

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
December 13, 2019
Consent Items



ELDERLY HOUSING COMMUNITY LOAN PROGRAM (EHCL)

Consent

I. ELDERLY HOUSING COMMUNITY LOAN PROGRAM (EHCL)

A. Request Approval of the Refinancing, Transfer of Ownership, Assumption and Subordination, and Extension of the EHCL Loan Documents and Land Use Restriction Agreement for Campus Towers (RFA 2016-108/2016-350E & RFA 2018-113/2019-128C)

Development Name: Campus Towers	Location: Duval County
Applicant/Borrower: Edward Waters College Senior Citizens Home, Inc.	Set-Aside: 100% @ 50% AMI EHCL; 20% @ 33% & 80% @ 60% HC
Developer/Principal: Edward Waters College Senior Citizens Home, Inc./ Pamela Prier	Demographic/Number of Units: Elderly/192
Requested Amount: EHCL \$750,000 9% HC \$1,800,000	Development Category/Type: Rehabilitation/Garden Apartments

1. Background

a) Campus Towers was awarded Elderly Housing Community Loan (EHCL) funding from Request For Applications (RFA) 2016-108 in the amount of \$750,000 for the renovation of a 192 existing Elderly development located in Duval County. The EHCL loan closed on March 4, 2019, and will mature on March 4, 2034. Subsequently, Campus Towers Senior Living, LLLP (Buyer), which is a related entity to the current Borrower, applied for and was awarded an allocation of 9% Low Income Housing Tax Credits (HC) from RFA 2018-113 Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments.

2. Present Situation

- a) As a result of the award of 9% HC, the Development will undergo a transfer of ownership, refinancing and rehabilitation, and therefore the existing EHCL loan will need to be extended, assumed and subordinated to the new first mortgage.
- b) The Borrower requests approval to transfer the ownership of the Development from Edward Waters College Senior Citizens Home, Inc., to Campus Towers Senior Living, LLLP.
- c) The Buyer also requests consent from the Board to refinance the existing first mortgage, the proceeds of which will be used to satisfy the existing first mortgage.
- d) Additionally, the Buyer requests consent from the Board to assume and subordinate the EHCL loan and the EHCL Land Use Restriction Agreement (“LURA”) to the new first mortgage, and extension of the EHCL loan to be coterminous with the new first mortgage plus six months.
- e) Lastly, the Borrower requested, and staff has approved the request to reduce the number of units at or below 50% AMI from 192 units or 100% to 188 units or 97.9% because there are four existing residents who do not meet the current income restrictions.

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- f) Staff received a credit underwriting report ([Exhibit A](#)) from First Housing Development Corporation with a positive recommendation for approval of the refinance of the first mortgage, assumption and subordination, and extension of the EHCL loan documents and the EHCL LURA.

3. **Recommendation**

- a) Approve the transfer of ownership interest, the assignment and assumption, and extension of the EHCL loan documents and EHCL LURA, subject to the conditions in the credit underwriting report and further approvals and verifications by the Credit Underwriter, Special Counsel and the appropriate Florida Housing staff.

HOUSING CREDITS

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II. HOUSING CREDITS

A. Request Approval of Applicant Entity Structure Change for Los Altos Apartments (RFA 2016-110/2017-035C)

Development Name: Los Altos Apartments	Location: Osceola County
Applicant/Borrower: Osceola Los Altos, Ltd.	Set-Asides: 10% @ 40% AMI and 90% @ 60% AMI
Developers/Principals: Banyan Development Group, LLC; Judd Roth Real Estate Development, Inc.; DSRG Development, LLC / Domingo Sanchez	Demographic/Number of Units: Family/100 units
Requested Amounts: \$1,510,000.00 Housing Credits (HC)	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) Osceola Los Altos, Ltd. (“Applicant”) applied for and was awarded funding from Request for Applications (RFA) 2016-110 for Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties. The funds are being utilized to finance the construction of a 100-unit Family development in Osceola County. The Applicant was invited to enter credit underwriting on August 2, 2017. A 2017 Carryover Allocation Agreement was finalized/executed on November 14, 2017, and the final credit underwriting report is dated October 24, 2018.
- b) On November 13, 2019, staff received a written request from the Applicant for permission to add two Managing Members to DSRG Holdings, LLC, which is the Managing Member of DSRG Los Altos GP, LLC, the General Partner of the Applicant, Osceola Los Altos, Ltd. The letter is provided as [Exhibit A](#). Regarding the structure of DSRG Holdings, LLC, the Applicant proposes to add Edward E. Haddock, Jr. and Deion R. Lowery as Managing Members. The Managing Members would then be Domingo Sanchez (25%), Robert H. Godwin (25%), Edward E. Haddock, Jr. (25%) and Deion R. Lowery (25%). The Current and Proposed organizational charts are provided as [Exhibit B](#). According to the Applicant and Florida Housing’s requirements, Edward E. Haddock, Jr. and Deion R. Lowery are experienced Principals and both will receive a financial benefit as Managing Members of DSRG Holdings, LLC.
- c) Per RFA 2016-110, any material change in ownership structure of the named Applicant requires Board approval prior to the change.
- d) Staff has reviewed this request and finds the development meets all the requirements of RFA 2016-110.

2. Recommendation

- a) Approve the request for a change in the Applicant Entity Structure.

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B. Request Approval to Exceed the 20% Subcontractor Limitation for Residences at Haverhill (RFA 2015-107/2016-130C/2018-365C)

Development Name: Residences at Haverhill	Location: Palm Beach County
Applicant/Borrower: Cutler Ridge Housing Partners, Ltd.	Set Aside(s): 10% @ 33% AMI and 90% @ 60% AMI
Developer/Principal: NuRock Development Partners, Inc./Robert Hoskins	Demographic/Number of units: Family/117 Units
Requested Amounts: \$2,110,000 Housing Credits	Development Category/Type: New Construction/Garden

1. Background/Present Situation

- a) Cutler Ridge Housing Partners, Ltd. (“Applicant”) applied for and was awarded funding from Request for Applications (RFA) 2015-107 for Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties. The funds are being utilized to finance the construction of a 117-unit Family development in Palm Beach County. On April 21, 2016, staff issued an invitation to the Applicant to enter credit underwriting and subsequently issued a 2016 Carryover Allocation Agreement on August 12, 2016. A credit underwriting report was approved April 27, 2017. An exchange of credits was approved by the Executive Director, and on December 7, 2018, a 2018 Carryover Allocation Agreement was issued. On October 25, 2019, an Extended Low-Income Housing Agreement was recorded in Palm Beach County.
- b) The Applicant is seeking Florida Housing Finance Corporation's ("Florida Housing") Board of Directors ("Board") approval to allow one subcontractor to exceed the 20% limitation in Rule 67-48.0072(17)(f), F.A.C. See [Exhibit C](#) for Applicant's request.
- c) Pursuant to Rule 67-48.0072(17)(f), F.A.C., the General Contractor must meet the following conditions:
 - (1) Ensure that not more than 20 percent of the construction cost is subcontracted to any one entity, with the exception of a subcontractor contracted to deliver the building shell of a building of at least five (5) stories which may not have more than 31 percent of the construction cost in a subcontract, *unless otherwise approved by the Board for a specific Development*. With regard to said approval, the Board shall consider the facts and circumstances of each Applicant's request, inclusive of construction costs and the General Contractor's fees. (Emphasis Added)
- d) At the request of Florida Housing staff, Seltzer Management Group, Inc. (“Seltzer”) reviewed the Applicant's request, Rule Chapter 67-48, the construction contract, schedule of values, subcontract agreement, change orders and competing bids. After review and analysis, Seltzer, in conjunction with the Construction Consultant, GLE Associates, Inc., found the cost to be appropriate for the scope of work. Seltzer recommended Florida Housing approve the General Contractor's use of the subcontractor which provided work at a cost

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which exceeded 20% of the total construction cost for the Development. See [Exhibit D](#) for Seltzer's recommendation.

- e) Since this information was discovered by FHFC during review of the General Contractor's Cost Certification after the construction work had already been completed, staff proposes the following workout: no General Contractor Fee or Developer Fee will be allowed on the subcontract amounts that surpass the maximum subcontract amount allowed under Rule 67-48.0072(17)(f), F.A.C. If the General Contractor Fee on this amount has already been paid to the General Contractor, it will be paid out of the Developer's profit and reflected as a subset of the Developer Fee on the Developer's Final Cost Certification.

2. **Recommendation**

- a) Approve the request to exceed the 20% subcontractor limitation under the workout scenario represented above.

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III. LEGAL

A. In Re: Campus Towers Apartments LLLP - FHFC Case No. 2019-095VW (RFA 2018-113/2019-128C)

Development Name: (“Development”):	Campus Towers
Developer/Principal: (“Developer”):	SHAG Development, LLC Darren Smith Timothy Henzy
Number of Units: 192	Location: Duval County
Type: New Construction / Garden Style Apartments	Set Asides: 20% at 33% AMI 80% at 60% AMI
Demographics: Elderly	Funding: 9% \$1,800,000 EHCL \$750,000¹

1. Background

- a) Petitioner successfully applied for an allocation of competitive housing credits in RFA 2018-113 to assist in the acquisition and rehabilitation of Campus Towers, a 192-unit elderly, affordable housing development in Jacksonville, Florida (the “Development”). On November 19, 2019, Florida Housing received a Petition for Waiver of Rule 67-48.004(3)(j), F.A.C., to reduce its Total Set-Aside Percentage. A copy of the Petition is attached as [Exhibit A](#).

2. Present Situation

- a) Rule 67-48.004(3), Florida Administrative Code, provides in relevant part:

(3) For the SAIL, HOME and Housing Credit Programs, notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:

(j) For the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment Section of the Application...

- b) In its Application, Petitioner provided for a Total Set-Aside Percentage of one hundred (100) percent, or 192 units. Petitioner requests a waiver from the above Rule to permit a reduction in the total Set-Aside from 100% to 98.96%, which would result in a reduction of total set aside units from 192 to 190. Petitioner asserts that the reduction is necessary because existing residents in two units will not be considered income eligible under the current set aside designation for the rehabilitation of the Development. Both Section 42 and the Housing Credit program permit tenants to continue to reside at a property when their income

¹ This Development was awarded EHCL funding (Application No. 2016-350E) in RFA 2016-108. A Multifamily Loans Consent Item regarding the EHCL funding is included in the Board Agenda.

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level at move in meets the income requirements, but subsequently increases to an amount in excess of such limit. However, those provisions are inapplicable to this Development because ownership of the Development will be transferred to Petitioner and the tenants must recertify income levels. Petitioner asserts that due to the scarcity of nearby affordable housing, required permanent relocation of tenants would impose severe hardship upon each of the residents. Petitioner agrees to continue to satisfy the ELI Set-Aside by continuing to set aside 39 units at the 33% ELI level. Petitioner asserts that its application would have still been selected for funding under the terms of the RFA if Petitioner had selected to set-aside 190 units.

c) On November 20, 2019, Notice of the Petition was published in the Florida Administrative Register in Volume 45, Number 226. To date, Florida Housing has received no comments concerning the Petition.

d) Section 120. 542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

e) Granting the requested waiver would not impact other participants in funding programs administered by Florida Housing, nor would it detrimentally impact Florida Housing. Petitioner has demonstrated that it would suffer a substantial hardship if the waiver is not granted. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

3. Recommendation

a) Staff recommends the Board **GRANT** Petitioner’s request for a waiver of Rule 67-48.004(3)(j), Fla. Admin. Code, to allow Petitioner to reduce its Total Set-Aside Percentage from 100% to 98.96% and maintain 39 units at or below the 33% ELI level.

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B. In Re: Residences at Dr. King Boulevard, Ltd. - FHFC Case No. 2019-097VW (RFA 2017-112/2018-088C)

Development Name: (“Development”):	Residences at Dr. King Boulevard
Developer/Principal: (“Developer”):	Residences at Dr. King Boulevard Development, LLC/Howard D. Cohen
Number of Units: 120	Location: Miami-Dade County
Type: New Construction/High Rise	Set Asides: 20% at 30% AMI 40% at 60% AMI 30% at 80% AMI 10% at Market Rate
Demographics: Family	Funding: 9%HC \$2,436,070

1. Background

- a) Petitioner successfully applied for an allocation of competitive housing credits in RFA 2017-112 to assist in the construction of the Residences at Dr. King Boulevard, a 120-unit family, affordable housing development in Miami, Florida (the “Development”). On November 19, 2019, Florida Housing received a Petition for Waiver of the Qualified Allocation Plan’s Requirement for Returning Housing Credit Allocations and Rule 67-48.002(95), Florida Administrative Code (2017), to exchange its 2018 housing credits for 2019 housing credits. A copy of the Petition is attached as [Exhibit B](#).

2. Present Situation

- a) Rule 67-48.002(95), Florida Administrative Code (2017), adopts the Qualified Allocation Plan (“QAP) and incorporates the QAP by reference.
- b) Section II.K of the 2016 QAP, in relevant part, provides:

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.

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(Emphasis supplied).

- c) Pursuant to rule 67-48.028(1), if an Applicant cannot complete its development by the end of the year in which the preliminary allocation of housing credits is issued, the applicant must enter into a carryover allocation agreement with Florida Housing by December 31 of the year in which the preliminary allocation is issued. Petitioner and Florida Housing entered into the carryover allocation agreement on December 10, 2018 which required the Development to be placed in service by December 31, 2020.
- d) Petitioner asserts that it is unable to meet the December 31, 2020 placed-in-service deadline due to delays outside of Petitioner's control. According to Petitioner, changing interpretations from the local permitting authorities regarding how to resolve a previous subdivision of a portion of the development site and delays in receiving gap financing commitments for the development which resulted in delays in the receipt of the credit underwriting report. Petitioner requests an exchange of its 2018 housing credits for an allocation of 2019 housing credits now, rather than wait until the last quarter of 2020, which would effectively extend the placed-in-service date of the Development until December 31, 2021.
- e) Specifically, Petitioner asserts that the development site issues arise from the discovery that a piece of the site awarded to Petitioner through a competitive process by the City of Miami for the proposed Development is, in fact, owned by Miami-Dade County. According to Petitioner, during the predevelopment process, it was discovered that the County retains ownership of a 30-foot strip of land on the Development site as the result of a previous subdivision of the lots. Initially, the affected local governments determined that no additional formal conveyance of the County-retained strip of land was required for Petitioner to proceed with the Development. However, Petitioner asserts that in September of 2019, the City's Public Works Department modified its previous determination and advised that the property was an illegal subdivision, which would require re-platting of the land. According to Petitioner, the parties have agreed that the most efficient means of resolving the issue is for the County to convey the 30-foot-strip of land to Petitioner for incorporation into the proposed Development as open green space, thereby returning the lots to its originally platted configuration and avoiding the need to replat the land.
- f) Additionally, Petitioner asserts that like most high-rise affordable housing developments in Miami-Dade County, its Development requires significant gap financing. Petitioner states that in 2018, it requested \$4,800,000 in Surtax funds from the Miami-Dade Public Housing and Community Development Department, but only received a conditional loan commitment for \$2,053,447. According to Petitioner, it then sought other sources of funding from both Miami-Dade County and from the City of Miami and the allocation and commitment of these additional funds has taken longer than anticipated. Petitioner states that it received the commitment of additional funds in September and October of 2019, which was necessary to finalize Petitioner's

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credit underwriting report. Petitioner anticipates closing on the additional sources of funding in 2020 and thus needs the requested credit swap.

g) On November 21, 2019, Notice of the Petition was published in the Florida Administrative Register in Volume 45, Number 227. To date, Florida Housing has received no comments concerning the Petition.

h) Section 120. 542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

i) Granting the requested waiver would not impact other participants in funding programs administered by Florida Housing, nor would it detrimentally impact Florida Housing. Petitioner has demonstrated that it would suffer a substantial hardship if the waiver is not granted. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

3. **Recommendation**

a) Staff recommends the Board **GRANT** Petitioner’s request for a waiver from Subsection II.K of the 2016 QAP which is incorporated by reference into rule 67-48.002(95), Fla. Admin. Code (2017), to allow Petitioner return its 2018 housing credit allocation and immediately receive an allocation of 2019 housing credits with a placed-in-service date of December 31, 2021.

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C. In Re: MHP Jordan Bayou, LLC - FHFC Case Nos. 2019-093VW and 2019-094VW (RFA 2019-109/2019-413H)

Development Name: (“Development”):	Jordan Bayou
Developer/Principal: (“Developer”):	Jordan Bayou Developer, LLC Shear Development Company, LLC Heartland Development Group, LLC Martin M. Wohl
Number of Units: 50	Location: Franklin County
Type: Single Family	Set Asides: 16% @ 50% AMI 62% @ 60% AMI 22% @ NR
Demographics: Family	Funding: HOME \$4,998,000

1. Background

- a) Petitioner successfully applied for competitive HOME financing to assist in the development of Jordan Bayou, a 50-unit affordable housing development in Carrabelle, Florida (the “Development”). On November 8, 2019, Florida Housing received a Petition for Waiver of Rule 67-48.004(3)(d), Florida Administrative Code to admit a non-profit member to the applicant and developer entities. On November 12, 2019, Petitioner filed a Petition for Waiver of Rule 67-48.004(3)(i), Florida Administrative Code to reduce the total number of units in the proposed Development from 50 to 39. Copies of the Petitions are attached as Exhibits [C](#) and [D](#).

2. Present Situation

- a) Rule 67-48.004(3), Florida Administrative Code, provides in relevant part:

(3) For the SAIL, HOME and Housing Credit Programs, notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:

(b) Principals of each Developer, including all co-Developers; notwithstanding the foregoing, the Principals of the Developer(s) 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. With regard to said approval, the Board shall consider the facts and circumstances of each Applicant’s request, inclusive of validity and consistency of Application documentation;

(d) Applicant applying as a Non-Profit or for-profit organization, unless provided otherwise in a competitive solicitation;

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(i) Total number of units...

b) Section Four A.3.c.(3) of RFA 2019-109 provides in relevant part:

The Applicant entity shall be the borrowing entity and cannot be changed in any way (materially or non-materially) until after loan closing.... Changes to the Applicant entity (material or non-material) prior to loan closing...may result in disqualification from receiving funding and may be deemed a material misrepresentation.

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.

- c) On June 21, 2019, Florida Housing's Board of Directors selected Jordan Bayou for funding, and Jordan Bayou was subsequently invited to enter credit underwriting. Jordan Bayou accepted the invitation. Jordan Bayou does not utilize housing credits. Rather, the only sources of funding are the first mortgage proceeds, HOME loan proceeds, and the deferred developer fees. During the course of the credit underwriting process, Petitioner asserts that it became apparent that the proposed Development was not viable pursuant to the first mortgage debt sizing requirements for HOME Developments in Rule 67-48.0072(11), Florida Administrative Code ("HOME Debt Sizing"). That rule requires that the minimum debt service coverage be 1.10x on HOME interest plus all superior debt service (1.0x if deferring 35% or more developer fee).
- d) Jordan Bayou is a for-profit Applicant and subject to a 1.5 percent per annum interest rate on the HOME loan principal under Rule 67-48.0072(2), Florida Administrative Code. Jordan Bayou's annual interest payment would be \$74,970. Jordan Bayou's first mortgage lender employed standard debt sizing constraints, limiting the first mortgage proceeds to a minimum 1.20x debt service coverage ratio. According to Petitioner, under the HOME Debt Sizing rule, Jordan Bayou would be required to reduce the lender's acceptable first mortgage to a level where the first mortgage proceeds and the HOME loan proceeds are insufficient to balance the sources and uses, even after deferring 100% of developer fees, rendering Jordan Bayou infeasible.
- e) Petitioner asserts that Jordan Bayou has been working with its credit underwriter and with Florida Housing staff to restructure the Applicant entity and the Developer entity in a way that would allow the proposed Development to move forward. According to Petitioner, the proposed restructuring is based on the admittance of a qualified Non-Profit entity, National Community Renaissance of California, a California not-for-profit corporation ("National CORE"), as a member of MHP Jordan Bayou, LLC and MHP Jordan Bayou Developer, LLC. National CORE is a section 501(c)(3) Non-Profit owner, operator, and developer of affordable housing across the country. Petitioner asserts that National CORE currently owns and operates five affordable housing assets in Florida. Through this request for rule waiver, Petitioner proposes to add a single purpose entity, NCR Jordan Bayou, LLC, as a 99% member of MHP Jordan Bayou, LLC. National CORE will serve as the sole member of NCR Jordan Bayou, LLC. National CORE will also be admitted as a 25% member of MHP Jordan Bayou

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Developer, LLC, and be entitled to 25% of the Developer's fees. To simplify the admission of National CORE to these structures, Petitioner requests to make all four of the Developer entities (the three original co-Developers plus the new National CORE entity) as members of MHP Jordan Bayou Developer, LLC as opposed to having separate co-Developers. Petitioner attached copies of the original structure and the proposed Applicant and Developer structure.

- f) According to Petitioner, approval of Jordan Bayou's proposed restructuring would mean that Jordan Bayou would be a Non-Profit Applicant, as opposed to a for-profit Applicant, as was proposed in the original application. Petitioner asserts that with the restructuring, Jordan Bayou would meet the definition of a Non-Profit entity in Florida Housing's rules (Rule 67-48.002(84)) and would be compliant with Rule 67-48.020(d), relating to Terms and Conditions of Loans for Home Rental Developments. The Rule provides that Non-Profit Applicant will receive a zero percent interest rate loan on the portion of the loan amount equal to a Non-Profit's ownership interest in the development held by the general partner or managing member of the ownership entity. Jordan Bayou states that it is prepared to comply with all conditions of Non-Profit Applicants and has attached to the petition, all information that would have been required to be submitted for non-profit applications and a new Principals Disclosure Form.
- g) Petitioner also requests that Florida Housing staff and the Board of Directors approve the change to Jordan Bayou's Principals of its Developers. Further, Petitioner requests a waiver from the RFA requirement regarding changes to the Applicant entity and the Principals of each Developer.
- h) Additionally, Petitioner requests to reduce the total number of units from 50 to the 39 affordable HOME units. Specifically, Petitioner states that the necessary rental rates for the eleven (11) market rate units to be financially viable is not supported by the population and demographic of the primary market area. The market rate units were scheduled to rent at a 25% premium over the High HOME rental rates for an identical unit. Petitioner states that a market study from Integra Realty Sources, dated September 27, 2019, indicates potential demand and absorption risk for a fifty (50) rental unit development within the primary market area. Petitioner also asserts that given the lack of comparable market rate rental units it is difficult to determine with any certainty the achievable market rate unit rents. According to Petitioner, the proposed elimination of the eleven (11) market rate units, would help ensure that the proposed Development can be successfully executed under the allocated HOME financing. Petitioner states that although the reduction in the number of units would reduce the Total Development Cost and thus allow the number of HOME-assisted units to be less than 39 pursuant to section Four A.6.b.(1) of the RFA, Petitioner proposed to maintain the 39 HOME-assisted units as originally planned.
- i) On November 12, 2019, Notice of the Petition to admit a non-profit member was published in the Florida Administrative Register in Volume 45, Number 220. On November 14, 2019, Notice of the Petition to reduce the total number of units was published in the Florida Administrative Register in Volume 45,

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Number 222. To date, Florida Housing has received no comments concerning the Petitions.

- j) Section 120. 542(2), Florida Statutes provides in pertinent part:
 - (1) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.
- k) Granting the requested waiver would not impact other participants in funding programs administered by Florida Housing, nor would it detrimentally impact Florida Housing. Petitioner has demonstrated that it would suffer a substantial hardship if the waiver is not granted. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted. Furthermore, staff particularly supports this specific waiver because it facilitates the viability of a development in a Hurricane-impacted area, with the HOME funding source.

3. Recommendation

- a) Staff recommends the Board **GRANT** Petitioner’s request for a waiver of Rules 67-48.004(3)(b), (d), and (i) and Section Four A.3.c.(3) of RFA 2019-109 to allow Petitioner to become a Non-Profit Applicant, admit National CORE as a member of MHP Jordan Bayou, LLC and MHP Jordan Bayou Developer, LLC, restructure as proposed in the Petition, and reduce the total number of units from 50 to 39 while maintaining all of the HOME-assisted units, subject to the requirements of credit underwriting.

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D. In Re: Fair Oaks, LLC - FHFC Case No. 2019-084VW

Development Name: (“Development”):	Fair Oaks Apartments
Developer/Principal: (“Developer”):	Landmark Development Corp. Francisco Rojo
Number of Units: 120	Location: Miami-Dade County
Type: Mid-rise 5 to 6 stories, new construction	Set Asides: 10.48% @ 28% AMI 86.29% @ 60% AMI 4 units at market rate
Demographics: Family	Funding: 9% HC: \$2,400,000

1. Background

- a) Fair Oaks, LLC (“Petitioner”) successfully applied for an award of competitive Housing Credits under Request for Applications 2017-112 (the “RFA”) to assist in the construction of 120 mid-rise 5 to 6 story units for low income families in Miami-Dade County.
- b) On October 3, 2019, Florida Housing received a Petition for Waiver of the Qualified Allocation Plan’s Requirement for Returning Housing Credit Allocations and Rule 67-48.002(95), Fla. Admin. Code, from Petitioner. A copy of the Petition is attached as [Exhibit E](#).

2. Present Situation

- a) Rule 67-48.002(95), Fla. Admin. Code (2017), defines and incorporates by reference the following provision of the 2016 QAP at Section II.2:

K. ...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 Application for the year after the year in which the Development was otherwise required to be placed in service...
- b) Petitioner received an award of 2018 tax credits and signed its carryover agreement in December of 2018. Under the terms of the agreement and federal regulations, Petitioner is required to place the development in service by December 31, 2020. Petitioner requests a waiver of the above Rule and bolded selection of the QAP provision above to permit it to exchange its tax credits now rather than in the last calendar quarter of 2020. Petitioner asserts that because of unforeseen delays in obtaining all necessary approvals from HUD as well as funding delays from Miami-Dade County, which are described in detail in the Petition, it will be unable to place the Development in service by December 31, 2020. Petitioner therefore requests a waiver of the timing requirements found in the 2016 QAP to permit Florida Housing to approve a tax credit exchange now and to allow the allocation of 2019 tax credits pursuant to that exchange.

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Petitioner notes that it expects to receive all necessary approvals to commence construction by January, 2020.

c) On October 7, 2019, the Notice of Petition was published in the Florida Administrative Register in Volume 45, Number 195. To date, Florida Housing has received no comments concerning the Petition.

d) Section 120.542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

e) Granting the requested waiver would not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development. Petitioner has demonstrated that strict application of the above Rules under these circumstances would constitute a substantial hardship. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

3. **Recommendation**

a) Staff recommends the Board **GRANT** Petitioner’s request for a waiver of the above Rule and 2016 QAP provision to permit Petitioner to exchange its 2018 credits for an allocation of 2019 credits.

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E. In Re: Hogan Creek Redevelopment Partners, LLC - FHFC Case No. 2019-096VW

Development Name: (“Development”):	Hogan Creek
Developer/Principal: (“Developer”):	Jacksonville Redevelopment Partners, LLC Jax Urban Initiatives Development, LLC Joseph Chambers
Number of Units: 183	Location: Duval County
Type: Acquisition/Preservation / High rise	Set Asides: 20% @ 33% AMI 80% @ 60% AMI
Demographics: Elderly non-ALF	Funding: 9% HC: \$1,660,000

Background

- a) Hogan Creek Redevelopment Partners, LLC (“Petitioner”) successfully applied for an award of competitive Housing Credits under Request for Applications 2017-114 (the “RFA”) to assist in the acquisition and preservation of a 183 unit high-rise development serving elderly persons in Duval County.
- b) On November 19, 2019, Florida Housing received a Petition for Waiver of the Qualified Allocation Plan’s Requirement for Returning Housing Credit Allocations and Rule 67-48.002(95), Fla. Admin. Code, from Petitioner. A copy of the Petition is attached as [Exhibit F](#).

2. Present Situation

- a) Rule 67-48.002(95), Fla. Admin. Code (2017), defines and incorporates by reference the following provision of the 2016 QAP at Section II.2:
 - K. ...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 Application for the year after the year in which the Development was otherwise required to be placed in service...
- b) Petitioner received an award of 2018 tax credits and signed its carryover agreement in December of 2018. Under the terms of the agreement and federal regulations, Petitioner is required to place the development in service by December 31, 2020. Petitioner is also required to meet the “10% test” by December 18, 2019. Petitioner requests a waiver of the above Rule and bolded selection of the QAP provision above to permit it to exchange its tax credits now rather than in the last calendar quarter of 2020. Petitioner asserts that because of unforeseen delays in obtaining HUD approval for the RAD conversion as well as design delays resulting from lack of original architectural plans, which are described in detail in the Petition, it will be unable to spend 10% of the reasonably expected basis of the Development by December 18, 2019. It will also not be able to place the development in service by December 31, 2020. Petitioner therefore requests a waiver of the timing requirements found in the 2016 QAP to permit Florida Housing to approve a tax credit exchange now and

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Consent

to allow the allocation of 2019 tax credits pursuant to that exchange. Petitioner notes that it expects to receive all necessary approvals to commence construction by March, 2020.

c) On November 21, 2019, the Notice of Petition was published in the Florida Administrative Register in Volume 45, Number 227. To date, Florida Housing has received no comments concerning the Petition.

d) Section 120.542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

e) Granting the requested waiver would not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development. Petitioner has demonstrated that strict application of the above Rules under these circumstances would constitute a substantial hardship. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

3. **Recommendation**

a) Staff recommends the Board **GRANT** Petitioner’s request for a waiver of the above Rule and 2016 QAP provision to permit Petitioner to exchange its 2018 credits for an allocation of 2019 credits, on the condition that the Development begin construction within six months of the new Carryover. If the Development has not provided Florida Housing with a recorded Notice of Commencement from the Official Records of the applicable jurisdiction relative to the subject Development within six months of the new Carryover, staff will recommend that the Board rescind the funding award, and the credits will be returned to Florida Housing.

MULTIFAMILY BONDS

Consent

IV. MULTIFAMILY BONDS

A. Request Approval of Credit Underwriting Report for Northside Transit Village II (2018-047BSN)

Development Name: Northside Transit Village II	Location: Miami-Dade County
Applicant/Borrower: Northside Property II, Ltd.	Set Aside(s): 100% @ 60% AMI (MMRN) 10% @ 28% AMI (SAIL, 4% HC & ELI) 90% @ 60% AMI (SAIL & 4% HC) 2.8% @ 22% AMI (NHTF)
Developer/Principal: APC Northside Property II Development, LLC / Kenneth Naylor	Demographic/Number of units: Elderly / 180
Requested Amounts: \$20,800,000 Multifamily Mortgage Revenue Note (MMRN) \$7,000,000 State Apartment Incentive Loan (SAIL) \$600,000 Extremely Low Income (ELI) \$1,047,895.89 National Housing Trust Fund (NHTF) \$1,649,692 Housing Credits (4% HC)	Development Category/Type: New Construction / High Rise

1. Background/Present Situation

- a) On August 31, 2017, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2017-108 for SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits. National Housing Trust Funds were also awarded to the proposed Development for funding.
- b) On December 8, 2017, the Board approved the final scores and recommendations for RFA 2017-108 and directed staff to proceed with all necessary credit underwriting activities.
- c) On May 4, 2018, the Board approved the Final Order resolving all pending litigation pertaining to the RFA, allowing staff to proceed with all necessary credit underwriting activities. Staff issued a preliminary commitment letter and invitation to enter credit underwriting to Northside Transit Village II, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on May 4, 2018, giving them a firm loan commitment issuance deadline of February 4, 2019. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On December 14, 2018, the Board approved the Applicant's request to extend the firm loan commitment issuance deadline from February 4, 2019 to August 4, 2019, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

MULTIFAMILY BONDS

Consent

- e) On June 21, 2019, the Board approved the Petitioners request for a waiver of Rule 67-48.0072(21)(b) pertaining to a further extension of time from August 4, 2019 to January 31, 2020 to obtain a firm loan commitment for the preliminary SAIL award.
- f) On November 27, 2019, staff received a final credit underwriting report with a positive recommendation for MMRN, SAIL, ELI and NHTF funding ([Exhibit A](#)). Staff has reviewed this report and finds that the development meets all of the requirements of RFA 2017-108.

2. **Recommendation**

- a) Approve the final credit underwriting report and direct staff to proceed with the closing activities, subject to further approvals and verifications by the Credit Underwriter, Note Counsel, Special Counsel, and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

B. Request Approval of Credit Underwriting Report for Hibiscus Apartments (2018-035BS)

Development Name: Hibiscus Apartments	Location: Lee County
Applicant/Borrower: BDG Hibiscus Apartments, LP	Set Aside(s): 70% @ 60% AMI (MMRN) 12.5% @ 40% AMI (MMRN, SAIL & ELI) 87.5% @ 60% AMI (SAIL) 100% @ 60% AMI (4% HC)
Developer/Principal: BDG Hibiscus Apartments Developer, LLC/ Alex Kiss; Judd Roth Real Estate Development, Inc / Judd K Roth	Demographic/Number of units: Family / 96
Requested Amounts: \$11,000,000 Multifamily Mortgage Revenue Note (MMRN) \$5,125,000 State Apartment Incentive Loan (SAIL) \$510,800 Extremely Low Income (ELI) \$771,389 Housing Credits (4% HC)	Development Category/Type: New Construction / Garden Apartments

1. Background/Present Situation

- a) On August 31, 2017, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2017-108 for SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 8, 2017, the Board approved the final scores and recommendations for RFA 2017-108 and directed staff to proceed with all necessary credit underwriting activities.
- c) On May 4, 2018, the Board approved the Final Order resolving all pending litigation pertaining to the RFA, allowing staff to proceed with all necessary credit underwriting activities. Staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant on May 9, 2018, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on May 14, 2018, giving them a firm loan commitment issuance deadline of February 14, 2019. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On September 14, 2018, the Board approved an RFA waiver that removed the NHTF funding award and units in exchange for two additional ELI units.
- e) On February 1, 2019, the Board approved the Applicant's request to extend the firm loan commitment issuance deadline from February 14, 2019 to August 14, 2019, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.
- f) On August 2, 2019, the Board approved the Petitioners request for a waiver of Rule 67-48.0072(21)(b) pertaining to a further extension of time from August 14, 2019 to December 31, 2019 to obtain a firm loan commitment for the preliminary SAIL award.

MULTIFAMILY BONDS

Consent

- g) On November 26, 2019, staff received a final credit underwriting report with a positive recommendation for MMRN, SAIL, and ELI funding ([Exhibit B](#)). Staff has reviewed this report and finds that the development meets all of the requirements of RFA 2017-108.

2. Recommendation

- a) Approve the final credit underwriting report and direct staff to proceed with the closing activities, subject to further approvals and verifications by the Credit Underwriter, Note Counsel, Special Counsel, and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

C. Request Approval of the Method of Sale Recommendation from Florida Housing's Independent Registered Municipal Advisor and Assignment of a Recommended Professional

1. Background

- a) Pursuant to staff's request for approval to issue bonds/notes to finance the construction/rehabilitation of the proposed Developments referenced below, the final credit underwriting reports are being presented to the Board for approval simultaneously with this request to assign the appropriate professionals for the transactions and approval of the recommended methods of sale. Brief descriptions of the Developments are detailed below, along with staff's recommendations.
- b) Pursuant to Rule 67-21.0045, F.A.C., staff has requested a review of the proposed financing structure by the Independent Registered Municipal Advisor (IRMA) in order to make a recommendation to the Board for the methods of bond/note sale for the developments. Caine Mitter and Associates Incorporated has prepared an analysis and recommendation for the methods of bond/note sale for the Developments. The recommendation letters are attached as Exhibit C through D.

2. Present Situation

- a) Florida Housing staff, the Credit Underwriter, and the IRMA have reviewed the financial structures for the proposed Developments.

3. Recommendation

- a) Approve the assignment of the recommended professionals and the Independent Registered Municipal Advisor's recommendations for the methods of bond/note sale, as shown in the chart below, for the proposed Developments.

Development Name	Location of Development	Number of Units	Method of Bond Sale	Recommended Professional	Exhibit
Northside Transit Village II	Miami-Dade County	180	Negotiated Private Placement	RBC Capital Markets, LLC	Exhibit C
Hibiscus Apartments	Lee County	96	Negotiated Private Placement	RBC Capital Markets, LLC	Exhibit D

MULTIFAMILY BONDS

Consent

D. Request Approval of Transfer of General Partner Interest for Regatta Place (2016-390BS/2018-341V)

Development Name: Regatta Place	Location: Miami-Dade County
Applicant/Borrower: Regatta Place Associates, Ltd.	Set Aside(s): 40% @ 60% AMI (MMRB) 100% @ 60% AMI (HC) 10% @ 30% AMI (SAIL and ELI) 90% @ 60% AMI (SAIL)
Developer/Principal: Cornerstone Group Partners, LLC / Jorge Lopez	Demographic/Number of units: Family / 108
Requested Amounts: \$12,250,000 Multifamily Mortgage Revenue Bonds (MMRB) \$992,000 Developmental Viability Loan (Viability) \$3,000,000 State Apartment Incentive Loan (SAIL) \$600,000 ELI Gap Funding (ELI) \$813,991 Housing Credits (HC)	Development Category/Type: New Construction / Garden Apartments

1. Background

- a) Regatta Place was awarded funding from RFA 2016-109 SAIL Financing of Affordable Multifamily Housing Developments to be used in conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits for new construction of a 108-unit Family development located in Miami-Dade County. Subsequently the Development was awarded funding from RFA 2018-109 Development Viability Loan Funding. The MMRB, SAIL, ELI and Viability loans closed on August 23, 2018, and the Development was 90% complete as of November 14, 2019. The Development will also receive an award of 2016 Low-Income Housing Tax Credits in the approximate amount of \$813,991.

2. Present Situation

- a) On November 6, 2019, staff received a request from the Borrower to transfer a non-material portion of two member's interests in Brookstone Regatta Place, LLC, the general partner of Regatta Place Associates, Ltd., ([Exhibit E](#)). Per RFA 2016-109, "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 and(b) any non-material change will require review and approval of the Corporation, as well as approval of the Board prior to the change." Staff has reviewed and approved the request as a non-material change to the Applicant. These changes have no effect on the management, operation or control of the general partner.

3. Recommendation

- a) Approve the Request for transfer of General Partner Interest.

MULTIFAMILY BONDS

Consent

E. Request Approval of Transfer of General Partner Interest for Sunset Pointe Apartments (2015-105B/2016-107H/2017-286V)

Development Name: Sunset Pointe Apartments	Location: Miami-Dade County
Applicant/Borrower: Sunset Pointe Associates, Ltd.	Set Aside(s): 40% @ 60% AMI (MMRB) 100% @ 60% AMI (HC) 20% of HOME Assisted Units @ 50% AMI (HOME) 80% of HOME Assisted Units @ 60% AMI (HOME)
Developer/Principal: Cornerstone Group Partners, LLC / Jorge Lopez	Demographic/Number of units: Family / 136
Requested Amounts: \$15,600,000 Multifamily Mortgage Revenue Bond (MMRB) \$4,346,000 HOME Loan (HOME) \$625,000 Developmental Viability Loan (Viability) \$1,141,583 Non-Competitive Housing Credits (HC)	Development Category/Type: New Construction / Garden Apartments

1. Background

- a) Sunset Pointe Apartments was awarding funding from RFA 2015-110 for Financing of Affordable Multifamily Housing Developments with HOME Funding to be used in Conjunction with Florida Housing-Issued MMRB and Non-Competitive HC for new construction of a 136-unit Family development located in Miami-Dade County. As required in RFA 2015-110, the Applicant submitted a Non-Competitive Application package requesting MMRB and Housing Credits. Subsequently the Development was awarded funding from RFA 2017-109 Development Viability Loan Funding. The MMRB, HOME and Viability loans closed on December 21, 2017, and the Development was 98% complete as of November 13, 2019. The Development will also receive an award of 2015 Low-Income Housing Tax Credits in the approximate amount of \$1,141,583.

2. Present Situation

- a) On November 6, 2019, staff received a request from the Borrower to transfer a non-material portion of one member’s interest in Brookstone Sunset Pointe, LLC, the general partner of Sunset Point Associates, Ltd., ([Exhibit F](#)). Per RFA 2015-110 and the Non-Competitive Application, changes to the applicant entity after loan closing shall require Board approval. Staff has reviewed and approved the request as a non-material change to the Applicant. These changes have no effect on the management, operation or control of the general partner.

3. Recommendation

- a) Approve the Request for transfer of general partner Interest.

MULTIFAMILY BONDS

Consent

F. Request Approval of Transfer of General Partner Interest for Centerra (2015-106B / 2016-104H)

Development Name: Centerra	Location: Miami-Dade County
Applicant/Borrower: Centerra Associates, Ltd.	Set Aside(s): 40% @ 60% AMI (MMRB) 94% @ 60% AMI (HC) 10% of HOME assisted units @ 50% AMI (HOME) 41% of HOME assisted units @ 60% AMI (HOME)
Developer/Principal: Cornerstone Group Partners, LLC / Jorge Lopez	Demographic/Number of units: Family / 104 units
Requested Amounts: \$15,700,000 Multifamily Mortgage Revenue Bond (MMRB) \$5,304,000 HOME Loan (HOME) \$1,040,848 Non-Competitive Housing Credits (HC)	Development Category/Type: New Construction / Townhouses

1. Background

- a) Sunset Pointe Apartments was awarding funding from RFA 2015-110 for Financing of Affordable Multifamily Housing Developments with HOME Funding to be used in Conjunction with Florida Housing-Issued MMRB and Non-Competitive HC for new construction of a 104-unit Family development located in Miami-Dade County. As required in RFA 2015-110, the Applicant submitted a Non-Competitive Application package requesting MMRB and Housing Credits. The MMRB and HOME loans closed on December 15, 2017, and the Development was 100% complete as of November 20, 2019. The Development will also receive an award of 2015 Low-Income Housing Tax Credits in the approximate amount of \$1,040,848.

2. Present Situation

- a) On November 6, 2019, staff received a request from the Borrower to transfer a non-material portion of one member's interest in Cornerstone Centerra, LLC, the general partner of Centerra Associates, Ltd., ([Exhibit G](#)). Per RFA 2015-110 and the Non-Competitive Application, changes to the applicant entity after loan closing shall require Board approval. Staff has reviewed and approved the request as a non-material change to the Applicant. These changes have no effect on the management, operation or control of the general partner.

3. Recommendation

- a) Approve the Request for transfer of General Partner Interest.

MULTIFAMILY BONDS

Consent

G. Request Approval of the Transfer of Ownership for Hampton Point (2003 Series Q1 and Q2/Guar 131/2010-16-20R/2012-04-11R/SMI-01/2003-515C)

Development Name: Hampton Point	Location: Charlotte County
Applicant/Borrower: Hampton Point Limited Partnership	Set-Asides: 40% @ 60% AMI (MMRB) 100% @ 60% AMI (4% HC) 5% @ 40% AMI (SAIL-ELI) 12% @ 35% AMI (SAIL-ELI)
Developer/Principal: Picerne Affordable Development, LLC / Robert Picerne	Demographic/Number of units: Family / 284
Request Amount: \$13,200,000 Multifamily Mortgage Revenue Bonds (MMRB) \$1,125,000 State Apartment Incentive Loan – Extremely Low Income (SAIL-ELI) \$2,500,000 State Apartment Incentive Loan – Extremely Low Income (SAIL-ELI) \$600,682 Subordinated Mortgage Initiative Loan (SMI) \$943,725 Housing Credits (4% HC)	Development Category/Type: New Construction / Garden Apartments

1. Background

- a) Florida Housing financed the acquisition and construction of the above referenced Development in 2003 with \$11,020,000 in tax exempt MMRB designated as 2003 Series Q-1 and \$2,180,000 taxable bonds designated as 2003 Series Q-2. The Bonds were credit enhanced by the Florida affordable Housing Guarantee Fund Program (GP). The Development also received an allocation of 2003 Low-Income Housing Tax Credits in amount of \$943,725, a Subordinated Mortgage Initiative Loan in amount of \$600,682, and was awarded SAIL ELI funding from RFP 2010-16 in the amount of \$1,125,000, and SAIL ELI funding from RFP 2012-04 in the amount of \$2,500,000. The 2003 Series Q-1 and Q-2 bonds were redeemed in 2014, and at that time the Guaranty Fund was released from its guarantee. In 2013, the Subordinated Mortgage Initiative Loan was paid in full.

2. Present Situation

- a) The Borrower has requested Florida Housing’s approval to transfer the Development to Tralee Capital Partner, LLC, or an affiliate thereof (Purchaser) and the assumption and subordination of the MMRB Land Use Restriction Agreement (LURA) and the Extended Low-Income Housing Tax Credit Agreement (ELIHA). First Housing has reviewed the request and provided a positive recommendation for the transfer, assignment and assumption, and subordination of the MMRB LURA and the ELIHA, ([Exhibit H](#)). Both SAIL ELI loans will be paid off at closing.

MULTIFAMILY BONDS

Consent

3. **Recommendation**

- a) Approve the transfer of ownership and the assignment, assumption and subordination of the LURA and ELIHA subject to the conditions in the credit underwriting report and further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel and the appropriate Florida Housing staff.

MULTIFAMILY BONDS

Consent

H. Request Approval of Transfer of General Partnership Interest for Clear Pond Estates (RFA 215-112/2016-183BS/2016-524C)

Development Name: Clear Pond Estates	Location: Brevard County
Applicant/Borrower: Hot Cacao Limited Partnership	Set-Asides: 10% @ 35% (MMRB, SAIL, ELI & 4% HC) 90% @ 60% AMI (MMRB, SAIL, & 4% HC)
Developer/Principal: Cacao Developer, LLC / Brian Poulin	Demographic/Number of units: Family / 100
Request Amount: \$6,925,000 Multifamily Mortgage Revenue Bonds (MMRB) \$3,329,900 State Apartment Incentive Loan (SAIL) \$652,000 Extremely Low-Income Program (ELI) \$491,534 Housing Credits (4% HC)	Development Category/Type: Acquisition and Rehabilitation / Garden Apartments

1. Background

- a) Florida Housing financed the acquisition and construction of the above referenced Development in 2017 with \$6,925,000 in tax exempt MMRB designated as 2017 Series B, \$3,329,900 in SAIL funding and \$652,000 in ELI funding. The Development also received an allocation of 2016 Low-Income Housing Tax Credits in amount of \$491,534. The bonds were redeemed on May 1, 2019.

2. Present Situation

- a) The Borrower has requested Florida Housing’s approval of transfer of general partnership interest, specifically, the Borrower has requested to remove NB Clear Pond LLC and assign its 51% ownership interest in the general partner, Cacao Beans LLC, to Evergreen Partners II, LLC, the current 39% managing member of the general partner. The Borrower also requested that NB Clear Pond LLC and Nick Bouquet, the sole member of NB Clear Pond LLC, be released from all guaranties. Seltzer Management Group has reviewed the request and provided a positive recommendation for the withdrawal of NB Clear Pond LLC from the general partner and assignment of its ownership interest to Evergreen Partners II LLC, and release of NB Clear Pond LLC from all associated guaranties, ([Exhibit I](#)).

3. Recommendation

- a) Approve the transfer of general partnership interest as described above and release of guaranties, subject to the conditions in the credit underwriting report and further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel and the appropriate Florida Housing staff.

MULTIFAMILY PROGRAMS

Consent

V. MULTIFAMILY PROGRAMS

A. Request Approval of Applicant and Developer Structure Change for Landings of St. Andrew (RFA 2015-104/2015-245CS/2017-196CS)

Development Name: Landings of St. Andrew	Location: Pasco County
Applicant/Borrower: Landings Port Richey Senior Housing Limited Partnership	Set-Asides: 15% @ 40% AMI and 80% @ 60% AMI
Developers/Principals: National Church Residences / Michelle Norris	Demographic/Number of Units: Elderly Transformative Preservation / 196 units
Requested Amounts: \$2,000,000 SAIL; \$1,510,000 Housing Credits (HC)	Development Category/Type: Preservation / Mid-Rise

1. Background/Present Situation

- a) Landings Port Richey Senior Housing Limited Partnership (“Applicant”) applied for and was awarded funding from Request for Applications (RFA) 2015-104 for Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments. The funds are being utilized to finance the acquisition and preservation of a 196-unit Elderly Transformative Preservation development in Pasco County. On September 8, 2015, staff issued an invitation to the Applicant to enter credit underwriting and subsequently executed a Carryover Allocation Agreement on December 23, 2015. On February 3, 2017, the Board granted the Applicant’s request to exchange its 2015 credits for 2017 credits and a new 2017 Carryover Allocation Agreement was executed on February 15, 2017. On February 27, 2019, the SAIL loan closed.
- b) On November 8, 2019, staff received a request from the Applicant for a structure change of the Applicant, Landings Port Richey Senior Housing Limited Partnership and the Developer, National Church Residences. The request letter is provided as [Exhibit A](#).
- c) The Applicant is proposing to change multiple directors and officers of the non-profit Developer entity. The request letter also proposes to add and remove directors and officers of the non-profit Sole Member and Manager of the Applicant. Current and proposed Applicant and Developer structures are provided as [Exhibit B](#).
- d) Per the RFA, (1) 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; and (2) the Applicant entity shall be the recipient of the Housing Credits and the borrowing entity for the SAIL loan and cannot be changed until after the SAIL loan closing. Replacement of the Applicant or a material change (33.3 percent or more of the Applicant, a General Partner of the Applicant, or a member of the Applicant) in the ownership structure of the named Applicant prior to loan closing shall result in disqualification from receiving funding and shall be deemed a material misrepresentation. Changes after loan closing require Board approval.

MULTIFAMILY PROGRAMS

Consent

- e) In the original Application, the Principal with the required Developer experience was Michelle Norris, who will remain as a Principal. Staff reviewed this request and finds that the Developer still meets the prior Developer experience requirements of RFA 2015-104.
- f) Staff has reviewed this request and finds that the Development meets all of the requirements of RFA 2015-104.

2. **Recommendation**

- a) Approve the request for the Applicant and Developer Structure Change.

MULTIFAMILY PROGRAMS

Consent

B. Request Approval to extend the Grant Closing Deadline for The Glades (2017-271G)

Development Name: The Glades	Location: Escambia County
Applicant/Borrower: Northwest Florida Community Housing Development Corporation/Tim Evans	Set-Asides: 44% @ 40% AMI and 56% @ 60% AMI
Developers/Principals: N/A	Demographic/Number of Units: Persons with Developmental Disabilities/9 Residents
Requested Amounts: \$517,000 Grant Funding	Development Category/Type: New Construction/SLU

1. Background/Present Situation

- a) On April 4, 2017, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2017-101 for Financing to Build or Rehabilitate Smaller Permanent Supportive Housing Properties for Persons with Developmental Disabilities.
- b) On June 16, 2017, the Board approved the final scores and recommendations, and directed staff to proceed with all necessary credit underwriting activities.
- c) On June 27, 2017, staff issued a Letter of Preliminary Award and subsequently, on February 27, 2018, staff issued an invitation to enter credit underwriting to Northwest Florida Community Housing Development Corporation.
- d) Due to unexpected delays with the City Council, a change in project management staff, and the impact of Hurricane Michael, staff granted a credit underwriting extension to January 23, 2020, and a grant closing extension to February 27, 2020. These extensions represent the maximum extensions staff are allowed to grant pursuant to the RFA. On September 25, 2018, the Grantee notified staff of delays incurred due to push back from the local community and problems with platting, the legal description, and securing local funding. On March 5, 2019, the Grantee advised staff that due to the impact of Hurricane Michael in Northwest Florida, they were experiencing difficulty finding available general contractors to submit bids for the job. Subsequently, in June 2019, the Grantee notified staff of their intent to hire Pensacola Habitat for Humanity as the general contractor. Activity progressed with the development and on November 12, 2019, the Grantee advised staff that they were seeking additional local government funding to offset costs. The Grantee feels confident they will secure the additional local government funding and will be able to complete credit underwriting by the deadline stated above. However, this leaves only one month to close on grant funding. In an abundance of caution, the Grantee submitted a request for an extension to the closing deadline ([Exhibit C](#)). Therefore, staff recommends the Board approve an additional three (3) month closing extension from the current deadline of February 27, 2020 to May 27, 2020.

2. Recommendation

- a) Staff recommends that the Board approve a three (3) month closing extension from February 27, 2020 deadline to May 27, 2020.

MULTIFAMILY PROGRAMS

Consent

C. Request Approval of Credit Underwriting Report for Silver Pointe (2018-334V/2017-002C)

Development Name: Silver Pointe	Location: Marion County
Applicant/Borrower: Silver Pointe Development Partners, LLC	Set-Asides: 10% @ 45% AMI, 90% @ 60% AMI
Developers/Principals: Gardner Capital Development Florida, LLC / Joe Chambers	Demographic/Number of Units: Family/90
Requested Amounts: Viability \$1,250,000 Annual 9% HC \$1,400,000	Development Category/Type: New Construction/Garden Apartments

1. Background/Present Situation

- a) On October 7, 2016, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2016-110 for Housing Credit Financing for Affordable Housing Developments located in Medium and Small Counties.
- b) On March 24, 2017, the Board approved the final scores and recommendations for RFA 2016-110 and directed staff to proceed with all necessary credit underwriting activities. The Applicant was invited into credit underwriting on August 2, 2017.
- c) On March 29, 2018, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2018-109 for Development Viability Loan Funding for Developments experiencing a reduction in equity funding for their Active Award, recognizing a funding need based on changes in market pricing, which have been exacerbated by increased construction costs due to hurricane impact and construction market changes.
- d) On May 4, 2018, the Board approved the final scores and recommendations for RFA 2018-109 and directed staff to proceed with all necessary credit underwriting activities. Staff issued an invitation to enter credit underwriting to the Applicant on June 6, 2018.
- e) On November 27, 2019, staff received a final credit underwriting report with a positive recommendation for Viability loan funding ([Exhibit E](#)). Staff has reviewed this report and finds that it meets all requirements of RFA 2016-110 and RFA 2018-109.

2. Recommendation

- a) Approve the final credit underwriting report and direct staff to proceed with issuance of a firm commitment and loan closing activities.

MULTIFAMILY PROGRAMS

Consent

D. Request Approval for an RFA Waiver to Decrease the Number of Units for Monroe County Scattered Sites (2020-004D)

Development Name: Monroe County Scattered Sites	Location: Monroe County
Applicant/Borrower: Monroe County Housing Authority	Set Aside(s): 100% at or below 80% AMI
Developer/Principal: Monroe County Housing Authority	Number of units: 25
CDBG-DR Funding: \$7,032,682 (Development Funding); \$2,000,000 (Land Acquisition Funding)	Development Category/Type: Renovation/Community Residential Home

1. Background/Present Situation

- a) On July 2, 2019, Florida Housing issued Request for Applications (RFA) 2019-101 Community Development Block Grant – Disaster Recovery Financing for Workforce Housing for Hurricane Recovery in Monroe County.
- b) On September 20, 2019, the Board approved the final scores and recommendations and directed staff to proceed with all necessary credit underwriting activities.
- c) On October 1, 2019, staff issued an invitation to enter credit underwriting to the Monroe County Housing Authority.
- d) The Development is comprised of four Scattered Sites consisting of 25 total units: 3 sites on Big Pine Key and Conch Key consisting of 20 units and one site on Key Largo consisting of 5 units. After submission of the Application, the neighborhood association near the Key Largo site notified the County of a 2003 agenda item that designated the parcel of land as park land. It was approved by the Board of County Commissioners in 2003, but was not made part of a Resolution and no restrictions were placed on the title for the property. The Board of County Commissioners voted on September 18, 2019 to remove this parcel of land from the land lease with the Monroe County Housing Authority.
- e) On October 17, 2019, staff received a letter from the Applicant ([Exhibit D](#)) requesting an RFA waiver to decrease the total number of units in the Development from 25 to 20.

2. Recommendation

- a) Approve the RFA waiver to decrease the total number of units from 25 to 20 and reduce the total Development Funding from \$7,032,682 to \$5,084,048. The Land Acquisition funding amount remains \$2,000,000 as no funding was initially requested for the Key Largo site.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

VI. PREDEVELOPMENT LOAN PROGRAM (PLP)

A. Request Approval of PLP Loan for Hannibal Square Community Land Trust, Inc., a not-for-profit entity, for Promenade at Westlake (2019-006P-09)

DEVELOPMENT NAME (“Development”):	Promenade at Westlake
APPLICANT/DEVELOPER (“Developer”):	Hannibal Square Community Land Trust, Inc.
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	28
LOCATION (“County”):	Orange County
TYPE:	Family
MINIMUM SET ASIDE:	20% @ 50% AMI
PLP LOAN AMOUNT:	\$750,000
ADDITIONAL COMMENTS:	

1. Background

- a) To access PLP funding and upon receipt of an organization’s basic information to Florida Housing, the organization is invited to participate in the program. Florida Housing staff then assigns a technical assistance provider from a pool of providers under contract with Florida Housing to assist the applicant to create a development plan and budget, which is brought to the Board as part of a request for approval of a PLP loan.
- b) On August 14, 2019, the Developer submitted a PLP application for Promenade at Westlake.
- c) On August 21, 2019, Florida Housing issued an Invitation to Participate in the PLP to the Developer.

2. Present Situation

- a) On November 8, 2019, staff received a development plan and a letter ([Exhibit A](#)) from our technical assistance provider (TAP) recommending approval of the PLP Loan in the amount of \$750,000. Of this loan amount, \$500,000 is being requested for acquisition of the development site. This portion of the loan is subject to a review and positive recommendation from a credit underwriter.
- b) Staff has reviewed the Development Plan and determined that all budget items are PLP eligible.

3. Recommendation

- a) Approve the PLP Loan in the amount of \$750,000 to Hannibal Square Community Land Trust, Inc. for Promenade at Westlake and allow staff to commence with the loan closing process on the non-site acquisition funds.

PREDEVELOPMENT LOAN PROGRAM (PLP)

Consent

B. Request Approval of PLP Loan for Hannibal Square Community Land Trust, Inc., a not-for-profit entity, for The Townhomes at Westlake (2019-007P-09)

DEVELOPMENT NAME (“Development”):	The Townhomes at Westlake
APPLICANT/DEVELOPER (“Developer”):	Hannibal Square Community Land Trust, Inc.
CO-DEVELOPER:	N/A
NUMBER OF UNITS:	30
LOCATION (“County”):	Orange County
TYPE:	Family
MINIMUM SET ASIDE:	50% at 80% AMI, 50% at 120% AMI
PLP LOAN AMOUNT:	\$750,000
ADDITIONAL COMMENTS:	

1. Background

- a) To access PLP funding and upon receipt of an organization’s basic information to Florida Housing, the organization is invited to participate in the program. Florida Housing staff then assigns a technical assistance provider from a pool of providers under contract with Florida Housing to assist the applicant to create a development plan and budget, which is brought to the Board as part of a request for approval of a PLP loan.
- b) On August 14, 2019, the Developer submitted a PLP application for The Townhomes at Westlake.
- c) On August 21, 2019, Florida Housing issued an Invitation to Participate in the PLP to the Developer.

2. Present Situation

- a) On November 8, 2019, staff received a development plan and a letter ([Exhibit B](#)) from our technical assistance provider (TAP) recommending approval of the PLP Loan in the amount of \$750,000. Of this loan amount, \$500,000 is being requested for acquisition of the development site. This portion of the loan is subject to a review and positive recommendation from a credit underwriter.
- b) Staff has reviewed the Development Plan and determined that all budget items are PLP eligible.

3. Recommendation

- a) Approve the PLP Loan in the amount of \$750,000 to Hannibal Square Community Land Trust, Inc. for The Townhomes at Westlake and allow staff to commence with the loan closing process on the non-site acquisition funds.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

VII. STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

A. Request Approval of Loan Closing Extension for Parrish Oaks (2018-041BS)

Development Name: Parrish Oaks	Location: Manatee County
Applicant/Borrower: SP Oaks LLC	Set-Aside(s): 10% @ 33% AMI 90% @ 60% AMI
Developer/Principal: Southport Development, Inc. / J. David Page	Demographic/Number of units: Family / 120
Requested Amounts: MMRB \$14,000,000, SAIL \$6,000,000 ELI \$600,000, Annual 4% HC \$1,028,468	Development Category/Type: New Construction / Garden Apartments

1. Background/Present Situation

- a) On August 31, 2017, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2017-108 for SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits.
- b) On December 8, 2017, the Board approved the final scores and recommendations for RFA 2017-108 and directed staff to proceed with all necessary credit underwriting activities.
- c) On May 4, 2018, the Board approved the Final Order allowing staff to proceed with invitations to credit underwriting and closing activities. On May 9, 2018, staff issued an invitation to enter credit underwriting to the Applicant.
- d) On May 10, 2019, the Board approved the final credit underwriting report and directed staff to proceed with issuance of a firm commitment and closing activities. On May 13, 2019, staff issued a firm commitment to the Applicant giving them a loan closing deadline of November 12, 2019. A request for an extension of the loan closing deadline may be considered by the Board for an extension term of up to 90 Calendar Days. An extension fee of one percent of each loan amount will be required if the Board approves the extension request.
- e) On November 12, 2019, the Borrower requested a loan closing deadline extension from November 12, 2019 to February 10, 2020 ([Exhibit A](#)). The extension is needed to obtain the Florida Department of Transportation permits and finalize all necessary approvals and documentation for loan closing due diligence. The extension fee of one percent of each loan totaling \$66,000.00 has been paid. Staff has reviewed this request and finds that it meets all the requirements of the RFA.

2. Recommendation

- a) Approve the request for a loan closing deadline extension from November 12, 2019 to February 10, 2020.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

B. Request Approval of Applicant Entity Structure for Twin Lakes Estates – Phase I f/k/a West Lakes Apartments (2016-184BS/2016-542C)

Development Name: Twin Lakes Estates – Phase I f/k/a West Lake Apartments	Location: Polk County
Applicant/Borrower: West Lake I, Ltd.	Set Aside(s): 10% @ 45% AMI 90% @ 60% AMI
Developer/Principal: HTG West Lake Developer, LLC; Polk County Housing Developers, Inc. / Matthew Rieger	Demographic/Number of units: Elderly / 100
Requested Amounts: MMRN \$9,000,000, SAIL \$5,000,000, ELI \$294,000, Annual 4% \$640,816	Development Category/Type: New Construction / Garden Apartments

1. Background/Present Situation

- a) Twin Lakes Estates – Phase I is a New Construction Development providing 100 set aside units in Polk County, Florida. The Applicant was invited to enter credit underwriting on March 21, 2016 under Request for Applications (RFA) 2015-112 for the SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits. The Final Credit Underwriting Report (CUR) was dated April 20, 2017, and an updated CUR was dated July 18, 2019. The closing occurred on March 21, 2018.
- b) On November 4, 2019, staff received a written request from the Applicant to allow the General Partner, LHA West Lake, LLC to be replaced by the Sole Member of the General Partner, Lakeland-Polk Housing Corporation ([Exhibit B](#)). This request is needed to allow the Development to be eligible for ad valorem tax exemption. Per RFA 2015-112, any material and non-material change in ownership structure of the Applicant requires Board approval prior to the change. Staff has reviewed this request and finds that it meets all the requirements of the RFA.

2. Recommendation

- a) Approve the request for a change to the Applicant Entity Structure.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

C. Request Approval of Credit Underwriting Report for Liberty Square Phase Three (2019-018S)

Development Name: Liberty Square Phase Three	Location: Miami-Dade County
Applicant/Borrower: Liberty Square Phase Three, LLC	Set-Asides: 36.98% @ 30% AMI (HC & SAIL) 8.33% @ 60% AMI (HC & SAIL), and 54.69% @ 80% AMI (HC, SAIL & Workforce)
Developers/Principals: Liberty Square Phase Three Developer, LLC / Alberto Milo, Jr.	Demographic/Number of Units: Family (Workforce)/192
Requested Amounts: SAIL \$6,450,000 Annual 4% HC \$1,717,823	Development Category/Type: New Construction/Garden Apartments

1. Background/Present Situation

- a) On October 8, 2018, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2018-114 for SAIL Financing for the Construction of Workforce Housing.
- b) On December 14, 2018, the Board approved the final scores and recommendations for RFA 2018-114, and directed staff to proceed with all necessary credit underwriting activities.
- c) On January 4, 2019, staff issued an invitation to enter credit underwriting to the Applicant.
- d) On November 27, 2019, staff received a final credit underwriting report with a positive recommendation for funding ([Exhibit C](#)). Staff has reviewed this report and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the final credit underwriting report and direct staff to proceed with issuance of a firm commitment and closing activities.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

D. Request Approval of Loan Closing Extension for Casa Juarez (2018-328S)

Development Name: Casa Juarez	Location: Miami-Dade County
Applicant/Borrower: Casa Juarez, LLC	Set Aside(s): 15% @ 28% AMI, 5% at 50% AMI and 80% @ 60% AMI
Developer/Principal: Rural Neighborhoods, Incorporated/Steven C. Kirk	Demographic/Number of Units: Unaccompanied Farmworker/32
Requested Amounts: SAIL \$5,992,000, ELI \$508,000	Development Category/Type: New Construction/Garden Apartments

1. Background/Present Situation

- a) On March 13, 2018, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2018-104 for SAIL Financing for Unaccompanied Farmworker and Commercial Fishing Worker Housing.
- b) On June 15, 2018, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On June 27, 2018, staff issued an invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 9 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on June 28, 2018, giving them a firm loan commitment issuance deadline of March 28, 2019. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On March 22, 2019, the Board approved extending the firm loan commitment issuance deadline from March 28, 2019 to September 28, 2019.
- e) On September 20, 2019, the Board approved an RFA waiver changing Applicant Entity and Developer principals as well as the approval of the final credit underwriting report, and directed staff to proceed with the issuance of a firm commitment and closing activities. The Borrower was issued a firm commitment on September 23, 2019, giving them a loan closing deadline of January 21, 2020. A request for an extension of the loan closing deadline may be considered by the Board for an extension term of up to 90 Calendar Days. An extension fee of one percent of each loan amount will be required if the Board approves the extension request.
- f) On November 13, 2019, the Borrower requested a loan closing extension from January 21, 2020 to April 20, 2020 ([Exhibit D](#)). The extension is needed to finalize all necessary approvals and documentation for loan closing due diligence. The extension fee of one percent of each loan totaling \$65,000.00 will be collected prior to extending the 1/21/20 loan closing deadline. Staff has reviewed this request and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the request for a loan closing deadline extension from January 21, 2020 to April 20, 2020.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

E. Request Approval of Loan Term Extensions for Northside Commons (2018-348CS)

Development Name: Northside Commons	Location: Miami-Dade County
Applicant/Borrower: Northside Commons Residential, LLC	Set-Asides: 15% @ 28% AMI and 75% @ 60% AMI
Developers/Principals: Carrfour Supportive Housing, Inc./Stephanie Berman & GM Northside Commons Dev, LLC/Oscar Sol	Demographic/Number of Units: Persons with a Disabling Condition/Homeless/80
Requested Amounts: SAIL \$3,638,600, ELI \$361,400 Annual 9% HC \$2,465,000	Development Category/Type: New Construction/High Rise Apartments

1. Background/Present Situation

- a) On March 21, 2018, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2018-108 for Financing for the Development of Housing for Persons with a Disabling Condition or Developmental Disabilities.
- b) On June 15, 2018, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On June 27, 2018, staff issued an invitation to enter credit underwriting to the Applicant. The acceptance was acknowledged on July 2, 2018.
- d) On September 14, 2018, Florida Housing Board of Directors approved an RFA waiver exempting the non-profit board members/officers from having to submit the IRS Form 8821, provided each board member/officer submit an Affidavit certifying that they have not, nor will they receive any direct or indirect financial benefit from the Development in any way.
- e) On October 31, 2019, the Board approved the final credit underwriting report and directed staff to proceed with issuance of a firm commitment and closing activities. On November 4, 2019, staff issued a firm commitment letter to the Borrower with a loan closing deadline of March 3, 2020.
- f) On November 13, 2019, staff received a request to extend the SAIL and ELI loan terms from 15 years to 30 years. Per the Rule, if both a SAIL loan and federal Housing Credits are to be used to assist a development, the Corporation may set the SAIL loan term for a period commensurate with the investment requirements associated with the Housing Credit syndication.
- g) On November 20, 2019, staff received an update letter from the credit underwriter with a positive recommendation to extend the loan terms from 15 years to 27 years ([Exhibit E](#)). Staff has reviewed this request and finds that it meets all of the requirements of the RFA.

2. Recommendation

- a) Approve the request to extend the SAIL and ELI loan terms, and direct staff to proceed with loan document modification activities, as needed.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

F. Request Approval of Loan Term Extensions for Heritage Park at Crane Creek (2018-344CS)

Development Name: Heritage Park at Crane Creek	Location: Brevard County
Applicant/Borrower: Rosemary Village Apartments, LLLP	Set-Asides: 15% @ 35% AMI and 59.1% @ 60% AMI
Developers/Principals: Carrfour Supportive Housing, Inc./Stephanie Berman	Demographic/Number of Units: Persons with Special Needs/Homeless/108
Requested Amounts: SAIL \$4,228,900, ELI \$240,600 Annual 9% HC \$1,510,000	Development Category/Type: New Construction/Garden Apartments

1. Background/Present Situation

- a) On March 21, 2018, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2018-103 for Housing Credit and SAIL Financing for Homeless Housing Developments Located in Medium and Large Counties.
- b) On June 15, 2018, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On September 14, 2018, Florida Housing Board of Directors approved an RFA waiver exempting the non-profit board members/officers from having to submit the IRS Form 8821, provided each board member/officer submit an Affidavit certifying that they have not, nor will they receive any direct or indirect financial benefit from the Development in any way.
- d) On March 22, 2019, the Board approved a rule waiver allowing the Applicant to increase the total number of units from 80 to 108, and to reduce total set-aside percentage from 100% to 74.1% (hence adding 28 additional units at market rate). As a condition of this waiver, the applicant must provide five additional ELI units.
- e) On October 31, 2019, the Board approved a rule waiver changing the development type from “Garden Apartments” to “Mid-Rise 4 stories” as well as approved the final credit underwriting report, and directed staff to proceed with issuance of a firm commitment and closing activities. On November 4, 2019, staff issued a firm commitment letter to the Borrower with a loan closing deadline of March 30, 2020.
- f) On November 12, 2019, staff received a request to extend the SAIL and ELI loan terms from 15 years to 32.5 years. Per the Rule, if both a SAIL loan and federal Housing Credits are to be used to assist a development, the Corporation may set the SAIL loan term for a period commensurate with the investment requirements associated with the Housing Credit syndication.
- g) On November 27, 2019, staff received an update letter from the credit underwriter with a positive recommendation to extend the loan terms ([Exhibit F](#)). Staff has reviewed this request and finds that it meets all of the requirements of the RFA.

2. Recommendation

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

- a) Approve the request to extend the SAIL and ELI loan terms, and direct staff to proceed with loan document modification activities, as needed.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

G. Request Approval of Firm Loan Commitment Issuance Extension for Brisas del Este Phase Two (2019-016S)

Development Name: Brisas del Este Phase Two	Location: Miami-Dade County
Applicant/Borrower: Brisas del Este Phase Two, LLC	Set-Aside(s): 37.5% @ 30% AMI, 7.5% @ 60% AMI, 55% @ 80% AMI
Developer/Principal: Brisas del Este Phase Two Developer, LLC / Alberto Milo, Jr.	Demographic/Number of Units: Family (Workforce)/120
Requested Amounts: SAIL \$4,260,000 Annual 4% HC \$1,012,822	Development Category/Type: New Construction/High Rise

1. Background/Present Situation

- a) On October 8, 2018, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2018-114 for SAIL Financing for the Construction of Workforce Housing.
- b) On December 14, 2018, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On January 4, 2019, staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on January 4, 2019, giving them a firm loan commitment issuance deadline of January 4, 2020. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On November 13, 2019, staff received a request from the Applicant to extend the January 4, 2020 firm loan commitment issuance deadline to July 6, 2020 ([Exhibit G](#)), which will allow additional time to finalize the RAD conversion and obtain the necessary development approvals required to secure a firm loan commitment by July 2020, and complete the credit underwriting process. Staff has reviewed this request and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 4, 2020 to July 6, 2020, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

H. Request Approval of Firm Loan Commitment Issuance Extension for Solimar (2019-027BS)

Development Name: Solimar	Location: Miami-Dade County
Applicant/Borrower: Solimar Associates, Ltd.	Set-Aside(s): 18.89% @ 30% AMI, 26.11% @ 60% AMI, 55% @ 70% AMI
Developer/Principal: Cornerstone Group Partners, LLC / Jorge Lopez, Florida Community Development Corporation	Demographic/Number of Units: Family (Workforce)/180
Requested Amounts: MMRB \$21,500,000 SAIL \$8,075,000 Annual 4% HC \$1,122,364	Development Category/Type: New Construction/Garden Apartments

1. Background/Present Situation

- a) On October 8, 2018, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2018-114 for SAIL Financing for the Construction of Workforce Housing.
- b) On December 14, 2018, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On January 4, 2019, staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on January 9, 2019, giving them a firm loan commitment issuance deadline of January 9, 2020. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On November 14, 2019, staff received a request from the Applicant to extend the January 9, 2020 firm loan commitment issuance deadline to July 9, 2020 ([Exhibit H](#)), to allow sufficient time for the PCA, market study and appraisal to be completed and obtain the necessary development approvals required to secure a firm loan commitment by July 2020, and complete the credit underwriting process. Staff has reviewed this request and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 9, 2020 to July 9, 2020, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

I. Request Approval of Firm Loan Commitment Issuance Extension for Dockside at Sugarloaf Key (RFA 2018-115/2019-008CS)

Development Name: Dockside at Sugarloaf Key	Location: Monroe County
Applicant/Borrower: Dockside at Sugarloaf Key, LLC	Set-Aside(s): 10.72% @30%, 82.14% @60%, 3.57% @80%, 3.57% @120%
Developer/Principal: Rural Neighborhoods, Incorporated/ Steve Kirk; JCG Real Estate Ventures, LLC/Jason Goldfarb; Advanced Housing Corp./Barry S. Goldmeier	Demographic/Number of Units: Family (Workforce)/28
Requested Amounts: SAIL \$1,366,400 Annual 4% HC \$925,344	Development Category/Type: New Construction/Garden Apartments

1. Background/Present Situation

- a) On October 8, 2018, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2018-115 for SAIL and Housing Credit Financing for the Construction of Workforce Housing for Hurricane Recovery in Monroe County.
- b) On December 14, 2018, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On December 27, 2018, staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on January 2, 2019, giving them a firm loan commitment issuance deadline of January 2, 2020. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On November 13, 2019, staff received a request from the Applicant to extend the January 2, 2020 firm loan commitment issuance deadline to July 1, 2020 ([Exhibit I](#)). The Borrower needs the additional time to complete the credit underwriting report due to the excessive amount of time spent mitigating NIMBY concerns. The extension fee of one percent of each loan totaling \$13,664 will be collected prior to extending the January 2, 2020 loan closing deadline. Staff has reviewed this request and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 2, 2020 to July 1, 2020, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

J. Request Approval of Firm Loan Commitment Issuance Extension for Landings at Sugarloaf Key (RFA 2018-115/2019-010CS)

Development Name: Landings at Sugarloaf Key	Location: Monroe County
Applicant/Borrower: Landings at Sugarloaf Key, LLC	Set-Aside(s): 5% @ 25%, 40% @ 60%, 55% @ 120%
Developer/Principal: Rural Neighborhoods, Incorporated/ Steve Kirk; JCG Real Estate Ventures, LLC/Jason Goldfarb; Advanced Housing Corp./Barry S. Goldmeier	Demographic/Number of Units: Family (Workforce)/60
Requested Amounts: SAIL \$3,534,000 Annual 4% HC \$925,344	Development Category/Type: New Construction/Garden Apartments

1. Background/Present Situation

- a) On October 8, 2018, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2018-115 for SAIL and Housing Credit Financing for the Construction of Workforce Housing for Hurricane Recovery in Monroe County.
- b) On December 14, 2018, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- c) On December 27, 2018, staff issued a preliminary commitment letter and invitation to enter credit underwriting to the Applicant, which states that the firm loan commitment must be issued within 12 months of the acceptance to enter credit underwriting. The acceptance was acknowledged on January 2, 2019, giving them a firm loan commitment issuance deadline of January 2, 2020. Applicants may request one (1) extension of up to 6 months to secure a firm loan commitment.
- d) On November 13, 2019, staff received a request from the Applicant to extend the January 2, 2020 firm loan commitment issuance deadline to July 1, 2020 ([Exhibit J](#)). The Borrower needs the additional time to complete the credit underwriting report due to the excessive amount of time spent mitigating NIMBY concerns. The extension fee of one percent of each loan totaling \$35,340 will be collected prior to extending the January 2, 2020 loan closing deadline. Staff has reviewed this request and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the request to extend the firm loan commitment issuance deadline from January 2, 2020 to July 1, 2020, subject to payment of the required non-refundable extension fee of one percent of the loan amount, pursuant to the requirements of the RFA.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

K. Request Approval of Credit Underwriting Report for Edison Place f/k/a Edison Gardens (2018-054S)

Development Name: Edison Place f/k/a Edison Gardens	Location: Miami-Dade County
Applicant/Borrower: Tacolcy Edison Gardens, LLC	Set Aside(s): 5% @ 28% AMI & 40% @ 60% AMI, 55% @ 80% AMI
Developer/Principal: Tacolcy Economic Development Corporation, Inc./ Carol Gardner & SHAG Edison Gardens, LLC. / Darren Smith	Demographic/Number of units: Family / 200
Requested Amounts: SAIL \$8,500,000 Annual 4% HC \$722,479	Development Category/Type: New Construction/ High Rise

1. Background/Present Situation

- a) On August 22, 2017, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2017-107 for SAIL Financing for the Construction of Workforce Housing. On December 8, 2017, the Board approved the final scores and recommendations for the RFA and directed staff to proceed with all necessary credit underwriting activities.
- b) On March 21, 2018, staff issued an invitation to enter credit underwriting to the Applicant giving them a firm loan commitment issuance deadline of December 23, 2018. On December 14, 2018, the Board approved the Borrower’s request to extend the firm loan commitment issuance deadline from December 23, 2018 to June 23, 2019.
- c) On March 22, 2019, the Board approved the Borrower’s request for a RFA waiver for Applicant entity change.
- d) On June 21, 2019, the Board approved Legal staff’s recommendation to grant the Petitioner’s request for a waiver of Rule 67-48.0072 (21) (b) pertaining to further extension of the firm loan commitment deadline to December 23, 2019.
- e) On November 27, 2019, staff received a final credit underwriting report with a positive recommendation for funding ([Exhibit K](#)). Staff has reviewed this report and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the final credit underwriting report and direct staff to proceed with issuance of a firm commitment and loan closing activities.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

L. Request Approval of Credit Underwriting Report for Cypress Village (RFA 2019-372CS)

Development Name: Cypress Village	Location: Lee County
Applicant/Borrower: Blue CASL II, LLC	Set Aside(s): 15% @ 35%, 85% @ 60%
Developer/Principal: Blue CD Developer, LLC/Shawn Wilson & CASL Developer, LLC/Shawn Wilson	Demographic/Number of units: Homeless & Person with Special Needs / 95
Requested Amounts: SAIL \$5,000,000 9% HC \$1,510,000 ELI \$286,000	Development Category/Type: New Construction/ Mid-Rise 5-6 Stories

1. Background/Present Situation

- a) On January 9, 2019, Florida Housing Finance Corporation issued a Request for Applications (RFA) 2019-106 for Housing Credit and SAIL Financing for Homeless Housing Developments Located in Medium and Large Counties.
- b) On March 22, 2019, the Board approved the final scores and recommendations for the RFA, and directed staff to proceed with all necessary credit underwriting activities.
- c) On April 1, 2019, staff issued an invitation to enter credit underwriting to the Applicant giving them a firm loan commitment issuance deadline of April 3, 2020.
- d) On September 20, 2019, the Board approved the rule waiver to change Development Type from Mid Rise 4 Stories to Mid Rise 5 stories.
- e) On November 27, 2019, staff received a final credit underwriting report with a positive recommendation for funding ([Exhibit L](#)). Staff has reviewed this report and finds that it meets all requirements of the RFA.

2. Recommendation

- a) Approve the final credit underwriting report and direct staff to proceed with issuance of a firm commitment and closing activities.

SPECIAL ASSETS

Consent

VIII. SPECIAL ASSETS

- A. **Request Approval to Refinance the First Mortgage and Restructure the Ownership for Sabal Chase Harmony Housing LLC., a Florida Limited Company, for Sabal Chase Apartments (MR2000M1&2/GUAR/RISK /2000-532C/RFP 2010-16-07/SMI)**

Development Name: Sabal Chase Apartments (“Development”)	Location: Saint Lucie County
Developer/Principal: Cornerstone Group (“Original Developer”); Harmony Housing (“Current Developer”); Sabal Chase Associates, Ltd. (“Original Borrower”); Sabal Chase Harmony Housing LLC (“Current Borrower”)	Set-Aside: MMRB: 50% @ 60%; SAIL ELI 19% @ 33%; HC 100% @ 60% AMI LURA: 49 years; SAIL ELI: 15 years; EUA 30 years
Number of Units: 340	Allocated Amount: MMRB: \$16,710,000; SMI: \$876,252; SAIL ELI \$4,725,000; HC \$743,013
Demographics: Family	Servicer: Seltzer Management Group, Inc.

1. **Background**

- a) During the 2000 funding cycle, Florida Housing Finance Corporation (“Florida Housing” or “FHFC”) awarded a first mortgage of FHFC issued tax-exempt bonds in the original amount of \$11,045,000, and FHFC issued taxable bonds in the original amount of \$5,665,000 to Sabal Chase Associates, Ltd., a Florida limited partnership (“Original Borrower”), for the development of a 340-unit apartment complex in Saint Lucie County, Florida. The Multifamily Revenue Bonds (“MMRB”) loan closed on November 9, 2000 and matures on April 1, 2040. The Development is guaranteed with Florida Housing’s Guarantee Program (“Guarantee Program”) with HUD Risk Sharing. The Development also received a 2000 allocation of low-income housing tax credits (“HC”) of \$743,013.
- b) The Original Borrower received a Subordinate Mortgage Initiative (“SMI”) loan of \$876,252, and a State Apartment Incentive Loan Extremely Low Income (“SAIL ELI”) loan of \$4,725,000. The SAIL ELI loan closed on March 28, 2011 and matures on May 1, 2051.
- c) On June 13, 2014, the Board approved the sale of the development from the Original Borrower to Sabal Chase Harmony Housing LLC (“Current Borrower”). The Board also approved a refinance of the existing first mortgage loan. The Borrower obtained a HUD insured 223(f) program first mortgage loan, the proceeds of which were used to satisfy the existing first mortgage, redeeming the underlying FHFC bonds and effectively terminating the mortgage loan guaranty issued by the Guarantee Program and its associated financial risk to FHFC. The SMI loan was paid off. The MMRB Land Use Restriction Agreement (“LURA”) remained outstanding.

SPECIAL ASSETS

Consent

- d) On January 29, 2016, the Board approved a refinance of the existing first mortgage loan, and the subordination of the SAIL ELI loan documents, MMRB LURA, and HC Extended Low-Income Housing Agreement (“ELIHA”).

2. Present Situation

- a) The Current Borrower requests consent from the Board to refinance the existing first mortgage, and the subordination of the SAIL ELI loan documents, MMRB LURA, and HC ELIHA to the new first mortgage.
- b) The Current Borrower further requests consent to restructure the ownership of the Development by merging Sabal Chase Harmony Housing LLC with Harmony Shelf 55 LLC. Thereafter, a new entity, Sabal Chase HH LLC, will be formed.
- c) Staff received a credit underwriting report ([Exhibit A](#)) from Seltzer Management Group with a positive recommendation for approval of the refinance of the first mortgage, subordination of the SAIL ELI loan documents, the MMRB LURA, and the HC ELIHA, and the ownership restructure.

3. Recommendation

- a) Approve the refinance of the first mortgage, subordination of the SAIL ELI loan documents, the MMRB LURA, and the HC ELIHA to the new first mortgage, and the ownership restructure, subject to the conditions provided in the credit underwriter’s report, further approvals and verifications by the credit underwriter, counsel, and appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities, as needed.

SPECIAL ASSETS

Consent

B. Request Approval to Refinance the First Mortgage for HEF Kennedy, Inc., a Florida Profit Corporation, for Dr. Kennedy Homes Apartments (RFP 2010-04/RFP 2010-014/2009-144C/2010-029CX/2011-010CX)

Development Name: Dr. Kennedy Homes (“Development”)	Location: Broward County
Developer/Principal: HACFL (“Developer”) Development/HEF – Kennedy, Inc (“Borrower”)	Set-Aside: TCEP 40% @ 60%; HC 10% @ 28%; 90% @ 60% AMI TCEP: 15 years; EUA 50 years
Number of Units: 132	Allocated Amount: TCEP \$6,105,000; HC \$2,150,720
Demographics: Family	Servicer: Seltzer Management Group

1. Background

- a) Under RFP 2010-04 and 2010-14, Florida Housing Finance Corporation (“FHFC”) awarded a Tax Credit Exchange Program (“TCEP”) loan in the original amount of \$6,105,000 to Dr. Kennedy Homes, Ltd. (“Borrower”), a Florida Limited Liability Company, for the development of a 132-unit apartment complex in Broward County, Florida. The TCEP loan closed on December 10, 2010 and matures on December 20, 2027. The Development also received a 2013 allocation of low-income housing tax credits (“HC”) of \$2,150,720.
- b) On December 11, 2014, the Board approved the transfer of the managing general partner (“GP”) interest from CDG Dr. Kennedy Homes, LLC, a Florida limited liability company, to the Housing Authority of the City of Fort Lauderdale through HEF Kennedy, Inc., the non-managing co-GP. HEF Kennedy, Inc. which became the sole GP of the development.

2. Present Situation

- a) The Borrower requests consent from the Board to refinance the existing first mortgage, and subordinate the TCEP Documents, and Extended Low-Income Housing Agreement (“ELIHA”) to the new first mortgage.
- b) Staff received a credit underwriting report ([Exhibit B](#)) from Seltzer Management Group providing a positive recommendation for approval of the new financing and subordination of the TCEP Documents and the ELIHA to the new first mortgage.

3. Recommendation

- a) Approve refinancing of the first mortgage and subordination of the TCEP Documents, and the ELIHA to the new first mortgage subject to the conditions outlined in the credit underwriter’s report, and subject to further approvals and verifications by the credit underwriter, counsel, and appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities as needed.

SPECIAL ASSETS

Consent

C. **Request Approval of the Refinance of the First Mortgage, SAIL Renegotiation, for NVC Haley Park, Ltd., a Florida Limited Partnership, for Haley Park Apartments (2014-316S/2014-530C)**

Development Name: Haley Park Apartments (“Development”)	Location: Hillsborough County
Developer/Principal: Wendover Housing Partners, Inc. (“Developer”); NVC Haley Park, Ltd. (“Borrower”)	Set-Aside: SAIL 10% @ 40%, 95.51% @ 60%; HC 10% @ 40%, 90% @ 60 AMI; SAIL 30 years; HC 30 years
Number of Units: 80	Allocated Amount: SAIL \$2,300,000; SAIL ELI \$600,000 HC \$510,171
Demographics: Elderly	Servicer: AmeriNat

1. **Background**

- a) During the 2014 funding cycle, Florida Housing Finance Corporation (“FHFC”) awarded a State Apartment Incentive Loan (“SAIL”) in the original amount of 2,300,000, and an Extremely Low-Income (“ELI”) Gap loan in the amount of \$600,000 to NVC Haley Park, Ltd., a Florida limited partnership (“Borrower”), for the development of an 80-unit apartment complex in Hillsborough County, Florida. The SAIL and ELI loans both closed on May 13, 2015, and both mature on May 13, 2045. The Development also received a 2013 allocation of low-income housing tax credits (“HC”) of \$510,171.

2. **Present Situation**

- a) The Buyer requests consent from the Board to refinance the existing first mortgage, the proceeds of which will be used to satisfy the accrued SAIL loan interest and subordinate loan interest and to cover closing cost.
- b) The Buyer also requests consent from the Board to subordinate the SAIL and SAIL ELI loan documents, and the Extended Low-Income Housing Agreement (“ELIHA”) to the new first mortgage.
- c) Staff received a credit underwriting report ([Exhibit C](#)) from AmeriNat with a positive recommendation for approval of the refinance of the first mortgage, renegotiation of the SAIL loan and subordination of the SAIL and SAIL ELI loan documents and the ELIHA.

3. **Recommendation**

- a) Approve the refinance of the first mortgage, subordination of the SAIL and SAIL ELI loan documents and the ELIHA to the new first mortgage, subject to the conditions provided in the credit underwriter’s report, further approvals and verifications by the credit underwriter, counsel, and appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities, as needed.

SPECIAL ASSETS

Consent

D. Request Approval of Change in Ownership Structure in Stenstrom Road Senior Village Associates, Ltd., a Florida Limited Partnership, for Chatham Pointe Senior Apartments aka Stenstrom Road Senior Village (RFA 2009-03/2010-004CT/2009-026CT)

Development Name: Chatham Pointe Senior Apartments aka Stenstrom Road Senior Village (“Development”)	Location: Hardee County
Developer/Principal: Judd K. Roth (“Developer”)/ Stenstrom Road Senior Village Associates, Ltd. (“Borrower”)	Set-Aside: TCAP/HOME & HC 10% @45%; 90% @60% AMI; LURA: 50 years; EUA: 50 years
Number of Units: 67	Allocated Amount: TCAP \$4,045,368; HOME \$115,900; HC \$1,070,000
Demographics: Elderly	Servicer: Seltzer Management Group, Inc.

1. Background

- a) During the 2009 funding cycle, Florida Housing Finance Corporation (“Florida Housing”) awarded funds from the Tax Credit Assistance Program (“TCAP”) in the amount of \$4,045,368 and from the HOME Investment Partnership Program (“HOME”) in the amount of \$115,900 to Stenstrom Road Senior Village Associates, Ltd. (“Borrower”), a Florida limited partnership, for the development of a 67-unit property in Hardee County, Florida. The TCAP loan closed on June 7, 2010 and matures on February 16, 2027. The HOME loan closed on June 7, 2010 and matures on February 16, 2032. The Development also received a 2009 allocation of low-income housing tax credits (“HC”) of \$1,070,000.
- b) In December 2018, the Board approved the withdrawal of the co-general partner, AHSF LLC, and the conversion of the general partner (“GP”) interests of Stenstrom Road Senior Village GP, LLC, managing GP, to that of a Class B Limited Partner. AHSF GP LLC was admitted as the new and sole general partner of the partnership. The intended purpose of the ownership restructure was to allow the Borrower to qualify for ad valorem real estate tax exemption.

2. Present Situation

- a) The Borrower requests approval for the withdrawal of the general partner, AHSF GP LLC, and the admission of a new general partner, Affordable Housing Solutions for Florida, Inc., a Florida non-profit corporation. The intended purpose of the ownership restructure is to allow the Borrower to qualify for ad valorem real estate tax exemption.
- b) The Class B Limited Partner will retain its rights, roles, and responsibilities as the managing general partner, including operational and financial decisions, and the right to remove and replace the general partner for any reason. All current guarantors will remain in place.
- c) Staff received a credit underwriting report ([Exhibit D](#)) from Seltzer Management Group with a positive recommendation for approval of the change in ownership structure.

SPECIAL ASSETS

Consent

3. **Recommendation**

- a) Approve the change in ownership structure, subject to the conditions provided in the credit underwriter's report, further approvals and verifications by the credit underwriter, counsel, and appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities, as needed.

SPECIAL ASSETS

Consent

E. Request Approval of Subordinate Funding for Timber Ridge at Sanders Pines Reserve (RFA 2014-117/2015-107S/Timber Ridge 94S-003/94L-038, Sanders Pines 1989S-038/HC 1990-038)

Development Name: Timber Ridge at Sanders Pines Reserve (“Development”)	Location: Collier County
Developer/Principal: Rural Development. (“Developer”)/Oak Marsh, LLC. (“Borrower”)	Set-Aside: 2% @ 33%, 78% @ 50%; 20% @ 60% AMI LURA 50 years; EUA 50 years
Number of Units: 75	Allocated Amount: SAIL \$2,215,000, \$500,000; HC \$247,116
Demographics: 40% Farmworker	Servicer: First Housing Development Corporation

1. Background

- a) During the 1994 funding cycle, Florida Housing Finance Corporation (“Florida Housing”) awarded a State Apartment Incentive Loan (“SAIL”) in the amount of \$500,000 to Timber Ridge of Immokalee, L.P., a Florida limited partnership (“Borrower”), for the development of a 34-unit property in Collier County, Florida. The loan was closed on April 10, 1995 and will mature on February 10, 2021. The Development also received a 1994 allocation of low-income housing tax credits of \$247,116. Sanders Pines was originally financed with a SAIL in the amount of \$400,000 which closed on March 21, 1990 and was paid off at maturity.
- b) On October 25, 2016, the Borrower combined both properties and closed on a \$2,215,000 SAIL loan, assuming the remaining debt and housing credits and associated Land Use Restriction Agreements (“LURA”) and Extended Low-Income Housing Agreements (“ELIHA”).

2. Present Situation

- a) The Borrower requests approval to add a Collier County HOME grant of \$300,000 to \$375,000 to be used for rental rehabilitation; including paving, sidewalks, curbing, lighting, landscaping, playgrounds, signage and painting. The HOME grant will be subordinate to the existing Florida Housing funding.
- b) Florida Housing received a positive recommendation from the credit underwriter ([Exhibit E](#)).

3. Recommendation

- a) Staff recommends that the Board approve the additional funding and subordination of the HOME grant and its LURA to the FHFC loans, subject to the conditions provided in the credit underwriting report, further approvals and verifications by the credit underwriter, counsel and appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities, as needed.