

**Florida Housing Finance Corporation  
Board of Directors' Meeting Minutes  
May 10, 2019**

**TIME:** 8:30 a.m.

**LOCATION:** Tallahassee City Hall Commission Chambers  
300 South Adams Street  
Tallahassee, Florida

**BOARD MEMBERS PRESENT:**

Ray Dubuque, Chairman  
Renier Diaz de la Portilla  
LaTasha Green-Cobb  
Ken Lawson  
Creston Leifried  
Ron Lieberman

**CORPORATION STAFF PRESENTING:**

Marisa Button  
Hugh Brown  
Laura Cox  
Sheila Freaney  
Jesse Leon  
Nancy Muller  
Trey Price  
Angie Sellers  
Stephanie Sutton  
David Westcott

**OTHERS PRESENTING:**

Karen Jawitz, Casa de Familia  
Eric Jawitz, Casa de Familia  
Jim Whitaker, Casa de Familia  
Jeff Sharkey, Denton Cove  
Adam Bild, Human Development Center  
Mark Fredericks, Amerinational

Chairman Dubuque called the meeting to order at 8:30 a.m.

Chairman Dubuque asked Sheila Freaney to take the roll.

Ms. Freaney called the roll. Present were Ray Dubuque, Creston Leifried, Ron Lieberman, Ken Lawson, Renier Diaz de la Portilla and LaTasha Green-Cobb. Absent were Natacha Bastian and Mario Facella.

## **MINUTES**

**Item A, Approval of Minutes of the March 22, 2019, Board Meeting.** Chairman Dubuque asked for a motion to approve the Minutes of the March 22, 2019, Board Meeting.

Motion to approve the Minutes was made by Mr. Lieberman with a second by Mr. Lawson.  
Motion passed unanimously.

Chairman Dubuque noted that SAIL Consent Item B would be pulled from the Consent Agenda.

## **PUBLIC COMMENT**

Jeff Sharkey, representing the Denton Cove development in Apalachicola, urged the Board to approve staff's recommendation to waive the rule in order to exchange their 2017 tax credits for 2019 tax credits.

## **AUDIT COMMITTEE**

Ron Lieberman informed the Board that the Audit Committee met on May 9, 2019. He stated that the Committee reviewed and approved the Audit Committee Charter and the Inspector General Charter. He stated that the Inspector General presented the results of the Ethical Climate Audit and an update of the ongoing audit of the multifamily program.

## **RENTAL MARKET STUDY PRESENTATION**

Chairman Dubuque introduced Anne Ray, Manager of the Housing Data Clearinghouse at the University of Florida Shimberg Center for Housing Studies, who presented the 2019 results of the Rental Market Study, which the Shimberg Center prepared.

## **FINANCE**

Angie Sellers asked the Board to approve the designation categories of unrestricted net positions as follows: Single family programs - \$3.7 million; dedicated reserve for operations - \$48 million; and the remaining balance for demonstration and other initiatives.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Mr. Lawson. Motion passed unanimously.

## LEGAL

**Item A, Keys Affordable Development IV, LLC, v. Florida Housing Finance Corporation.** Hugh Brown asked the Board to accept the consent agreement and issue a final order accordingly in the Keys Affordable Development IV, LLC, v. Florida Housing Finance Corporation matter.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Ms. Green-Cobb. Motion passed unanimously.

**Item B, Denton Cove, LTD.** Hugh Brown asked the Board to approve staff's recommendation to approve a rule waiver to allow a swap of 2017 housing credits for an allocation of 2019 housing credits for Denton Cove, LTD.

Motion to approve staff's recommendation was made by Mr. Lawson with a second by Ms. Green-Cobb. Motion passed unanimously.

**Item C, SP Terrace, LLC, SP South, LLC, SP Lake, LLC, SP Forest, LLC, SP Landing, LLC and Southport Development, Inc. d/b/a Southport Development Services, Inc. v. Florida Housing Finance Corporation.**

Hugh Brown asked the Board to accept the consent agreement and issue a final order accordingly in the SP Terrace, LLC, SP South, LLC, SP Lake, LLC, SP Forest, LLC, SP Landing, LLC and Southport Development, Inc. d/b/a Southport Development Services, Inc. v. Florida Housing Finance Corporation matter.

Motion to approve staff's recommendation was made by Ms. Green-Cobb with a second by Mr. Lieberman. Motion passed unanimously.

## HURRICANE RECOVERY PROGRAMS

**Item A, Request Approval to Begin Program Development for the Hurricane Housing Recovery Program and Rental Recovery Loan Programs.** Nancy Muller asked the Board to authorize staff to begin program development for the Hurricane Housing Recovery Program and the Rental Recovery Loan Program to allocate funds appropriated by the legislature for hurricane recovery.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Ms. Green-Cobb. Motion passed unanimously.

## MULTIFAMILY PROGRAMS

**Items A and B, Request Approval to Recapture Grant Funds Disbursed and to Re-Underwrite Bessie Dix Residential Community Group Home and Flora Residential Community Group Home.** Jesse Leon asked the Board to approve staff's recommendation to approve the repayment of funds disbursed to date, to de-obligate the remaining grant funding and to terminate the restrictive covenant and grant agreements for Bessie Dix Community Residential Group Home and Flora Residential Community Group Home due to an ongoing lack of communication from the developer regarding the status of the development.

Motion to approve staff's recommendation was made by Mr. Lawson with a second by Ms. Green-Cobb.

Adam Bild, an attorney representing the Human Development Center, asked the Board to give the developer more time to move the project forward to completion.

Mark Fredericks, of AmeriNational, the credit underwriter on the project, stated that the developer was and continues to be nonresponsive to requests for information and documentation.

Trey Price asked if it was feasible that the construction contracts would be honored considering the dramatic price increases of the last four years. Mr. Fredericks stated that was definitely a concern and that he requested an updated contract or a letter stating the contract pricing would be honored, but it was never received.

Mr. Bild stated that he would provide an affidavit from the contractor committing to honoring the original contract prices.

Motion failed by a vote of 5-1, with Ms. Green-Cobb casting the lone affirmative vote.

Mr. Leon asked the Board to require the underwriter and grantee to revisit all updated requirements necessary to move forward and bring the item back to the next Board Meeting.

Motion to approve staff's recommendation was made by Ms. Green-Cobb with a second by Mr. Lieberman.

Mr. Leon added that all documentation would be required to be submitted to the credit underwriter no later than May 16 in order to allow enough review time prior to the next meeting.

Chairman Dubuque noted that the motion pertained only to the Bessie Dix development.

Motion passed unanimously.

Mr. Leon then asked the Board to require the underwriter and grantee to revisit all updated requirements necessary to move forward with the Flora Residential Community Group Home by May 16 and bring the item back to the next Board Meeting.

Motion to approve staff's recommendation was made by Mr. Lawson with a second by Mr. Lieberman. Motion passed unanimously.

LaTasha Green-Cobb left the meeting

**Item C, Proposed Geographic and Demographic Allocation Split for the State Apartment Incentive Loan Program for 2019 through 2021 Funding Cycles.** Nancy Muller asked the Board to approve staff's recommendation for the proposed allocation of resources for the SAIL program between large, medium and small counties during 2019, 2020 and 2021 as follows: Large counties – 53.2%; medium counties – 36.8%; and small counties – 10%.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Mr. Lawson. Motion passed unanimously.

Renier Diaz de la Portilla left the meeting room and quorum was lost.

Nancy Muller asked the Board to approve staff's recommendation for the proposed allocation of SAIL funds for the tenant population groups as follows: Commercial fishing workers and farmworkers – 5%; homeless persons – 10%; persons with special needs – 13%; elders – 24.6%; and families – 47.4%.

No action was taken pending Mr. Diaz de la Portilla's return to the meeting room to achieve quorum.

### **HURRICANE RECOVERY EFFORTS**

Laura Cox briefed the Board on Florida Housing's ongoing response and recovery efforts in regard to Hurricane Michael.

### **LEGISLATIVE UPDATE**

Stephanie Sutton updated the Board on the recently concluded legislative session and its impact Florida Housing.

Renier Diaz de la Portilla returned to the meeting room and quorum was restored.

Nancy Muller restated her request to the Board to approve staff's recommendation for the proposed allocation of resources for the SAIL program as follows: Commercial fishing workers and farmworkers – 5%; homeless persons – 10%; persons with special needs – 13%; elders – 24.6%; and families – 47.4%.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Mr. Lawson. Motion passed unanimously.

### **PREDEVELOPMENT LOAN PROGRAM**

#### **Item A, Request Approval to Begin Predevelopment Loan Program Rule Development Process (PLP).**

Nancy Muller asked the Board to authorize staff to proceed with the rule development process for the PLP Program, Rule 67-38, of the Florida Administrative Code.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Mr. Leifried. Motion passed unanimously.

### **MULTIFAMILY PROGRAMS - ALLOCATIONS**

#### **Item A, Request for Applications (RFA) 2018-104 – SAIL Financing for Smaller Permanent Supportive**

**Housing Developments for Persons with Special Needs.** Marisa Button asked the Board to approve the review committee's recommendation that the Board adopt the scoring results of the three applications received in response to RFA 2018-104 – SAIL Financing for Smaller Permanent Supportive Housing Developments for Persons with Special Needs and authorize the tentative selection of one application for funding and invitation into credit underwriting. She stated that after the allocation, an unallocated balance of \$5,493,159 will remain, and as provided in the RFA, those remaining funds will be distributed as approved by the Board. She stated that if no notice of protest or formal written protest is filed, staff will issue an invitation into credit underwriting to the applicant; however, if a notice of protest or formal written protest is filed, then at the completion of all litigation, staff will present all recommended orders for Board approval prior to issuing an invitation into credit underwriting to the applicant within the funding range.

Motion to approve staff's recommendation was made by Mr. Lawson with a second by Mr. Diaz de la Portilla. Motion passed unanimously.

**Item B, Request for Applications (RFA) 2019-107 – Financing to Develop Housing for Persons with Disabling Conditions/Developmental Disabilities.** Marisa Button asked the Board to approve the review committee's recommendation that the Board adopt the scoring results of the four applications received in response to RFA 2019-107 for Financing to Develop Housing for Persons with Disabling Conditions/Development Disabilities and authorize the tentative selection of one application for funding and invitation into credit underwriting. She stated that after the allocation, an unallocated housing credit balance of \$1,080,000 and \$4,000,000 in grant funding remained, and asked the Board to approve the tentative selection of the next highest ranking eligible unfunded application (Village of Casa Familia in Miami-Dade County) for funding using those unallocated balances, along with additional housing credits on hand. She stated that if no notice of protest or formal written protest is filed, staff will issue invitations into credit underwriting to the two applicants; however, if a notice of protest or formal written protest is filed, then at the completion of all litigation, staff will present all recommended orders for Board approval prior to issuing invitations into credit underwriting to those applicants within the funding range.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Mr. Lawson. Motion passed unanimously.

**Item C, Request for Applications (RFA) 2019-109 – HOME Financing to be used for Rental Developments in Hurricane Michael Impacted Counties and in Rural Areas.** Marisa Button asked the Board to approve the review committee's recommendation that the Board adopt the scoring results of the 20 applications received in response to RFA 2019-109 for HOME Financing to be used for Rental Developments in Hurricane Michael Impacted Counties and in Rural Areas and authorize the tentative selection of six applications for funding and invitation into credit underwriting. She stated that after the allocation, an unallocated balance of \$1,985,433.98 of HOME funding will remain, and as provided in the RFA, those remaining funds will be distributed as approved by the Board. She also asked the Board to authorize the tentative selection of the next highest ranking eligible application (Hilltop Point in Bay County) utilizing that remaining balance of HOME funds and adding some additional HOME funds to make the funding request whole. She stated that if no notice of protest or formal written protest is filed, staff will issue invitations into credit underwriting to the seven applicants; however, if a notice of protest or formal written protest is filed, then at the completion of all litigation, staff will present all recommended orders for Board approval prior to issuing invitations into credit underwriting to those applicants within the funding range.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Mr. Lawson. Motion passed unanimously.

**Item D, 2019 Rule Development.** Marisa Button asked the Board to approve the new Rules 67-21 and 67-48 and the Qualified Allocation Plan and authorize staff to file the rules for adoption if no notice of change is required from the rule hearing; however, if a notice of change is required, to authorize the Chairman to determine whether that notice of change makes material, substantive change to the rule, and if it does not, approve the notice of change with the requirement of another Board Meeting. She stated that if it is determined that it is a material, substantive change, to authorize a telephonic Board Meeting to obtain Board approval.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Mr. Lawson. Motion passed unanimously.

### **PROFESSIONAL SERVICES SELECTION**

**Item A, Request for Qualifications 2019-03, Public Relations Services.** Stephanie Sutton asked the Board to approve the review committee's recommendation to contract with BowStern and Fiore Communications to provide public relations services to the corporation.

Motion to approve staff's recommendation was made by Mr. Lawson with a second by Mr. Lieberman. Motion passed unanimously.

**Item B, Competitive Solicitation for Inclusion in a Pool of Energy Consumption Model Utility Estimate Providers.** Laura Cox ask the Board to authorize staff to go out with a competitive solicitation for a pool of energy consumption model utility estimate providers for the HOME and tax credit programs

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Mr. Diaz de la Portilla. Motion passed unanimously.

**Item C, Request for Competitive Solicitation for a Statewide Needs Assessment for Special Needs/Homeless Households.** Nancy Muller asked the Board to authorize staff to issue a competitive solicitation in order to select a firm to provide a state-level assessment regarding the housing needs of Floridians with special needs or who are homeless.

Motion to approve staff's recommendation was made by Mr. Lawson with a second by Mr. Lieberman. Motion passed unanimously.

**Item D, Contract Renewal to Provide Servicing for the Homebuyer Loan Program.** David Westcott asked the Board to authorize staff to proceed with one three-year renewal period of the contract with US Bank allowed under contract to provide servicing for the Homebuyer Loan Program.

Motion to approve staff's recommendation was made by Mr. Lieberman with a second by Mr. Lawson. Motion passed unanimously.

**Item E, Contract Renewal – Investment Banker Services.** Angie Sellers asked the Board to authorize staff to proceed with the third and final one-year renewal options with the eight investment banker firms currently under contract with Florida Housing.

Motion to approve staff's recommendation was made by Mr. Diaz de la Portilla with a second by Mr. Lawson. Motion passed unanimously.

## **CONSENT AGENDA**

Chairman Dubuque asked for a motion to approve the items on the Consent Agenda with the exception of SAIL Consent Item B, which was pulled from consideration.

Motion to approve the remaining items on the Consent Agenda was made by Mr. Lieberman with a second by Mr. Lawson. Motion passed unanimously.

## **PUBLIC COMMENT**

Karin Jawitz, President of Casa Familia, thanked the Board for their funding approval and support in creating housing options for individuals with intellectual developmental disabilities.

Eric Jawitz also thanked the Board and stated that he looks forward to being able to live in a community with his friends and the opportunities it will provide.

Jim Whitaker, of Casa Familia, thanked the Board and staff for taking the lead nationwide in providing housing for people with intellectual developmental disabilities.

Chairman Dubuque adjourned the meeting at 10:46 a.m.