

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
January 27, 2023
Action Items



LEGAL

Action

I. LEGAL

A. In Re: Citadelle Village, LLC

FHFC Case No. 2023-003VW (RFA 2017-108/App. No. 2018-033BS)

Development Name: (“Development”):	Citadelle Village
Developer/Principal: (“Developer”):	Citadelle Village Developer, LLC/Jeannette B. Chapman
Number of Units: 96	Location: Miami-Dade County
Type: High-Rise/New Construction	Set Asides: 10% at 28% AMI 90% at 60% AMI
Demographics: Family	Funding: SAIL \$3,600,000 ELI \$600,000 MMRB \$12,050,000 4% HC \$754,301

1. Background:

- a) Petitioner successfully applied for State Apartment Incentive Loan (“SAIL”), Extremely Low Income (“ELI”) funding, Multi-Family Mortgage Revenue Bonds (“MMRB”), and non-competitive housing credits funding in RFA 2017-108 to assist in the construction of a 96-unit affordable housing development named Citadelle Village in Miami-Dade County, Florida (the “Development”). On January 11, 2023, Florida Housing received a Petition for Waiver of Rule 67-48.0072(21)(b), Florida Administrative Code (the “Petition”) to allow Petitioner to extend the firm loan commitment deadline. A copy of the Petition is attached as [Exhibit A](#).

2. Present Situation:

- a) Rule 67-48.0072(21)(b), Fla. Admin. Code (2017), provides:

For SAIL, EHCL, and HOME that is not in conjunction with Competitive HC, unless stated otherwise in a competitive solicitation, the firm loan commitment must be issued within nine (9) months of the Applicant’s acceptance to enter credit underwriting. Unless an extension is approved by the Corporation in writing, failure to achieve credit underwriting report approval and issuance of a firm loan commitment by the specified deadline shall result in withdrawal of the preliminary commitment. Applicants may request one (1) extension of up to six (6) months to secure a firm loan commitment. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting the extension and shall detail the time frame to achieve a firm loan commitment. In determining whether to grant an extension, the Corporation shall consider the facts and circumstances of the Applicant’s request, inclusive of the responsiveness of the Development team and its ability to deliver the Development timely. The Corporation shall charge a non-refundable extension fee of one (1) percent of each loan amount if the request to extend the credit underwriting and firm loan commitment process beyond the initial nine (9) month deadline is approved. If, by the end of

LEGAL

Action

the extension period, the Applicant has not received a firm loan commitment, then the preliminary commitment shall be withdrawn.

- b) Petitioner requests a waiver of the above-cited Rule to allow Petitioner to extend the firm loan commitment issuance deadline. Petitioner accepted an invitation to credit underwriting on May 4, 2018, which provided a firm loan commitment issuance deadline of February 4, 2019.
- c) Beginning in July of 2019, Citadelle Village has requested seven extensions of time to obtain a firm loan commitment, all of which have been granted by the Board. Through these requests the deadline has been extended from August 4, 2019, to its current date of December 27, 2022.
- d) Petitioner now requests an additional extension of the firm loan commitment issuance deadline from December 27, 2022 to June 26, 2023.
- e) The Development is located in an area of Miami referred to as Little Haiti. According to Petitioner, over the last few years, massive gentrification of Little Haiti, led by the Magic City Development, is pushing out the lower socioeconomic residents of Little Haiti.
- f) Petitioner states that the initial Application financial numbers and amount requested was flawed as there were insufficient sources to develop Citadelle Village. The result was compounded by the impacts of the COVID pandemic and increased construction costs.
- g) In 2019, Petitioner replaced members of the original Development team began the process of solving the financial shortfalls and moving the Development forward.
- h) Petitioner states that several obstacles have prevented it from obtaining a firm loan commitment. Due to increased construction costs, the Development Team had to significantly revise the hard cost estimates, resulting in an increase of over \$4,000,000 (approximately 20% over initial costs calculated three years ago). As a result, Petitioner was required to seek further financing from other sources to address the cost increases. Petitioner explains that it received final approval of the additional financing needed to proceed with the development in February 2022. All additional funding sources for the Development are from sources other than Florida Housing.
- i) Beginning in February of 2022, the Development Team spent or committed more than \$750,000 for various third-party reports and professional fees on environmental reports, geotechnical reports, survey, re-platting services, market study, attorney's fees, civil plans and architectural plans. According to Petitioner, the Site Plan approval package is read for submittal pending an updated survey. Once the site plan is submitted, Petitioner anticipates an additional 90 days until permit ready plans will be completed. Petitioner anticipates that if the underwriter receives the permit ready plans by the end of March 2023, Petitioner projects that it will present its credit underwriting report to the Board in June of 2023.
- j) The attachments to the Petition include letters from the Mayor of Miami, the Director of Community and Economic Development for the City of Miami, the City of Miami District 5 Commissioner, and the Director of Public Housing &

LEGAL

Action

Community Development for Miami-Dade County all requesting the Board to grant Petitioner's extension.

- k) On January 12, 2023, Notice of the Petition was published in the Florida Administrative Register in Volume 49, Number 08. To date, Florida Housing has received no comments concerning the Petition.
- l) 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.
- m) 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 were 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 67-48.0072(21)(b), Fla. Admin. Code (2017) to allow Petitioner to extend its firm loan commitment issuance deadline from December 27, 2022 to June 26, 2023 on the condition that Petitioner appear before the Board on January 27, 2023, further explain the justification for the numerous extension requests, and respond to any questions from the Board or staff.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

I. MULTIFAMILY PROGRAMS – ALLOCATIONS

A. Request Approval of Review Committee Recommendations for RFA 2022-101 SAIL Financing for the Preservation of Elderly Developments

1. **Background**

- a) On November 14, 2022, Florida Housing Finance Corporation (Florida Housing) issued RFA 2022-101 offering \$2,520,746 in State Apartment Incentive Loan (SAIL) funding in conjunction with Tax-Exempt Bonds and non-competitive 4% Housing Credits for Applicants proposing the preservation of affordable, multifamily housing for the Elderly.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, December 28, 2022.

2. **Present Situation**

- a) Florida Housing received 3 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Amanda Perry, Multifamily Programs Manager (Chair), Sheila Freaney, Board Liaison/Policy Manager, and Lisa Walker, Multifamily Programs Manager. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its January 12, 2023 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2022-101 All Applications chart (provided as Exhibit A) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on [Exhibit A](#) and recommendations for funding as set out on [Exhibit B](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on Exhibit A and recommendations for funding as set out on Exhibit B.
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

3. **Recommendation**

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

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

B. Request Approval of Review Committee Recommendations for RFA 2022-201 Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties

1. Background

- a) On November 10, 2022, Florida Housing Finance Corporation (Florida Housing) issued RFA 2022-201 offering \$15,680,800 in 9% Housing Credit financing (HC) for Applicants proposing the development of affordable, multifamily housing located in the Medium and Small Counties.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, December 28, 2022.

2. Present Situation

- a) Florida Housing received 52 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Tracy Willis, Development Finance Administrator, Mitch Englert, Multifamily Programs Manager, and Laura Hughes, Business Analyst-Process Specialist. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its January 17, 2023, Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2022-201 All Applications chart (provided as Exhibit C) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on [Exhibit C](#) and recommendations for funding as set out on [Exhibit D](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on Exhibit C and recommendations for funding as set out on Exhibit D.
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 52 Applications and authorize the tentative selection of the 8 Applications (set out on Exhibit D) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Application set out on the Exhibit D.
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.
- d) There is \$431,903 in HC funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

C. **Request Approval of Review Committee Recommendations for RFA 2022-202 Housing Credit Financing For Affordable Housing Developments Located In Broward, Duval, Hillsborough, Orange, Palm Beach, And Pinellas Counties**

1. **Background**

- a) On November 10, 2022, Florida Housing Finance Corporation (Florida Housing) issued RFA 2022-202 offering \$16,491,600 in 9% Housing Credit financing (HC) for Applicants proposing the development of affordable, multifamily housing located in Broward County, Duval County, Hillsborough County, Orange County, Palm Beach County, and Pinellas County.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, December 29, 2022.

2. **Present Situation**

- a) Florida Housing received 15 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Ryan McKinless, Policy Coordinator (Chair), Lenard Randolph, Multifamily Programs Analyst, and Tracy Willis, Development Finance Administrator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its January 18, 2023, Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2022-202 All Applications chart (provided as Exhibit E) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on [Exhibit E](#) and recommendations for funding as set out on [Exhibit F](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on Exhibit E and recommendations for funding as set out on Exhibit F.
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 15 Applications and authorize the tentative selection of the 6 Applications (set out on Exhibit F) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Application set out on the Exhibit F.
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.
- d) There is \$345,000 in HC funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

D. Request Approval of Review Committee Recommendations for RFA 2022-203 Housing Credit Financing for Affordable Housing Developments Located in Miami-Dade County

1. Background

- a) On November 10, 2022, Florida Housing Finance Corporation (Florida Housing) issued RFA 2022-203 offering \$6,855,330 in 9% Housing Credit financing (HC) for Applicants proposing the development of affordable, multifamily housing located in Miami-Dade County.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, December 28, 2022.

2. Present Situation

- a) Florida Housing received 29 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Ryan McKinless, Policy Coordinator (Chair), Obinna Okeke, Multifamily Programs Analyst, and Rebecca Sheffield, Multifamily Programs Coordinator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its January 17, 2023, Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2022-203 All Applications chart (provided as Exhibit G) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on [Exhibit G](#) and recommendations for funding as set out on [Exhibit H](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on Exhibit G and recommendations for funding as set out on Exhibit H.
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 29 Applications and authorize the tentative selection of the 2 Applications (set out on Exhibit H) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Application set out on the Exhibit H.
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.
- d) There is \$323,530 in HC funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

E. Request Approval of Review Committee Recommendations for RFA 2022-205 SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction With Tax-Exempt Bonds and Non-Competitive Housing Credits

1. Background

- a) On November 14, 2022, Florida Housing Finance Corporation (Florida Housing) issued RFA 2022-205 offering \$60,240,702 in State Apartment Incentive Loan (SAIL) funding to be used in conjunction with Tax-Exempt Bonds and Non-Competitive 4% Housing Credit financing (HC), and \$18,552,000 in National Housing Trust Fund (NHTF) financing for Applicants proposing the development of affordable, multifamily housing for Families and the Elderly.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, December 29, 2022.

2. Present Situation

- a) Florida Housing received 46 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Tim Kennedy, Director of Multifamily Programs, Freebeau Swindle, Construction Administrator, and Kristen Peters, Multifamily Programs Manager. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its January 18, 2023, Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2022-205 All Applications chart (provided as Exhibit I) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on [Exhibit I](#) and recommendations for funding as set out on [Exhibit J](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on Exhibit I and recommendations for funding as set out on Exhibit J.
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 46 Applications and authorize the tentative selection of the 10 Applications (set out on Exhibit J) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Application set out on the Exhibit J.
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the funding range.
- d) There is \$666,702 in SAIL funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

F. 2023 Rule Development

1. Background/Present Situation

- a) Staff would like to begin the rule development process by scheduling a rule development workshop to solicit comments concerning Rule Chapters 67-21 Non-Competitive Affordable Multifamily Rental Housing Programs, and 67-48 Competitive Affordable Multifamily Rental Housing Programs, and the Qualified Allocation Plan (QAP) which is incorporated by reference in Rule Chapter 67-48, F.A.C.
- b) Staff plans to hold a Rule Development Workshop on February 23, 2023.

2. Recommendation

- a) Authorize staff to proceed with the 2023 rule development process.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

G. Request Approval to Amend the CHIRP 2022 ITP to Extend the Deadline to Close the Limited Partnership Agreement

1. Background

- a) On April 29, 2022, the Board approved staff request to issue and ITP for the 2022 CHIRP program. Staff issued the ITP on May 9, 2022. The Corporation received 38 Housing Credit applications in response to the program, with 3 of those applications either returning the allocation or having the allocation rescinded, and 2 developments having not yet completed the credit underwriting process. The Corporation and has allocated \$15,312,272 in additional Housing Credit funding. There were additional CHIRP applications seeking alternate funding sources. This request is limited to Housing Credit funding.
- b) The deadline for closing the Limited Partnership Agreement or Limited Liability Operating Agreements (LPA) is January 31, 2023. As of January 19, 2023, 20 Housing Credit developments have closed on their Limited Partnership Agreement or Limited Liability Operating Agreements.

2. Present Situation

- a) On August 5, 2022, the Board approved staff's request to extend the closing deadline for Applicants requesting additional loan funding to March 10, 2023. Staff requests the Board allow for an extension of the closing of the LPA to March 10, 2023, to align with the current loan closing deadline for those awarded additional loan funding.

3. Recommendation

- a) Approve staff recommendation to extend the deadline for the closing of the LPA to March 10, 2023.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

H. Request for Approval to Issue an Invitation to Participate in the 2023 Construction Housing Inflation Response Program (CHIRP)

1. Background

- a) In April 2022, the Board approved staff request to issue and ITP for the 2022 CHIRP program. The Corporation received 71 applications in response to the program and has allocated 87,164,316 in additional loan funding, 15,312,272 in additional Housing Credit funding, 4,728,600 in HOME-ARP, and 12,621,600 in NHTF funding to 61 developments. 6 developments were unable to complete underwriting by the deadlines set forth in the ITP and their request for CHIRP funding was withdrawn by the Corporation. Additionally, 2 Applications for Housing Credits have closed on their partnership agreements, but have not received a final credit underwriting report, and 2 Applications for NHTF/HOME-ARP are in the process of receiving final credit underwriting reports.
- b) There are certain developments that were eligible to apply for the ITP, but were not ready to meet the program deadlines. These developments continue to experience the effects of the increase in the inflation that is creating higher operating and construction expenses for projects in the development pipeline.
- c) Florida Housing has continued to make efforts to maintain the viability of developments in this predicament and continues to believe it is beneficial to deliver these much-needed affordable housing units and communities in a timely manner.

2. Present Situation

- a) In recognition of certain developments continuing to experience impacts related to increases in construction costs and increased interest rates, staff would like to make available additional 2023 Competitive 9% Housing Credits, Loan Funding (comprised of SAIL Program Income), National Housing Trust Fund (NHTF) funding, or HOME-ARP funding available to Developments in the pipeline, that were eligible but did not apply in the 2022 CHIRP ITP and were awarded in RFAs 2021-201, 202, 203, 205, or were eligible and applied in the 2022 CHIRP ITP but were unable to meet deadlines outlined in the 2022 CHIRP ITP.
- b) CHIRP program criteria would match criteria in the 2022 CHIRP ITP:
 - A verifiable financing gap must exist with a deferred Developer Fee of at least 30 percent;
 - Applicants must apply for permitting by 60 days from the Application submission;
 - The Applicant of the Active Award has not closed on the Limited Partnership Agreement, Tax-Exempt Bond financing, and any other Corporation, as applicable, but must close by the earlier of the existing closing deadlines for the Active Award (without Rule extension request) or December 15, 2023;
 - The Applicant of the Active Award has not recorded a Notice of

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

Commencement with the appropriate local jurisdiction;

- The Credit Underwriting Report must be completed or updated as applicable prior to the April 2023 Board meeting;
 - The Quick Close Incentive would align with the issue dates of the general occupancy RFAs in late July;
 - The Applicant of the Active Award has not, prior to the Application Deadline for this Invitation to Participate (ITP), returned the allocation for the Active Award to the Corporation.
- c) In accordance with the 2022 CHIRP ITP, staff requests the Board delegate authority to staff to review any request from an Applicant to extend its placed in-service deadline or a request for a credit exchange related to this additional funding through administrative approval.
- d) If approved, a public workshop will be scheduled.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

3. **Recommendation**

- a) Approve staff's recommendation to (i) issue the Invitation to Participate in the Construction Housing Inflation Response Program; and (ii) delegate authority to staff to review and grant, if appropriate, requests to extend placed in-service deadlines or for credit exchanges related to this additional funding through administrative approval.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

I. Request Approval to Issue a Request for Applications (RFA) for the Rental Recovery Loan Program (RRLP)

1. Background

- a) Hurricane Ian made landfall near Ft. Myers, Florida on September 28, 2022, and Hurricane Nicole made landfall near Vero Beach, Florida on November 10, 2022, leaving a path of destruction that affected a major portion of the state.
- b) The Florida Legislature convened in a special session in December 2022 to provide disaster relief. During this special session, \$90 million dollars was appropriated for the Rental Recovery Loan Program (RRLP) to provide rental housing in areas of the state hardest hit by Hurricanes Ian and Nicole.

2. Present Situation

- a) Staff is reviewing data regarding damage impacted counties in order to develop a funding framework for the program. Staff plans to hold a workshop February 15, 2023 and issue the RFA at the end of March 2023, with Review Committee recommendations presented to the Board at the June Board meeting.

3. Recommendation

- a) Authorize staff to proceed with the development of an RFA for RRLP funding.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

I. PROFESSIONAL SERVICES SELECTION (PSS)

A. Competitive Solicitation for Guaranteed Investment Contract (GIC) Broker Services

1. **Background:**

- a) Pursuant to Part V, Chapter 420, Florida Statutes, Florida Housing issues revenue bonds to finance the development of affordable housing, to make funds available to people in Florida to help them buy a home, to refinance prior bond issues of Florida Housing, and for such other purposes as may be permitted by law. Florida Housing issues bonds that are exempt from federal income tax and bonds that are not exempt from federal income tax. Florida Housing Issue bonds through competitive and negotiated sales, including private placements.
- b) Depending on market conditions, Florida Housing has, from time to time, a need to utilize the services of Guaranteed Investment Contract (GIC) brokers.
- c) Florida Housing does not currently have any active contracts for GIC broker services.

2. **Present Situation:**

- a) Florida Housing has a need to utilize the services of GIC Brokers to perform the following services:
 - Perform an analysis of the bond issue's financial structure and the language in the financing and bond documents stipulating permitted investments.
 - Prepare a preliminary bid list of potential investment contract providers for approval from the financing team selected by Florida Housing.
 - Distribute the approved request for bids with any other requested information to potential bidders.
 - Receive bids on behalf of Florida Housing for all bidders, evaluate any conditions to the bids and ensure all bids conform to the bid specifications.
 - Receive and review the investment contract and work with the winning bidder's attorney and the financing team selected by Florida Housing to ensure the investment contract conforms to the specifications of the requested financing structure.
- b) Staff believes that it is in the best interests of Florida Housing to have the flexibility to utilize the services of one or more GIC brokers.

3. **Recommendation:**

- a) Staff recommends that the Board direct staff to proceed with issuing a competitive solicitation for GIC brokers.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

B. Contract Renewals for Arbitrage Rebate Analyst Services

1. Background:

- a) At the January 23, 2020 meeting, the Board authorized Florida Housing staff to enter into contract negotiations with BLX Group LLC and Hawkins Delafield & Wood LLP for Arbitrage Rebate Analyst Services.
- b) The contract states that, contingent upon satisfactorily performing its obligations under the contract as determined by Florida Housing, these agreements may be renewed for an additional three-year period.

2. Present Situation:

- a) The contracts with both firms are set to expire on June 15, 2023. Florida Housing staff finds that each vendor is satisfactorily performing its obligations under the contract and supports using the three-year renewal option for these agreements.

3. Recommendation:

- a) Staff recommends that the Board direct staff to proceed with the three-year renewal option with both BLX Group LLC and Hawkins Delafield & Wood LLP for Arbitrage Rebate Analyst Services.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

C. Contract Renewals for Single Family Cash Flow Provider Services

1. **Background:**

- a) At the March 6, 2020 meeting, the Board authorized Florida Housing staff to enter into contract negotiations with RBC Capital Markets, LLC and Caine Mitter & Associates Incorporated for Single Family Cash Flow Provider Services.
- b) The contract states that, contingent upon satisfactorily performing its obligations under the contract as determined by Florida Housing, these agreements may be renewed for an additional three-year period.

2. **Present Situation:**

- a) The contracts with both firms are set to expire on June 30, 2023. Florida Housing staff finds that each vendor is satisfactorily performing its obligations under the contract and supports using the three-year renewal option for these agreements.

3. **Recommendation:**

- a) Staff recommends that the Board direct staff to proceed with the three-year renewal option with both RBC Capital Markets, LLC and Caine Mitter & Associates Incorporated for Single Family Cash Flow Provider Services.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

D. Single Source Procurement for a Davis-Bacon Software Solution

1. Background:

- a) The Davis–Bacon Act of 1931 is a United States federal law that establishes the requirement for paying the local prevailing wages on public works projects. Florida Housing and its partners are subject to these requirements when building developments that are primarily funded by the U.S. Department of Housing and Urban Development (HUD), e.g., when using HOME or Community Development Block Grant – Disaster Recovery (CDBG-DR) funds.
- b) Compliance with Davis-Bacon during construction is performed on Florida Housing’s behalf by its contracted construction loan servicers Seltzer Management Group, First Housing Development Corporation and AmeriNat Community Services. Currently, the developers and their general contractors submit the required documentation in paper format.

2. Present Situation:

- a) In 2015, HUD contracted with Elation Systems, Inc., to improve HUD's Davis-Bacon oversight and compliance for federally funded and/or assisted construction projects receiving HUD grants, loans, loan guarantees and/or insurance. Certain HUD-funded partners were then directed to use Elations’ system to assist with managing prevailing wage data.
- b) While Florida Housing is not on the list of partners that have been identified as mandatory users of the system, there are notable benefits that the software system provides that no other vendor on the market currently does, including:
 - Extracting payroll data from the developers’ system rather than via manual data entry;
 - Immediately identifying any underpayments;
 - Running database checks so that developers are informed about any issues prior to certification and submission to the servicers; and
 - Transmitting all MBE/WBE and Section 3 reporting directly to the U.S. Dept. of Housing and Urban Development.
- c) Staff has consulted with its construction loan servicers and believes that is it in the best interests of Florida Housing and its external stakeholders to enter into a single source agreement with Elation Systems, Inc., to improve Davis-Bacon reporting, oversight and compliance.

3. Recommendation:

- a) Staff recommends that the Board direct staff to proceed with entering into a one-year single source contract with Elation Systems, Inc., for their Davis-Bacon software solution.