

FLORIDA HOUSING FINANCE CORPORATION

Modification of Request for Applications (RFA) 2019-102 Community Development Block Grant-Disaster Recovery (CDBG-DR) to be used in conjunction with Tax-Exempt MMRB and Non-Competitive Housing Credits in Counties Deemed Hurricane Recovery Priorities

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies the Due Date on page 1 of the RFA to read as follows:

Issued: July 30, 2019

Due ~~August 27~~September 17, 2019

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Three, A.1. of the RFA to read as follows:

1. Application Deadline

The Application Deadline is **3:00 p.m., Eastern Time, on ~~August 27~~September 17, 2019.**

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four, A.7.a.(3) of the RFA to read as follows:

- (3) The Site Control documentation must also include a lease between the Land Owner and the Applicant entity. The lease payments must equal \$10 a year or less plus any administrative or maintenance fees not to exceed \$10 per unit per year, plus taxes and insurance. The lease must have an unexpired term of at least 50 years after the Application Deadline.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four, A.10.a.(3) of the RFA to read as follows:

- (3) Bonds

- (a) Corporation-Issued MMRB Request Amount

State the amount of Corporation-Issued MMRB it is requesting. The MMRB Request amount must be in increments of \$5,000. The Corporation will make any necessary adjustment.

The Applicant is not required to include any documentation regarding the MMRB in its Application. The necessary documentation that will be required after the Applicant is invited to enter credit underwriting, as well as the credit underwriting process for the MMRB and Non-Competitive Housing Credits is outlined in Exhibit D.

- (b) If the Applicant intends to utilize Non-Corporation issued Tax-Exempt Bonds

- (i) The Applicant must provide, as **Attachment 14** to Exhibit A, a letter, executed by the chair or vice chair of the governing body, mayor, or deputy mayor, city manager or assistant city manager, county manager/administrator/coordinator

or assistant county manager/administrator/coordinator, executive director or assistant executive director, or by an individual occupying a position reasonably equivalent to any of the foregoing, as applicable, of the entity issuing the Tax-Exempt Bonds, that (a) confirms that the Applicant has submitted an application for Tax-Exempt Bonds for the Development proposed in this RFA, (b) states the amount of the Applicant's Bond request, and (c) confirms that the closing on the Bonds has not occurred and will not occur prior to the Application Deadline for this RFA; and

- (ii) The Applicant must include the anticipated amount of such Bond financing on the Construction/Rehab Analysis and the Permanent Analysis.

The Applicant is not required to include any other documentation regarding the County HFA-issued Tax-Exempt Bonds in its Application beyond what is required as Attachment 14. The necessary documentation will be required after the Applicant is invited to enter credit underwriting, as outlined in Exhibit D to the RFA.

Applicants are not eligible to apply for any funding offered in this RFA if the Applicant has already closed on the Tax-Exempt Bond financing prior to the Application Deadline for this RFA. In addition, proposed Developments are not eligible to receive any funding awarded through this RFA if the Applicant closes on the Tax-Exempt Bond financing prior to the issuance of the preliminary commitment. As part of the Applicant's acceptance of the invitation to enter credit underwriting (i.e., the preliminary commitment), the Applicant will be required to confirm that the Bonds have not closed. If the Bonds are closed between the Application Deadline and issuance of the RRLP preliminary commitment, the Applicant's award will be rescinded.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Four, A.11. of the RFA to read as follows:

11. Uniform Relocation Act:

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) is government-wide legislation which establishes minimum standards for federally-funded programs or projects requiring the acquisition of real property or displacement of persons from the homes, businesses, or farms as a direct result of: Acquisition, Rehabilitation or Demolition. CDBG-DR is the same as CDBG except as expressly waived and alternative requirements as issued for CDBG-DR funds that are specific to each disaster. Applicants should be prepared to familiarize themselves with URA & Section 104(d) statutes and regulations at 49 CFR 24 (URA), 24 CFR 42 (104(d)), 24 CFR 570 (CDBG) and Section 414 of the Stafford Act.

The URA is triggered at site identification or intended use of federal funds.

A General Information Notice (GIN) should be issued to all occupants at such time there exists the following:-

- ~~1) d~~ Documented legal intent of a project triggered by project pre-application/application, AND ~~2)~~
- ~~s~~ Site identification.

For land proposed for acquisition that may have occupied residential dwellings, compliance begins at the GIN issuance. Successful Applicants will be required to provide the issued GIN within 21 Calendar Days of the invitation to enter credit underwriting as outlined in Exhibit D. General Information Notice information, and The questions in Exhibit A must be answered and the following required Uniform Relocation Act information must be obtained prior to application deadline. The information must be provided to the Corporation in the Application with the GIN if the Applicant is successful as outlined below.:

a. Occupied Units:

At question 11.a. of Exhibit A, select "Yes" if any units are occupied as of the Application Deadline.

b. Tenant Relocation Information for Existing Properties:

At question 11.b.(1) through (4) of Exhibit A, answer all applicable questions.

- (1) State how many total units ~~now~~ exist on land as of the Application Deadline in the proposed Development.
- (2) State how many units are occupied as of the Application Deadline.
- (3) State whether or not, ~~based on the income information of each tenant,~~ permanent relocation (displacement) is anticipated during or after the construction period. If "Yes", state how many units are affected.
- (4) State whether or not temporary relocation of any tenants will be required. If "Yes", state how many tenants will require temporary relocation.

At questions 11.b.(5) through (7) of Exhibit A, Successful Applicants will be required to provide the following ~~required~~ information within 21 Calendar Days of the invitation to enter credit underwriting as outlined in Exhibit D:

- (5) Within 21 Calendar Days of the invitation to enter credit underwriting, Provide in the Application, as Attachment 16, a list of all ~~occupied~~ units occupied as of Application Deadline and tenant income certifications. The income of persons and households who, as of the Application Deadline, are ~~currently~~ occupying a unit that will receive CDBG-DR assistance must be provided to determine whether they are income eligible. ~~The certification maybe self-executed and will be confirmed in credit underwriting.~~ For all ~~occupied~~ units that are occupied as of the Application Deadline, provide a summary list of all residents and income certifications for those residents in occupied units

that will be CDBG-DR-Assisted Units. If, as of the Application Deadline, the existing residents and/or Development is/are ~~currently~~ participating in a federally subsidized program (such as Project-based Section 8, Section 8 Existing or Section 8 Voucher Programs), the residents' ~~current~~ income certification forms required for that program may be used to meet this requirement.

~~Note: Attachment 16 will be redacted by the Corporation prior to posting the received Applications.~~

- (6) Within 21 Calendar Days of the invitation to enter credit underwriting, ~~Provide in the Application, as Attachment 17~~, a brief description of how the Development will meet the CDBG-DR set-aside requirements. The description must indicate whether, as of the Application Deadline, the existing residents are CDBG-DR eligible residents, or whether the residents will be evicted and replaced with income eligible residents in order to meet the set-aside requirements committed to in this Application.
- (7) Within 21 Calendar Days of the invitation to enter credit underwriting, ~~Provide in the Application, as Attachment 18~~, a description of how the cost of relocation will be covered. Detail how the temporary and permanent relocation will be handled.

~~The CDBG-DR General Information Notice information will be required only after the Application is selected for funding, as outlined in Item 5 of Exhibit C. The due date for this information will be included in the invitation to enter credit underwriting.~~

c. Uniform Relocation Act Acquisition Information:

In addition to answering the questions in Exhibit A, successful Applicants will be required to provide the following information within 21 Calendar Days of the invitation to enter credit underwriting:

- (1) If the Applicant owns the Development site (i.e., holds a deed or currently has a lease with a minimum 50-year term), provide a narrative describing the acquisition ~~as Attachment 19 to Exhibit A~~. This narrative must describe how, when, and from whom the property was acquired and whether or not the property was vacant when acquired.
- (2) If the Applicant is a private company and is acquiring the property or will have a lease with a minimum 50-year term for the property, the Applicant (buyer) must provide the seller with a notice that the buyer does not have the power of eminent domain to obtain the property and a determination of market value will estimate the value of the property. This must be done prior to execution of the contract or proposed lease (with a minimum 50-year term) or may be attached as an addendum to the contract or proposed lease (with a minimum 50-year term). A copy

of the required notice and confirmation of the current owner's/seller's receipt of notice must be provided ~~as Attachment 20 to Exhibit A.~~

- (3) If the Applicant is a public (government) Applicant, respond to all applicable remaining questions in this relocation section.
- (4) Eminent Domain:
 - (a) If the buyer has the power of eminent domain, the buyer must notify the seller in writing that it has such power and the determination of market value for the property is being waived. Provide a copy of the required notice ~~as Attachment 21 to Exhibit A.~~
 - (b) If the Applicant is a public (government) Applicant and does not have the power of eminent domain, provide the following: (i) notice of interest, (ii) determination of fair market value, (iii) appraisal of the property, and (iv) written offer of just compensation which includes a statement of just value, property description, and identification of buildings. Provide all required documentation ~~as Attachment 21 to Exhibit A.~~

The GIN and accompanying information set forth above will be required only after the Application is selected for funding, as outlined in Exhibit D and also in Item 6 of Exhibit C.

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

- (2) Does the Application qualify as a Priority I, II or III?

Choose an item.

If a Priority I ~~or Priority II~~, state the name of the Local Government, Public Housing Authority, Land Authority, or Community Land Trust that is the Land Owner and, if applicable, will be the recipient of the Land Acquisition Program Funding.

Click here to enter text.

If the Community Land Trust is the Land Owner, the Land Trust must demonstrate that it qualifies as a Community Land Trust by providing the required documentation as **Attachment 2.**

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies question 11 of Exhibit A to read as follows:

11. Uniform Relocation Act

- a. Are there any units occupied?

Choose an item.

If “Yes” – Go to question b. below.

If “No” – Go to question c. below.

b. Tenant Relocation Information for Existing Properties:

(1) How many total units now exist in the development? [Click here to enter text.](#)

(2) How many units are occupied? [Click here to enter text.](#)

(3) ~~Based on the income information of each tenant, is~~ permanent relocation (displacement) anticipated during or after the construction period?

Choose an item.

If “Yes”, how many units are affected? [Click here to enter text.](#)

(4) Will temporary relocation of any tenants be required?

Choose an item.

If “Yes”, how many tenants will require temporary relocation? [Click here to enter text.](#)

~~(5) Provide the required list of all occupied units and tenant income certifications as Attachment 16.~~

~~(6) Provide the required description of how the Development will meet the set-aside requirements as Attachment 17.~~

~~(7) Provide the required description of how the cost of relocation will be covered as Attachment 18.~~

c. Uniform Relocation Act (URA) Acquisition Information:

(1) Does the Applicant own the Development site?

Choose an item.

If “Yes” - ~~Provide a narrative regarding the acquisition as Attachment 19 and skip questions (2) through (4) below.~~

If “No” - Answer question (2) below.

(2) Is the Applicant a private company?

Choose an item.

If "Yes" - ~~Provide a copy of the notice provided to the current owner/seller as Attachment 20 and s~~Skip questions (3) and (4) below.

If "No" - Answer question (3) below.

- (3) Is the Applicant a public (government) entity?

Choose an item.

If "Yes" - Answer question (4) below.

If "No" - Skip question (4) below.

- (4) Does the Applicant have eminent domain power?

Choose an item.

~~If "Yes" - Provide a copy of the required notice as Attachment 21.~~

~~If "No" - Provide the required information as Attachment 21.~~

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Item 6 of Exhibit C to read as follows:

6. CDBG-DR Other Federal Requirements

a. General Information Notice

In accordance with the Uniform Relocation Act (URA), a Development must provide a notice to all tenants informing them of their rights under the URA in accordance with Chapter 2 of the HUD Handbook 1378*. The proper manner of notice is provided in this Handbook. A copy of each General Information Notice must be provided to each tenant. By the due date outlined in the invitation to enter credit underwriting, the Applicant must provide to the Corporation a copy of each General Information Notice for each occupied unit. Each notice must include proof of delivery by certified letter or by signed copy of the notice when hand delivered.

- b. Federal Labor Requirements - – Construction work over \$2,000 that is financed in whole or in part with CDBG-DR funds must comply with the Federal Labor Standards requirements as identified in 40 U.S.C. 3141, *et seq.*), and 29 CFR part 1, 3, 5, 6, and 7.

Federal Labor Standards require that all persons working on the site be paid an hourly rate not less than the minimum rate specified in the Wage Determination issued by HUD for each particular property. The owner will be required to submit to the Corporation, or its representative servicer, payroll reports and certifications to verify wage payments.

Conformance with Labor Standards will be monitored during the construction period in conjunction with the draw inspections by the consulting engineer/architect engaged by the underwriter/servicer.

If the Development contains 8 or more units to be redeveloped or constructed under a single contract, the Corporation will require, prior to the start of construction, certification by the Applicant that it has been advised by the Corporation of its responsibilities and obligations regarding the federal labor and wage requirements and that it agrees to comply with the guidelines.

bc. HUD Environmental Requirements – Applicant will be required to comply with the HUD environmental requirements as provided in 24 CFR Part 58.

ed. Debarment and Suspension - Owners and contractors are prohibited from employing, awarding contracts, or funding any contractors or subcontractors that have been debarred, suspended, proposed for debarment or placed on ineligibility status by HUD. In addition, any owners who are debarred, suspended, proposed for debarment, or ineligible will be prohibited from participating in the Program. Therefore, a certification must be executed by the contractor for compliance with debarment and suspension regulations. During the credit underwriting process the Applicant will be required to provide the executed certification form*.

de. Lead Based Paint - If the Development was built before 1978, Lead Based Paint Regulations may apply. See 24 CFR Part 35 for exemptions. During the credit underwriting process, the Applicant must certify that it understands the requirements of the current HUD lead based paint regulations.

If the Applicant is purchasing the property and the Development was built before 1978, provide a copy of the executed Disclosure of Information on Lead Based Paint and Lead Based Paint Hazards form*, signed by both the buyer and the seller.

ef. Section 3

Each Applicant shall encourage its contractors to hire qualified low- and moderate-income residents for any job openings that exist on CDBG-DR-funded projects in the community. The Applicant shall keep records to document the number of low- and moderate-income people who are hired to work on CDBG-DR-funded projects.

fg. Flood

The Applicant shall comply with the mandatory flood insurance purchase requirements of Section 102 of the Flood Disaster Protection Act of 1973, as amended by the National Flood Insurance Reform Act of 1994, 42 USC 4012a, as applicable.

gh. Historic Preservation

The Applicant shall comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended, codified in title 54 of the United

States Code, as applicable. In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a Federal, state, or local historic property list.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Item 3 of Exhibit D to read as follows:

3. Within 21 Calendar Days of the date of the invitation to enter credit underwriting:
 - a. Provide the completed and executed Florida Housing Finance Corporation Verification of Environmental Safety Phase I Environmental Site Assessment form*, and, if applicable, the completed and executed Florida Housing Finance Corporation Verification of Environmental Safety Phase II Environmental Site Assessment form*. Note: If a Phase II ESA is required, but has not been completed by the stated deadline, contact Corporation staff to request an extension for submission of the Phase II ESA form;
 - b. Provide the identity of the remaining members of the Development Team (i.e., inexperienced co-Developer(s), General Contractor, Architect, Attorney, and Accountant,)) as outlined below. The team members so identified, and any future replacement thereof, must be acceptable to the Corporation and the Credit Underwriter;
 - (1) Identify any inexperienced co-Developer(s) by providing the name, address, telephone and facsimile numbers, e-mail address, and the relationship of the co-Developer to the Applicant.
 - (2) Identify the General Contractor by providing the completed and executed Florida Housing Finance Corporation General Contractor or Qualifying Agent of General Contractor Certification form*. Note: The prior experience chart must also be provided, as outlined in the form.
 - (3) Identify the Architect by providing the completed and executed Florida Housing Finance Corporation Architect Certification form*.
 - (4) Identify the Attorney by providing the completed and executed Florida Housing Finance Corporation Attorney Certification for Housing Credits form*.
 - (5) Identify the Accountant by providing the completed and executed Florida Housing Finance Corporation Certification of Accountant form*.
 - * The certification forms (Forms Rev. 10-17) which are available on the RFA Website. Note: The use of any prior version of these forms will not be acceptable to meet this requirement.
 - c. Provide confirmation that all construction features committed to and proposed by the Applicant shall be located on the Development site;

- d. Confirmation that, if the proposed Development meets the definition of Scattered Sites, all Scattered Sites requirements that were not required to be met in the Application will be met, including that all features and amenities committed to and proposed by the Applicant that are not unit-specific shall be located on each of the Scattered Sites, or no more than 1/16 mile from the Scattered Site with the most units, or a combination of both. If the Applicant indicates that the proposed Development does not consist of Scattered Sites, but it is determined during credit underwriting that the proposed Development does meet the definition of Scattered Sites, all of the Scattered Sites requirements must have been met as of Application Deadline and, if all Scattered Sites requirements were not in place as of the Application Deadline, the Applicant's funding award will be rescinded;
- e. The required information and documentation relative to the General Information Notice (required by the Uniform Relocation Act), conformance with Federal Labor requirements, as well as Debarment/Suspension and Lead Based Paint regulations, as outlined in Item 6 of Exhibit C, and all documentation regarding the Uniform Relocation Act as outlined in Section Four, A.11. of the RFA;
- f. If the Development triggers Federal Labor Requirements, the Corporation will require, prior to the start of construction, certification by the Applicant that it has been advised by the Corporation of its responsibilities and obligations regarding the federal labor and wage requirements and that it agrees to comply with the guidelines;
- g. The Applicant will be required to comply with the HUD environmental requirements as provided in 24 CFR Part 58;
- h. The Applicant will be required to provide a certification that must be executed by the contractor for compliance with debarment and suspension regulations, as outlined in Item 6 of Exhibit C;
- i. The Applicant must certify that it understands the requirements of the current HUD lead based paint regulations as outlined in Item 6 of Exhibit C; and
- j. Provide notification of the percentage of ownership of the Principals of the Applicant. Upon the Applicant's acceptance of the invitation to enter credit underwriting, the Corporation will return the CDBG-DR Principals of the Application and Developer(s) Disclosure Form that was part of the Applicant's uploaded Application. The Applicant will be required to enter the applicable percentages on the form and return the completed form to the Corporation.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Item 7 of Exhibit D to read as follows:

- 7. The Credit Underwriter will provide an itemized list for additional documentation including, but not limited to, the following:
 - a. If the Applicant indicated that the proposed Development will be assisted with funding under the RD 538 Program and expects to use such funding as a source of financing, the Section 538 Selection Letter sent to the Applicant by RD must be provided;

- b. The Construction Consultant engaged by the Corporation's credit underwriter must provide the properly completed and executed Americans with Disabilities Act Certification forms certifying that the design of the proposed Development and the completed Development includes the applicable accessibility, adaptability, Visitability and universal design features required by the Corporation and proposed by the Applicant (Forms Rev. 10-14) which are available on the RFA Website;
- c. For Developments with a Housing Assistance Payment Contract and/or an Annual Contributions Contract with HUD: Submission to the Corporation of the waiting list section of the Tenant Selection Plan for review and preliminary approval before sending to HUD. Such waiting list section shall establish selection preferences or a section for special admissions specifically for individuals or families that are referred by a designated Referral Agency serving the county where the Development is located; HUD approval of the Tenant Selection Plan shall be demonstrated to the Corporation prior to the completion of the final credit underwriting report; and
- d. ~~The required information and documentation relative to the General Information Notice (required by the Uniform Relocation Act), consistency with the Consolidated Plan, conformance with Federal Labor requirements, as well as Debarment/Suspension and Lead Based Paint regulations, as outlined in Item 5 of Exhibit C;~~
- e. Confirmation of the proposed Development's eligibility for funding in the event that construction has commenced.
- f. ~~If the Development triggers Federal Labor Requirements, the Corporation will require, prior to the start of construction, certification by the Applicant that it has been advised by the Corporation of its responsibilities and obligations regarding the federal labor and wage requirements and that it agrees to comply with the guidelines;~~
- g. ~~The Applicant will be required to comply with the HUD environmental requirements as provided in 24 CFR Part 58;~~
- h. ~~The Applicant will be required to provide a certification that must be executed by the contractor for compliance with debarment and suspension regulations, as outlined in Item 5 of Exhibit C; and~~
- i. ~~The Applicant must certify that it understands the requirements of the current HUD lead based paint regulations as outlined in Item 5 of Exhibit C.~~

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Item 8 of Exhibit D to read as follows:

- 84. The Credit Underwriter will also verify information submitted by the Applicant, including, but not limited to the following:
 - a. The Applicant's Non-Profit status, if applicable;
 - b. Each Scattered Site meets the requirements of this RFA, if applicable;

- c. The proposed Development's ability to meet the Enhanced Structural Systems Construction qualifications, if applicable;
- d. The appraisals conducted during credit underwriting may cause a reduction in the funding amount;
- e. With the exception of Developments financed with HUD Section 811 or United States Department of Agriculture RD program, Developments must demonstrate HUD approval for an owner-adopted preference or special admissions preference specifically for individuals or families who are referred by a designated Referral Agency serving the county where the Development is located;
- f. The proposed Development's first phase or subsequent phase's status;
- g. Review of the Total Development Cost and its effect on the Total Development Cost Per Unit Limitation;

If any of these cannot be verified, all funding awarded under this RFA may be reduced or may be rescinded if the award or the Application's eligibility status was based on such information, and/or the Applicant may be determined to have made a material misrepresentation.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Item 9 of Exhibit D to read as follows:

- 59.** The Rate of Growth Ordinance (ROGO) allocation from the Local Government must be approved.

Submitted By:
Marisa Button
Director of Multifamily Allocations
Florida Housing Finance Corporation
227 N. Bronough Street, Suite 5000
Tallahassee, FL 32301
850-488-4197 or Marisa.Button@floridahousing.org