

FLORIDA HOUSING FINANCE CORPORATION

Second Modification of Request for Applications (RFA) 2019-101 Community Development Block Grant-Disaster Recovery (CDBG-DR) in Monroe County

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four, A.2. of the RFA to read as follows:

2. Demographic Commitment

The Demographic Commitment must be Workforce households at or below 80% of the Area Median Income, serving general occupancy. No properties funded under this RFA may be age restricted.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four, A.3.a.(2)(a)(iv) of the RFA to read as follows:

(iv) Funding

- Development Funding - Must apply for Development Funding. The maximum request is the lesser of \$8,000,000 or Total Maximum Per Unit CDBG-DR Rental FHFC Subsidy Limit for Monroe County.
- Land Acquisition Program Funding – Priority I Applications that include any costs for the future purchase of land ~~land acquisition~~ must request up to \$5,000,000 in Land Acquisition Program Funding to pay for land acquisition costs. The Land Acquisition Program Funding Request Amount must meet the following criteria: (i) the land acquisition expenses must be stated on the Development Cost Pro Forma; (ii) the Land Acquisition Program Funding Request Amount must be \$5,000,000 or less; (iii) if the land acquisition expenses stated on the Development Cost Pro Forma exceed \$5,000,000, then non-CDBG-DR sources must be demonstrated on the Development Cost Pro Forma to pay for the land acquisition expenses that exceed \$5,000,000; (iv) the site control documentation must include an appraisal as further outlined in Section Four, A.7.a. of this RFA. All Priority I Applicants must commit to making the land affordable into Perpetuity.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four, A.3.a.(2)(b)(iv) of the RFA to read as follows:

(iv) Funding

- Development Funding - Must apply for Development Funding. The maximum request is the lesser of \$8,000,000 or Total Maximum Per Unit CDBG-DR Rental FHFC Subsidy Limit for Monroe County.
- Land Acquisition Program Funding – Priority II Applications that include any costs for the future purchase of land ~~land acquisition~~ must request up to \$5,000,000 in Land Acquisition Program Funding to pay for land acquisition costs. The Land Acquisition Program Funding Request Amount must meet the following criteria: (i) the land acquisition expenses must be stated on the Development Cost Pro Forma; (ii) the Land Acquisition Program Funding

Request Amount must be \$5,000,000 or less; (iii) if the land acquisition expenses stated on the Development Cost Pro Forma exceed \$5,000,000, then non-CDBG-DR sources must be demonstrated on the Development Cost Pro Forma to pay for the land acquisition expenses that exceed \$5,000,000; (iv) the site control documentation must include an appraisal as further outlined in Section Four, A.7.a. of this RFA.. All Priority II Applicants must commit to making the land affordable into Perpetuity.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four, A.3.b.(3) of the RFA to read as follows:

(3) Affordable Housing Experience

To qualify for this funding preference, at least one natural person Principal of the Developer entity, or if more than one Developer entity, at least one natural person Principal of at least one of the Developer entities, must demonstrate experience in the completion; (i.e., the certificate of occupancy has been issued for at least one building), of at least one affordable rental housing development consisting of a total number of units no less than 50 percent of the total number of units in the proposed Development. This must be demonstrated by providing as **Attachment 4** to Exhibit A, a prior experience chart. The individual meeting the required experience must be disclosed as a Principal of the Developer on the Principals Disclosure Form. If providing experience acquired from a previous affordable housing Developer entity, the person stated in the chart below must have been a Principal of that Developer entity as the term was defined at that time.

The Developer experience chart must include the following information:

Prior General Development Experience Chart					
Name of the natural person Principal with the required experience:					
Name of Developer Entity (for the proposed Development) for which the above individual is a Principal:					
Name of Development	Location (City & State)	Federal Program that Provided Financing (HOME for example)	Total Number of Units	Year Completed	Federal Programs such as Davis Bacon requirements and Environmental Review requirements applied? (Y/N)

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four, A.3.b.(4) of the RFA to read as follows:

(4) Federal Funding Experience Preference

Applications with less than 8 units will automatically qualify for the Federal Funding Experience Preference.

Applications with 8 or more units will qualify for the Federal Funding Experience Preference if at least one Principal of the Developer entity, or if more than one Developer entity, at least one Principal of at least one of the Developer entities, demonstrates experience ~~in the chart above~~ in the completion; (i.e., the certificate of occupancy has been issued for at least one building), of at least one ~~affordable~~ rental housing development consisting of at least eight total units that was financed with federal funding and required all federal programs such as Davis Bacon requirements and Environmental Review requirements.

If this experience is demonstrated in the Prior General Development Experience Chart submitted according to (3) above, the Application will qualify for the Federal Funding Experience Preference.

Other Applications will qualify for the Federal Funding Experience Preference by providing, as Attachment 4 to Exhibit A, a prior experience chart for at least one natural person Principal intending to meet the Federal Funding Experience Preference. The individual meeting the required experience must be disclosed as a Principal of the Developer on the Principals Disclosure Form.

The Federal Funding Experience Preference Chart must include the following information:

<u>Federal Funding Experience Preference Chart</u>				
<u>Name of Principal, which must be a natural person, with the required experience:</u>				
<u>Name of Developer Entity (for the proposed Development) for which the above individual is a Principal:</u>				
<u>Name of Development</u>	<u>Location (City & State)</u>	<u>Total Number of Units</u>	<u>Year Completed</u>	<u>Federal Programs such as Davis Bacon requirements and Environmental Review requirements applied? (Y/N)</u>

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies the first paragraph of Section Four, A.10.a.(1)(a) of the RFA to read as follows:

(a) CDBG-DR Funding Request Amounts

State the amount of CDBG-DR Funding it is requesting in Exhibit A, as well as on the Development Cost Pro Forma.

- (i) Priority I or II Applications that include any costs for ~~the future purchase of land and acquisition~~ must request up to \$5 million out of \$10 million dollars available in Monroe County for Land Acquisition Program Funding, subject to appraisal in credit underwriting, in addition to the Development Funding request amount. The Land Acquisition Program Funding Request Amount must meet the following criteria: (i) the land acquisition expenses must be stated on the Development Cost Pro Forma; (ii) the Land Acquisition Program Funding Request Amount must be \$5,000,000 or less; (iii) if the land acquisition expenses stated on the Development Cost Pro Forma exceed \$5,000,000, then non-CDBG-DR sources must be demonstrated on the Development Cost Pro Forma to pay for the land acquisition expenses that exceed \$5,000,000; (iv) the site control documentation must include an appraisal as further outlined in Section Four, A.7.a. of this RFA. If the Land Acquisition Program Funding is depleted and eligible Priority I or Priority II Applications remain, Applications may be fully funded from Development Program Funding, if (i) the total request in funding is \$8 million or less, and (ii) enough funding remains in the Development Program Funding to fully fund the Application.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby adds a definition to Exhibit B of the RFA to read as follows:

<p>“100% Non-Profit Entity”</p>	<p>An entity that is wholly-owned (i.e. 100 percent owned) by one or more qualified non-profit organizations as defined in Section 42(h)(5)(C), subsection 501(c)(3) and 501(c)(4) of the Internal Revenue Code, as in effect on the date of this RFA, and organized under Chapter 617, F.S., if a Florida corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis.</p>
<p>“Affiliate”</p>	<p>Any person that:</p> <p>(a) Directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant or Developer;</p> <p>(b) Serves as an officer or director of the Applicant or Developer or of any Affiliate of the Applicant or Developer;</p> <p>(c) Directly or indirectly receives or will receive a financial benefit from a Development with the exception of third-party lenders, third-party management agents or companies, third-party service providers, Housing Credit Syndicators, credit enhancers regulated by a state or federal agency, or contractors whose total fees are within the limit described in this RFA, or</p> <p>(d) Is the spouse, parent, child, sibling, or relative by marriage of a person described in paragraph (a), (b) or (c), above.</p>
<p>“Applicant”</p>	<p>Any person or legal entity of the type and with the management and ownership structure described herein that is seeking a loan or funding from the Corporation by submitting an Application or responding to a competitive solicitation pursuant to Rule Chapter 67-60, F.A.C., for one or more of the Corporation’s programs.</p>
<p>“Community Land Trust”</p>	<p>A 501(c)(3) Applicant which acquires or develops parcels of land for the primary purpose of providing affordable housing in perpetuity through conveyance of the structural improvement subject to a long term ground lease which retains a preemptive option to purchase any such structural improvement at a price determined by a formula designed to ensure the improvement remains affordable in Perpetuity.</p>
<p>“Developer”</p>	<p>Any individual, association, corporation, joint venturer, governmental organization, or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the Application.</p>
<p>“Development Cost”</p>	<p>The total of all costs incurred in the completion of a Development excluding Developer Fee, operating deficit reserves, and total land cost as typically shown in the Development Cost line item on the development cost pro forma.</p>

“For Profit Entity”	A entity with an ownership structure that includes an entity with at least one for profit Principal, and therefore does not meet the definition of 100% Non-Profit Entity.
“Land Authority”	An entity created by Section 380.0663, F.S.
“Land Owner”	For purposes of Priority I and II Applications, a Local Government, Public Housing Authority, Land Authority, or Community Land Trust that owns the land or will own the land used for the proposed Development. A Land Owner Certification form is required to be submitted in all Priority I or II Applications. The Land Owner will be the recipient of the amount of CDBG-DR Funding needed for land acquisition when land acquisition costs are part of the Development Cost of any Priority I Applications and Priority II Applications.
“Local Government”	Local Government as defined in Section 420.503 F.S.
“Non-Profit”	A qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under chapter 617, F.S., if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51 percent of the ownership interest in the Development held by the general partner or managing member entity, which shall receive at least 25 percent of the Developer Fee, and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing. A for-profit entity wholly owned by one or more qualified non-profit organizations will constitute a Non-Profit entity. The purpose of the Non-Profit must be, in part, to foster low-income housing and such purpose must be reflected in the Articles of Incorporation of the Non-Profit entity. A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit Corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement.
“Perpetuity”	At least 99 years from the loan closing.
“Principal”	<p>(a) For a corporation, each officer, director, executive director, and shareholder of the corporation.</p> <p>(b) For a limited partnership, each general partner and each limited partner of the limited partnership.</p> <p>(c) For a limited liability company, each manager and each member of the limited liability company.</p> <p>(d) For a trust, each trustee of the trust and all beneficiaries of majority age (i.e.; 18 years of age) as of Application deadline.</p>

	<p>(e) For a Public Housing Authority, each officer, director, commissioner, and executive director of the Authority.</p> <p>(f) For a Local Government or Land Authority, a designated individual with authority to bind the Local Government or Land Authority and execute documents on behalf of the Local Government or Land Authority.</p>
“Public Housing Authority”	Public Housing Authority as created in 421.04, F.S.
“Regulated Mortgage Lender”	<p>(a) A state or federally chartered entity authorized to transact business in this state that regularly engages in the business of making mortgage loans secured by real property in this state, whose mortgage lending activities subject it to the jurisdiction of the State of Florida Office of Financial Regulation, the Board of Governors of the Federal Reserve, Office of the Comptroller of the Currency, the National Credit Union Administration, or the Federal Deposit Insurance Corporation; (b) A Fannie Mae-approved lender whose name appears on the Fannie Mae list of Delegated Underwriting and Servicing (DUS®) Lenders*; (c) A HUD-approved lender whose name appears on the U.S. Department of Housing and Urban Development (HUD) list of Multifamily Accelerated Processing (MAP) Approved Lenders*; (d) A RD-approved lender whose name appears on the U.S. Department of Agriculture, Rural Development (RD), list of Section 538 Guaranteed Rural Rental Housing approved lenders*; or (e) A Freddie Mac-approved multifamily lender whose name appears on Freddie Mac’s lists of Program Plus (Florida region) lenders, Targeted Affordable Housing lenders or Seniors Housing lenders*; or (f) a mortgage lender that is a certified Community Development Financial Institution (CDFI) in the State of Florida that has been awarded funding from the CDFI Fund in a cumulative amount of at least \$5,000,000, exclusive of New Market Tax Credit (NMTC) awards, whose name and CDFI awards can be confirmed on the CDFI Fund’s web site (Qualified CDFI, and the affiliate(s) of such Qualified CDFI. As used herein, the affiliate(s) of a Qualified CDFI means the parent, subsidiary or successor of the Qualified CDFI, or an entity that shares common ownership or management with the Qualified CDFI. If the lender is an affiliate of the Qualified CDFI, the funding letter(s) being considered by the Corporation must include the name of the Qualified CDFI and a statement that the lender is an affiliate of the Qualified CDFI.</p> <p>*These documents are available on the RFA Website.</p>
“Scattered Sites”	<p><u>As applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site within a Scattered Site Development, is considered to be a “Scattered Site”). For purposes of this definition “contiguous” means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement, provided the easement is not a roadway or street. All of the Scattered Sites must be located in the same county.</u></p>

"Workforce Housing"	All of the units must be general occupancy, set aside at 80 percent AMI or less.
"Zero Bedroom Unit"	A single person occupancy unit of at least 350 square feet that includes a private full bathroom and a vertical closet for clothing. The unit shall include a kitchen with a refrigerator, stove and sink.

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