FLORIDA HOUSING FINANCE CORPORATION Board Meeting September 1, 2011 Information Items



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AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

Information

I. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

A. Features and Amenities Swaps

1. <u>Background/Present Situation</u>

- a) Below is a list of developments that have requested changes to the Construction Features & Amenities and/or Resident Programs in their Application since the last Board meeting which staff has approved:
 - (1) Everett Stewart, Sr. Village (2009-040X) has swapped "Picnic area with hard cover permanent roof of a design compatible with the Development, open on all sides, containing at least three permanent picnic tables with benches and an adjoining permanent outdoor grill" (1 point) for "Car care area for cleaning/washing" (1 point). This exchange is of equal value to the amenities originally chosen in the application.
 - (2) Brownsville Transit Village II (2009-056X) has swapped "Picnic area with hard cover permanent roof of a design compatible with the Development, open on all sides, containing at least three permanent picnic tables with benches and an adjoining permanent outdoor grill" (1 point) for "Two or more parking spaces per total number of units" (1 point). This exchange is of equal value to the amenities originally chosen in the application.
 - (3) Brownsville Transit Village IV (2009-149C/2010-032CX/2011-013CX) has swapped "Outside recreation facility: Domino Court" (2 points) for "Each unit wired for high speed internet" (1 point) and "Car care area for cleaning/washing" (1 point). This exchange is of equal value to the amenities originally chosen in the application.
 - (4) Mildred & Claude Pepper Towers (2009-092C/2010-026CX/2011-007CX) has swapped "Heat pump with a minimum HSPF of 8.5 instead of electric resistance" (2 points), "Air conditioning with a minimum SEER rating of 15" (2 points), "Energy Star certified refrigerator and dishwasher in each unit" (1 points), and "Energy Star rating for all windows in each unit" (1 of 10 green features) for "Gas water heater with energy factor of .61 or better" (1 point), "Wall insulation of a minimum of R-7" (1 point), "Insulation of R-19 with radiant barrier on top floor only" (1 point), "Ceiling fans in all bedrooms and living area in each unit" (2 points), and "Energy Star rated reversible ceiling fans in all bedrooms and living areas" (1 of 10 green features).

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- (5) Blue Water Workforce Housing (2009-103C/2010-011CX) has swapped "Car care area for cleaning/washing" (1 point) and "Outside recreation facility: Shuffleboard Court" (2 points) for "Laundry facilities with full-size washers and dryers available in at least one common area on site" (1 point) and "Outside recreation facility: Putting green – concrete with appropriate indoor/outdoor surface" (2 points). This exchange is of equal value to the amenities originally chosen in the application.
- (6) The Beacon fka Metro Apartments (2009-058X) has changed the unit mix and square footage.
 - (a) Original:
 - (i) 16 2 bedroom/2 bath units @ 840 square feet
 - (ii) 18 2 bedroom/2 bath units @ 854 square feet
 - (iii) 20 2 bedroom/2 bath units @ 941 square feet
 - (iv) 16 3 bedroom/2 bath units @ 1,116 square feet
 - (v) 20 3 bedroom/2 bath units @ 1,132 square feet
 - (b) Revised:
 - (i) 18 2 bedroom/2 bath units @ 782 square feet
 - (ii) 18 2 bedroom/2 bath units @ 811 square feet
 - (iii) 18 2 bedroom/2 bath units @ 968 square feet
 - (iv) 18 3 bedroom/2 bath units @ 1,011 square feet
 - (v) 18 3 bedroom/2 bath units @ 1,051 square feet
- (7) Pine Berry Senior Apartments (2009-036CT) has exchanged "Manager on-call for 24 hours per day" (2 points) for "Daily Activities" (3 points). This exchange is of one point greater value to the resident program originally chosen in the application.
- (8) Labre Place (2009-063CTX/2006-074CS) has exchanged "Toilets that have dual flush options which include 1.6 gallons of water or less" for "Reduced Heat-Island Effect paving (use light colored or porous paving materials)". With this exchange, the Developer remains committed to 10 Green Building items.
- (9) Flagler Village (2009-216C/2010-021CX/2011-002CX) has exchanged "Laundry hook-ups and space for full-size washer and dryer inside each unit" (1 point) and "Picnic area with hard cover permanent roof of a design compatible with the Development, open on all sides, containing at least three permanent picnic tables with benches and an adjoining permanent outdoor grill" (1 point) for "Playground/tot lot accessible to children with disabilities" (2 points). The unit mix and square footages have changed.
 - (a) Original:
 - (i) 3 2 bedroom/1.5 bath units @ 728 square feet
 - (ii) 24 2 bedroom/2 bath units @ 728 square feet
 - (iii) 22 3 bedroom/2 bath units @ 851 square feet

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- (b) Revised:
 - (i) 1 1 bedroom/1 bath unit @ 560 square feet
 - (ii) 2 2 bedroom/1.5 bath units @ 799 square feet
 - (iii) 24 2 bedroom/2 bath units @ 799 square feet
 - (iv) 22 3 bedroom/2 bath units @ 933 square feet
- (10) Johnson-Kenneth Court (2009-233C/2010-015CX) has exchanged "Garbage disposals inside each unit" (1 point) and "Outside recreation facility: Shuffleboard Court" (2 points) for "Ceramic tile bathroom floors in all units" (2 points) and "Outside recreation facility: Putting Green" (2 points). This exchange is of one point greater value to the amenities original chosen in the application.
- b) Staff will amend the appropriate EUA's and/or LURA's for each of the developments, as appropriate.

COMMUNICATIONS

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II. COMMUNICATIONS

A. Hardest-Hit Fund

1. Background/Present Situation

- a) Since the implementation of the statewide launch, Florida Housing has received press on the program in the following media outlets (including print, broadcast and Internet):
 - (1) Bay News 9 Tampa
 - (2) Boston Today Newspaper
 - (3) Bradenton Herald Newspaper
 - (4) CBS 4 in Miami
 - (5) Clay Today Newspaper
 - (6) CitrusDaily.com Online
 - (7) Florida Times Union Newspaper
 - (8) Florida Today Newspaper
 - (9) Herald Tribune Newspaper
 - (10) Highlandstoday.com Online
 - (11) Housingwire.com Online
 - (12) Miami Herald Newspaper
 - (13) Mortgageorb.com Online
 - (14) News-Press Newspaper in Fort Myers
 - (15) NorthEscambia.com Online
 - (16) Ocala.com Online
 - (17) Ocala Star Banner Newspaper
 - (18) Palm Beach Post
 - (19) Pensacola News Journal Newspaper
 - (20) RealEstateRama.com Online
 - (21) Stateline.org Online
 - (22) St. Augustine Record Newspaper
 - (23) St. Pete Times Newspaper
 - (24) Sun-Sentinel Newspaper
 - (25) TCPalm.com Online
 - (26) Tomrollins.com Online
 - (27) WBBS Channel 2 Charlotte County
 - (28) WEAR Channel 3 Pensacola
 - (29) WESH 2 News Orlando

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- (30) WFTV News Orlando
- (31) WJXT Channel 9 Jacksonville
- (32) WOFL Channel 35 Lake Mary
- (33) WPTV Channel 5 West Palm Beach
- (34) WTVT Channel Fox 13 Tampa
- (35) WUFT 89 FM Radio Gainesville
- (36) WZVN ABC Channel 7 Fort Myers
- b) The Communications Office continues to field reporter, consumer, and stakeholder calls and emails at a steady pace. In addition, Communications staff is in contact with US Treasury officials and National Council of State Housing Agencies (NCSHA) representatives to ensure we stay compliant with guidelines for communications efforts, while also staying apprised on how other states are handling public relations issues surrounding this initiative. Follow-up articles continue to be monitored, and are being saved and cataloged.
- c) Communications staff is monitoring marketing/outreach for the program by HHF Advisor Agencies across the state. To assist the Advisor Agencies with marketing/outreach, Communications staff is working with EVOK Advertising to develop expanded public information materials for the HHF program. These include flyers and posters, brochures, display ads and radio scripts. A web-based download center will be available to the Agencies so they are able to download and print items, as needed. Additionally, the materials may be customized to include the contact information for the Advisor Agency.
- d) Further, Communications staff has been expanded to include a bilingual (in Spanish and English) HHF communications specialist with specific responsibility for public relations/customer relations efforts for the Hardest-Hit Fund.
- e) The HHF application and information website (<u>www.FLHardestHitHelp.org</u>) has been up and running since the implementation of the statewide launch in April.

COMMUNICATIONS

Information

B. Marketing/Outreach

1. Background/Present Situation

- a) In an effort to continue building relationships with affordable housing advocates and providers, Communications staff participated as an exhibitor at the Florida League of Cities Annual Conference in Orlando last month. More than 300 local elected officials attended the conference.
- b) Communications staff will participate as an exhibitor at the Florida Housing Coalition Annual Conference from September 26-28, 2011, in Orlando, FL.

C. Other Projects

1. <u>Background/Present Situation</u>

- a) The Communications Office continues to work on the following projects:
 - (1) Redeveloping Florida Housing's corporate website in accordance with the Strategic Plan;
 - (2) Working with Legislative on educating stakeholder audiences about Florida Housing and our role in the state and nation's economic recovery/stability, in accordance with the Strategic Plan; and
 - (3) Re-evaluating Florida Housing's public relations goals, objectives and strategies given the ever-changing economic and political landscape.

FISCAL

Information

III. FISCAL

A. Operating Budget Analysis for July 2011

- a) The Financial Analysis for July 31, 2011, is attached as <u>Exhibit A</u>.
- b) The Operating Budget for the period ending July 31, 2011, is attached as <u>Exhibit</u> <u>B</u>.

GUARANTEE PROGRAM

Information

IV. GUARANTEE PROGRAM

A. Status of Defaults within the Guarantee Program Portfolio

1. <u>Background/Present Situation</u>

- a) Since the implementation of the Guarantee Program in 1993, it has guaranteed 120 transactions, facilitating the construction of over 28,000 housing units in Florida. In November 1994, the Guarantee Program entered into an agreement with HUD to participate in the Risk-Sharing Program; characterized by a 50/50 sharing of default risk in connection with the mortgage guarantee. Of the 88 multifamily developments in the Guarantee Program portfolio today, 58 are Risk-Sharing transactions.
- b) As of July 31, 2011, there were no developments in the portfolio in monetary default (due to the borrower's failure to make timely payments on the note).
- c) Since November 2008, there have been eight (8) multifamily claims filed on the Guarantee Program, representing the total (and only) multifamily claims incurred in its 18-year history. The chart at <u>Exhibit A</u> reflects the developments that have been foreclosed as of July 31, 2011, listed in chronological order by claim filed date.

B. Guarantee Program Portfolio Summary and Guarantee Fund Capacity (Exhibit B)

HOME RENTAL

Information

V. HOME RENTAL

A. Green Building Options for SCLAD Plaza (2008-082H)

Development Name: SCLAD Plaza ("Development")	Location: Miami-Dade County
Developer/Principal: Spinal Cord Living Assistance (SCLAD) (Principal)	Set-Aside: 20% @ 50% AMI /80% @ 60% AMI 18 HOME Units
Number of Units: 18	Allocated Amount: \$1,200,000
Type: Mid-Rise 4 Story /New Construction	Demographics: Family

1. Background/Present Situation

- a) On April 9, 2010, a HOME loan in the amount of \$1,200,000 closed for this 18 unit family development in Miami-Dade County.
- b) On July 11 2011, staff received an email from the Borrower stating that the SCLAD Plaza Land Use Restriction Agreement (LURA) includes more Green Building items listed than committed to in their 2008 Universal Application. Upon review of the LURA, staff verified that the LURA includes all fourteen of the Green Building options, and not just the ten committed to in their application.
- c) On July 25, 2011, staff requested Florida Housing's legal staff to prepare a First Amendment to the LURA for the scrivener's error.
- d) With the First Amendment to the LURA, the Borrower will remain committed to 10 Green Building items.

LEGAL

Information

VI. LEGAL

A. In Re: Allapattah Housing Partners, LLC; Tower Road Gardens, Ltd; and City River Apartments, Ltd. v. Florida Housing Finance Corporation - DOAH Case No. 11-003971RP

1. Background

- a) On July 1, 2011, Florida Housing published a Notice of Proposed Rulemaking in the Volume 37, Number 26, edition of the Florida Administrative Weekly, giving notice of its intent to adopt amendments to its rules in Rule Chapter 67-48, *Fla. Admin. Code*. Incorporated by reference in this Rule Chapter are the Application, Instructions and Forms that comprise the 2011 Universal Cycle. Florida Housing's Qualified Allocation Plan ("QAP") is also incorporated by reference in Rule 67-48.002(94), *Fla. Admin. Code*.
- b) On August 9, 2011, Allapattah Housing Partners, LLC; Tower Road Gardens, Ltd; and City River Apartments, Ltd., ("Petitioners") filed an "Amended Petition for Administrative Determination of Invalidity of Proposed Rule" (the "amended Petition"), with the Division of Administrative Hearings, alleging that Florida Housing lacked the authority to adopt certain proposed amendments to the QAP. Petitioners specifically challenged that provision in the proposed rule amendment to the QAP that allows Florida Housing to allocate certain low income housing tax credits by means of Request for Proposal ("RFP") based upon on criteria approved by Florida Housing's Board of Directors.
- c) On August 11, 2011, Florida Housing filed its "Motion to Dismiss Amended Complaint," asserting that the Amended Petition fails to demonstrate that Petitioners have the requisite standing to initiate a challenge to the proposed rule. Petitioners have until August 18, 2011, to file a response to the motion.

2. <u>Present Situation</u>

The hearing on the rule challenge is scheduled to be held at DOAH in Tallahassee on September 8, 2011.

LEGAL

Information

B. Milton Jones Development Corporation v. Florida Housing Finance Corporation – DOAH Case No. 11-3962RP

1. Background

- a) On July 1, 2011, Florida Housing published a Notice of Proposed Rulemaking in the Volume 37, Number 26, edition of the Florida Administrative Weekly, giving notice of its intent to adopt amendments to its rules in Rule Chapter 67-48, *Fla. Admin. Code*, the Rule Chapter governing the anticipated 2011 Universal Cycle. These amendments also made changes to the 2011 Universal Cycle Instructions, Application and associated forms and exhibits, which are adopted and incorporated by Rule 67-48.004(1)(a), *Fla. Admin. Code*.ⁱ On July 26, 2011, Florida Housing held a public hearing in Tallahassee, Florida regarding these proposed amendments.
- b) On August 4, 2011, Petitioner Milton Jones Development Corporation ("MJDC") timely filed a Petition for Administrative Determination of Invalidity of Proposed Rule ("Petition") with the Division of Administrative Hearings (DOAH), seeking to invalidate a portion of the 2011 Universal Cycle regarding threshold experience requirements for Developer entities involved with any application for funding. The filing of this Petition effectively delays the opening of the 2011 Universal Cycle until this case is resolved.

2. <u>Present Situation</u>

The hearing on this challenge to Florida Housing's proposed rules is currently scheduled for September 13-14, 2011 at DOAH in Tallahassee, Florida.

¹ Florida Housing also made corresponding amendments to Rule Chapter 67-21, Fla. Admin. Code, the rules governing the Multifamily Mortgage Revenue Bond.

LOW INCOME HOUSING TAX CREDITS

Information

VII. LOW INCOME HOUSING TAX CREDITS

A. 2011 Low Income Housing Tax Credits Allocation – Request for Proposals

1. <u>Background</u>

- At the July 22, 2011 meeting, staff advised the Board that Section 16 of the 2012 Qualified Allocation Plan (QAP), approved by the Board on June 10, 2011, and subsequently approved by Governor Scott, states that any available 2011 Housing Credit Allocation Authority may be awarded by Florida Housing's Board by means of Request for Proposals (RFP) based on criteria approved by the Board. The 2012 QAP is incorporated by reference in Rule Chapter 67-48, F.A.C. Staff also advised the Board that it proposes to allocate the remaining \$7,546,261.23 of authority for 2011 Housing Credits to applicants that propose developments in communities where a jurisdiction of government is providing investment into the development beyond traditional strategies, including strategies provided in partnership with the private sector.
- b) The Board authorized the staff to begin the solicitation process, with a draft posted to the website for stakeholder comment and routed for the Board's comment before any RFP is issued. Staff anticipated that award recommendations would be brought to the Board at is October 2011 meeting.
- c) Due to the rule challenges filed on August 4 and 5, 2011, adoption of Rule Chapters 67-48 and 67-21, F.A.C., the opening of the 2011 Universal Application Cycle, and further drafting of the proposed RFP have been postponed pending resolution of the litigation. Hearings on the proposed rule challenges are scheduled for September 8, 13 and 14, 2011. Decisions will be rendered by the hearing officers on or before October 14, 2011.

2. <u>Present Situation</u>

Until such time as Florida Housing receives the Orders from the Department of Administrative Hearings, the adoption of the Program Rules, opening of the Universal Application Cycle, and completion of the draft proposed RFP have been postponed. Updated information will be posted to Florida Housing's website.

SINGLE FAMILY BONDS

Information

VIII. SINGLE FAMILY BONDS

A. Single Family Professional Development and Outreach

1. <u>Background/Present Situation</u>

- a) Florida Housing continues to honor our commitment to have funds continuously available for qualifying homebuyers through our First Time Homebuyer Program. Florida Housing's Program provides assistance to eligible homebuyers by offering low cost, 30-year, fixed-rate mortgages together with down payment and closing cost assistance. Current allowable mortgage loan products include: Federal Housing Administration (FHA), Department of Veterans Affairs (VA), United States Department of Agriculture - Rural Development (USDA-RD), as well as conventional loan products offered through Fannie Mae and Freddie Mac. These loan products are 100% guaranteed. Borrowers must now have a 620 FICO score or higher and must complete a 6-8 hour face-to-face homebuyer education class in order to qualify for assistance through our First Time Homebuyer Program. Our recent increase from a minimum 600 to a 620 FICO score was a result of closely monitoring Program delinquency data and making the necessary Program changes to ensure that we are helping borrowers not only obtain homeownership but more importantly sustain homeownership. Florida Housing offers qualified homebuyers two down payment and closing cost assistance programs in the form of second mortgage loans. Florida Assist is a 0% deferred payment \$7,500 second mortgage that serves homebuyers with an area median income (AMI) of up to 100%, adjusted for family size. Homeowner Assistance for Moderate Incomes (HAMI) serves households above 100% AMI, up to Program first mortgage income limits. This product provides a qualified buyer with up to \$5,000 of assistance in the form of a 10-year, amortizing second mortgage, currently at a 5% fixed rate. These second mortgage products may only be used in conjunction with Florida Housing's first mortgage products.
- b) Program staff attended a Permanent Mortgage Financing Regional Roundtable, Wednesday, July 26th and 27th in Orlando, Florida. The purpose of this roundtable was to discuss the availability of first mortgage money to be used in conjunction by Neighborhood Stabilization Programs (NSP) around the state. Several of our participating lending partners also attended this event. The format provided us with a platform to outline the advantages our First Time Homebuyer Program can offer to qualifying borrowers working through NSP grantees. It also provided us with an opportunity to interact with our lending partners and provide them with new ideas about ways to work with our program.

SINGLE FAMILY BONDS

Information

- c) Since 2003, Single Family Program Staff has taught a three hour, Department of Business and Professional Regulation (DBPR) approved continuing education ("CE") course for Realtors which is coordinated through local Realtor boards throughout the state. Our 2011 Realtor training calendar currently has 3 additional classes scheduled in diverse geographic areas of the state. Our travel costs are offset by charging a nominal fee to the sponsoring Realtor board based upon the number of participants in attendance. Our goal is to make this educational event cost neutral to Florida Housing, while providing Realtors with knowledge of affordable housing programs offered through the Corporation. Class evaluations indicate that Realtors continue to find the course information useful for their prospective homebuyers. This should contribute to more qualified families becoming homeowners and ultimately increase loan production for the program.
- d) The Single Family Program Staff, in conjunction with our Master Servicer, US Bank, and the program compliance team at eHousing, conducts quarterly lender training webinars. The morning session is held for loan officers and processors, with the afternoon session directed to underwriters, closers, shippers, and post closing staff. By splitting the training into two webinars, we are better able to target the specific needs of each group. Our next training webinar will conducted on August 26th. Working with US Bank, we are currently converting this training into a 24/7 online educational platform. Although we accept new lender applications once per year (January), the need for training remains constant throughout the year as new loan officers join approved lending institutions. Our goal is to have this training platform implemented by the end of the 3rd quarter of 2011.
- e) Single Family staff recently launched a new, in-person advanced training format designed to enhance the efforts of loan officers already originating Program loans. Our second class was conducted for EverBank in Jacksonville, Florida. The class was attended by over 40 bond trained loan officers, processors, underwriters, closers, and managers. The class teaches processes and Program details targeted specifically to each organization. We expect to see both increased loan production and an increase in loan file quality as a result of these trainings.
- f) Florida Housing continues to sponsor a toll-free telephone line (800-814-HOME), for first time homebuyers to call for information about our program. For the month of July, we received 488 total calls; of which 207 were transferred to the Single Family Staff. The remaining callers that were not transferred to the Single Family Staff were able to receive information by accessing our First Time Homebuyer Wizard tool, which is located on our website. We continue to closely monitor these calls to evaluate the best way to efficiently handle the call volume in the long term.

B. Single Family Bonds Information (Exhibit A)

SUBORDINATED MORTGAGE INITIATIVE (SMI)

Information

IX. SUBORDINATED MORTGAGE INITIATIVE (SMI)

A. Program Update

1. Background/Present Situation

- a) As of this date the Board has approved funding for a total of thirty-two (32) Subordinated Mortgage Initiative (SMI) loans. The purpose of these loans is to provide subordinate financing on these developments which are credit enhanced by the Guarantee Program, and determined to be in financial distress, in order to provide temporary assistance in funding their mortgage debt service obligations for a period of up to twenty-four (24) months. Florida Housing provided funding for up to one mortgage payment per each three month period. The developer is required to make the remaining payments. This process is to be repeated for up to twenty-four (24) months, with Florida Housing potentially making up to a total of eight mortgage payments and the developer making a total of sixteen mortgage payments during this period.
- b) Attached as <u>Exhibit A</u> is a spreadsheet of the status of the SMI loans approved to date. Highlights of the data are as follows:
 - (1) The Board has approved a total of thirty-two (32) SMI loans in the amount of \$19,120,000.
 - (2) Thirty (30) of these SMI loans have been closed to date in the principal amount of \$17,834,309.01.
 - (3) \$15,800,824.89 has been disbursed to date.
 - (4) Two (2) loans, representing two different developers, approved in the total amount of \$675,000, have yet to be closed.
 - (5) It does not appear at this time that these two loans will be closed due to an inability to obtain the required consent of the investment limited partner.
 - (6) As of July 1, 2011, the final disbursement has been made on twentythree (23) of the thirty (30) loans closed to date. All accrued interest will be due on these loans twenty four months after the final disbursement. The loan will then be amortized based on a twenty year amortization with a balloon payment due at the end of year six.
 - (7) One loan, Villas at Lake Smart, was paid in full on April 11, 2011. There was \$151,730.22 in undisbursed SMI funds at the time.
- c) Since the inception of the Subordinated Mortgage Initiative only one developer, involving two SMI loans, has failed to make a required payment under their obligations as outlined in the SMI loan. However, the required payments were ultimately made and, as a result, there have been no claims made on the Guarantee Fund Program for any development receiving SMI funding.

UNIVERSAL CYCLE

Information

X. UNIVERSAL CYCLE

A. 2011 Universal Application Cycle – Rulemaking

1. <u>Backgournd</u>

- a) Rule hearings on Chapters 67-21 and 67-48, F.A.C., were held on July 26, 2011, in Tallahassee. The hearings included discussions on the proposed revisions to the Universal Application and the Qualified Allocation Plan.
- b) Due to the rule challenges filed on August 4 and 5, 2011, adoption of Rule Chapters 67-48 and 67-21, F.A.C., and the opening of the 2011 Universal Application Cycle have been postponed pending resolution of the litigation. Hearings on the proposed rule challenges are scheduled for September 8, 13 and 14, 2011. Decisions will be rendered by the hearing officers on or before October 14, 2011.

2. <u>Present Situation</u>

Until such time as Florida Housing receives the Orders from the Department of Administrative Hearings, the adoption of the Program Rules and opening of the Universal Application Cycle have been postponed. Updated information will be posted to Florida Housing's website.