

First Set of Questions and Answers for RFA 2023-103 Housing Credit And SAIL Financing To Develop Housing For Homeless Persons and RFA 2023-106 Financing To Develop Housing For Persons With Disabling Conditions / Developmental Disabilities

1. Several documents request the “FHFC Application Reference”. Is there a preference for brevity (e.g. “RFA 2022-205”) or should the response be the full name of the RFA (i.e. “SAIL Financing of Affordable Multifamily Housing...”)?

Answer:

The Development Team forms are the only forms that require a FHFC Application Reference Number and those forms are only required for funded Applications to submit during credit underwriting. Funded Applicants can work with their credit underwriter to ensure that all forms are submitted properly.

2. How do I know if a development qualifies for developer experience if it is not listed in the drop down of affordable programs in Exhibit A?

Answer:

Section Four, A.3.b.(3) of the RFA sets forth the requirement for developer experience. Section 420.0004(3), Florida Statutes, defines affordable. In the excel based Exhibit A posted to the RFA webpage, Applicants indicate the experience of the Development and the associated affordable housing program using a drop down of choices of several options including an “other.” Applicants can use the “other” option to identify an affordable program and describe that program in another box.

3. If a Principal of the Applicant is deceased and estate has been filed, how is that reflected on the Principal Disclosure Form?

Answer:

The natural person should be disclosed with a note stating “Estate of.” As always, it is the responsibility of the Applicant under Rules 67-48.002(94) and 67-48.0075(8)-(9), Fla. Admin. Code as well as the instructions of the applicable RFA, to ensure that Principals are properly disclosed at all times. This obligation continues when dealing with the estate of a natural person Principal. It is the responsibility of the Applicant to update the Principals once probate has closed.

4. Can an existing homeless shelter building be remodeled into permanent supportive housing in conjunction with New construction or do all units have to be newly built?

Answer:

Per Section Four, A.4.b. of the RFA:

The proposed Development must consist entirely of new construction. Rehabilitation of existing units is not allowed. For purposes of this RFA, creation of new housing means that the proposed Development and the entire Development site is not currently contractually or otherwise legally obligated to provide affordable or public housing for individuals or families pursuant to any written instrument, rule, regulation or law. All New Construction Developments are considered to be creating new affordable housing.

Notwithstanding the forgoing, in accordance with subsection 67-48.023(1), F.A.C., if the proposed Development site or any part thereof is subject to any Land Use Restriction Agreement or Extended Use Agreement, or both, in conjunction with any Corporation affordable housing financing intended to foster the development or maintenance of affordable housing, the proposed Development will be eligible for funding if the LURA or EUA, or both, is for an existing building or buildings, originally constructed at least 15 years prior to the Application Deadline and encumbers less than 20 units on the proposed Development site, and the proposed Development that is the subject of this RFA consists entirely of new construction and is in addition to the existing units.

NOTE: None of the following are eligible for funding under this RFA: Group homes, Assisted Living Facilities, and other specialized licensed residential facilities, or units within a condominium complex.

5. In the application should we list the total units including the superintendent unit or only the affordable rental units?

Answer:

Per Section Four, A.6.a. of the RFA, state the total number of units that will be in the proposed Development upon completion. The total units include all set-aside units, Manager Units as described in Rule Chapter 67-53, F.A.C., and if applicable, market rate units.

6. Operating reserves, lease up and marketing costs are not supposed to be included in the development budget. Are they supposed to be paid from developer fee?

Answer:

The General Development Cost section of the Development Cost Pro Forma includes a line item for Marketing and Advertising. The Development Cost Pro Forma does not allow for input for Operating Deficit Reserves during the Application; however, a Development that receives an award of funding can include those costs in the Pro Forma while in Credit Underwriting.

7. Should soft cost contingency take into consideration financing costs?

Answer:

The Soft Cost Contingency can include an amount for financing costs; however, the maximum allowed for Soft Cost Contingency is five percent of the Total Cost column for A2.1. TOTAL GENERAL DEVELOPMENT COSTS.

8. In the General Information Tab of Exhibit A section 3(a)(ii) and similar questions, if a previously developed project contains multiple sources of financing described in the "Affordable Housing Program(s) that Provided Financing", such as SAIL and NHTF, which source should we select?

Answer:

In the excel based Exhibit A posted to the RFA webpage, Applicants indicate the experience of the Development and the associated affordable housing program using a drop down of choices of several options including an "other." Applicants can use the "other" option to identify an affordable program and describe multiple programs in the provided text box.

9. To meet the advance review criteria, do Principals of the Applicant and Developer(s) Disclosure Forms included in an application need to be dated and stamped approved/received within 12 months of the Application Deadline or do they meet the necessary criteria even if previously submitted so long as they have the correct form revision number (Form Rev. 05-2019), were stamped approved/received by the Corporation and the organizational structure has not changed?

Answer:

There is no requirement that the Principal Disclosure Form is dated within 12 months of the Application Deadline. Applicants will receive 5 points if the uploaded Principal Disclosure Form is either (a) stamped "Approved" at least 14 Calendar Days prior to the Application Deadline; or (b) stamped "Received" by the Corporation at least 14 Calendar Days prior to the Application Deadline AND stamped "Approved" prior to the Application Deadline.

10. At the very end of Section Four, C. Applicant Certification and Acknowledgement form (see excerpt below) it states that the "...Representative must execute...". Are we to print out the certification from the EXCEL Exhibit A, have it executed and then add as an additional attachment?

Answer:

The Certification and Acknowledgement form is included in the certification tab of the new excel-based Exhibit A. At the bottom of the form, the instructions state that the Authorized Principal Representative must type their name indicating the acknowledgement and certification of these requirements. There is no need to submit a printed copy.

11. I have been informed that HUD is no longer permitting short term leases on the sites that have HUD Declarations of Trust for the purpose of establishing site control for FHFC competitive applications. Previously, they would provide leases that would mature in 11 months if we did not close on the construction financing. Can we provide an Option to Enter into a Ground Lease?

Answer:

Yes. The criteria for providing the Option to Enter into a Ground Lease is provided in Section Four, A.7.a.(3)(b) of each RFA.

12. In connection with the Uniform Relocation Act requirements, if you have a public housing site that will require demolition in order to build new units, is the GIN triggered if the site control is a ground lease or option to lease?

Answer:

Yes, if there are tenants that need to relocate because of the action.

13. Relating to the Uniform Relocation Act, in connection with providing, during credit underwriting, proof of delivery by signed copy of each General Information Notice when hand delivered, please advise whose signature is required on the notices.

Answer:

The person receiving the General Information Notice needs to sign the proof of delivery.

14. HOME Uniform Relocation requirements - It seems these questions and attachments should only be required for Applicants that are not eligible for a NHTF program loan, is this correct or will this section of the application apply to all Applicants?

Answer:

The HOME Uniform Relocation requirements apply to Applicants requesting HOME funding (like in RFA 2022-206) and NHTF which has been made available in several RFAs this year.

15. Wetlands map - Is Florida Housing making available a wetlands map where you can look up a site to see if it is on a wetland or has a wetlands issue? If so, please provide the link.

Answer:

In RFAs that make HOME funding and NHTF funding available, HUD environmental requirements as provided in 24 CFR 93.301(f)(1) and (2) apply. Mapping software from the National Wetlands Inventory can be found at the webpage <https://www.fws.gov/wetlands/>. Mapping software from the FEMA Flood Map Service Center can be found at the webpage

<https://msc.fema.gov/portal/home>. The Development's location within a flood zone or wetland area is subject to further verification in credit underwriting.

16. DOT site - Regarding a proposed Development to be located on a site with an existing Declaration of Trust between the PHA and HUD, are they also eligible to exclude demolition and tenant relocations costs from TDC PU Limitation calculations? We couldn't find this language in the current drafts.

Answer:

It's in the notes below the TDC charts marked with double asterisks.

17. Carryover Agreements – Will Florida Housing be issuing the Carryovers in December 2023? Would it be safe to estimate that the 10% Test and the Site Control would be due on or before June 30, 2024 or within 6 months after Carryover per the Rule; and the LPA, underwriting report and construction commencement by September 30, 2024 or within 9 months after Carryover? If not, what would be the dates or number of months after Carryover required to close on the construction funding? If the Applicant requires an extension to the 10% Test, Site Control or the Underwriting Report, will the Principal(s) be penalized and have a reduction in the number of Priority I applications?

Answer:

We are still refining the timing of the Carryovers. The limitation is only applicable to the closing of the LPA.

18. Is there a list of agencies that specialize in providing services /housing to individuals with mental and physical disabilities?

Answer:

There is information regarding the Link Strategy and a list of referral agencies on page <https://www.floridahousing.org/programs/special-needs-housing-overview/serving-special-needs>.

19. There is a section in the published RFA that mentions the below:

"Applicants that are not eligible for NHTF Funding due to requirements such as the HUD environmental requirements as provided in 24 CFR 93.301(f)(1) and (2) may instead be awarded an equivalent amount of funding through Home Investment Partnerships Program (HOME) From The American Rescue Plan Act (HOME-ARP). Although the HUD environmental requirements provided in 24 CFR 93.301(f)(1) and (2) do not apply, all HOME-ARP requirements would apply such as how the units must be used for Qualifying Populations, the HUD environmental requirements provided in 24 CFR Part 92 and 24 CFR Part 58, AND Davis-Bacon requirements, if there are at least twelve 22% Units."

Yet the exhibit A application itself does not give applicants the chance to choose which funding source they would qualify for, only confirming that you would accept NHTF and you comply with HUD requirements. Will there be a revision that addresses this?

Answer:

Applicants do not need to address this within the Application.

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The Q and A responses are based on the information presented in the question and the terms of the RFA. The responses to the Q and A are provided as a courtesy and shall not be construed as scoring of an application. If there is any conflict between the response to a Q and A and the RFA itself, the terms of the RFA control. These Q and A responses apply solely to RFA 2023-103 and RFA 2023-106.