

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

RECEIVED

AUG 4 2026 9:36 AM

WHFT LL WORKFORCE, LTD., and
WHFT LL WORKFORCE DEVELOPER, LLC

Petitioners,

2026-039VW
FHFC Case No.: 20
RFA No.: 2024-213
Application No.: 2025-345S

FLORIDA HOUSING
FINANCE CORPORATION

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

_____ /

**AMENDED PETITION FOR WAIVER OF RULE 67-21.003(1)(a) and (b) &
REQUEST FOR APPLICATIONS 2024-213**

Petitioners, WHFT LL Workforce, Ltd., and WHFT LL Workforce Developer, LLC, (collectively, Petitioners or Catchlight Workforce), by and through undersigned counsel, petitions Florida Housing Finance Corporation (Florida Housing) for a waiver of Rule 67-21.003(1)(a) and (b) (effective August 27, 2024) as well as criteria within Request for Applications 2024-213 SAIL Funding for Live Local Mixed Income, Mixed-Use, and Urban Infill Developments (the RFA). Due to events outside of its control, Catchlight Workforce requests to diversify its funding sources and intends to expand the proposed project to increase the number and affordability of the units within the proposed development.

This Petition is filed in accordance with Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. With this Petition, Catchlight Workforce requests a permanent waiver of the Rule 67-21.003(1)(a) and (b) and the pertinent RFA criteria. In support, Catchlight Workforce states:

Petitioner & Project

1. For purposes of this Petition, WHFT LL Workforce, Ltd.'s, address is c/o Laura S. Olympio, Esq., Nason Yeager Gerson Harris Fumero, PA, 3001 PGA Boulevard, Suite 305, Palm Beach Gardens, Florida 33410. Telephone number for the undersigned counsel is 561-686-4402, the facsimile number is 561-686-5442, and email address is lolympio@nasonyeager.com; vdavis@nasonyeager.com.

2. For purposes of this Petition, WHFT LL Workforce Developer, LLC's, address is c/o Laura S. Olympio, Esq., Nason Yeager Gerson Harris Fumero, PA, 3001 PGA Boulevard, Suite 305, Palm Beach Gardens, Florida 33410. Telephone number for the undersigned counsel is 561-686-4402, the facsimile number is 561-686-5442, and email address is lolympio@nasonyeager.com; vdavis@nasonyeager.com.

3. Following issuance of the RFA, Catchlight Workforce timely submitted Application No. 2025-345S (Application) requesting Live Local SAIL funds (with no Housing Credits), for an 84-unit development known as Catchlight Crossings Live Local Workforce (Project). As reflected in the Application, majority of the proposed units were designated as Non-Housing Credit 80% AMI Live Local Housing Units. Specifically, Catchlight Workforce proposed completing 66 units, or 78% of the units, with an 80% AMI set-aside. Application p. 15. The Project is one of four buildings comprising the second 400-unit phase of a large, innovative affordable and workforce housing community known as Catchlight Crossings. It contains just a portion of the workforce housing that will be available when Catchlight Crossings is complete.

4. Catchlight Crossings is a one-of-a-kind partnership and large-scale project of significant regional impact focused on providing affordable and workforce housing as well as related medical, educational, and retail facilities to support those working within Orlando's tourist and hospitality industries. Once complete, Catchlight Crossings will have 1,000 total units that

support all levels of affordable and workforce housing demographics. Due to the multi-phased development of Catchlight Crossings, the Project's budget, design, construction, and overall timelines are interconnected with other phases of the larger community. Florida Housing is familiar with and supported the initial phase of Catchlight Crossings. *See* Application 2025-157S submitted in response to Request for Applications 2024-216 Live Local SAIL Financing for the Construction of Large-Scale Developments of Significant Regional Impact (RFA 2024-216). Important here, keeping timely continuity between each phase of Catchlight Crossings is critical to each phase of the larger project's budget and overall success in serving its affordable and workforce housing clientele.

5. Catchlight Workforce's Application was determined to be eligible but was not preliminarily selected for funding by Florida Housing's Board of Directors (Board). Catchlight Workforce timely filed a Notice of Intent and Formal Written Protest and Petition for Formal Administrative Hearing (Petition) in accordance with Sections 120.569 and 120.57(3), Florida Statutes and Chapter 28-106, Florida Administrative Code. Catchlight Workforce's Petition was transferred to the Division of Administrative Hearings, an Administrative Law Judge was assigned, and a two-day hearing took place on March 25-26, 2025. On May 9, 2025, the Administrative Law Judge issued a Recommended Order finding, among other things, that Catchlight Workforce should remain eligible for funding.

6. On June 13, 2025, Florida Housing's Board issued a Final Order adopting the Findings of Fact, Conclusions of Law, and Recommendations of the Recommended Order issued in DOAH Case No. 25-1110BID *WHFT Workforce Ltd., et. al. v. Florida Housing Finance Corporation*, which found Application No. 2025-345BS eligible for funding under the RFA.

Issuance of Board's Final Order resulted in the selection of Catchlight Workforce's Application for a funding award pursuant to the terms of the RFA.

7. Following the Board's Final Order, Catchlight Workforce was invited to enter credit underwriting and submitted a signed acknowledgment to accept that invitation. At this time, Catchlight Workforce is actively engaged in credit underwriting with Florida Housing's chosen underwriter.

8. As explained more fully below, after entering credit underwriting the Project has faced numerous challenges and budgetary constraints which prompted Catchlight Workforce to expand the scope of the Project to incorporate additional units, with a more varied affordability mix than what was reflected in the Application. Catchlight Workforce requests this waiver so it can diversify its funding sources and more efficiently provide the capital required to continue forward and complete the expanded, and more income restricted, Project.

Statutes and Rules Implemented by the Requested Waiver

9. Florida Housing is a public corporation created pursuant to Chapter 420, Part V, Florida Statutes, to administer the financing of affordable housing in Florida. §420.504, Fla. Stat. It is designated as the housing credit agency for Florida within the meaning of section 42(h)(7)(A) of the Internal Revenue Code and has the responsibility to administer and distribute funds allocated under the Live Local Act. §§420.5099; 420.50871; 420.50872, Fla. Stat.

10. Passage of the Live Local Act in 2023 represented a significant investment in expanding affordable and workforce housing developments statewide. One of the Live Local Act's key provisions is its recognition of the importance of public-private partnerships, encouraging creative collaboration among state and local governments, housing finance agencies, nonprofit organizations, and private developers to leverage resources, accelerate housing production, and

maximize community impact. §§ 420.0002(10); 420.0003(2)(b); 420.6015(7), Fla. Stat. To advance this vision, it identified specific funding allocations to support the development of large-scale projects of significant regional impact. §420.50872(2)(a), Fla. Stat.

11. Florida's Legislature has maintained its support of innovative and creative solutions to increase affordable and workplace housing statewide. This is evidenced by its continual revision and expansion of the Live Local Act's provisions in 2024, 2025, and 2026 showing an steadfast commitment to promoting public-private partnerships, removing procedural roadblocks, and supporting flexible solutions to advance Live Local developments.

12. Numerous provisions within Part V of Chapter 420, Florida Statutes¹, authorize Florida Housing to allocate Live Local SAIL funds by means of a request for proposal or other competitive solicitations. §§420.507(22) and (48), 420.5099, 420.50871, 420.50872. Chapter 67-60, Florida Administrative Code, governs the competitive solicitation process. Rule 67-48.0072, Florida Administrative Code, governs the credit underwriting process which includes a *de novo* review of Catchlight Workforce's Application including a comprehensive review of the Application, Catchlight Workforce, the real estate, the economics of the Project, the ability for Project success, the need for affordable housing along with a determination that the Project meets such needs, and a determined funding amount.

13. Chapter 67-21, Florida Administrative Code, governs the noncompetitive funding process as established by Florida Housing. Florida Housing's Board may make available non-competitive funding, including 4% Housing Credits or Multifamily Mortgage Revenue Bonds (MMRB), to support proposed affordable housing developments in applicable circumstances.

¹ Collectively, (the Act).

§420.5099, Fla. Stat.; Fla. Admin. Code R 67-21.003(1). Rule 67-21.003(1), Florida Administrative Code, provides that:

- (1) Unless otherwise set forth in a competitive solicitation pursuant to Chapter 67-60, F.A.C., Applicants shall apply for Non-Competitive HC or a combination of MMRB and Non-Competitive HC as set forth below.²
- (a) If the NC Award will be made available, with or without other Corporation funding, through the competitive solicitation funding process outlined in Chapter 67-60, F.A.C., the Applicant shall apply for the NC Award using the forms and procedures specified in the applicable competitive solicitation for such funding. Unless otherwise specifically provided in the solicitation, all of the substantive provisions of this chapter will continue to apply to the NC Award.³
- (b) If the NC Award will not be made available through the competitive solicitation funding process outlined in rule Chapter 67-60, F.A.C., the Applicant shall utilize the Non-Competitive Application Package. The Non-Competitive Application Package or NCA (Rev. 60-2024) is adopted herein by reference and contains the forms and instructions available, without charge, on the Corporation's website under the Multifamily Programs link labeled Non-Competitive Program or from <https://www.flrules.org/Gateway/reference.asp?No=Ref-16897> which shall be completed and submitted to the Corporation in accordance with this chapter.

14. The Non-Competitive Application Package is incorporated in Rule 67-21.003(1)(b), Florida Administrative Code, and provides, in relevant part:

When applying for funding for the proposed Development, Applicants shall only utilize the Non-Competitive Application Form to apply for the following new funding when no other new Corporation funding sources, besides the Predevelopment Loan Program (PLP), are being requested:

² For the purposes of this subsection only, the term NC Award shall refer to Non-Competitive Housing Credits or a combination of MMRB and Non-Competitive Housing Credits and funding from the Predevelopment Loan Program (PLP) will not be considered to be other Corporation funding.

³ Any reference in this chapter to "Application" shall mean the application or response submitted for such other funding.

- Corporation-issued MMRB and Non-Competitive Housing Credits (4 Percent HC). The Non-Competitive Application Form can be submitted to the Corporation any time after the effective date of Rule Chapter 67-21, F.A.C.; or
- Non-Competitive Housing Credits (4 Percent HC) only, to be used for a Tax-Exempt Bond Financed Development where the bonds are issued by a County Housing Finance Authority (HFA) established pursuant to Section 159.604, F.S. The Non-Competitive Application Form can be submitted anywhere from the time the Applicant completes Credit Underwriting for the Bonds up until the last Corporation business day of December of the year the Development is placed in service; or
- Non-Competitive Housing Credits (4 Percent HC) only, to be used for a Tax-Exempt Bond Financed Development where the bonds are issued by an entity other than the Corporation or a County HFA. The Non-Competitive Application Form can be submitted once the Applicant receives affirmation that the tax-exempt multifamily bond allocation has been reserved or that the entity issuing the bonds has agreed to award the necessary allocation when available, but no later than 14 days, after the TEFRA Hearing, and in no event may the Application be submitted after the commencement of Rehabilitation or construction.

15. In addition, Florida Housing has the authority to grant waivers to its administrative rules and RFA criteria when strict application of the same will lead to unreasonable, unfair, and unintended results in particular instances. §120.542(1), Florida Statutes; Fla. Admin. Code Chpt. 28-104. Waivers shall be granted when the person subject to the rule demonstrates that the application of Florida Housing's administrative rules and RFA criteria will: (1) create a substantial hardship or violate principals of fairness, and (2) the purpose of the underlying statute has been or will be achieved by other means. §120.542(2), Fla. Stat. For these purposes, "substantial hardship" means a "demonstrated economic, technological, legal or other type of hardship" while "principals of fairness" are violated when "literal application of a rule affects a particular person in a manner significantly different from a way it affects similarly situated persons who are subject to the rule."

Id.

RFA Criteria Implemented by the Requested Waiver

16. Section One of RFA states that:

Applications must request State Apartment Incentive Loan (SAIL) appropriated by the Live Local Act set forth in Section 420.50871, F.S., created by the Florida Legislature under Section 23 of the Live Local Act of 2023 “Live Local SAIL”. ... All other Applications may request Live Local SAIL in conjunction with (a) Tax-Exempt Bond financing (i.e., Corporation-issued Multifamily Mortgage Revenue Bonds (MMRB) or Non-Corporation-issued Tax-Exempt Bonds obtained through a Public Housing Authority (established under Chapter 421, F.S.), a County Housing Finance Authority (established pursuant to 159.604, F.S.), or a Local Government); and (b) 4% Housing Credits.

17. No statutory reference is included to define the term “Local Government” within Section One of the RFA. However, as a capitalized term, Section Two of the RFA recognizes that: “Capitalized terms within the RFA shall have the meaning as set forth in this RFA, in Exhibit B, Rule Chapters 67-21 F.A.C. and 67-48, F.A.C. (effective August 27, 2024) and Rule Chapter 67-60, F.A.C., (effective October 23, 2024), or in applicable federal regulations.⁴” For purposes of the RFA, (as well as this Petition and requested waiver), “Local Government” means a county or a municipality established by general or special law. §218.31(2), Fla. Stat.

18. It is evident that Florida Housing did not include a new definition for “Local Government” when preparing competitive solicitations disbursing Live Local Act funds. Instead, Florida Housing simply incorporated its standard definition used in other requests for application. *Compare* RFA 2025-216, RFA 2025-215, RFA 2025-214, and RFA 2025-213 (Live Local RFAs) to RFA 2025-204 and RFA 2025-205. This was an opportunity missed as the Legislature clearly

⁴ As a competitive solicitation, Rule 67-48(76), Florida Administrative Code, recognizes that a “Local Government” is defined in Section 420.503, Florida Statutes. That statute defines “Local Government” as a unit of local general-purpose government which is further defined in Section 218.31(2), Florida Statutes. Page 132 of the RFA further recognizes that a “Local Government (as defined in Section 420.503, F.S.) shall”

sought to promote innovation, flexibility, and public-private coordination when allocating funds to Florida Housing to support Live Local Act developments. §§ 420.0002(10); 420.0003(2)(b); 420.6015(7), Fla. Stat.

19. Section Four.A.6 addresses the number of units and the proposed project's related set-aside requirements. First, Section Four A.6.a. requires the identification of the number of proposed units while Section Four A.6(c)(1), of the RFA addresses the minimum set-aside requirements for the proposed projects. It states in relevant part:

(1) Minimum Set-Aside Commitments per Section 42 of the IRC

If not requesting 9% Housing Credits or MMRB or local bonds with 4% Housing Credits, select "Live Local SAIL only" as the set-aside commitment at question 6.c.(1) of Exhibit A.

20. Next, Section Four.A.10(a) addresses the proposed development's funding sources. This section includes identification of the amount of requested funding from Florida Housing (Section Four.A.10(a)(1)), a request amount for Housing Credits ((Section Four.A.10(a)(2)), as well as the Development Cost Pro Forma which identifies the proposed project's sources and uses (Section Four.A.10(c)).

The Requested Waiver will Serve the Underlying Purpose of the Act

21. With this Petition, Catchlight Workforce requests a waiver from the applicable administrative rules and RFA criteria. In submitting its Application seeking a competitive funding award pursuant to the RFA, Catchlight Workforce did not contemplate nor request to utilize tax-exempt bonds or 4% Housing Credits. At the time, Catchlight Workforce solely requested Live Local SAIL funding to support its development of the 84-unit portion of the larger community, the majority of which were designated to serve 80% AMI. This occurred because Florida Housing issued tax-exempt bonds for the first phase of Catchlight Crossings that was awarded funding in

response to RFA 2024-216. *See generally* Application 2025-157S submitted in response to RFA 2024-216. As the second phase of a larger community, Florida Housing preferred not to issue additional tax-exempt bonds to support the same affordable housing development, despite being developed under a separate legal entity. In addition, Catchlight Workforce did not request local Housing Authority funds for this specific proposed development because other phases of Catchlight Crossings will be receiving such funds.

22. After entering credit underwriting, the Project, through no fault of its own, now faces significant inflationary stresses, budgetary uncertainties, and policy changes with the local government on the waiver of impact fees. Noted above, the Project's original scope and budget was premised on the overlapping continuity of this Project in relation to the larger Catchlight Crossings community. This included reliance not only on timely commencement and progress of construction of each phase, but also coordination with Orange County for design, permitting, and necessary approvals. This is reflected in the bids received and accepted by the Project's contractor and sub-contractor teams who gave favorable pricing on supply and labor costs due to the expected continuing scope of work, the benefits of which will be lost if the Project is unable to commence in the immediate future. It is also reflected in the design and permitting timelines with Orange County. At present, Catchlight Workforce's Project has pending building permits and Project designs that are grandfathered under earlier versions of the Florida Building Code.

23. Recently, Orange County notified Catchlight Workforce of its decision to waive a portion, only 50%, instead of all the Project's impacts fees. This change in policy alone, enacted after the Application entered credit underwriting, has caused an approximately \$1,000,000.00 increase in the budget for the Project. Catchlight Workforce also faces other policy uncertainties with Orange County related to the vested nature of its permit applications. The Project's building

permits are complete and ready to be issued; however, recent timing delays has led to shifts in the Orange County's position about the vested and permit-ready position of Catchlight Workforce's approvals. This policy shift has placed Catchlight Workforce between a rock and a hard place – continue to rely on Orange County's original vested position or pull the permits, paying over \$1,300,000.00 in permit fees, impact fees, and utility connection charges for the single Project building (and more than \$5,800,000.00 for all four of the buildings within the second phase), just to wait and see if the Project will close. If this vested status is lost, the Project must be redesigned and re-permitted in accordance with the current version of the Florida Building Code, adding significant time, redesign costs with its architect and engineers, and construction cost increases due to both the building code changes and the timeline before commencement.

Funding Diversification for the Project

24. Catchlight Workforce has worked diligently to address these issues and seeks to address them by diversifying its allowable funding sources. Specifically, Catchlight Workforce seeks to incorporate tax-exempt bonds and to apply for Non-Competitive 4% Housing Credits from Florida Housing.

25. Once the Project's budget challenges were apparent, Catchlight Workforce explored obtaining tax-exempt bonds from the RFA's allowable sources. At that time, Orange County and the local Housing Authority had already distributed their allocated funds for the year and there is no way to obtain funds until the next funding cycle. Due to the interconnectivity and continuity of the Project and the ongoing phases, Catchlight Workforce cannot wait until 2027 for these avenues of funding to become available. Catchlight Workforce has already extended its credit underwriting timelines once, adding further strain to the critical budget and construction timelines, and cannot afford to extend the timeframes past the current December 2026 deadline.

26. To address this, Catchlight Workforce secured tax-exempt bonds from a different entity, Capital Trust Authority. With this waiver, Catchlight Workforce seeks to incorporate these bonds into the Project's funding and have Florida Housing recognize these tax-exempt bonds as an allowable funding source.

27. Capital Trust Authority is an interlocal agency formed by two Florida municipalities, the City of Gulf Breeze (Gulf Breeze) and City of Quincy (Quincy). §§163.01; 163.01(7), Fla. Stat. It was created in accordance numerous general laws including Chapter 125, Florida Statutes, which organizes counties and their intergovernmental relations, the Municipal Home Rule Powers Act (Chapter 166, Florida Statutes), which forms the basis of municipal governance and local home rule authority, Chapter 159, Florida Statutes, which addresses bond financing, and the Florida Interlocal Cooperation Act (Section 163.01, Florida Statutes), which encourages local governments to make the most efficient use of their authorities by cooperating with other localities. Specifically, Section 163.01(2), Florida Statutes, promotes the use of interlocal agreements to "provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities."

28. Just like counties, public housing authorities, and municipalities, (and Florida Housing itself), Capital Trust Authority receives bond allocation authority and TEFRA approvals through the Florida Division of Bond Finance and the Executive Office of the Governor and Cabinet. With this allocation, Capital Trust Authority issues tax-exempt bonds on behalf of its incorporator municipalities, Gulf Breeze and Quincy. §163.01(7)(d), Fla. Stat. ("[A]ny separate legal entity created pursuant to this section and controlled by the municipalities of this state ... may, for the purpose of financing or refinancing any capital projects, exercise all powers in

connection with the authorization, issuance, and sale of bonds. ... Bonds issued by such entity are deemed issued on behalf of the counties, municipalities, or private entities which enter into loan agreements with such entity as provided in this paragraph.”). Further any loan agreement executed by Capital Trust Authority is “governed by the provisions of Part I of chapter 159 ... or in the case of municipalities and charter counties, part II of Chapter 166.”

29. Over the past three years, Capital Trust Authority and its incorporator municipalities have issued over \$1.9 billion in tax-exempt bonds to numerous affordable housing projects, continuing to support the statutorily recognized public-private partnerships that advance the Live Local Act and Florida’s need for expansive affordable and workforce housing so families can live and enjoy the communities where they work. §§ 420.0002(10); 420.0003(2)(b); 420.6015(7), Fla. Stat. A list of affordable housing projects funded by Capital Trust Authority is attached as Exhibit 1.

30. Catchlight Workforce was able to obtain tax-exempt bonds from Capital Trust Authority quickly and for no additional cost due to the recent change in federal law that reduced the amount of tax-exempt bonds required to qualify for 4% housing credits from 50% to twenty-five percent (25%). With a surplus of funds, Capital Trust Authority stands ready to issue \$25 million in tax-exempt bonds to support the Project. A letter from Capital Trust Authority is attached and incorporated as Exhibit 2.

31. Here strict application of Florida Housing’s administrative rules and the RFA will impose a substantial hardship on the Project. The RFA recognizes that applicants could utilize multiple funding sources. For the reasons discussed, Catchlight Workforce solely requested Live Local SAIL funds. Now, due to forces outside of its control, the Project needs to diversify its funding sources to ensure that the Project will proceed timely, which is critical due to the

interconnected nature of the larger Catchlight Crossings community. Without budgetary diversification, the Project in its current state would struggle to be financially feasible. Catchlight Workforce seeks to address this by applying for Non-Competitive 4% Housing Credits and incorporating tax-exempt bonds from Capital Trust Authority.

32. In seeking this waiver, Catchlight Workforce has secured a commitment from a valid source of tax-exempt bond financing through the Capital Trust Authority, a legally authorized Florida interlocal entity with statutory authority to issue tax-exempt bonds for affordable housing projects. Catchlight Workforce was able to secure this allocation at no additional cost, due to recent federal changes to reduce the tax-exempt bond financing thresholds. This unique market circumstance created available tax-exempt bond capacity that allowed Capital Trust Authority to promptly finance the Project. Timing is critical to the success of the Project and no other allowable funding sources can meet these tight deadlines. Requiring Catchlight Workforce to abandon this in-hand financing and seek tax-exempt bonds through another issuer will result in additional delays, increased transaction costs, uncertainty, and potential loss of future financing commitments since other portions of Catchlight Crossings are set to receive funding from the local Housing Authority in 2027. One or all these outcomes threaten the Project's critical timelines.

33. Granting the request waiver also fully satisfies and supports the purpose of the Florida Housing's statutes and the Live Local Act. The Live Local Act reflects the Legislature's clear recognition that Florida faces a statewide affordable housing shortage. Therein, the Legislature designated Florida Housing as the agency to address this shortage by the implementation of Live Local programs and allocation of Live Local funds. With this framework, the Live Local Act requires Florida Housing to support the expedited development of affordable and workforce housing through innovative public-private partnerships and flexible financing

mechanisms. The RFA's limitation on "Local Governments" as an allowable funding source conflicts with this statutory intent and legislative directive.

34. Capital Trust Authority is precisely the type of governmental financing entity contemplated by these statutory objectives. It is an interlocal agency, created by statute, that receives and issues tax-exempt bonds on behalf of two municipalities. Like counties, municipalities, housing authorities, and Florida Housing itself, Capital Trust Authority receives bond allocation authority through the Florida Division of Bond Finance and issues tax-exempt bonds pursuant to state law. Here, the requested waiver will not introduce a novel or unauthorized financing mechanism but would simply permit Florida Housing to recognize financing issued by another legally authorized governmental entity that performs a public financing function. Capital Trust Authority has a demonstrated track record of supporting affordable housing projects, as well as the availability and, importantly, the flexibility and eagerness to issue tax-exempt bonds to support the Project's critical credit underwriting timelines.

35. Granting the waiver would not undermine the RFA's purpose and instead would further the Legislature's policy embodied in the Live Local Act by removing procedural obstacles and narrow interpretations of the solicitations/request for proposals that competitively allocate Live Local funds. Importantly, the requested waiver will ensure legislative intent is implemented while allowing the Project to timely proceed, using readily available financing, from an equivalent local government supported funding source.

36. Overall, the addition of tax-exempt bonds and Non-Competitive 4% Housing Credits to support the Project's funding sources will also not adversely impact Florida Housing. Due to the multi-phase nature of Catchlight Crossings, the Project was unable to request the other funding sources at the time of Application. Since entering credit underwriting, other allowable

funding sources such as Orange County and the local Housing Authority have distributed their bond allocations for the year, and no funds are currently available until the 2027 funding cycle, which is beyond the Project's already-extended December 2026 deadline for credit underwriting, and far beyond the Project's urgent timeline for commencement to maintain bid pricing and contractor continuity.

37. If the requested waiver is granted, Catchlight Workforce will continue to abide by the RFA and Florida Housing's rules and policies for all funding sources which is required upon its acceptance of the RFA's Live Local SAIL funds. In addition, Catchlight Workforce commits to using the same law firm as bond counsel - Bryant, Miller, & Olive - who coordinated with Florida Housing on the successful bond issuance and closing of the first phase of Catchlight Crossings.

Expansion of the Project

38. These changes also prompted Catchlight Workforce to re-evaluate its Project as a whole and it now desires to expand the scope of its originally proposed Project to include an additional 45 affordable housing units that are included within the 400-unit workforce phase of Catchlight Crossings. Beyond increasing the Project's scope from 84 to 129 units, Catchlight Workforce also seeks to diversify the affordability of these units and increase the number of units that serve low and extremely low-income residents. All of the 45 units added to the Project will be at 50% and 30% AMI, supporting low and extremely low-income residents, while the majority of the second phase will support the missing-middle, workforce income levels.

39. Catchlight Workforce now seeks to complete 65 units, or 50% of the units, with an 80% AMI set-aside; 31 units, or 24% of units, with a 50% AMI set-aside; and 33 units, or 25% of the units, with a 30% AMI set-aside. The expanded Project, when completed, will have 100% of the units set-aside, with 65 units serving low-income residents and 64 units serving extremely low-

income residents. In addition to the enhanced affordability of the units presented within this Application, as noted before, the Project is only a portion of the larger second phase of Catchlight Crossings. Once complete, this second phase will provide a total of 400 units, 250 of which will be offered at 100% AMI, covering the missing middle set-aside levels, and an additional 21 units (outside of the Application) will also be offered at 80% AMI set-aside levels, complementing the 129 units proposed by the expanded Project. This second phase is only a portion of the overall affordability that will be provided within Catchlight Crossings, a one-of-a-kind community and large-scale project of regional impact that will encompass 1,000 units, *in toto*.

40. Here, strict adherence to Florida Housing's administrative rules and the RFA's criteria would impose a substantial hardship on Catchlight Workforce and a waiver is justified because it is necessary to avoid economic hardship and continue to timely advance much needed affordable housing in Orange County. Noted above, the Project is the second phase of an innovative, one-of-a-kind housing community that will provide affordable and workforce housing for the thousands of hospitality and tourism industry workers that support the amusement parks located outside of downtown Orlando. Granting Catchlight Workforce's request will allow the Project to move forward, ensuring continuity of service, and overall success of the larger community.

41. In this instance, Catchlight Workforce meets the standard for waiver of the administrative rules and pertinent criteria within the RFA. Catchlight Workforce believes its request serves the purposes of the Act and its implementing administrative rules because one of its overarching goals is for Florida Housing to facilitate the availability of safe, decent, and sanitary housing to Florida's low-income individuals. §420.502(4), Fla. Stat.

42. The requested waiver will not adversely impact Florida Housing or the Project. Instead, granting this request will ensure that 129 units of much-needed affordable housing will become available in Orange County, Florida. With 100% of the 129 units set-aside for low-income and extremely-low income residents meeting the 80%, 50%, and 30% AMI set-asides, the Project's expanded scope, as a single building within the 400 unit second phase of Catchlight Crossings, and the requested waiver further serves the purposes of Florida Housing's statutory authority and mission to increase affordable housing for those of low, moderate, and middle income in Florida.

43. Strict application of the administrative rules and RFA will create a substantial hardship for Catchlight Workforce because it will not be able to meet strict application of these standards requirements through no fault of its own. Noted above, after entering credit underwriting, numerous factors with contractors, permitting, and the local government impacted the Project causing budgetary and timing challenges. Catchlight Workforce acted quickly to mitigate these unexpected issues, seeking out new funding sources while expanding the scope and affordability of the Project. At this stage, the Project is permit-ready, and Catchlight Workforce has an engaged and committed construction and subcontractor team. Without this waiver, the Project will face even greater additional budget constraints and significant time delays including but not limited to the loss of potential bids, loss of construction transition and demobilization, and loss of coordination with Orange County on the vested status of building permit approvals leading to redesign of the Project to meet newest version of the Florida Building Code. Any of these outcomes would violate the principles of fairness and lead to insurmountable costs and time delays.

44. Demonstrated within, strict application of the administrative rules and pertinent RFA criteria will constitute a substantial hardship and violate the principles of fairness. §120.542(2), Fla. Stat. Waiver of Florida Housing's administrative rules and the applicable RFA

criteria will also serve the purposes of the Act because one of Florida Housing's primary goals is to facilitate the availability of decent, safe, and sanitary housing in Florida to low, moderate, and middle income persons and households. §420.502(4)-(6), Fla. Stat. Granting the requested waiver will also promote the legislative intent of the Live Local Act and its desire to creatively and expediently support public-private partnerships that develop affordable and workforce housing statewide.

45. Should Florida Housing require additional information, Catchlight Workforce is available to answer questions and provide all information necessary for consideration and approval of this Amended Petition.

WHEREFORE, Catchlight Workforce respectfully requests that Florida Housing:

1. Grant the Amended Petition and all the request relief;
2. Permanently waive the applicable administrative rules and RFA criteria; and
3. Grant any such further relief as may be deemed appropriate or just.

Respectfully submitted this 4th day of August 2026.

/s/ Laura S. Olympio
Laura S. Olympio, FBN 117942
NASON YEAGER GERSON
HARRIS & FUMERO, P.A.
3001 PGA Boulevard, Suite 305
Palm Beach Gardens, Florida 33410
(561) 686-3307 Telephone
(561) 982-7116 Facsimile
lolympio@nasonyeager.com
vdavis@nasonyeager.com
Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed with the Florida Housing Finance Corporation's Corporation Clerk (CorporationClerk@floridahousing.org) and the Joint Administrative Procedures Committee (joint.admin.procedures@leg.state.fl.us) on this 4th day of August 2026.

/s/ Laura S. Olympio
Counsel for Petitioners

List of Affordable Housing Projects Financed by Capital Trust Authority since 2021:

Kingdom West Palm Beach \$77,940,000

College Park \$39,000,000

Kingdom Kensington \$29,870,000

Lake Osborne \$34,535,000

Lake Worth \$60,126,429

Gulf Coast Portfolio: \$257,060,587.95

Pending Affordable Housing Projects Financed by Capital Trust Authority:

Helm's Bay Landing \$55,000,000

The Waters at North Port \$75,000,000

Aura at Silver Lake \$50,000,000

The Park at Lake Como \$80,000,000

CAPITAL TRUST AUTHORITY

315 Fairpoint Drive • Gulf Breeze, Florida 32561 • Office 850-934-4046

August 3, 2026

Ryan Von Weller
WHFT LL Workforce, Ltd.

Re: Expiring Volume Cap Allocation for WHFT LL Workforce, Ltd.

Dear Mr. von Weller:

On behalf of Capital Trust Authority, I am writing to confirm that Capital Trust Authority has received an allocation of volume cap from the Florida Division of Bond Finance that is scheduled to expire on December 31, 2026.

Of that allocation, Twenty-Five Million Dollars (\$25,000,000) has been allocated to WHFT LL Workforce, Ltd. for its eligible financing purposes.

Please contact me if you need any additional information or documentation regarding this volume cap allocation.

Sincerely,



Denis A. McKinnon, III
Executive Director
Capital Trust Authority