the Total Development Cost Per Unit Base Limitation (exclusive of any add-ons or multipliers), as provided in Item 7 of Exhibit C to the RFA, for the Development Type committed to for the proposed Development. The Minimum Local Government Areas of Opportunity Funding Amounts are outlined in Section Four A.10.b. of the RFA. A single jurisdiction (i.e., the county or a municipality) may not contribute cash loans and/or cash grants for any other proposed Development applying in the same competitive solicitation in an amount sufficient to qualify as Local Government Areas of Opportunity, per the competitive solicitation.

RFA, Section 2 – Definitions, p. 2.

41. If an applicant goes through the undefined process at the local government level outside Florida Housing’s application process and the local government makes a financial commitment to meet the definition of being a “Local Government Area of Opportunity” the

applicant attains a level of exclusivity entitling it to preferential treatment in the selection process over any other applicant seeking an award of Housing Credits in that jurisdiction.

42. For example, Florida Housing has provided in RFA 2016-113 that when an applicant receives a commitment for county funding, it is exempt from meeting certain minimum requirements in the RFA. Section 4.A.6.a.(2).

43. In addition, if an applicant receives a designation of being within a Local Governmental Area(s) of Opportunity it receives additional points toward competitive standing not available to other applicants. Section 4.A.10.b.

44. Petitioners are challenging these sections, that purport to govern the allocation of 2016 Housing Credits, as non-rule policies that are contrary to and unsupported by the enabling legislation found in either Chapter 420, F.S., or the IRC.

I - Exclusion of Eligible Developments from Funding

45. RFA 2016-113 impermissibly excludes developments that are located within QCTs and DDAs. As stated above, any development located in a “high cost area” is entitled to a 30% Boost in its basis (the “Boost”). Those areas include, at a minimum, QCTs and DDAs. The IRC does not limit the type of the development to be funded with the Boost.

46. Section 42 of the IRC allows, upon certain findings, an agency to consider certain additional buildings, for purposes of the 30% boost, to be located in a DDA; however, it does not provide any authority to remove any class of development from federally designated QCTs or DDAs.

47. Contrary to the express language of Section 42 of the IRC, RFA 2016-113 removes the eligibility for a 30% Boost for certain types of developments located within a QCT or DDA that are also located in a Racially and Ethnically Concentrated Areas of Poverty

(“RECAP”). RFA 2016-113, p. 13.

48. A RECAP is defined as a “[c]ensus tract in which at least 40 percent of the population is living below the poverty line and in which a concentration of individuals who identify as other than non-Hispanic White exceeds 50 percent of the census tract. RECAP tracts are designated using the average of the three most recent 5-yr. averages of the American Community Survey, excluding high margin of error tracts.” RFA 2016-113, p. 2.

49. While Section 42 of the IRC authorizes the 30% Boost for all types of development located within a QCT, the RFA attempts to disqualify⁴ the following three classifications:

- New Construction
- Rehabilitation or Acquisition
- Rehabilitation.

50. The disqualification of these classes of development contradicts the direction set forth in the IRC by limiting the types of eligible projects. This non-rule policy is arbitrary and capricious and abrogates an applicant’s right to seek a 30% Boost without which most projects in areas qualifying for new or improved housing would not be economically justified.

51. The limitation on the eligible classes of development has no basis in the enabling legislation.

52. The disqualification of three classes of development from a list of five classes of development is done without recitation of any justification or rule giving support for the exercise in disqualification by Florida Housing. In selecting the three classes to be declared ineligible for the 30% funding boost, Florida Housing has acted arbitrarily and capriciously and in direct

⁴ There is an exception to the disqualification. If the project is within a local jurisdiction designated “Area of Opportunity” New Construction, Rehabilitation or Acquisition and Rehabilitation will qualify for the boost.

contravention of Section 42 of the IRC. Even assuming Florida Housing had such authority, its action is in violation of the State of Florida's rulemaking requirements.

53. There is no authorization for Florida Housing to prohibit funding for certain types of proposed developments located in a RECAP or even the mention of the term "RECAP" in Sec. 42 of the IRC, Chapters 67-48 and 67-60, F.A.C., or in the QAP.

54. Assuming, arguendo, that Florida Housing has such authority to utilize additional limiting criteria, Florida Housing is required to include those criteria in the QAP during the rule adoption process or adopt those criteria through rulemaking for the RFA making it part of the QAP. Florida Housing has done neither. The rule making process would constrain the adoption of policies to those that conform to the requirements of the IRC.

55. Florida Housing, through rule 67-60.010(3), F.A.C., purports to grant itself the ability to "establish other funding priorities as deemed appropriate for a competitive program or solicitation." As applied to RFA 2016-113 such application is directly contrary to the express designation of DDA and QCT areas included in Section 42 of the IRC.

56. Instead, rule 67-60.010(3), F.A.C., grants Florida Housing unbridled discretion and fails to establish any standards for its decision to establish other funding priorities. As such, the rule is an invalid exercise of its delegated legislative authority.

II – Illegal Delegation of Legislative Authority to Local Governments

57. RFA 2016-113 impermissibly delegates the selection of projects to the various local governments, abrogating its exclusive duty to select the eligible applications.

58. Florida Housing has failed to establish any direction or standards for the selection of projects for local government funding. Further, the local governments' selection processes for projects for funding by Florida Housing is not based upon adopted criteria or standards contained

in either the QAP or the RFA.

59. Because of the large number of applicants qualifying for all available points authorized in the RFA, Florida Housing has established and consistently made its selections based upon the tie-breaker random assignment of places in the queue. By delegating the selection of a Local Government Area(s) of Opportunity to a local government, it authorizes the local government to effectively award 10 additional points to an applicant that is not available to any other applicant from that county.

60. A Local Government Area(s) of Opportunity is defined as:

Developments receiving a high level of Local Government interest in the project as demonstrated by an irrevocable funding contribution that equals or exceeds 2.5 times the Total Development Cost Per Unit Base Limitation (exclusive of any add-ons or multipliers), as provided in Item 7 of Exhibit C to the RFA, for the Development Type committed to for the proposed Development.

RFA, Section 2 – Definitions, p. 2.

61. An applicant that comes to the selection process having *previously* been designated by a local government as a Local Government Area of Opportunity is entitled to receive ten (10) additional points not available to any other applicant from that local government.

b. Local Government Areas of Opportunity Funding (10 points):

In order for an Applicant to receive points, the Applicant must demonstrate a high level of Local Government interest in the project via an increased amount of Local Government contributions in the form of cash loans and/or cash grants, as outlined below. To that end, the Corporation will only award points to a proposed Development where a jurisdiction (i.e., the county or a municipality) has contributed cash loans and/or cash grants for any proposed Development applying in this RFA in an amount sufficient to qualify for these points.

Section 4.A.10.b. (emphasis added).

62. An applicant that fails to receive the high level of local government funding described above is ineligible to receive the additional 10 points. Based on Florida Housing's

scoring matrix, only one applicant in any local jurisdiction that receives a high level of local funding is eligible to be awarded Housing Credits. Other applicants in that local jurisdiction may not receive those additional points.

63. In fact, to ensure that the local jurisdiction selects a single applicant for Area of Opportunity status and receives the 10-point bonus, Florida Housing has placed a disincentive in the RFA to preclude any other applicant from achieving an award of all available points.

64. Section 4.A.10., goes on to disqualify all participants in any one jurisdiction from receiving the 10 points if the local government qualifies more than one applicant for Area of Opportunity status.

Any single jurisdiction may not contribute cash loans and/or cash grants to more than one proposed Development applying for these Local Government Areas of Opportunity Funding points. During the ranking process outlined in Section Four B of the RFA, if multiple Applications demonstrate Local Government loans and/or grants from the same jurisdiction in an amount sufficient to qualify for these points, then all such Applications will be deemed ineligible for these points....

65. Florida Housing is forcing the local governments to select the project in which they are interested and delegating the duty it is required by statute to exercise when selecting qualified candidates for the award of Housing Credits. Section 420.5099, F.S.; rule 67-60.001(2), F.A.C.

66. In addition, the RFA authorizes the waiver of certain mandatory qualifying criteria in the event that the county designates the project as a Local Government Area(s) of Opportunity. Section 4.A.6.a.(2) provides:

Applications for proposed Developments that select and qualify for the Local Government Areas of Opportunity Funding points as outlined in Section Four A.10.b. of the RFA will (a) meet the Mandatory Distance requirements outlined at Section Four A.6.d. below and (b) automatically achieve the required Minimum Transit Service Score and the Minimum Total Proximity Score and receive the Maximum Total Proximity Score of 18 points without the requirement to provide

the services information outlined in (c) below, provided the Applicant includes, as Attachment 13 to Exhibit A, an acceptable Surveyor Certification form (Form Rev. 08-16).

67. There is nothing in the RFA giving guidance to a local jurisdiction on how to award the Area of Opportunity preference to a project. Further, all of the minimum requirements for locating the project within distance parameters to medical facilities, pharmacies, schools, public and private transit, grocery stores, rail and bus services are all assumed to be met or waived.

68. The applicant receiving the Local Government Area of Opportunity funding designation is awarded 18 points without the examination of eligibility other applicants are required to meet.

69. While generally, under the terms of the RFA, a New Construction, Rehabilitation or Acquisition and Rehabilitation development in a RECAP area is precluded from receiving the 30% Boost, if an applicant's development is selected by a local jurisdiction to be a Local Government Area of Opportunity, the RFA allows the project to be funded. Section 4.A.5.c.(1). provides:

With one exception, proposed Developments that select a Development Category of New Construction, Rehabilitation, or Acquisition and Rehabilitation at question 5.c.(2) of Exhibit A are not eligible to receive funding under this RFA if any part of the proposed Development is located in a RECAP designated area. The one exception to the above prohibition is for a proposed Development where the Applicant selects and qualifies for Local Government Areas of Opportunity Funding points as outlined in Section Four A.10.(b) of the RFA. Proposed Developments that are located in a RECAP designated area where the Applicant selects and qualifies for the Development Category of Redevelopment or Acquisition and Redevelopment at question 5.c.(2) of Exhibit A are eligible for funding under this RFA.

(emphasis added).

70. In most cases an applicant has received the Local Government Area of Opportunity designation before the RFA is issued. This designation effectively preselects the winning applicant before the selection process is available to other candidates.

71. Florida Housing has improperly delegated to local governments the ability to essentially select the application entitled to receive funding. Even assuming Florida Housing has such authority, Florida Housing has failed to adopt rules or criteria which establish the process to be applied when selecting the application to receive the funding, and thus, the additional points. Therefore, in addition to being an improper delegation, Florida Housing has granted the delegated entity unbridled discretion in making its determination.

72. The improper and unbridled delegation to the local jurisdiction to designate the candidates that will ultimately receive more points than are available to any other candidates is an impermissible delegation of legislative authority without statutory authority to do so in Chapter 420, F.S., and Section 42 of the IRC.

Disputed Issues of Material Fact

73. The material facts in dispute include but are not limited to whether:
- a) Florida Housing has exceeded its grant of both the federal and state grant of legislative authority;
 - b) Florida Housing has enlarged, modified or contravened the specific provisions of law implemented;
 - c) Rule 67-60.010, F.A.C., fails to establish adequate standards for agency decisions and vests unbridled discretion in the agency;
 - d) the RFA modifies and contravenes the specific provisions of law implemented;
 - e) the RFA contains non-rule policies that are arbitrary and capricious;

- f) the RFA grants authority to Florida Housing to allocate federally designated dollars with unbridled discretion; and
- g) the RFA delegates to local governments the unbridled discretion to effectively select the applications for funding without statutory or rule criteria or authority.

Facts, Statutes and Rules Which Entitle Petitioners to Relief

74. The facts, statutes and rules that entitle Petitioners to relief are described above and include but are not limited to:

- a) Florida Housing is unable to prove by a preponderance of the evidence that it materially followed the applicable rulemaking procedures and requirements of Chapter 120, F.S.
- b) Florida Housing is unable to prove by a preponderance of the evidence that it has not exceeded its grant of rulemaking authority.
- c) Florida Housing is unable to prove by a preponderance of the evidence that the adopted non-rule policies do not enlarge, modify, or contravene the specific provisions of law implemented.
- d) Florida Housing is unable to demonstrate any authority authorizing it to delegate to local governments the ability to select applicants for Housing Credit funding.
- e) Florida Housing is unable to prove by a preponderance of the evidence that its non-rule policies are not vague, establish adequate standards for Florida Housing decisions, and do not vest unbridled discretion in Florida Housing.
- f) Florida Housing is unable to prove by a preponderance of the evidence that its non-rule policies are not arbitrary or capricious.
- g) Florida Housing is unable to prove by a preponderance of the evidence that non-rule policies are supported by competent substantial evidence.

75. The statutes and rules that entitle Petitioners to relief include those described above and Section 42 of the IRC, Chapters 120 and 420, F.S. and Chapter 67-48, F.A.C.

Concise Statement of Ultimate Facts

76. RFA 2016-113, adopted by Florida Housing for awarding the 2016 Housing Credits, is invalid based on the foregoing in that:

- a) Florida Housing has exceeded its grant of both the federal and state grant of legislative authority;
- b) Florida Housing has enlarged, modified or contravened the specific provisions of law implemented and the non-rule policies in the 2016 RFA are invalid exercises of delegated legislative authority.
- c) The non-rule policies contravene the specific provisions of the law implemented.
- d) The allocation of Housing Credits cannot be limited based on a process or on standards that fail to comply with the mandatory selection criteria contained in Section 42(m)(1)(B) of the IRC without providing criteria for the implementation of the federal policy.
- e) The non-rule policies are arbitrary and capricious. There are no criteria or standards for the application, evaluation, review and allocation of 2017 Housing Credits as required by the IRC and Florida law.
- f) The non-rule policies are vague, fail to establish adequate standards for agency decisions making, and vest unbridled discretion in Florida Housing. The complete lack of approved standards and criteria purports to allow Florida Housing to allocate 2017 Housing Credits at some point in the RFA.

77. Rules 67-48.002(95) and 67-60.010, F.A.C., are invalid exercises of delegated legislative authority. The 2016 RFA 2016-113 is invalid to the extent it purports to authorize the award of 2016 Housing Credits in a manner contrary to Section 42 of the IRC. The 2016 QAP fails to adequately address the federal mandate to quantify and adopt by rule the policies for awarding Housing Credits to applicants consistent with the IRC.

Request for Relief

WHEREFORE, the Petitioners respectfully request that:

- a) a hearing be conducted in accordance with Sections 120.56, 120.569 and 120.57, F.S.;
- b) an administrative law judge determine that rules 67-48.002(95) and 67-60.010, F.A.C., are invalid exercises of delegated legislative authority;
- c) an administrative law judge determine that the non-rule policies are invalid based on the allegations in this Petition and applicable law; and,

- d) the administrative law judge award to Petitioners their reasonable costs and attorneys' fees pursuant to section 120.595(2), F.S., upon the grounds that there was no reasonable basis in law or fact for the non-rule policies challenged herein.

FILED this 14th day of November, 2016.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Petition has been filed electronically with the Clerk, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32301-3060, with an electronic copy to Hugh Brown, General Counsel, Florida Housing Finance Corporation, [hugh.brown@floridahousing.org], this 14th day of November, 2016.



ATTORNEY

REQUEST FOR APPLICATIONS 2016-113

**RFA 2016-113 HOUSING CREDIT FINANCING FOR AFFORDABLE HOUSING
DEVELOPMENTS LOCATED IN BROWARD, DUVAL, HILLSBOROUGH, ORANGE,
PALM BEACH, AND PINELLAS COUNTIES**

Issued By:

FLORIDA HOUSING FINANCE CORPORATION

Issued: October 28, 2016

Due: December 30, 2016

**SECTION ONE
INTRODUCTION**

This Request for Applications (RFA) is open to Applicants proposing the development of affordable, multifamily housing located in Broward County, Duval County, Hillsborough County, Orange County, Palm Beach County, and Pinellas County.

Under this RFA, Florida Housing Finance Corporation (the Corporation) expects to have up to an estimated \$14,669,052 of Housing Credits available for award to proposed Developments located in Broward County, Duval County, Hillsborough County, Orange County, Palm Beach County, and Pinellas County. 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 Exhibits A, B, C, and D, applicable laws, rules and regulations, and the Corporation’s generally applicable construction and financial standards.

**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., or in applicable federal regulations.

<p>“2- or 3- Factor Areas of Opportunity”</p>	<p>Census tracts identified by the Corporation which meet at least two out of the following three threshold criteria based on the average of the three most recent 5-year averages of the American Community Survey: (a) census tract median income greater than the 40th percentile of all census tracts within the county; (b) educational attainment above the median of all tracts in the county, measured as the proportion of adults over 25 years old who have completed at least some college; and (c) tract employment rate greater than the statewide employment rate. The 2- or 3- Factor census tract list can be found at http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/OtherInformation/ (also available by clicking here).</p>
<p>“DDA ZCTA” or “DDA Zip Code Tabulation Area”</p>	<p>A metropolitan area that has been designated by the Department of Housing and Urban Development (HUD) as a Small Area Difficult Development Area (SADDA) at https://www.huduser.gov/portal/Datasets/qct/DDA2016M.PDF and http://qct.huduser.gov/tables/saddatables.odt (also available by clicking here and here).</p>
<p>“Local Government Areas of Opportunity”</p>	<p>Developments receiving a high level of Local Government interest in the project as demonstrated by an irrevocable funding contribution that equals or exceeds 2.5 times the Total Development Cost Per Unit Base Limitation (exclusive of any add-ons or multipliers), as provided in Item 7 of Exhibit C to the RFA, for the Development Type committed to for the proposed Development. The Minimum Local Government Areas of Opportunity Funding Amounts are outlined in Section Four A.10.b. of the RFA. A single jurisdiction (i.e., the county or a municipality) may not contribute cash loans and/or cash grants for any other proposed Development applying in the same competitive solicitation in an amount sufficient to qualify as Local Government Areas of Opportunity, per the competitive solicitation.</p>
<p>“RECAP” or “Racially and Ethnically Concentrated Areas of Poverty”</p>	<p>Census tracts in which at least 40 percent of the population is living below the poverty line and in which a concentration of individuals who identify as other than non-Hispanic White exceeds 50 percent of the population of the census tract. RECAP tracts are designated using the average of the three most recent 5-yr averages of the American Community Survey, excluding high margin of error tracts. The RECAP census tract list can be found at http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/OtherInformation/ (also available by clicking here).</p>

<p>“Regulated Mortgage Lender”</p>	<p>(a) A state or federally chartered entity authorized to transact business in this state that regularly engages in the business of making mortgage loans secured by real property in this state, whose mortgage lending activities subject it to the jurisdiction of the State of Florida Office of Financial Regulation, the Board of Governors of the Federal Reserve, Office of the Comptroller of the Currency, the National Credit Union Administration, or the Federal Deposit Insurance Corporation; (b) A Fannie Mae-approved lender whose name appears on the Fannie Mae list of Delegated Underwriting and Servicing (DUS®) Lenders (list available by clicking here); (c) A HUD-approved lender whose name appears on the U.S. Department of Housing and Urban Development (HUD) list of Multifamily Accelerated Processing (MAP) Approved Lenders (list available by clicking here); (d) A RD-approved lender whose name appears on the U.S. Department of Agriculture, Rural Development (RD), list of Section 538 Guaranteed Rural Rental Housing approved lenders (list available by clicking here); (e) A Freddie Mac-approved multifamily lender whose name appears on Freddie Mac’s lists of Program Plus (Florida region) lenders, Targeted Affordable Housing lenders or Seniors Housing lenders (lists available by clicking here) ; or (f) a mortgage lender that is a certified Community Development Financial Institution (CDFI) in the State of Florida that has been awarded funding from the CDFI Fund in a cumulative amount of at least \$5,000,000, exclusive of New Market Tax Credit (NMTC) awards, whose name and CDFI awards can be confirmed on the CDFI Fund’s web site (Qualified CDFI)(list available by clicking here), and the affiliate(s) of such Qualified CDFI. As used herein, the affiliate(s) of a Qualified CDFI means the parent, subsidiary or successor of the Qualified CDFI, or an entity that shares common ownership or management with the Qualified CDFI. If the lender is an affiliate of the Qualified CDFI, the funding letter(s) being considered by the Corporation must include the name-of the Qualified CDFI and_a statement that the lender is an affiliate of the Qualified CDFI.</p>
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**SECTION THREE
PROCEDURES AND PROVISIONS**

A. Submission Requirements.

A complete Application for this RFA consists of the Application and Development Cost Pro Forma (Exhibit A of the RFA), the Principals of the Applicant and Developer(s) Disclosure Form (Form Rev. 08-16), and the Applicant Certification and Acknowledgement form and other applicable verification forms (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. The Application, Development Cost Pro Forma, Principals of the Applicant and Developer(s) Disclosure Form (Form Rev. 08-16), Applicant Certification and Acknowledgement form, and all other applicable verification forms can be found at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/> (also available by clicking [here](#)).

1. The Application Deadline is **11:00 a.m., Eastern Time, on December 30, 2016**. To meet the submission requirements, prior to the Application Deadline the Applicant must do all of the following for its Application:
 - a. The Applicant must download and complete the following documents:
 - (1) The Application;
 - (2) The Development Cost Pro Forma; and
 - (3) The Principals of the Applicant and Developer(s) Disclosure Form (Form Rev. 08-16) (“Principals Disclosure Form”). A Principals Disclosure Form that was approved during

the Advance Review Process, which is described in Section Four A.3.d. of the RFA, may be used to satisfy this requirement provided the form was approved for the type of funding being requested (i.e., Housing Credits or Non-Housing Credits).

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, Development Cost Pro Forma, and Principals Disclosure Form (the “Complete Online Submission Package”) to the Corporation, the Applicant must go to the webpage <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/> (also available by clicking [here](#)) and click the link to login and upload the Complete Online Submission Package consisting of these three (3) documents. To upload the Complete Online Submission Package, 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, the Applicant must click “Upload Application.” The Applicant must also enter the Development Name, click “Browse” to locate the completed Application, Development Cost Pro Forma, and the Principals Disclosure form that were saved on the Applicant’s computer; and then click “Upload Selected File.” If the Applicant received an approved Principals Disclosure Form through the Advance Review Process, the approved form is what should be uploaded with the Application and Development Cost Pro Forma. The selected Application will then be listed as an Uploaded Application (consisting of the three (3) documents comprising the Complete Online Submission Package), and its assigned Response Number will be visible in the first column.
- d. Next, to view and print the Uploaded Application (consisting of the Complete Online Submission Package), the Applicant must 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 Online Submission Package 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, with 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, Development Cost Pro Forma, and the Principals of the Applicant and Developer(s) Disclosure Form (Rev. 08-16).
 - (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

(c) The Application Withdrawal Disincentive in the form of either a \$25,000 Application Withdrawal Cash Deposit or a \$25,000 Letter of Credit, as outlined below:

(i) If the Applicant elects to provide the \$25,000 Application Withdrawal Cash Deposit, the deposit, payable to Florida Housing Finance Corporation (check or money order only) must meet the criteria outlined in 3 below.

If desired, the Applicant may submit one (1) check or money order in the amount of \$28,000 (the \$3,000 Application fee plus the \$25,000 Application Withdrawal Cash Deposit).

or

(ii) If the Applicant elects to provide a \$25,000 Letter of Credit, the original, executed Letter of Credit must meet the requirements outlined in 4 below. The Applicant need only provide the original Letter of Credit in the Application labeled “Original Hard Copy;” photocopies of the Letter of Credit need not be included in the Applications labeled “Copy.”

(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.

3. \$25,000 Application Withdrawal Cash Deposit. Each Applicant not submitting a \$25,000 Letter of Credit (as outlined in 4 below) must submit to the Corporation an Application Withdrawal Cash Deposit in the amount of \$25,000 with its Application.

The Application Withdrawal Cash Deposit shall be deposited into an account of the Corporation, will not accrue interest for the Applicant, and will be held by the Corporation as long as the Application associated with it remains active and is not withdrawn for any reason prior to the occurrence of certain events, as outlined below:

a. If a submitted Application is withdrawn for any reason subsequent to the Application Deadline but on or before the execution of the Carryover Allocation Agreement and payment of the required non-refundable Administrative Fee, then immediately upon such Application’s withdrawal, the sum of \$25,000 representing the Application Withdrawal Cash Deposit for the withdrawn Application shall, automatically and without notice or condition, become the absolute property of the Corporation, and such funds may be used by the Corporation in any manner and for any purpose as other cash funds of the Corporation.

b. For any eligible Application not invited to enter credit underwriting and not sooner withdrawn, the Corporation shall release and return the Application Withdrawal Cash Deposit for such Application by check in the amount of \$25,000 once invitations to enter credit underwriting have been issued and accepted by those Applicants selected for funding under the RFA. The Corporation shall make the refund check payable to the person or entity

indicated by the Applicant at question 1.a.(1) of Exhibit A. If this information is not provided in the Application, the Corporation shall make the refund check payable to the Applicant.

- c. For any eligible Application invited to enter credit underwriting and not sooner withdrawn, the Corporation shall release and return the Application Withdrawal Cash Deposit for such Application by check in the amount of \$25,000 following execution of the Carryover Allocation Agreement and payment of the Administrative Fee for such Application. The Corporation shall make the refund check payable to the person or entity indicated by the Applicant at question 1.a.(1) of Exhibit A. If this information is not provided in the Application, the Corporation shall make the refund check payable to the Applicant.
- d. For any Application deemed ineligible by the Review Committee and the Board that is not the subject of any pending litigation and is not sooner withdrawn, at the conclusion of the time period for filing a notice of protest as prescribed in Section 120.57(3), Fla. Stat., et. al., the Corporation shall release and return the Application Withdrawal Cash Deposit for such Application by check in the amount of \$25,000. The Corporation shall make the refund check payable to the person or entity indicated by the Applicant at question 1.a.(1) of Exhibit A. If this information is not provided in the Application, the Corporation shall make the refund check payable to the Applicant.

As used herein, an Application withdrawal includes a withdrawal of an Application (or the funding under such Application) initiated or made by the Corporation itself where such withdrawal by the Corporation is the result of the Applicant's failure to act or pay fees in a timely manner as required by the RFA.

4. \$25,000 Letter of Credit. Each Applicant not submitting a \$25,000 Application Withdrawal Cash Deposit (as outlined in 3 above) must submit to the Corporation a Letter of Credit that meets the following requirements with its Application:
 - a. The Letter of Credit must:
 - (1) Be issued by a bank, the deposits of which are insured by the FDIC, and which has a banking office located in the state of Florida available for presentation of the Letter of Credit.
 - (2) Be on the issuing bank's letterhead, and identify the bank's Florida office as the office for presentation of the Letter of Credit.
 - (3) Be, in form, content and amount, the same as the Sample Letter of Credit set out in Item 13 of Exhibit C of the RFA, and completed with the following:
 - (a) Issue Date of the Letter of Credit (LOC) which must be no later than December 8, 2016.
 - (b) LOC number.
 - (c) Expiration Date of the LOC which must be no earlier than December 8, 2017.
 - (d) Issuing Bank's legal name.
 - (e) Issuing Bank's Florida Presentation Office for presentation of the LOC.
 - (f) Florida Housing's RFA number RFA 2016-113.
 - (g) Applicant's name as it appears on the Application for which the LOC is issued.
 - (h) Development name as it appears on the Application for which the LOC is issued.
 - (i) Signature of the Issuing Bank's authorized signatory.
 - (j) Printed Name and Title of the authorized signatory.

b. The condition of the Letter of Credit is that the Application with which it is associated remain active and not be withdrawn for any reason prior to the occurrence of certain events, as outlined below:

- (1) If a submitted Application is withdrawn for any reason subsequent to the Application Deadline but on or before the execution of the Carryover Allocation Agreement and payment of the required non-refundable Administrative Fee, the Corporation shall, without notice, present for payment and draw upon the Letter of Credit submitted with that Application in full and retain the funds represented thereby as the property of the Corporation. By submitting its Application, the Applicant acknowledges that the withdrawal of its Application, regardless of reason or circumstance at any time prior to events described, is self-executing entitling the Corporation to draw upon the Letter of Credit in full without condition or prior notice to any party.

If the Corporation is entitled to draw upon an Applicant's Letter of Credit as provided above, and the issuing bank should for any reason refuse to honor the Letter of Credit following presentation by the Corporation, the Applicant or any Principal of the Applicant, as listed in the Application, shall be responsible for payment of the \$25,000 to the Corporation; payment shall be due to the Corporation within 10 Calendar Days following written notice from the Corporation to the Contact Person listed in the Application.

- (2) For those eligible Applications not invited to enter credit underwriting and not sooner withdrawn, the Corporation shall release or surrender the Letter of Credit once invitations to enter credit underwriting have been issued and accepted by those Applicants selected for funding under the RFA.
- (3) For those eligible Applications invited to enter credit underwriting and not sooner withdrawn, the Corporation shall release or surrender the Letter of Credit following execution of the Carryover Allocation Agreement and payment of the Administrative Fee.
- (4) For those Applications deemed ineligible by the Review Committee and the Board that are not the subject of any pending litigation and are not sooner withdrawn, the Corporation shall release or surrender the Letter of Credit at the conclusion of the time period for filing a notice of protest as prescribed in Section 120.57(3), Fla. Stat., et. al.

As used herein, an Application withdrawal includes a withdrawal of an Application (or the funding under such Application) initiated or made by the Corporation itself where such withdrawal by the Corporation is the result of the Applicant's failure to act or pay fees in a timely manner as required by the RFA.

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 (the Application), the Development Cost Pro Forma, and/or the Principals of Applicant and Developer(s) Disclosure Form (Form Rev. 08-16) are not identical to the complete Uploaded Application, the Uploaded Application will be utilized for scoring purposes.

Applicants should review subsection 67-48.023(1), F.A.C., to determine eligibility to apply for the Housing Credits offered in this RFA.

Pursuant to subsection 67-60.004(2), F.A.C., any Applicant may request withdrawal of its Application from a competitive solicitation by filing a written notice of withdrawal with the Corporation Clerk. For purposes of the funding selection process, the Corporation shall not accept any Application withdrawal request that is submitted between 5:00 p.m., Eastern Time, on the last business day before the date the scoring committee meets to make its recommendations until after the Board has taken action on the scoring committee's recommendations, and such Application shall be included in the funding selection process as if no withdrawal request had been submitted. Any funding or allocation that becomes available after such withdrawal is accepted shall be treated as returned funds and disposed of according to Section Four B.4. of the RFA.

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_2016-113_Questions@floridahousing.org. All inquiries are due by 5:00 p.m., Eastern Time, on November 16, 2016. 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 November 23, 2016, and will post a copy of all inquiries received, and their answers, on the Corporation's Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/>. 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 of Exhibit A, the Development Cost Pro Forma and the Principals Disclosure Form of the RFA, along with all applicable attachments thereto, including the applicable certification forms 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 Housing Credits under this RFA will be subject to the requirements of the RFA, the Application requirements outlined in Rule Chapter 67-60, F.A.C., the credit underwriting and program requirements for Housing Credits outlined in Rule Chapter 67-48, F.A.C., and the Compliance requirements of Rule Chapter 67-53, F.A.C.

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.

SECTION FOUR INFORMATION TO BE PROVIDED IN APPLICATION

The Applicant must provide a completed Application, Development Cost Pro Forma, and Principals of the Applicant and Developer(s) Disclosure Form (Form Rev. 08-16), along with all applicable attachments thereto, including the applicable certification forms set out in Exhibit B of the RFA, which includes the following information:

A. Exhibit A Items:

1. Submission Requirements:

a. Application Withdrawal Disincentive:

The Applicant must indicate which of the following it elects to provide in the Application labeled "Original Hard Copy:"

(1) \$25,000 Application Withdrawal Cash Deposit, as outlined in Section Three A.3. of the RFA. Should the Applicant be eligible to receive a refund of the cash deposit, the Corporation shall make the refund check payable to the person or entity indicated by the Applicant at question 1.a.(1) of Exhibit A. If this information is not provided in the Application, the Corporation shall make the refund check payable to the Applicant.

or

(2) \$25,000 Letter of Credit, as outlined in Section Three A.4. of the RFA.

b. 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/2016-113/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 (1) of the following Demographic Commitments:

- a. Family – Proposed Development will serve the general population.
- b. Elderly – The Applicant must indicate whether the proposed Development will be an Elderly Assisted Living Facility (ALF) or an Elderly Non-ALF. Note: Additional requirements for the Elderly Demographic Commitment are outlined in Item 1 of Exhibit C of the RFA.

3. Applicant Information:

- a. The Applicant must state the name of Applicant.
- b. The Applicant must be a legally formed entity [i.e., limited partnership, limited liability company, etc.] qualified to do business in the state of Florida as of the Application Deadline. The Applicant must include, as **Attachment 2** to Exhibit A, evidence from the Florida Department of State, Division of Corporations, that the Applicant satisfies the foregoing requirements; such evidence may be in the form of a certificate of status or other reasonably reliable information or documentation issued, published or made available by the Florida Department of State, Division of Corporations.
- c. An Applicant that indicates at question 3.c. of Exhibit A that it is applying as a Non-Profit will only be considered to be a Non-Profit, for purposes of this RFA, if the Applicant meets the definition of Non-Profit as set out in Rule Chapter 67-48, F.A.C., completes the questions at question 3.c. of Exhibit A, and provides the following information for each Non-Profit entity as **Attachment 3** to Exhibit A.
 - (1) The IRS determination letter;
 - (2) A description/explanation of how the Non-Profit entity is substantially and materially participating in the management and operation of the Development (i.e., the role of the Non-Profit);
 - (3) The names and addresses of the members of the governing board of the Non-Profit entity; and
 - (4) The articles of incorporation demonstrating that one of the purposes of the Non-Profit entity is to foster low income housing.

Any Applicant that applies as a Non-Profit but is not considered to be a Non-Profit will still be eligible to be considered for funding as a for profit entity.

- d. Principals Disclosure for the Applicant and for each Developer.

The Application must include a properly completed Principals of the Applicant and Developer(s) Disclosure Form (Form Rev. 08-16) (“Principals Disclosure Form”) that was uploaded as outlined in Section Three above. The Principals Disclosure form must identify the Principals of the Applicant and Developer(s) as of the Application Deadline and must include, for each applicable organizational structure, ONLY the types of Principals required by subsection 67-48.002(93), F.A.C. A Principals Disclosure Form that includes, for any organizational structure, any type of entity that is not specifically included in the Rule definition of Principals, will not be accepted by the Corporation to meet the Mandatory requirement to provide the Principals of the Applicant and Developer(s) Disclosure Form.

To assist Applicants in meeting the Mandatory requirement to provide the Principals Disclosure Form, the Corporation offers a Continuous Advance Review Process which is outlined at

<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/> (also available by clicking [here](#)). This website also includes samples which may assist the Applicant in completing the required Principals Disclosure Form. A Principals Disclosure

Form that was reviewed and approved by the Corporation during the Principals Advance Review Process can be included in the Applicant’s RFA submission, provided it was approved for the type of funding being requested (i.e., Housing Credits or Non-Housing Credits).

e. Contact Person.

Enter the requested information for the Contact Person. At a minimum, the Applicant must provide the name and e-mail address of the Contact Person.

4. Developer and Management Company Information:

a. General Developer Information:

- (1) The Applicant must state the name of each Developer, including all co-Developers.
- (2) Each Developer entity identified at question 4.a.(1) of Exhibit A (that is not a natural person) must be a legally formed entity qualified to do business in the state of Florida as of the Application Deadline. For each stated Developer entity that is not a natural person, provide, as **Attachment 4** to Exhibit A, evidence from the Florida Department of State, Division of Corporations, that the Developer satisfies the foregoing requirements; such evidence may be in the form of a certificate of status or other reasonably reliable information or documentation issued, published or made available by the Florida Department of State, Division of Corporations.

(3) General Development Experience (**5 Points**):

To be eligible to be awarded 5 points for General Development Experience, the Prior General Development Experience chart must meet the requirements of (a) below.

- (a) At least one Principal, which must be a natural person, of the Developer entity, or if more than one Developer entity, at least one Principal, which must be a natural person, of at least one of the Developer entities, must meet the General Development Experience requirements in (i) and (ii) below.

(i) General Development Experience:

A Principal, which must be a natural person, of each experienced Developer entity must have, since January 1, 1996, completed at least three (3) affordable rental housing developments, at least one (1) of which was a Housing Credit development completed since January 1, 2006. At least one (1) of the three (3) completed developments must consist of a total number of units no less than 50 percent of the total number of units in the proposed Development. For purposes of this provision, completed for each of the three (3) developments means (A) that the temporary or final certificate of occupancy has been issued for at least one (1) unit in one of the residential apartment buildings within the development, or (B) that at least one (1) IRS Form 8609 has been issued for one of the residential apartment buildings within the development. As used in this section, an affordable rental housing development, including a Housing Credit development that contains multiple buildings, is a single development regardless of the number of buildings within the development for which an IRS Form 8609 has been issued.

If the experience of a natural person Principal for a Developer entity listed in this Application was acquired from a previous affordable housing Developer entity, the natural person Principal must have also been a Principal of that previous Developer entity as the term Principal was defined by the Corporation at that time.

(ii) Prior General Development Experience Chart:

The Applicant must provide, as **Attachment 4** to Exhibit A, a prior experience chart for each natural person Principal intending to meet the minimum general development experience reflecting the required information for the three (3) completed affordable rental housing developments, one (1) of which must be a Housing Credit development.

Each prior experience chart must include the following information:

Prior General Development Experience Chart				
Name of Principal, which must be a natural person, with the Required Experience:				
Name of Developer Entity (for the proposed Development) for which the above individual is a Principal:				
Name of Development	Location (City & State)	Affordable Housing Program that Provided Financing (e.g., Housing Credits, Tax-Exempt Bonds, HOME, SAIL, etc.)	Total Number of Units	Year Completed

(b) Development Experience Withdrawal Disincentive:

In an effort to encourage the submission of quality Applications, the Corporation will award points for Development experience in certain future RFAs. Applicants and Developers are on notice that any Application submitted in this RFA that is withdrawn any time subsequent to the Application Deadline but on or before the execution of the Carryover Allocation Agreement and payment of the Administrative fee will (if the future RFA so provides) result in a point reduction in the scoring of Development experience in future Applications in which the Developer, Co-Developer or any Principal of the Developer(s) named in the Developer section of the Principals of the Applicant and Developer(s) Disclosure Form of the withdrawn Application is named for purposes of satisfying the Development experience requirement in the future Application. As used herein, an Application withdrawal includes a withdrawal of an Application (or the funding under such Application) initiated or made by the Corporation itself where such withdrawal by the Corporation is the result of the Applicant’s failure to act or pay fees in a timely manner as required by the RFA.

b. General Management Company Information:

The Applicant must identify the Management Company at question 4.b.(1) of Exhibit A and provide, as **Attachment 5** to Exhibit A, a prior experience chart for the Management Company or a principal of Management Company demonstrating experience in the management of at least two (2) affordable rental housing properties (i.e., properties funded through an affordable housing program such as Housing Credits, Tax-Exempt Bonds, Home, SAIL, etc.), at least one (1) of which consists of a total number of units no less than 50 percent of the total number of units in the proposed Development, for at least two (2) years each.

The prior experience chart must include the following information:

Prior General Management Experience Chart				
Name of Management Company or a Principal of the Management Company with the Required Experience: _____				
Name of Development	Location (City & State)	Currently Managing or Formerly Managed	Length of Time (Number of Years)	Total Number of Units

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) Scattered Sites:

If the proposed Development meets the definition of Scattered Sites:

- (a) For all Developments, a part of the boundary of each Scattered Site must be located within ½ mile of a part of the boundary of the Scattered Site with the most units;
- (b) Site control must be demonstrated in the Application for all of the Scattered Sites, as outlined in Section Four A.8. of the RFA;
- (c) During the credit underwriting process the Applicant must demonstrate that the Development meets the requirements of this RFA and Section 42 of the IRC;
- (d) All Scattered Sites must be located in the same county; and
- (e) The applicable information for each Scattered Site must be provided on the Surveyor Certification form, as outlined in Section Four A.6.a. of the RFA.

- (2) The Applicant must indicate the county in which the proposed Development will be located. The location of proposed Developments applying in this RFA is limited to the following counties:

Broward	Orange County
Duval	Palm Beach
Hillsborough	Pinellas

- (3) The Applicant must provide the Address of the Development Site.

Indicate the address number, street name, and name of city, and/or the street name, closest designated intersection, and either name of city or unincorporated area of county. If the proposed Development consists of Scattered Sites, this information must be provided for each of the Scattered Sites.

- c. RECAP / Development Category / Rental Assistance (RA) Level / Concrete Construction:

(1) RECAP:

With one exception, proposed Developments that select a Development Category of New Construction, Rehabilitation, or Acquisition and Rehabilitation at question 5.c.(2) of Exhibit A are not eligible to receive funding under this RFA if any part of the proposed Development is located in a RECAP designated area. The one exception to the above

prohibition is for a proposed Development where the Applicant selects and qualifies for Local Government Areas of Opportunity Funding points as outlined in Section Four A.10.(b) of the RFA. Proposed Developments that are located in a RECAP designated area where the Applicant selects and qualifies for the Development Category of Redevelopment or Acquisition and Redevelopment at question 5.c.(2) of Exhibit A are eligible for funding under this RFA.

If any part of the proposed Development is located in a RECAP designated area, the entire proposed Development will be considered to be located in a RECAP designated area and the Application will only be eligible for funding under this RFA if it qualifies (a) for the Local Government Areas of Opportunity Funding points exception if New Construction or Rehabilitation (with or without Acquisition) Development Category or (b) for the Redevelopment (with or without Acquisition) Development Category.

The Applicant must indicate at question 5.c.(1) of Exhibit A whether any part of the proposed Development is located within a RECAP designated area. If an answer to question 5.c.(1) of Exhibit A is not provided, for purposes of this RFA, the Corporation will consider the proposed Development to be located within a RECAP designated area.

(2) Development Category:

The Applicant must select one (1) of the following Development Categories applicable to the proposed Development and provide the required information:

- New Construction (where 50% or more of the units are new construction)
- Rehabilitation (where less than 50% of the units are new construction)
- Acquisition and Rehabilitation (acquisition and less than 50% of the units are new construction)
- Redevelopment (where 50% or more of the units are new construction)
- Acquisition and Redevelopment (acquisition and 50% or more of the units are new construction)

In order to determine the proposed Development's eligibility for the selected Development Category and its Rental Assistance (RA) Level classification (calculated as outlined in (3) below), the documentation outlined in (2)(a) or (2)(b) below must be provided.

(a) If New Construction, Rehabilitation, or Acquisition and Rehabilitation is selected at question 5.c.(2) of Exhibit A:

(i) In order to be classified as an RA Level other than RA Level 6, the Applicant must provide, as **Attachment 6** to Exhibit A, a letter from a designated administrator of a federal program that provides long-term rental assistance. The rental assistance provided must be tied to the proposed Development and its units and be for a minimum of 20 years from the date the Development's units are placed in service*. The letter must include the following information and be dated within 12 months of the Application Deadline:

- Name of the proposed Development;
- Address of the proposed Development;
- Total number of units that will receive PBRA, ACC, and/or other form of federal long-term rental assistance if the proposed Development is funded;
- The federal program associated with the rental assistance; and

- A statement that the committed rental assistance will be reserved and available for use by the proposed Development by the time the units are placed in service and committed for a minimum of 20 years upon the units being placed in service*.

*This may be subject to congressional appropriation and continuation of the rental assistance program. For developments documenting the commitment of RD rental assistance, the minimum 20-year commitment term from the date the Development's units are placed in service is not applicable.

If the referenced letter is not provided, or if it is provided but it does not meet the criteria outlined above, the proposed Development will automatically be deemed to be RA Level 6.

- (ii) If the proposed Development will be Rehabilitation (the Applicant selected the Rehabilitation or Acquisition and Rehabilitation Development Category at question 5.c.(2) of Exhibit A):
 - (A) The Applicant must indicate at question 5.c.(3)(a) of Exhibit A the estimated qualified basis in Rehabilitation expenses per set aside unit within one 24-month period for the building(s) being rehabilitated. This amount must be at least \$25,000 per set-aside unit as outlined in Rule 67-48.0075, F.A.C.; and
 - (B) The Applicant must indicate at question 5.c.(3)(b) of Exhibit A whether the existing building(s) to be rehabilitated was originally built in 1996 or earlier, and has an active contract through one or more of the following HUD or RD programs: sections 202, 236, 514, 515, 516, 811, or either has PBRA or is public housing assisted through ACC, and the proposed Development did not close on funding from HUD or RD after 1996 where the budget was at least \$10,000 per unit for rehabilitation in any year.

Rehabilitation Applications (with or without Acquisition) that reflect an answer of "No" at question 5.c.(3)(b) of Exhibit A, as well as New Construction and Redevelopment (with or without Acquisition) Applications, will be eligible to be considered for the Development Category Funding Preference outlined in Section Four B of the RFA.

- (b) If Redevelopment or Acquisition and Redevelopment is selected at question 5.c.(2) of Exhibit A:

In order to qualify for the selected Development Category and determine the Development's RA Level classification, the following criteria must be met:

- (i) The Development must meet the definition of Redevelopment; and
- (ii) The Applicant must provide, as **Attachment 6** to Exhibit A, a letter from HUD or RD, dated within 12 months of the Application Deadline, which includes the following information:
 - Name of the Development*;
 - Address of the Development;
 - Year built;
 - Total number of units that will receive PBRA and/or ACC if the proposed Development is funded;

- Total number of units that currently have or are receiving PBRA and/or ACC. If none, the total number of units that originally received PBRA; and
- The HUD or RD program currently associated with the existing development. If none, the HUD or RD program originally associated with the existing development.

*For purposes of this provision, the Name of the Development may be the name at the time of the PBRA and/or ACC award.

If the Application does not qualify for the Development Category of Redevelopment or Acquisition and Redevelopment, the Application will not be eligible to be considered for funding under this RFA.

If the proposed Development consists of acquisition and rehabilitation, with or without new construction (where the applicable new construction is for the building of units which will total less than 50 percent of the proposed Development’s total unit count), and the Applicant is not requesting Corporation funding related to the acquisition, the Applicant should select Rehabilitation as the Development Category. However, the acquisition costs and sources must still be reflected on the Development Cost pro forma.

(3) Rental Assistance (RA) Level Classification:

Part of the criteria for a proposed Development that qualifies as a Limited Development Area (LDA) Development to be eligible for funding is based on meeting a minimum RA Level, as outlined at Section Four A.7.c. of the RFA.

The total number of units that will receive rental assistance (i.e., PBRA and/or ACC and, in the case of New Construction and Rehabilitation, other forms of federal long-term rental assistance), as stated in the Development Category qualification letter, will be considered to be the proposed Development’s RA units and will be the basis of the Applicant’s RA Level Classification. The Corporation will divide the RA units stated in the Development Category qualification letter by the total units stated by the Applicant at question 5.e. of Exhibit A, resulting in a Percentage of Total Units that are RA units. Using the Rental Assistance Level Classification Chart below, the Corporation will determine the RA Level associated with both the Percentage of Total Units and the RA units. The best rating of these two (2) levels will be assigned as the Application’s RA Level Classification.

Rental Assistance Level Classification Chart			
Rental Assistance Level	Percentage of Total Units that will receive Rental Assistance		Number of RA Units that will receive Rental Assistance
Level 1	All units (with the exception of up to 2 units)	or	At least 100 units and greater than 50% of the total units
Level 2	Greater than 90.00%	or	Greater than 90 units but less than 100 units and greater than 50% of the total units
Level 3	Greater than 75.00%, equal to or less than 90.00%	or	Greater than 75 units but less than 90 units and greater than 50% of the total units
Level 4	Greater than 50.00%, equal to or less than 75.00%		N/A
Level 5	Greater than 10.00%, equal to or less than 50.00%		N/A
Level 6*	10.00% or less of the total units receive rental assistance		N/A

*Applications will be classified RA Level 6 if 10.00% or less of the total units receive rental assistance or if the Applicant fails

to meet the criteria outlined above.

(4) Concrete Construction:

For purposes of this RFA, in order for a proposed Development to be considered to be concrete construction the proposed Development must meet the following specifications: (i) new construction buildings must have the following poured concrete or concrete masonry elements or load bearing masonry elements, as verified by a capital needs assessment: 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; (ii) existing buildings proposed for rehabilitation must have, as of Application Deadline, the elements outlined in (i) above and the rehabilitation work must include these elements; or (iii) new construction buildings with the Mid-Rise Development Type (4, 5 or 6 story, as selected by the Applicant at question 5.d. of Exhibit A) that utilize a concrete podium structure under the rental living units. These qualifying criteria specifically exclude face brick or brick veneer from qualifying as concrete construction for purposes of this RFA without the benefit of the qualifying material in (i) being utilized in the manner prescribed in (i).

Indicate whether the proposed Development meets the requirements to be considered to be concrete construction. For purposes of this RFA, the Corporation will only consider an Application to be concrete construction if the answer to question 5.c.(4) of Exhibit A is “Yes.”

- d. The Applicant must select the Development Type for the proposed Development. For purposes of determining the number of stories, each floor in the building(s) 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, 4-stories (a building comprised of 4 stories and each residential building must have at least one elevator)
 - Mid-Rise, 5 to 6-stories (a building comprised of 5 or 6 stories and each residential building must have at least one elevator)
 - High Rise (a building comprised of 7 or more stories and each residential building must have at least one elevator)
- e. Number of Units in Proposed Development:

- (1) The Applicant must state the total number of units.

Note: The proposed Development must consist of a minimum of 50 total units. Proposed Developments consisting of 75 or more total units will be eligible for the 75 or More Total Unit Funding Preference (outlined at Section Four B.2. of the RFA). If the Elderly Demographic Commitment (ALF or Non-ALF) is selected at question 2.b. of Exhibit A, the proposed Development cannot exceed the maximum total number of units outlined in Item 1 of Exhibit C of the RFA.

- (2) The Applicant must indicate whether the proposed Development consists of (a) 100% new construction units, (b) 100% rehabilitation units, or (c) a combination of new construction units and rehabilitation units, and state the quantity of each type.

- (3) The Applicant must indicate the occupancy status of any existing units at question 5.e.(3) of Exhibit A.

Developments that are tentatively funded will be required to provide to the Credit Underwriter a plan for relocation of existing tenants, as outlined in Item 2.b.(6) of the Applicant Certification and Acknowledgement form. 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 unit; as well as the approach to inform and prepare the residents for the rehabilitation activities.

f. Ability to Proceed:

The Applicant must demonstrate the following Ability to Proceed elements as of Application Deadline, for the entire proposed Development site, as outlined below. The Florida Housing Ability to Proceed Verification forms (Form Rev 08-16) are provided in Exhibit B of this RFA and on the Corporation’s Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)). Note: If the Applicant provides any prior version of the Florida Housing Ability to Proceed Verification form(s), the form(s) will not be considered.

- (1) Status of Site Plan/Plat Approval. The Applicant must demonstrate the status of site plan or plat approval, as of the Application Deadline, for the entire proposed Development site by providing, as **Attachment 7** to Exhibit A, the applicable properly completed and executed verification form:
 - (a) The Florida Housing Finance Corporation Local Government Verification of Status of Site Plan Approval for Multifamily Developments form (Form Rev. 08-16); or
 - (b) The Florida Housing Finance Corporation Local Government Verification of Status of Plat Approval for Residential Rental Developments form (Form Rev. 08-16).
- (2) Appropriate Zoning. The Applicant must demonstrate that as of the Application Deadline the entire proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming by providing, as **Attachment 8** to Exhibit A, the applicable properly completed and executed verification form:
 - (a) The Florida Housing Finance Corporation Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form (Form Rev. 08-16); or
 - (b) The Florida Housing Finance Corporation Local Government Verification that Permits are not Required for this Development form (Form Rev. 08-16).
- (3) Availability of Electricity. The Applicant must demonstrate that as of the Application Deadline electricity is available to the entire proposed Development site by providing as **Attachment 9** to Exhibit A:
 - (a) The properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Electricity form (Form Rev. 08-16); or
 - (b) A letter from the electricity service provider that is Development-specific and dated within 12 months of the Application Deadline. The letter may not be signed by the

Applicant, by any related parties of the Applicant, by any Principals or Financial Beneficiaries of the Applicant, or by any local elected officials.

- (4) Availability of Water. The Applicant must demonstrate that as of the Application Deadline water is available to the entire proposed Development site by providing as **Attachment 10** to Exhibit A:
 - (a) The properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Water form (Form Rev. 08-16); or
 - (b) A letter from the water service provider that is Development-specific and dated within 12 months of the Application Deadline. The letter may not be signed by the Applicant, by any related parties of the Applicant, by any Principals or Financial Beneficiaries of the Applicant, or by any local elected officials.
- (5) Availability of Sewer. The Applicant must demonstrate that as of the Application Deadline sewer capacity, package treatment or septic tank service is available to the entire proposed Development site by providing as **Attachment 11** to Exhibit A:
 - (a) The properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Sewer Capacity, Package Treatment, or Septic Tank form (Form Rev. 08-16); or
 - (b) A letter from the waste treatment service provider that is Development-specific and dated within 12 months of the Application Deadline. The letter may not be signed by the Applicant, by any related parties of the Applicant, by any Principals or Financial Beneficiaries of the Applicant, or by any local elected officials.
- (6) Availability of Roads. The Applicant must demonstrate that, for the entire proposed Development site, as of the Application Deadline paved roads either (i) exist and will provide access to the proposed Development site or (ii) will be constructed as part of the proposed Development by providing as **Attachment 12** to Exhibit A:
 - (a) The properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Roads form (Form Rev. 08-16); or
 - (b) A letter from the Local Government that is Development-specific and dated within 12 months of the Application Deadline. The letter may not be signed by the Applicant, by any related parties of the Applicant, by any Principals or Financial Beneficiaries of the Applicant, or by any local elected officials.

g. Unit Mix:

The Applicant must complete the Unit Mix Chart at question 5.g of Exhibit A, listing the total number of bedrooms per unit, the total number of bathrooms per unit (including half-baths, if applicable), and the total number of units per bedroom type. All units in the proposed Development must be listed, including all manager/employee units and all market rate units, if applicable. If additional space is required, enter the information in the Addenda located at the end of Exhibit A.

h. Placed-In-Service Date:

The Applicant should state the anticipated placed-in-service date for the proposed Development at question 5.h of Exhibit A.

6. Proximity:

a. Surveyor Certification Form:

(1) In order for an Application to meet the Mandatory requirement to provide a Development Location Point and applicable Scattered Sites information, and be eligible for proximity points, the Applicant must provide an executed Surveyor Certification form (Form Rev. 08-16) as **Attachment 13** to Exhibit A, reflecting the information outlined below. The Surveyor Certification Form is provided in Exhibit B of this RFA and on the Corporation's Website

<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)). Note: If the Applicant provides any Surveyor Certification form other than Form Rev. 08-16, the form will not be considered. In addition, the Surveyor Certification form will not be considered if Parts I through IV of the form are not completed, including selection of either question 1 (along with the applicable information) or question 2 of Part IV.

• A Development Location Point (as outlined in (3) below) at Part I of the form;

• Services information for the Bus or Rail Transit Service and Community Services for which the Applicant is seeking points at Parts II and III of the form;

• Applicable Scattered Sites answer (as outlined in (3) below) at Part IV of the form; and

• Small Area Difficult Development Area Zip Code Tabulation Area (DDA ZCTA) information, if applicable (as outlined in Section Four A.11.a.(1) below).

- A Development Location Point (as outlined in (3) below) at Part I of the form;
- Services information for the Bus or Rail Transit Service and Community Services for which the Applicant is seeking points at Parts II and III of the form;
- Applicable Scattered Sites answer (as outlined in (3) below) at Part IV of the form; and
- Small Area Difficult Development Area Zip Code Tabulation Area (DDA ZCTA) information, if applicable (as outlined in Section Four A.11.a.(1) below).

(2) Applications for proposed Developments that select and qualify for the Local Government Areas of Opportunity Funding points as outlined in Section Four A.10.b. of the RFA will (a) meet the Mandatory Distance requirements outlined at Section Four A.6.d. below and (b) automatically achieve the required Minimum Transit Service Score and the Minimum Total Proximity Score and receive the Maximum Total Proximity Score of 18 points without the requirement to provide the services information outlined in (c) below, provided the Applicant includes, as Attachment 13 to Exhibit A, an acceptable Surveyor Certification form (Form Rev. 08-16). For purposes of this requirement, acceptable means that the form reflects the Development Name, Development Location, Development Location Point information at Part I of the form, applicable Scattered Sites information at Part IV of the form (i.e., question 1 or question 2 is answered), as outlined above, and that the Certification sections of the form are completed. Parts II and III of the form, the Transit and Community Services sections, can be left blank.

(3) Development Location Point and Scattered Sites Information:

It is a Mandatory requirement that all Applicants identify a Development Location Point on the proposed Development site at Part I of the Surveyor Certification form, as well as a latitude and longitude coordinate at Part IV of the form for each of the other sites if the proposed Development consists of Scattered Sites. All latitude and longitude coordinates must be determined in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds represented to 2 decimal places. If the degrees and minutes are not stated as whole numbers and the seconds are not represented to 2 decimal places, the latitude and longitude coordinates will not be considered.

The latitude and longitude coordinates for the Development Location Point and any Scattered Sites coordinates stated on the Surveyor Certification form will be plotted by the Corporation, using Street Atlas USA 2015, published by DeLorme, for the following purposes:

- (a) To verify that the stated coordinates are located within the county identified by the Applicant at question 5.b.(2) of Exhibit A;
- (b) To determine whether the proposed Development is at least the mandatory distance away from the closest Development coordinates identified on the August 5, 2016 FHFC Development Proximity List (the “Mandatory Distance Requirement”), as outlined in Section Four A.6.d. of the RFA, if not eligible for automatic qualification as outlined in (2) above; and
- (c) To determine whether the Development Location Point and/or any Scattered Sites for the proposed Development qualifies as an LDA Development if located within a county where only a specific area(s) of the county has been designated as an LDA area, as outlined in Section Four A.7.c. of the RFA.

Note: In order for the Surveyor Certification form to be considered, Part IV, Scattered Sites, must be completed as follows: (i) if the proposed Development consists of Scattered Sites, the required information must be provided at question 1, or (ii) if the proposed Development does not consist of Scattered Sites, question 2 must be selected.

b. Transit and Community Services Proximity Points (**Maximum 18 Points**):

The Application may earn proximity points based on the distance between the Development Location Point and the Bus or Rail Transit Service (if Private Transportation is not selected at question 6.b. of Exhibit A) and the Community Services stated on the Surveyor Certification form.

(1) PHA or RD Proximity Point Boost:

To be eligible to receive the Proximity Point Boost, the Applicant must select either question 6.a.(1) or 6.a.(2) of Exhibit A and provide the required information. Even if the Application is eligible for both items (a) and (b) below, the Application shall only receive one 3 point boost.

(a) PHA Point Boost:

An Application that involves a site(s) with an existing Declaration of Trust between a Public Housing Authority (PHA) and HUD will qualify to receive a 3 point boost toward its proximity score if the Applicant provides a letter from the PHA dated within 12 months of the Application Deadline certifying that the site(s) where all of the units in the proposed Development will be located has an existing Declaration of Trust between the PHA and HUD. The letter must be signed by the appropriate person authorized to make such a certification and must be provided as **Attachment 13** to Exhibit A. Note: this 3 point boost cannot count toward meeting the mandatory Minimum Transit Services score outlined in (2) below.

or

(b) RD Point Boost:

An Application that involves property that is currently assisted with RD 515 funding will qualify to receive a 3 point boost toward its proximity score if the Applicant (i) selects RD 515 at question 11.b.(3) of Exhibit A and (ii) demonstrates RD 515 funding, at Attachment 17, as outlined in Section Four A.11.b.(3)(b) of the RFA.

Note: this 3 point boost cannot count toward meeting the mandatory Minimum Transit Services score outlined in (2) below.

(2) Minimum and Maximum Proximity Points:

The following chart sets out the Minimum and Maximum Proximity Points that must be achieved by all Applications for proposed Developments located in all jurisdictions other than those Applications that select and qualify for the Local Government Areas of Opportunity Funding points:

- (a) The required Minimum Transit Service Score that must be achieved in order for an Application to be eligible to be considered for funding;
- (b) The required Minimum Total Proximity Score that must be achieved in order for an Application to be eligible to be considered for funding; and
- (c) The required Minimum Total Proximity Score that must be achieved in order for an Application to receive the Maximum 18 Proximity Points.

To be Eligible to be Considered for Funding*			To be Eligible to Receive the Maximum Amount of 18 Points
Required Minimum Transit Service Score if Eligible for Proximity Point Boost	Required Minimum Transit Service Score if NOT Eligible for Proximity Point Boost	Required Minimum Total Proximity Score that Must be Achieved	Required Minimum Total Proximity Score that Must be Achieved
1.5	2	10.50	12.50

*Funding eligibility requirements are further described in Section Four B.1. of the RFA.

The Transit and Community Services are further outlined in Item 6.c. below.

c. Proximity to Transit and Community Services:

(1) Transit Services

Applicants may select one (1) of the following five (5) Transit Services on which to base the Application’s Transit Score. If the Applicant selects Private Transportation at question 6.b. of Exhibit A and also provides information on the Surveyor Certification form for a Bus or Rail Transit Service, or if the Applicant provides information on the Surveyor Certification form for more than one (1) Bus or Rail Transit Service or more than one (1) of any type of Bus or Rail Transit Service, the Applicant will not receive any proximity points for the Transit Service Score. (For example, Applicants are limited to selecting one Public Bus Transfer Stop, even though there may be another Public Bus Transfer Stop nearby. If the Applicant provides information for two Public Bus Transfer Stops, the Applicant will not receive any proximity points for either of the Public Bus Transfer Stops.)

The eligible Transit Services are defined below:

(a) Private Transportation (2 Points)

This service may be selected only if the Applicant selected the Elderly Demographic Commitment (ALF or Non-ALF) at question 2.b. of Exhibit A. For purposes of proximity points, the Applicant or its Management Company must provide, at no cost to the residents, transportation to non-emergency medical appointments such as

therapy, chemotherapy, dentistry, hearing, dialysis, prescription pick-ups, testing and x-rays, as well as shopping, public service facilities, and/or educational or social activities. The vehicle used for the residents' transportation must accommodate at least six (6) adult passengers, including the vehicle's driver and at least one wheelchair position. Access to a program such as "Dial-A-Ride" will not be acceptable for purposes of this service.

or

(b) Public Bus Stop (Maximum 2 Points)

This service may be selected by all Applicants, regardless of whether the Applicant selected the Family or Elderly (ALF or Non-ALF) Demographic Commitment at question 2 of Exhibit A. For purposes of proximity points, a Public Bus Stop means a fixed location at which passengers may access one or two routes of public transportation via buses. The Public Bus Stop must service at least one bus route with scheduled stops at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, excluding holidays, on a year-round basis. Bus routes must be established or approved by a Local Government department that manages public transportation. Buses that travel between states will not be considered.

or

(c) Public Bus Transfer Stop (Maximum 6 Points)

This service may be selected by all Applicants, regardless of whether the Applicant selected the Family or Elderly (ALF or Non-ALF) Demographic Commitment at question 2 of Exhibit A. For purposes of proximity points, a Public Bus Transfer Stop means a fixed location at which passengers may access at least three routes of public transportation via buses. Each qualifying route must have a scheduled stop at the Public Bus Transfer Stop at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, excluding holidays, on a year-round basis. This would include both bus stations (i.e., hubs) and bus stops with multiple routes. Bus routes must be established or approved by a Local Government department that manages public transportation. Buses that travel between states will not be considered.

or

(d) Public Bus Rapid Transit Stop (Maximum 6 Points)

This service may be selected by all Applicants, regardless of whether the Applicant selected the Family or Elderly (ALF or Non-ALF) Demographic Commitment at question 2 of Exhibit A. For purposes of proximity points, a Public Bus Rapid Transit Stop means a fixed location at which passengers may access public transportation via bus. The Public Bus Rapid Transit Stop must service at least one bus that travels at some point during the route in either a lane or corridor that is exclusively used by buses, and the Public Bus Rapid Transit Stop must service at least one route that has scheduled stops at the Public Bus Rapid Transit Stop at least every 20 minutes during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, excluding holidays, on a year-round basis.

or

(e) Public Rail Station (Maximum 6 Points)

Applicants may select this service regardless of whether the Applicant selected the Family or Elderly (ALF or Non-ALF) Demographic Commitment at question 2 of Exhibit A. For purposes of proximity points, a Public Rail Station means a fixed location at which passengers may access the scheduled public rail transportation, on a year-round basis, at a TriRail Station (located in Broward County or Palm Beach County) or a SunRail Station (located in Orange County or Osceola County, which includes the following Phase 1 and Phase 2 Stations:

County	Phase 1 SunRail Stations	Phase 2 SunRail Stations
Orange	Church Street Station Florida Hospital Station LYNX Central Station Maitland Station Orlando Amtrak/ORMC Station Sand Lake Road Station Winter Park/Park Ave Station	Meadow Woods Station
Osceola		Osceola Parkway/Tupperware Station

(2) Community Services (Maximum 4 Points for each service with a Maximum of 3 Services)

The Community Services that may be selected are based on the Applicant’s Demographic Commitment selection at question 2 of Exhibit A of the RFA, as outlined below.

Applicants are limited to one (1) of each applicable type of Community Service. If the Applicant provides information for more than one (1) of any type of Community Service, that Community Service will not be scored and the Applicant will not receive any proximity points for that Community Service. (For example, Applicants are limited to selecting one Grocery Store, even though there may be another Grocery Store nearby. If the Applicant provides information for two Grocery Stores, the Applicant will not receive any proximity points for either of the Grocery Stores.)

The eligible Community Services are defined below:

- (a) Grocery Store - This service may be selected by all Applicants, regardless of whether the Applicant selected the Family or Elderly (ALF or Non-ALF) Demographic Commitment at question 2 of Exhibit A. For purposes of proximity points, a Grocery Store means a retail food store consisting of 4,500 square feet or more of contiguous air-conditioned space available to the public, that has been issued a food permit, current and in force as of the dates outlined in the In-Service Time Frames chart in Item 6.c.(3) below, issued by the Florida Department of Agriculture and Consumer Service (FDACS) which designates the store as a Grocery Store or Supermarket within the meaning of those terms for purposes of FDACS-issued food permits.
- (b) Public School - This service may be selected only if the Applicant selected the Family Demographic Commitment at question 2.a. of Exhibit A. For purposes of proximity points, a Public School means a public elementary, middle, junior and/or high school, where the principal admission criterion is the geographic proximity to the school. This may include a charter school, if the charter school is open to appropriately aged children in the radius area who apply, without additional requirements for admissions such as passing an entrance exam or audition, payment of fees or tuition, or demographic diversity considerations.
- (c) Medical Facility - This service may be selected by all Applicants, regardless of whether the Applicant selected the Family or Elderly (ALF or Non-ALF) Demographic Commitment at question 2 of Exhibit A. For purposes of proximity

points, a Medical Facility means 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; and (ii) provides general medical treatment to any physically sick or injured person. Facilities that specialize in treating specific classes of medical conditions or specific classes of patients, including emergency rooms affiliated with specialty or Class II hospitals and clinics affiliated with specialty or Class II hospitals, will not be accepted.

(d) Pharmacy- This service may be selected only if the Applicant selected the Elderly Demographic Commitment (ALF or Non-ALF) at question 2.b. of Exhibit A. For purposes of proximity points, a Pharmacy means a community pharmacy operating under a valid permit issued pursuant to s. 465.018, F.S., current and in force as of the dates outlined in the In-Service Time Frames chart in Item 6.c.(3) below and open to the general public at least five (5) days per week without the requirement of a membership fee.

(3) In-Service Time Frames:

In addition to meeting the definitions outlined above, in order to be considered for proximity points in this RFA, the Bus and Rail Transit Services and the Community Services must be in existence and available for use by the general public as of the following time frames:

Service	Minimum Amount of time that the service must be in existence and available for use by the general public
Bus, TriRail, and SunRail Phase 1 Transit Services	As of the Application Deadline
SunRail Phase 2 Transit Services (all acceptable coordinates outlined on the Coordinates Location Chart in (4) below and on the Surveyor Certification form)	No time frame required
Public School and Medical Facility	As of the Application Deadline
Grocery Store, if it is one of the following and meets the definition of Grocery Store at (2)(a) above: Albertson’s, Aldi, Bravo Supermarkets, BJ’s Wholesale Club, Costco Wholesale, Food Lion, Fresh Market, Harvey’s, Milam’s Markets, Piggly Wiggly, Presidente, Publix, Sam’s Club, Sav – A – Lot, Sedano’s, SuperTarget, Walmart Neighborhood Market, Walmart Supercenter, Whole Foods, Winn-Dixie	As of the Application Deadline
Grocery Store, if it meets the definition of Grocery Store, but is not one of the stores identified above	As of the Application Deadline and has been open and available for use by the general public since a date that is 6 months prior to the Application Deadline
Pharmacy, if it is one of the following and meets the definition of Pharmacy at (2)(d) above: Albertson’s, CVS, Harvey’s, Kmart, Navarro’s, Piggly Wiggly, Publix, Sav – A – Lot, Target, Walgreens, Wal-Mart, Winn-Dixie	As of the Application Deadline
Pharmacy, if it meets the definition of Pharmacy, but is not one of the stores identified above	As of the Application Deadline and has been open and available for use by the general public since a date that is 6 months prior to the Application Deadline

(4) Required Information for the Surveyor Certification Form:

The latitude and longitude coordinates for all Bus and Rail Transit Services and all Community Services must represent a point as outlined below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds represented to 2 decimal places. If the degrees and minutes are not stated as whole numbers and the seconds are not represented to 2 decimal places, the Applicant will not be eligible for points for that service.

The following chart describes the location where the latitude and longitude coordinates must be obtained:

Coordinates Location Chart

Development Location Point or Service	Location of latitude and longitude coordinates						
Development Location Point	Coordinates must be a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means 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.						
Community Services	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.						
Bus and Rail Transit Services	<p>For Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop, TriRail Station, and SunRail Phase 1 Station, coordinates must represent the location where passengers may embark and disembark the bus or train.</p> <p>For SunRail Phase 2 Station, coordinates must represent the coordinates listed below:</p> <table border="1" data-bbox="654 680 1349 749"> <thead> <tr> <th data-bbox="654 680 1040 705">Phase 2 SunRail Station</th> <th data-bbox="1040 680 1349 705">Latitude/Longitude Coordinates</th> </tr> </thead> <tbody> <tr> <td data-bbox="654 705 1040 730">Meadow Woods Station</td> <td data-bbox="1040 705 1349 730">N28 23 12.19 W081 22 26.59</td> </tr> <tr> <td data-bbox="654 730 1040 749">Osceola Parkway/Tupperware Station</td> <td data-bbox="1040 730 1349 749">N28 20 35.55 W081 23 24.07</td> </tr> </tbody> </table>	Phase 2 SunRail Station	Latitude/Longitude Coordinates	Meadow Woods Station	N28 23 12.19 W081 22 26.59	Osceola Parkway/Tupperware Station	N28 20 35.55 W081 23 24.07
Phase 2 SunRail Station	Latitude/Longitude Coordinates						
Meadow Woods Station	N28 23 12.19 W081 22 26.59						
Osceola Parkway/Tupperware Station	N28 20 35.55 W081 23 24.07						

If there is no exterior public entrance to the Community Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For example, for a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the latitude and longitude coordinates at the doorway threshold of the exterior public entrance to the enclosed shopping mall that provide the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

Applicants may use the same latitude and longitude coordinates for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.

(5) Scoring Proximity to Services (Transit and Community):

(a) Private Transportation

Applicants that selected the Elderly Demographic (ALF or Non-ALF) at question 2.b. of Exhibit A and wish to provide Private Transportation as the Transit Service must select “Yes” at question 6.b. of Exhibit A to be eligible to receive 2 points.

(b) Bus and Rail Transit Services and Community Services

The distances between the Development Location Point and each service, as certified by the Surveyor on the Surveyor Certification form, will be the basis for awarding proximity points. Failure to provide the distance for any Community Service will result in zero points for that Community Service. Failure to provide the distance for any Bus or Rail Transit Service will result in zero points for that Transit Service.

(i) Transit Service Distance Scoring Charts:

Note: Section Four A.6.b.(2) above outlines the minimum Transit Service Score requirements.

Public Bus Stop	
Proximity of Proposed Development's Development Location Point to a Public Bus Stop stated on the Form	Number of Proximity Points Awarded for Eligible Service
if less than or equal to 0.20 miles	2.0
if greater than 0.20 and less than or equal to 0.30 miles	1.5
if greater than 0.30 miles	0.0

TriRail Station, SunRail Station, Public Bus Transfer Stop, or Public Bus Rapid Transit Stop	
Proximity of Proposed Development's Development Location Point to a TriRail Station, a SunRail Station, a Public Bus Transfer Stop or a Public Bus Rapid Transit Stop stated on the Form	Number of Proximity Points Awarded for Eligible Service
if less than or equal to 0.25 miles	6.0
if greater than 0.25 and less than or equal to 0.50 miles	5.5
if greater than 0.50 and less than or equal to 0.75 miles	5.0
if greater than 0.75 and less than or equal to 1.00 miles	4.5
if greater than 1.00 and less than or equal to 1.25 miles	4.0
if greater than 1.25 and less than or equal to 1.50 miles	3.5
if greater than 1.50 and less than or equal to 1.75 miles	3.0
if greater than 1.75 and less than or equal to 2.00 miles	2.5
if greater than 2.00 miles	0.0

(ii) Community Services Scoring Charts:

Grocery Store, Medical Facility and Pharmacy	
Proximity of Proposed Development's Development Location Point to an eligible Grocery Store, Medical Facility, and Pharmacy stated on the Form	Number of Proximity Points Awarded for Eligible Service
if less than or equal to 0.25 miles	4.0
if greater than 0.25 and less than or equal to 0.50 miles	3.5
if greater than 0.50 and less than or equal to 0.75 miles	3.0
if greater than 0.75 and less than or equal to 1.00 miles	2.5
if greater than 1.00 and less than or equal to 1.25 miles	2.0

if greater than 1.25 and less than or equal to 1.50 miles	1.5
if greater than 1.50 and less than or equal to 1.75 miles	1.0
if greater than 1.75 and less than or equal to 2.00 miles	0.5
If greater than 2.00 miles	0.0

Public School	
Proximity of Proposed Development’s Development Location Point to an eligible Public School stated on the Form	Number of Proximity Points Awarded for Eligible Service
if less than or equal to 0.50 miles	4.0
if greater than 0.50 and less than or equal to 1.00 miles	3.0
if greater than 1.00 and less than or equal to 1.50 miles	2.0
if greater than 1.50 and less than or equal to 2.00 miles	1.0
if greater than 2.00 miles	0

d. **Mandatory Distance Requirement:**

To be eligible to be considered for funding, Applications must qualify for the Mandatory Distance Requirement. Applications may qualify automatically (as outlined in (1) below). Applications that are not eligible for the automatic qualification will only qualify if the distance between the coordinates stated on the Surveyor Certification form (for the Development Location Point and any Scattered Sites), and other properties identified on the August 5, 2016 FHFC Development Proximity List (the List) serving the same demographic group as the proposed Development meets the Mandatory Distance Requirements outlined in (2) below. The List is available on the Corporation’s Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/OtherInformation/> (also accessible by clicking [here](#)). Applications that do not qualify for the Mandatory Distance Requirement under (1) or (2) below will not be eligible to be considered for funding.

(1) **Applications Eligible for the Automatic qualification for the Mandatory Distance Requirement:**

To automatically qualify for the Mandatory Distance Requirement, the proposed Development must meet the criteria outlined in question 6.c.(1)(a), 6.c.(1)(b), or 6.c.(1)(c) of Exhibit A. If the proposed Development does not meet the criteria outlined in question 6.c.(1)(a), 6.c.(1)(b), or 6.c.(1)(c) of Exhibit A, the proposed Development must meet the criteria outlined in (2) below.

(2) **Applications Not Eligible for the Automatic qualification for the Mandatory Distance Requirement:**

The Applicant must determine whether the Application meets the qualifications of the Mandatory Distance Requirement based on whether the coordinates stated on the Surveyor Certification form meet the criteria for the applicable distance from a Development on the List serving the same demographic group (as outlined in (e) below). To make such determination, the Applicant, using Street Atlas USA 2015, published by DeLorme, should follow the steps outlined below. For purposes of this provision, same demographic refers to Family demographic, Elderly Non-ALF demographic, and Elderly ALF demographic.

- (a) Select the “Advanced” search button on the “Find” tab, to the right of the “Advanced” button select “Latitude/ Longitude” from the drop down menu under “Find:”, check the “MapTags” box, enter the latitude and longitude coordinates stated on the Surveyor Certification form in the appropriate blanks to the right and then click the “Search” button. A “MapTag” with the entered coordinates will then appear in the appropriate location.
- (b) For each Development on the List that serves the same demographic group as the proposed Development which is in proximity to the proposed Development’s coordinates stated on the Surveyor Certification form, repeat the steps stated above to display MapTags for the Development(s). For those Developments on the List that have more than one set of latitude and longitude coordinates, the Corporation will use the coordinates that represent the closest location to the coordinates stated on the proposed Development’s Surveyor Certification form as the location of the Development from the List for the purposes of awarding proximity points.
- (c) Select the “Draw” tab. Under “Tools”, select the circle or, if there is no circle, click and hold the left mouse button and this will provide several shape options, one of which is a circle. To the right, use the thinnest line possible, select “None” as the fill color for the circle and choose a color such as black for the outline. Enter the latitude and longitude coordinates stated on the proposed Development’s Surveyor Certification form in the space provided, and then enter, as appropriate, 0.5, 1.0, 2.0 or 5.0 miles for the radius. Upon selecting the “Apply” button, the software will draw a circle, with the radius entered, around the coordinates stated on the Surveyor Certification form.
- (d) If the tip of any of the MapTags entered for the Developments on the List are within the drawn circle or, when the map is zoomed in as far as possible, if the tip of any of the entered MapTags appears to the naked eye to be on the drawn line of the circle, the Applicant can conclude that the coordinates stated on the Surveyor Certification form is within the distance entered for the radius of the circle of a Development from the List. The tip of a MapTag is the point of the MapTag that denotes the actual location of what the MapTag represents.
- (e) For purposes of the following, a proposed Development qualifies as an LDA Development if it meets the provisions described in Section Four A.7.c. of the RFA.

Applications will qualify for the Mandatory Distance Requirement by meeting the following:

- (i) Broward County Applications will qualify for the Mandatory Distance Requirement if the distance of the proposed Development to Developments on the List is greater than 0.5 miles.

(ii) Duval County, Hillsborough County, Orange County, Palm Beach County, and Pinellas County Applications will qualify for the Mandatory Distance Requirement by meeting the following:

- If the distance of the proposed Development to Developments on the List is greater than 5.0 miles if the proposed Development qualifies as an LDA Development; or
- If the distance of the proposed Development to Developments on the List which consist of 31 total units or more is greater than 2.0 miles if the proposed Development does not qualify as an LDA Development; or
- If the distance of the proposed Development to Developments on the List which consist of 30 total units or less is greater than 1.0 miles if the proposed Development does not qualify as an LDA Development.

If the location of the proposed Development is such that both the 2.0 miles criteria and the 1.0 miles criteria would apply, the more restrictive 1.0 miles criteria will be used to evaluate the Application.

If Street Atlas USA 2015 does not recognize the Development Location Point or any Scattered Sites coordinates, as applicable, and the proposed Development is not eligible for automatic qualification, then the proposed Development will be deemed to have not met the Mandatory Distance Requirement.

An Applicant may disregard any Development(s) on the List if the proposed Development and any Development(s) on the List have one or more of the same Financial Beneficiaries and meet at least one (1) of the following criteria: (i) they are contiguous or are divided by a street, and/or (ii) they are divided by a prior phase of the proposed Development. If this provision applies to the proposed Development, the Applicant must identify (at question 6.c.(2) of Exhibit A) the Development(s) on the List that it wishes to disregard.

7. Set-Aside Commitments:

a. Minimum Set-Aside per Section 42 of the IRC:

The Applicant must elect one of the following minimum set-aside commitments:

- 20% of the units at 50% or less of the Area Median Income (AMI)
- 40% of the units at 60% or less of the AMI

Note: Choosing the 20 percent at 50 percent AMI or less minimum set-aside will restrict ALL set-aside units at 50 percent or less of the AMI. Applicants may choose the 40 percent at 60 percent AMI or less minimum set-aside without committing to set aside any of the units at the 60 percent AMI level. For example, an Applicant may commit to set aside 40 percent at 50 percent AMI and this would also be considered 40 percent at 60 percent AMI or less.

b. Set-Aside Commitments per Corporation Requirements:

The Corporation has set-aside requirements beyond those required by Section 42 of the IRC which must be reflected on the Total Set-Aside Breakdown Chart at question 7.b. of Exhibit A, as outlined below:

(1) Total Income Set-Aside Commitment:

- (a) If the proposed Development has a Demographic Commitment of Family or Elderly Non-ALF (at question 2.a. or 2.b.(2) of Exhibit A), the Applicant must set aside a total of at least 80 percent of the Development's total units at 60 percent AMI or less; or
- (b) If the proposed Development has a Demographic Commitment of Elderly ALF (at question 2.b.(1) of Exhibit A), the Applicant must set aside a total of at least 50 percent of the Development's total units at 60 percent AMI or less.

(2) ELI Set-Aside Requirements:

For purposes of the following, the requirement to set aside units for ELI Households refers to the ELI AMI level for the county where the proposed Development is located. The ELI County Chart is set out in Item 6 of Exhibit C of the RFA.

(a) Required Minimum ELI Set-Aside Commitments:

- (i) If the proposed Development does not qualify as an LDA Development, the Applicant must set aside 10 percent of the total units as ELI Set-Aside units; or
- (ii) If the proposed Development qualifies as an LDA Development (as outlined in Item c.(1) below) and meets all of the applicable LDA Development Conditions outlined in Item c.(2) below, the Applicant must set aside 30 percent of the total units as ELI Set-Aside units.

If the Set-Aside Breakdown Chart reflects more than the applicable required percentage of the total units at the ELI AMI level for the county where the proposed Development is located, during the credit underwriting process the Credit Underwriter will determine whether the Applicant's ELI Set-Aside unit commitment will need to be reduced by increasing the set aside units at AMI level(s) above the ELI level. Any such reduction in the ELI Set-Aside units would be no lower than the applicable required percentage.

(b) Required ELI Units for Persons with Special Needs:

With the exception of Developments financed with HUD Section 811 and Applicants that select the Elderly ALF Demographic Commitment at question 2.b.(1) of Exhibit A, all Developments must commit to set-aside a portion of ELI Set-Aside units as Link Units for Persons with Special Needs. The required percentage is provided in (i) and (ii) below and is based on whether the Development is an LDA Development or a Non-LDA Development.

- (i) If the proposed Development does not qualify as an LDA Development, the Applicant must set aside 50 percent of the ELI Set-Aside units for Persons with Special Needs; or
- (ii) If the proposed Development qualifies as an LDA Development, (as outlined in Item c.(1) below) and meets all of the applicable LDA Development Conditions outlined in Item c.(2) below, the Applicant must set aside 30 percent of the ELI Set-Aside units for Persons with Special Needs.

The Persons with Special Needs must be referred by a Corporation-designated Special Needs Household Referral Agency in accordance with the Corporation's Link Strategy. The current list of designated Special Needs Household Referral

Agencies for each county is published on the Corporation's Website at <http://apps.floridahousing.org/StandAlone/SpecialNeeds/ContentPage.aspx?PAGE=Link%20Initiative%20Page> (also accessible by clicking [here](#)). The Applicant must execute a Link Memorandum of Understanding (MOU) with at least one of the Special Needs Household Referral Agencies serving the Development's county. The deadline for the Corporation's approval of the fully executed Link MOU will be stated in the invitation to enter credit underwriting. Additional requirements for the Link Units for Persons with Special Needs are described in Exhibit D of the RFA.

The Applicant must take the above ELI and Persons with Special Needs set-aside commitments into account during any pre-leasing and leasing activities.

c. Limited Development Area (LDA):

(1) A proposed Development will be designated as an LDA Development if:

- (a) It is located in a County or an area of a County that has been designated by the Corporation as an LDA area, and
- (b) The Applicant selected the applicable Demographic Commitment (Elderly or Family) that is associated with the LDA area.

Applicants should use the LDA Chart set out at Item 5 of Exhibit C of the RFA to determine whether the proposed Development qualifies as an LDA Development.

(2) For an LDA Development to be deemed eligible for funding under this RFA it must meet all of the following LDA Development Conditions. An LDA Development that does not meet all of the following LDA Development Conditions will be ineligible to be considered for funding. The Conditions are:

- (a) The Applicant demonstrated its commitment to set aside 30 percent of the total units as ELI Set-Aside units on the Total Set-Aside Breakdown Chart at question 7.b. of Exhibit A;
- (b) The proposed Development is classified as RA Level 1 or RA Level 2;
- (c) The Percentage of Total Units that will have Rental Assistance is greater than 75 percent; and
- (d) The proposed Development consists of a total of 250 units or less (Note: the total number of units is further restricted by the Elderly Demographic provisions (outlined in Item 1 of Exhibit C of the RFA) if the Applicant selected the Elderly Demographic Commitment at question 2.b. of Exhibit A).

(3) If the proposed Development is located in a county where only a portion(s) of the county is included on the LDA Chart and the proposed Development's Demographic Commitment is one of the applicable Demographic Categories on the LDA Chart, the Corporation will verify whether the Development Location Point and, if applicable, any Scattered Site(s) stated on the Surveyor Certification form described in Section Four A.6. of the RFA are within the boundaries of the area designated as an LDA in order to determine whether the proposed Development qualifies as an LDA Development. To make such determination, Street Atlas USA 2015, published by DeLorme, will be used. If Street Atlas USA 2015 does not recognize the Development Location Point or Scattered Sites coordinates, as applicable, then the proposed Development will be

deemed to be an LDA Development and must meet all of the applicable LDA Development Conditions outlined in (2) above to be eligible to be considered for funding.

d. Total Set-Aside Breakdown Chart:

The Total Set-Aside Breakdown Chart must reflect all income set-aside commitments (required set-asides and additional set-asides, including all required ELI set-asides) and the required total set-aside percentage (as further outlined below).

The Applicant must complete the Total Set-Aside Breakdown Chart at question 7.b. of Exhibit A of the RFA. The Applicant must indicate on the chart the percentage of residential units, stated in whole numbers, to be set aside at each selected AMI level. Where reasonably possible, Applicants will be required to keep the unit mix consistent across each committed AMI level.

e. Affordability Period:

The Applicant commits to set aside the units for a minimum length of 50 years, as further outlined in Item 3.m. of the Applicant Certification and Acknowledgement form. The affordability period includes the units set aside for ELI Households and Persons with Special Needs.

8. Site Control:

The Applicant must demonstrate site control by providing, as **Attachment 14** 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 30, 2017 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 30, 2017; 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. Any assignment must be signed by the assignor and the assignee. 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 30, 2017 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 30, 2017, 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 50 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 50 years from the Application Deadline. Any assignment must be signed by the assignor and the assignee.

9. Construction Features and Resident Programs:

a. Construction Features:

The following construction features commitments apply to all units in the proposed Development and are in addition to the required construction features outlined in Item 3 of Exhibit C of the RFA.

(1) If the Applicant selected the Development Category of Rehabilitation or Acquisition and Rehabilitation (at question 5.c.(2) of Exhibit A), Green Building Features must be provided. It is a Mandatory requirement that the Applicant select enough features at question 9.a.(1) of Exhibit A so that the total point value of the features selected equals at least 10. Failure of the Applicant to select at least 10 points worth of the features at question 9.a.(1) of Exhibit A will result in the Application failing to meet this Mandatory requirement.

The features which may be selected are as follows:

- Programmable thermostat in each unit (2 points)
- Humidistat in each unit (2 points)
- Water Sense certified dual flush toilets in all bathrooms (2 points)
- Light colored concrete pavement instead of or on top of asphalt to reduce the heat-island effect (2 points)
- Energy Star qualified roof coating (2 points) *
- Energy Star qualified roofing materials (metal, shingles, thermoplastic polyolefin (TPO), or tiles) (3 points) *
- Eco-friendly cabinets – formaldehyde free and material must be certified by the Forest Stewardship Council or a certification program endorsed by the Programme for the Endorsement of Forest Certification (3 points)
- Eco-Friendly flooring for entire unit – Carpet and Rug Institute Green Label certified carpet and pad, bamboo, cork, 80% recycled content tile, and/or natural linoleum (3 points)
- High Efficiency HVAC with SEER of at least 16 (2 points) **
- Energy efficient windows in each unit (3 points)
 - For all Development Types except Mid-Rise and High Rise: Energy Star rating for all windows in each unit;
 - For Development Types of Mid-Rise and High Rise:
 - U-Factor of 0.50 or less and a SHHGC of 0.25 or less where the fenestration is fixed; and
 - U-Factor of 0.65 or less and a SHHGC of 0.25 or less where the fenestration is operable (i.e., the window opens)
- Florida Yards and Neighborhoods certification on all landscaping (2 points)
- Install daylight sensors, timers or motion detectors on all outdoor lighting attached to buildings (2 points)

*Applicant may choose only one option related to Energy Star qualified roofing.

**Applicants who choose high efficiency HVACs must meet the standards listed here, which exceed the minimum Green Building Features required of all Developments in Exhibit C.

- (2) If the Applicant selected the Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment (at question 5.c.(2) of Exhibit A), the Applicant must indicate its commitment to achieve one of the following Green Building Certification programs: Leadership in Energy and Environmental Design (LEED); Florida Green Building Coalition (FGBC); or ICC 700 National Green Building Standard (NGBS). Selection of the program will be accomplished during the credit underwriting process. Failure of the Applicant to select “Yes” at question 9.a.(2) of Exhibit A will result in the Application failing to meet this Mandatory requirement.

b. Resident Programs:

The following resident programs commitments are in addition to the required resident programs outlined in Item 4 of Exhibit C of the RFA.

(1) Family Demographic Commitment:

If the Applicant selected the Family Demographic (at question 2.a. of Exhibit A), the Applicant must provide at least three (3) of the resident programs outlined below. It is a Mandatory requirement that the Applicant select at least three (3) of the resident programs at question 9.b.(1) of Exhibit A. Applicants who fail to select the required minimum number of resident programs will not meet this Mandatory requirement. The eligible resident programs which may be selected are as follows:

- (a) 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.
- (b) Literacy Training – The 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.
- (c) Employment Assistance Program – The 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.

If the Development consists of Scattered Sites and the training is provided on site, it must be provided on the Scattered Site with the most units. If the training is not

provided on-site, transportation at no cost to the resident must be provided. Electronic media, if used, must be used in conjunction with live instruction.

- (d) Family Support Coordinator – The Applicant must provide a Family Support Coordinator at no cost to the resident. The Family Support Coordinator shall assist residents in assessing needs and obtaining services, with the goal of promoting successful tenancies and helping residents achieve and maintain maximum independence and self-sufficiency. Responsibilities shall include linking residents with public and private resources in the community to provide needed assistance, develop and oversee on-site programs and activities based on the needs and interests of residents, and support residents in organizing group activities to build community and to address and solve problems such as crime and drug activity. The duties of the Family Support Coordinator shall not be performed by property management staff. The Coordinator shall be on-site and available to residents at least 20 hours per week, within the hours of 9 a.m. and 8 p.m. The Coordinator may be an employee of the Development or, through an agreement, an employee of a third party agency or organization that provides these services.
- (e) Financial Management Program – The Applicant or its Management Company shall provide a series of classes to provide residents training in various aspects of personal financial management. Classes must be held at least quarterly, consisting of at least two (2) hours of training per quarter, and must be conducted by parties that are qualified to provide training regarding the respective topic area. If the Development consists of Scattered Sites, the Resident Program must be held on the Scattered Site with the most units. Residents residing at the other sites of a Scattered Site Development must be offered transportation, at no cost to them, to the classes. The topic areas must include, but not be limited to:
- Financial budgeting and bill-paying including training in the use of technologies and web-based applications;
 - Tax preparation including do's and don'ts, common tips, and how and where to file, including electronically;
 - Fraud prevention including how to prevent credit card and banking fraud, identity theft, computer hacking and avoiding common consumer scams;
 - Retirement planning & savings options including preparing a will and estate planning; and
 - Homebuyer education including how to prepare to buy a home, and how to access to first-time homebuyer programs in the County in which the development is located.

Different topic areas must be selected for each session, and no topic area may be repeated consecutively.

(2) Elderly Non-ALF Demographic Commitment:

If the Applicant selected the Elderly Non-ALF Demographic (at question 2.b.(2) of Exhibit A), the Applicant must provide at least three (3) of the resident programs outlined below. It is a Mandatory requirement that the Applicant select at least three (3) of the resident programs at question 9.b.(2) of Exhibit A. Applicants who fail to select the required minimum number of resident programs will not meet this Mandatory requirement. The eligible resident programs which may be selected are as follows:

- (a) Literacy Training – The 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 – The 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 – The 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.

10. Local Government Support:

Applicants may only qualify for points under a. or b. below.

a. Local Government Contributions (Maximum 5 points)

(1) Applicants Eligible for Automatic Points:

Applicants that selected and qualified for the Development Category of Rehabilitation or Acquisition and Rehabilitation at question 5.c.(2) of Exhibit A will automatically receive the maximum 5 points without any requirement to demonstrate a Local Government contribution.

(2) Applicants Not Eligible for Automatic Points:

In order for an Applicant that selected the Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment at question 5.c.(2) of Exhibit A to receive points, the Applicant must provide evidence of a Local Government grant, loan, fee waiver and/or fee deferral that is effective as of the Application Deadline, is in effect at least through June 30, 2017, and has a value whose dollar amount is equal to or greater than the amount listed on the County Contribution List (set out below) for the county in which the proposed Development will be located. Those Applications that do not have the necessary contribution values to achieve maximum points will be scored on a pro-rata basis.

As evidence of the Local Government Contribution, the Applicant must provide the properly completed and executed Local Government Verification of Contribution Form(s) (Form Rev. 08-16) as **Attachment 15** to Exhibit A. The Local Government Contribution forms (Form Rev. 08-16) are available at Exhibit B of the RFA or on the Corporation's Website

<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)). Note: If the Applicant provides any prior version of the Local Government Verification of Contribution Form(s), the form(s) will not be considered.

To qualify for points, the amount of the contribution stated on the applicable form(s) must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

The only Local Government contributions that will be considered for the purpose of scoring are:

- Monetary grants
- Loans with the exception of USDA RD funds
- A one-year or more deferral of a fee beyond the date that it is routinely due
- Waiver of fees

A loan with a forgiveness provision requiring approval of the Local Government will be treated as a loan, rather than as a grant, for scoring purposes. The "Loan" verification form should be used.

Funds administered by the Local Government, including federal funds and SHIP funds, may be included in the contribution as long as the appropriate verification form is provided. For purposes of this RFA, USDA-RD funds will NOT count as a Local Government contribution.

The contribution may not be included as an expense on the Development Cost Pro Forma nor may it be considered part of Development Cost for purposes of calculating HC basis or Developer's fee. The exception to the previous sentence is deferred Local Government fees, which may be shown on the Development Cost Pro Forma.

For a contribution consisting of a loan or deferred fee to be considered complete and eligible for points, the Local Government Verification Form must reflect both the total amount of the loan or deferred fee and the value (net present value) of the loan or deferred fee. Calculate the net present value of the payments using the discount rate of 5.50 percent.

NOTE: Neither the payment stream for the present value calculations (if contribution consists of a loan or deferred fee) nor the calculations by which the total amount of each waiver is determined (if contribution consists of a fee waiver) are required to be attached to the certification form or otherwise included in the Application in order for the certification form to be considered for points.

In order to be eligible to be considered for points as a Local Government contribution, the contribution must:

- Be in effect as of Application Deadline;
- Be effective at least through June 30, 2017;
- Be dedicated solely for the proposed Development;

- Provide a tangible economic benefit that results in a quantifiable cost reduction and must be given specifically to the proposed Development because the Development will provide affordable housing; and
- State, federal, or Local Government funds initially obtained by or derived from a Local Government qualify as a Local Governmental contribution even though the funds are directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization, provided that they otherwise meet the requirements set forth in this RFA, including those relating to the executed verification form.

Local Government contributions that are ineligible to be considered for points include:

- Contributions that are not specifically made for the benefit of affordable housing but are instead of general benefit to the area in which the Development is located;
- The fact that no impact fees or other such fees are levied by a local jurisdiction for ANY type of development does not constitute a Local Government contribution. If such fees are levied by the local jurisdiction but the nature of the proposed Development exempts it (e.g., typically, a Rehabilitation Development is not subject to impact fees), for purposes of this RFA, no Local Government contribution exists and no points will be awarded;
- The absence of interest on a loan or the absence of interest payments until a specific date does not constitute a deferral or waiver of fees;
- Local Government contributions that have not received final approval;
- A contribution from an Applicant or Developer or Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer;
- A contribution from a PHA;
- HOPE VI funds; and
- A contribution of any portion of the Applicant's site below market value.

To calculate the value of a Local Government below market interest rate loan:

- Calculate the net present value of the payments due to the Local Government, including any balloon payment of principal due on a non-amortizing or non-fully amortizing loan.
- Calculate the net present value of the loan payments using the discount rate.
- Subtract the net present value of the loan payments from the original loan principal amount. The remaining amount is the value of the Local Government contribution.

Example: If the discount rate is assumed to be 5.50 percent and the Local Government will provide a fully amortizing \$200,000 loan at 3 percent for 30 years with monthly payments, the contribution is calculated as follows:

Calculate the monthly payment of the \$200,000 amortizing loan at 3 percent (\$843.21).

Calculate the net present value of the stream of (\$843.21) monthly payments over 30 years (360 months) using a 5.50 percent discount rate (\$148,507.41).

Subtract the net present value amount from the original principal loan amount to arrive at the value of the contribution (\$200,000 - \$148,507.41 = \$51,492.59 value).

Example: If the discount rate is assumed to be 5.50 percent and the Local Government will provide an interest only \$200,000 loan at 3 percent for 30 years with payments due monthly, the contribution is calculated as follows:

Calculate the monthly payment of the \$200,000 non-amortizing loan at 3 percent. Multiply the \$200,000 by 3 percent and divide the result by 12. The answer is \$500. As such, the loan payments for the first 359 months are \$500.

Calculate the net present value of the stream of the various monthly payments over 30 years (360 months) using a 5.50 percent discount rate (\$126,615.93).

Subtract the net present value amount from the original principal loan amount to arrive at the value of the contribution (\$200,000.00 - \$126,615.93 = \$73,384.07 value).

Example: A Development is to be located in Orange County and has achieved a Local Government contribution valued at \$37,500. The County Contribution List states that a Development to be located in Orange County must obtain contributions valued at \$75,000 to achieve 5 points. Therefore, in this example, the Development would receive 2.5 points (($\$37,500 / \$75,000$) X 5).

NOTE: Points will be rounded to two decimal places (3.345 rounded up to 3.35 and 3.3449 rounded down to 3.34).

County Contribution List	
County in Which the Development Is to be Located	Value of Contribution Required to Achieve Maximum Points
Broward	\$100,000
Duval Hillsborough Orange Palm Beach Pinellas	\$75,000

b. Local Government Areas of Opportunity Funding Points (10 points):

In order for an Applicant to receive points, the Applicant must demonstrate a high level of Local Government interest in the project via an increased amount of Local Government contributions in the form of cash loans and/or cash grants, as outlined below. To that end, the Corporation will only award points to a proposed Development where a jurisdiction (i.e., the county or a municipality) has contributed cash loans and/or cash grants for any proposed Development applying in this RFA in an amount sufficient to qualify for these points. Any single jurisdiction may not contribute cash loans and/or cash grants to more than one proposed Development applying for these Local Government Areas of Opportunity Funding

points. During the ranking process outlined in Section Four B of the RFA, if multiple Applications demonstrate Local Government loans and/or grants from the same jurisdiction in an amount sufficient to qualify for these points, then all such Applications will be deemed ineligible for these points, but may receive Local Government Contribution points as outlined in 10.a.(2) above, provided the Local Government Verification of Contribution forms meet the requirements outlined in 10.a.(2) above.

The total amount of permanent funding resources, in the form of cash loans and/or cash grants from Local Government sources will, for purposes of this provision, be considered to be “Local Government Areas of Opportunity Funding.” This funding shall be used for the construction and/or rehabilitation of the proposed Development and shall be paid in full by the local jurisdiction no later than 90 days following the date the proposed Development is placed in-service. In-kind donations or any other donation of property or assets or waiver or deferral of any fees, as well as any funding from the Corporation, will not be considered Local Government Areas of Opportunity Funding. In order to be eligible to be considered Local Government Areas of Opportunity Funding, the cash loans and/or cash grants must be demonstrated via one or both of the Florida Housing Local Government Verification of Contribution forms (Form Rev. 08-16), called “Local Government Verification of Contribution – Loan” form and/or the “Local Government Verification of Contribution – Grant” form. The forms must meet the requirements outlined in 10.a.(2) above, the qualifying funding must be reflected as a source on the Development Cost Pro Forma, and the applicable form(s) must be provided as **Attachment 15** to the Application.

If the Applicant qualifies for Local Government Areas of Opportunity Funding points and is awarded funding under this RFA, the Applicant must provide and maintain an amount equal to or greater than the minimum qualifying amounts listed in the table below within the permanent sources of financing.

To qualify for Local Government Areas of Opportunity Funding points, the face amounts of any cash loans and/or cash grants shown on the aforementioned Local Government Verification of Contribution forms shall be totaled and the total of these amounts must equal or be greater than the amounts listed in the table below for the proposed Development’s Building Type.

If the total face amounts of any cash loans and/or cash grants shown on the Local Government Verification of Contribution form(s) total less than the amounts listed in the table below, the Application will not receive Local Government Areas of Opportunity Funding points, but may receive Local Government Contribution points as outlined in 10.a.(2) above, provided the Local Government Verification of Contribution forms meet the requirements outlined in 10.a.(2) above.

Minimum Local Government Area of Opportunity Funding Amounts		
Building Type*	Total Amount of Loan(s)/Grant(s) for Duval, Hillsborough, Orange, Palm Beach and Pinellas Counties	Total Amount of Loan(s)/Grant(s) for Broward County
Garden-Wood (NC)	\$458,250	\$480,750
Garden-Concrete (NC)	\$551,000	\$578,000
Mid-Rise-Wood (NC)	\$551,000	\$578,000
Mid-Rise-Concrete (NC)	\$607,500	\$637,000
High-Rise (NC)	\$739,500	\$775,500
Garden (Rehab)	\$385,250	\$404,000
Non-Garden (Rehab)	\$542,750	\$569,250

* For purposes of this provision (i) Concrete refers to a “Yes” answer to question 5.c.(4) of Exhibit A; (ii) NC includes Development Categories of New Construction, Redevelopment and Acquisition and Redevelopment and Rehab includes Development Categories of Rehabilitation and Acquisition and Rehabilitation, as selected by the Applicant at question 5.c.(2) of Exhibit A; and (iii) Garden includes all Development Types other than Mid-Rise and High-Rise; Non-Garden includes Development Types of Mid-Rise with Elevator (4 stories, 5 stories, or 6 stories) and High-Rise (7 or more stories); Mid-Rise includes Development Types of Mid-Rise with Elevator (4 stories, 5 stories, or 6 stories); and High-Rise includes Development Type of High Rise (7 or more stories), as selected by the Applicant at question 5.d. of Exhibit A. In the case of mixed-type Developments, the Applicant should use the Building Type that will comprise the majority of the units in the Development.

11. Funding:

a. Eligible Housing Credit Request Amount:

The Applicant must state the amount of Housing Credits it is requesting.

The Eligible Housing Credit Request Amount will be the amount of Housing Credit Allocation the Applicant will tentatively be awarded should the Application be selected for funding. Such Eligible Housing Credit Request Amount will be based on the lesser of (i) the Applicant’s Housing Credit Request Amount (as provided by the Applicant in question 11.a. of Exhibit A) and (ii) the Maximum Housing Credit Request Limit (as outlined in (6) below). Any Housing Credit equity proposal provided as an attachment to the RFA must reflect the Eligible Housing Credit Request Amount, as further described in Item 11.d.(2)(a) below.

In order for the Applicant’s Housing Credit Request Amount to be eligible to be greater than the limits indicated in Column A of the chart set out at (6) below, the proposed Development must qualify for the HUD High Cost Area (HCA) basis boost via one of the options outlined in (1) through (5) below. If the Applicant intends to qualify for this higher Housing Credit Request Amount limit, it must complete the applicable questions at 11.a.(1) through (4) of Exhibit A.

For purposes of (1), (3), and (4) below, with regard to Housing Credits, HUD provides regulatory guidance on the effective date of Difficult Development Area Zip Code Tabulation Areas (DDA ZCTA) and Qualified Census Tract (QCT) lists for the purpose of determining whether a Development qualifies for an increase in eligible basis in accordance with Section 42(d)(5)(B) of the IRC.

For purposes of (1) and (2) below, the Small Area DDA ZCTA designation and/or 2- or 3-Factor Areas of Opportunity census tract(s) will only apply to the building(s) located within the applicable DDA ZCTA and/or applicable census tract(s) and only those building(s) will be eligible for the basis boost. During credit underwriting and at the time of Final Cost Certification, if it is determined that there are buildings located outside of the applicable Small Area DDA ZCTA and/or applicable census tract(s), the Corporation reserves the right to reduce the Housing Credit Allocation if the eligible basis for the building(s) located in the applicable Small Area DDA ZCTA and/or applicable census tract(s) is not sufficient to support the request amount.

(1) HUD-designated Small Area DDA -

A proposed Development will be eligible for the HUD HCA basis boost for any building(s) located within a HUD-designated Small Area DDA.

The Applicant must identify, at question 11.a.(1) of Exhibit A, the Small Area DDA Zip Code Tabulation Area(s) (SADDA ZCTA) not already disclosed on the Surveyor Certification form provided as Attachment 13 to Exhibit A.

If the SADDA ZCTA applies to the proposed Development, all applicable DDA ZCTA(s) must be reflected on the Surveyor Certification form and/or at question 11.a.(1) of Exhibit A.

Note: The assigned SADDA ZCTA number(s) is available at <https://www.huduser.gov/portal/Datasets/qct/DDA2016M.PDF> and <http://qct.huduser.gov/tables/saddatables.odt> and the applicable HUD mapping software is available at https://www.huduser.gov/portal/sadda/sadda_qct.html.

In order for the Development proposed in this Application to be eligible to be declared as the first phase of a multiphase Development (at question 11.a.(4) of Exhibit A) and used as the basis for DDA/QCT status for subsequent future phases, at least one (1) building of this proposed Development must be located within a HUD-designated DDA or QCT stated on the Surveyor Certification form and/or at question 11.a.(1) or 11.a.(4) of Exhibit A, as applicable (“declared DDA/QCT”).

(2) 2- or 3- Factor Areas of Opportunity -

A proposed Development will be eligible for the HCA basis boost for any buildings located within a 2- or 3- Factor Areas of Opportunity.

The Applicant must identify the 2- or 3- Factor Area of Opportunity census tracts at question 11.a.(2) of Exhibit A.

Note: the assigned 2- and 3- Factor Area of Opportunity census tract(s) is available at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/OtherInformation/> (also available by clicking [here](#)).

(3) HUD-designated QCT –

If the proposed Development is not located in a HUD-designated DDA ZCTA (as indicated by the Applicant at question 11.a.(1) of Exhibit A), in order to be classified as a Development located in a QCT for purposes of this RFA the proposed Development must be located in one of the QCTs based on the current census, as determined by HUD as of the Application Deadline, and the Applicant must provide a copy of a letter from the local planning office or census bureau verifying the entire proposed Development site is located in the referenced QCT as **Attachment 16** to Exhibit A.

(4) Multiphase Development –

HUD’s notice published in the November 24, 2015 edition of the Federal Register (https://www.huduser.gov/portal/Datasets/QCT/QCTDDA2016_Notice.pdf) governs the eligibility for a Housing Credit boost for the Development proposed in this RFA.

If the multiphase provision applies to the proposed Development, the Applicant should answer “Yes” at question 11.a.(4) and indicate whether the proposed Development qualifies as a first phase or a subsequent phase, as outlined below:

(a) First Phase of a Multiphase Development:

If the proposed Development is the first phase of a multiphase Development, select question 11.a.(4)(a) of Exhibit A.

Subsequent phases will qualify for the basis boost if (i) at least one (1) building of the first phase is located within the declared HUD-designated DDA or HUD-designated QCT and (ii) at least one (1) building of each subsequent phase is located within the boundary of the declared HUD-designated DDA or HUD-

designated QCT which applied to the Development declared as the first phase by the first phase Applicant.

As outlined in Item 2.b.(9) of the Applicant Certification and Acknowledgement form, during the credit underwriting process the Applicant will be required to submit to the Corporation an opinion letter by a licensed attorney that the Development meets the definition of a “multiphase project” as defined in the Federal Register. The letter must also include: (iii) the name of the declared first phase Development and the Corporation-assigned Application number, (iv) the total number of phases and the projected Development name for each phase, (v) the total number of buildings in each phase, (vi) the expected completion date for each phase, and (vii) any other information as determined by the Corporation and stated in the invitation to enter credit underwriting.

or

(b) Subsequent Phase of a Multiphase Development:

For purposes of this RFA, a subsequent phase of a multiphase Development is one where the initial phase was appropriately identified as such in an Application awarded funding under one (1) of the following: (i) the 2011 Universal Application Cycle, (ii) a 2013 Housing Credit Request for Proposal or RFA, (iii) a 2014 Housing Credit RFA, (iv) a 2015 Housing Credit RFA, (v) a 2016 Housing Credit RFA, or (vi) a Non-Competitive Housing Credit Application (i.e., a Non-Competitive Housing Credit allocation awarded within the 730 day period following the date the competitive Bond application for Tax-Exempt Bonds (awarded through a Corporation competitive RFA process or a non-Corporation Bond issuer’s competitive application process) was deemed complete by the Bond-issuing agency for which the Non-Competitive Housing Credit allocation was awarded, provided the 730 day period did not end prior to the submission deadline for the Corporation’s competitive RFA or a Non-Corporation Bond issuer’s competitive application). After the initial award, the Applicant must have submitted an Application for Housing Credits in immediately consecutive years, per the HUD requirements.

If the proposed Development qualifies as a subsequent phase of a multiphase Development, select question 11.a.(4)(b) of Exhibit A and answer the required questions. As outlined in Item 2.b.(9) of the Applicant Certification and Acknowledgement form, the proposed Development’s subsequent phase status will be confirmed during the credit underwriting process.

(5) Local Government Areas of Opportunity Funding Points-

Applicants that qualify for Local Government Areas of Opportunity Funding points, as outlined in Section Four A.10.b. of the RFA, are eligible for the higher HC Request amount limits in Column B of the chart set out at (6) below and are eligible for the HCA basis boost.

(6) Maximum Housing Credit Request Amount -

The Applicant must state the amount of Housing Credits it is requesting at question 11.a. of Exhibit A (“Applicant’s Housing Credit Request Amount”). The Applicant’s Housing Credit Request Amount cannot exceed the applicable amount stated in the following chart:

	Column A	Column B
County Where Proposed Development is Located	If Development is not located in a HUD-designated SADDA and/or a 2- or 3- Factor Areas of Opportunity, or if the Application does not meet the RFA requirements to qualify as a QCT, or if the Applicant did not qualify for Local Government Area of Opportunity Funding points, or if the Application does not qualify as a subsequent phase of a Multiphase Development	HCA Bonus – If Development is located in a HUD-designated SADDA and/or 2- or 3- Factor Areas of Opportunity, or if the Applicant qualifies as for Local Government Areas of Opportunity Funding points; and/or if the Application meets the RFA requirements to qualify as QCT, or if the Application qualifies as a subsequent phase of a Multiphase Development
Broward	\$1,970,000	\$2,561,000
Hillsborough Orange Palm Beach	\$1,625,000	\$2,110,000
Duval Pinellas	\$1,276,000	\$1,660,000

If the Applicant states an amount that is greater than the amount the Applicant is eligible to request relative to the above chart, the Corporation will reduce the amount down to the maximum amount the Applicant is eligible to request as provided in the chart above.

The amount resulting from the lesser of the Applicant’s Housing Credit Request Amount (as stated at question 11.a. of Exhibit A) and the adjustment described above, if any, will be deemed to be the Applicant’s Eligible Housing Credit Request Amount.

b. Other Funding:

- (1) If the Development has received funding from the Predevelopment Loan Program (PLP), the Corporation file number and amount of funding must be listed. Note: PLP funding cannot be used as a source of financing on the Construction/Rehab Analysis or the Permanent Analysis.
- (2) The Applicant must list any other Corporation funding that is intended to be utilized as a source of financing for the proposed Development.
- (3) If the proposed Development will be assisted with funding under the United States Department of Agriculture RD 515 Program and/or RD 538 Program, the following information must be provided:
 - (a) Indicate the applicable RD Program(s) at question 11.b.(3) of Exhibit A.
 - (b) For a proposed Development that is assisted with funding from RD 515 and to qualify for the RD Proximity Point Boost (outlined in Section Four A.6.b. of the RFA) the Applicant must:
 - (i) Include the funding amount at the USDA RD 515 Financing line item on the Development Cost Pro Forma (Construction/Rehab Analysis and/or Permanent Analysis), and
 - (ii) Provide a letter from RD, dated within six (6) months of the Application Deadline, as **Attachment 17** to Exhibit A, confirming the funding source as outlined below:
 - (A) For proposed Developments with the Development Category (at question 5.c.(2) of Exhibit A) of Rehabilitation or Redevelopment (either one with or without Acquisition), the RD letter must include the following information:
 - o Name of existing development;
 - o Name of proposed Development;
 - o Current RD Loan balance;
 - o Acknowledgment that property is applying for Housing Credits; and

- Acknowledgment that property will remain in the USDA/RD 515 loan portfolio.

(B) For proposed Developments with the Development Category (at question 5.c.(2) of Exhibit A) of New Construction, the RD letter must include the following information:

- Name of Proposed Development;
- Name of Applicant as borrower or direct recipient;
- RD Loan amount; and
- Acknowledgment that property is applying for Housing Credits.

The letter outlined above will not qualify for purposes of the RD Proximity Point Boost (outlined in Section Four A.6.b.(1)(b) of the RFA). If the proposed Development will include the acquisition of an existing development which is currently assisted with funding from RD 515 and will remain in the USDA/RD 515 loan portfolio, but has a Development Category of New Construction and is seeking the RD proximity Point Boost, the Applicant must provide the letter outlined in (ii)(A) above.

(c) If the proposed Development will be assisted with funding under the RD 538 Program, the Applicant must:

- (i) Include the funding amount at the USDA RD 538 Financing line item on the Development Cost Pro Forma (Construction/Rehab Analysis and/or Permanent Analysis); and
- (ii) Provide the letter sent to the Applicant by an RD 538 approved lender certifying that the lender is prepared to make a loan consistent with the program requirements through the Section 538 Guaranteed Rural Rental Housing (“538”) Loan Program as **Attachment 17** to Exhibit A. The U.S. Department of Agriculture, Rural Development (RD), list of Section 538 Guaranteed Rural Rental Housing approved lenders is available by clicking [here](#).

As outlined in Item 3.u. of the Applicant Certification and Acknowledgement form, the Section 538 Selection letter must be provided during credit underwriting.

c. Finance Documents:

All Applicants must complete the Development Cost Pro Forma listing the anticipated expenses or uses, the Detail/Explanation Sheet, if applicable, and the Construction or Rehab Analysis and Permanent Analysis listing the anticipated sources. The sources must equal or exceed the uses. During the scoring process, if a funding source is not considered and/or if the Applicant’s HC Request Amount is adjusted downward, as outlined in a. above, this may result in a funding shortfall. If the Applicant has a funding shortfall, it will be ineligible to be considered for funding.

The Development Cost Pro Forma must include all anticipated costs of the Development construction, rehabilitation and, if applicable, acquisition, including the Developer fee and General Contractor fee, as outlined below. Any amounts that are not an anticipated cost to the Development, such as waived or reimbursed fees or charges, cannot be included in the Development Cost Pro Forma. Note: deferred Developer fees are not considered “waived fees.”

In addition, the Development Cost Pro Forma must include all anticipated sources of funding, including the funding outlined below, as well as any Non-Corporation Funding as outlined in d. below.

(1) Developer Fee:

The Developer fee shall be limited to 16 percent of Development Cost. The maximum allowable Developer fee will be tested during the scoring of the Application by multiplying the Development Cost by 16 percent rounded down to the nearest dollar.

The Corporation will allow up to 100 percent of the eligible Developer fee to be deferred and used as a source on the Development Cost Pro Forma without the requirement to show evidence of ability to fund.

(2) General Contractor Fee

General Contractor fee shall be limited to 14 percent of actual construction cost. The maximum allowable General Contractor fee will be tested during the scoring of the Application by multiplying the actual construction cost by 14 percent rounded down to the nearest dollar.

(3) Contingency Reserves:

For Application purposes, the maximum hard and soft cost contingencies allowed cannot exceed (i) 5 percent of hard and soft costs for Development Categories of New Construction, Redevelopment, or Acquisition/Redevelopment or (ii) 15 percent of hard costs and 5 percent of soft costs for Development Categories of Rehabilitation or Acquisition and Rehabilitation, as further described in Rule Chapter 67-48, F.A.C. The determination of the contingency reserve is limited to the maximum stated percentage of total actual construction costs (hard costs) and general development costs (soft costs), as applicable.

(4) Operating Deficit Reserves:

An operating deficit reserve is not to be included as part of Development Costs and cannot be used in determining the maximum Developer fee. Applicants may not enter any amounts pertaining to any type of reserve other than the contingency reserve mentioned above and, if applicable, any reserve permitted in the RFA and established as a subset of Developer fee, on the Development Cost Pro Forma as part of the Application process. A reserve, including an operating deficit reserve, if necessary as determined by an equity provider, first mortgage lender, and/or the Credit Underwriter engaged by the Corporation in its reasonable discretion, will be required and sized in credit underwriting. The inclusion of any reserve is not permitted in the Application (other than the permitted contingency reserve) which may include, but is not limited to, operating deficit reserve, debt service shortfalls, lease-up, rent-re-stabilization, working capital, lender or syndicator required reserve(s), and any pre-funded capital (replacement) reserves. If any reserve other than the permitted contingency reserve and the Developer fee subset, if applicable, can be identified and is included in the Development Cost Pro Forma, the Corporation will remove it during Application scoring.

Developer fee and General Contractor fee must be disclosed. In the event the Developer fee and/or General Contractor fee are/is not disclosed on the Development Cost Pro Forma, the Corporation will assume that these fees will be the maximum allowable and will add the maximum amount(s) to Total Development Cost. If an Applicant lists a Developer fee, General Contractor fee, or contingency reserve that exceeds the stated Application limits, the

Corporation will adjust the fee to the maximum allowable. As stated above, Applicants may not enter any amounts pertaining to operating deficit reserves. The Corporation will not consider any operating deficit reserves listed on the Pro Forma.

d. Non-Corporation Funding Proposals:

In order for funding, other than deferred Developer fee, to be counted as a source on the Construction/Rehab and/or Permanent Analysis, the Applicant must provide documentation of all financing proposals from both the construction and the permanent lender(s), equity proposals from the syndicator, and other sources of funding. The financing proposals must state whether they are for construction financing, permanent financing, or both, and all attachments and/or exhibits referenced in the proposal must be included. Insert documentation for each source as **Attachment 18** to Exhibit A and continue with sequentially numbered attachments for each additional funding source. Evidence for each funding source must be behind its own sequentially numbered attachment.

For purposes of the Application, neither of the following will be considered a source of financing: net operating income for a Rehabilitation Development or capital contributions.

(1) Financing Proposal

Financing proposal documentation, regardless of whether the documentation is in the form of a commitment, proposal, term sheet, or letter of intent, must meet the following criteria. Evidence for each funding source must be behind its own numbered attachment.

(a) Each financing proposal shall contain:

- (i) Amount of the construction loan, if applicable;
- (ii) Amount of the permanent loan, if applicable;
- (iii) Specific reference to the Applicant as the borrower or direct recipient; and
- (iv) Signature of all parties, including acceptance by the Applicant.

Note: Eligible Local Government financial commitments can be considered without meeting the requirements of (i) through (iv) above if the Applicant provides the properly completed and executed Local Government Verification of Contribution – Grant Form and/or the Local Government Verification of Contribution – Loan Form (Form Rev. 08-16), as outlined in Section Four A.10. and Exhibit B of the RFA.

(b) Financing that has closed:

- (i) If the financing has closed in the Applicant's name, provide a letter from the lender acknowledging that the loan has closed. The letter must also include the following information:
 - Amount of the construction loan, if applicable;
 - Amount of the permanent loan, if applicable; and
 - Specific reference to the Applicant as the borrower/direct recipient/mortgagee.
- (ii) Except for HUD and RD funding, if the financing involves an assumption of debt not currently in the Applicant's name, as evidence that the lender approves of the proposal of assumption, the Applicant must provide a letter from the lender, dated within six (6) months of the Application Deadline, that includes the following information:

- Specifically references the Applicant as the assuming party;
- If a permanent loan, states the amount to be assumed; and
- If a construction loan, states the maximum amount of funding capacity.

If the debt being assumed is provided by HUD, the Applicant must provide a letter from HUD, dated within six (6) months of the Application Deadline, confirming the funding source. The letter must include the following information:

- Name of existing development;
- Name of proposed Development;
- Loan balance;
- Acknowledgment that property is applying for Housing Credits; and
- Applicable HUD program.

If the debt being assumed is provided by RD, the Applicant is only required to provide the information described in Item 11.b.(3) above.

- (c) If the financing proposal is not from a Regulated Mortgage Lender in the business of making loans or a governmental entity, evidence of ability to fund must be provided. Evidence of ability to fund includes: (i) a copy of the lender's most current audited financial statements no more than 17 months old; or (ii) if the loan has already been funded, a copy of the note and recorded mortgage. The age of all financial statements is as of the Application Deadline. In evaluating ability to fund, the Corporation will consider the entity's unrestricted current assets typically used in the normal course of business. Assets considered restricted include, but are not limited to, pension funds, rental security deposits, and sinking funds. Financing proposals from lenders who cannot demonstrate ability to fund will not count as a source of financing. Financial statements must be included in the Application. Note: This provision does not apply to deferred Developer fee.
- (d) If a financing proposal shows an amount less than the corresponding line item on the Development Cost Pro Forma, only the financing proposal amount will be considered as a funding source. However, if a financing proposal shows an amount in excess of the corresponding line item on the Development Cost Pro Forma, up to the total amount of the financing proposal amount may be utilized as a funding source, if needed.
- (e) The loan amount may be conditioned upon an appraisal or debt service coverage ratio or any other typical due diligence required during credit underwriting.
- (f) Financing proposals may be conditioned upon the Applicant receiving the funding from the Corporation for which it is applying.
- (g) If a financing proposal has a provision for holding back funds until certain conditions are met, the amount of the hold-back will not be counted as a source of construction financing unless it can be determined that the conditions for the release of the hold-back can be met prior to or simultaneous with the closing of the Development's permanent financing.
- (h) Grant funds are contributions to the Development, other than equity, which carry no repayment provision or interest rate. A commitment for grant funds will be considered a commitment for scoring purposes if the commitment is properly executed and, if applicable, evidence of ability to fund is provided.

(2) Housing Credit Equity Proposal

For the purpose of this RFA, to be counted as a source, an equity proposal, regardless of whether the documentation is in the form of a commitment, proposal, term sheet or letter of intent, must: (i) if syndicating/selling the Housing Credits, meet the requirements outlined in (a) below and include the information outlined in (b) below, or (ii) if not syndicating/selling the Housing Credits, meet the requirements outlined in (a) below and include the information outlined in (c) below:

(a) If the Eligible HC Request Amount is less than the anticipated amount of credit allocation stated in the equity proposal, the equity proposal will be considered a source of financing and, for scoring purposes, the maximum amount of HC equity to be permitted in the Development Cost Pro Forma will be adjusted downward from the amount stated in the equity proposal. This adjusted maximum HC equity will be calculated by taking the total amount of equity to be provided to the proposed Development as stated in the equity proposal letter, dividing it by the credit allocation stated in the equity proposal and multiplying that quotient by the Applicant's Eligible HC Request Amount. If the Eligible HC Request Amount is greater than the anticipated amount of credit allocation stated in the equity proposal, the equity proposal will be considered a source of financing and the maximum amount of HC equity to be permitted for scoring in the Development Cost Pro Forma will be the amount stated in the equity proposal.

(b) If syndicating/selling the Housing Credits:

(i) A Housing Credit equity proposal must also meet the following criteria:

- Be executed by all parties, including the Applicant;
- Include specific reference to the Applicant as the beneficiary of the equity proceeds;
- State the proposed amount of equity to be paid prior to construction completion;
- State the anticipated Eligible HC Request Amount;
- State the anticipated dollar amount of Housing Credit allocation to be purchased; and
- State the anticipated total amount of equity to be provided.

(ii) If the limited partnership agreement or limited liability company operating agreement has closed, the closed agreement must be provided. To be counted as a source of financing, the partnership agreement or operating agreement must meet the requirements of (i) above or the Applicant must submit separate documentation, signed by the equity provider, expressly stating any required criteria not provided in the agreement.

Note: Item 2.b.(2) of the Applicant Certification and Acknowledgement form outlines the requirement and deadline for the Applicant's confirmation that the documented equity amount to be paid prior to or simultaneous with the closing of construction financing is at least 15 percent of the total proposed equity to be provided (the 15 percent criteria).

(c) If not syndicating/selling the Housing Credits, the owner's commitment to provide equity must be provided.

(i) The commitment must include the following:

- The proposed amount of equity to be paid prior to construction completion;
- The anticipated Eligible HC Request Amount;
- The anticipated dollar amount of Housing Credit allocation to be purchased; and
- The anticipated total amount of equity to be provided.

(ii) Evidence of ability to fund must be provided as an Attachment to the Application.

e. Per Unit Construction Funding Preference:

(1) The following Applications will qualify for this funding preference, as outlined in Section Four B of the RFA:

- (a) Applications with a Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment (at question 5.c.(2) of Exhibit A), and
- (b) Applications with a Development Category of Rehabilitation or Acquisition and Rehabilitation (at question 5.c.(2) of Exhibit A) that reflect an amount of at least \$32,500 per unit when the amount listed in the Total column of the Development Cost Pro Forma for the Development Cost line item A1.1 Actual Construction Cost is divided by the number of total units in the Development.

(2) The following Applications will not qualify for this funding preference:

Applications with a Development Category of Rehabilitation or Acquisition and Rehabilitation (at question 5.c.(2) of Exhibit A) that reflect an amount less than \$32,500 per unit, when the amount listed in the Total column of the Development Cost Pro Forma for the Development Cost line item A1.1 Actual Construction Cost is divided by the number of total units in the Development.

Indicate whether the proposed development qualifies for this funding preference at question 11.e. of Exhibit A.

Except for deferred Developer fee, the Application requires complete information on all sources of Development funding and the proposed uses of those funds. All loans, grants, donations, syndication proceeds, etc., should be detailed in the Application as outlined above. The total amount of monetary funds determined to be in funding proposals must equal or exceed uses.

Addenda:

The Applicant may use the Addenda section of Exhibit A to provide any additional information or explanatory addendum for items in the Application. Please specify the particular Item to which the additional information or explanatory addendum applies.

B. Funding Selection:

1. Eligibility:

Only Applications that are eligible for funding will be considered for funding selection. Eligibility requirements include the following:

Eligibility Requirements	Described in RFA at:
Submission Requirements	Section Three A and Section Five
\$25,000 Letter of Credit Requirements (if applicable)	Section Three A.4. and Item 13 of Exhibit C
Financial Arrearage Requirements	Section Five

RECAP conditions met (if applicable)	Section Four A.5.c.(1)
LDA Development Conditions met (if applicable)	Section Four A.7.c.
Minimum Total Proximity Score (if applicable)	Section Four A.6.b.(2)
Minimum Transit Score (if applicable)	Section Four A.6.b.(2)
Mandatory Distance Requirement (if applicable)	Section Four A.6.d.
Total Development Cost Per Unit Limitation	Item 7 of Exhibit C
All Mandatory Items	Section Five

2. Application Sorting Order:

All eligible Applications for proposed Developments located in Broward County, Duval County, Hillsborough County, Orange County, Palm Beach County and Pinellas County will be ranked by sorting the Applications from highest score to lowest score, with any scores that are tied separated as follows:

- a. First, by the Application’s eligibility for the Development Category Funding Preference which is outlined in Section Four A.5.c.(2)(a)(ii)(B) of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- b. Next, by the Application’s eligibility for the Per Unit Construction Funding Preference which is outlined in Section Four A.11.e. of the RFA, (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- c. Next, by the Application’s Leveraging Classification, applying the multipliers outlined in Item 8 of Exhibit C of the RFA (with Applications having the Classification of A listed above Applications having the Classification of B);
- d. Next, by the Application’s eligibility for the 75 or More Total Unit Funding Preference, based on the total number of units stated at question 5.e.(1) of Exhibit A (with Applications that reflect 75 or more total units listed above Applications that reflect less than 75 total units);
- e. Next, by the Application’s eligibility for the Florida Job Creation Funding Preference which is outlined in Item 9 of Exhibit C of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference); and
- f. Finally, by lottery number, resulting in the lowest lottery number receiving preference.

3. Selection Process:

- a. The highest ranking eligible Application will be selected for funding for proposed Developments located in each of the following counties for which an eligible Application was received: Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas.
- b. If funding remains after funding the highest ranking eligible Applications as outlined in a. above, the next Application selected for funding will be the highest ranking eligible unfunded Application in Broward County. If the selected Application cannot be fully funded, it will be entitled to receive a Binding Commitment for the unfunded balance. If funding remains after selecting the highest ranking eligible unfunded Broward County Application, or if there is no eligible unfunded Application located in Broward County, no additional Applications from any county will be selected for funding and any remaining funding will be distributed as approved by the Board.

4. Returned Allocation:

Funding that becomes available after the Board takes action on the Committee’s recommendation(s), 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 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 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 Complete Online Submission Package is submitted online by the Application Deadline, (ii) the required number of hard copies are submitted by the Application Deadline, (iii) the Applicant’s hard copy submission is contained in a sealed package, (iv) the required Application fee is submitted as of the Application Deadline, (v) the Application Withdrawal Cash Deposit or the Letter of Credit, as selected by the Applicant, is submitted as of the Application Deadline, (vi) the Applicant Certification and Acknowledgement form, containing an original signature, is included in the Application labeled “Original Hard Copy” as of the Application Deadline, or (vii) the proposed Development is not eligible to apply for funding under this RFA because it meets the criteria outlined in subsection 67-48.023(1), F.A.C., and does not meet one of the stated exceptions.

An Application will be deemed ineligible to be considered for funding if, as of 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.

The following is a summary of the Mandatory and Point items.

Mandatory Items	Point Items	Maximum Points
Demographic Commitment	General Development Experience	5
Name of Applicant	Proximity to Transit and Community Services	18
Evidence Applicant is a legally formed entity	Local Government Contributions:	
Principals of the Applicant and Developer(s) Disclosure Form	a. Local Government Contribution	5
Contact Person	or	or
Name of Each Developer	b. Local Government Areas of Opportunity Funding	10
Evidence that each Developer entity is a legally formed entity		
Name of Management Company		
Prior General Management Company Experience Chart		
Name of Proposed Development		
County identified		
Address of Development Site		
Development Category		

Estimated qualified basis in Rehabilitation Expenses per set-aside unit (if Development Category of Rehabilitation or Acquisition and Rehabilitation)		
Development Type		
Total Number of Units		
Number of new construction units and/or rehabilitation units		
Occupancy status of any existing units		
Status of Site Plan/Plat Approval		
Appropriate Zoning		
Availability of Electricity		
Availability of Water		
Availability of Sewer		
Availability of Roads		
Unit Mix		
Surveyor Certification Form		
Minimum Set-Aside Selection		
Total Set-Aside Breakdown Chart		
Evidence of Site Control		
Selection of Minimum Green Building Features (if Rehabilitation or Acquisition/Rehabilitation Development Category)		
Commitment to achieve Green Certification Program (if New Construction, Redevelopment, or Acquisition/Redevelopment Development Category)		
Selection of Minimum Resident Programs (if Family or Elderly Non-ALF Demographic Commitment)		
Applicant Housing Credit Request Amount		
Financing Information, including the Development Cost Pro Forma (listing expenses or uses) and Construction/Rehab. Analysis and Permanent Analysis (listing sources) – Sources must equal or exceed uses		
	Total Possible Points	33

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.

**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.

After issuance by the Board of all final orders regarding this RFA, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Development.

Exhibit A to RFA 2016-113- Housing Credit Financing for Affordable Housing Developments located in Broward, Duval, Hillsborough, Orange, Palm Beach and Pinellas Counties

1. Submission Requirements:

a. Application Withdrawal Disincentive:

The Applicant must indicate which of the following it elects to provide in the Application labeled “Original Hard Copy:”

- (1) \$25,000 Application Withdrawal Cash Deposit, as outlined in Section Three A.3. of the RFA.

Should the Applicant be eligible to receive a refund of the cash deposit, to whom should the refund check be made payable?

[Click here to enter text.](#)

If this information is not provided in the Application, the Corporation shall make the refund check payable to the Applicant.

or

- (2) \$25,000 Letter of Credit, as outlined in the RFA at Section Three A.4. of the RFA.

b. 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.b. of the RFA.

2. Demographic Commitment:

The Applicant must select one (1) Demographic Category:

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

3. Applicant Information:

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

[Click here to enter text.](#)

- b. The Applicant must provide the required documentation to demonstrate that the Applicant is a legally formed entity qualified to do business in the state of Florida as of the Application Deadline as **Attachment 2**.
- c. Is the Applicant applying as a Non-Profit organization?
 Yes No

If “Yes,” in order to be considered to be a Non-Profit entity for purposes of this RFA, the Applicant must meet the definition of Non-Profit as set out in Rule Chapter 67-48, F.A.C., answer the following questions, and provide the required information.

(1) Provide the following information for each Non-Profit entity as **Attachment 3**:

- (a) The IRS determination letter;
- (b) The description/explanation of the role of the Non-Profit entity;
- (c) The names and addresses of the members of the governing board of the Non-Profit entity; and
- (d) The articles of incorporation demonstrating that one of the purposes of the Non-Profit entity is to foster low-income housing.

(2) Answer the following questions:

- (a) Is the Applicant or one of its general partners or managing members incorporated as a Non-Profit entity pursuant to Chapter 617, Florida Statutes, or similar state statute if incorporated outside Florida?
 Yes No

If “No,” is the Applicant or one of its general partners or managing members a wholly-owned subsidiary of a Non-Profit entity formed pursuant to Chapter 617, Florida Statutes, or similar state statute if incorporated outside Florida?

- Yes No

- (b) Is the Applicant or one of its general partners or managing members a 501(c)(3) or 501(c)(4) Non-Profit entity, or is the Applicant or one of its general partners or managing members a wholly-owned subsidiary of a 501(c)(3) or 501(c)(4) Non-Profit entity?
 Yes No

- (c) Does the Non-Profit entity have an ownership interest, either directly or indirectly, in the general partner or general partnership interest or in the managing member or the managing member’s interest in the Applicant?
 Yes No

If “Yes,” state the percentage owned in the general partnership or managing member interest: [Click here to enter text.](#)%

- (d) Percentage of Developer’s fee that will go to the Non-Profit entity: [Click here to enter text.](#)%
- (e) Year Non-Profit entity was incorporated (yyyy): [Click here to enter text.](#)
- (f) Is the Non-Profit entity affiliated with or controlled by a for-profit entity within the meaning of Section 42(h), Internal Revenue Code?

Yes No

If “Yes,” state name of the for-profit entity:

[Click here to enter text.](#)

d. Principals for the Applicant and for each Developer:

The Application must include a properly completed Principals of the Applicant and Developer(s) Disclosure Form (Form Rev. 08-16). This information should be inserted in the hard copies of the Application following the Development Cost Pro Forma.

e. Contact Person for this Application:

First Name: [Click here to enter text.](#)
Middle Initial: [Click here to enter text.](#)
Last Name: [Click here to enter text.](#)
Street Address: [Click here to enter text.](#)
City: [Click here to enter text.](#)
State: [Click here to enter text.](#)
Zip: [Click here to enter text.](#)
Telephone: [Click here to enter text.](#)
Facsimile: [Click here to enter text.](#)
E-Mail Address: [Click here to enter text.](#)
Relationship to Applicant: [Click here to enter text.](#)

4. Developer and Management Company Information:

a. General Developer Information:

- (1) 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.](#)

- (2) For each Developer entity listed in question (1) above (that is not a natural person), the Applicant must provide, as **Attachment 4**, the required documentation demonstrating that it is a legally formed entity qualified to do business in the state of Florida as of the Application Deadline.

- (3) General Development Experience:

To be eligible for points, the Applicant must provide the following:

For each experienced Developer entity, the Applicant must provide, as **Attachment 4**, a prior experience chart for at least one (1) experienced natural person Principal of that entity. The prior experience chart for the natural person Principal must reflect the required information for the three (3) completed affordable rental housing developments, one (1) of which must be a Housing Credit development, as outlined in Section Four A. 4.a.(3)(a) of the RFA.

b. General Management Company Information:

(1) The Applicant must state the name of the Management Company:

[Click here to enter text.](#)

(2) The Applicant must provide, as **Attachment 5**, a prior experience chart for the Management Company or a principal of the Management Company reflecting the required information as outlined in Section Four A.4.b. of the RFA.

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) If the proposed Development meets the definition of Scattered Sites, the applicable information for each site must be included on the Surveyor Certification form provided as Attachment 13 to the RFA.

(2) The Applicant must indicate the County: [Select County:](#)

Note: The Applicant should refer to Section Four A.5.b.(2) of the RFA before making a selection.

(3) 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. If the proposed Development consists of Scattered Sites, this information must be provided for each of the Scattered Sites.

[Click here to enter text.](#)

c. RECAP / Development Category / Rental Assistance (RA) Level / Concrete Construction:

(1) RECAP:

Is any part of the proposed Development located within a RECAP designated area?

Yes No

Note: The Applicant should refer to Section Four A.5.c.(1) of the RFA before making a selection.

(2) The Applicant must select one (1) applicable Development Category [Choose an item](#) and provide the required information as **Attachment 6**.

Note: The Applicant should refer to Section Four A.5.c.(2) of the RFA before making a selection.

(3) If Rehabilitation or Acquisition and Rehabilitation is selected at (2) above, the following information must be provided:

(a) The Applicant must indicate the estimated qualified basis in Rehabilitation expenses per set aside unit within one 24-month period for the building(s) being rehabilitated: [Click here to enter text.](#)

(b) Was the existing building(s) to be rehabilitated originally built in 1996 or earlier, and has an active contract through one or more of the following HUD or RD programs: sections 202, 236, 514, 515, 516, 811, or either has PBRA or is public housing assisted through ACC, and the proposed Development did not close on funding from HUD or RD after 1996 where the budget was at least \$10,000 per unit for rehabilitation in any year?

Yes No

(4) Does the proposed Development meet the requirements to be considered to be concrete construction?

Yes No

Note: The Applicant should refer to Section Four A.5.c.(4) of the RFA before making a selection.

d. The Applicant must select one (1) applicable Development Type: [Choose an item.](#)

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

e. Number of Units in Proposed Development:

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

(2) The Applicant must select the applicable item below:

(a) Proposed Development consists of 100% new construction units

(b) Proposed Development consists of 100% rehabilitation units

(c) Proposed Development consists of a combination of new construction units and rehabilitation units. State the quantity of each type:

[Click here to enter text.](#) new construction units and [Click here to enter text.](#) rehabilitation units

(3) The Applicant must indicate which of the following applies with regard to the occupancy status of any existing units:

(a) Existing units are currently occupied

- (b) Existing units are not currently occupied
- (c) There are no existing units

The Applicant should refer to Section Four A.5.e. of the RFA before answering the above questions.

f. Ability to Proceed:

As outlined in Section Four A.5.f. of the RFA, the Applicant must provide the following information to demonstrate Ability to Proceed:

- (1) Status of Site Plan Approval or Plat Approval. The Applicant must provide, as **Attachment 7** to Exhibit A, the applicable properly completed and executed verification form: (a) Florida Housing Finance Corporation Local Government Verification of Status of Site Plan Approval for Multifamily Developments form (Form Rev. 08-16) or (b) Florida Housing Finance Corporation Local Government Verification of Status of Plat Approval for Residential Rental Developments form (Form Rev. 08-16).
- (2) Appropriate Zoning. The Applicant must provide, as **Attachment 8** to Exhibit A, the applicable properly completed and executed verification form: (a) Florida Housing Finance Corporation Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form (Form Rev. 08-16) or (b) Florida Housing Finance Corporation Local Government Verification that Permits are not Required for this Development form (Form Rev. 08-16).
- (3) Availability of Electricity. The Applicant must provide, as **Attachment 9** to Exhibit A, an acceptable letter from the service provider or the properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Electricity form (Form Rev. 08-16).
- (4) Availability of Water. The Applicant must provide, as **Attachment 10** to Exhibit A, an acceptable letter from the service provider or the properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Water form (Form Rev. 08-16).
- (5) Availability of Sewer. The Applicant must provide, as **Attachment 11** to Exhibit A, an acceptable letter from the service provider or the properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Sewer Capacity, Package Treatment, or Septic Tank form (Form Rev. 08-16).
- (6) Availability of Roads. The Applicant must provide, as **Attachment 12** to Exhibit A, an acceptable letter from the Local Government or the properly completed and executed Florida Housing Finance Corporation Verification of Availability of Infrastructure – Roads form (Form Rev. 08-16).

g. Unit Mix:

The Applicant must complete the following unit mix chart:

Note: The Applicant should refer to Section Four A.5.g. of the RFA before completing the Unit Mix chart.

Number of Bedrooms per Unit	Number of Baths per Unit	Number of Units per Bedroom Type	Number of Units that are ELI Set-Aside Units
Enter Number	Enter Number	Enter Number	Enter Number
Enter Number	Enter Number	Enter Number	Enter Number
Enter Number	Enter Number	Enter Number	Enter Number
Enter Number	Enter Number	Enter Number	Enter Number
Enter Number	Enter Number	Enter Number	Enter Number
Enter Number	Enter Number	Enter Number	Enter Number

- h. The Applicant should state the anticipated placed-in-service date for the proposed Development:
[Click here to enter text.](#)

6. Proximity:

In order for Applications for proposed Developments that select and qualify for Local Government Areas of Opportunity Funding points to meet the Mandatory requirement to provide a Development Location Point and applicable Scattered Sites information, and to automatically achieve the required Minimum Transit Service Score, the Minimum Total Proximity Score and receive the Maximum Total Proximity Score of 18 points, the Applicant must provide, as **Attachment 13**, the properly completed and executed Surveyor Certification form (Form Rev. 08-16), as outlined in Section Four A.6.a.(1) of the RFA.

In order for Applications other than those that select and qualify for Local Government Areas of Opportunity Funding points to meet the Mandatory requirement to provide a Development Location Point and applicable Scattered Sites information, and to be eligible for proximity points that are not automatically awarded, the Applicant must provide an acceptable Surveyor Certification form (Form Rev. 08-16) as **Attachment 13** as outlined in Section Four A.6.a.(2) of the RFA. The form must reflect the Development Location Point, Scattered Sites information and, if applicable, the Services information for the Bus or Rail Transit Service (if Private Transportation is not selected at question 6.b. below) and Community Services for which the Applicant is seeking points.

- a. PHA or RD Proximity Point Boost:

If the proposed Development qualifies for the PHA Point Boost or the RD Point Boost, select (1) or (2) below and provide the required information.

- (1) PHA Point Boost - The proposed Development qualifies for the PHA Point Boost because all of the units in the proposed Development are located on a site(s) with an existing Declaration of Trust between a Public Housing Authority and HUD as demonstrated in the letter provided as **Attachment 13** (as outlined in Section Four A.6.b.(1)(a) of the RFA).
- (2) RD Point Boost – The proposed Development qualifies for the RD Point Boost because the property has existing RD 515 funding as demonstrated in the letter provided as Attachment 17 (as outlined in Sections Four A.6.b.(1)(b) and Four A.11.b.(3)(b) of the RFA).

- b. Private Transportation Transit Service:

If the Applicant selected the Elderly Demographic (ALF or Non-ALF) at question 2.b. above, does the Applicant commit to provide private transportation, as outlined in Section Four A.6.c.(1)(a), as its Transit Service?

Yes No

c. Mandatory Distance Requirement:

For proximity of the proposed Development to the closest Development latitude and longitude coordinates identified on the August 5, 2016 FHFC Development Proximity List, indicate which of the following applies to this Application.

(1) Applications Eligible for Automatic Qualification:

Applicants that are eligible to select (a), (b), or (c) below will be eligible for the automatic qualification for the Mandatory Distance Requirement.

- (a) The Applicant selected the Rehabilitation or Acquisition and Rehabilitation Development Category at question 5.c.(2) of Exhibit A, the proposed Development involves the Rehabilitation of an existing, occupied residential rental property in operation as of the Application Deadline and the proposed Development meets all of the following criteria: (i) the Applicant demonstrated its commitment to set aside 30 percent of the total units as ELI Set-Aside units on the Total Set-Aside Breakdown Chart at question 7.b. of Exhibit A, (ii) the proposed Development is classified as RA Level 1 or RA Level 2, (iii) the Percentage of Total Units that will have Rental Assistance is greater than 75 percent, and (iv) the proposed Development consists of a total of 250 units or less, unless further restricted by the Elderly Demographic requirements outlined in Exhibit C.
- (b) The Applicant selected the Redevelopment or Acquisition and Redevelopment Development Category at question 5.c.(2) of Exhibit A and the proposed Development meets all of the following criteria: (i) the Applicant demonstrated its commitment to set aside 30 percent of the total units as ELI Set-Aside units on the Total Set-Aside Breakdown Chart at question 7.b. of Exhibit A, (ii) the proposed Development is classified as RA Level 1 or RA Level 2, (iii) the Percentage of Total Units that will have Rental Assistance is greater than 75 percent, and (iv) the proposed Development consists of a total of 250 units or less, unless further restricted by the Elderly Demographic requirements outlined in Exhibit C.
- (c) The proposed Development selected and qualified for the Local Government Areas of Opportunity Funding points as outlined at Section Four A.10.b of the RFA.

Note: RA Levels are described in Section Four A.5.c.(2) of the RFA.

(2) Applications Not Eligible for Automatic Qualification:

Applicants that are not eligible for the automatic qualification for the Mandatory Distance Requirement should follow the instructions outlined in Section Four A.6.d.(2) of the RFA to determine whether the Application meets the Mandatory Distance Requirement and answer the following question:

Do the proposed Development and any Development(s) on the List have one or more of the same Financial Beneficiaries and meet at least one (1) of the following criteria: (a) they are contiguous or divided by a street, and/or (b) they are divided by a prior phase of the proposed Development?

- Yes No

If “Yes”, the Applicant must identify the specific Development(s) on the List that it wishes to disregard (as outlined in Section Four A.6.d.(2) of the RFA):

[Click here to enter text.](#)

7. Set-Aside Commitments:

- a. Minimum Set-Aside per Section 42 of the IRC:

The Applicant must select one of the following:

- 20% of units at 50% Area Median Income (AMI) or lower
 40% of units at 60% AMI or lower

- b. Total Set-Aside Breakdown Chart:

All Applicants must reflect on the Total Set-Aside Breakdown Chart below all income set-aside commitments (required set-asides and additional set-asides, including all required ELI set-asides, as well as the required total set-aside percentage at or below 60 percent AMI) by listing the percentage of residential units, stated in whole numbers, to be set aside at each selected AMI level.

To enter data, double click within the chart to open the Excel worksheet that is embedded within the Word document, enter the total number of units in the proposed Development and the applicable set-aside percentages and, when finished, click anywhere on the page outside the chart to exit the Excel worksheet and save the entries.

Note: If the calculation of the total set aside units based on the Total Set-Aside Percentage results in less than a whole unit, the Total Set-Aside Breakdown Chart will automatically round to a whole unit.

Total Number of Units*	0	
Total Set-Aside Breakdown Chart		# of Units & Type**
Percentage of Residential Units	AMI Level	
0%	At or Below 25%	0 SAU
0%	At or Below 28%	0 SAU
0%	At or Below 30%	0 SAU
0%	At or Below 33%	0 SAU
0%	At or Below 35%	0 SAU
0%	At or Below 40%	0 SAU
0%	At or Below 45%	0 SAU
0%	At or Below 50%	0 SAU
0%	At or Below 60%	0 SAU
0%	Market-Rate Units	0 MRU
0%	Total Set-Aside Percentage	

*In the event of a discrepancy between the number stated here and the number stated at question 5.e.(1) above, the number stated at question 5.e.(1) above shall be deemed to be the total number of units for the proposed Development.

**SAU=Set-Aside Units; MRU=Market-Rate Units

8. Site Control:

The Applicant must demonstrate site control by providing the following documentation as **Attachment 14**, 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. Construction Features and Resident Programs:

a. Construction Features:

(1) If the Applicant selected the Development Category of Rehabilitation or Acquisition and Rehabilitation at question 5.c.(2) above, the Applicant must select enough of the following Green Building Features so that the total point value of the features selected equals at least 10.

- Programmable thermostat in each unit (2 points)
- Humidistat in each unit (2 points)
- Water Sense certified dual flush toilets in all bathrooms (2 points)
- Light colored concrete pavement instead of or on top of asphalt to reduce the heat-island effect (2 points)
- Energy Star qualified roof coating (2 points) *
- Energy Star qualified roofing materials (metal, shingles, thermoplastic polyolefin (TPO), or tiles) (3 points) *

- Eco-friendly cabinets – formaldehyde free and material must be certified by the Forest Stewardship Council or a certification program endorsed by the Programme for the Endorsement of Forest Certification (3 points)
- Eco-Friendly flooring for entire unit – Carpet and Rug Institute Green Label certified carpet and pad, bamboo, cork, 80% recycled content tile, and/or natural linoleum (3 points)
- High Efficiency HVAC with SEER of at least 16 (2 points) **
- Energy efficient windows in each unit (3 points) †
- Florida Yards and Neighborhoods certification on all landscaping (2 points)
- Install daylight sensors, timers or motion detectors on all outdoor lighting attached to buildings (2 points)

*The Applicant may choose only one option related to Energy Star qualified roofing.

**Applicants who choose high efficiency HVACs must meet the standards listed here, which exceed the minimum Green Building Features required of all Developments in Exhibit C.

†See specific requirements per Development Type at Section Four A.9.a.(1) of the RFA.

or

- (2) If the Applicant selected the Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment at question 5.c.(2) above, the Applicant must indicate its commitment to achieve one of the following Green Building Certification programs: Leadership in Energy and Environmental Design (LEED); Florida Green Building Coalition (FGBC); or ICC 700 National Green Building Standard (NGBS). Does the Applicant commit to achieve one of these programs?

Yes No

b. Resident Programs:

- (1) If the Applicant selected the Family Demographic at question 2.a. above, the Applicant must select at least three (3) of the following resident programs (which are described at Section Four A.9.b.(1) of the RFA):

- After School Program for Children
- Literacy Training
- Employment Assistance Program
- Family Support Coordinator
- Financial Management Program

- (2) If the Applicant selected the Elderly Non-ALF Demographic at question 2.b.(2) above, the Applicant must select at least three (3) of the following resident programs (which are described at Section Four A.9.b.(2) of the RFA):

- Literacy Training
- Computer Training
- Daily Activities
- Assistance with Light Housekeeping, Grocery Shopping and/or Laundry
- Resident Assurance Check-In Program

10. Local Government Support:

Applicants may only qualify for points under a. or b. below:

a. Local Government Contributions (maximum 5 points)

(1) Applicants Eligible for Automatic Points:

If the Applicant selected the Development Category of Rehabilitation or Acquisition and Rehabilitation at question 5.c.(2) above, the Application will automatically receive maximum points.

(2) Applicants Not Eligible for Automatic Points:

If the Applicant selected the Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment at question 5.c.(2) above, has a Local Government committed to provide a contribution to the proposed Development?

Yes No

If “Yes”, in order to be considered for points for this section of the RFA, the Applicant must provide the following applicable Local Government Verification of Contribution form(s) as **Attachment 15**:

- (1) Local Government Verification of Contribution – Grant Form;
- (2) Local Government Verification of Contribution – Fee Waiver Form;
- (3) Local Government Verification of Contribution – Loan Form; and/or
- (4) Local Government Verification of Contribution – Fee Deferral Form.

b. Local Government Areas of Opportunity Funding (10 points):

If the proposed Development has received a commitment for funding that qualifies for Local Government Areas of Opportunity Funding points, has the Applicant provided Local Government Verification of Contribution form(s) for cash grants and/or cash loans wherein the total of the face amounts of these cash contributions is equal to or greater than the minimum qualifying amounts for the proposed Development’s Building Type as listed on the table in Section Four, A.10.b. of the RFA?

Yes No

11. Funding:

a. State the Applicant’s Housing Credit Request Amount (annual amount): \$ [Click here to enter text.](#)

(1) Are any buildings in the proposed Development located in a HUD-designated Small Area DDA, as defined in Section 42(d)(5)(B)(iii), IRC?

Yes No

If “Yes”, and if any part of the proposed Development is located in a DDA ZCTA not already disclosed on the Surveyor Certification form provided as Attachment 13, the

Applicant should enter the HUD-designated Small Area DDA ZCTA Number(s) not already disclosed: [Click here to enter text.](#)

(The Applicant should separate multiple DDA ZCTA Numbers by a comma. If additional space is required, enter the information on the Addenda located at the end of the Application.)

(2) Are any buildings in the proposed Development located in a 2- or 3- Factor Areas of Opportunity?

- Yes No

If “Yes”, the Applicant must enter the 2- or 3- Factor Area of Opportunity Census Tract Number(s): [Click here to enter text.](#)

The Applicant should separate multiple 2- or 3- Factor Areas of Opportunity Census Tract Numbers by a comma. If additional space is required, enter the information on the Addenda located at the end of the Application

(3) Is the proposed Development located in a HUD-designated QCT as defined in Section 42(d)(5)(B)(iii) of the IRC, as amended?

- Yes No

If “Yes”, indicate the QCT Number: [Click here to enter text.](#) and provide a copy of a letter from the local planning office or census bureau which verifies that the entire Development site is located in the referenced QCT as **Attachment 16**.

(4) Multiphase Development:

Is the proposed Development is a phase of a multiphase Development, as outlined in Section Four A.11.a.(4) of the RFA?

- Yes No

If “Yes”, in order to be considered a phase of a Multi-Phase Development, the Applicant must indicate which of the following qualifying conditions has been met:

- (a) The proposed Development is the first phase of a multiphase Development eligible for the basis boost.

or

- (b) The proposed Development is a subsequent phase of a multiphase Development eligible for the basis boost. The Applicant must answer the following questions:

(i) State the Corporation-assigned Application Number for the Development where the first phase was declared: [Click here to enter text.](#)

(ii) Will at least one (1) building of the subsequent phase be located within the boundary of the declared HUD-designated DDA or HUD-designated QCT which applied to the Development declared as the first phase by the first phase Applicant?

Yes No

Note: The Applicant should refer to Section Four A.11.a.(4) of the RFA before answering the above questions.

b. Other Funding:

(1) If a PLP loan has been awarded for this Development, provide the following information:

Corporation File #	Amount of Funding
Click here to enter text.	\$ Click here to enter text.

(2) If any other Corporation funds will be incorporated as a source of financing for the proposed Development, provide the information in the chart below:

Corporation Program	Corporation File No.	Amount of Funding
SAIL	Enter file No.	\$ Enter Amount
HOME-Rental	Enter file No.	\$ Enter Amount
MMRB	Enter file No.	\$ Enter Amount
EHCL	Enter file No.	\$ Enter Amount

(3) If the proposed Development is assisted with funding under the United States Department of Agriculture RD 515 Program and/or the RD 538 Program, indicate the applicable program(s) below and provide the required documentation as **Attachment 17** to Exhibit A.

RD 515 RD 538

c. Finance Documents:

The Applicant must complete the Development Cost Pro-Forma, the Detail/Explanation Sheet, if applicable, the Construction or Rehab Analysis, and the Permanent Analysis.

d. Non-Corporation Funding Proposals:

The Applicant must attach all funding proposals executed by the lender(s) or other source(s). Insert the documentation for each source as a separate attachment to Exhibit A, beginning with **Attachment 18**, and continuing with sequentially numbered attachments for each additional funding source.

e. Per Unit Construction Funding Preference:

Does the proposed Development qualify for the Per Unit Construction Funding Preference, as outlined at Section Four A.11.e. of the RFA?

Yes No

Addenda

The Applicant may use the space below to provide any additional information or explanatory addendum for items in the Application. Please specify the particular Item to which the additional information or explanatory addendum applies.

[Click here to enter text.](#)

Exhibit B to RFA 2016-113 - Housing Credit Financing for Affordable Housing Developments located in Broward, Duval, Hillsborough, Orange, Palm Beach and Pinellas Counties

1. Applicant Certification and Acknowledgement Form –

As outlined in Section Three A., Section Four A.1.b., and Section Five of the RFA, the Applicant must provide in the copy of the Application labeled “Original Hard Copy,” an Applicant Certification and Acknowledgement form for RFA 2016-113 that contains an original signature (blue ink preferred). The Applicant Certification and Acknowledgement form is available at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)). Note: If the Applicant provides any other version of the Applicant Certification form, the form will not be considered.

2. Ability to Proceed Verification Forms –

As outlined in Section Four A.5.f. of the RFA, the Applicant must provide the following Ability to Proceed documentation:

- a. The Florida Housing Finance Corporation Local Government Verification of Status of Site Plan Approval for Multifamily Developments form (Form Rev. 08-16) or the Florida Housing Finance Corporation Local Government Verification of Status of Plat Approval for Residential Rental Developments form (Form Rev. 08-16).
- b. The Florida Housing Finance Corporation Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form (Form Rev. 08-16) or Florida Housing Finance Corporation Local Government Verification that Permits are not Required for this Development form (Form Rev. 08-16).
- c. The Florida Housing Finance Corporation Verification of Availability of Infrastructure – Electricity form (Form Rev. 08-16) or a letter from the provider that meets the requirements outlined in Section Four A.5.f. of the RFA.
- d. The Florida Housing Finance Corporation Verification of Availability of Infrastructure – Water form (Form Rev. 08-16) or a letter from the provider that meets the requirements outlined in Section Four A.5.f. of the RFA.
- e. The Florida Housing Finance Corporation Verification of Availability of Infrastructure – Sewer Capacity, Package Treatment, or Septic Tank form (Form Rev. 08-16) or a letter from the provider that meets the requirements outlined in Section Four A.5.f. of the RFA.
- f. The Florida Housing Finance Corporation Verification of Availability of Infrastructure – Roads form (Form Rev. 08-16) or a letter from the Local Government that meets the requirements outlined in Section Four A.5.f. of the RFA.

The Florida Housing Ability to Proceed Verification forms are available at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)). If the Applicant provides any prior version of the Ability to Proceed form(s), the form(s) will not be considered.

3. Surveyor Certification Form –

As outlined in Section Four A.6. of the RFA, in order (a) for all Applications to meet the Mandatory requirement to provide a Development Location Point and applicable Scattered Sites information, and (b) to determine, if applicable, the points for Proximity to Services for proposed Developments, and (c) to determine whether the Mandatory Distance Requirement has been met (if not eligible for automatic qualification for the Mandatory Distance Requirement), the Applicant must provide the Surveyor Certification form (Form Rev. 08-16). The Surveyor Certification form is available at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)). Note: If the Applicant provides any prior version of the Surveyor Certification form, the form will not be considered.

4. Local Government Verification of Contribution Forms –

- a. As outlined in Section Four A.10.a. of the RFA, for Applications that are not eligible for automatic points to be considered for points for Local Government Contributions, the Applicant must provide one or more of the Local Government Verification of Contribution forms (Form Rev. 08-16). The Local Government Verification of Contribution forms are available at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)). Note: If the Applicant provides any prior version of the Local Government Verification form(s), the form(s) will not be considered.
- b. As outlined in Section Four A.10.b. of the RFA, for Applications to be considered for Local Government Areas of Opportunity Funding points, the Applicant must provide the Local Government Verification of Contribution – Loan Form and/or the Local Government Verification of Contribution – Grant Form, which meets the requirements of Section Four A.10.a. and 10.b. of the RFA.

Applicant Certification and Acknowledgement Form

1. The Applicant certifies that the proposed Development can be completed and operating within the development schedule and budget submitted to the Corporation.
2. The Applicant acknowledges and certifies that the following information will be provided by the due date outlined below, or as otherwise outlined in the invitation to enter credit underwriting. Failure to provide the required information by the stated deadline shall result in the withdrawal of the invitation to enter credit underwriting.
 - a. Within 7 Calendar Days of the date of the invitation to enter credit underwriting:
 - (1) Name and address of the chief elected official of the local jurisdiction where the proposed Development is located;
 - (2) The number of buildings with dwelling units;
 - (3) Notification of the Applicant's eligibility for acquisition credits per Section 42 of the IRC, if applicable; and
 - (4) Applicant's Federal Identification Number. If the number has not yet been obtained, the Applicant will be required to provide a copy of the completed, submitted application for that number.
 - b. Within 21 Calendar Days of the date of the invitation to enter credit underwriting:
 - (1) Certification from a licensed environmental provider confirming that a Phase I environmental site assessment has been performed for the entire Development site, and, if applicable, a Phase II environmental site assessment has been or is being performed, as outlined in Item 12 of Exhibit C of the RFA;
 - (2) Confirmation that the proposed equity amount to be paid prior to or simultaneous with the closing of construction financing is at least 15 percent of the total proposed equity to be provided (the 15 percent criteria), subject to the following:
 - (a) If syndicating/selling the Housing Credits, there are two exceptions to the preceding sentence. First, if there is a bridge loan proposal within the equity proposal that provides for bridge loan proceeds that equal at least 15 percent of the amount of total proposed equity to be provided to be made available prior to or simultaneous with closing of construction financing, the 15 percent criteria will be met. Second, if there is a separate bridge loan proposal from either the equity provider, any entity that is controlled directly or indirectly by the equity provider, or a subsidiary of the equity provider's parent holding company, and the proposal explicitly proposes an amount to be made available prior to or simultaneous with the closing of construction financing that equals at least 15 percent of the total proposed equity to be paid stated in the equity proposal, the 15 percent criteria is met. Bridge loan proposals that are not within the equity proposal, though, must meet the criteria previously stated for debt financing with the exception that evidence of ability to fund does not have to be provided. The Applicant may include the proposed amount of the bridge loan as equity proceeds on the Construction or Rehabilitation Analysis and on the Permanent Analysis (Note: this 15 percent criteria must be reflected in the limited partnership agreement or limited liability company operating agreement); or

Applicant Certification and Acknowledgement Form

- (b) If not syndicating/selling the Housing Credits, proceeds from a bridge loan will not count toward meeting the 15 percent criteria;
- (3) Confirmation that all construction features committed to and proposed by the Applicant shall be located on the Development site;
- (4) Confirmation that, 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 Surveyor Certification form in the Application 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;
- (5) Notification of the percentage of ownership of the Principals of the Applicant. Upon the Applicant's acceptance of the invitation to enter credit underwriting, the Corporation will return the Principals of the Applicant and Developer(s) Disclosure Form that was part of the Applicant's Uploaded Application. The Applicant will be required to enter the applicable ownership percentages on the form and return the completed form to the Corporation;
- (6) If the Applicant indicates at question 5.e.(3)(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.5.e.(3) of the RFA;
- (7) Identity of the remaining members of the Development Team (i.e., inexperienced co-Developer(s), General Contractor, Architect, Attorney, Accountant and, if applicable, Service Provider), as outlined in Item 12 of Exhibit C of the RFA. The team members so identified, and any future replacement thereof, must be acceptable to the Corporation and the Credit Underwriter;
- (8) If the Applicant selected the Development Category (at question 5.c.(2) of Exhibit A) of New Construction, Redevelopment, or Acquisition and Redevelopment, as outlined in Section Four A.9.a.(2) of the RFA, the Applicant must advise the Corporation of the specific Green Building Certification Program that it commits to achieve: Leadership in Energy and Environmental Design (LEED); Florida Green Building Coalition (FGBC); or ICC 700 National Green Building Standard (NGBS); and
- (9) If the Applicant indicated at question 11.a.(4)(a) of Exhibit A that the proposed Development is a first phase of a multiphase Development, the attorney opinion letter containing the required information outlined in Section Four A.11.a.(4)(a) of the RFA must be provided to the Corporation by the deadline stated in the invitation to enter credit underwriting.

If the Applicant indicated at question 11.a.(4)(b) of Exhibit A that the proposed Development is a subsequent phase of a multiphase Development and the Applicant's

Applicant Certification and Acknowledgement Form

Housing Credit request is based on such contention and, during the credit underwriting process it is determined that the proposed Development does not meet the criteria for such distinction, the Applicant's Competitive Housing Credit award will be rescinded.

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 as outlined in Item 3 of Exhibit C of the RFA, 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 (ALF or Non-ALF) Demographic Commitment is selected, the proposed Development must meet all of the Elderly Demographic requirements as outlined in Items 1, 3, and 4 of Exhibit C of the RFA.
 - c. The name of the Applicant entity stated in the Application may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Carryover Allocation Agreement is in effect. In addition, as further outlined in Item 2 of Exhibit C of the RFA, the Applicant entity shall be the recipient of the Housing Credits and may not change until after the Carryover Allocation Agreement is in effect.
 - d. If the Applicant applies as a Non-Profit entity and meets the requirements outlined in Section Four A.3.c. of the RFA to be considered to be a Non-Profit for purposes of this RFA, it must remain a Non-Profit entity and the Non-Profit entity must (i) receive at least 25 percent of the Developer's fee; and (ii) understand that it is the Non-Profit entity's responsibility to contractually ensure that it substantially and materially participates in the management and operation of the Development throughout the Compliance Period.
 - e. 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 Service Provider (if the proposed Development is an Elderly Assisted Living Facility), 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.
 - f. The Principals of each Developer identified in the Application, including all co-Developers, may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting. In addition, any allowable replacement of an experienced Principal of a Developer entity must meet the experience requirements that were met by the original Principal.
 - g. During credit underwriting, all funded Applications will be held to the number of RA units stated

Applicant Certification and Acknowledgement Form

will apply throughout the entire Compliance Period, subject to Congressional appropriation and continuation of the rental assistance program.

- h. The total number of units stated in the Application may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation.
- i. The invitation to enter credit underwriting will be rescinded if it is determined that the proposed Development was placed in service prior to the year in which it received its allocation.
- j. The proposed Development will include (i) all construction features commitments made by the Applicant at question 9.a. of Exhibit A, and (ii) all required construction features applicable to the proposed Development, as outlined in Item 3 of Exhibit C of the RFA. The quality of the features committed to by the Applicant is subject to approval of the Board of Directors.
- k. The proposed Development will include (i) all resident programs commitments made by the Applicant at question 9.b. of Exhibit A, and (ii) 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.
- l. The proposed Development will include the required income set-aside units committed to in the Application. The Total Set-Aside Percentage stated in the Application may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation.
- m. The Applicant irrevocably commits to set aside units in the proposed Development for a total of 50 years. Note: in submitting its Application, the Applicant knowingly, voluntarily and irrevocably commits to waive, and does hereby waive, for the duration of the 50-year set aside period the option to convert to market, including any option or right to submit a request for a qualified contract, after year fourteen (14), and any other option, right or process available to the Applicant to terminate (or that would result in the termination of) the 50-year set aside period at any time prior to the expiration of its full term.
- n. The Applicant's commitments will be included in an Extended Use Agreement and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.
- o. The applicable fees outlined in Item 10 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.
- p. The Applicant agrees and acknowledges that the Application will be subject to the Total Development Cost Per Unit Limitation during the scoring, credit underwriting, and final allocation process, as outlined in Item 7 of Exhibit C of the RFA.
- q. The Applicant agrees and acknowledges that the following information and documentation will be provided as outlined in Item 11 of Exhibit C of the RFA: Progress Report (Form Q/M Report);

Applicant Certification and Acknowledgement Form

- r. The Applicant agrees and acknowledges that it will conform to the requirements regarding the use of replacement reserve funds, as outlined in Item 11 of Exhibit C of the RFA.
 - s. The Preliminary Recommendation Letter (PRL) for this Development will be due to the Corporation no later than 12 weeks after the invitation to enter credit underwriting has been accepted, unless stated otherwise in the invitation. If the deadline cannot be met, the Applicant must request an extension by submitting a written request and payment of the applicable processing fee to the Corporation. Pursuant to paragraph 67-48.0072(21)(d), F.A.C., the Applicant is responsible for providing the Credit Underwriter with the information necessary to complete the PRL.
 - t. As outlined in Section Four A.7.b.(2)(b) of the RFA, Applicants that select the Family or Elderly Non-ALF Demographic Commitment at question 2 of Exhibit A agree to and acknowledge the Link requirements stated in Exhibit D of the RFA.
 - u. If the Applicant indicated that the proposed Development will be assisted with funding under the RD 538 Program and expects to use such funding as a source of financing, the Section 538 Selection letter sent to the Applicant by RD must be provided to the Credit Underwriter, as outlined in Section Four A.11.b.(3)(c) of the RFA.
 - v. In exchange for receiving funding from Florida Housing, Florida Housing reserves the authority to restrict the disposition of any funds remaining in any operating deficit reserve(s) after the term of the reserve's original purpose has terminated or is near termination. Authorized disposition uses are limited to payments towards any outstanding loan balances of the Development funded from Florida Housing, any outstanding Florida Housing fees, any unpaid costs incurred in the completion of the Development (i.e., deferred Developer fee), the Development's capital replacement reserve account (provided however, that any operating deficit reserve funds deposited to the replacement reserve account will not replace, negate, or otherwise be considered an advance payment or pre-funding of the Applicant's obligation to periodically fund the replacement reserve account), the reimbursement of any loan(s) provided by a partner, member or guarantor as set forth in the Applicant's organizational agreement (i.e., operating or limited partnership agreement), and, in the case of a Development with a Homeless or Persons with Special Needs Demographic Commitment, another operating deficit reserve whereby its final disposition remains under this same restriction. The actual direction of the disposition is at the Applicant's discretion so long as it is an option permitted by Florida Housing. In no event shall the payment of amounts to the Applicant or the Developer from any operating deficit reserve established for the Development cause the Developer fee or General Contractor fee to exceed the applicable percentage limitations provided for in this 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.

Applicant Certification and Acknowledgement Form

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 Chapter 67-48, F.A.C. The Applicant and all Financial Beneficiaries have read, understand and will comply with Section 42 of the Internal Revenue Code, as amended, and all related federal regulations.
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 and natural person Principals disclosed on the Principals for the Applicant and Developer(s) Disclosure Form in order to obtain a recommendation for a Housing Credit Allocation.
10. The Applicant understands and agrees to cooperate with any audits conducted in accordance with the provisions set forth in Section 20.055(5), F.S.
11. 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)

NOTE: The Applicant must provide this form as Attachment 1 to the RFA. The Applicant Certification and Acknowledgement form included in the Application labeled "Original Hard Copy" must contain an original signature (blue ink is preferred).

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF STATUS
OF PLAT APPROVAL FOR RESIDENTIAL RENTAL DEVELOPMENTS**

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: _____

Development Location: _____

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).

Mark the applicable statement:

- 1. The above-referenced Development is new construction or rehabilitation with new construction and the final plat was approved on or before the submission deadline for the above referenced FHFC Request for Proposal/Application by action of the appropriate City/County legally authorized body; e.g. council, commission, board, department, division, etc., responsible for such approval process.
- 2. The above-referenced Development is new construction or rehabilitation with new construction and the preliminary or conceptual plat was approved on or before the submission deadline for the above referenced FHFC Request for Proposal/Application by action of the appropriate City/County legally authorized body; e.g. council, commission, board, department, division, etc., responsible for such approval process.
- 3. The above-referenced Development is rehabilitation without any new construction and does not require additional plat approval.

CERTIFICATION

I certify that the City/County of _____ has vested in me the
(Name of City or County)

authority to verify status of plat approval as specified above and I further certify that the information above is true and correct.

Signature

Print or Type Name

Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to plat approval, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed, the form will not be accepted.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF STATUS
OF SITE PLAN APPROVAL FOR MULTIFAMILY DEVELOPMENTS**

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: _____

Development Location: _____

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).

Mark the applicable statement:

1. The above-referenced Development is (a) new construction, or (b) rehabilitation with new construction, or (c) rehabilitation, without new construction, that requires additional site plan approval or similar process. The final site plan, in the applicable zoning designation, was approved on or before the submission deadline for the above referenced FHFC Request for Proposal/Application by action of the appropriate City/County legally authorized body; e.g. council, commission, board, department, division, etc., responsible for such approval process.

2. The above-referenced Development is (a) new construction, or (b) rehabilitation with new construction, or (c) rehabilitation, without new construction, that requires additional site plan approval or similar process, and (i) this jurisdiction provides either preliminary site plan approval or conceptual site plan approval which has been issued, or (ii) site plan approval is required for the new construction work and/or the rehabilitation work; however, this jurisdiction provides neither preliminary site plan approval nor conceptual site plan approval, nor is any other similar process provided prior to issuing final site plan approval. Although there is no preliminary or conceptual site plan approval process and the final site plan approval has not yet been issued, the site plan, in the applicable zoning designation, has been reviewed.

The necessary approval and/or review was performed on or before the submission deadline for the above referenced FHFC Request for Proposal/Application by the appropriate City/County legally authorized body; e.g. council, commission, board, department, division, etc., responsible for such approval process.

3. The above-referenced Development, in the applicable zoning designation, is rehabilitation without any new construction and does not require additional site plan approval or similar process.

CERTIFICATION

I certify that the City/County of _____ has vested in me the authority to verify status of site plan
(Name of City or County)

Approval as specified above and I further certify that the information stated above is true and correct.

Signature

Print or Type Name

Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to site plan approval, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE - ELECTRICITY**

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: _____

Development Location: _____

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).

The undersigned service provider confirms that on or before the submission deadline for the above referenced FHFC Request for Proposal/Application:

1. Electricity is available to the proposed Development, subject to item 2 below.
2. To access such electric service, the Applicant may be required to pay hook-up, installation and other customary fees, comply with other routine administrative procedures, and install or construct line extensions and other equipment in connection with the construction of the Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Signature

Name of Entity Providing Service

Print or Type Name

Address (street address, city, state)

Print or Type Title

Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE - WATER**

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: _____

Development Location: _____

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).

The undersigned service provider confirms that on or before the submission deadline for the above referenced FHFC Request for Proposal/Application:

1. Potable water is available to the proposed Development, subject to item 2 below.
2. To access such water service, the Applicant may be required to pay hook-up, installation and other customary fees, comply with other routine administrative procedures, and install or construct line extensions and other equipment, including but not limited to pumping stations, in connection with the construction of the Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Signature

Name of Entity Providing Service

Print or Type Name

Address (street address, city, state)

Print or Type Title

Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.

**FLORIDA HOUSING FINANCE CORPORATION
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE - SEWER CAPACITY,
PACKAGE TREATMENT, OR SEPTIC TANK**

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: _____

Development Location: _____

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).

The undersigned service provider confirms that on or before the submission deadline for the above referenced FHFC Request for Proposal/Application:

1. Sewer Capacity or Package Treatment is available to the proposed Development; or
2. There are no known prohibitions to installing a Septic Tank system with adequate capacity for the proposed Development location or, if necessary, upgrading an existing Septic Tank system with adequate capacity for the proposed Development location.

To access such waste treatment service, the Applicant may be required to pay hook-up, installation and other customary fees, comply with other routine administrative procedures, and/or install or construct line extensions and other equipment, including but not limited to pumping stations, in connection with the construction of the Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Signature

Name of Entity Providing Service

Print or Type Name

Address (street address, city, state)

Print or Type Title

Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE - ROADS**

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: _____

Development Location: _____

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).

The undersigned service provider confirms that on or before the submission deadline for the above referenced FHFC Request for Proposal/Application:

1. Existing paved roads provide access to the proposed Development or paved roads will be constructed as part of the proposed Development;
2. There are no impediments to the proposed Development using the roads other than payment of impact fees or providing curb cuts, turn lanes, signalization, or securing required final approvals and permits for the proposed Development; and
3. The execution of this verification is not a granting of traffic concurrency approval for the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

Signature

Name of Entity Providing Service

Print or Type Name

Address (street address, city, state)

Print or Type Title

Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING
AND LAND USE REGULATIONS**

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: _____

Development Location: _____

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).

The undersigned service provider confirms that on or before the submission deadline for the above referenced FHFC Request for Proposal/Application:

- (1) The zoning designation for the above referenced Development location is _____; and
- (2) The proposed number of units and intended use are consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

CERTIFICATION

I certify that the City/County of _____ has vested in me the authority to verify
(Name of City/County)

consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapter 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Signature

Print or Type Name

Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION THAT PERMITS ARE NOT REQUIRED
FOR THIS DEVELOPMENT**

FHFC Application Reference: _____

Indicate the name of the application process under which the proposed Development is applying/has applied for funding from the Corporation such as the Request for Proposal/Application number and/or the name of the Request for Proposal/Application.

Name of Development: _____

Development Location: _____

At a minimum, provide the address number, street name and city and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county).

Building permits: If no building permits are required for the rehabilitation of the referenced Development site, complete the following certification:

CERTIFICATION

I certify that the foregoing information is true and correct and that the City/County of _____
(Name of City / County)

has vested in me the authority to verify that the rehabilitation of the referenced Development site does not require the issuance of building permits. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapter 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Signature

Print or Type Name

Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the certification will not be accepted.

**FLORIDA HOUSING FINANCE CORPORATION
 SURVEYOR CERTIFICATION**

Name of Development: _____

Development Location: _____

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). If the Development consists of Scattered Sites¹, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located.)

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 5J-17, F.A.C., formerly 61G17-6, F.A.C.:

****All calculations shall be based on “WGS 84” and be grid distances. The horizontal positions shall be collected to meet sub-meter accuracy (no autonomous hand-held GPS units shall be used).***

Part I: Development Location Point² -

Latitude			Longitude			DDA ZCTA ³ , if applicable
N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	_____

To be eligible for proximity points, Degrees and Minutes must be stated as whole numbers and Seconds must be represented to 2 decimal places.

Part II: Transit Service – State the latitude and longitude coordinates for one (1) Transit Service on the chart below.⁴

	Latitude			Longitude		
	Public Bus Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes
Public Bus Transfer Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Public Bus Rapid Transit Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
SunRail Station, MetroRail Station, or TriRail Station	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Transit Service is:						_____ Miles

**FLORIDA HOUSING FINANCE CORPORATION
SURVEYOR CERTIFICATION**

Part III: Community Services - State the Name, Address and latitude and longitude coordinates of the closest service(s) on the chart below.⁴

Grocery Store:	Latitude			Longitude		
Name - _____ Address - _____ _____ _____	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Grocery Store is:					____.____ Miles	
Medical Facility:	Latitude			Longitude		
Name - _____ Address - _____ _____ _____	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Medical Facility is:					____.____ Miles	
Pharmacy:	Latitude			Longitude		
Name - _____ Address - _____ _____ _____	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Pharmacy is:					____.____ Miles	
Public School:	Latitude			Longitude		
Name - _____ Address - _____ _____ _____	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Public School is:					____.____ Miles	

(Form Rev. 08-16)

Initials of Surveyor_____

**FLORIDA HOUSING FINANCE CORPORATION
 SURVEYOR CERTIFICATION**

Part IV: Scattered Sites – If the proposed Development meets the definition of Scattered Sites¹, select Item 1 below and provide the required information for each Scattered Site, other than the site with the Development Location Point² (which is described in Part I above). Use multiple copies of this page if necessary. If the Development does NOT consist of Scattered Sites, select Item 2 below.

1. O Location of the Scattered Site¹: _____

Latitude and Longitude Coordinates located anywhere on the Scattered Site:

N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	DDA ZCTA ³ , if applicable: _____
--------------------	------------------	--	--------------------	------------------	--	--

Location of the Scattered Site¹: _____

Latitude and Longitude Coordinates located anywhere on the Scattered Site:

N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	DDA ZCTA ³ , if applicable: _____
--------------------	------------------	--	--------------------	------------------	--	--

Location of the Scattered Site¹: _____

Latitude and Longitude Coordinates located anywhere on the Scattered Site:

N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	DDA ZCTA ³ , if applicable: _____
--------------------	------------------	--	--------------------	------------------	--	--

2. O The proposed Development does NOT consist of Scattered Sites.

For this certification form to be considered complete, it must be properly executed and the required information must be stated at Parts I and IV of the form. For this certification to be eligible for Proximity Points not automatically awarded, it must be properly executed, Parts I and IV must be completed, and the applicable services information must be stated at Parts II and III of the form.

If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

CERTIFICATION – Under penalties of perjury, I declare that the foregoing statement is true and correct.

Signature of Florida Licensed Surveyor

Florida License Number of Signatory

Print or Type Name of Signatory

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

This certification consists of 3 pages, plus definitions. This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the form will not be considered. If this certification contains corrections or 'white-out', or if it is altered or retyped, the form will not be considered. The certification may be photocopied.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
SURVEYOR CERTIFICATION**

¹“Scattered Sites,” as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site within a Scattered Site Development, is considered to be a “Scattered Site”). For purposes of this definition “contiguous” means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement provided the easement is not a roadway or street. All of the Scattered Sites must be located in the same county. The location of the Scattered Site means, at a minimum, the address number, street name, and city, and/or provide (i) the street name, closest designated intersection and city (if located within a city), or (ii) the street name, closest designated intersection and county (if located in the unincorporated area of the county).

²“Development Location Point” means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means 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.

³“DDA ZCTA” or “DDA Zip Code Tabulation Area,” applies only if any of the proposed Development site(s) is/are located within a metropolitan area and in a ZCTA which has been designated by the Department of Housing and Urban Development (HUD) as a Small Area Difficult Development Area (SADDA) at <https://www.huduser.gov/portal/Datasets/gct/DDA2016M.PDF>. This can be determined by entering the applicable information at the HUD mapping application, which can be found at https://www.huduser.gov/portal/sadda/sadda_gct.html

⁴The latitude and longitude coordinates for all Proximity Services must represent a point as outlined on the Coordinates Location Chart set out below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds represented to 2 decimal places. If the degrees and minutes are not stated as whole numbers and the seconds are not represented to 2 decimal places, the Applicant will not be eligible for proximity points for that service.

Coordinates Location Chart																									
Service	Location where latitude and longitude coordinates must be obtained																								
Community Services	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.																								
Transit Services	<p>For Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop, TriRail Rail Stations and MetroRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the bus or train.</p> <p>For the following Phase 1 SunRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the train:</p> <p style="text-align: center;"><u>Phase 1 SunRail Station Name</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Altamonte Springs Station</td> <td style="width: 50%;">Church Street Station</td> </tr> <tr> <td>DeBary Station</td> <td>Florida Hospital Station</td> </tr> <tr> <td>Lake Mary Station</td> <td>LYNX Central Station</td> </tr> <tr> <td>Longwood Station</td> <td>Maitland Station</td> </tr> <tr> <td>Orlando Amtrak/ORMC Station</td> <td>Sand Lake Road Station</td> </tr> <tr> <td>Sanford/SR46 Station</td> <td>Winter Park/Park Ave Station</td> </tr> </table> <p>For the following Phase 2 SunRail Rail Stations, coordinates must represent coordinates listed below:</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"><u>Phase 2 SunRail Station Name</u></th> <th style="text-align: left;"><u>Coordinates</u></th> </tr> </thead> <tbody> <tr> <td>Deland Amtrak Station</td> <td>N 29 01 02.25, W 81 21 09.24</td> </tr> <tr> <td>Meadow Woods Station</td> <td>N 28 23 12.19, W 81 22 26.59</td> </tr> <tr> <td>Osceola Parkway Station</td> <td>N 28 20 35.55, W 81 23 24.07</td> </tr> <tr> <td>Kissimmee Amtrak Station</td> <td>N 28 17 34.93, W 81 24 17.37</td> </tr> <tr> <td>Poinciana Industrial Park Station</td> <td>N 28 15 32.04, W 81 29 08.17</td> </tr> </tbody> </table>	Altamonte Springs Station	Church Street Station	DeBary Station	Florida Hospital Station	Lake Mary Station	LYNX Central Station	Longwood Station	Maitland Station	Orlando Amtrak/ORMC Station	Sand Lake Road Station	Sanford/SR46 Station	Winter Park/Park Ave Station	<u>Phase 2 SunRail Station Name</u>	<u>Coordinates</u>	Deland Amtrak Station	N 29 01 02.25, W 81 21 09.24	Meadow Woods Station	N 28 23 12.19, W 81 22 26.59	Osceola Parkway Station	N 28 20 35.55, W 81 23 24.07	Kissimmee Amtrak Station	N 28 17 34.93, W 81 24 17.37	Poinciana Industrial Park Station	N 28 15 32.04, W 81 29 08.17
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If there is no exterior public entrance to the Community Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For example, for a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the latitude and longitude coordinates at the doorway threshold of the exterior public entrance to the enclosed shopping mall that provide the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

Applicants may use the same latitude and longitude coordinates for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION – GRANT FORM**

Name of Development: _____

Development Location: _____

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located.)

The City/County of _____ commits \$_____ as a grant to the Applicant for its use solely for assisting the proposed Development referenced above. The City/County does not expect to be repaid or reimbursed by the Applicant, or any other entity, provided the funds are expended solely for the Development referenced above. No consideration or promise of consideration has been given with respect to the grant. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. The commitment for this grant must be effective as of the Application Deadline for the applicable RFA, and is provided specifically with respect to the proposed Development.

The source of the grant is: _____
(e.g., SHIP, HOME, CDBG)

CERTIFICATION

I certify that the foregoing information is true and correct and that this commitment is effective at least through the date required in the applicable RFA.

Signature

Print or Type Name

Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

If the Application is not eligible for automatic points, this contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is altered or retyped. The certification may be photocopied.

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - FEE WAIVER FORM**

Name of Development: _____

Development Location: _____

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located.)

The City/County of _____, pursuant to _____

_____, waived the following fees: _____

(Reference Official Action, cite Ordinance or Resolution Number and Date)

Amount of Fee Waiver: \$_____.

No consideration or promise of consideration has been given with respect to the fee waiver. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee waiver must be effective as of the Application Deadline for the applicable RFA, and is provided specifically with respect to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct and that this commitment is effective at least through the date required in the applicable RFA.

Signature

Print or Type Name

Print or Type Title

NOTE TO LOCAL GOVERNMENT OFFICIAL: Waivers that are not specifically made for the benefit of this Development but are instead of general benefit to the area in which the Development is located will NOT qualify as a contribution to the Development. Further, the fact that no impact fees or other fees are levied by a local jurisdiction for ANY type of development DOES NOT constitute a "Local Government Contribution" to the proposed Development. Similarly, if such fees ARE levied by the local jurisdiction but the nature of the proposed Development exempts it (e.g., typically, a Rehabilitation Development is not subject to impact fees), for purposes of this form, no "Local Government Contribution" exists and no points will be awarded.

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

If the Application is not eligible for automatic points, this contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is altered or retyped. The certification may be photocopied.

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION – LOAN FORM**

Name of Development: _____

Development Location: _____

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located.)

The City/County of _____, commits \$_____ (which may be used as an FHFC Non-Corporation Funding Proposal in an Application for FHFC funding if it meets the required criteria) in the form of a reduced interest rate loan to the Applicant for its use solely for assisting the proposed Development referenced above.

The net present value of the above-referenced loan, based on its payment stream, inclusive of a reduced interest rate and the designated discount rate (as stated in the applicable RFA) is: \$_____.

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. The commitment for this loan must be effective as of the Application Deadline for the applicable RFA, and is provided specifically with respect to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct and that this commitment is effective at least through the date required in the applicable RFA.

Signature

Print or Type Name

Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager /Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

If the Application is not eligible for automatic points, this contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is altered or retyped. The certification may be photocopied.

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - FEE DEFERRAL FORM**

Name of Development: _____

Development Location: _____

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located.)

The City/County of _____ commits to defer \$ _____ in fees for the proposed Development referenced above.

The net present value of the above-referenced fee deferral, based on its payment stream, inclusive of a reduced interest rate and designated discount rate (as stated in the applicable RFA) is: \$ _____.

No consideration or promise of consideration has been given with respect to the fee deferral. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. The commitment for this fee deferral must be effective as of the Application Deadline for the applicable RFA, and is provided specifically with respect to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct and that this commitment is effective at least through the date required in the applicable RFA.

Signature

Print or Type Name

Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager /Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

If the Application is not eligible for automatic points, this contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is altered or retyped. The certification may be photocopied.

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

(Form Rev. 08-16)

**Exhibit C to RFA 2016-113 - Housing Credit Financing for Affordable Housing
Developments Located in Broward, Duval, Hillsborough, Orange, Palm
Beach and Pinellas Counties**

1. Elderly Demographic Commitment Requirements:

In order for a proposed Development to qualify for the Elderly Demographic (ALF or Non-ALF), the Development must meet the following requirements:

a. The total number of units is limited as follows:

(1) Non-ALF Developments

(a) New Construction, Redevelopment, or Acquisition and Redevelopment, (selected by the Applicant at question 5.c.(2) of Exhibit A of the RFA) are limited to the following total number of units:

- In all counties except Broward County - 160 total units; and
- In Broward County – 200 total units;

(b) Rehabilitation, with or without Acquisition (selected by the Applicant at question 5.c.(2) of Exhibit A of the RFA), that does not constitute an existing, occupied housing facility that is operating as housing for older persons as set forth in the Federal Fair Housing Act as of the Application Deadline are limited to the following total number of units:

- In all counties except Broward County - 160 total units; and
- In Broward County – 200 total units;

(c) There is no total unit limitation for the Rehabilitation, with or without Acquisition, (selected by the Applicant at question 5.c.(2) of Exhibit A of the RFA) of an existing, occupied housing facility that is operating as housing for older persons as set forth in the Federal Fair Housing Act as of the Application Deadline.

(2) ALF Developments may not consist of more than 125 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. For a Non-ALF Development, the following requirements will apply: (i) if the Applicant selected the Development Category of Rehabilitation or Acquisition and Rehabilitation at question 5.c.(2) of Exhibit A of the RFA, at least 50 percent of the total units must be comprised of one-bedroom or less (i.e., one-bedroom units or Zero Bedroom Units or a combination of these types of units), and no more than 15 percent of the total units can be larger than 2 bedroom units; or (ii) if the Applicant selected the Development Category of New Construction, Redevelopment, or

Acquisition and Redevelopment at question 5.c.(2) of Exhibit A of the RFA, 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.

For an ALF Development, at least 90 percent of the total units must be comprised of units no larger than one-bedroom and the sharing of a unit by two or more unaffiliated residents cannot be a condition of occupancy.

- d. A minimum of one elevator per residential building must be provided for all proposed Developments with a Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment 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:

For purposes of the following, a material change shall mean 33.3 percent or more of the Applicant, a general partner of the Applicant, or a non-investor member of the Applicant, and a non-material change shall mean less than 33.3 percent of the Applicant, a general partner of the Applicant, or a non-investor member of the Applicant.

The Applicant entity shall be the recipient of the Housing Credits and cannot be changed in any way (materially or non-materially) until after the Carryover Allocation Agreement is in effect. Once the Carryover Allocation Agreement has been executed by all parties, (i) replacement of the Applicant or a material change in the ownership structure of the named Applicant will require Board approval prior to the change, and (ii) any non-material change in the ownership structure of the named Applicant will require Corporation approval prior to the change. The Applicant entity may be changed without Board approval after a Final Housing Credit Allocation Agreement has been approved and the IRS Forms 8609 have been issued; however, the Corporation must still be notified in writing of the change. Changes to the Applicant entity prior to the execution of a Carryover Allocation Agreement or without Board approval or Corporation approval, as applicable, prior to the approval of the Final Housing Credit Allocation and issuance of the IRS Forms 8609 shall result in a disqualification from receiving funding and shall be deemed a material misrepresentation. Changes to the investor limited partner of an Applicant limited partnership or the investor-member of an Applicant limited liability company owning the syndicating interest therein will not result in disqualification.

3. Required Construction Features:

The following required construction features are in addition to the Green Building Features selected by the Applicant (at question 9.a.(1) of Exhibit A) or the Applicant's commitment to achieve a Green Building Certification Program (at question 9.a.(2) of Exhibit A).

All rehabilitation units must include as many of the required Accessibility, General and Green Building features as are structurally and financially feasible within the scope of the rehabilitation work, utilizing a capital needs assessment and accessibility review ordered by the Credit Underwriter and performed by an independent third party(ies).

- 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;
- Bathtub with shower in at least one bathroom in at least 90% of the new construction non-Elderly units; and
- Washer and dryer hook ups in each of the Development’s units or an on-site laundry facility for resident use. If the proposed Development consists of an on-site laundry facility, there must be a minimum of one (1) Energy Star qualified washer and one (1) dryer per every 15 units. To determine the required number of washers and dryers for the on-site laundry facility; divide the total number of the Developments’ units by 15, and then round the equation’s total up to the nearest whole number.

(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.

All Housing Credit Developments must comply with Section 504 of the Rehabilitation Act of 1973, as implemented by 24 CFR Part 8 (“Section 504 and its related regulations”). To the extent that a Development is not otherwise subject to Section 504 and its related regulations, the Development shall nevertheless comply with Section 504 and its related regulations as requirements of the Housing Credit Program to the same extent as if the Development were subject to Section 504 and its related regulations in all respects. To that end, 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 and its related regulations for all Housing Credit Developments. Section 504 of the Rehabilitation Act of 1973, as implemented by 24 CFR Part 8, is available by clicking [here](#).

All units must meet accessibility standards of Section 504. Section 504 accessibility standards require a minimum of 5 percent of the total dwelling units, but not fewer than one unit, to be accessible for individuals with mobility impairments. An additional 2 percent of the total units, but not fewer than one unit, must be accessible for persons with hearing or vision impairments.

- (b) All new construction units that are located on an accessible route must have the features listed in (d) below.
- (c) All rehabilitation units that are located on an accessible route must include features listed in (d) below. The features in (d) must be incorporated to the maximum extent feasible within the scope of the rehabilitation work planned by the Applicant. The maximum extent feasible shall be determined by the scope of work, the capital needs assessment, the accessibility review, and the construction features that are affected by the rehabilitation work. Any major change affecting the features such as remodeling,

renovation, rearrangement of structural parts or walls or full-height partitions requires compliance with accessibility requirements below. For the purposes of this RFA, normal maintenance, re-roofing, painting or wallpapering, or changes to mechanical and electrical systems are not considered alterations. Where an alteration affects a construction feature, accessibility is required to the maximum extent feasible.

(d) Accessible 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; and
- 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.

The capital needs assessment and accessibility review will serve as the basis for the accessibility features that are required for the scope of work for the project.

b. All new construction 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 (ALF or Non-ALF) 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—WaterSense labeled products or the following specifications:
 - Faucets: 1.5 gallons/minute or less,
 - Showerheads: 2.0 gallons/minute or less;
- Energy Star qualified refrigerator;
- Energy Star qualified dishwasher;
- Energy Star qualified ventilation fan in all bathrooms;
- Water heater minimum efficiency specifications:
 - Residential Electric:
 - ≤ 55 gallons = .95 EF; or
 - >55 gallons = Energy Star qualified; or
 - Tankless = .97 EF;

- Residential Gas (storage or tankless/instantaneous): Energy Star qualified,
- Commercial Gas Water Heater: Energy Star qualified;
- Energy Star qualified ceiling fans with lighting fixtures in bedrooms; and
- Air Conditioning minimum efficiency specifications (choose in-unit or commercial) *:
 - In-unit air conditioning: minimum 15 SEER; or
 - Packaged units are allowed in Zero Bedroom Units and one-bedroom units: minimum 13.8 EER; 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

*Applicants who select higher efficiency HVAC as Green Building Features at question 9.a.(1) of Exhibit A must meet or exceed those standards, which exceed these minimum requirements.

- c. All rehabilitation units must include the following General Features, Required Green Building Features and Additional 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) Required Green Building Features in all Family and Elderly (ALF or Non-ALF) 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—WaterSense labeled products or the following specifications:
 - Faucets: 1.5 gallons/minute or less,
 - Showerheads: 2.0 gallons/minute or less;
- Energy Star qualified refrigerator;
- Energy Star qualified dishwasher;
- Energy Star qualified ventilation fan in all bathrooms;
- Water heater minimum efficiency specifications:
 - Residential Electric:
 - ≤55 gallons = .95 EF; or
 - >55 gallons = Energy Star qualified; or
 - Tankless = .97 EF;
 - Residential Gas (storage or tankless/instantaneous): Energy Star qualified,
 - Commercial Gas Water Heater: Energy Star qualified;
- Energy Star qualified ceiling fans with lighting fixtures in bedrooms;
- Air Conditioning (choose in-unit or commercial) *:

- In-unit air conditioning: minimum 15 SEER; or
- Packaged units are allowed in Zero Bedroom Units and one-bedroom units: minimum 13.8 EER; 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;
- Caulk, weather-strip, or otherwise seal all holes, gaps, cracks, penetrations, and electrical receptacles in building envelope; and
- Seal and insulate heating and cooling system ducts with mastic or metal backed tape.

*Applicants who select higher efficiency HVAC as Green Building Features at question 9.a.(1) of Exhibit A must meet or exceed those standards, which exceed these minimum requirements.

- d. In addition to the required features outlined in a. through c. above, all Applications with the Elderly Demographic (ALF or Non-ALF) must also provide the following in all units (new construction units and rehabilitation units):
- (1) At least 15 percent of the new construction units must have roll-in showers.
 - (2) All of the new construction units must include the features listed in (4) below.
 - (3) All of the rehabilitation units must include the features listed in (4) below. The features in (4) must be incorporated to the maximum extent feasible within the scope of the rehabilitation work planned by the Applicant. The maximum extent feasible shall be determined by the scope of work, the capital needs assessment, the accessibility review, and the construction features that are affected by the rehabilitation work. Any major change affecting the features such as remodeling, renovation, rearrangement of structural parts or walls or full-height partitions requires compliance with accessibility requirements below. For the purposes of this RFA, normal maintenance, re-roofing, painting or wallpapering, or changes to mechanical and electrical systems are not considered alterations. Where an alteration affects a construction feature, accessibility is required to the maximum extent feasible.
 - (4) Accessible Features for Applications with the Elderly Demographic (ALF or Non-ALF):
 - 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;
 - 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);
 - Toilets that are 17 inches to 19 inches in height as measured from the finished floor to the top of the toilet seat;
 - Roll-out shelving or drawers in all bottom bathroom vanity cabinets;
 - Adjustable shelving in master bedroom closets (must be adjustable by resident); and

- In at least one of the kitchen's bottom or base cabinets, there shall be a large drawer that has full extension drawer slides.

The capital needs assessment and accessibility review will serve as the basis for the accessibility features that are required for the scope of work for the project.

- e. All Applications with the Development Category of Rehabilitation or Acquisition and Rehabilitation (at question 5.c.(2) of Exhibit A) must provide the additional Green Building Features committed to by the Applicant at question 9.a.(1) of Exhibit A.
- f. As outlined in Item 2.b.(8) of the Applicant Certification and Acknowledgement form, all Applicants that select the Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment (at question 5.c.(2) of Exhibit A) must select and achieve one of the following Green Building Certification programs (as committed to by the Applicant at question 9.a.(2) of Exhibit A):
 - Leadership in Energy and Environmental Design (LEED);
 - Florida Green Building Coalition (FGBC); or
 - ICC 700 National Green Building Standard (NGBS).

4. Required Resident Programs:

- a. Applicants who select the Family or Elderly Non-ALF Demographic Commitment (at question 2.a. or 2.b.(2) of Exhibit A) must provide the resident programs selected by the Applicant at question 9.b. of Exhibit A.

In addition, Applicants who select the Elderly Demographic (ALF and Non-ALF) must provide the resident program outlined in b. below and Applicants who select the Elderly ALF Demographic must also provide the resident programs outlined in c. below.

- b. Applicants who select the Elderly Demographic (ALF or Non-ALF) at question 2.b. of Exhibit A must commit to provide the following resident program:

24 Hour Support to Assist Residents In Handling Urgent Issues

An important aging in place best practice is providing the residents access to property management support 24 hours per day, 7 days a week to assist them to appropriately and efficiently handle urgent issues or incidents that may arise. These issues may include, but are not limited to, an apartment maintenance emergency, security or safety concern, or a health risk incident in their apartment or on the property. The management's assistance will include a 24/7 approach to receiving residents' requests for assistance that will include a formal written process for relevant property management staff to effectively assess and provide assistance for each request.

This assistance may include staff:

- visiting or coordinating a visit to a resident's apartment to address an urgent maintenance issue;
- responding to a resident being locked out of their apartment;
- contacting on-site security or the police to address a concern;
- providing contact information to the resident and directing or making calls on a resident's behalf to appropriate community-based emergency services or related resources to address an urgent health risk incident;
- calling the resident's informal emergency contact; or
- addressing a resident's urgent concern about another resident.

Property management staff shall be on site at least 8 hours daily, but the 24 hour support approach may include contracted services or technology to assist the management in meeting this commitment, if these methods adequately address the intent of this service. The Development’s owner and/or designated property management entity shall develop and implement policies and procedures for staff to immediately receive and handle a resident’s call and assess the call based on a resident’s request and/or need.

At a minimum, residents shall be informed by the property management, at move-in and via a written notice(s)/instructions provided to each resident and displayed in the Development’s common or public areas, that staff are available to receive resident calls at all times. These notices shall also provide contact information and direction to first contact the community-based emergency services if they have health or safety risk concerns.

- c. Applicants who select the Elderly ALF Demographic Commitment at question 2.b.(1) of Exhibit A must also provide the following resident programs:
 - (1) 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.
 - (2) 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. Limited Development Areas (LDA):

Use the following LDA Chart to determine whether the proposed Development qualifies as an LDA Development for purposes of this RFA.

LDA Chart

County	Demographic Category	Location Description
Duval	Family and Elderly	Beginning at the intersection of US-1/US-17/SR 5/N Main Street and the northern county line, follow US-1/US-17/SR 5/N Main Street south to US 23/SR 15/W State Street/Kings Road. Follow US 23/SR 15/W State Street/Kings Road north to the county line.

6. ELI County Chart:

As outlined in Section Four A.7.b.(2) of the RFA, Applicants should use the following ELI County Chart for purposes of determining the applicable ELI AMI level when completing the Application.

ELI County Chart			
County	ELI Set-Aside AMI Level	County	ELI Set-Aside AMI Level
Broward	30%	Orange	40%
Duval	33%	Palm Beach	33%
Hillsborough	40%	Pinellas	40%

7. 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 scoring of the RFA, during the credit underwriting process, and during the final allocation process, as outlined below.

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

Total Development Cost Per Unit Base Limitations

Measure	New Construction Units					Rehabilitation Units	
	Garden Wood*	Garden Concrete*	Mid-Rise-Wood*	Mid-Rise-Concrete*	High-Rise*	Garden*	Non-Garden*
Maximum TDC Per Unit Limitation** for Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties	\$183,300	\$220,400	\$220,400	\$243,000	\$295,800	\$154,100	\$217,100
Maximum TDC Per Unit Limitation** for Broward County	\$192,300	\$231,200	\$231,200	\$254,800	\$310,200	\$161,600	\$227,700
Applicable TDC Add-On (to be added to the Maximum TDC Per Unit Limitation)							
TDC Add-On for Applicants that have a PHA as a Principal			\$5,000 of additional per unit costs will be added to the above Maximum TDC Per Unit Limitation				
TDC Multiplier for Elderly-ALF Developments			95%				

* Garden includes all Development Types other than Mid-Rise and High-Rise; Non-Garden includes Development Types of Mid-Rise with Elevator (4 stories, 5 stories, or 6 stories) and High-Rise (7 or more stories); Mid-Rise includes Development Types of Mid-Rise with Elevator (4 stories, 5 stories, or 6 stories); and High-Rise includes Development Type of High Rise (7 or more 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) is mentioned in this TDC Per Unit Limitation section, the term shall refer to these particular operating deficit reserves. For purposes of land valuation, the Corporation uses the lesser of the appraised value, or the actual land cost. When land costs are referenced in this TDC Per Unit Limitation section, the reference shall be limited to the amount of the land cost approved by the Corporation to be provided in the final cost certification under the land owned cost line item.

- a. Any Application that has an amount that exceeds these limitations will not be eligible to be considered for funding.
- b. 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) 1.8 percent for any Development with the Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment that is not located within Broward County (or 2.4 percent for any Development that is located within Broward County), or (ii) 1.4 percent for any Development with the Development Category of Rehabilitation or Acquisition and Rehabilitation that is not located within Broward County (or 1.8 percent for any Development that is located within Broward County), 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. Next, divide this product by 1.16* and then multiply the result by 16 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 that 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 8.b 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 with a Development Category of New Construction and a Development Type of Garden Concrete reports a TDC of \$19,940,000, inclusive of a stated Developer fee of \$2,750,000, 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 (1.8%), any applicable TDC Multiplier (100%), and any applicable TDC Add-On (\$0): $(\$220,400 \text{ Per Unit} + \$0 \text{ TDC Add-On}) \times (1 + 1.8\%) / 100\% \text{ TDC Multiplier} = \$224,367 \text{ Per Unit}$.
- 1.(b) Determine TDC Limitation for the Development: $\$224,367 \text{ Per Unit} \times 85 \text{ units} = \$19,071,212$.
- 1.(c) Implied maximum Development Cost per the limitation: $\$19,071,212 \div 1.16 = \$16,440,700$.
- 1.(d) Determine maximum allowable Developer fee within the limitation (prior to any Developer fee adjustment): $\$16,440,700 \times 16\% = \$2,630,512$.

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

- 2.(a)(i) Is the stated Developer fee of \$2,750,000 greater than the maximum allowable of \$2,630,512? $\$2,750,000 > \$2,630,512$.
- 2.(a)(ii) If the response to 2.(a)(i) is yes, then determine the excess: $\$2,750,000 - \$2,630,512 = \$119,488$ (excess Developer fee and excess TDC).
- 2.(b) Reduce the stated Developer fee to the lesser of either the maximum allowable (\$2,630,512) or the stated fee (\$2,750,000) and reduce the stated TDC by an equal amount: $\$2,750,000 - \$119,488 = \$2,630,512$; $\$19,940,000 - \$119,488 = \$19,820,512$.

- 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: $\$19,820,512 - \$19,071,212 = \$749,300$.
- 2.(d) Determine the lesser of either (i) \$500,000, (ii) 25 percent of the maximum allowable Developer fee ($25\% \times \$2,630,512 = \$657,628$), or (iii) 100% of the excess TDC ($\$749,300$): $\$500,000 < \$657,628 < \$749,300$.
- 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: $\$2,630,512 - \$500,000 = \$2,130,512$.
- 2.(f) TDC reduction due to Developer fee adjustment: $\$19,820,512 - \$500,000 = \$19,320,512$.

(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: Amount of excess TDC = $\$19,320,512 - \$19,071,212 = \$249,300$; Excess TDC as a percentage of TDC Limitation = $\$249,300 \div \$19,071,212 = 1.31\%$.
- 3.(b) Determine the additional adjustment: $1.31\% \times \$2,130,512 = \$27,851$.
- 3.(c) Determine the final maximum Developer fee, after adjustments, at time of credit underwriting: $\$2,130,512 - \$27,851 = \$2,102,661$.
- 3.(d) Determine the final adjusted TDC at time of credit underwriting: $\$19,320,512 - \$27,851 = \$19,292,661$.
- 3.(e) Verify the status of the 5% variance test: $(\$19,292,661 - \$19,071,212) / \$19,071,212 = 1.16\%$, which falls within the criteria of being less than or equal to 5% above of the amount allowed by the TDC Per Unit Base Limitation .
- c. 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) 1.8 percent for any Development with the Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment that is not located within Broward County (or 2.4 percent for any Development that is located within Broward County), or (ii) 1.4 percent for any Development with the Development Category of Rehabilitation or Acquisition and Rehabilitation that is not located within Broward County (or 1.8 percent for any Development that is located within Broward County), 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 7.b. 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 7.b. 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 7.b. 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 7.b. 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. Next, divide this product by 1.16* and then multiply the result by 16 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 7.b. 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 7.b. above provides an FCCAP with the Development's TDC exclusive of land costs and operating deficit reserves of \$225,000 higher than the Development's 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 \$2,102,661. The additional Developer fee adjustment will be the lesser of (a) \$225,000 (the new excess costs), (b) \$250,000 (the maximum dollar limit of this additional Developer fee adjustment), or (c) \$210,266 (10% of the allowable Developer fee reported in the credit underwriting report).

Since option (c) is the least amount of the three options, the allowable Developer fee and the Development's TDC will both be lowered by \$210,266. The allowable Developer fee will be \$1,892,395 (the allowable Developer fee reported in the credit underwriting report of \$2,102,661, less the adjustment of \$210,266). The Development's TDC exclusive of land costs and operating deficit reserves in the FCCAP would be adjusted to \$19,307,395 (\$19,292,661 from the credit underwriting report plus \$225,000 of new additional costs less \$210,266 for the reduction in allowable Developer fee).

* These figures represent the applicable Developer fee percentage for the Development (16%) and one plus the applicable Developer fee percentage for the Development (1+16%).

8. Leveraging Classification:

Each eligible Application's Leveraging Classification will be determined as follows:

a. Calculating the Set-Aside Units:

The total number of set-aside units for each Application will be computed by multiplying the total number of units within the proposed Development by the highest Total Set-Aside Percentage the Applicant committed to as stated in the last row of the set-aside breakdown chart in the Set-Aside Commitment section of the Application. Results that are not a whole number will be rounded up to the next whole number.

b. A/B Leveraging Classification:

All eligible Applications will be classified as either Group A or Group B based on the amount of total Corporation funding per set-aside unit, as outlined below:

- (1) If the Development does not qualify as a HUD designated HCA or a 2- or 3- Factor Area of Opportunity, or did not qualify for Local Government Areas of Opportunity Funding points, the Eligible Housing Credit Request Amount will be multiplied by 10.5. If the Development qualifies as a HUD designated HCA or a 2- or 3- Factor Area of Opportunity, or qualified for Local Government Areas of Opportunity Funding points, the Eligible Housing Credit Request Amount will be multiplied by 10.5 and that product will be divided by 1.3.
- (2) In addition, for proposed Developments located in Broward County, the total Corporation funding amount will be multiplied by 0.85.
- (3) The total Corporation funding amount may be further adjusted as outlined below. NOTE: If a proposed Development meets all of the requirements of both (a) and (c), the total Corporation funding amount will be multiplied by 0.65. If a proposed Development meets all of the requirements of both (b) and (c), the total Corporation funding amount will be multiplied by 0.785.
 - (a) If the proposed Development meets all of the following requirements, the total Corporation funding amount will be multiplied by 0.65:
 - Applicant selected the High-Rise Development Type, and
 - Applicant selected the Development Category of New Construction or selected and qualified for the Development Category of Redevelopment or Acquisition and Redevelopment.
 - or
 - (b) If the proposed Development meets all of the following requirements, the total Corporation funding amount will be multiplied by 0.785:
 - Applicant selected the Mid-Rise with Elevator (a building comprised of 5 or 6 stories) Development Type and at least 90 percent of the total units are in these Mid-Rise building(s), and

- Applicant selected the Development Category of New Construction or selected and qualified for the Development Category of Redevelopment or Acquisition and Redevelopment.

or

- (c) If the proposed Development meets all of the following requirements, the total Corporation funding amount will be multiplied by 0.865:

- Applicant selected the Development Category of New Construction or selected and qualified for the Development Category of Redevelopment or Acquisition and Redevelopment, and
- The proposed Development met the requirements to be considered concrete construction.

- (4) All eligible Applications will be divided into two (2) lists: the “New Construction List” consisting of the eligible Applications with the Development Category of New Construction, Redevelopment, and Acquisition and Redevelopment, and the “Rehabilitation List” consisting of the eligible Applications with the Development Category of Rehabilitation and Acquisition and Rehabilitation.

- (a) The New Construction List will be compiled as follows:

The eligible Applications will be listed in ascending order beginning with the Application that has the lowest amount of total Corporation funding per set-aside unit and ending with the Application that has the highest amount of total Corporation funding per set-aside unit.

The total number of Applications on the New Construction List will be multiplied by 80 percent and the resulting figure will be rounded up to the next whole number (the resulting figure after rounding will be referred to as the “New Construction A/B Cut-Off”). A line will be drawn below the Application whose place on the list is equal to the New Construction A/B Cut-Off. If any Application(s) below the line has the same total Corporation funding request per set-aside unit as the Application immediately above the line, the line will be moved to a place immediately below that Application(s). Applications above the New Construction A/B Cut-Off will be classified as Group A and Applications below the New Construction A/B Cut-Off will be classified as Group B.

- (b) The Rehabilitation List will be compiled as follows:

The eligible Applications will be listed in ascending order beginning with the Application that has the lowest amount of total Corporation funding per set-aside unit and ending with the Application that has the highest amount of total Corporation funding per set-aside unit.

The total number of Applications on the Rehabilitation List will be multiplied by 80 percent and the resulting figure will be rounded up to the next whole number (the resulting figure after rounding will be referred to as the “Rehabilitation A/B Cut-Off”). A line will be drawn below the Application whose place on the list is equal to the Rehabilitation A/B Cut-Off. If any Application(s) below the line has the same total Corporation funding request per set-aside unit as the Application immediately above the line, the line will be moved to a place immediately below that Application(s). Applications above the Rehabilitation A/B Cut-Off will be classified as Group A and Applications below the Rehabilitation A/B Cut-Off will be classified as Group B.

The New Construction List and the Rehabilitation List will then be merged to form one list.

9. Florida Job Creation Funding Preference:

Each Application will be measured to determine whether it qualifies for the Florida Job Creation Funding 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 implied eligible housing credit equity. All Applications must earn a Florida Job Creation score equal to or greater than 9 to 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 new construction and/or rehabilitation units committed to by the Applicant (as stated by the Applicant at question 5.e. of Exhibit A of the RFA);
- The applicable Florida job creation rate for the type of units:
 - Rate of 3.811 Florida Jobs per unit for proposed new construction units;
 - Rate of 1.916 Florida Jobs per unit for proposed rehabilitation units; and
- The Eligible Housing Credit Request Amount.

The score for the Florida Rate of Job Creation per \$1 million of implied eligible housing credit equity will be measured using one of the following calculations:

a. Developments consisting of only new construction units:

Number of new construction units x 3.811 Florida Jobs per unit x 1,000,000 / (the Eligible Housing Credit Request Amount x 10.5) = Florida Jobs per \$1 million of Housing Credit Allocation.

For example:

Application A consists of 70 new construction units and has an Eligible Housing Credit Request Amount of \$2,000,000.

$$70 \times 3.811 \times 1,000,000 / (2,000,000 \times 10.5) = \text{Florida Job Creation score of } 12.70.$$

b. Developments consisting of only rehabilitation units:

Number of rehabilitation units x 1.916 Florida Jobs per unit x 1,000,000 / (the Eligible Housing Credit Request Amount x 10.5) = Florida Jobs per \$1 million of Housing Credit Allocation.

For example:

Application B consists of 92 rehabilitation units and has an Eligible Housing Credit Request Amount of \$1,300,000.

$$92 \times 1.916 \times 1,000,000 / (1,300,000 \times 10.5) = \text{Florida Job Creation score of } 12.91.$$

c. Developments consisting of both new construction units and rehabilitation units:

(Number of new construction units x 3.811 Florida Jobs per unit + number of rehabilitation units x 1.916 Florida Jobs per unit) x 1,000,000 / (the Eligible Housing Credit Request Amount x 10.5) = Florida Jobs per \$1 million of Housing Credit Allocation.

For example:

Application C consists of 32 new construction units and 48 rehabilitation units and has an Eligible Housing Credit Request Amount of \$1,600,000.

$$[(32 \times 3.811) + (48 \times 1.916)] \times 1,000,000 / (1,600,000 \times 10.5) = \text{Florida Job Creation score of 12.73.}$$

In above examples, all Applications will qualify for the Job Creation Funding Preference because each has a Florida Job Creation score that is at least 9.

10. 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 this RFA. Failure to pay any fee shall cause the Housing Credit allocation to be withdrawn as outlined in the Carryover Allocation Agreement and the credit underwriting and program requirements outlined in Rule Chapter 67-48, F.A.C.

a. Application Fee:

All Applicants requesting HC shall submit to the Corporation as a part of the Application submission a non-refundable Application fee of \$3,000.

b. Credit Underwriting Fees:

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

(1) Initial fee: \$11,696

(2) Re-underwriting fee: \$170 per hour, not to exceed \$7,536

If a Housing Credit Development involves Scattered Sites of units within a single market area, a single credit underwriting fee shall be charged. Any Housing Credit Development requiring further analysis by the Credit Underwriter pursuant to Section 42(m)(2) of the IRC will be subject to an hourly fee of \$170. All credit underwriting fees shall be paid by the Applicant prior to the performance of the analysis by the Credit Underwriter.

(3) Extraordinary Services fee: \$170 per hour

c. Administrative Fees:

With respect to the HC Program, each for-profit Applicant shall submit to the Corporation a non-refundable administrative fee in the amount of 9 percent of the annual Housing Credit Allocation amount stated in the Preliminary Allocation. The administrative fee shall be 5.5 percent of the stated annual Housing Credit Allocation for Non-Profit Applicants. The administrative fee must be received by the Corporation as stated in the Preliminary Allocation.

Note: If the Applicant elects to submit the \$25,000 Application Withdrawal Cash Deposit, as outlined in Sections Three A.3. and Four A.1.a. of the RFA, the deposit shall not be credited toward the Applicant’s Administrative Fee payment.

d. Construction Inspection Fees:

The following fees are not the fees that will be charged, but are listed below for estimation purposes of completing your pro-forma in the Application. The actual fees will be based on the current contract, including any addendum, for services between the Corporation and the Servicer(s).

On-site construction inspection - \$170 per hour, not to exceed \$1,691 per inspection.

e. Compliance Monitoring Fees:

The following fees are not the fees that will be charged, but are listed below for estimation purposes of completing the pro-forma in the Application. The actual fees and percentage increases will be determined based on the current contract, including any addendum for services between the Corporation and the Compliance Monitor(s).

(1) Pre-Final Allocation Fee –

Pre-final allocation compliance monitoring fee comprised of a base fee of \$1,896 + an additional fee per set-aside unit of \$9.71, subject to a minimum of \$2,976, to be collected as stated in the Preliminary Housing Credit Allocation or Carryover Allocation Agreement.

(2) HC Compliance Monitoring Fee –

(a) All Developments other than RD – The annual fee to be comprised of a base fee of \$158 per month + an additional fee per set-aside unit of \$9.71 per year, subject to a minimum of \$248 per month, and includes an automatic annual increase of 3 percent of the prior year's fee. Since fees for the full Housing Credit Extended Use Period will be collected at final allocation, the fee amount is discounted at a rate of 2 percent and based upon the payment stream from the Corporation to the monitoring agent.

(b) RD Developments - The annual fee is \$450 per year. Since fees for the full Housing Credit Extended Use Period will be collected at final allocation, the fee amount is discounted at a rate of 2 percent and based upon the payment stream from the Corporation to the monitoring agent

Note: Upon prepayment or repayment of the RD loan, the previously identified RD Development will be identified as a non-RD Development and the annual compliance monitoring fee will be adjusted accordingly. The compliance monitoring fee as described in (a) above for the remaining Housing Credit Extended Use Period will be due and payable in full upon billing sent directly to the Development.

(3) Follow-up Review - \$170 per hour

f. Additional HC Fees:

(1) If the Applicant requests permission to return its HC allocation and receive a new HC allocation and such request is approved, whether by the Executive Director in accordance with the QAP or as approved by the Board, the Applicant will be charged a nonrefundable processing fee of \$15,000 per request.

(2) HC Applicants shall be responsible for all processing fees related to the HC Program.

11. Additional Requirements:

a. Progress Report - Form Q/M Report:

Each Competitive Housing Credit Development shall be required to complete and submit to the Corporation progress reports, pursuant to Rule 67-48.028, F.A.C., using Form Q/M Report, effective January 2007. The form is available on the Corporation's Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)).

b. Eligible Reserve for Replacement Items:

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. The list is available on the Corporation's Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/OtherInformation/> (also accessible by clicking [here](#)).

c. Final Cost Certification Application Package (Form FCCAP):

In accordance with Rule 67-48.023, F.A.C., the Final Cost Certification Application Package (Form FCCAP), Rev. August 2016, shall be used by an Applicant to itemize all expenses incurred in association with construction or Rehabilitation of a Housing Credit Development, including Developer and General Contractor fees as described in Rule 67-48.0072, F.A.C., and shall be submitted to the Corporation by the earlier of the following two (2) dates:

- (1) The date that is 75 Calendar Days after all the buildings in the Development have been placed in service, or
- (2) The date that is 30 Calendar Days before the end of the calendar year for which the Final Housing Credit Allocation is requested.

The Corporation may grant extensions for good cause upon written request.

The FCCAP shall be completed, executed and submitted to the Corporation in both hard copy format and electronic files of the Microsoft Excel spreadsheets for the HC Development Final Cost Certification (DFCC) and the General Contractor Cost Certification (GCCC) included in the form package, along with the executed Extended Use Agreement and appropriate recording fees, IRS Tax Information Authorization Form 8821 for all Financial Beneficiaries and natural person Principals disclosed on the Principals of the Applicant and Developer(s) Disclosure Form, a copy of the syndication agreement disclosing the rate and all terms, the required certified public accountant opinion letter for both the DFCC and GCCC, an unqualified audit report prepared by an independent certified public accountant for both the DFCC and GCCC, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in the Form FCCAP instructions. The Final Housing Credit Allocation will not be issued until such time as all required items are received and processed by the Corporation. Form FCCAP, August 2016, is available on the Corporation's Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)).

d. Financial Reporting Form SR-1:

Pursuant to subsection 67-48.023(9), F.A.C., annually, within 151 Calendar Days following the Applicant's fiscal year end, the Applicant shall provide the Corporation with an audited financial statement and a fully completed and executed Financial Reporting Form SR-1, Rev. 05-14. The audited financial statement and a copy of the signed Form SR-1, with Parts 1, 2, and 5 completed,

shall be submitted in both PDF format and in electronic form as a Microsoft Excel spreadsheet to the Corporation at the following web address: financial.reporting@floridahousing.org.

The Financial Reporting Form SR-1 is available on the Corporation's Website <http://www.floridahousing.org/PropertyOwnersAndManagers/Forms/> (also accessible by clicking [here](#)).

12. Remaining Members of Development Team and Environmental Site Assessment:

Within 21 Calendar Days of the date of the invitation to enter credit underwriting, the following information must be provided to the Corporation:

a. Identity of the Remaining Members of the Development Team:

For purposes of this provision, the Applicant must use the certification forms (Forms Rev. 01-14) which are available on the Corporation's Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)). Note: The use of any prior version of these forms will not be acceptable to meet this requirement.

- (1) Identify any inexperienced co-Developer(s) by providing the name, address, telephone and facsimile numbers, e-mail address, and the relationship of the co-Developer to the Applicant.
- (2) Identify the General Contractor by providing the completed and executed Florida Housing Finance Corporation General Contractor or Qualifying Agent of General Contractor Certification form.
- (3) Identify the Architect by providing the completed and executed Florida Housing Finance Corporation Architect Certification form.
- (4) Identify the Attorney by providing the completed and executed Florida Housing Finance Corporation Attorney Certification for Housing Credits form.
- (5) Identify the Accountant by providing the completed and executed Florida Housing Finance Corporation Certification of Accountant form.
- (6) Identify the Service Provider by providing the completed and executed Florida Housing Finance Corporation Service Provider or Principal of Service Provider Certification form (for Elderly ALF Developments only).

b. Environmental Site Assessment:

The Applicant must provide to the Corporation the completed and executed Florida Housing Finance Corporation Verification of Environmental Safety Phase I Environmental Site Assessment form, and, if applicable, the completed and executed Florida Housing Finance Corporation Verification of Environmental Safety Phase II Environmental Site Assessment form. Note: If a Phase II ESA is required, but has not been completed by the stated deadline, the Applicant must contact Corporation staff to request an extension for submission of the Phase II ESA form.

For purposes of this provision, the Applicant must use the Phase I and Phase II Environmental Assessment forms (Forms Rev. 11-14) which are available on the Corporation's Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-113/RelatedForms/> (also accessible by clicking [here](#)). Note: The use of any prior version of these forms will not be acceptable to meet this requirement.

13. \$25,000 Letter of Credit:

As outlined in Section Three A.4. of the RFA, the required Letter of Credit must be, in form, content and amount, the same as the following Sample Letter of Credit:

(Issuing Bank’s Letterhead)

Irrevocable Unconditional Letter of Credit

To/Beneficiary: Florida Housing Finance Corporation Issue Date: *[a date that is no later than December 8, 2016]*
Attention: Director of Multifamily Programs
227 N. Bronough Street, Suite 5000
Tallahassee, Florida 32301

Letter of Credit No.: _____ Expiration Date: *[a date that is no earlier than December 8, 2017]*

Issuing Bank: _____

Florida Presentation Office: _____

FHFC RFA # 2016-113

Applicant: _____

Development: _____

Gentlemen:

For the account of the Applicant, we, the Issuing Bank, hereby authorize Florida Housing Finance Corporation to draw on us at sight up to an aggregate amount of Twenty-Five Thousand and No/100 Dollars (\$25,000.00).

This letter of credit is irrevocable, unconditional, and nontransferable.

Drafts drawn under this letter of credit must specify the letter of credit number and be presented at our Florida Presentation Office identified above not later than the Expiration Date. Any sight draft may be presented to us by electronic, reprographic, computerized or automated system, or by carbon copy, but in any event must visibly bear the word “original”. If the document is signed, the signature may consist of (or may appear to us as) an original handwritten signature, a facsimile signature or any other mechanical or electronic method of authentication.

Payment against this letter of credit may be made by wire transfer of immediately available funds to the account specified by you, or by deposit of same day funds in a designated account you maintain with us.

Unless we notify you in writing at least thirty (30) days prior to the Expiration Date, the Expiration Date of this letter of credit must be extended automatically for successive one-month periods.

This letter of credit sets forth in full the terms of our obligations to you, and such undertaking shall not in any way be modified or amplified by any agreement in which this letter is referred to or to which this letter of credit relates, and any such reference shall not be deemed to incorporate herein by reference any agreement.

We engage with you that sight drafts drawn under, and in compliance with, the terms of this letter of credit will be duly honored at the Presentation Office.

We are an FDIC insured bank, and our Florida Presentation Office is located in Florida as identified above.

Yours very truly,

[Issuing Bank]

By _____

Print Name _____

Print Title _____

Exhibit D to RFA 2016-113 - Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach and Pinellas Counties

The Link to Permanent Housing Strategy (Link) enhances the ability of extremely low-income (ELI) households with special needs to access and retain affordable rental housing in their communities. The Corporation requires Developers to provide a specified percentage of a Development's ELI Set-Aside units for special needs households receiving community based supportive services who are referred by a designated supportive services agency in the community where the Development is located. All Link units must do the following:

I. Link Set-Aside Requirements

With the exception of Developments financed with HUD Section 811 and Applicants that select the Elderly ALF Demographic Commitment at question 2.b.(1) of Exhibit A, for the entire Compliance Period as specified in both the regulatory agreement and as stated in the RFA, the Development shall set aside the required percentage of the ELI Set-Aside units as Link Units for Persons with Special Needs. At least one member of each Link unit's household shall be referred by a Special Needs Household Referral Agency (Referral Agency) with which the owner executes a Link Memorandum of Understanding (MOU) approved by the Corporation.

II. Link Memorandum of Understanding (MOU)

The Corporation has established and maintains a list of supportive service agencies or organizations serving each county, each of which is designated as a Referral Agency. The Referral Agency list is available on the Corporation's Website at <http://apps.floridahousing.org/StandAlone/SpecialNeeds/ContentPage.aspx?PAGE=Link%20Initiative%20Page> (also accessible by clicking [here](#)). These agencies are statewide, regional or local organizations that administer community-based supportive services to the populations served by Link.

The MOU is a formal agreement between the owner and a Referral Agency that specifies the intent of the Link Strategy and describes the roles and responsibilities of each party to the MOU. The MOU form to be executed shall be the version most recently provided on the Corporation's website at <http://apps.floridahousing.org/StandAlone/SpecialNeeds/ContentPage.aspx?PAGE=Link%20Initiative%20Page> (also accessible by clicking [here](#)).

- A. The owner shall execute an MOU with at least one designated Referral Agency serving the county and intended population where the Development will be located and rent units to households referred by the Referral Agency with which the MOU is executed.
- B. The deadline for receipt of the fully-executed MOU by the Corporation shall be established in the invitation to enter into credit underwriting, but shall be within nine (9) months from the date of the invitation to enter into credit underwriting but no later than the date the first building is placed in service. If the owner is unable to meet the deadline, an extension may be requested from the Corporation, and a non-refundable processing fee of \$5,000 shall be charged to the owner.

- C. Prior to execution of the MOU, but not later than 10 Calendar Days before the deadline by which the fully-executed MOU shall be received by the Corporation, the MOU form stipulated in the applicable RFA shall be completed and reviewed by the owner and Referral Agency, and then submitted by the owner to the Corporation for review and preliminary approval.
- D. The owner that has a Housing Assistance Payment Contract and/or an Annual Contributions Contract with HUD shall establish and obtain approval from HUD for an owner-adopted preference or limited preference specifically for individuals or families who are referred by a designated Referral Agency serving the county where the Development is located. HUD approval shall be demonstrated to the Corporation prior to the completion of the final credit underwriting report.
- E. Owners that have a Housing Assistance Payment Contract and/or an Annual Contributions Contract with HUD shall maintain a separate waiting list for referred applicants and prioritize these individuals for any available Link units. During and after lease-up, Referral Agency referrals must be moved in first, regardless of chronological order of the general waiting list, until all Link units are occupied with Referral Agency referrals.
- F. After review and preliminary approval of the MOU by the Corporation, and no later than the deadline established in the invitation to enter into credit underwriting, the owner shall provide one original fully-executed hard copy of the MOU to the Corporation. Once approved by the Corporation, the owner shall arrange for a copy of the approved MOU to be maintained on file at the site of the Development's records for compliance monitoring purposes.
- G. When the owner is noncompliant because no Referral Agency that serves the county where the Development is located is available to execute an MOU, the noncompliance shall be held in a correction period status until the earlier of (i) approval by the Corporation of an MOU executed with a new Referral Agency, or (ii) the passage of 45 Calendar Days following placement of a Referral Agency that serves the Development's county onto the Corporation's Referral Agency list.
- H. When a Referral Agency notifies the owner of its intent to terminate an MOU, the owner shall notify the Corporation of the MOU termination by email, at Link@floridahousing.org, within five (5) Calendar Days of receiving the notification from the Referral Agency. The owner shall then select another Referral Agency for the Development's county and obtain approval from the Corporation for the MOU executed with the new Referral Agency no later than 45 Calendar Days after receipt of notification from the prior Referral Agency of its intent to terminate the MOU.
- I. When an owner intends to terminate an MOU, the owner shall repeat the process outlined in all of the steps above to obtain approval from the Corporation for a new MOU executed with another Referral Agency before termination of the prior MOU may become effective.
- J. The Corporation may require the owner to terminate an MOU with a Referral Agency if that partnership is not effective in meeting the intent of the Link Set-Aside Requirement. The owner shall execute another MOU with a new Referral Agency before terminating the MOU. The owner shall follow the process outlined in all of the steps above to obtain approval from the Corporation.

III. Notification of the Availability of Units for Referral of Intended Link Households

- A. The owner shall meet with the chosen Referral Agency to review the Link roles and responsibilities of each party, the household income limitation and other eligibility criteria for tenancy, household move-in expenses and on-going monthly rental payments. The meeting shall

be held no less than 45 Calendar Days before the anticipated commencement of any activities related to the leasing of any unit in the Development. The owner shall maintain documentation of the meeting with the Referral Agency and shall provide a copy for review by the Corporation upon its request.

- B. Leasing Activity (Lease-up and Pre-leasing): During leasing activities, the owner shall make all units available for the intended Link households referred by the Referral Agency, until the Development's Link Set-Aside Requirement has been met. If the Development has not met its Link Set-Aside Requirement by the passing of 30 Calendar Days after the last unit is actually available for occupancy, the owner may lease the units to any eligible household. To the extent that an ELI-unit requirement coincides with a Link Set-Aside Requirement, for a period not to exceed nine (9) months, a failure to meet the ELI-unit requirement shall not cause noncompliance during the lease-up or 30 Calendar Day hold period.
- C. Once the Development's leasing activity is completed, a vacant unit formerly occupied by a Link household shall be held open for intended households referred by the Referral Agency for a period of 30 Calendar Days starting from the date the vacated unit is suitable for occupancy and ready to lease. The owner shall notify the Referral Agency that a unit is available on or before the date that the vacated unit becomes suitable for occupancy and ready to lease, but no more than 30 Calendar Days before the unit is anticipated to be ready to lease. The vacated unit shall retain the Link classification until next occupied, at which time the classification of the new household shall be applied to the unit.
- D. When the Development is an Acquisition/Rehabilitation Development that is occupied at the earlier of the site acquisition or the date of the Carryover Allocation Agreement, all units (at any AMI set-aside level) that become available and are suitable for occupancy and ready to lease shall be prioritized for intended households referred by the Referral Agency until the Link requirement has been met.
- E. Communication between the owner and the Referral Agency's designated contact person related to activities in this section shall be conducted via email. Activities that must be conducted by email are as follows:
 - 1. Requests to develop MOU with Referral Agency;
 - 2. Draft reviews of MOUs between the parties;
 - 3. Final version of executed MOU;
 - 4. Current contact information for the contact staff designated by the owner and Referral Agency and listed in the MOU;
 - 5. Notifications of unit availability;
 - 6. Number of Calendar Days unit will be held open for referrals;
 - 7. Information about rental policies and eligibility criteria;
 - 8. Outcome of referrals;
 - 9. Notifications of issues or concerns that may adversely affect the tenancy of the household;
and

10. Requests for termination of MOU.

- F. The owner shall maintain a Link communication tracking log that documents: (i) the unit number of each offered unit; (ii) the date each unit was suitable for occupancy; (iii) the date of the email notice to the Referral Agency that each unit was available for rent to a Link household, including the dates of required follow up; (iv) date of response from Referral Agency, (v) Referral Agency response, (vi) outcome of referral, and (vii) number of days the unit was held open.
- G. If an owner notifies a Referral Agency that a unit is available and the Referral Agency does not respond, the owner shall contact the Referral Agency at least three (3) times, at intervals of no less than seven (7) Calendar Days, during the 30-day period after the initial notice of unit availability was sent to the Referral Agency. The owner shall document all notification activity on its Link communication tracking log.
- H. The owner shall notify the Referral Agency regarding the outcome of each referral within one (1) business day after a determination is made regarding the household's eligibility to occupy the available unit.
- I. If a referral does not result in occupancy by the referred household, the 30-day holding period shall continue to allow the Referral Agency the opportunity to refer another household. The owner shall follow up with the Referral Agency at intervals of no less than seven (7) Calendar Days during the remainder of the 30-day holding period. The owner shall document all notification activity on its Link communication tracking log.

IV. Link Compliance Monitoring Documentation

- A. The owner shall cause the following documentation to be maintained on file for compliance monitoring purposes. Such documents shall be made available for inspection by Corporation personnel or its monitoring agents at any reasonable time. The owner shall provide copies of such documents, either electronic or paper, to the Corporation within three (3) business days of any request by the Corporation for such copies.
 - 1. A copy of all active MOUs approved by the Corporation;
 - 2. A copy of all terminated MOUs. Terminated MOUs shall be retained for seven (7) years beyond the period of tenancy for any household referred under the particular MOU;
 - 3. A copy of any current correction period extensions granted by the Corporation; and
 - 4. Email communication with the Referral Agency demonstrating timely notification regarding the availability of units for the intended Link household, outcome of each referral, and, when an available unit was not rented to a Link household, the number of days the available unit was held open for intended Link household.
- B. The monthly Program Report submitted to the Corporation by the Development shall reflect the number of Link households residing in an ELI Set-Aside unit

**Florida Housing Finance Corporation
2016 Qualified Allocation Plan
Low Income Housing Tax Credits Program**

I. Introduction

Pursuant to Section 420.5099, Florida Statutes, the Florida Housing Finance Corporation (FHFC) is designated as the “housing credit agency” responsible for the allocation and distribution of Low Income Housing Tax Credits (Housing Credits) in Florida. As the allocating agency for the state, FHFC must distribute Housing Credits to Applicants pursuant to a Qualified Allocation Plan (QAP).

Section 42(m) of the Internal Revenue Code (IRC) requires each state allocating agency to adopt an allocation plan that includes certain priorities and selection criteria.

- A. Preferences given when allocating Housing Credits:
- Serving the lowest-income tenants
 - Serving qualified tenants for the longest periods
 - Projects located in qualified census tracts
- B. The following selection criteria will be considered when determining the allocation of Housing Credits:
- Project location
 - Housing needs characteristics
 - Projects characteristics including housing as part of a community revitalization plan
 - Sponsor characteristics
 - Tenant populations with special housing needs
 - Public housing waiting lists
 - Tenant populations of individuals with children
 - Projects intended for eventual tenant ownership
 - Energy efficiency of the projects
 - Historic nature of the project
- C. Provides a procedure that the agency will follow in monitoring for noncompliance with the provisions of Section 42, IRC, and in notifying the Internal Revenue Service of such noncompliance which such agency becomes aware of and in monitoring for noncompliance with habitability standards through regular site visits.

FHFC issues and allocates Competitive Housing Credits through competitive solicitation processes pursuant to Rule Chapter 67-60, F.A.C.

Prior to the issuance of a Housing Credit Allocation, a Development must be underwritten in accordance with Rule 67-48.0072, F.A.C., or as outlined in a competitive solicitation in order to determine the Development’s feasibility, ability to proceed and the appropriate Housing Credit amount, if any. FHFC shall issue Housing Credits in an amount no greater than the amount needed for the financial feasibility and viability of a Development throughout the Housing Credit

67-48.002(95), F.A.C.

compliance period. The issuance of Housing Credits or the determination of any allocation amount in no way represents or purports to warrant the feasibility or viability of the Development by FHFC.

All capitalized terms not otherwise defined herein have the meanings set forth in Rule Chapters 67-21, 67-48 and 67-60, Florida Administrative Code, or a competitive solicitation.

II. Competitive Housing Credits

The portion of the Allocation Authority (annual per capita allocation amount plus any unused Housing Credit carryovers allocated among certain States per Section 42, IRC, (National Pool) minus any applicable binding commitments) designated to be available within each respective competitive solicitation process at the time the Board approves the list of applications to award funding will be awarded in accordance with each competitive solicitation process as approved by the Board. All Developments will be reviewed if eligible pursuant to Rule Chapter 67-48, Florida Administrative Code, and/or the requirements of a competitive solicitation, and evaluated pursuant to FHFC's competitive solicitation process.

- A. Up to five percent of the Allocation Authority will be reserved for high-priority affordable housing projects, as defined by the Board.
- B. Five percent of the Allocation Authority will be reserved for affordable housing projects that target persons who have a disabling condition. Any Housing Credits not allocated because of a lack of eligible projects targeting persons who have a disabling condition shall be distributed for high-priority affordable housing projects.
- C. 15 percent of the remaining Allocation Authority available will be set aside for those Applicants that select and qualify for the following Development Categories: Preservation or Acquisition and Preservation.
- D. 85 percent of the remaining Allocation Authority available will be set aside for those Applicants that select and qualify for the following Development Categories: New Construction, Rehabilitation, Acquisition and Rehabilitation, Redevelopment, or Acquisition and Redevelopment.

The Geographic Set-Aside distributions for Allocation Authority in this section are based on the most recent statewide market study:

Large County Allocation Authority:	59.8%
Medium County Allocation Authority:	36.8%
Small County Allocation Authority:	3.4%

- E. FHFC's goal is to have a diversified rental housing portfolio. Therefore, its annual competitive solicitation process targeting goal is to include an allocation of Housing Credits with a minimum of: one (1) affordable housing project in the Florida Keys Area of Critical

State Concern and/or the City of Key West Area of Critical State Concern, pursuant to Section 420.507, Florida Statutes. All other targeting will be as approved by the Board.

- F. FHFC will endeavor to allocate through one or more competitive solicitations not less than 15 percent of the Allocation Authority for Developments with Applicants qualified as Non-Profit under Rule Chapter 67-48, F.A.C., or as provided in the competitive solicitations, as applicable, unless the Board approves otherwise. FHFC is required by Section 42, IRC, to allocate no more than 90 percent of the Allocation Authority to Applicants which do not qualify as Non-Profit Applicants.
- G. Any Allocation Authority received on or before September 30th from returned Housing Credits from a prior year or from National Pool, will be used (i) to fully fund any Application that has been partially funded with a binding commitment and then (ii) use will be determined by the Board.
- H. Unless the Board approves otherwise, any Allocation Authority received on or after October 1st from returned Housing Credits from a prior year, will be used (i) to fully fund any Application that has been partially funded with a binding commitment and then (ii) applied to the next annual Allocation Authority.
- I. FHFC will retain the authority to designate Developments as a high-cost area, eligible for up to the 30% boost if that Development is not located in a HUD-designated DDA or a QCT, as authorized by the Housing and Economic Recovery Act of 2008, enacted July 30, 2008. Person with Special Needs Developments, Homeless Developments, and Developments located in FHFC-designated Areas of Opportunity, will be eligible for such designation based on the criteria outlined in a competitive solicitation.
- J. If time constraints preclude the conduct of a competitive solicitation process and Allocation Authority remains available to FHFC after the allocation of Housing Credits to all Developments which (i) applied in a competitive solicitation process, and (ii) were determined to be eligible for funding by the Board, FHFC may allocate Housing Credits to any Development in a manner designated by the Board.
- K. Notwithstanding any other provision of this QAP, where a Development has not been placed in service by the date required or it is apparent that a Development will not be placed in service by the date required, and such failure is due to circumstances beyond the Applicant's control, and the Applicant has returned its Housing Credit Allocation in the last calendar quarter of the year in which it was otherwise required to be placed in service, the Corporation may reserve allocation in an amount not to exceed the amount of Housing Credits returned, and may allocate such Housing Credits to the Applicant for the year after the year in which the Development was otherwise required to be placed in service, provided the following conditions have been met: (i) the sponsor must have provided written notice to the Corporation, describing the circumstances, all remedial measures attempted by the Applicant to mitigate the delay, and any other pertinent information, prior to returning the allocation; and (ii) the Executive Director must find and determine that the delay was caused by circumstances beyond the Applicant's control, that the sponsor exercised due diligence in

seeking to resolve the circumstances causing delay, that the Development in all respects, except time placed in service, still meets the conditions upon which the Housing Credits were originally allocated, and that the Development is still desirable in terms of meeting affordable housing needs.

- L. In the event of a disaster declared by the federal or state government, any Allocation Authority not preliminarily allocated, as well as authority remaining after October 1st, may be diverted to one or more federally or state declared disaster areas.
- M. In the event the Florida Legislature allocates natural disaster recovery funding to FHFC, a portion of the current year or a future year Housing Credit Allocation Authority may be allocated to be used in conjunction with said natural disaster recovery funds. Once it has been determined that the natural disaster recovery funds have been allocated, the process for allocating the current year Housing Credits and/or awarding Housing Credits from a future Allocation Authority will be approved by the Board of Directors.
- N. Housing Credits will be allocated in accordance with the 2015 Qualified Allocation Plan until the 2016 Qualified Allocation Plan becomes effective.
- O. For any Application awarded Housing Credits with a Binding Commitment, the Carryover Allocation will reflect the same place-in-service deadline requirement as the Application awarded through that same competitive solicitation process.

III. Non-Competitive Housing Credits

Developments financed with Tax-Exempt Bonds subject to volume cap are required to meet FHFC minimum Housing Credit guidelines to qualify and be eligible for a Housing Credit analysis. If 50 percent or more of the aggregate basis of a Development's building(s) and the land on which such building(s) are located is financed with volume cap Tax-Exempt Bonds, the Housing Credits are issued at the federal level rather than as part of the State's Allocation Authority and these Developments are subject to Rule Chapter 67-21, Florida Administrative Code; however, they must meet the minimum threshold criteria, as follows:

- A. Developments that receive Tax-Exempt Bonds issued by FHFC without any other FHFC competitive funding, will be deemed to have met the minimum threshold criteria by successfully completing a request for Housing Credits in Non-Competitive Application for the Bonds by the date specified in Rule Chapter 67-21, Florida Administrative Code.
- B. Developments that receive Tax-Exempted Bonds issued by a County Housing Finance Authority without any other FHFC competitive funding, will be deemed to have met the minimum threshold criteria by successfully completing a request for Housing Credits utilizing the Non-Competitive Application Package by the date specified in Rule Chapter 67-21, Florida Administrative Code, and meet the threshold requirements thereof.
- C. Developments receiving other FHFC funding awarded through a competitive solicitation process, where the Tax-Exempt Bonds are issued either by FHFC or a County Housing

Finance Authority and the Bonds will be used with such other FHFC funding, will be deemed to have met the minimum criteria for a Housing Credit request upon final Board action regarding such competitive solicitation.

- D. Developments that receive Tax-Exempt Bonds issued by any entity other than FHFC or a County Housing Finance Authority must request the Non-Competitive Housing Credits using the Non-Competitive Application Package, must meet threshold requirements specified in the application instructions and Rule Chapter 67-21, Florida Administrative Code, and must submit the Application by the date specified in Rule Chapter 67-21, Florida Administrative Code.

The Non-Competitive Housing Credits are subject to applicable provisions of Rule Chapter 67-21, Florida Administrative Code, as outlined in subsection 67-21.027, Florida Administrative Code, including, but not limited to, the compliance monitoring requirements set forth in Part IV of this plan.

IV. Compliance

- A. All Developments funded with Housing Credits will be monitored by FHFC or its appointee. Detailed compliance requirements are set forth in Rule Chapter 67-53, Florida Administrative Code, and in 26 CFR Part 1 Section 1.42-5.
- B. FHFC shall promptly notify the Internal Revenue Service of any Development non-compliance in relation to Section 42 of the Code and all other related applicable federal regulations.

New: 4-30-90; Amended: 3-25-91; 3-12-92; 3-4-93; 12-16-93, 2-9-95; 1-5-96; 10-21-96, 12-8-97, 9-25-98, 12-16-99, 1-4-01, 2-22-02, 2-28-03, 3-1-04, 1-11-05, 12-22-05, 3-6-07, 3-4-08, 4-29-09, 11-18-10, 6-24-11, 11-1-11, 9-18-13, 9-4-14, 7-25-16.