

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Comprehensive Health Improvement Projects  
 RULE CHAPTER NO.: 64F-8

RULE TITLES: Definitions 64F-8.001  
 Minimum Requirements 64F-8.002

PURPOSE AND EFFECT: The purpose of the proposed rule repeal is to eliminate rules that are redundant of Section 385.103, Florida Statutes. Moreover, the repeal of Chapter 64F-8 will eliminate administrative rule governing obsolete Comprehensive Health Improvement Projects (CHIP).

SUMMARY: The proposed rule repeal eliminates obsolete rules regarding the Comprehensive Health Improvement Projects.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule repeal will not result in additional regulatory costs. Because the proposed rule repeal is technical in nature and does not substantively change what is required by existing statutes, there will be no significant economic impact; the overall reduction in administrative rules will, however, have a positive economic impact by streamlining the operation of government.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 385.103(2)(f) FS.

LAW IMPLEMENTED: 385.103 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet W. Baggett, Medical/Health Care Program Analyst, 4025 Esplanade Way, Bureau of Chronic Disease Prevention, Room 130T, Tallahassee, FL 32399-1744

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-8.001 Definitions.

Specific Authority 385.103(2)(f) FS. Law Implemented 385.103 FS. History—New 8-31-87, Amended 4-25-96, Formerly 10D-97.003, Repealed.

64F-8.002 Minimum Requirements.

Specific Authority 385.103(2)(f) FS. Law Implemented 385.103 FS. History—New 8-31-87, Amended 4-25-96, Formerly 10D-97.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet W. Baggett, Medical/Health Care Program Analyst, Bureau of Chronic Disease Prevention

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Susan Allen, Program Administrator, Bureau of Chronic Disease Prevention

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2002

**Section III  
 Notices of Changes, Corrections and  
 Withdrawals**

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE NO.: 1B-2.011  
 RULE TITLE: Library Grant Programs

**NOTICE OF CHANGE**

SUMMARY OF CHANGE: The proposed amendment will provide for a waiver of financial match requirements on Division grant programs. The change is an editorial correction of the date of the publication of the Notice of Rule Development. That correction is as follows:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~October 26, 2001~~ January 18, 2002.

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 28, No. 3, dated January 18, 2002, Page 160.

**DEPARTMENT OF INSURANCE**

RULE NOS.: 4-157.001 4-157.002 4-157.003 4-157.004  4-157.006 4-157.009 4-157.016 4-157.017 4-157.018 4-157.019  4-157.020 4-157.023 4-157.024 4-157.025  4-157.026	RULE TITLES: Purpose Applicability and Scope Definitions Out-of-State Group Long Term Care Insurance Pre-existing Conditions Conditions of Eligibility Requirements for Replacement Prior Institutionalization Right to Return Policy – Free Look Long Term Care Policies – Statements Required Outline of Coverage Nonforfeiture Protection Provision Required Disclosure Provisions Prohibition Against Post – Claims Underwriting Discontinuance and Replacement
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- 4-157.027 Appropriateness of Recommended Purchase
- 4-157.028 Requirements for Application Forms and Replacement Coverage
- 4-157.029 Prohibition Against Preexisting Conditions & Probationary Periods in Replacement Policies or Certificates
- 4-157.030 Reporting Requirements
- 4-157.031 Requirement to Deliver Shopper's Guide

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule(s), as noticed in Vol. 27, No. 41, October 12, 2001, of the Florida Administrative Weekly, have been withdrawn.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER NO.: 5E-9  
 RULE CHAPTER TITLE: Licensed Pesticide Applicators and Dealers

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule published in the Florida Administrative Weekly, Pages 5998-6002, Vol. 27, No. 51 on December 21, 2001, to reflect comments received from the Joint Administrative Procedures Committee, replacing any reference to transfer of pesticides to exchange of pesticides. When adopted the proposed rule will read as follows:

5E-9.033 Pesticide Dealer Records.

(1) Licensed pesticide dealers shall maintain the following records relating to the sale or exchange of restricted use pesticides:

- (a) Date of sale;
- (b) Name and license number of licensed applicator making or authorizing the purchase;
- (c) Name of authorized purchase agent purchasing the pesticide product, if applicable;
- (d) Brand name and EPA registration number of each product sold or exchanged;
- (e) Size and number of containers of each product sold or exchanged; and
- (f) No change.

(2) The information listed in (1)(a) through (1)(e) shall be recorded immediately at the time of sale or exchange and may be incorporated into billing invoices or other business transaction records.

(3) No change.

(4) All required information shall be retained for a period of two (2) years from the date of sale or exchange in a manner that is accessible by authorized department representatives.

(5) No change.

Specific Authority 487.048(2), 570.07(23) FS. Law Implemented 487.048(2) FS. History—New 6-9-94, Amended 7-2-95, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5L-1.001	General Requirements and Intent
5L-1.002	Definitions
5L-1.004	Production and Market Standards
5L-1.005	Shellfish Processing Plant Certification License and Fees
5L-1.006	Compliance and Penalties
5L-1.007	Container Identification, Terminal Sale Date; Prohibitions
5L-1.008	Shellfish Handling
5L-1.009	Shellfish Relaying
5L-1.010	Buildings and Facilities
5L-1.011	Equipment for Shellfish Processing
5L-1.012	Sanitary Operations
5L-1.013	Plant Operation

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 39, September 28, 2001, Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE CHAPTER NO.:</b> 40D-2	<b>RULE CHAPTER TITLE:</b> Consumptive Use of Water
<b>RULE NO.:</b> 40D-2.091	<b>RULE TITLE:</b> Publications Incorporated by Reference

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to proposed Basis of Review Section 4.2.B.3.d.(2) to be incorporated into Rule 40D-2.091, as published in the Florida Administrative Weekly, in Vol. 20, No. 48, pages 8905-8953, at page 8931, on December 2, 1994, so that it reads as follows:

~~4.2.B.3.d.(2) Stressed Lakes, New Groundwater Withdrawals — Where a lake within the SWUCA is classified as stressed due to regional causes, new groundwater withdrawals to replace an existing legal surface withdrawal from the stressed lake shall be permitted even though the groundwater withdrawal may cause unacceptable adverse impacts to the stressed lake. This groundwater replacement is allowable because the impact of the groundwater withdrawal is less than the surface water withdrawal. Within the SWUCA, new groundwater withdrawals, other than for replacement of surface water withdrawals from stressed lakes, shall not be permitted which unacceptably adversely impact stressed lakes, or cause a lake to become stressed. Within the SWUCA, an~~

~~unacceptable adverse impact from a new withdrawal shall be presumed to occur if the withdrawal individually will cause 0.2 feet or greater drawdown on the water table at the lake.~~

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: 40D-2  
 RULE NO.: 40D-2.501  
 RULE CHAPTER TITLE: Consumptive Use of Water  
 RULE TITLE: Permit Classification

**NOTICE OF WITHDRAWAL**

NOTICE IS HEREBY GIVEN that proposed subsection 40D-2.501(6), as published in the Florida Administrative Weekly in Vol. 20, No. 48, pages 8905-8953 at page 8908 on December 2, 1994, has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: 40D-2  
 RULE NO.: 40D-2.801  
 RULE CHAPTER TITLE: Consumptive Use of Water  
 RULE TITLE: Water-Use Caution Areas

**NOTICE OF CHANGE**

NOTICE IS HEREBY GIVEN that the following changes have been made to proposed rule 40D-2.801(3)(b)1., as published in the Florida Administrative Weekly in Vol. 20, No. 48, pages 8905-8953, at page 8910, on December 2, 1994, so that it reads as follows:

1. The boundary for the Southern Water Use Caution Area is as follows:

All of Manatee, Sarasota, Charlotte, Hardee, DeSoto, and Highlands Counties within the boundaries of the Southwest Florida Water Management District, and that portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

- Township 29, Range 19: All whole or partial Sections South of State Road 60
- Township 29, Range 20: All whole or partial Sections South of State Road 60
- Township 29, Range 21: All whole or partial Sections South of State Road 60
- Township 29, Range 22: All whole or partial Sections South of State Road 60
- Township 30, Range 19: All Sections
- Township 30, Range 20: All Sections
- Township 30, Range 21: All Sections
- Township 30, Range 22: All Sections
- Township 31, Range 18: All Sections
- Township 31, Range 19: All Sections
- Township 31, Range 20: All Sections
- Township 31, Range 21: All Sections
- Township 31, Range 22: All Sections
- Township 32, Range 18: All Sections

- Township 32, Range 19: All Sections
- Township 32, Range 20: All Sections
- Township 32, Range 21: All Sections
- Township 32, Range 22: All Sections
- Township 33, Range 15: All Sections
- Township 33, Range 16: All Sections
- and that portion of Polk County within the Southwest Florida Water Management District and within the following sections:
- Township 26, Range 26: All whole or partial Sections South of Interstate 4 ~~Township 26, Range 27: All Sections~~
- Township 27, Range 23: All whole or partial Sections South of Interstate 4
- Township 27, Range 24: All whole or partial Sections South of Interstate 4
- Township 27, Range 25: All whole or partial Sections South of Interstate 4
- Township 27, Range 26: All Sections
- Township 27, Range 27: ~~All Sections~~ 25 through 36
- Township 27, Range 28: Section 31
- Township 28, Range 23: All Sections
- Township 28, Range 24: All Sections
- Township 28, Range 25: All Sections
- Township 28, Range 26: All Sections
- Township 28, Range 27: All Sections
- Township 28, Range 28: All Sections
- Township 29, Range 23: All Sections
- Township 29, Range 24: All Sections
- Township 29, Range 25: All Sections
- Township 29, Range 26: All Sections
- Township 29, Range 27: All Sections
- Township 29, Range 28: All Sections
- Township 29, Range 29: Sections 19, 30, 31
- Township 30, Range 23: All Sections
- Township 30, Range 24: All Sections
- Township 30, Range 25: All Sections
- Township 30, Range 26: All Sections
- Township 30, Range 27: All Sections
- Township 30, Range 28: All Sections
- Township 30, Range 29: Sections 5, 6, 7, 8, 18, 19, 30, 31
- Township 31, Range 23: All Sections
- Township 31, Range 24: All Sections
- Township 31, Range 25: All Sections
- Township 31, Range 26: All Sections
- Township 31, Range 27: All Sections
- Township 31, Range 28: All Sections
- Township 31, Range 29: Section 6
- Township 32, Range 23: All Sections
- Township 32, Range 24: All Sections
- Township 32, Range 25: All Sections
- Township 32, Range 26: All Sections
- Township 32, Range 27: All Sections
- Township 32, Range 28: All Sections.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE NO.: 61B-22.0062  
 RULE TITLE: Transition Financial Statements; Turnover Audit

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule amendment as published in Vol. 27, No. 36, September 7, 2001, issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-4.002  
 RULE TITLE: Advertising and Soliciting by Dentists

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 40, October 5, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-17.013  
 RULE TITLE: Dental Practice Management Services

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 48, November 30, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee and comments received at the January 18, 2002 public hearing. The Board determined that a substantial rewording of this rule is necessary in order to clarify the rule text.

The rule in its entirety shall now read as follows:

64B5-17.013 Proprietorship by Nondentists.

(1) No corporation, lay body, organization, or individual other than a licensed dentist or a professional corporation or limited liability company composed of dentists shall engage in the practice of dentistry through the means of engaging the services, upon a salary, commission, or other means of inducement, of any person licensed to practice dentistry in this state. The provisions of this rule are not applicable to dentists working under any of the settings described in s. 466.025, F.S.

(2) No dentist shall enter into any agreement with a nondentist which directs, controls, or interferes with the dentist's clinical judgment, or which controls the use of any

dental equipment or material while such is being used for the provision of dental services. Nor shall any dentist enter into an agreement which permits, any entity which itself is not a licensed dentist to practice dentistry, or to offer dentistry services to the public through the licensed dentist. The clinical judgment of the licensed dentist must be exercised solely for the benefit of his/her patients, and shall be free from any compromising control, influences, obligations, or loyalties.

(3) For the purposes of this rule:

(a) The term "clinical" means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.

(b) The term "control" shall mean to exercise authority or dominating influence over; having the authority or ability to regulate, direct, or dominate.

(4) A licensed dentist may enter into an agreement with a nondentist to receive "Practice Management Services." The term "Practice Management Services" is defined to include consultation or other activities or services offered by someone other than a Florida licensed dentist regarding one or more of the following types of products or services:

(a) The suitability of dental office space, furnishings and equipment;

(b) Staff necessary to operate a dental practice;

(c) Regulatory compliance expertise and services;

(d) Methods to increase productivity of a dental practice;

(e) Inventory and supplies required to operate a dental practice;

(f) Information systems designed to produce financial and operational data on the dental practice;

(g) Marketing plans or advertising to increase productivity of a dental practice;

(h) Site selection, relocation, design or physical layout of a dental practice; or

(i) Financial services such as accounting and bookkeeping, monitoring and payment of accounts receivable, payment of leases and subleases, payroll or benefits administration, billing and collection for patient services, payment of federal or state income tax, personal property or intangible taxes, administration of interest expense or indebtedness incurred to finance the operation of the dental practice, or malpractice insurance expenses.

(5) For purposes of implementing the provisions of Sections 466.0285, 466.003 and subsections 466.028(1)(g) and (z), no dentist shall enter into a practice management agreement with anyone other than a dentist or group of dentists which provides or offers to provide, whether by contract or employment, with or without fee, any practice management service which attempts to govern in any way, whether directly or indirectly, the clinical sufficiency, suitability, reliability or efficacy or a particular product, service, process or activity as it

relates to the delivery of dental care. Practice management agreements between dentists and anyone other than a dentist or group of dentists shall not:

(a) Preclude or otherwise restrict, by penalty or operation, the dentist of record's ability to exercise independent professional judgment over all qualitative and quantitative aspects of the delivery of dental care;

(b) Allow anyone other than a dentist of record or the dentist of record's practice to supervise and control the selection, compensation, terms, conditions, obligations or privileges of employment or retention of clinical personnel of the practice;

(c) Limit or define the scope of services offered by the dentist of record or the dentist of record's practice;

(d) Limit the methods of payment accepted by the dentist of record or the dentist of record's practice;

(e) Require the use of patient scheduling systems, marketing plans, promotion or advertising for the dentist of record or the dentist of record's practice which, in the judgment of the dentist of record or the dentist of record's practice will have the effect of discouraging new patients from coming into the practice or discouraging patients of record from seeing the dentist or postponing future appointments or which gives scheduling preference to one individual, class or group of existing or new patients over another individual, class or group of existing or new patients;

(f) Directly or indirectly condition the payment or the amount of the management fee on the referral of patients, and in addition, the management fee shall reasonably relate to the fair market value of the services provided;

(g) Penalize the dentist of record or the dentist of record's practice for reporting perceived violations of this section to, or seeking clarification from, appropriate state or federal agencies, departments or boards.

(6) For purposes of implementing the provisions of Section 466.028(1)(h), no dentist shall enter into any agreement, or series of agreements, with anyone other than a dentist or group of dentists, which violates the parameters established in paragraphs (4) or (5) above and entering into such a contract constitutes a de facto employment of the dentist by a nondentist. Except as permitted by Chapter 542, Florida Statutes, licensed dentists are prohibited from agreeing not to compete in the provision of dental services with any entity which is not itself a licensed dentist, or which is not licensed or otherwise permitted by law to provide the services which are the subject of the agreement not to compete.

(7) The provisions of this rule are not intended to impair the validity of any contract in existence as of the effective date of this rule. Any existing contract renewed or extended after the effective date of this rule shall be subject to the provisions of this rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-17.014                      RULE TITLE: Removal of Amalgam Fillings

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 48, November 30, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.014                      RULE TITLE: Standards for Telemedicine Prescribing Practice

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Medicine hereby gives notice that an additional public hearing on the above-referenced rule will be held in response to a request for a hearing following the publication of the Notice of Change in the December 14, 2001, Florida Administrative Weekly (FAW). The rule was originally published in Vol. 27, No. 39, of the September 28, 2001, FAW. The information regarding the additional public hearing will be published in a future issue of the FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Acting Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-5.001                      RULE TITLE: Disciplinary Guidelines

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 3, January 18, 2002, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE WITHDRAWAL IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: 65C-22.003  
 RULE TITLE: Training

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 43 October 26, 2001, issue of the Florida Administrative Weekly, the Notice of Change published in Vol. 28, No. 3, January 18, 2002, and conforming paragraph 65C-22.003(7)(f), F.A.C., as set forth below.

- 65C-22.003 Training.
- (1) through (6) No change.
- (7) Director Credential
- (a) through (e) No change.

(f) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test at a local community college with a minimum score of 70 ~~80~~ percent.

- (g) through (i) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 9-20-01, \_\_\_\_\_.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Loans
67-21.0035	Applicant Administrative Appeal Process
67-21.004	Federal Set-Aside
67-21.0045	Determination of Method of Bond Sale
67-21.008	Terms and Conditions of Loans
67-21.014	Credit Underwriting Procedures
67-21.016	Compliance Procedures
67-21.017	Transfer of Ownership
67-21.019	Issuance of Bonds for 501(c)(3) Entities

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., Florida Statutes, published in Vol. 27, No. 50, December 14, 2001 issue of the Florida Administrative Weekly.

67-21.002 Definitions.

(3) “Address” means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If the address has not yet been assigned, include, at a minimum, street name and ~~or~~ closest designated intersection, city, state and zip code.

(6) “Annual Household Income” means the gross income of a person, together with the gross income of all persons who intend to permanently reside with such person in the Development to be financed by Florida Housing, as of the date of occupancy shown on the Income Certification promulgated ~~from time to time~~ by Florida Housing.

(7) “Applicant” means any person or entity, for profit or not-for profit, that is seeking a loan from Florida Housing for a multifamily Development and that by submitting an Application has agreed to subject itself to the regulatory powers of Florida Housing ~~by submitting an Application~~.

(8) “Application” means, with respect to the MMRB Program, the completed forms from the Universal Application Package, ~~its instructions, and its appendices~~ together with all exhibits submitted to Florida Housing ~~by the Applicant~~ in accordance with the provisions of this Rule Chapter in order to apply for the Program.

(10) “Application Period” means a period during which Applications shall be accepted, as posted on Florida Housing’s website and with a deadline no less than thirty days from the beginning of the Application Period ~~determined from time to time by the Corporation~~.

(17) “Catchment Area” means the geographical area covered under a Local Homeless Assistance Continuum of Care Plan, as designated and revised as necessary by the State Office on Homelessness, in accordance with section 420.624, Florida Statutes.

~~(18)(17)~~ “Code” is the Internal Revenue Code of 1986, as in effect on the date of this rule chapter amended, or similar predecessor or successor provisions applicable to a Development to be financed under this rule, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued or amended with respect thereto by the Treasury Department or Internal Revenue Service of the United States, and is adopted and incorporated herein by reference.

~~(19)(18)~~ “Commercial Fishing Worker” means a laborer who is employed on a seasonal, temporary, or permanent basis in fishing in saltwater or freshwater and who derived at least 50% of his income in the immediately preceding 12 calendar months from such employment. The term includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a commercial fishing worker. In order to be considered retired due to disability or illness, a person must:

(a) Establish medically that the person is unable to be employed as a commercial fishing worker due to such disability or illness; and

(b) Establish that he or she was previously employed as a commercial fishing worker.

~~(20)(19)~~ “Commercial Fishing Worker Household” means a household of one or more persons wherein at least one member of the household is a Commercial Fishing Worker.

~~(21)(20)~~ “Contact Person” means the person, with whom Florida Housing will correspond concerning the Application and the Development. This person cannot be a third party consultant.

~~(22)(21)~~ “Corporation” or “Florida Housing” or “FHFC” means the Florida Housing Finance Corporation created pursuant to the Act.

~~(23)(22)~~ “Cost of Issuance Fee” means the fee charged by Florida Housing to the Applicant for the payment of the costs and expenses associated with the sale of Bonds and the loaning of the proceeds, including a fee for Florida Housing.

~~(24)(23)~~ “Credit Enhancement or Guarantee Instrument” means a letter of credit, third party guarantee, insurance contract or other collateral or security pledged to Florida Housing or its Trustee for a minimum of ten years by a third party Credit Enhancer or financial institution securing, insuring or guaranteeing the repayment of the mortgage loan or Bonds under Florida Housing’s Program. A Credit Enhancement or Guarantee Instrument of less than ten years must be approved by the Board prior to being accepted to secure any Bonds.

~~(25)(24)~~ “Credit Enhancer” means a financial institution, insurer or other third party which provides a Credit Enhancement or Guarantee Instrument acceptable to Florida Housing securing repayment of the Mortgage Loan or Bonds issued pursuant to Florida Housing’s Program.

~~(26)(25)~~ “Credit Underwriter” means the independent contractor ~~entity~~ under contract with Florida Housing having the responsibility for providing credit underwriting services. Such services shall include, for example, a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, and the evidence of need for affordable housing in order to determine that the Development meets the Program requirements. The Credit Underwriter shall determine a recommended Bond amount that should be made to a Development, whether an initial loan or a refunding.

~~(27)(26)~~ “Credit Underwriting” means an in-depth analysis of post-cure period information and all documents submitted in connection with the Application to produce the Credit Underwriting Report.

~~(28)(27)~~ “Credit Underwriting Report” means a report for a particular Development that is produced by the Credit Underwriter designated by Florida Housing and includes a thorough analysis of the proposed Development and a statement as to whether a loan is recommended, and if so, the

amount recommended. The Credit Underwriter or Florida Housing may request such additional information as is necessary to properly analyze the credit risk being presented to Florida Housing and the bondholders. The Applicant shall pay the cost of such ~~C~~redit ~~U~~nderwriting in addition to any other fees payable to Florida Housing in conjunction with the Application and Program financing.

~~(29)(28)~~ “Cross-collateralization” means the pledging of the security of one Development to the obligations of another development.

~~(30)(29)~~ “Developer” means the individual, association, corporation, joint venturer or partnership identified as such in the Application. The Developer, as identified in an Application, may not change until the construction of the Development is complete.

~~(31)(30)~~ “Developer Fee” means the fee earned by the Developer. Such fee shall be limited to 18 percent of Total Development Cost excluding land and, for rehabilitation, building acquisition costs. A Developer Fee on the building acquisition cost shall be limited to 4% of the cost of the building(s) exclusive of land cost. Consulting fees, if any, must be paid out of the Developer Fee. Consulting fees include, but are not limited to, payments for Application consultants, construction management or supervision, or local government consultants. Fees for the Applicant’s and Developer’s attorney(s) which are in excess of an amount equal to the greater of \$40,000 or 0.75% of the total amount of the Bonds must also be paid out of the Developer Fee. Fees of the Applicant’s or Developer’s attorney(s) awarded in conjunction with litigation against Florida Housing with respect to a Development shall also not be included in Total Development Costs. Fees for services provided by architects, accountants, appraisers, engineers or Financial Advisors may be included as part of the Total Development Costs, except that those fees for a Financial Advisor that are in excess of \$18,000 must be paid out of the Developer Fee. In the event of extraordinary circumstances, Applicant may petition the Board for relief from the attorney fee and Financial Advisor caps. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest relationship as defined herein between the Applicant; or Developer and the General Contractor, the allowable fees shall in no case exceed the amount allowed for the Developer Fees pursuant to the HUD subsidy layering regulations. Florida Housing shall not authorize fees to be paid for duplicative services or duplicative overhead.

~~(32)(31)~~ “Development” means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, which is intended for use as multifamily rental

housing, together with such related non-housing facilities as Florida Housing determines to be necessary, convenient, or desirable. A Development shall constitute a "project" within the meaning of the Act.

~~(33)~~~~(32)~~ "Development Cost" means the total of all costs incurred in the completion of a Development excluding Developer Fee, acquisition cost of existing developments, and total land cost as shown in the Development Cost line item on the Development Cost pro forma within the Application.

~~(34)~~~~(33)~~ "Difficult Development Area" means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5) of the Code.

~~(35)~~~~(34)~~ "Disclosure Counsel" means the Special Counsel designated by Florida Housing to be responsible for the drafting and delivery of Florida Housing's disclosure documents such as preliminary official statements, official statements, re-offering memorandums or private placement memorandums and continuing disclosure agreements. The fees of Disclosure Counsel shall be set by contract with Florida Housing and shall be paid from the Cost of Issuance Fee or from the Good Faith Deposit submitted with the Loan Commitment.

~~(36)~~~~(35)~~ "Elderly" means persons 62 years of age or older or qualified persons pursuant to the Federal Fair Housing Act and Section 760.29(4), Florida Statutes.

~~(37)~~~~(36)~~ "Elderly Housing", "Elderly Development", or "Elderly Unit" means housing or a unit being occupied or reserved for qualified persons pursuant to the Federal Fair Housing Act and Section 760.29(4), Florida Statutes, provided that such development meets the requirements for an Elderly Development as set forth in the Universal Application Package.

~~(38)~~~~(37)~~ "Family" or "Family Household" describes a household composed of one or more persons.

~~(39)~~~~(38)~~ "Farmworker" means any laborer who is employed on a seasonal, temporary or permanent basis in the planting, cultivating, harvesting, or processing of agricultural or aquacultural products and who has derived at least 50% of his/her income in the immediately preceding 12 calendar months from such employment. "Farmworker" also includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired from farm work due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker immediately preceding retirement. In order to be considered retired from farm work due to disability or illness, it must be:

(a) Medically established that the person is unable to be employed as a Farmworker due to such disability or illness; and

(b) Established that he or she had previously met the definition of Farmworker.

~~(40)~~~~(39)~~ "Farmworker Development" means a Development:

(a) Of not greater than 160 units, at least (60)% of the total residential units of which are occupied or reserved for Farmworker Households;

(b) For which independent market analysis demonstrates a local need for such housing, and;

(c) For which the Applicant has developed a detailed plan to attract, serve and keep the targeted population.

~~(41)~~~~(40)~~ "Farmworker Household" means a household of one or more persons wherein at least one member of the household is a Farmworker at time of initial occupancy.

~~(42)~~~~(41)~~ "Financial Advisor" means, with respect to an issue of Bonds, a professional who is either under contract to Florida Housing or is engaged by the Applicant who advises on matters pertinent to the issue, such as structure, timing, marketing, fairness of pricing, terms, bond ratings, cash flow, and investment matters.

~~(43)~~~~(42)~~ "Financial Beneficiary" means any Developer and its principals or the principals of the Applicant entity who receives or will receive a financial benefit of:

(a) 3% or more of Total Development Cost (including deferred fees) if Total Development Cost is \$5 million or less; or

(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if Total Development Cost is greater than \$5 million.

The definition does not include third party lenders, third party management agents or companies, housing credit syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are within the limit described in Rule 67-21.002~~(48)~~~~(39)~~, F.A.C.

~~(44)~~~~(43)~~ "Florida Housing" or "FHFC" means the Florida Housing Finance Corporation as created by the Act.

~~(45)~~~~(44)~~ "Florida Keys Area" means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

~~(46)~~~~(45)~~ "Funding Cycle" means the period of time established by the Corporation pursuant to this Rule Chapter and concluding with the issuance of allocations or Loans to Applicants who applied during a given Application Period.

~~(47)~~~~(46)~~ "General Contractor" means an entity duly licensed in the State of Florida which to be eligible for the maximum 14% fee, must meet the following conditions:



(a) The Development superintendent must be employed by the General Contractor and the costs of that employment must be charged to the general requirements line item of the General Contractor's budget;

(b) The Development construction trailer and other overhead must be paid directly by the General Contractor and charged to general requirements;

(c) Building permits must be issued in the name of the General Contractor;

(d) Payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit or other guarantee acceptable to Florida Housing) must be issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.;

(e) None of the General Contractor duties to manage and control the construction of the Development may be subcontracted; and

(f) Not more than 20 percent of the construction cost is sub-contracted to any one entity unless otherwise approved by the Board for a specific Development.

~~(48)~~(47) "General Contractor's Fee" means a fee inclusive of general requirements, profit and overhead. General Contractor's Fees shall be limited to 14 percent of hard costs, excluding any hard cost contingencies. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest as defined herein between the Applicant and the General Contractor, the allowable fees shall in no case exceed the amount allowable pursuant to the HUD subsidy layering review requirements. Additionally, fees shall be allowed to be paid only to the person or entity that actually meets the definitional requirements to be considered a General Contractor. Florida Housing shall not allow fees for duplicative services or duplicative overhead.

~~(49)~~(48) "Geographic Set-Aside" means, with respect to a MMRB Development, the amount of allocation ~~that which~~ has been designated by Florida Housing for Developments located in specific geographical regions within the State of Florida ~~pursuant to the Universal Application Package.~~

~~(50)~~(49) "Good Faith Deposit" means a total deposit equal to one percent of the Loan amount reflected in the Loan Commitment paid by the Applicant to Florida Housing at the times required by this Rule Chapter. If the Good Faith Deposit is exhausted, the Applicant shall be required to pay, within three days of notice, an additional deposit to ensure payment of the expenses associated with the processing of the Application, the sale of the Bonds, including document production and the securitization of the Loan. The Good Faith Deposit shall be remitted by certified check or wire transfer.

~~(51)~~(50) "HC" or "Housing Credit Program" means the Low-Income or Very Low-Income rental housing program administered by Florida Housing in accordance with Section 42 of the Code and Section 420.5099, Florida Statutes, under

which Florida Housing is designated the Housing Credit Agency for the State of Florida within the meaning of Section 42(h)(7)(A) of the Code, and Rule Chapter 67-48, F.A.C.

~~(52)~~(51) "Homeless" or "Homeless Household" means an individual or Family who lacks a fixed, regular, and adequate nighttime residence or an individual or Family who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term does not refer to any individual imprisoned or otherwise detained pursuant to state or federal law.

~~(53)~~(52) "HUD" means the U.S. Department of Housing and Urban Development.

~~(54)~~(53) "HUD Risk Sharing Program" means the program authorized by Section 542(c) of the Housing and Community Development Act of 1992, which is adopted and incorporated herein by reference.

~~(55)~~(54) "Identity of Interest" means, for the purpose of the HUD Risk Sharing Program, any person or entity that has a one percent or more financial interest in the Development and in any entity providing services for a fee to the Development. Unless otherwise excluded, persons or entities that share in the net profits of the Development shall be construed as having an ownership interest to the extent that they share in Development or project revenues. The Identity of Interest definition shall not apply to the tax credit syndicator, limited partner investors, or professionals who are retained pursuant to a negotiated fee arrangement consistent with industry standards and which fee arrangement does not incorporate the payment of fees from Development operating revenues.

~~(56)~~(55) "Income Certification," "Tenant Income Certification" or "Form TIC-1" means the form, ~~as amended from time to time,~~ which is adopted and incorporated herein by reference, and which shall be used to certify the income of all tenants residing in a Set-Aside unit in a Development. A copy of such form is available on FHFC's website at [www.floridahousing.org](http://www.floridahousing.org).

~~(57)~~(56) "Issuer" means the Florida Housing Finance Corporation.

~~(58)~~(57) "Land Use Restriction Agreement," "LURA" or "Regulatory Agreement" means that agreement among Florida Housing, the Bond Trustee and the Applicant which sets forth certain restrictions on the use of the Development to comply with the Code, the Act, the rules and policies of Florida Housing and any requirements of a Credit Enhancer. Such document shall be recorded prior to the Mortgage in the public

records in the county where the Development is located, unless the Board expressly agrees to subordinate the LURA to facilitate the financing.

(59) "Lead Agency" means a Local Government or Non-Profit serving as the point of contact and accountability to the State Office on Homelessness with respect to the Local Homeless Assistance Continuum of Care Plan, in accordance with section 420.624, Florida Statutes.

~~(60)(58)~~ "Loan" means the loan made by Florida Housing to the Applicant from the proceeds of the Bonds issued by Florida Housing.

~~(61)(59)~~ "Loan Agreement" means the Program Documents or Loan Documents wherein Florida Housing and the Applicant agree to the terms and conditions upon which the proceeds of the Bonds shall be loaned, and the terms and conditions for repayment of the Loan.

~~(62)(60)~~ "Loan Commitment" means the Program Documents or Loan Documents executed by Florida Housing and the Applicant after the issuance of a favorable Credit Underwriting Report that defines the conditions under which Florida Housing agrees to lend the proceeds of the Bonds to the Applicant for the purpose of financing all or a portion of a Development and is filed with Florida Housing along with full payment of the Good Faith Deposit before substantive work commences on Program Documents other than the Loan Commitment.

~~(63)(61)~~ "Local Government" means a unit of local general-purpose government as defined in Section 218.31(2), Florida Statutes.

(64) "Local Homeless Assistance Continuum of Care Plan" means a plan for developing and implementing a framework for a comprehensive and seamless array of housing and services to address the needs of homeless persons and persons at risk for homelessness, in accordance with section 420.624, Florida Statutes.

~~(65)(62)~~ "Local Public Fact Finding Hearing" means a public hearing requested by any person residing in the county or municipality in which the proposed Development is located and which is conducted by Florida Housing for the purpose of receiving public comment or input regarding the financing of a proposed Development with Bonds by Florida Housing.

~~(66)(63)~~ "Lower Income Residents" means individuals or families whose annual income does not exceed either 50 percent or 60 percent depending on the minimum Set-Aside elected of the area median income as determined by HUD with adjustments for household size. In no event shall occupants of a Development unit be considered to be Lower Income Residents if all the occupants of a unit are students as defined in Section 151(c)(4) of the Code or if the residents do not comply with the provisions of the Code defining Lower Income Residents. (See Section 142 of the Code.) If Taxable Bonds, other than Taxable Bonds issued simultaneously with Tax-Exempt Bonds, in which case the above referenced

provisions apply, or Bonds that do not require State Bond Allocation are being used to finance the Development, Lower Income ~~Residents~~ ~~Tenants~~ shall be defined as an individual or family with an Annual Household Income not in excess of 80 percent of the state or county median income, whichever median income is higher. In the event Bonds are issued on behalf of a corporation organized under Section 501(c)(3) of the Code, the Set-Aside shall not be less than that required by the 501(c)(3) documents.

~~(67)(64)~~ "Mortgage" means the instrument securing the Loan which creates a first, co-equal or acceptable subordinate lien on the Development, subject to permitted encumbrances.

~~(68)(65)~~ "Mortgage Loan" means the Loan secured by the Mortgage and evidenced by a Note or Mortgage Note.

~~(69)(66)~~ "Note" means an unilateral agreement containing an express and absolute promise to pay to Florida Housing a principal sum of money for the Loan together with interest on a specified date. The Note will provide the interest rate and will be secured by a mortgage.

~~(70)(67)~~ "Principal" means any individual acting in their individual capacity or acting as president, vice president, treasurer or secretary, member of the board of directors or the legal or beneficial owner of 10% or more of any class of stock of a corporation which is a general partner of a limited partnership Applicant or Developer; or the general partner of a limited partnership that is the general partner of a limited partnership Applicant or Developer; or is a partner in a general partnership or joint venture acting alone or as a part of another entity that is an Applicant or Developer. With respect to a limited liability company either acting alone or as a part of another entity that is an Applicant or Developer, each manager and each member is a principal. With respect to a registered limited liability partnership either acting alone or as a member of another entity that is an Applicant or Developer, each partner is a principal. With respect to a trust either acting alone or as a part of another entity that is an Applicant or Developer, any individual or entity owning 10% or more of the beneficial interest in the trust is a principal. A General Contractor, management agent, architect/engineer, attorney that participates on an arms-length fee arrangement are not considered Principals of the Applicant entity.

~~(71)(68)~~ "Private Placement" or "Limited Offerings" means the sale of Florida Housing Bonds directly or through an underwriter or placement agent to 35 or fewer initial purchasers who are not purchasing the Bonds with the intent to offer the Bonds for retail sale and who are Qualified Institutional Buyers.

~~(72)(69)~~ "Program" means Florida Housing's Multifamily Mortgage Revenue Bond (MMRB) Program.

~~(73)(70)~~ "Program Documents or Loan Documents" means the Loan Commitment, Loan Agreement, Note, Mortgage, Credit Enhancement or Guarantee Instrument, Land Use Restriction Agreement, Trust Indenture, Preliminary and

Final Official Statements, Intercreditor Agreement, Assignments, Bond Purchase Agreement, Compliance Monitoring Agreement, Mortgage Servicing Agreement and such other ordinary and customary documents necessary to issue and secure repayment of the Bonds and Mortgage sufficient to protect the interests of the Bond owners and Florida Housing.

~~(74)(71)~~ “Program Report” or “Form PR-1” means the report format which is required to be completed and submitted to Florida Housing pursuant to this Rule Chapter, and is adopted and incorporated herein by reference, effective on the date of the latest amendment to this Rule Chapter. A copy of such form is available on FHFC’s website at [www.floridahousing.org](http://www.floridahousing.org).

~~(75)(72)~~ “Public Policy Criteria and Qualified Resident Programs” means the requirements and guidelines established by Florida Housing and set forth in Rule 67-21.0041, F.A.C., and the Universal Application Package. The programs and requirements shall be incorporated in the Loan Commitment and Program Documents. Such Public Policy Criteria and Qualified Resident Programs have been adopted for the purpose of accomplishing the programmatic goals of the Code, Florida Housing and the Act.

~~(76)(73)~~ “Qualified Institutional Buyer” is sometimes called a “sophisticated investor” and specifically includes the following:

(a) Any of the following entities, acting for its own account or the accounts of other Qualified Institutional Buyers that, in the aggregate, own and invest on a discretionary basis at least \$100 million in securities of issuers that are not affiliated with the entity:

1. Any insurance company as defined in section 2(13) of the Securities Exchange Act, which is adopted and incorporated herein by reference;

2. Any investment company registered under the Investment Company Act or any business development company as defined in section 2(a)(43) of that Act, which is adopted and incorporated herein by reference;

3. Any Small Business Investment Company licensed by the U.S. Small Business Administration under sections 301(c) or (d) of the Small Business Investment Act of 1958, which is adopted and incorporated herein by reference;

4. Any plan established and maintained by a state or state agency or any of its political subdivisions, on behalf of their employees;

5. Any employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, which is adopted and incorporated herein by reference;

6. Trust funds of various types, except for trust funds that include participants’ individual retirement accounts or H.R. 10 plans;

7. Any business development company as defined in section 202(a)(22) of the Investment Advisors Act of 1940, which is adopted and incorporated herein by reference;

8. Any organization described in section 501(c)(3) of the Internal Revenue Code, corporation (except a bank or savings and loan defined in Section 3(a)(2) or 3(a)(5)(A) of the Securities and Exchange Act, which is adopted and incorporated herein by reference, or a foreign bank or savings and loan or similar institution), partnership, Massachusetts or similar business trust, or any investment adviser registered under the Investment Advisors Act, which is adopted and incorporated herein by reference.

(b) Any dealer registered under Section 15 of the Securities Exchange Act, which is adopted and incorporated herein by reference, acting on its own behalf or on the behalf of other Qualified Institutional Buyers who in the aggregate own and invest at least \$10 million of securities of issuers not affiliated with the dealer (not including securities held pending public offering).

(c) Any dealer registered under section 15 of the Securities Exchange Act, which is adopted and incorporated herein by reference, acting in a riskless principal transaction on behalf of a Qualified Institutional Buyer.

(d) Any investment company registered under the Investment Company Act, which is adopted and incorporated herein by reference, that is part of a family of investment companies that together own at least \$100 million in securities of issuers, other than companies with which the investment company or family of investment companies is affiliated.

(e) Any entity, all of whose equity owners are Qualified Institutional Buyers.

(f) Any bank or savings and loan defined in section 3(a)(2) or 3(a)(5)(A) of the Securities Exchange Act, which is adopted and incorporated herein by reference, or foreign bank or savings and loan or similar institution that, in aggregate with the other Qualified Institutional Buyers, owns and invests in at least \$100 million in securities of affiliates that are not affiliated with it and that has an audited net worth of at least \$25 million as demonstrated during the 16 to 18 months prior to the sale.

~~(77)(74)~~ “Qualified Census Tract” means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50% or more of the households at an income which is less than 60% of the area median gross income, or a poverty rate of at least 25 percent, in accordance with Section 42(d)(5)(C), of the Code.

~~(78)(75)~~ “Qualified Lending Institution” means any ~~l~~ending ~~i~~nstitution designated by Florida Housing.

~~(79)(76)~~ “Qualified Project Period” means the period of time, as provided in the Code, that a Development financed with Tax-exempt Bonds must comply with the Lower Income Tenant Set-Aside.

~~(80)~~ “Recap of Tenant Income Certification Information” or “Form AR-1” means a report format which is required to be completed and submitted to the Corporation pursuant to this rule chapter and is adopted and incorporated by reference.

effective on the date of the latest amendment to this rule chapter. A copy of such form is available on FHFC's website at [www.floridahousing.org](http://www.floridahousing.org).

~~(81)(77)~~ "Received" as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, U.S. Postal Service, or other courier service, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

~~(82)(78)~~ "Rehabilitation Development" means a Development, the Rehabilitation Expenditures with respect to which equal or exceed 15% of the portion of the cost of acquiring such Development to be financed with Bond proceeds.

~~(83)(79)~~ "Rehabilitation Expenditures" has the meaning set forth in Section 147(d)(3) of the Code.

~~(84)~~ "Scattered Sites" means two or more parcels in the same county, contiguous to one another, sharing at least one common boundary between them, or within such reasonable proximity to each other as to appear to the public to be under the dominion and control of the Applicant.

~~(85)(80)~~ "Set-Aside" means the occupancy requirements or restrictions for Developments financed by Florida Housing. Such Set-Aside requirements shall be set forth in the Land Use Restriction Agreement and other such Program Documents as are deemed necessary by Florida Housing. The minimum Set-Aside requirements are as follows:

(a) For Taxable Bonds – 20 percent or more of the residential units in the Development shall be occupied or held available for occupancy by a Family whose Annual Household Income does not exceed 80 percent of the State or county median income, whichever median income is higher, provided, however, that if such taxable bonds are being issued in connection with Tax-exempt Bonds, the requirement of (b) below shall govern.

(b) For Tax-exempt Bonds – 20 percent or more of the residential units in the Development shall be occupied or held available for occupancy by a Family whose Annual Household Income does not exceed 50 percent of the State or county median income, whichever is higher, or 40 percent or more of the residential units in the Development shall be occupied by or held available for a Family whose Annual Household Income does not exceed 60 percent of the State or county median income, whichever is higher, or that which is required by the Code at the time of issuance of the Bonds or required by Florida Housing to meet its programmatic purposes.

~~(86)~~ "Single Room Occupancy" or "SRO" means housing consisting of single room dwelling units that is the primary residence of its occupant or occupants. An SRO does not include facilities for students.

~~(87)(81)~~ "Special Counsel" means any attorney or law firms retained by Florida Housing, pursuant to an RFQ a-RFP, to serve as counsel to Florida Housing, including Disclosure Counsel.

~~(88)(82)~~ "State Board of Administration" or "SBA" means the State Board of Administration created by and referred to in s. 9, Article XII of the State Constitution.

~~(89)(83)~~ "State Bond Allocation" means the allocation of the State private activity bond volume limitation pursuant to Chapter 159, Part VI, Florida Statutes, administered by the Division of Bond Finance and allocated to Florida Housing for the issuance of its Tax-exempt Bonds.

~~(90)~~ "State Office on Homelessness" means the office created within the Department and Children and Family Services under section 420.622, Florida Statutes.

~~(91)(84)~~ "Student" means an individual who is considered a full-time student by the educational institution being attended or will be a full-time student at an educational institution with regular facilities and students other than correspondence school, during five months of the certification year.

~~(92)(85)~~ "Taxable Bonds" means those Bonds on which the interest earned is included in gross income of the owner for federal income tax purposes pursuant to the Code.

~~(93)(86)~~ "Tax-exempt Bonds" means those Bonds on which all or part of the interest earned is excluded from gross income of the owner for federal income tax purposes pursuant to the Code.

~~(94)~~ "Tie-Breaker Measurement Point" means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For Scattered Site Developments, the Applicant must select a single point on one Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

~~(95)(87)~~ "TEFRA Hearing" means a public hearing held pursuant to the requirements of the Code and in accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA), section 147(f) of the Code, at which members of the public or interested persons are provided an opportunity to present evidence or written statements or make comments regarding a requested application for Tax-exempt financing of a Development by Florida Housing.

~~(96)(88)~~ "Total Development Cost" means the sum total of all costs incurred in the construction of a Development, all of which shall be subject to the approval by the Credit Underwriter and shall be approved by Florida Housing as reasonable and necessary. Such costs may include, but not be limited to:

(a) The cost of acquiring real property and any building thereon, including payment for options, deposits, or contracts to purchase properties.

(b) The cost of site preparation, demolition, and development.

(c) Any expenses relating to the issuance of Tax-exempt Bonds or Taxable Bonds by Florida Housing related to the particular Development.

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, Financial Advisors and Florida Housing. The fees for attorneys and Financial Advisors are limited pursuant to subsection 67-21.002(43)(25), F.A.C.

(e) The cost of studies, surveys, plans, permits, insurance, interest, financing, ad valorem tax and assessment costs, and other operating and carrying costs during construction, rehabilitation, or reconstruction of the Development.

(f) The cost of the construction, rehabilitation, and equipping of the Development.

(g) The cost of land improvements, such as landscaping and offsite improvements related to the Development, whether such costs are paid in cash, property, or services.

(h) Expenses in connection with initial occupancy of the Development.

(i) Allowances established by Florida Housing for working capital or contingency reserves, and reserves for any anticipated operating deficits during the first two years after completion of construction of the Development.

(j) The cost of other such items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for Bonds, as the Corporation shall determine to be reasonable and necessary for the construction or rehabilitation of the Development.

~~(97)(89)~~ “Universal Application Package” or “UA1016” means the ~~computer disks(s)~~; forms and instructions, obtained from Florida Housing at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to Florida Housing in accordance with this rule chapter in order to apply for the MMRB Program. The Universal Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this ~~r~~Rule ~~c~~Chapter.

Universal Application Instructions.

First paragraph, page 1, has been changed to read as follows:

Applicants are encouraged to review Rule Chapters 67-21 and/or 67-48, F.A.C., and the following Instructions before completing and submitting prior to completion of this Application. Unless otherwise provided in these Instructions and the Application, capitalized terms are as defined in the rule chapters. Program requirements do not necessarily meet all non-FHFC funding or allocation requirements. Applicants are responsible for ensuring that their developments meet all applicable laws and regulations.

General Instructions.

Second paragraph, first bullet, page 1, has been deleted as follows:

- ~~a computer disk containing all completed information in the Application, except the required exhibits, using Florida Housing’s Electronic Application Template;~~

Second paragraph, second bullet, page 1, has been changed to read as follows:

- one printed version of the completed Application, including applicable exhibits and the Applicant Certification and Acknowledgement exhibit with an original signature. The Applicant must label ~~will mark~~ this printed version of the Application as the “Original Hard Copy”;

Third paragraph, page 1, has been changed to read as follows:

The Applicant must ensure that the online Application (if applicable), ~~the Application on computer disk~~, the “Original Hard Copy” and the photocopies of the Application are all identical. Florida Housing will first consider the Application submitted online (if applicable). If for any reason all or part of the information in the online Application is inaccessible, Florida Housing will ~~next consider the Application submitted on computer disk. If for any reason all or part of the information in the Application on computer disk is inaccessible, Florida Housing will then consider~~ the “Original Hard Copy” of the Application. Florida Housing will only consider the exhibits submitted as part of the “Original Hard Copy”. Notwithstanding the foregoing, if the Executive Director of Florida Housing, in his sole discretion, determines that ~~there are technical~~ substantially and adversely impact the actual or perceived efficiency, reliability, or accuracy of the ~~with the online and/or computer disk~~ Application process ~~that affect efficiency or accuracy~~, then he may require Corporation staff to consider only the “Original Hard Copy” of an the Application, of a group of Applications, or of all Applications.

Fourth paragraph, page 1, has been changed to read as follows:

Applications for non-competitive HC in conjunction with tax-exempt bonds: Submit one original Application labeled “Original Hard Copy” and only one photocopy of the “Original Hard Copy”; ~~along with a computer disk~~ containing all completed information in the Application, ~~except the required exhibits~~, using Florida Housing’s Electronic Application Template.

Fifth paragraph, page 2, has been changed to read as follows:

Florida Housing will reject any competitive Application submittal and no action will be taken to score the Application if:

- ~~no computer disk is submitted, and/or;~~
- the “Original Hard Copy” of the Application fails to contain the Applicant Certification and Acknowledgement exhibit with an original signature and the applicable exhibits, and/or;
- less than one “Original Hard Copy” and three photocopies of the completed Application, including applicable exhibits, are submitted.

Eighth paragraph, page 2, has been changed to read as follows:

Do not retype, scan, image, or alter any page in the Application Package. This will cause the Application to be rejected. ~~NOTE:~~ Additional information that is placed on the face of a page that does not obscure the printed words is NOT considered an alteration of the page. However, the additional information cannot change the meaning or intent of the page. Additional information should be presented in an asterisk or footnote format or presented as an explanatory addendum to the page.

Ninth paragraph, page 2, has been changed to read as follows:

Notwithstanding anything in this Application and all instructions in this Application Package to the contrary and except for those items listed in Rule Chapters 67-21.003 and/or 67-48.004, F.A.C., Applicants shall be provided with an opportunity to submit additional documentation and revised pages, as well as other information in accordance with the applicable said rules.

Specific Instructions.

Part II., Applicant and Development Team.

Section A.1., 1st paragraph, page 3, has been changed to read as follows:

1. Select the Program(s) applied for in this Application.

In accordance with Rule Chapters 67-21 and 67-48, F.A.C., only one Application may be submitted for each subject property.

The Application may be submitted for only ONE of the following:

- ~~Florida Housing-issued MMRB~~
- ~~Florida Housing-issued MMRB and SAIL~~
- Florida Housing-issued MMRB and non-competitive HC
- Florida Housing-issued MMRB, SAIL and non-competitive HC
- SAIL for Developments using Local Government-issued Tax-Exempt Bonds as a funding source
- SAIL and Competitive HC only if applying in the SAIL special set-asides (Farmworker/Commercial Fishing Worker, Elderly, or Homeless), ~~or~~ in the Florida Keys Area, or if in a county with an area median income (AMI) of \$40,000 or less \*
- Competitive HC only
- SAIL only
- non-competitive HC with Local Government-issued tax-exempt bonds
- ~~Qualified 501(c)(3) Bonds~~
- \* FHFC deems that only the following counties have an AMI of \$40,000 or less: Calhoun, Citrus, DeSoto, Dixie, Franklin, Gilchrist, Glades, Gulf, Hamilton, Hendry, Highlands, Holmes, Jackson, Lafayette, Levy, Madison, Marion, Okeechobee, Putnam, Suwannee, Taylor, and Washington.

Section A.1., second paragraph, page 3, has been changed to read as follows:

SAIL Applicants that have Local Government-issued Tax-Exempt Bonds as a funding source and wish to obtain non-competitive HC must submit a separate Application for the non-competitive HC. The separate Application must be submitted in accordance with the Qualified Allocation Plan and is not subject to the Application Deadline, but is subject to the Application requirements of paragraph 67-48.027(2)(m), F.A.C.

Section A.1., paragraph 3, page 3, has been changed to read as follows:

~~SAIL Applicants wishing to apply for 501(c)(3) Bonds must submit a separate Application for the 501(c)(3) Bonds. Applicants that have closed on their bonds are not eligible to apply for SAIL funding.~~

Applicants may not submit a SAIL Application if the Development which would be the subject of the SAIL Application has received a final allocation of Competitive or non-competitive HC.

Section A.2., pages 3 and 4, has been changed to read as follows:

Enter requested information for Applicant ~~Entity~~. ~~The Address must be in accordance with the definition of Address in the applicable Rule.~~

If the Federal Employer Identification Number has not yet been obtained, provide a copy of the completed, submitted application for that number behind a tab labeled "Exhibit 2".

a. Applicant ~~Entity~~ must be a legally formed entity [i.e., limited partnership, corporation, limited liability company, etc.] qualified to do business in the state of Florida as of the Application Deadline. Except for public housing authorities, Applicant must include behind a tab labeled "Exhibit 3" a copy of the valid Certificate of Good Standing from the Florida Secretary of State and a copy of the documentation that created the Applicant ~~Entity~~ (such as the partnership or joint venture agreement, ~~;~~ or Certificate of Limited Partnership and the Affidavit of Initial Capital Contribution). If a general partnership or joint venture, provide together with a sworn statement under penalty of perjury that the agreement is a true and correct copy of the documentation that created the Applicant.

b. If applying for HC, the Applicant ~~entity~~ must be a limited partnership (including a limited liability limited partnership) or a limited liability company. It shall be the borrowing entity and/or the recipient of the Housing Credits and cannot be changed until after a Final Housing Credit Allocation of credits has been issued. Replacement of the Applicant ~~entity~~ or a material change (33.3% or more) in the ownership structure of the named Applicant ~~entity~~ prior to this time shall result in disqualification from receiving funding and

shall be deemed a material misrepresentation. Changes to the limited partner ~~entity~~ of a limited partnership will not result in disqualification.

c. If the Applicant applies as a Non-Profit entity, it must remain a Non-Profit entity. The Non-Profit entity understands and acknowledges that it is the Non-Profit entity's responsibility to contractually ensure ~~insure~~ that it substantially and materially participates in the management and operation of the Development throughout the Compliance Period and the Extended Use Period. If the Applicant is applying as a Non-Profit entity, failure to include the attorney opinion letter behind a tab labeled "Exhibit 4" and the IRS determination letter behind a tab labeled "Exhibit 5" will result in disqualification as a Non-Profit and rejection of the Application.

If the Applicant applies as a Non-Profit entity applicable, provide the description/explanation of the role of the Non-Profit entity behind a tab labeled "Exhibit 6". Provide the names and addresses of the governing board of the Non-Profit entity behind a tab labeled "Exhibit 7". Provide the articles of incorporation demonstrating that If one of the purposes of the Non-Profit entity is to foster low income housing, ~~provide the articles of incorporation~~ behind a tab labeled "Exhibit 8".

Section A.3., page 5, has been changed to read as follows:

3. Provide the required information ~~a list of all general and limited partners, officers, directors and shareholders for the Applicant and each Developer as of the Application Deadline~~ behind a the tab labeled "Exhibit 9". ~~This list must include warrant holders and/or option holders of the proposed Development.~~

Section A.4., page 5, has been changed to read as follows:

4. Enter requested information for Contact Person. See definition of "Contact Person" in the applicable Rule.

Section B, first paragraph, page 5, has been changed to read as follows:

The past performance record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, e.g. i.e., failure to place-in-service a development or project which received a housing credit allocation; failure to comply with previously executed loan documents; failure to comply with Program Rules; failure to comply with Section 42; and/or failure to comply with a the Land Use Restriction Agreement or an the Extended Use Agreement, will be verified during credit underwriting. Development teams with an unsatisfactory past performance record may will receive a negative recommendation from the Credit Underwriter. The past experience record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, will be carefully reviewed.

Section B.1., page 5, has been changed to read as follows:

1. Developer or principal(s) of Developer (Threshold)

a. Provide name of Developer

~~b.a.~~ Certification – Provide the completed Developer or Principal(s) of Developer Certification Form behind a tab labeled "Exhibit 10". A separate certification should be provided for each Co-Developer.

~~c.b.~~ Prior Experience Chart – The Developer or principal(s) of Developer must demonstrate experience in the completion of at least two affordable housing developments of similar magnitude by providing a prior experience chart behind a tab labeled "Exhibit 10". The chart must include that includes the following information:

Section B.2.b., page 5, has been changed to read as follows:

Prior Experience Chart – The Management Agent or principal(s) of Management Agent must demonstrate experience in the management of at least two affordable housing properties of similar magnitude for at least two years ~~of similar magnitude~~ by providing a prior experience chart behind a tab labeled "Exhibit 11". The chart must include that includes the following information:

Section B.3.b., page 6, has been changed to read as follows:

Prior Experience Chart – The General Contractor or principal(s) of General Contractor must demonstrate experience in the construction of at least two completed housing developments of similar magnitude, development category, and design type as the proposed Development by providing a prior experience chart behind a tab labeled "Exhibit 12". The chart must include that includes the following information:

Section B.7., last paragraph, page 7, has been changed to read as follows:

~~Upon notification by the Credit Underwriter, Applicant must immediately provide financial statements for each guarantor for each of the past three years. The financial statements must be prepared and certified as accurately representing the guarantors' financial condition. If audited statements are unavailable for each proposed guarantor, unaudited financial statements and federal tax returns for the past three years must be provided. These will be reviewed by the Credit Underwriter for several purposes, including determination of sufficient financial liquidity. If it is determined in credit underwriting that the proposed guarantors do not demonstrate sufficient financial liquidity, the Credit Underwriter may require additional guarantors or other additional security.~~

Part III., Development.

Section A.1., page 7, has been changed to read as follows: Provide the actual trade or marketing name, and, if applicable, ~~the d/b/a~~ a name of for the Development.

Section A.2.a., page 7, has been changed to read as follows: Provide the State Address as defined in the applicable rule.

Item A.2.b., second paragraph, page 7, has been changed to read as follows:

Geographic distribution by targeted areas (Applicants SAIL Developments applying for SAIL with or without other FHFC funding Only – ~~Maximum~~ 2 points). The following counties have a demonstrated need for affordable housing, but no development in these counties has ever received SAIL funds: Bay, Citrus, Leon, Nassau, Okaloosa, Okeechobee, St. Lucie and Santa Rosa. If the proposed Development is located in one of these counties, the ~~SAIL~~ Application will be awarded 2 points. The Development can be located anywhere in the county, not just in the unincorporated area.

Section A.2.d.(1)(a), page 7, has been changed to read as follows:

In order to be classified as a Development located in a Difficult Development Area (DDA), the proposed Development must be located in one of the areas found on the DDA list compiled by the United States Department of Housing and Urban Development. The current listing is available on Florida Housing's website: [www.floridahousing.org](http://www.floridahousing.org). ~~No other areas will be considered DDAs for purposes of this Application.~~

Section A.2.d.(1)(b), last sentence, page 8, has been changed to read as follows:

If applicable, provide a copy of ~~a~~ the letter from the local planning officer or census bureau verifying the Development's location in the referenced QCT behind a tab labeled "Exhibit 18".

Section A.3., last sentence, page 8, has been changed to read as follows:

However, the acquisition costs and sources must still be reflected on the Development Cost pro forma.

Section A.6., page 8, has been changed to read as follows:

State the total number of units in the proposed Development. Note:

FHFC-issued MMRB Developments may not exceed ~~are limited to~~ 400 total units.

Section A.7., first sentence, page 8, has been changed to read as follows:

Provide a short narrative description of the Development which summarizes the scope of work to be performed and which further conveys any unique or unusual characteristics of the Development not provided elsewhere in the Application.

Section A.8., page 8, has been changed as follows:

Complete the chart. All units in the Development must be listed, including all manager/employee units. Number of baths per unit must indicate 1/2 baths, if applicable. ~~Floor space means the interior space that is heated and cooled.~~ Use additional sheets if necessary.

Section A.9., first sentence, page 9, has been changed to read as follows:

Indicate whether the proposed Development has been underwritten previously by any Credit Underwriter ~~acting~~ on behalf of Florida Housing Finance Corporation.

Section A.10., first sentence of the first paragraph, page 9, has been changed to read as follows:

Indicate the sStatus of the new construction or Rehabilitation/Substantial Rehabilitation work.

Section A.11., page 9, has been deleted in its entirety and a new Section A.11. has been added to read as follows:

To be eligible for tie-breaker points, the Applicant must indicate the proximity of the proposed Development to:

- Services; and
- Development Address or location coordinates identified on the FHFC Development Proximity List serving the same demographic group as the proposed Development.

To determine proximity, the Applicant must first identify a Tie-Breaker Measurement Point on the proposed Development site and provide the latitude and longitude coordinates determined in degrees and minutes truncated after three decimals. If the minutes are not stated to three decimals, Florida Housing will utilize "0" for any missing decimals. The Surveyor Certification Form and a land survey map (no larger than 11" x 17") must be provided behind a tab labeled "Exhibit 21". The map must clearly show the boundaries of the proposed Development site, the location of the latitude/longitude coordinates for the Tie-Breaker Measurement Point on the proposed Development site, and the scale of the map.

a. Proximity to services (Maximum 3.75 tie-breaker points): Utilizing Street Atlas USA, version 9.0, published by DeLorme, measure the distance from the Tie-Breaker Measurement Point to the following service(s). If an Address for the service(s) is not included on Street Atlas USA, Version 9.0, the latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled "Exhibit 21". The latitude and longitude coordinates must be located at the main entrance used by the general public.

If an Applicant concludes upon entering an Address for a service (Grocery Store, Public School or Medical Facility) into the Street Atlas USA, Version 9, software that the software fails to identify a location that is on a service site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the service in question; (2) that the Street Atlas USA, Version 9, software fails to identify a location that is on the service site upon entering the service's Address; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three



decimal places) for the respective service. The surveyor's certification must be signed and dated by the surveyor under oath.

To be considered for tie-breaker points in this Application, the grocery store, public school or medical facility, and public bus stop or metro-rail stop must be in existence and available for use by the general public as of the Application Deadline.

(1) Name and Address as assigned by the United States Postal Service of the closest:

(a) Grocery Store – For purposes of tie-breaker points, a grocery store means a self-service retail market that sells food and household goods and has at least 4,500 square feet of air conditioned space.

(b) Public School – For purposes of tie-breaker points, a public school means a public elementary, middle, junior and/or high school, including a charter school, except that a charter school that is not generally available to appropriately aged children in the radius area may not be counted. This service may not be selected if the Applicant selected Elderly in the Demographic or Area Commitment section of this Application.

(c) Medical Facility – For purposes of tie-breaker points, a medical facility means a hospital, state or county health clinic or walk-in clinic (that does not require a prior appointment) that provides general medical treatment or general surgical services on a daily basis to any physically sick or injured person. This service can be selected only if the Applicant selected Elderly in the Demographic or Area Commitment section of this Application.

Applicant must provide both the name and Address as assigned by the United States Postal Service for the selected service(s).

(2) Location of the closest public bus stop or metro-rail stop. The latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled "Exhibit 21".

b. Proximity to the closest Development Address or location coordinates identified on the FHFC Development Proximity List (Maximum 3.75 tie breaker points):

The FHFC Development Proximity List is incorporated by reference and is available on FHFC's website [www.floridahousing.org](http://www.floridahousing.org).

Utilizing the location coordinates, if stated on the FHFC Development Proximity List, or if the location coordinates are not stated, using the Address on the FHFC Development Proximity List, determine the closest Development Address or location coordinates that will serve the same demographic group as the proposed Development, i.e., "Elderly", "Farmworker/Commercial Fishing Worker", "Homeless", or "Other", regardless of the funding source, as identified on the FHFC Development Proximity List. For purposes of this section, the demographic group of a proposed Development is "Other" if the Applicant did not select Elderly,

Farmworker/Commercial Fishing Worker, or Homeless in the Demographic Group or Area Commitment section of this Application.

The Applicant must state the name of the closest Development included on the FHFC Development Proximity List that serves the same demographic group as the proposed Development. If the closest Development serving the same demographic group consists of several Addresses or location coordinates, the Address or location coordinates closest to the proposed Development site must be stated. Applicants are only permitted to utilize the Address or location coordinates set forth on the FHFC Development Proximity List unless evidence is provided of an inaccuracy.

In determining the distance between a proposed Development's Tie Breaker Measurement Point and a Development listed on the FHFC Development Proximity List, it is the Applicant's responsibility to verify for the Development listed on the FHFC Development Proximity List, as applicable, that the FHFC provided location coordinates are on the Development site or that the Street Atlas USA, Version 9, software correctly identifies a location on the Development site when the Development's location coordinates or Address is entered.

If, for a Development on the FHFC Development Proximity List, an Applicant concludes that the FHFC provided location coordinates for a Development are not on the Development site, or upon entering the Development's Address or location coordinates into Street Atlas USA, Version 9, that the software fails to identify a location that is on the Development site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the Development in question; (2) that the FHFC provided location coordinates for the Development are not on the Development site or that the Street Atlas USA, Version 9, software fails to identify a location that is on the Development site upon entering either the Development's Address or location coordinates; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three decimal places) for the respective site. The surveyor's certification must be signed and dated by the surveyor under oath.

An Applicant may disregard any Development on the FHFC Development Proximity List that is contiguous to the proposed Development if the two Developments have the same Financial Beneficiaries.

Florida Housing may verify the above information utilizing "Street Atlas USA Version 9.0" or other relevant information available to Florida Housing for such verification. Tie-breaker points will be added together to determine the total

proximity tie-breaker points. If necessary, the total proximity tie-breaker points will be used as a tie breaker, as described in the Ranking and Selection Criteria Section of these Instructions.

The following examples are provided to demonstrate the procedure Florida Housing may use to verify the distance from a proposed Development's Tie-Breaker Measurement Point to a service.

Example 1: An Applicant has indicated that a grocery store is within one mile of the proposed Development's Tie-Breaker Measurement Point and was awarded 1.25 tie-breaker points during preliminary scoring. The Applicant provided the Surveyor Certification Form stating the location coordinates for the grocery store. Florida Housing received a Notice of Possible Scoring Error (NOPSE) that alleged that the grocery store is actually 1.05 miles from the proposed Development's Tie-Breaker Measurement Point. The NOPSE does not challenge the location coordinates for the proposed Development's Tie-Breaker Measurement Point or for the grocery store.

Florida Housing will use the Street Atlas USA, Version 9, in making its determination of whether the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point. The following steps will be used:

(1) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the proposed Development's Tie-Breaker Measurement Point will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(2) The location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(3) The "F10" key will be pressed to display the Drawing Palette features of the software. Using the features, a circle with a radius of one mile will be drawn that has the proposed Development's Tie-Breaker Measurement Point as its center. The "Circle Properties" will be set so the line is drawn at medium width.

(4) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the grocery store will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(5) The grocery store's location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(6) If the grocery store's depicted location is clearly within the drawn circle, Florida Housing will conclude the grocery store is within one mile or less the proposed Development's Tie-Breaker Measurement Point and no adjustment to the Application's tie-breaker score will be made for this issue. If

the grocery store's depicted location appears to be on the line of the circle, using the cursor and the mouse, the grocery store's depicted location will be centered on the screen and using the zooming features of the software, the grocery store's depicted location will be zoomed in as far as possible. In the event the grocery store's depicted location on the computer screen appears to the human eye to be on the drawn line of the circle, it will be concluded that the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point and no adjustment will be made to the Application's tie-breaker score for this issue. If the grocery store's depicted location is outside the drawn line of the circle but within 2 miles of the proposed Development's Tie-Breaker Measurement Point, the Application's tie-breaker score will be reduced from 1.25 tie-breaker points to 1 tie-breaker point. Applicants are cautioned that a depicted location may appear to be on the line of a circle when the map is not zoomed all the way in, but when the map is zoomed all the way in, the depicted location is outside the line of the circle.

Example 2: This example is the same as the one above except the Applicant provided an Address for the grocery store.

Using the Street Atlas USA, Version 9, Florida Housing will make a determination of whether or not the grocery store is within one mile of the proposed Development's Tie-Breaker Measurement Point using the following steps:

(1) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the proposed Development's Tie-Breaker Measurement Point will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(2) The location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(3) The "F10" key will be pressed to display the Drawing Palette features of the software. Using the features, a circle with a radius of one mile will be drawn that has the proposed Development's Tie-Breaker Measurement Point as its center. The "Circle Properties" will be set so the line is drawn at medium width.

(4) Using "Locate by Address" under "Find" on the menu bar with the options set to "very small" and "circle", the grocery store's Address will be entered and the "Search" icon depressed using the left button of the computer mouse.

(5) The software will then display the grocery store's Address as a small black dot on a map on the computer screen.

(6) If the black dot which depicts the grocery store's Address is clearly within the drawn circle, Florida Housing will conclude the grocery store is within one mile or less the proposed Development's Tie Breaker Measurement Point and no adjustment to the Application's tie-breaker score will be made for this issue. If the black dot depicting the grocery store's Address appears to be touching the line of the circle,

using the cursor and the mouse, the black dot depicting the grocery store's Address will be centered on the screen and using the zooming features of the software, the black dot depicting the grocery store's Address will be zoomed in as far as possible. In the event, the black dot depicting the grocery store's Address on the computer screen appears to the human eye to be touching the drawn line of the circle, it will be concluded that the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point and no adjustment will be made to the Application's tie-breaker score for this issue. If the black dot depicting the grocery store's Address is outside the drawn line of the circle and is not touching the line of the circle but is within two miles of the proposed Development's Tie-Breaker Measurement Point, the Application's tie-breaker score will be reduced from 1.25 tie-breaker points to 1 tie-breaker point. Applicants are cautioned that a black dot depicting a location may appear to be touching the line of a circle when the map is not zoomed all the way in, but when the map is zoomed all the way in, the black dot is outside the line of the circle and is not touching the line of the circle.

The above examples do not limit Florida Housing from using other means of verification and determination.

Section B., first paragraph, page 11, has been changed to read as follows:

All required features and amenities, as well as all optional features and amenities selected by the Applicant, will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section B.1., second paragraph, page 11, has been changed to read as follows:

Indicate whether Applicant commits to provide all required features and amenities for the proposed Development. Applicant must select "yes" to be considered for participation in any ~~P~~program.

Section B.2., first and second paragraphs, page 12, have been changed to read as follows:

All items selected must be located on the Development property. Selecting these items commits the Applicant to provide them, unless the Board approves a change. Points will be awarded as indicated for each item up to the maximum allowed for each particular section, as indicated below.

The point value for each feature and amenity selected by the Applicant in the Optional Features and Amenities section of the Application at Part II, Section B.2.a., b., c. and/or d. will be doubled if the proposed Development:

Section B.2., a new third paragraph, has been included which reads as follows:

Rehabilitation/Substantial Rehabilitation Developments will automatically receive 2 points for Energy Conservation Features and may achieve a maximum of 9 points by selecting items totaling at least 7 points.

Section C.2.a., page 12, has been changed to read as follows:

A qualified contract is one that has a term which does not expire before the last expected closing date of December 31, 2002 or that contains extensions options exercisable by the purchaser and conditioned solely upon payment of additional monies which, if exercised, would extend the term to a date not earlier than December 31, 2002; provides that the buyer's remedy for default on the part of the seller includes or is specific performance; and the buyer MUST be the Applicant unless a fully executed assignment of the qualified contract which assigns all of the buyer's rights, title and interests in the qualified contract to the Applicant, is provided.

Section C.3., third paragraph, page 13, has been changed to read as follows:

Evidence of availability of electricity must be provided behind a tab labeled "Exhibit 24". Evidence of availability of water must be provided behind a tab labeled "Exhibit 25". Evidence of availability of sewer, package treatment or septic tank must be provided behind a tab labeled "Exhibit 26". Evidence of availability of roads must be provided behind a tab labeled "Exhibit 27".

Section C.4., first sentence, page 13, has been changed to read as follows:

To demonstrate that the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming, the Applicant must provide the appropriate verification form behind a tab labeled "Exhibit 28".

Section C.5., last paragraph, page 14, has been changed to read as follows:

Note: If the Phase I ESA and/or the Phase II ESA disclosed environmental problems requiring remediation, a plan, including time frame and cost, for the remediation is required. By answering the applicable questions and executing the Phase I and/or Phase II verification(s), the environmental provider is certifying that such plan has been prepared. In addition, by executing the Applicant Certification and Acknowledgement Form ~~at Part V of this Application~~, the Applicant certifies that the plan has been prepared and the costs associated with such remediation have been included in the Development Ceost pro forma submitted in this Application.

Section D, Targeting, page 14, has been changed to read as follows:

Demographic or Area Commitment Targeting (Maximum 7 Points):

~~In accordance with the SAIL and MMRB NOFAs and the HC NOCA, allocation of funds will be prioritized based on specific targeting goals.~~

Selection of the Elderly, Farmworker/Commercial Fishing Worker, or Homeless targeting commitment will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

Applicants may select only one of the following: targeting category from Items 1 through 9 below.

Section D.1., first paragraph, page 15, has been changed to read as follows:

Florida Keys Area (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 7 Points

Section D.2., page 15, has been changed to read as follows:

Rural Development (Only HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

Applicant may make this selection ~~select this option~~ if it is anticipated that the Development will be assisted with funds from the United States U.S. Department of Agriculture RD 515 or 514/516 Program. Applicant must check the applicable box. By making this selection ~~selecting this option~~, the Applicant chooses to compete within the Rural Development Special Sset-Aaside. Applicants within this Special Sset-Aaside must provide evidence of RD financing by October 1, 2002 or the reserved funds will be distributed outside the RD Special Sset-Aaside in accordance with the QAP. Applicants without an RD funding commitment at the time of Application Deadline must submit alternative financing commitment(s) to qualify ~~for the set-aside~~ during scoring. Such commitment(s) may be replaced during credit underwriting.

Section D.3., first three paragraphs, page 15, have been changed to read as follows:

Elderly (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

~~SAIL Applicants making this selection will compete in the SAIL are eligible to receive points for selecting Elderly Targeting only if the Elderly Special Categorical Set-Aside for the Elderly Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Elderly ~~for purposes of this targeting category~~, the Development must meet all of the following restrictions:

Section D.3.a. through c., page 15, have been changed to read as follows:

a. Applicant understands, acknowledges and agrees that ~~by applying under this targeting category~~, it will comply with the Federal Fair Housing Act requirements and rent at least 80% of the total units to residents that qualify as Elderly pursuant to that Act. Further, Applicant understands, acknowledges and

agrees that all such units are subject to the income restrictions committed to in the Set-Aside Commitment section Part II, Section E of this Application;

b. The Development cannot consist of more than 160 total units, unless the proposed Development is a rehabilitation of an existing elderly housing facility;

c. At least 50% of the total units must be comprised of one bedroom and no more than 15% of the total units can be larger than 2 bedroom;

Section D.3.e., page 16, has been changed to read as follows:

A minimum of one elevator per residential building must be provided for all ~~nNew~~ cConstruction Developments that consist of more than one story if any of the Elderly set-aside units will be located on a floor higher than the first floor.

Section D.3.f., first paragraph, page 16, has been changed to read as follows:

The Applicant must provide the following features in the specified percentages of all units in ~~nNew~~ cConstruction (NC) and Rehabilitation/Substantial Rehabilitation (SR) Developments. Features required in less than 100% of the units must be provided in the same units so that the designated number/ percentage of units is fully useable by handicapped or frail Elderly ~~hHouseholds~~.

Section D.4., first three paragraphs and Item a., page 17, have been changed to read as follows:

Farmworker or Commercial Fishing Worker (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

~~SAIL Applicants making this selection will compete in the SAIL are eligible to receive points for selecting Farmworker or Commercial Fishing Worker Targeting only if the Farmworker or Commercial Fishing Worker Special Categorical Set-Aside for Farmworker or Commercial Fishing Worker Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Farmworker or Commercial Fishing Worker ~~for purposes of this targeting category~~, the Development must meet all of the following requirements:

a. Development cannot have more than 160 total units and Applicant must commit to target not less than 40% of the total units for Farmworker or Commercial Fishing Worker Households.

Section D.5., first three paragraphs and Items a. through c., page 17, have been changed to read as follows:

Homeless (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

~~SAIL Applicants making this selection will compete in the SAIL are eligible to receive points for selecting Homeless Targeting only if the Homeless Special Categorical Set-Aside for the Homeless Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Homeless ~~for purposes of this targeting category~~, the Development must meet the following requirements:

a. SRO Developments must commit to rent not less than target 80% of the total units ~~to for~~ Homeless Households and must have selected the SRO Construction Features and Amenities in ~~Part II, Section B.2.d.~~, of this Application; or

b. Non-SRO Developments must commit to rent not less than target 80% of the total units for Homeless Households; and

c. ~~All~~ Applicants ~~selecting Homeless Targeting~~ must provide the properly completed and executed Verification of Inclusion in Local Homeless Assistance Continuum of Care Plan by Lead Agency Form behind a tab labeled "Exhibit 31".

~~In addition, If~~ no Local Homeless Assistance Continuum of Care Plan exists for the Catchment Area in which the proposed Development is located, a needs analysis demonstrating the local need for such housing must be provided behind a tab labeled "Exhibit 31".

Section D.6., page 18, has been changed to read as follows:

Urban In-Fill Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as an Urban In-Fill Development ~~for purposes of this targeting category~~, the Applicant must provide a properly completed and executed Local Government Verification of Qualification as Urban In-Fill Development Form behind a tab labeled "Exhibit 31".

Section D.7., page 18, has been changed to read as follows:

Large Family Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

To be eligible to receive points ~~for purposes of this targeting category~~, the Applicant commits to accommodate large families within the set aside units by providing 30% or more of the set-aside units with three or more bedrooms.

Section D.8., page 18, has been changed to read as follows:

HOPE VI Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as a HOPE VI Development ~~for purposes of this targeting category~~, the Applicant must provide a copy of the properly executed award letter from HUD, awarding the HOPE VI revitalization funds. The letter must state the amount of the HOPE VI revitalization award and the name of the Development, and must be provided behind a tab labeled "Exhibit 31".

Section D.9., page 18, has been changed to read as follows:

Front Porch Florida Community (MMRB Applicants may not make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as located in a Front Porch Florida Community ~~for purposes of this targeting category~~, the Applicant must provide a properly completed and executed Verification of Front Porch Florida Funding Commitment Form behind a tab labeled "Exhibit 31".

Note: The telephone number for the Office of Urban Opportunity Front Porch Florida is (850)487-9556.

Section E., first and second paragraphs, page 19, have been changed to read as follows:

All set-aside commitments ~~made on this form~~ will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement, and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

If there is an inconsistency between the information submitted as minimum set-aside section and the information stated in the total set-aside commitment section of this Application, the percentage(s) stated as the total set-aside commitment section ~~to set aside units beyond the minimum~~ will be considered the Applicant's set-aside commitment.

Section E.1., page 19, has been deleted in its entirety.

Section E.2., has been renumbered as Section E.1. and the second paragraph has been changed to read as follows:

HC Applicants Note: Choosing the 20% at 50% AMI or less minimum set-aside will restrict ALL set-aside units at 50% or less of the AMI pursuant to IRS regulations. Applicants may choose the 40% at 60% AMI or less minimum set-aside without committing to setting aside any of the units at the 60% AMI level. For example, an Applicant may commit to setting aside 40% at 50% AMI and this would also be considered 40% at 60% AMI or less.

Section E.1., third paragraph, second bullet, page 20, has been changed to read as follows:

For purposes of meeting threshold requirements of this Application only, "scheduled" shall mean:

The Application is one Applicant has submitted Application for both SAIL and HC; or

The Applicant includes evidence within its Application that the Development has a firm commitment, as determined by Florida Housing after scoring the Financing portion of this Application, for 50% or more of its financing from tax-exempt private activity bonds.

Section E.3., has been renumbered as Section E.2. and the first, second and third paragraphs, page 21, have been changed to read as follows:

Commitment to Serve Lower Area Median Income (~~Maximum~~ 5 Points)

Percentage chosen must be the same for all programs applied for in this Application. Where reasonably reasonable possible, Applicants should keep the unit mix consistent to each AMI level committed to.

Points will be awarded for a commitment to set-aside units beyond the minimum set-aside, with the following exceptions:

- Applications for developments that will be funded with Local Government issued tax-exempt bonds that are only requesting non-competitive HC will automatically receive 5 points; and
- Applications for Developments located in Locations B, C or D which are requesting FHFC-issued MMRB without SAIL and with/without non-competitive HC will automatically receive 5 points.

Section E.2., Location A, page 21, has been changed to read as follows:

First bullet under “Threshold requirement:”:

-Applicants requesting Competitive HC ~~out of the allocation authority (competitive credits)~~ must commit to set-aside 100% of the Development’s units at 50% AMI or less.

First and second paragraphs under “To earn 5 points:”, page 22, have been changed to read as follows:

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside: all units, no units above 50% AMI, no more than 88% of the Development’s units at 50% AMI and no less than 12% of the units at 40% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside: all units, no units above 50% AMI, no more than 88% of the Development’s units at 50% AMI and no less than 12% of the units at 40% AMI or less.

-Applicants requesting only MMRB or only SAIL must at a minimum commit to set-aside the threshold requirement of 50% of the Development’s units at 50% AMI or less.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside 60% of the Development’s units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 85% of a Development’s units at 50% AMI or less and 15% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement. The same Applicant would not earn five points if it committed to do 90% of the Development’s units at 50% AMI or less and 10% of the units at 30% AMI.

Section E.2., Location A Summary chart, page 22, has been changed to read as follows:

Location A Summary

Program(s) applying for	Location A				
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less		% of units @ 50% AMI or less
<u>Competitive HC ONLY</u> (out of the allocation authority)	na	na	5	and	95
<u>Competitive HC</u> (out of the allocation authority) with SAIL	na	na	12	and	88
<u>SAIL ONLY</u> without <u>Competitive HC</u> , FHFC bonds or local bonds	na	na	na		50
FHFC bonds with or without <u>non-competitive HC 4% credits ONLY</u>	na	na	na		50
FHFC or local bonds with SAIL	na	na	na		60
<u>non-competitive HC ONLY</u>	na	na	na		na

Section E.2., Location B, first and second paragraphs under “To earn 5 points:”, page 23, have been changed to read as follows:

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside either: 15% of the Development’s units at 30% AMI or less, 20% of the Development’s units at 35% AMI or less, 27% of the Development’s units at 40% AMI or less, or 56% of the Development’s units at 50% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside either: 19% of the Development’s units at 30% AMI or less, 25% of the Development’s units at 35% AMI or less, 34% of the Development’s units at 40% AMI or less, or 72% of the Development’s units at 50% AMI or less.

-Applicants requesting only ~~MMRB or only~~ SAIL must at a minimum commit to set-aside either: 8% of the Development’s units at 30% AMI or less, 10% of the Development’s units at 35% AMI or less, 14% of the Development’s units at 40% AMI or less, or 30% of the Development’s units at 50% AMI or less.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside either: 4% ~~11%~~ of the Development’s units at 30% AMI or less, 6% ~~14%~~ of the

Development's units at 35% AMI or less, ~~9%~~ 19% of the Development's units at 40% AMI or less, or ~~20%~~ 40% of the Development's units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development's units at 30% AMI or less and 20% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 25% of the units at 35% AMI or less.

Section E.2., Location B Summary chart, page 23, has been changed to read as follows:

Location B Summary

Program(s) applying for	Location B			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
<u>Competitive HC ONLY</u> ( <del>out of allocation authority</del> )	15	20	27	56
<u>Competitive HC</u> ( <del>out of the allocation authority</del> ) with SAIL	19	25	34	72
SAIL ONLY without <u>Competitive HC</u> , FHFC bonds or local bonds	8	10	14	30
FHFC bonds with or without <u>non-competitive HC 4% credits ONLY</u>	<del>na</del> <u>8</u>	<del>na</del> <u>10</u>	<del>na</del> <u>14</u>	<del>na</del> <u>30</u>
FHFC or local bonds with SAIL	<del>4</del> <u>14</u>	<del>6</del> <u>14</u>	<del>9</del> <u>19</u>	<del>20</del> <u>40</u>
<u>non-competitive HC ONLY</u>	<del>na</del>	<del>na</del>	<del>na</del>	<del>na</del>

Section E.2., Location C, first and second paragraphs under "To earn 5 points:", page 24, have been changed to read as follows:

-Applicants requesting Competitive HC ~~housing credits out of the allocation authority~~ must at a minimum commit to set-aside either: 7% of the Development's units at 30% AMI or less, 9% of the Development's units at 35% AMI or less, 12% of the Development's units at 40% AMI or less, or 26% of the Development's units at 50% AMI or less.

-Applicants requesting Competitive HC ~~housing credits out of the allocation authority~~ and SAIL must at a minimum commit to set-aside either: 11% of the Development's units at

30% AMI or less, 15% of the Development's units at 35% AMI or less, 20% of the Development's units at 40% AMI or less, or 43% of the Development's units at 50% AMI or less.

-Applicants requesting only ~~MMRB~~ or only SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they ~~are~~ apply for.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they ~~are~~ apply for.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development's units at 30% AMI or less and 10% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 15% of the units at 35% AMI or less.

Section E.2., Location C Summary chart, page 24, has been changed to read as follows:

Location C Summary

Program(s) applying for	Location C			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
<u>Competitive HC ONLY</u> ( <del>out of the allocation authority</del> )	7	9	12	26
<u>Competitive HC</u> ( <del>out of the allocation authority</del> ) with SAIL	11	15	20	43
SAIL ONLY without <u>Competitive HC</u> , FHFC bonds or local bonds	na	na	na	na
FHFC bonds with or without <u>non-competitive HC 4% credits ONLY</u>	na	na	na	na
FHFC or local bonds with SAIL	na	na	na	na
<u>non-competitive HC ONLY</u>	<del>na</del>	<del>na</del>	<del>na</del>	<del>na</del>

Section E.2., Location D, first and second paragraphs under "To earn 5 points:", page 25, have been changed to read as follows::

-Applicants requesting Competitive HC ~~housing credits out of the allocation authority~~ must at a minimum commit to set-aside either: 11% of the Development's units at 30% AMI or less, 15% of the Development's units at 35% AMI or less, 20% of the Development's units at 40% AMI or less, or 43% of the Development's units at 50% AMI or less.

-Applicants requesting Competitive HC housing credits out of the allocation authority and SAIL must at a minimum commit to set-aside either: 15% of the Development's units at 30% AMI or less, 20% of the Development's units at 35% AMI or less, 27% of the Development's units at 40% AMI or less, or 56% of the Development's units at 50% AMI or less.

-Applicants requesting only ~~MMRB~~ or only SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they apply for.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside either: 3% ~~6%~~ of the Development's units at 30% AMI or less, 4% ~~8%~~ of the Development's units at 35% AMI or less, 5% ~~10%~~ of the Development's units at 40% AMI or less, or 11% ~~22%~~ of the Development's units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development's units at 30% AMI or less and 15% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 20% of the units at 35% AMI or less.

Section E.2., Location D Summary chart, page 25, has been changed to read as follows:

Location D Summary

Program(s) applying for	Location D			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
<u>Competitive HC ONLY (out of the allocation authority)</u>	11	15	20	43
<u>Competitive HC (out of the allocation authority) with SAIL</u>	15	20	27	56
SAIL ONLY without <u>Competitive HC</u> , FHFC bonds or local bonds	na	na	na	na
FHFC bonds with or without <u>non-competitive HC 4% credits ONLY</u>	na	na	na	na
FHFC or local bonds with SAIL	<u>3 6</u>	<u>4 8</u>	<u>5 10</u>	<u>11 22</u>
<u>non-competitive HC ONLY</u>	na	na	na	na

The paragraph following the Location D Summary chart has been deleted as follows:

~~To be awarded 5 points, Applicants that received local tax-exempt private activity bonds and are only applying for 4% credits must meet the same requirements as an Applicant applying for MMRB only.~~

Section E.4., page 26, has been renumbered as Section E.3. and the section has been changed to read as follows:

3.4. Total Set-Aside Commitment to Set-Aside Units Beyond the Minimum (Maximum 3 Points)

All Applicants must complete the chart. Points will be awarded if the Applicant commits to set-aside 70% or more of the total units at 60% AMI or less. Percentages should be whole numbers. MMRB total set-aside percentage (excluding any portion relating to non-competitive HC) should not exceed 85%. In the event an MMRB Applicant selects higher than 85%, the total set-aside percentage will be reduced to 85%. Applicants applying for MMRB and SAIL or Competitive HC and SAIL should complete both the combined program funding column and the MMRB or Competitive HC column, as applicable. In the event the Applicant is successful in receiving the MMRB or the Competitive HC, but not the SAIL, and the Applicant is able to demonstrate an alternative funding source within the time frame outlined in the Ranking and Selection Criteria section of these instructions, the Applicant's set-aside commitment will be the percentage(s) listed in the MMRB Only or Competitive or non-competitive HC Only column, as applicable.

Section E.5., page 26, has been renumbered as Section E.4.

Section F., first and second paragraphs, page 26, have been changed to read as follows:

Applicants may select resident programs from the Qualified Resident Programs for Non-Elderly and Non-Homeless Developments section, the Qualified Resident Programs for Homeless Developments – SRO and Non-SRO section, or the Qualified Resident Programs for Elderly Developments section ~~Item 1, 2 or 3~~, up to a maximum of 6 points. Programs in the Qualified Resident Programs for All Applicants section ~~Item 4~~ may be selected, up to a maximum of 8 points.

All resident programs selected by the Applicant will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section F.1., first paragraph, page 26, has been changed to read as follows:

To be eligible to select resident programs from this category, Applicant cannot have selected committed to Elderly Targeting or Homeless in the Demographic or Area Commitment section of Targeting in this Application.



Section F.2., first and second paragraphs, page 28, have been changed to read as follows:

To be eligible to select resident programs from this category, Applicant must have selected ~~committed to~~ Homeless in the Demographic or Area Commitment section of Targeting in this Application.

Note: All Applicants selecting the committing to Homeless demographic commitment Targeting in this Application will be required to provide a Service Coordination Program whereby the Applicant or its Management Agent must provide, at no cost to the resident, a service coordinator (at least one for every 25 residents) whose activities are aimed at assessing resident needs, planning services, linking the service system to a resident, coordinating the various system components, monitoring service delivery, and evaluating the effect of service delivery. Service Coordinators must possess at least a bachelor's degree in human services or a related field.

Section F.2.a.(2), page 29, has been changed to read as follows:

Daily Activities – Applicant or its Management Agent must provide on-site supervised, structured activities, at no cost to the resident at least 5 days per week. (3 points)

Section F.3., first paragraph, page 31, has been changed to read as follows:

To be eligible to select resident programs in this category, Applicant must have selected ~~committed to~~ Elderly in the Demographic or Area Commitment section of Targeting in this Application:

Section F.3.c., page 31, has been changed to read as follows:

Assistance with Light Housekeeping, Grocery Shopping and/or Laundry – ~~The Applicant or its Management Agent must provide weekly assistance with at least two of the following: (a) light housekeeping, and/or (b) grocery shopping, and/or (c) laundry.~~ The Applicant or its Management Agent will provide residents with a list of qualified service providers for (a) light housekeeping, and/or (b) grocery shopping, and/or (c) laundry ~~all three types of services~~ and will coordinate, at no cost to the resident, the scheduling and provision of services. (1 point)

Section F.3.f., page 32, has been deleted.

Section F.4.b., last sentence, page 32, has been changed to read as follows:

The goal here is to foster a sense of community by bringing residents together on a regularly scheduled basis by providing activities such as holiday and special occasion parties, community picnics, newsletters, children's special functions, etc. (2 points)

Section F.4.i., page 33, has been changed to read as follows:

Life Safety Training – The Applicant or its Management Agent must provide courses such as fire safety, first aide (including CPR), etc., on-site, at least twice each year, at no cost to the resident. (2 points)

Section F.4.j., page 33, has been deleted.

Section F.4.k., page 33, has been renumbered F.4.j.

Part IV., Local Government Support.

Section A. has been changed by the insertion of a new paragraph preceding the first paragraph on page 34. This paragraph has been deleted from the County Contribution List bullet on page 38.

To be eligible for 5 points, Applicants applying for Competitive HC with or without SAIL and Applicants applying for SAIL only without any tax-exempt bond financing must obtain a Local Government contribution equal to or greater than the amounts listed on the County Contribution List. All other Applicants will automatically receive 5 points without any requirement to obtain a Local Government contribution.

Section A., second to last sentence of first paragraph, page 34, has been changed to read as follows:

Local Government contributions that have not received final approval will not qualify as a Local Government contribution for purposes of this Application.

Section A., first sentence of the second paragraph, page 35, has been changed to read as follows:

The contribution may not be included on the Development Cost Pro Forma nor may it be considered part of Development ~~C~~ost for purposes of calculating HC basis or ~~D~~eveloper's fee.

Section A., first bullet, page 35, has been changed to read as follows:

- Calculate the net present value of the payments using the discount rate, the 10 year Treasury note bond ~~in effect~~ as of the date of the MMRB and SAIL Notices of Funding Availability (NOFA) and ~~or~~ HC Notice of Credit Availability (NOCA) plus 285 ~~245~~ basis points. This figure may be obtained from the Corporation prior to the Application Deadline.

Section A, second to last paragraph, page 35, has been changed to read as follows:

- Calculate the net present value of the loan payments using the discount rate, the 10 year Treasury note bond ~~in effect~~ as of the date of the MMRB and SAIL Notices of Funding Availability (NOFA) and ~~or~~ HC Notice of Credit Availability (NOCA) plus 285 ~~245~~ basis points. This figure may be obtained from the Corporation prior to the Application Deadline.

Section A, Scoring, first sentence of the first paragraph, page 36, has been changed to read as follows:

Local Government Contributions may be verified by Florida Housing Staff during the scoring and appeals process.

Section A., Scoring, second Note, page 37, has been changed to read as follows:

NOTE: For waiver of ~~impact~~ fees, attach a sheet behind the Local Government Verification of Contribution Form detailing how the amount of savings was calculated. For waivers of fees that are determined on a per unit basis ~~Where applicable~~, calculations should show for each waived fee, the amount waived per unit. Failure to attach a sheet showing these calculations ~~do so~~ will result in the contribution not being considered.

Section A, Scoring, last sentence of the third Note, page 37, has been changed to read as follows:

Failure to attach a sheet that provides this information will result in the contribution not being considered.

Section B., page 38, except the last paragraph, has been changed to read as follows:

B. Incentives (Maximum ~~4~~ 5 Points):

Points will be awarded for the following Local Government planning efforts: To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.

1. ~~Affordable housing developments or properties for which the Local Government provided an expedited processing of permits. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind a tab labeled “Exhibit 36”. (1 point)

2. ~~Affordable housing developments or properties that have benefited or will benefit from any actual Local Government contributions. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Contributions ~~Made~~ to Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit 37”. (1 point)

3. ~~Modification of fee requirements, including reduction or waiver of fees and alternative methods of fee payment. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Modification of Fee Requirements for Affordable Housing Properties or Developments Form behind the tab labeled “Exhibit 38”. (1 point)

4. ~~Ongoing formal process for consideration, before adoption, by the Local Government of the potential impact of policies, procedures, ordinances, regulations, or plan provisions upon affordable housing. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments Form behind the tab labeled “Exhibit 39”. (1 point)

~~To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.~~

Part V. Financing.

Section A.1., page 40, has been changed by addition of a new third paragraph and deletion of the existing third paragraph as follows:

An Applicant requesting funding from both SAIL and Competitive HC will not be eligible for automatic Competitive HC that are to be awarded to Applicants in the SAIL Special Set-Aside unless the Applicant’s SAIL funding request amount is a minimum of 10% of Total Development Cost.

~~If a SAIL Applicant is requesting a loan in excess of 25% of total Development Cost, evidence of the Applicant’s eligibility must be provided behind a tab labeled “Exhibit 40” by the Application Deadline.~~

The “HC request cannot exceed.” chart and footnote, page 40, have been changed to read as follows:

<u>County Group*</u>	<u>Maximum Request Amount if Development is not located in a DDA or OCT</u>	<u>Maximum Request Amount if Development is located in a DDA or OCT</u>
<u>LL Counties</u>	<u>\$1.7 Million</u>	<u>\$2,210,000</u>
<u>LS Counties</u>	<u>\$1.4 Million</u>	<u>\$1,820,000</u>
<u>ML Counties</u>	<u>\$1 Million</u>	<u>\$1,300,000</u>
<u>Florida Keys Area</u>		The lesser of \$10,000 \$9,500 per set-aside unit or \$1,300,000
<u>MS Counties</u>	<u>\$850,000</u>	<u>\$1,105,000</u>
<u>Small Counties</u>	<u>\$750,000</u>	<u>\$975,000</u>

\*County Groups are described ~~defined~~ in the Ranking and Selection Criteria, ~~Item 11~~

Section A., page 40, has been changed by the addition of a new Item 2 as follows:

2. SAIL ONLY – Indicate whether the Applicant is applying for a loan in excess of 25% of Total Development Cost. If the answer is “yes”, Applicant must indicate which of the eligibility requirements it has met that enables it to make such request and provide evidence of its eligibility behind a tab labeled “Exhibit 40”.

Section A.2., page 40, has been changed to read as follows:

3.2. Other Corporation Funding – If applicable, Applicant must list any other FHFC funding, excluding credit enhancement financing from the Guarantee Fund or funding from the Predevelopment Loan Program (PLP), that will be used as a source of financing for this construction project. If Local Government-issued tax-exempt bond proceeds will be used as a source of financing, the source and amount of such proceeds must also be listed.

Section B., second sentence of Fee Disclosure bullet, page 41, has been changed to read as follows:

In the event the Developer fee and/or General Contractor fee are/is not disclosed on the Development Cost Pro Forma, Florida Housing will assume that these fees will be the maximum allowable and will add the maximum amount(s) to ~~T~~total Development Cost.

Section B., first paragraph of Developer Fees bullet, page 41, has been changed to read as follows:

Developer fee shall be limited to 16% of Development ~~C~~cost excluding land and building acquisition costs. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A total Developer fee of 18% of Development ~~C~~cost, excluding land and building acquisition costs, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax Exempt Bond-Financed Developments.

Section D., Tax-Exempt Bond Applicants Only, page 41, has been changed to read as follows:

Indicate the Credit Enhancer's or Bond Purchaser's name and the term and expected rating. Provide the Credit Enhancer's or Bond Purchaser's Commitment/Letter of Interest with a contact person's name, address and telephone number, credit underwriting standards and an outline of proposed terms behind a tab labeled "Exhibit 47". The stated amount of the commitment or Letter of Interest shall not be less than the proposed principal amount of the Bonds (including any proposed Taxable Bonds). In addition, if the Applicant will participate in the HUD Multifamily Risk Sharing Program, provide a copy of the completed and executed application, the completed Year 2002 HUD Multifamily Risk-Sharing Program Certification, and proof of payment of the requisite fee behind a tab labeled "Exhibit 47".

Section E., first bulleted item of the Firm Commitment bullet, page 42, has been changed to read as follows:

- A firm commitment must contain:
- Terms
- Interest rate
- Signature of all parties, including acceptance by the Applicant

Note: In order to be considered 'firm', Local Government financial commitments are not required to be signed by the Applicant if the Applicant provides the properly completed Local Government Verification of Contribution Form along with, where applicable, the required supporting documentation.

- a statement that states the commitment does not expire before December 31, 2002, with the exception of Local Government-issued tax-exempt bonds.

Section E., the eleventh bulleted item of the Firm Commitment bullet, page 44, has been changed to read as follows:

- If the first mortgage financing is to come from

Corporation-issued Multifamily Bonds from a past Application cycle, a copy of the loan commitment which has been executed and accepted by all parties including the Applicant must be included as an exhibit to the Application in order for financing to count as a firm commitment.

~~If the Guarantee Fund will be the source of enhancement, a copy of the Application submitted to the Guarantee Fund and proof of payment of the commitment fee must be included as an exhibit to the Application.~~

~~Applicant must include as an exhibit to the Application a copy of the Commitment or Letter of Interest for the credit enhancer(s)/bond purchaser with a contact person's name, address and telephone number, credit underwriting standards and an outline of proposed terms. The stated amount of the Commitment or Letter of Interest shall not be less than the proposed principal amount of the bonds (including any proposed taxable bonds). If the Applicant intends to apply for credit enhancement through the Florida Affordable Housing Guarantee Program using the HUD/HFA Risk Sharing Program, the Certification located within this Form must also be completed.~~

Section E., first line of Item B. of the twelfth bulleted item of the Firm Commitment bullet, page 45, has been changed to read as follows:

B. Issuance on behalf of ~~by~~ 501(c)(3) Organizations:

Section E., first sentence of the first bulleted item of Syndication/HC Equity bullet, page 45, has been changed to read as follows:

A firm commitment from a Housing Credit Syndicator is an agreement which is executed and accepted by all parties including the Applicant, is dated, and includes all terms and conditions of the agreement.

Section E., second paragraph of the third bulleted item of Syndication/HC Equity bullet, page 46, has been changed to read as follows:

Important! If not syndicating/selling the housing credits, evidence of ability to fund, as defined under Firm Commitment above, must be provided as an exhibit to the Application. Additionally, in order for the commitment to be scored firm, 35% forty percent of the total equity being provided must be paid prior to or simultaneously with the closing of the construction financing. Proceeds from a bridge loan will NOT count toward meeting this requirement.

Section E., last sentence of the second to last paragraph, page 47, has been changed to read as follows:

Further, Florida Housing expressly reserves the right to verify and confirm Local Government contributions during the scoring and appeals processes.

Specific Instructions, Part VI, Exhibits.

The entries for Exhibits 17 and 23, page 48, Exhibit 31, page 49, and Exhibit 40, page 50, have been changed to read as follows:

Exhibit No.	Application Part/Section Number	Subject	Required to Meet Threshold or Receive Points	
			All Applicants Must Provide	Applicants Must Provide Only If Applicable
17	II.B.	Guarantor(s) information chart	*	x
23	III.C.	Site Control: <del>qualified contract and title insurance commitment, recorded deed or recorded certificate of title and title insurance policy or commitment, or long-term lease and title insurance leasehold policy</del>	x	
31	III.D.	<u>Demographic or Area Commitment Targeting</u> : evidence of need for Elderly housing, evidence of need for Farmworker/Comm. Fishing Worker housing, Verification of Inclusion in Local Homeless Assistance Continuum of Care Plan by Lead Agency, Local Government Verification of Qualification as Urban In-Fill Development, proof of eligibility as HOPE VI Development, or Verification of Front Porch Funding Commitment.		x

37	IV.B.	Local Government Verification of Affordable Housing Incentives Contributions <del>Made</del> to Affordable Housing Properties or Developments	x
40	V.A.	Evidence of eligibility to request SAIL loan in excess of 25% of <del>T</del> total Development Cost	x

Threshold Requirements.

Item 3., page 51, has been changed to read as follows:

3. Applicant must submit one original Application labeled "Original" and three photocopies of the original Application; ~~along with a computer disk containing all completed applicable pages and forms.~~ MMRB Applicants that will participate in the HUD Risk Sharing Program must submit one additional photocopy of the original Application.

Item 11., page 51, has been deleted.

Item 12., page 51, has been renumbered Item 11.

Item 13., page 52, has been renumbered Item 12.

A new Item 13 has been added to read as follows:

13. Other items specifically designated "Threshold" in the Universal Application Package.

Ranking and Selection Criteria.

The Ranking and Selection Criteria section, pages 52 through 64, has been deleted in its entirety and a new Ranking and Selection Criteria section has been added to read as follows:

RANKING AND SELECTION CRITERIA

The following does not apply to non-competitive HC only Applications; however, non-competitive HC only Applicants must receive 50 points or more, which points will not include any tie-breaker points, to be eligible for an allocation of non-competitive HC.

1. Application Numbers

Each Application received by the Application Deadline will be assigned an Application number.

2. Lottery Numbers

Each Application that is assigned an Application number will receive a random lottery number at or prior to the issuance of final scores. Lottery numbers will be randomly assigned by running the total number of assigned Application numbers through a computer program. Florida Housing's internal auditors will verify the accuracy of the procedures for assigning lottery numbers.

3. Group A and Group B Leveraging Classifications

Each Application Received on or before the Application Deadline, including any Application that is withdrawn by the Applicant after the Application Deadline but excluding any Application withdrawn prior to the Application Deadline, will be classified into one of two groups based on leveraging: Group A or Group B. Applications will be classified in Group A or Group B as follows:

a. Applications for MMRB only and MMRB with non-competitive HC will be classified as Group A.

b. All other Applications will be initially divided into two lists. The first list will consist of Applications applying for Competitive HC with or without SAIL. The second list will consist of Applications applying for MMRB with SAIL and Applications applying for SAIL only, including SAIL only Applications that have local government tax-exempt bonds as a funding source.

c. The Applications on each list will be placed in descending order beginning with the Application on each list that has the lowest amount of total FHFC funding request per set-aside unit and ending with the Application on each list that has the highest amount of total FHFC funding request per set-aside unit. The total number of set-aside units for each Application will be computed by multiplying the total number of units within the proposed Development by the highest total set aside percentage the Applicant committed to in the Total Set-Aside Commitment section of the Application. If an Application's funding request exceeds the maximum allowed, FHFC will use the maximum funding request allowed when classifying the Applications into Groups A and B. If an Applicant, with local government tax-exempt bonds as a funding source, revises the amount of bonds stated in the Funding section of the Application, Florida Housing will use the higher of the original amount or the revised amount for purposes of Group A and Group B classifications. Total funding request will be determined by adding the following applicable funding sources, as stated in the Funding section of the Application:

(1) SAIL request amount.

(2) FHFC-issued MMRB tax-exempt bond request amount or local government-issued tax-exempt bond commitment amount, except state or local 501(c)(3) bonds. Local government tax-exempt bonds will be deemed to be FHFC funds for purposes of leveraging.

(3) Competitive HC request amount. If the Development is not located in a DDA or OCT, multiply the request amount by 7.5. If the Development is located in a DDA or OCT, multiply the request amount by 7.5 and multiply that product by .7692.

(4) Other FHFC funding. For purposes of classifying Applications in Groups A and B, Florida Housing-issued taxable bonds, local government-issued taxable bonds, non-competitive HC, Guarantee Fund credit enhancement and PLP funding will not be considered FHFC funds.

d. The total number of Applications on each list will be multiplied by 80% and each resulting figure will be rounded up to the next whole number (each resulting figure after rounding will be referred to as the "Leveraging Cut-Off"). On each list, a line will be drawn below the Application whose place on the list is equal to the Leveraging Cut Off. If any Application(s) below the line has the same total FHFC funding request per set-aside unit as the Application immediately above the line, the line will be moved to a place immediately below this Application(s). For each list, the group of Applications above the line will be classified as Group A and the group of Applications below the line will be classified as Group B.

e. All Applications classified as Group A from each list and the MMRB only and MMRB/non-competitive HC Applications will be combined into a single Group A, and all Applications classified as Group B from each list will be combined into a single Group B.

f. Group A and Group B classifications will be used for tie breakers as more fully described below in the Tie breakers section of these instructions.

#### 4. Groups 1, 2 & 3 Total Score Classifications

Immediately following the Board's actions on informal appeals, eligible Applications will be classified in three groups based on the total score of each eligible Application: Group 1, Group 2 and Group 3. For purposes of this classification, eligible Application means an Application that satisfied all threshold requirements, regardless of the Application's total score. Group 1, Group 2 and Group 3 classifications will not be affected by any actions after this determination. Eligible Applications will be classified in Group 1, Group 2 or Group 3 as follows:

a. Eligible Applications will be listed in descending order beginning with the Application that has the highest total score and ending with the Application that has the lowest total score. Total score means the amount of points awarded to the Application, excluding any tie-breaker points.

b. The total number of eligible Applications will be multiplied by 75% and the resulting figure will be rounded up to the next whole number (such resulting figure after rounding is referred to as the "Total Score Cut-Off"). A line will be drawn below the Application whose place on the list is equal to the Total Score Cut-Off. If any Application(s) below the line has the same total score as the Application immediately above the line, the line will be moved to a place immediately below this Application(s). The group of Applications above the line will be classified as Group 1. Group 2 will consist of the eligible Applications with a total score equal to or greater than 64, but which are not included in Group 1. When the eligible Applications for Group 1 are determined, if Group 1 contains eligible Application that achieved 64 points or higher, then there will be no Group 2. Applications in Group 3 will consist of eligible Applications that are not included in Group 1 or Group 2.

c. When applying the SAUL Cycles for each Special Set-Aside and each Geographic Set-Aside and for implementation of the Competitive HC goals. Applications in Group 1 will be considered for funding first and if funds remain after funding all Group 1 Applications, the Applications in Group 2 will be considered for funding. No Applications in Group 3 will be considered for funding except as provided in the Competitive HC Goals section of these instructions.

5. Tie breakers

Tie breakers will be applied to Applications with tied scores in the following order, as necessary for making tentative funding selections:

a. Leveraging – An Application in Group A will receive preference over an Application in Group B.

b. Proximity to services and to Developments on the FHFC Development Proximity List serving the same demographic group – Preference will be given to the Application with the highest tie-breaker score in the Proximity section of the Application.

c. SAIL leveraging as a percentage of Total Development Cost – An Application not requesting SAIL funds will receive preference over an Application requesting SAIL funds. In the event of a tie in the total score between two or more Applications requesting SAIL funds, the Application requesting the lower amount of SAIL funds as a percentage of Total Development Cost as shown on the Development Cost Pro Forma will receive preference. If an Applicant revises the Total Development Cost on the Development Cost Pro Forma as provided in Rule 67-48.004 or Rule 67-21.003, F.A.C., Florida Housing will use the lesser of the original amount or the revised amount for purposes of this provision.

d. Lottery – Preference will be given to the Application with the lowest lottery number.

6. Set-Aside Unit Limitation (SAUL)

The counties are grouped based on the 2000 Florida Statistical Abstract population figures, as follows:

LL = 1.4 million or more      ML = 250,001 – 500,000      SL = 50,001 – 100,000  
LS = 500,001 – 1,399,999      MS = 100,001 – 250,000      SM = 20,001 – 50,000  
SS = up to 20,000

<u>County Groups</u>	<u>County</u>	<u>Set-Aside Unit Limitation</u>	<u>County Groups</u>	<u>County</u>	<u>Set-Aside Unit Limitation</u>
<u>LL</u>	<u>Broward</u>	<u>350</u>	<u>SL</u>	<u>Columbia</u>	<u>100</u>
	<u>Miami-Dade</u>			<u>Gadsden</u>	
<u>LS</u>	<u>Duval</u>	<u>250</u>		<u>Highlands</u>	
	<u>Hillsborough</u>			<u>Nassau</u>	
	<u>Orange</u>			<u>Putnam</u>	
	<u>Palm Beach</u>			<u>Sumter</u>	
	<u>Pinellas</u>			<u>Monroe</u>	
				<u>Florida Keys Area</u>	<u>180*</u>
<u>ML</u>	<u>Brevard</u>	<u>100</u>	<u>SM</u>	<u>Baker</u>	<u>100</u>
	<u>Escambia</u>			<u>Bradford</u>	
	<u>Lee</u>			<u>DeSoto</u>	
	<u>Manatee</u>			<u>Flagler</u>	
	<u>Pasco</u>			<u>Hardee</u>	
	<u>Polk</u>			<u>Hendry</u>	
	<u>Sarasota</u>			<u>Jackson</u>	
	<u>Seminole</u>			<u>Levy</u>	
	<u>Volusia</u>			<u>Okeechobee</u>	
<u>MS</u>	<u>Alachua</u>	<u>100</u>		<u>Suwannee</u>	
	<u>Bay</u>			<u>Wakulla</u>	
	<u>Citrus</u>			<u>Walton</u>	
	<u>Charlotte</u>			<u>Washington</u>	
	<u>Clay</u>		<u>SS</u>	<u>Calhoun</u>	<u>75</u>
	<u>Collier</u>			<u>Dixie</u>	
	<u>Hernando</u>			<u>Franklin</u>	
	<u>Indian River</u>			<u>Gilchrist</u>	
	<u>Lake</u>			<u>Glades</u>	
	<u>Leon</u>			<u>Gulf</u>	
	<u>Marion</u>			<u>Hamilton</u>	
	<u>Martin</u>			<u>Holmes</u>	
	<u>Okaloosa</u>			<u>Jefferson</u>	
	<u>Osceola</u>			<u>Lafayette</u>	
	<u>St. Johns</u>			<u>Liberty</u>	
	<u>St. Lucie</u>			<u>Madison</u>	
	<u>Santa Rosa</u>			<u>Taylor</u>	
				<u>Union</u>	

\* This SAUL will apply only to Applicants that selected the Florida Keys Area in the Demographic or Area

Commitment section of the Application, and only when such Applications are being considered for funding from the Competitive HC Florida Keys Area Special Set-Aside.

a. The above chart represents the SAUL for each county. When an Application is selected for tentative funding, the total number of set-aside units committed to in that Application will be credited toward meeting the SAUL for the county in which the proposed Development is located. The total number of set-aside units will be computed by multiplying the total number of units within the proposed Development by the highest total set-aside percentage committed to within the Application.

b. A county's SAUL is met in the following circumstances:

i. If the number of set-aside units credited toward the county's SAUL is zero at the time an Application for a Development located in that county is considered for tentative funding and the Applicant committed to a total number of set-aside units that equals or exceeds the county's SAUL, then when that Application is selected for tentative funding, the county's SAUL will be met; or

ii. If the number of set-aside units credited toward the county's SAUL is not zero at the time an Application for a Development located in that county is considered for tentative funding, but the SAUL has not been met, and the next Application to be considered for tentative funding committed to a total number of set-aside units that when added to the number of set-aside units already credited toward the county's SAUL would be equal to or greater than the SAUL but the total number of set-aside units credited would not exceed 150% of the SAUL, then when that Application is selected for tentative funding, the county's SAUL will be met; or

iii. If the number of set-aside units credited toward the county's SAUL is not zero at the time an Application for a Development located in that county is considered for tentative funding, but the SAUL has not been met, and the Applicant committed to a total number of set-aside units that when added to the number of set-aside units already credited toward the county's SAUL would exceed 150% of the SAUL, then the county's SAUL will be deemed to be met without that Application being selected for tentative funding.

Examples of SAUL being met when a county has a SAUL of 100 set-aside units:

i. The number of set-aside units credited toward the county's SAUL is zero, and an Application for a Development located in that county that committed to 200 set-aside units is selected for tentative funding;

ii. There are 60 set-aside units credited toward meeting the county's SAUL and an Application for a Development located in that county that committed to 80 set-aside units is selected for tentative funding.

iii. There are 60 set-aside units credited towards meeting the county's SAUL and an Application for a Development located in that county that committed to 100 set-aside units is the next Application considered for tentative funding. The county will be deemed to have met its SAUL without that Application being selected for tentative funding.

iv. There are 60 set-aside units credited towards meeting the county's SAUL and two Applications for Developments located in that county that committed to 100 set-aside units and 60 set-aside units, respectively, are the next two highest ranked Applications to be considered for tentative funding. In this event, the county will be deemed to have met its SAUL without either Application being selected for tentative funding.

c. Subject to the provisions that no Application classified in Group 2 will be selected for tentative funding until all eligible Applications classified in Group 1 have been selected for tentative funding, no Application(s) for a Development located in a county that has met its SAUL will be selected for tentative funding until all other counties with eligible Applications being considered in a Geographic Set-Aside (large, medium or small counties with eligible Applications) or Special Set-Aside (all counties with eligible Applications regardless of county size) have met their SAULs or have had their eligible Application(s) selected for tentative funding. This is known as a SAUL Cycle. Separate SAUL Cycles will be held for each Special Set-Aside. For purposes of this provision, an eligible Application means an Application that met all threshold requirements.

d. Upon the completion of a SAUL Cycle for a Geographic or Special Set Aside, counties that have met their SAULs will then be deemed to have zero set-aside units credited towards meeting their SAULs with one exception. If a county's SAUL has been met during the selection of Applications within Special Set-Asides, the number of set-aside units credited to the county's SAUL will not be zero within its respective Geographic Set-Aside, until all counties within the Geographic Set-Aside have met their SAULs or have had all their eligible Applications selected for tentative funding (subject to the provisions regarding Group 1 and Group 2 classifications).

Example: There are three Applications within a Special Set-Aside ranked in the following order: Application A, which is classified in Group 1, committed to 75 set-aside units and is located in Leon County with a SAUL of 100. Application B, which is classified in Group 1, committed to 90 set-aside units and is located in Leon County. Application C, which is classified in Group 2, committed to 50 set-aside units and is located in Sarasota County with a SAUL of 100. Application A and B have tied scores of 72 and Application A was selected for tentative funding after application of the tie breakers. Application C has a score of 70. When Application B was considered for tentative funding, Leon County met its SAUL. Application C (Group 2) cannot be funded before Application



B (Group 1). Thus, a new SAUL Cycle will commence with Leon County being deemed to have zero set-aside units credited towards meeting its SAUL in this Special Set-Aside and Application B will be selected for tentative funding.

Example: County A has met its SAUL within the SAIL Elderly Special Set-Aside and all other counties within the SAIL Elderly Special Set-Aside have met their SAULs or have had all their eligible Applications selected for tentative funding. The highest ranked un-funded Application within the SAIL Elderly Special Set-Aside has 200 set-aside units in County A. If funds are available, this Application will be tentatively funded and the number of set-aside units credited to County A will be 200. Also, the highest ranked Application within the Medium Geographic Set-Aside is from County A. Once the selection process for choosing Applications for tentative funding moves to the Medium County Set-Geographic Aside, this Application will not be considered for tentative funding until a Medium County Geographic Set-Aside SAUL Cycle is completed because it has set-aside units in a county that has met its SAUL.

e. Any set-aside units credited towards meeting the Florida Keys Area SAUL will also be credited toward meeting the Monroe County Area SAUL. For example, when 120 set-aside units are credited toward meeting the Florida Keys Area SAUL, the 120 set-aside units are also credited towards meeting the Monroe County SAUL. As such, while the Florida Keys Area has not met its SAUL of 180, Monroe County has met its SAUL of 100. Therefore, no eligible Application(s) with units in Monroe County will be considered for tentative funding until after completion of a Small County Geographic Set-Aside SAUL Cycle.

f. Regardless of the number of times a county has met its SAUL while Applications are selected for tentative funding within the Special Set-Asides, the county will be credited as meeting its SAUL only once within its respective Geographic Set-Aside. For example, County A met its SAUL twice during the process of selecting Applications for tentative funding within the Special Set-Asides. Applications for Developments location in County A will not be considered for funding within County A's Geographic Set-Aside until all counties within the Set-Aside have met their SAULs or have had all their qualified Applications selected for tentative funding. The un-funded Applications for Developments located, in County A will not have to wait for consideration until two SAUL Cycles are completed.

g. If the number of set-aside units credited towards meeting a county's SAUL is less than the county's SAUL, those credited units will count towards meeting the county's SAUL in any Set-Aside with one exception. Upon completion of selecting Applications for tentative funding from the Special Set-Asides, the counties credited with meeting their SAULs will also be credited for meeting their SAULs within their Geographic Set-Aside but if these counties have additional

credited units in the Special Set-Asides, these additional credited units will not be credited to the counties in the Geographic Set-Asides. Example: County A met its SAUL during the selection of Applications for tentative funding within the Special Set-Asides and also was credited with an additional 75 set-aside units towards meeting the county's SAUL a second time within the Special Set-Asides. Within the respective Geographic Set-Aside, County A will be credited with meeting its SAUL once, but not with meeting its SAUL once and having 75 additional set-aside units credited towards meeting it a second time.

#### 7. Program Provisions and Application Selection Order

##### a. Overall Program Provisions:

i. The Special Set-Asides are: Competitive HC Florida Keys Area Special Set-Aside, SAIL Homeless Special Set-Aside, SAIL Farmworker/Commercial Fishing Worker Special Set-Aside, SAIL Elderly Special Set-Aside, Competitive HC Front Porch Florida Community Special Set-Aside, Competitive HC RD Development Special Set-Aside, and MMRB HOPE VI Special Set-Aside.

ii. The Geographic Set-Asides are: Large, Medium and Small County Categories for SAIL and Competitive HC and Large and Medium/Small Categories for MMRB as more fully described in the Notice of Funding Availability or QAP, as applicable for each Program.

iii. Unless otherwise provided in the applicable Program rules and these instructions, any selection of an Application for tentative funding or allocation from a Special or Geographic Set-Aside or from implementation of a Competitive HC Goal is subject to the following: (1) availability of funds; (2) threshold and other eligibility requirements; (3) SAUL provisions; (4) Groups 1, 2, & 3 provisions; (5) tie-breaker provisions; and (6) overall and specific program provisions as set forth below.

iv. An Application that requested SAIL funds and also requested MMRB or Competitive HC will not be selected for tentative SAIL funding if the Application is not selected for tentative funding of the MMRB or Competitive HC as of the time that the Board takes action on informal appeals. An Application that requested SAIL funds and also requested MMRB or Competitive HC that is selected for tentative funding of MMRB or Competitive HC but is not selected for tentative funding of SAIL must, within 30 days of the date that the Board takes action on the informal appeals, submit documentation to Florida Housing and if assigned, their assigned credit underwriter, demonstrating that it is able to fill the SAIL funding gap. If such documentation is not timely submitted, the Application will be rejected and MMRB funds will be applied to the MMRB ranked list and Competitive HC will be deemed to be housing credits received on or after October 1, 2002, and applied in accordance with the Qualified Allocation Plan (QAP). The MMRB ranked list means the

MMRB Applications listed in ranked order that are not awarded tentative funding after the Board enters final orders resulting from informal appeals.

v. An Application is eligible to apply for SAIL and Competitive HC if competing in a Special Set-Aside and/or if the Development is located in a county that has an Area Median Income (AMI) of \$40,000 or less. SAIL Applications that are not selected for tentative funding in one of the SAIL Special Set-Asides are eligible to compete for funding in the Geographic Set-Asides, unless the SAIL Applicant also requested Competitive HC and the Development is located in a county with an AMI above \$40,000. However, a SAIL Application that is not selected for tentative funding in the SAIL Special Set-Asides, but is selected for tentative funding in the Geographic Set-Asides, will not automatically receive the Competitive HC or MMRB.

b. Competitive HC Provisions:

i. An Application for Competitive HC will not be selected for tentative funding if there are not enough housing credits available in the Front Porch Florida Community Special Set-Aside, RD Special Set-Aside or applicable Geographic Set-Aside to fund at least 60% of the Application's funding request amount. In the event that an Application is not selected for tentative funding for this reason, then no other lower ranked Application(s) within that Special or Geographic Set-Aside will be considered for tentative funding even though there may be enough housing credits available to fund at least 60% of another Application's request amount. Any housing credits not tentatively allocated within a Special or Geographic Set-Aside, will be distributed in accordance with the 2002 QAP. Applications that are successful in receiving a partial allocation will receive a Binding Commitment for 2003 housing credits up to an amount approved by Florida Housing.

ii. The total amount of housing credits available for the Special and Geographic Set-Asides are set forth in the QAP.

c. SAIL Provisions:

i. A SAIL Application will not be funded if there are not enough funds available in the applicable Special or Geographic Set-Aside to fund at least 60% of the Application's SAIL request amount. In the event that an Application is not funded for this reason, a lower ranked Application within the same Set-Aside will be considered for funding.

ii. SAIL funds not allocated within the Homeless Special Set-Aside will be added to the Farmworker/Commercial Fishing Worker Special Set-Aside allocation subject to a 150% limit (the total funds allocated to the Special Set-Aside cannot be more than 150% of the amount originally allocated to the Special Set-Aside). Any amount over the 150% limit will be allocated to the Family Demographic category. If the Farmworker/Commercial Fishing Worker and/or Elderly Special Set-Aside have funds unallocated, the funds will be distributed to the Family Demographic category.

iii. Tentative funds awarded to an Application in a SAIL Special Set Aside will also be credited toward the funding goals set forth in the Notice of Funding Availability for the respective Geographic Set-Aside.

d. MMRB Provisions:

i. Tentative allocations of MMRB will be awarded only if there is enough allocation to fully fund the Application funding request amount. In the event that an MMRB Application is not funded for this reason, then no other lower ranked MMRB Application(s) within the Set-Aside will be considered for tentative funding even though there may be enough MMRB allocation available to fully fund another Application funding request amount. Any allocation available after tentatively funding Applications when implementing final order(s) entered by the Board after the informal appeal(s) will be allocated in accordance with Rule Chapter 67-21, F.A.C., and will not be subject to SAUL.

ii. The initial split of allocation between the Large County Geographic Set-Aside and the Medium/Small County Geographic Set-Aside as stated in the Notice of Funding Availability will be done with the funds available after the tentative funding in the Special Set-Asides.

e. Application funding order: Applications will be considered for tentative funding in the following order:

i. Competitive HC Florida Keys Area Special Set-Aside: For the 2002 Cycle, Florida Housing will first select Competitive HC Application(s) that obtained points for being located in the Florida Keys Area. Once the Florida Keys Area SAUL is met, any remaining eligible Competitive HC Application(s) that was not selected for tentative funding in the Competitive HC Florida Keys Area Special Set-Aside will compete in the Small County Geographic Set-Aside if the Application did not also request SAIL funds. A Competitive HC Application selected for tentative funding in the Florida Keys Area Special Set-Aside that also requested SAIL funds will automatically receive SAIL funds if the Applicant's SAIL funding request amount is 10% or more of the Total Development Cost.

ii. SAIL Special Set-Asides: Florida Housing will then select Applications for tentative funding from the SAIL Special Set-Asides in the following order:

SAIL Homeless Special Set-Aside

SAIL Farmworker/Commercial Fishing Worker Special Set-Aside

SAIL Elderly Special Set-Aside

Only SAIL Applications that obtained points for being a Homeless Development, a Farmworker/Commercial Fishing Worker Development or an Elderly Development are eligible to compete in the respective SAIL Special Set-Asides. A SAIL Application selected for tentative funding in the SAIL Homeless Special Set-Aside, the SAIL Farmworker/Commercial Fishing Worker Special Set-Aside or the SAIL Elderly Special Set-Aside also requesting MMRB

will automatically receive the MMRB subject to MMRB fund availability. A SAIL Application selected for tentative funding in the SAIL Homeless Special Set-Aside or the SAIL Farmworker/Commercial Fishing Worker Special Set-Aside also requesting Competitive HC will automatically receive the Competitive HC if the Applicant's SAIL funding request amount is 10% or more of the Total Development Cost.

In the event SAIL Applications (with a SAIL funding request of 10% or more of the Total Development Cost) that also requested Competitive HC are selected for tentative funding in the SAIL Elderly Special Set-Aside, the two highest ranked of these Applications will automatically receive Competitive HC. The third ranked SAIL/Competitive HC Application (with a SAIL funding request of 10% or more of the Total Development Cost) will automatically receive the Competitive HC only if the following situation occurs: If the total amount of Competitive HC tentatively allocated to Applications in the SAIL Special Set-Asides plus the lesser of the total HC request amount(s) of the qualified HC Application(s) within the Competitive HC RD Development Special Set-Aside and \$300,000 plus the lesser of the total request amount(s) of the qualified HC Application(s) within the Competitive HC Front Porch Florida Community Special Set-Aside and \$3,000,000 plus 60% of the third ranked SAIL/Competitive HC Application's request amount equals 50% or less of the Competitive HC available for the Universal Application cycle, then the third ranked SAIL/Competitive HC Application will automatically receive the Competitive HC. However, in this event, the third ranked SAIL/Competitive HC Application will only receive a tentative allocation of Competitive HC in an amount that will not bring the total over 50% of the Competitive HC available. Any shortfall in housing credits allocated to this Application will be allocated through a binding commitment for 2003 housing credits if the Application is successful in receiving a Carryover Allocation.

(3) Competitive HC Special Set-Asides: Competitive HC Applications in the Front Porch Florida Community Special Set-Aside and the RD Development Special Set-Aside will be considered for tentative funding in the following order:

Front Porch Florida Community Special Set-Aside  
RD Development Special Set-Aside

Only Applications that obtained points for being a Front Porch Florida Community Development or a RD Development may compete for funding within their respective HC Special Set-Aside. Front Porch Florida Community Developments which are selected for a tentative funding of housing credits will count towards meeting the Competitive HC Goal of funding two Urban In-Fill Developments. A Front Porch Florida Community Development which is selected for tentative funding of housing credits and which has one or more new construction High Rise buildings (7 stories or higher) in which at least 75% of the set-aside units are located will count towards meeting the goal of funding one Urban In-Fill High

Rise new construction Development. Front Porch Florida Community Development HC Application(s) and RD Development HC Applications that are not selected for a tentative housing credit allocation(s) within their respective Special Set-Asides will compete for funding in their respective Geographic Set-Aside(s). An RD 514/516 Application that is moved into a Geographic Set-Aside will count as a Farmworker Development.

(4) MMRB HOPE VI Special Set-Aside: MMRB Applications that were awarded points for the Development being a HOPE VI Development are eligible to compete within this MMRB HOPE VI Special Set-Aside. An eligible Application(s) not funded in this Special Set-Aside will compete for funding within its Geographic Set-Aside.

(5) Competitive HC Goals: The Housing Credit Program has a goal to allocate housing credits to a minimum of: one Farmworker/Commercial Fishing Worker Development (in addition to any Developments funded in the Competitive HC RD Development Special Set-Aside), two Urban In-Fill Developments, one Urban In-Fill High Rise new construction Development (7 stories or higher) in which at least 75% of the set-aside units are located), three Elderly Developments and 12% of its Allocation Authority per the Qualified Allocation Plan to Non-Profit Applicants. This goal may be achieved or partially achieved by the tentative allocation of housing credits to Competitive HC Applications during the selection of qualified Applications in the Special Set-Asides. In the event the goal is not achieved through the tentative allocation of housing credits to Applications within the Special Set-Asides, Florida Housing will attempt to achieve the goal by selecting the highest scoring qualified Application(s), applying tie-breakers where necessary, regardless of Geographic Set-Aside, where a goal has not been met, for tentative allocation of credits subject to SAUL and fund availability\*, in the following order:

One Farmworker/Commercial Fishing Worker

Two Urban In-Fill Developments

One Urban In-Fill High Rise New Construction Development

Three Elderly \*\*

Minimum 12% Non-Profit Applicants

The last Non-Profit Applicant selected to meet the 12% Non-Profit goal will tentatively receive a full allocation of Competitive HC even though the total Non-Profit tentative allocation may exceed 12%.

\* In the event that the only way to achieve a Competitive HC goal is to fund an Applicant that has a proposed Development in a county that has met its SAUL, an Application that will assist in meeting the goal that is in a county that has met its SAUL will be selected for tentative allocation of Competitive HC. The county of the Development, which was selected, will be deemed to have met its SAUL for

the purposes of selecting future Applications for tentative funding and the Development's set-aside units will be credited towards meeting the county's SAUL a second time.

For example, County A is in the Medium County Geographic Set Aside and has met its SAUL of 100 set-aside units. A Non-Profit Application with 100 set-aside units in County A is needed to be selected for tentative funding in order to meet the 12% Non-Profit goal. County A will be deemed to have met its SAUL for the first and second Medium County Geographic Set-Aside SAUL Cycle.

If the 12% Non-Profit goal still has not been met and the only Non-Profit Applicants available to meet the 12% Non-Profit goal are located within a Geographic Set-Aside where there are not enough housing credits available for such Applicants, enough housing credits will be redistributed from the other Geographic Set-Asides on a pro-rata basis to tentatively fund those Non-Profit Applicants needed to meet the 12% Non-Profit goal. Non-Profit Applications classified in Group 3 will only be chosen to meet the 12% Non-Profit goal if there are no eligible Non-Profit Applications classified in Group 1 or Group 2 available to meet the goal. The amount of 2003 housing credits stated in Binding Commitments to Non-Profit Applicants will not count towards meeting the 12% Non-Profit goal. However, Binding Commitments issued to Non-Profit Applicants for 2002 Housing Credits will count toward meeting the 12% Non-Profit goal.

\*\* In the event the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides plus the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, and 60% of the third Elderly Development's Competitive HC request amount is greater than 50% of the Competitive housing credits available for those applying for Competitive HC using the Universal Application, then the Competitive HC Elderly Development goal will be two Elderly Developments and no special consideration will be given to funding a third Elderly Development. In the event a third Elderly Development is selected for a tentative allocation of Competitive HC to meet the Competitive HC goal, the Applicant will receive a tentative allocation of Competitive HC in an amount such that, when adding that tentative allocation amount to the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides together with the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, the total does not exceed 50% of the Competitive HC allocation available for Applicants using the Universal Application. In the event that a third Elderly Applicant is selected and receives less than its HC request amount, the Applicant will receive a binding commitment for 2003 Competitive HC if the Applicant is successful in receiving a Carryover Allocation.

(5) Small/Medium/Large Geographic Set-Asides:

a. Applications, regardless of Program(s) applied for by the Applicant, will be considered for tentative funding within each Geographic Set-Aside; i.e., Applications located in small counties (regardless of whether they are in SL, SM or SS on the SAUL chart) will be listed together in order of total score within the Small County Geographic Set-Aside.

b. Applications in the Medium County Geographic Set-Aside will be selected for tentative funding first, followed by those in the Small County Geographic Set-Aside and then followed by those in the Large County Geographic Set-Aside.

(7) Declined Invitations into Credit Underwriting: In the event Florida Housing determines that an invitation into credit underwriting has been declined, those funds attributable to the respective Applications will be allocated as follows:

(a) MMRB: Funds will be allocated to the next highest ranking unfunded MMRB Applications on MMRB ranked list until funds are exhausted. The SAUL procedure will not be applied.

(b) Competitive HC: Housing credits will be deemed to have been received by Florida Housing on or after October 1, 2002 and will be allocated in accordance with the QAP. The SAUL procedure will not be applied.

(c) SAIL: Funds will be first allocated to those Applications that received a partial tentative allocation and have been determined not to have declined an invitation into credit underwriting. Funds will be distributed to partially funded Applications in the following order: Applications from Small Counties, Applications from Medium Counties and then, Applications from Large Counties. If funds still remain, the funds will be offered to the highest ranked eligible SAIL Application. The SAUL procedure will not be applied.

(98)(99) "Urban In-Fill Development" means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, Florida Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, area designated under a Community Development Block Grant (CDBG) or area designated as a HOPE VI or Front Porch Florida Community or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.503, 420.507, 402.508 FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 2-6-97, 1-7-98, Formerly 9I-21.002, Amended 1-26-99, 11-14-99, 2-12-01, \_\_\_\_\_.

## 67-21.003 Application and Selection Process for Loans.

(6) Within 15 Calendar Days of receipt of the notice set forth in paragraph (5) above, each Applicant shall be allowed to submit additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to paragraphs (3) and (5) above that could result in rejection of the Application or a score less than the maximum available. Where specific pages of the Application are revised, changed or added, each new page(s) must be marked as "revised," and submitted. Failure to mark each new page(s) "revised" will result in the Corporation not considering the revisions, changes or additions to that new page. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional documentation and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s). ~~Each Applicant must submit a computer disk containing all revised completed pages. Nothing on the computer disk that is not otherwise contained within the original of the revised pages will be considered.~~

(9) Following the receipt and review by the Corporation's staff of the documentation described in paragraphs (5), (6) and (7) above, the Corporation's staff shall then prepare final scores. In determining such final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notices described in paragraphs (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to paragraph (6) above will still be justification for rejection or reduction of points as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in paragraph (14)(a)-(l) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application, ~~and any deficiencies in the mandatory element set forth in (14)(l) below can be identified at any time prior to sending the final scores to Applicants and will result in zero tie-breaker points for the applicable Proximity to Proposed Development chart in that section.~~ The Corporation shall then transmit final scores to all Applicants.

(10) Based on the order of the ranked Applications after informal appeals and the availability of State Bond Allocation designated by the Board for multifamily housing, the Board

shall designate ~~those Applications for funding and offer to be offered~~ the opportunity to enter Credit Underwriting, and shall designate those that are below the funding line on the MMRB ranked list. Any additional 2002 allocation designated by the Board for MMRB shall be applied to the next unfunded Application(s) on the ranked list, but only to the extent said Application's request can be fully funded. Any remaining 2002 allocation designated by the Board for multifamily housing, which as of December 1, 2002 is insufficient to fully fund the next ranked Application shall be offered to the next ranked Applicant, continuing down the ranked list until sufficient to fully fund a proposed Development. After December 1, Applicants shall be permitted to downsize their allocation request by up to 15% of the original allocation request for the purpose of becoming fully funded but may not reduce the number of units or the unit sizes in the development. Any unused allocation shall, at the option of the Board, be carried over and applied to the 2003 calendar year allocation or applied to single family housing. ~~Florida Housing The Board may, after the cure period and upon a determination that such is necessary to assure timely processing of Applicants with respect to future State Bond Allocation which may become available, invite Applicants who meet threshold up to the next five Developments on the ranked list into Credit Underwriting at their own risk beyond what is expected to be funded with the available State Bond Allocation designated by the Board for multifamily housing.~~ Applicants shall be notified in writing of the opportunity to enter Credit Underwriting. A detailed timeline for submitting required fees and information to the Credit Underwriter shall be included. Failure to meet the deadlines established by such timeline shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list. Applicants electing to proceed to Credit Underwriting without designation for funding do so at their own risk, and said opportunity does not ensure that the Application will be funded. Any Applicant ~~that~~ which declines invitation to Credit Underwriting shall be removed from the ranked list.

(11) Applications shall be limited to one submission per subject property with the exception ~~that~~ of Local Government-issued Tax-Exempt Bond-Financed Developments may submit a separate Application for noncompetitive applying none competitively for Housing Credits. Two or more Applications with the same Financial Beneficiary for Developments that are contiguous with the property of another Application, or that are ~~is~~ divided by a street or easement, or if it is readily apparent from the two Applications, proximity, chain of title or other information available to the Corporation that the properties are part of a common or related scheme of development, the Applications will be considered to be submissions for the same Development site and the Corporation will reject all such Applications except the Application with the highest (worst) lottery number.

(12) If the Board determines that any Applicant or any Affiliate of an Applicant

~~(a) has engaged in fraudulent actions; or~~

(b) has materially misrepresented information to the Corporation regarding any of its Developments, or within the current Application or in any previous Applications for financing or an allocation of Housing Credits administered by the Corporation;

(c) has been convicted of fraud, theft or misappropriation of funds;

(d) has been excluded from federal or Florida procurement programs; or

(e) has been convicted of a felony.

upon a determination by the Board that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board makes such determination. Such determination shall be either pursuant to a factual hearing before the Board at which the Applicant shall be entitled to present evidence or as a result of a finding by a court of law or recommended order of an administrative law judge.

(13) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in paragraph (6) above:

(a) The Development does not conform to the Application requirements specified in this rule chapter;

~~(b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the applicable Application and Application instructions the Universal Application Package;~~

~~(c) The Applicant fails to provide all required copies and file all applicable Application pages and exhibits and the disk that are provided by the Corporation and adopted under this rule chapter;~~

(d) An Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation and/or any agent or assignee of the Corporation.

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Name of the Applicant;

(b) Name of the Developer;

(c) Program(s) applied for;

(d) Number of units;

(e) Site for the Development;

(f) Type of Development category;

(g) Whether the Development design constitutes a High Rise;

(h) County;

~~(i) Demographic or Area Commitment Targeted resident population or targeted demographic area;~~

~~(j) Funding request Requested Amount, except for Taxable Bonds and as provided in subsection 67-21.003(10), F.A.C.;~~

~~(k) The total set-aside percentage of the Total units committed to be set-aside Set-Aside Commitment;~~

~~(l) Selections made on the Proximity of Proposed Development charts in the proximity section of the Application.~~

(15) A Development will be withdrawn from funding and any outstanding commitments for funds ~~or HC~~ will be rescinded if at any time the Board determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, this rule chapter, or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended ~~as of~~ ~~at~~ the time of submission of the Application or at the time of issuance of a Credit Underwriting Report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Corporation's ~~or~~ Programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(17) With respect to ~~the~~ MMRB Program Applications, when two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Universal Application Package.

(18) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until after issuance of the final scores as set forth in paragraph 9 above, may Applicants or their representatives verbally contact Corporation staff concerning

their own Application or any other Applicant's Application Development. If an Applicant or its representative does contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(21) Florida Housing shall initiate TEFRA Hearings on the proposed Developments whose Applications were received by the Application Deadline. Neither the TEFRA Hearing, the invitation into Credit Underwriting, nor the Acknowledgment Resolution obligate Florida Housing to finance the proposed Development in any way.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (13), (14), (18), (19), (20), (21), (24), 420.508 FS. History--New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.003, Amended 1-26-99, 11-14-99, 2-12-01,\_\_\_\_\_.

#### 67-21.0035 Applicant Administrative Appeal Procedures.

(2) All parties have the right to submit written arguments in response to a recommended order entered as a result of an informal administrative proceeding pursuant to section ~~s~~. 120.57(2), Florida Statutes, regarding its own Application for consideration by the Board. Any written argument should be typed, double-spaced with margins no less than one inch, in either Times New Roman 14-point or Courier New 12-point font, and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m. on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders.

(3) For those Applicants with section ~~s~~. 120.57(2), Florida Statutes, appeals that have not yet had final orders entered as of the date of the ranking, the Corporation shall, if any such Applicant ultimately obtains a final order that would have put its Application in the funding range had it been entered prior to the ranking, provide the requested funding and/or allocation from the next available funding and/or allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable Credit Underwriting requirements.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (13), (14), (18), (19), (20), (21), (24), 420.508 FS. History--New 11-14-99, Amended, 2-12-01,\_\_\_\_\_.

#### 67-21.004 Federal Set-Aside Requirements.

Each Application shall designate one of the following minimum federal Set-Aside requirements that the Development shall meet commencing with the first day on which at least 10 percent of the units in the property are occupied:

(3) For Developments financed solely through the issuance of Taxable Bonds or refundings of Tax-exempt Bonds originally issued under section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, which is adopted and incorporated herein by reference, 20 percent of the residential units in the Development shall be occupied by or reserved for occupancy by a Family whose Annual Household Income does not exceed 80 percent of the area median income limits adjusted for Family size (the 20/80 Set-Aside).

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (6), (12), (13), (14), (18), (19), (21), 420.508 FS. History--New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 9-25-96, 2-6-97, 1-7-98, Formerly 9I-21.004, Amended 1-26-99, 11-14-99, 2-12-01,\_\_\_\_\_.

#### 67-21.0045 Determination of Method of Bond Sale.

(5) For those transactions that Florida Housing's Financial Advisor recommends as candidates for a competitive sale, Florida Housing shall engage a structuring agent. The Applicant may, at its sole expense, engage a Financial Advisor for the transaction. Any cost to the Applicant for the Financial Advisor in excess of \$18,000 must be paid out of Developer Fee, in accordance with subsection 67-21.002(31)(30), F.A.C.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (13), (19), (20), 420.508, 420.509(12) FS. History--New 1-7-98, Formerly 9I-21.0045, Amended 1-26-99, Repromulgated 11-14-99, Amended 2-12-01,\_\_\_\_\_.

#### 67-21.008 Terms and Conditions of Loans.

(1) Each Mortgage Loan for a Development made by Florida Housing shall:

(b) Provide for a fully amortized payment of the Mortgage Loan in full beginning on the earlier of 36 months after closing, or stabilized occupancy, or conversion to permanent financing under the loan documents by any lender on secondary financing and ending no later than the expiration of the useful life of the property, and in any event, no later than 45 years from the date of the Mortgage Loan;

(9) All Florida Housing Loans are contingent upon:

(c) The Applicant obtaining all governmental approvals for constructing and operating the Development as a multifamily housing Development affordable to Lower Income Residents.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.502, 420.507(4), (6), (9), (11), (21), 420.508 FS. History--New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.008, Amended 1-26-99, 11-14-99, 2-12-01,\_\_\_\_\_.

#### 67-21.014 Credit Underwriting Procedures.

(2) The Credit Underwriter shall in Credit Underwriting analyze and verify all information in the Application in order to make a recommendation to the Board on the feasibility of the Development, without taking into account the willingness of a Credit Enhancer to provide Credit Enhancement.

(h) At a minimum, the Credit Underwriter shall require the following information during Credit Underwriting:

2. For Principals and Guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter in accordance with the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 23, 1999, which is adopted and incorporated herein by reference, and the two most recent years tax returns.

3. For the General Contractor, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least lease "A-" by AMBest & Co.

(j) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice, which is adopted and incorporated herein by reference, and a separate market study shall be ordered by the Credit Underwriter from an appraiser qualified for the geographic area and product type not later than when an Application enters Credit Underwriting. The Credit Underwriter shall review the appraisals to properly evaluate the loan request in relation to the property value.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508, 420.509 FS. History—New 1-7-98, Formerly 9I-21.014, Amended 1-26-99, 11-14-99, 1-26-00, 2-12-01,\_\_\_\_\_.

67-21.016 Compliance Procedures.

(5) The Owner of the Development shall maintain complete and accurate income records pertaining to each tenant occupying a Set-Aside unit. Records for each occupied Set-Aside unit shall contain the following documentation:

(c) Verification of the income of each tenant as is acceptable to prove income under Section 8 of the U.S. Housing Act of 1937, which is adopted and incorporated herein by reference, as in effect on the date of this Rule Chapter;

(6) The Applicant shall submit Program Reports pursuant to the following: The initial Program Report shall be submitted prior to the time of Loan closing, if the Development is occupied, or by the 25th of the month following rental of the initial unit in the Development. Subsequent Program Reports shall be submitted each month and are due no later than the 25th of each month thereafter. The Program Reports shall be accompanied by the Recap of Tenant Income Certification Information, Form AR-1, the certificate of continuing program

compliance and copies of all Tenant Income Certifications executed since the last Program Report and shall be sent to Florida Housing, the Trustee and the monitoring agent.

(7) The Developer shall, at least monthly, submit to Florida Housing, ~~and~~ the Trustee and the monitoring agent, a certificate of continuing program compliance stating the percentage of dwelling units that are:

- (a) Occupied by Lower-Income Residents.
- (b) Being held vacant for occupancy by Lower-Income Residents.
- (c) Occupied by other persons.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (13), (14), 420.508, 420.509 FS. History—New 1-7-98, Formerly 9I-21.016, Amended 1-26-99, 11-14-99, 2-12-01,\_\_\_\_\_.

67-21.017 Transfer of Ownership.

(1) Any transfer of ownership of any Development shall be subject to compliance with the provisions of ~~this~~ Rule 67-21.017, F.A.C., provided that transfers of the limited partnership interest in the Developer to a tax credit syndicator, or the transfer of ownership to a creditor by means of foreclosure or deed in lieu of foreclosure, need not comply with this provision. The determination of whether a transfer of ownership of a Development shall be deemed to take place for purposes of this rule shall be made in accordance with the provisions of the Land Use Restriction Agreement and other Program Documents for such Development. Owners shall advise Florida Housing in writing of any change of ownership of the owner aggregating 50 percent or more of ownership interests in the owner within any six-month period.

(3) Upon demonstration of compliance with the provisions of ~~this~~ Rule 67-21.017, F.A.C., and favorable consideration by the Board to a request for transfer, Florida Housing shall assign a Credit Underwriter, Bond Counsel, Special Counsel, and other professionals as needed to effect the transfer.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507, 420.508, 420.508(3)(a) FS. History—New 1-7-98, Formerly 9I-21.017, Amended 1-26-99, 11-14-99, 2-12-01,\_\_\_\_\_.

67-21.019 Issuance of Bonds for 501(c)(3) Entities.

(3) In addition, Applicant shall submit the following:

(a) An initial bond counsel fee of \$1,000 along with IRS Form 1023, which is adopted and incorporated herein by reference, and all attachments and correspondence to and from the IRS relative to 501(c)(3) status of the Applicant. A copy of IRS Form 1023 is available on the IRS website at [www.irs.gov](http://www.irs.gov); and

(b) An opinion from Applicant's counsel at Applicant's sole expense evidencing the Applicant's qualifications as a 501(c)(3) entity and Applicant's authority to incur bond debt for multifamily housing; and



(c) If a Development to be acquired is intended to be exempt from ad valorem taxes, evidence that it has notified all local ad valorem taxing authorities of the acquisition of the proposed Development by a 501(c)(3) entity.

(d) Specific information otherwise required to be submitted in an Application as requested by Florida Housing.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14), (24), 420.508 FS. History—New 11-14-99, Amended 2-12-01, \_\_\_\_\_.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: 67-32.006  
 RULE TITLE: Terms and Conditions of Loan  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 50, December 14, 2001, issue of the Florida Administrative Weekly.

67-32.006 Terms and Conditions of Loan.

(1) The loan shall be in compliance with this rule chapter and the Act, and loan documents shall, at a minimum, contain the following terms and conditions:

(a) The loan shall be non-amortizing and shall have an interest rate of one three percent;

(b) Repayment of principal and interest shall be deferred until maturity of the note; ~~however the servicer will collect principal and interest payments along with servicing fees monthly and place them in an interest-bearing account which will provide funds to pay servicing fees and fully pay the loan at maturity.~~

(2) Unless otherwise approved by Florida Housing’s Board of Directors, the loan must close within 6 months ~~120 days~~ of the date of issuance ~~acceptance~~ of the firm EHCL loan commitment.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.: 67-48.002  
 RULE TITLES: Definitions  
 67-48.004 Application and Selection  
 Procedures for Developments  
 67-48.006 Compliance and Reporting  
 Requirements  
 67-48.007 Fees  
 67-48.009 SAIL General Program Procedures  
 and Restrictions  
 67-48.0095 Additional SAIL Application  
 Ranking and Selection  
 Procedures  
 67-48.010 Terms and Conditions of SAIL  
 Loans  
 67-48.0105 Sale or Transfer of a SAIL  
 Development  
 67-48.012 SAIL Credit Underwriting and  
 Loan Procedures

67-48.013 SAIL Construction Disbursements  
 and Permanent Loan Servicing  
 67-48.014 HOME General Program  
 Procedures and Restrictions  
 67-48.019 Eligible and Ineligible HOME  
 Development Costs  
 67-48.020 Terms and Conditions of Loans for  
 HOME Rental Developments  
 67-48.021 HOME Credit Underwriting and  
 Loan Procedures  
 67-48.022 HOME Disbursements Procedures  
 and Loan Servicing  
 67-48.023 Housing Credits General Program  
 Procedures and Requirements  
 67-48.026 Housing Credit Underwriting  
 Procedures  
 67-48.027 Tax-Exempt Bond-Financed  
 Developments

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 27, Number 50, December 14, 2001, issue of the Florida Administrative Weekly.

67-48.002 Definitions.

(2) “Address” means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If address has not yet been assigned, include, at a minimum, street name and ~~or~~ closest designated intersection, city, state and zip code.

(3) “Adjusted Income” means, with respect to a HOME Development, the gross income from wages, income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by HUD, adjusted for family size, minus the deductions allowable under 24 CFR 5.611, which is adopted and incorporated herein by reference.

(11) “Application Period” means a period during which Applications shall be accepted as posted on Florida Housing’s website and with a deadline no less than thirty days from the beginning of the Application Period determined from time to time by the Corporation.

(20) “Code” or “IRC” means the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed regulations, notices, and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States, which is adopted and incorporated herein by reference.

(26) “Consolidated Plan” means the plan prepared in accordance with HUD Regulations, 24 CFR § 91 ~~(1994)~~, which is adopted and incorporated herein by reference, and

which describes needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program.

(33) "Development," "Project," or "Property" means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or families ~~via rental agreement executed in accordance with the Florida Residential Landlord and Tenant Act, Sections 83.40—83.682, Florida Statutes,~~ whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, together with such related non-housing facilities as the Corporation determines to be necessary, convenient, or desirable.

(34) "Development Cash Flow" means, with respect to SAIL Developments, actual cash flow of a SAIL Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles and as adjusted for items including but not limited to extraordinary fees and expenses, payments on debt subordinate to the SAIL loan and capital expenditures.

(35)(34) "Development Cost" means the total of all costs incurred in the completion of a Development excluding developer fee, acquisition cost of existing developments, and total land cost as shown in the Development Cost line item on the ~~D~~development ~~C~~ost pro forma within the Application.

(35) "Development Costs" means with respect to the SAIL and HOME Programs ~~the sum total of all costs incurred in the completion of a Development, all of which shall be subject to the approval by the Credit Underwriter and the Corporation as reasonable and necessary. Such costs include, for example, the following:~~

(a) ~~The cost of acquiring real property and any buildings thereon, including payment for options, deposits, or contracts to purchase properties.~~

(b) ~~The cost of site preparation, demolition, and development.~~

(c) ~~Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Development.~~

(d) ~~Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, and the Corporation.~~

(e) ~~The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, rehabilitation, or reconstruction of the Development.~~

(f) ~~The cost of the construction, rehabilitation, and equipping of the Development.~~

(g) ~~The cost of land improvements, such as landscaping and offsite improvements related to the Development, whether such costs are paid in cash, property, or services.~~

(h) ~~Expenses in connection with initial occupancy of the Development.~~

(i) ~~Allowances established by the Corporation for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first 2 years after completion of the Development.~~

(j) ~~The cost of such other items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for the Corporation's bonds, as the Corporation shall determine to be reasonable and necessary for the construction or rehabilitation of the Development.~~

(36) "Development Expenses" means, with respect to SAIL Developments, usual and customary operating and financial costs, such as the compliance monitoring fee, the financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to the application of Development Cash Flow described in Rule 67-48.010 (4), F.A.C., the term does not include extraordinary capital expenses, developer fees and other non-operating expenses.

(36) through (43) renumbered (37) through (44) No change.

(45)(44) "Farmworker" means any laborer who is employed on a seasonal, temporary or permanent basis in the planting, cultivating, harvesting or processing of agricultural or aquacultural products ~~in rural areas as defined by the U.S. Census Bureau~~ and who has derived at least 50% of his income in the immediately preceding 12 calendar months from such employment. "Farmworker" also includes a person who has retired as a laborer due to age, disability or illness. In order to be considered retired from farmwork due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker immediately preceding retirement. In order to be considered retired from farmwork due to disability or illness, it must be:

(45) through (46) renumbered (46) through (47) No change.

(48)(47) "Final Cost Certification Application" or "Form FCCA" means, with respect to a Housing Credit Development, that Form FCCA which is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter, and which shall be used by an Applicant to itemize all expenses incurred in association with construction or rehabilitation of a Housing Credit Development. Such form will be made available from the Corporation and shall be completed, executed and submitted to the Corporation, as specified in Rule 67-48.023(6)-(7), F.A.C., along with the executed Extended Use Agreement, IRS Forms 8821 for all Financial Beneficiaries, a copy of the syndication agreement disclosing the rate and all terms, the required certified public

accountant opinion letter, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in FCCA instructions. The Final Housing Credit Allocation will not be issued until such time as all items in the preceding sentence are received and processed by the Corporation. A copy of such form is available on FHFC's website [www.floridahousing.org](http://www.floridahousing.org). IRS Form 8821 is adopted and incorporated herein by reference and can be obtained from the Internal Revenue Service by calling 1-800-829-4477.

~~(50)(49)~~ "Financial Beneficiary" means any Developer and its principals and principals of the Applicant entity who receives or will ~~are to~~ receive a financial benefit of:

(a) 3% or more of Ttotal Development Cost (including deferred fees) if Ttotal Development Cost is \$5 million or less; or

(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if Ttotal Development Cost is greater than \$5 million.

This definition does not include third party lenders, third party management agents or companies, Housing Credit Syndicators, ~~C~~redit ~~E~~nhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are within the limit described in Rule 67-48.002(54), F.A.C.

(50) through (55) renumbered (51) through (56) No change.

~~(57)(56)~~ "HOME" or "HOME Program" means the HOME Investment Partnerships Program administered by the Corporation pursuant to HUD Regulation 24 CFR Part 92, which is adopted and incorporated herein by reference, and Section 420.5089, Florida Statutes.

(57) through (59) renumbered (58) through (60) No change.

~~(61)(60)~~ "HOME Rental Application Package" or "HOMER1015" means the ~~computer disk~~, forms, and instructions thereto, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the HOME Programs. The HOME Rental Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter.

#### HOME Rental Application Instructions.

First paragraph, page 1, has been changed to read as follows:

All Applicants are encouraged to review Rule 67-48, F.A.C., 24 CFR Part 92 (~~provided as Appendix 1~~) and the following instructions before completing prior to completion of this Application. (Unless otherwise indicated, all HUD

information referenced is available at <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/index.cfm>)

Unless otherwise provided in these Instructions and the Application, capitalized terms are as defined in Rule Chapter 67-48, F.A.C. Program requirements do not necessarily meet all non-FHFC funding or allocation requirements. Applicants are responsible for ensuring that their developments meet all applicable laws and regulations.

#### General Instructions.

First two paragraphs, page 1, have been changed to read as follows:

~~HOME Rental is a stand alone program for 2002. It cannot be combined with any other program in the Universal Application Package Combined Cycle Program, or the Multifamily Mortgage Revenue Bond Program. The Application fee is \$100 per Application if Applicant or Applicant's general partner qualifies as a Non-Profit in accordance with Rule 67-48, F.A.C. entity and \$250 per Application for all others.~~

The following instructions must be followed by Applicants in preparing, assembling, and submitting the Application:

Third paragraph, first bullet, page 1, has been deleted as follows:

~~a computer disk containing all completed information in the Application, except the required exhibits, using Florida Housing's Electronic Application Template;~~

Third paragraph, second bullet, page 1, has been changed to read as follows:

- one printed version of the completed Application, including applicable exhibits and the Applicant Certification and Acknowledgement exhibit with an original signature. The Applicant must label ~~will mark~~ this printed version of the Application as the "Original Hard Copy";

Fourth paragraph, page 1, has been changed to read as follows:

The Applicant must ensure that the online Application (if applicable), ~~the Application on computer disk~~, the "Original Hard Copy" and the photocopies of the Application are all identical. Florida Housing will first consider the Application submitted online (if applicable). If for any reason all or part of the information in the online Application is inaccessible, Florida Housing will ~~next consider the Application submitted on computer disk. If for any reason all or part of the information in the Application on computer disk is inaccessible, Florida Housing will then~~ consider the "Original Hard Copy" of the Application. Florida Housing will only consider the exhibits submitted as part of the "Original Hard Copy". Notwithstanding the foregoing, if the Executive Director of Florida Housing, in his sole discretion, determines that ~~there are technical~~ issues substantially and adversely

impact the actual or perceived efficiency, reliability, or accuracy of with the online and/or computer disk Application process that affect efficiency or accuracy, then he may require Corporation staff to consider only the "Original Hard Copy" of an the Application, of a group of Applications, or of all Applications.

Fifth paragraph, page 1, has been changed to read as follows:

the Application if:

- ~~no computer disk is submitted, and/or;~~
- the "Original Hard Copy" of the Application fails to contain the Applicant Certification and Acknowledgement exhibit with an original signature and the applicable exhibits, and/or;
- less than one "Original Hard Copy" and three photocopies of the completed Application, including applicable exhibits, are submitted.

Eighth paragraph, page 2, has been changed to read as follows:

Do not retype, scan, image, or alter any page in the Application Package. This will cause the Application to be rejected. **NOTE:** Additional information that is placed on the face of a page that does not obscure the printed words is NOT considered an alteration of the page. However, the additional information cannot change the meaning or intent of the page. Additional information should be presented in an asterisk or footnote format or presented as an explanatory addendum to the page.

Ninth paragraph, page 2, has been changed to read as follows:

Notwithstanding anything in this Application and all instructions in this Application Package to the contrary and except for those items listed in Rule Chapter 67-48.004, F.A.C., Applicants shall be provided with an opportunity to submit additional documentation and revised pages, as well as other information in accordance with the applicable said rules.

Last paragraph, page 2, has been changed to read as follows:

**IMPORTANT:** Periodically throughout the Application, scoring and appeals process, all Applicants should check Florida Housing's website for updated information concerning the HOME Rental Application cycle. The website address is [www.floridahousing.org](http://www.floridahousing.org).

Specific Instructions.

Part II., Applicant and Development Team.

Section A.1. and A.2., pages 3 and 4, have been changed to read as follows:

1. Enter requested information for Applicant **Entity**. The Address must be in accordance with the definition of Address in the applicable Rule.

If the Federal Identification Number has not yet been obtained, provide a copy of the completed, submitted application for that number behind a tab labeled "Exhibit 2".

a. Applicant **Entity** must be a legally formed entity [i.e., limited partnership, corporation, limited liability company, etc.] qualified to do business in the sState of Florida as of the Application Deadline. Except for public housing authorities, Applicant must include behind a tab labeled "Exhibit 3" a copy of the valid Certificate of Good Standing from the Florida Secretary of State and a copy of the documentation that created the Applicant **Entity** (such as the partnership or joint venture agreement,; or Certificate of Limited Partnership and the Affidavit of Initial Capital Contribution). If a general partnership or joint venture, provide, together with a sworn statement under penalty of perjury that the agreement is a true and correct copy of the documentation that created the Applicant.

b. If the Applicant applies as a Non-Profit entity pursuant to Rules 67-48.002(—), F.A.C., it must remain a Non Profit entity. The Non-Profit entity understands and acknowledges that it is the Non-Profit entity's responsibility to contractually ensure insure that it substantially and materially participates in the management and operation of the Development throughout the Compliance Period. If the Applicant is applying as a Non-Profit entity, failure to include IRS determination letter behind a tab labeled "Exhibit 4" and the attorney opinion letter behind a tab labeled "Exhibit 5" will result in disqualification as a Non-Profit and rejection of the Application.

If Applicant applies as a Non-Profit entity applicable, provide the description/explanation of the role of the Non-Profit entity behind a tab labeled "Exhibit 6". Provide the names and addresses of the governing board of the Non-Profit entity behind a tab labeled "Exhibit 7". Provide the articles of incorporation demonstrating that If one of the purposes of the Non-Profit entity is to foster low-income housing, ~~provide the articles of incorporation~~ behind a tab labeled "Exhibit 8".

c. In order to be eligible to apply under the Community Housing Development Organization (CHDO) set-aside, provide behind a tab labeled "Exhibit 9" ~~the completed CHDO checklist provided at Appendix 2 (CHDO Checklist and Information) and all required documentation~~ OR a letter from the Florida Housing Finance Corporation's HOME Program, dated not prior to 1 year preceding the Application Deadline, which designates the Applicant as a CHDO. If the Applicant has not yet been designated as a CHDO and wishes to be designated as a CHDO, a CHDO checklist is available from Florida Housing (also available at [www.floridahousing.org](http://www.floridahousing.org) in the HOME Rental section). All required information for designation of the Applicant as a CHDO must be provided not later that the deadline provided for submission of additional documentation, revised pages, and other such information the Applicant deems appropriate as provided in Rule Chapter 67-48.004, F.A.C. If a letter is provided, it must be dated no earlier than 1 year preceding the Application Deadline.

If ~~the~~ Applicant applies as a ~~Community Housing Development Organization (CHDO)~~ but does not provide the appropriate documentation evidencing its status as a CDHO in accordance with HUD requirements and this Application, the subject Application will not qualify to compete in the CHDO set-aside but may compete with other non-CHDO Applications.

2. Provide ~~the required information a list of all general and limited partners and the officers, directors and shareholders for each Applicant and each Developer as of the Application Deadline~~ behind ~~a~~ the tab labeled "Exhibit 10". ~~This list must include warrant holders and/or option holders of the proposed Development.~~

Section B., first paragraph, page 4, has been changed to read as follows:

The past performance record of the development team, ~~which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, e.g. i.e., failure to place-in-service a development or project which received a housing credit allocation; failure to comply with previously executed loan documents; failure to comply with Program Rules; failure to comply with Section 42; and/or failure to comply with a the Land Use Restriction Agreement or an Extended Use Agreement, will be verified during credit underwriting. Development teams with an unsatisfactory past performance record may will receive a negative recommendation from the Credit Underwriter. The past experience record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, will be carefully reviewed.~~

Section B.1, page 4, has been changed to read as follows:

a. Provide name of Developer: \_\_\_\_\_

~~b.a.~~ Certification – Provide the completed Developer or principal(s) of the Developer Certification Form behind a tab labeled "Exhibit 11". A separate certification should be provided for each Co-Developer.

~~c.b.~~ Prior Experience Chart – The Developer or principal(s) of Developer must demonstrate experience in the completion of at least two affordable housing developments of similar magnitude by providing a prior experience chart behind a tab labeled "Exhibit 11". ~~The chart must include that includes~~ the following information:

Name of Development	Location (City & State)	Construction Category (New Construction or Rehabilitation/ <del>Substantial Rehabilitation</del> )	Design Type: garden, townhouses, high-rise, duplex/quad., mid-rise w/elevator, single family, or other (specify type)	Number of Units
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Section B.2.b., page 5, has been changed to read as follows:

Prior Experience Chart – The Management Agent or principal(s) of Management Agent must demonstrate experience in the management of at least two affordable housing properties of similar magnitude for at least two years ~~of similar magnitude~~ by providing a prior experience chart behind a tab labeled "Exhibit 12". ~~The chart must include that includes~~ the following information:

Section B.3. b. and c., page 6, have been changed to read as follows:

b. Prior Experience Chart – The General Contractor or principal(s) of

General Contractor must demonstrate experience in the construction of at least two completed housing developments of similar magnitude, development category, and design type as the proposed Development by providing a prior experience chart behind a tab labeled "Exhibit 13". ~~The chart must include that includes~~ the following information:

Name of Development	Location (City & State)	Construction Category (New Construction or Rehabilitation/ <del>Substantial Rehabilitation</del> )	Design Type: garden, townhouses, high-rise, duplex/quad., mid-rise w/elevator, single family, or other (specify type)	Number of Units
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Part III., Development.

Section A.1., page 6, has been changed to read as follows:

Provide the ~~actual trade or marketing name, and if applicable, the d/b/a~~ name of the Development.

Section A.2.a., page 6, has been changed to read as follows:

Provide the State Address as defined in the applicable rule.

Section A.2.b., third sentence of second paragraph, page 6, has been changed to read as follows:

If located in Leon or Alachua County, complete c. or d. as appropriate and provide a letter from the applicable county's Director of Planning ~~or~~ Zoning or ~~c~~Chief appointed official or staff responsible for determination of planning or zoning issues verifying that the development site is outside of the incorporated boundaries of the applicable city behind a tab labeled "Exhibit 17".

Section A.3., last sentence, has been changed to read as follows:

However, the acquisition Costs and sources must still be reflected on the Development Cost pro forma.

Section A.7., first sentence, page 7, has been changed to read as follows:

Provide a short narrative description of the Development which summarizes the scope of work to be performed and which further conveys any unique or unusual characteristics of the Development not provided elsewhere in the Application.

Section A.8., page 7, has been changed to read as follows:

Complete the chart. All units in the Development must be listed, including all manager/employee units. Number of baths per unit must indicate 1/2 baths, if applicable. ~~Floor space means the interior space that is heated and cooled.~~ Use additional sheets if necessary.

Section A.9., first sentence, page 7, has been changed to read as follows:

Indicate whether the proposed Development has been underwritten previously by any Credit Underwriter ~~acting~~ on behalf of Florida Housing Finance Corporation.

Section A.10, page 7, has been changed to read as follows:

Indicate the sStatus of new construction or Rehabilitation work. Refer to the definition of "HOME Development" with regard to Development eligibility in the event that development activities ~~construction~~ has started. If the Development is occupied, it must be in compliance with the HOME Program Rules at loan closing.

Section B., first paragraph, page 8, has been changed to read as follows:

All required features and amenities, as well as all optional features and amenities selected by the Applicant, will be included in the Land Use Restriction Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section B.1., first paragraph, page 8, has been changed to read as follows:

Required Features and Amenities for All Developments - In addition to meeting all building codes, Fair Housing Act, HQS Guidelines ~~provided as Appendix 3~~, Section 504 of the Rehabilitation Act of 1973, and Americans with Disabilities Act requirements and all other federal and state building requirements, all units for the type of Development indicated must have itemized features and amenities.

Section B.2., first two paragraphs, page 8, have been changed and a new third paragraph has been added to read as follows:

All items selected must be located on the Development property. Selecting these items commits the Applicant to provide them unless the Board approves a change. Points will be awarded as indicated on each item up to the maximum allowed for each particular section as indicated below.

The point value for each feature and amenity selected by the Applicant in the Optional Features and Amenities section of the Application at Part III, Section B.2.a., b., c. and/or d. will be doubled if the proposed Development:

- consists of 50 or fewer total units, and/or
- is a ~~Farmworker~~ or SRO Development

Rehabilitation Developments will automatically receive 2 points for Energy Conservation Features and may achieve a maximum of 9 points by selecting items totaling at least 7 points.

The maximum available points remains as listed below:

a. For new construction Developments (maximum 9 points)

b. For Rehabilitation Developments (maximum 9 points)

c. For all Developments ~~e~~Except SRO (maximum 12 points)

Section C.2.a., page 9, has been changed to read as follows:

A qualified contract is one that has a term which does not expire before the last expected closing date of December 31, 2002 or that contains extensions options exercisable by the purchaser and conditioned solely upon payment of additional monies which, if exercised, would extend the term to a date not earlier than December 31, 2002; provides that the buyer's remedy for default on the part of the seller includes or is specific performance; and the buyer MUST be the Applicant unless a fully executed assignment of the qualified contract which assigns all of the buyer's rights, title and interests in the qualified contract to the Applicant, is provided.

Section C.3., third paragraph, page 10, has been changed to read as follows:

Evidence of availability of electricity must be provided behind a tab labeled "Exhibit 21". Evidence of availability of water must be provided behind a tab labeled "Exhibit 22". Evidence of availability of sewer, package treatment or septic tank must be provided behind a tab labeled "Exhibit 23". Evidence of availability of roads must be provided behind a tab labeled "Exhibit 24".

Section C.4., first sentence, page 10, has been changed to read as follows:

To demonstrate that the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming, the Applicant must provide the appropriate verification form as indicated in this section behind a tab labeled "Exhibit 25".

Section C.5., last two paragraphs, page 11, have been changed to read as follows:

Note: If the Phase I ESA and/or the Phase II ESA disclosed environmental problems requiring remediation, a plan, including time frame and cost, for the remediation is required. By answering the applicable questions and executing the Phase I and/or Phase II verification(s), the environmental provider is certifying that such plan has been prepared. In addition, by executing the Applicant Certification and Acknowledgement Form ~~at Part I of this Application~~, the Applicant certifies that the plan has been prepared and the costs associated with such remediation have been included in the Development Ceost pro forma submitted in this Application.

In addition to the environmental review requirements included in this Application, a satisfactory Environmental Review in accordance with 24 CFR Part 58 will be required of

all HOME Rental Developments prior to loan closing. ~~For more information on this process, see HUD-CPD Notice 94-18 Appendix 4.~~

Section D, Targeting, page 11, has been deleted in its entirety.

Section E., Set-Aside Commitments, page 12, has been renumbered Section D.

Section D., first paragraph, page 12, has been changed to read as follows:

All set-aside commitments ~~made on this form~~ will be included in the Land Use Restriction Agreement and must be maintained in order for the development to remain in compliance unless the Board approves a change.

Section D.2., first sentence of the first paragraph, has been changed to read as follows:

Calculate the percentage of additional HOME-Assisted (set-aside) units beyond the minimum required that Applicant is committing to.

Section D.3., page 12, has been changed to read as follows:

Low HOME Rent units must be equal to or greater than 20% of the total set-aside units committed to. All remaining set-aside units will be High HOME Rent units. Calculate the number of Low HOME and High HOME rent units. Round up the number of Low HOME Rent Units to the next whole unit. (Rent level information can be found @www.floridahousing.org or at the HUD site referenced at the beginning of these instructions is provided as Appendix 5.

Section D.4., page 12, has been changed to read as follows:

If the Applicant irrevocably commits to set-aside units in the proposed Development for additional years beyond ~~than~~ ~~more~~ the minimum number required by rule, points will be awarded based on the ~~following~~ chart below: ~~Developments with HOME loans that are coterminus with other financing are committing to providing these set-aside units for a period beyond the term of the HOME loan.~~

<u>Additional Years Beyond Minimum Required</u>	<u>Points</u>
5 years	2
10 years	5

Section F, Resident Programs, first five paragraphs, page 13, have been changed to read as follows:

E. F. Resident Programs (Maximum ~~12~~ 14 Points)

Applicants ~~developing Non-Elderly, non-SRO housing~~ may select resident programs from the Qualified Resident Programs for Non-SRO Developments section or the Qualified Resident Programs for SRO Developments ~~Item 4~~ up to a

maximum of ~~4~~ 6 points. Programs in the Qualified Resident Programs for All Applicants section may be selected up to a Maximum of 8 points.

~~Applicants developing Non-Elderly SRO Housing may select resident programs from Item 2 up to a maximum of 6 points.~~

~~Applicants developing Elderly housing may select resident programs from Item 3 up to a maximum of 6 points.~~

~~All Applicants may select resident programs in Item 4 up to a maximum of 8 points.~~

All resident programs selected by the Applicant will be included in the Land Use Restriction Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section E.1., first sentence, page 13, has been changed to read as follows:

1. Qualified Resident Programs for ~~ALL Non-Elderly, Non-SRO Developments (Maximum ~~4~~ 6 Points)~~

To be eligible to select resident programs in this category, Applicant's Development cannot be SRO housing.

Section E.1. has been changed with the addition of new g. and h. to read as follows:

g. Daily Activities – Applicant or its Management Agent must provide on-site supervised, structured activities, at no cost to the resident at least 5 days per week. (3 points)

h. Private Transportation – The Applicant or its Management Agent must make available a safe and serviceable vehicle that can transport residents to off-site locations for such things as medical appointments, public service facilities, and/or educational or social activities, at no cost to the resident. A nearby bus stop or access to programs such as “Dial-A-Ride” will not be acceptable for purposes of this program. (3 points)

Section E.2., first sentence, page 14, has been changed to read as follows:

2. Qualified Resident Programs for ~~Non-Elderly SRO Developments Only (Maximum ~~4~~ 6 Points)~~

Section E.2., second paragraph, page 14, has been changed to read as follows:

Note: All ~~Homeless~~ SRO Developments for Homeless persons will be required to provide a Service Coordination Program whereby the Applicant or its Management Agent must provide, at no cost to the resident, a service coordinator (at least one for every 25 residents) whose activities are aimed at assessing resident needs, planning services, linking the service system to a resident, coordinating the various system components, monitoring service delivery, and evaluating the effect of service delivery. Service Coordinators must possess at least a bachelor's degree in human services or a related field.

Section E.2. has been changed with the addition of a new i. to read as follows:

i. Private Transportation – The Applicant or its Management Agent must make available a safe and serviceable vehicle that can transport residents to off-site locations for such things as medical appointments, public service facilities, and/or educational or social activities, at no cost to the resident. A nearby bus stop or access to programs such as “Dial-A-Ride” will not be acceptable for purposes of this program. (3 points)

Section E.3., page 16, has been deleted in its entirety.

Section E.4., page 17, has been renumbered Section E.3.

Section E.3.j., page 18, has been deleted and E.3.k., page 18, has been renumbered E.3.j.

Section G, Match, page 19, has been renumbered Section F.

Section F., page 19, has been changed to read as follows:

1. Insert requested HOME loan amount and calculate the state required match amount. HUD regulations 24 CFR Part 92.220 requires Florida Housing to match funds for each HOME dollar spent on a Development. Applicants who can provide the full 25 percent match requirement will receive the maximum score of 5 points. For information on eligible match sources and instructions on how to calculate match, refer to the HUD HOME regulations at 24 CFR Part 92.220 ~~provided as Appendix 4. The 10-year Treasury note rate to be used for the purposes of match calculations will be the rate in effect as of the date of publication of the HOME Rental Notice of Funding Ability (NOFA).~~

2. Provide amounts of each source of match. For each source of match funding identified, Applicant must provide a signed statement from the source detailing the type of contribution, amount, and how it was calculated. If the amount of the contribution is determined based upon a present value calculation, include the actual present value calculation as described in 24 CFR Part 92.220 ~~provided at Appendix 4.~~ No points will be awarded for any source for which a narrative and documented evidence are not provided. This documentation must be provided behind a ~~the~~ tab labeled “Exhibit ~~28~~ 29”.

3. Points will be calculated to the nearest 2 decimal places and awarded based on the percentage of match provided. For example, if the percentage calculated in #3 is 23.25%, the total number of available points (5) will be multiplied by the percentage calculated. Therefore, 1.16 points would be awarded (23.25% x 5).

Section H, Uniform Relocation Act, page 19, has been renumbered Section G.

Sections G.1., G.2., and G.3., pages 19 through 21, have been changed to read as follows:

1. Indicate “yes” that the Development involves rehabilitation work. This question should be answered “Yes” if any portion of the Development will involve rehabilitation, regardless of whether or not the Development Category indicated earlier in the Application was Rehabilitation or not.

2.a. through e. Answer all questions as appropriate.

f.(1) & (2) List of all occupied units and tenant income certifications – The income of persons and households who are currently occupying a unit that will receive HOME assistance must be provided to determine whether they are income eligible. For all occupied units, the Applicant must provide a summary list of all residents and income certifications for those residents in occupied units that will be HOME-Assisted units. The income certification form is available at [www.floridahousing.org](http://www.floridahousing.org) provided at Appendix 6 (Tenant Income Certification). If 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 instead. ~~Provide the This documentation is provided~~ in a ~~separate~~ notebook entitled “Relocation Documentation.” Only one copy of this documentation is required.

f.(3) Provide a brief description of how the Development will meet the HOME set-aside requirements. ~~Provide tThis documentation is provided in the a separate~~ notebook entitled “Relocation Documentation.” Only one copy of this documentation is required.

f.(4) Cost of Relocation – Describe how ~~cover~~ the cost of relocation will be covered. Detail how the temporary and permanent relocation will be handled (permanent relocation costs are not eligible soft costs under the HOME Program). ~~Provide the This documentation is provided in the a separate~~ notebook entitled “Relocation Documentation.” Only one copy of this documentation is required.

f.(5) General Information Notice – In accordance with the Uniform Relocation Act (URA), as part of the HUD regulations, a Development applying for HOME funds must provide a notice to all tenants at Application, informing them of their rights under the URA in accordance with Chapter 2 of the HUD Handbook 1378 ~~provided at Appendix 7 (Uniform Relocation Act Information).~~ The proper manner of notice is provided ~~on in Pages 2-6 of this Handbook.~~ A copy of each General Information Notice must be provided to each tenant, not just tenants in HOME-Assisted Units. Provide a copy of each General Information Notice. Therefore, this information must be provided for each all occupied units in the notebook labeled “Relocation Documentation”. Each The notice must include proof of delivery; by either certified letter or by signed copy of the notice when hand delivered. Copies of the General Information Notice should be submitted in the above described binder labeled “Relocation Documentation”. A sample of the Notice may be found at [www.floridahousing.org](http://www.floridahousing.org) or by contacting Florida Housing Appendix 7 (Uniform Relocation Act Information). ~~This documentation is provided in a separate notebook entitled “Relocation Documentation.”~~ Only one copy of this documentation is required.



3.a. If the Applicant owns the Development site, provide a narrative describing the acquisition ~~must be provided~~ behind a ~~the~~ tab labeled “Exhibit ~~29~~ 30”. This narrative must describe how, when, and from whom the property was acquired and whether or not the property was vacant when acquired.

b. If the Applicant is a private company and is acquiring 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 and may be attached as an addendum. ~~A sample addendum is located available at www.floridahousing.org Appendix 7 (Uniform Relocation Act Information).~~ A copy of the required notice must be provided behind a ~~the~~ tab labeled “Exhibit ~~30~~ 31”. A sample addendum is available at www.floridahousing.org.

c. If the Applicant is a public (government) Applicant, respond to all applicable remaining questions in this relocation section. ~~Applicant (buyer) may have eminent domain power to obtain the Development site and must determine whether the sale is voluntary or involuntary.~~

d. If the buyer has the power of eminent domain, buyer must notify the seller in writing that it has such power and the determination of market value for the property is being waived. ~~A sample notice may be found at Appendix 7 (Uniform Relocation Act Information).~~ Provide a A copy of the required notice ~~must be provided~~ behind a ~~the~~ tab labeled “Exhibit ~~30~~ 32”.

e. If the Applicant is a public (government) Applicant and does not have the power of eminent domain, provide the following ~~must be provided~~: (1) Notice of Interest, (2) Determination of fair market value, (3) Appraisal of the property, and (4) written offer of just compensation which includes a statement of just value, property description, and identification of buildings. Provide a All required documentation ~~must be provided~~ behind a ~~the~~ tab labeled “Exhibit ~~31~~ 33”.

Section I, Certification of Consistency with the Consolidated Plan, page 21, has been renumbered Section H.

Section H., first sentence of the first paragraph, page 21, has been changed to read as follows:

~~All applications awarded HOME funds must~~ Provide evidence behind a ~~the~~ tab labeled “Exhibit ~~32~~ 34” that the proposed Development is consistent with the applicable ConPlan.

Section J, Other Federal Requirements, page 22, has been renumbered Section I.

Section I.1., first paragraph, page 22, has been changed to read as follows:

Respond to the question. Owners of a building or buildings which consist of 12 or more HOME-Assisted units which are to be constructed or rehabilitated by the same contractor under a single contract (including scattered site

Developments) must comply with the Federal Labor Standards requirements (see ~~Appendix 8~~) as identified in 24 CFR Part 92 and Rule 67-48.

Sections I.2. and I.3., pages 22 and 23, have been changed to read as follows:

2. 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 HOME Program. Therefore, a the certification provided in Appendix 8 (Federal Labor Standards Provisions) must be executed by the contractor for compliance with debarment and suspension regulations. Provide that certification and provided behind a ~~the~~ tab labeled “Exhibit ~~33~~ 34”. A sample of this certification may be found at www.floridahousing.org or by contacting Florida Housing’s HOME Rental Program. Failure to provide this executed certification will result in rejection of the Application.

3. Respond to the question. If the Development was built before 1978, Lead Based Paint Regulations may apply. See 24 CFR Part 35 for exemptions. When accepting HOME funding the Applicant certifies the it understands the requirements of the current lead based paint regulations ~~requirements~~ as identified in 24 CFR Part 92 and Rule 67-48.

If the Development was built before 1978, ~~Applicant must~~ provide a copy of the executed Disclosure of Information on Lead Based Paint and Lead Based Paint Hazards Form behind a ~~the~~ tab labeled “Exhibit ~~34~~ 35”. This form is available from HUD or at www.floridahousing.org. See Appendix 9 (Lead Hazard Requirements) for a sample format entitled “Disclosure of Information on Lead Based Paint and Lead Based Paint Hazards” and A a copy of the brochure entitled “Protect Your Family From Lead in Your Home” which is referenced in this sample disclosure is also available from HUD or at www.floridahousing.org. Failure to provide a copy of the executed Disclosure, if applicable, will result in rejection of the Application.

Part IV. Local Government Incentives.

The Incentives section, first paragraph and Items 1 through 4, page 23, have been changed to read as follows:

Incentives (Maximum ~~4~~ 5 Points):

Points will be awarded for the following Local Government planning efforts: To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.

1. ~~Affordable housing developments or properties for which the Local Government provided an expedited processing of permits. (1 point)~~ Provide the Local Government

Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind a tab labeled “Exhibit ~~35~~ 36”. (1 point)

~~2. Affordable housing developments or properties that have benefited or will benefit from any actual Local Government contributions. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Contributions ~~Made~~ to Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit ~~36~~ 37”. (1 point)

~~3. Modification of fee requirements, including reduction or waiver of fees and alternative methods of fee payment. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Modification of Fee Requirements for Affordable Housing Properties or Developments Form behind a ~~the~~ tab labeled “Exhibit ~~37~~ 38”. (1 point)

~~4. Ongoing formal process for consideration, before adoption, by the Local Government of the potential impact of policies, procedures, ordinances, regulations, or plan provisions upon affordable housing. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments Form behind a ~~the~~ tab labeled “Exhibit ~~38~~ 39”. (1 point)

~~To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.~~

Part V. Financing.

Section A., last sentence, page 24, has been changed to read as follows:

Funding request amount is subject to HUD Subsidy limits as ~~Appendix 10 (HUD Subsidy Limits)~~.

Section B., first paragraph, page 24, has been changed to read as follows:

All Applicants must complete and attach the following finance documents:

- Development Cost Pro Forma, behind a tab labeled “Exhibit ~~39~~ 40”
- Detail/Explanation Sheet, if applicable, behind a tab labeled “Exhibit ~~40~~ 41”
- Construction or Rehab Analysis, behind a tab labeled “Exhibit ~~41~~ 42”
- Permanent Analysis, behind a tab labeled “Exhibit ~~42~~ 43”
- Commitment to Defer Developer Fee, if applicable, behind a tab labeled “Exhibit ~~43~~ 44”.

Section B., Developer Fees bullet, page 25, has been changed to read as follows:

Developer fees shall be limited to 16% of Development ~~Cost excluding land and building acquisition costs~~. A Developer fee on the building acquisition cost shall be limited to ~~4%~~ 4% of the cost of the building exclusive of land.

Note: The maximum allowable Developer fee will be tested by multiplying the Development Cost by the applicable percentage (16%, ~~18%~~ or 4%). This calculation will be carried to 2 decimal places and may not be rounded.

Section C., Funding Commitment(s), last sentence, page 25, has been changed to read as follows:

Insert documentation for each source directly behind its own tab beginning with a tab labeled “Exhibit ~~44~~ 45” and continuing with sequentially numbered tabs for each exhibit.

Section C., Funding from Corporation Programs bullet, page 25, has been changed to read as follows:

For 2002, ~~HOME Rental is a stand program.~~ An Applicant may not apply for other Florida Housing Programs for funding for this Development.

Section C., first bulleted item in the Firm Commitment bullet, page 26, has been changed to read as follows:

- A firm commitment must contain:
  - terms
  - interest rate
  - signature of all parties, including acceptance by the Applicant

~~Note: In order to be scored as ‘firm’, Local Government financial commitments are not required to be signed by the Applicant if the Applicant provides the properly completed Local Government Verification of Contribution Form along with, where applicable, the required supporting documentation.~~

- a statement that states the commitment does not expire before December 31, 2002; with the exception of Local Government-issued tax exempt bonds.

Section C, the last bulleted item in the Firm Commitment bullet, page 27, has been changed to read as follows:

- ~~If the first mortgage financing is to come from Corporation issued Multifamily Bonds from a past Application cycle, a copy of the loan commitment which has been executed and accepted by all parties must be included as an exhibit to the Application in order for financing to count as a firm commitment.~~

~~If the Guarantee Fund will be the source of enhancement, a copy of the Application submitted to the Guarantee Fund and proof of payment of the commitment fee must be included.~~

Applicant must include as an exhibit to the Application a copy of the Commitment or Letter of Interest for the credit enhancer(s)/bond purchaser with a contact person’s name, address and telephone number, credit underwriting standards and an outline of proposed terms. The stated amount of the Commitment or Letter of Interest shall not be less than the proposed principal amount of the bonds (including any proposed taxable bonds). If the first mortgage financing is to

come from non-Corporation-issued Multifamily Bonds, evidence of the following items must be included to receive a firm commitment:

If the first mortgage financing is to come from Local-Government issued private activity bonds non-Corporation-issued Multifamily Bonds, evidence of the following items must be included to receive a firm commitment:

Section C, first line of Item B. of the last bulleted item in the Firm Commitment bullet, page 28, has been changed to read as follows:

**B. Issuance on behalf of by 501(c)(3) Organizations:**

Section C., last bullet, Syndication/HC Equity, page 28, has been changed as follows:

Title Syndication/HC Equity has been changed to Syndication/non-competitive HC Equity.

First sentence of the first bulleted item has been changed to read as follows:

- A firm commitment from a Housing Credit Syndicator is an agreement which is executed and accepted by all parties including the Applicant, is dated, and includes all terms and conditions of the agreement.

Second paragraph of the third bulleted item has been changed to read as follows:

Important! If not syndicating/selling the housing credits, evidence of ability to fund, as defined under Firm Commitment above, must be provided as an exhibit to the Application. Additionally, in order for the commitment to be scored firm, 35% forty percent of the total equity being provided must be paid prior to or simultaneously with the closing of the construction financing. Proceeds from a bridge loan will NOT count toward meeting this requirement.

Second to last paragraph, page 29, has been changed to read as follows:

Only information contained within this application will be considered for purposes of threshold determination or appeal. However, the Applicant acknowledges that verification of ALL information contained in this Application will be obtained and any funding award preliminarily secured by the Applicant is expressly conditioned upon such verification and the successful completion of credit underwriting. ~~Further, Florida Housing expressly reserves the right to verify and confirm Local Government contributions during the scoring and appeals process.~~

**Part VI. Exhibits.**

The entries for Exhibits 15 and 20, page 31, Exhibits 25 and 28 through 36, page 32, and Exhibits 37 through 45, page 33, have been changed as follows:

Exhibit No.	Application Part/Section Number	Subject	Required to Meet Threshold or Receive Points	
			All Applicants Must Provide	Applicants Must Provide Only If Applicable

<del>15</del> 154	II.B.	Attorney Certification Form	x	
20	III.C.	Site Control: contract <del>and title insurance commitment</del> , deed or recorded certificate of title <del>and title insurance policy or commitment</del> , or lease <del>and title insurance leasehold policy</del>	x	
25	III.C.	Local Government Verification that Development is Consistent with Zoning and Land Use Regulations (new construction or Rehab./ <del>Sub-Rehab</del> ) or Local Government Verification that Permits are Not Required for this Development (Rehab./ <del>Sub-Rehab</del> )	x	
28	III.D.	<del>Evidence of need for Farmworker/Comm. Fishing Worker housing/ evidence of need for housing for SRO housing</del>		*
<del>36</del> 37	IV.B.	Local Government Verification of Affordable Housing Incentives Contributions <del>Made</del> to Affordable Housing Properties or Developments		x

Exhibits 29 through 36 have been renumbered Exhibits 28 through 35.

Exhibits 38 through 45 have been renumbered Exhibits 37 through 44.

**Threshold Requirements.**

The first sentence, page 33, and Items 3, 5, 8, 13, and 16, page 34, have been changed to read as follows, and a new Item 17 has been added to read as follows:

Requirements to meet tThreshold include:

3. Applicant must submit one original Application labeled "Original" and three photocopies of the original Application; ~~along with a computer disk containing all completed applicable pages and forms.~~

5. The Application must be submitted by the Application Deadline and must be accompanied by the correct Application fee.

13. HOME loan request limits may not exceed the HUD Subsidy limits ~~provided as Appendix 10 (HUD Subsidy Limits).~~

16. Applicant must provide Contractor Certification regarding debarment and suspension ~~as required in III. J. 2., if applicable.~~

17. Applicant must comply with any other items specifically designated "Threshold" in the Home Rental Application Package.

Ranking and Selection Criteria.

First paragraph, page 35, has been changed to read as follows:

Each Application received by the Application Deadline will be assigned an Application number. All Applications will be scored and then ranked in order of their scores provided all threshold requirements have been met as identified in the HOME Rental Threshold Requirements. Applications eligible for the CHDOs set-aside will be funded in accordance with Rule 67-48, F.A.C. If funding remains after all eligible Applications have been funded, it may be carried over to the next year or used by the HOME Homeownership Program. Developments which have Local Government issued tax-exempt private activity bond financing as a funding source will not be considered for funding until all Developments which do not use Local-Government issued tax-exempt private-activity bonds as a funding source have been considered for funding.

Second paragraph and Items 1 through 6, page 35, have been changed to read as follows:

In the event two Applications receive tied scores, the following are the tie breakers and the order in which they will be used to break a tie:

1. An Application submitted by a CHDO Applicant will receive priority over an Application submitted by a non-CHDO Applicant.

2. An Application proposing to develop housing in ~~serve~~ a non-entitlement area will receive priority over an Application proposing to develop housing in ~~serve~~ an entitlement area.

~~3. An Application proposing to serve Farmworkers/Commercial Fishing Workers will receive priority over one not proposing to serve that population~~

3.4. The Application with the larger percentage of additional set-aside units (rounded to two decimal places) will receive priority over the Application with the lower percentage of additional set-aside units.

~~4.5. The Application with the larger percentage of match provided will receive priority over the Application providing the lesser percentage.~~

5. The Application which will use the smaller percentage of HOME Rental funds compared to the Total Development Cost will receive priority over the Application which will use a larger percentage.

6. An Application applying as a Non-Profit will receive priority over an Application applying as a for-profit.

Fees.

Item 1, page 35, has been changed to read as follows:

1. Application Package Fee:

Applicants may obtain the HOME Rental Application Package as follows:

a. The Application Package is available on FHFC's website (www.floridahousing.org) without charge; or

b. A hard copy of the Application Package can be purchased from Florida Housing for a fee of \$50. Payment must be received by the Corporation prior to issuance of an Application Package.

~~Each Applicant must obtain an Application Package from the Corporation. A fee of \$80 shall be payable to the Corporation by any person requesting a copy of the Application Package, and said fee must be received by the Corporation prior to the issuance of an Application Package. Application Packages without form and exhibit tabs may be obtained for a fee of \$50.~~

Item 2, page 35, has been changed to read as follows:

2. Application Fee:

HOME Rental Applicants shall submit to the Corporation at the time of submission of the Application a non-refundable fee of:

~~(a)(1)~~ \$100 if Applicant or Applicant's general partner qualifies as a Non-Profit entity; ~~or and~~

~~(b)(2)~~ \$250 for all others.

HOME Rental Application Pages.

Part II., Applicant and Development Team

Section A.1.b., page 1, has been changed to include the following:

If answer is "Yes", Applicant must respond to b.(1) and b. (2) and item c. below.

If answer is "No", Applicant need not respond to b. (1), b.(2), and item c. below.

Section A.1.b.(2)(a), (b), (d) and (e), pages 2 through 4, has been changed to read as follows:

(2) Answer the following questions –

(a) Is the Applicant a Public Housing Authority created by ~~s~~Section 421.04, Florida Statutes?

Yes [ ] No [ ]

(b) Is the Applicant or one of its general partners a Non-Profit entity ~~[pursuant to Rule 67-48.002, F.A.C.; that is an Affiliate [pursuant to Rule 67-48.002, F.A.C.] of a Public Housing Authority created by s~~Section 421.04, Florida Statutes?

Yes [ ] No [ ]

(d) Is the Applicant or one of its general partners a 501(c)(3) or 501(c)(4) Non-Profit ~~entity~~ or is the Applicant or one of its the general partners a wholly-owned subsidiary of a 501(c)(3) or 501(c)(4) Non-Profit ~~entity~~?

Yes  No

If yes, answer the following questions:

(iv) Provide the names and addresses of the members of the governing board of the Non-Profit ~~entity~~. behind the tab labeled "Exhibit 7".

(v) Provide the articles of incorporation demonstrating that ~~is~~ one of the purposes of the Non-Profit ~~is entity, as stated in the Articles of Incorporation,~~ to foster low-income housing?

Yes  ~~If Yes, provide the articles of incorporation behind the tab labeled "Exhibit 8".~~

No  ~~If No, this Application will not qualify as a Non-Profit Applicant and will be disqualified from participation in the current cycle.~~

~~e.e.~~ Is the Applicant applying under the Community Housing Development Organization (CHDO) Set-Aside?

No

Yes-CHDO Name: \_\_\_\_\_

Provide (1) an explanation of the CHDO's role in the proposed Development and (2) completed CHDO checklist and the required documentation OR a letter from Florida Housing Finance Corporation which designates the Applicant as a CHDO behind tab labeled "Exhibit 9".

Section A.2., page 4, has been changed to read as follows:

Provide a list of general and limited partner(s) and the officers, directors and shareholders of for each Applicant and for each Developer, as of the Application Deadline, behind the tab labeled "Exhibit 10". This list must include warrant holders and/or option holders of the proposed Development.

Section B.1., page \_\_\_\_\_, has been changed to read as follows:

a. Name of Developer: \_\_\_\_\_

~~b.a.~~ Provide the executed Developer or Principal(s) of Developer Certification Form behind the tab labeled "Exhibit 11".

~~c.b.~~ Provide the Developer's Prior Experience Chart behind the tab labeled "Exhibit 11".

Part III., Development

Section A.3., second and fourth entries, page 7, has been changed to read as follows:

Development Category

Acquisition and New Construction (Acquisition plus 50% or more of the units are new construction)

Acquisition and Rehabilitation (Acquisition plus less than 50% of the units are new construction)

Section A.5., page 7, has been changed to read as follows:

Number of ~~Residential~~ bBuildings with dwelling units:

\_\_\_\_\_

Section A.8., page 7, has been changed to read as follows:

# of Bedrooms Per Unit	# of Baths Per Unit	Floor Space (Feet <sup>2</sup> )	# of Units Per Bedroom Type

Section B.1.c., heading, page 9, has been changed to read as follows:

c. All SRO ~~D~~developments:

Section B.2.b., page 10, has been changed with the addition of these new entries:

New Kitchen cabinets and counter top(s) (3 points)

New bathroom cabinet(s) (1 point)

New range and oven (1 point)

New refrigerator (1 point)

New plumbing fixtures in kitchen and bathroom(s) (1 point)

Section B.2.e.(2), opening line on page 11, has been changed to read as follows:

(2) Cooling – Applicant may select only one of the following two ~~three~~ items:

Sections C.1.a.(1) and (2), page 12, have been changed to read as follows:

(1) Multifamily Developments must provide a properly completed and executed Local Government Verification of Status of Site Plan Approval for Multifamily Developments Form. Provide ~~t~~The verification can be found behind the tab labeled "Exhibit 19".

(2) Single-Family Developments must provide a properly completed and executed Local Government Verification of Status of Plat Approval for Single-Family Developments Form. Provide t~~The verification can be found~~ behind the tab labeled "Exhibit 19".

Sections C.5.a., page 14, has been changed to read as follows:

a. Phase I ESA Assessment – Provide the properly completed and executed Verification of Environmental Safety – Phase I Site Assessment Form behind the tab labeled "Exhibit 26".

Section C.5.c., page 14, has been deleted in its entirety.

Section D., Targeting, page 14, has been deleted in its entirety.

Section E., Set-Aside Commitments, page 14, has been renumbered Section D, and Section D.1.c., page 15, has been changed to read as follows:

c. % of Total Development Cost provided by HOME Loan \$ \_\_\_\_\_%

(Divide a. by b. and round up to the next whole percentage number)

Section F., Resident Programs, page 16, has been renumbered Section E.

Section E.1., first sentence, page 16, has been changed to read as follows:

1. Qualified Resident Programs for ~~non-Elderly~~, non-SRO Developments (Maximum ~~4~~ 6 Points)

Section E.1., page 16, has been changed with the addition of new g. and h. to read as follows:

g. Daily Activities (3 points)

h. Private Transportation (3 points)

Section E.2., first two lines, page 16, have been changed to read as follows:

2. Qualified Resident Programs for ~~non-Elderly~~, SRO Developments Only (Maximum 4 Points)

X Service Coordination is required for all Homeless SRO Developments

Section E.2. has been changed with the addition of a new i. to read as follows:

i. Private Transportation (3 Points)

Section E.3., page 17, has been deleted in its entirety.

Section E.4., page 17, has been renumbered E.3. and the opening sentence has been changed to read as follows:

~~3.4~~ Qualified Resident Programs for ALL Developments (Maximum ~~8~~ 12 Points)

Section E.3. has been changed with the addition of a new j. to read as follows:

j. Mentoring (1 point)

Section G., page 18, has been renumbered Section F. and the title has been changed to read as follows:

~~F.G. Required State Match for Development~~

Section F.2., opening sentence, page 18, has been changed to read as follows:

2. List below and provide documented evidence each source of match behind the tab labeled "Exhibit ~~28~~ 29".

Section H., page 18, has been renumbered Section G.

Section G.3., page 19, has been changed to read as follows:

3. Uniform Relocation Act (URA) Acquisition Information (New Construction and Rehabilitation Developments)

a. Does the Applicant own the Development site as documented in the site control section of this Application?

Yes – Provide a narrative regarding the acquisition behind ~~a the~~ tab labeled "Exhibit ~~29~~ 30"

No

b. Is Applicant a private company?

Yes – Provide a copy of the notice provided to the seller behind a tab labeled "Exhibit ~~30~~ 31" Skip c.-e.

No

c. Is Applicant a public (government) Applicant?

Yes.

No – Skip d.- e. below.

d. If Applicant is a public (government) Applicant, does the Applicant have eminent domain power?

Yes – Provide a copy of the required notice behind a tab labeled "Exhibit ~~30~~ 31".

No – Provide items identified in e. below.

e. If public Applicant does not have eminent domain power, provide a copy of each of the following behind a tab labeled "Exhibit ~~31~~ 32".

(a) Notice of Interest

(b) Determination of fair market value

(c) Appraisal of the property

(d) Written offer of just compensation, which includes a statement of just value, property description, and identification of buildings.

Section I., page 20, has been renumbered Section H. and reworded as follows:

Provide documentation evidencing certification of consistency with Consolidated Plan can be found directly behind a tab labeled "Exhibit ~~32~~ 33".

Section J., page 20, has been renumbered Section I.

Sections I.2, page 20 and I.3., page 21, have been changed to read as follows:

1. Debarment and Suspension

Provide the executed Contractor Certification behind a tab labeled "Exhibit ~~33~~ 34".

3. Lead Based Paint

The Applicant certifies that it understands the requirements of the current HUD lead based-paint regulations (24 CFR Part 35, 24 CFR 570.608, and 24 CFR 982.401).

Was the Development to be rehabilitated built before 1978?

Yes – Provide a copy of the executed Disclosure of Information on Lead Based Paint and Lead Based Paint Hazards Form behind a tab labeled "Exhibit ~~34~~ 35".

No

Part IV. Local Government Incentives.

Sections 1 through 4, page 21, have been changed to read as follows:

1. The Local Government provides an expedited permitting and review process for aAffordable housing developments or properties for which the local government provided an expedited processing of permits. Provide the Local Government Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind a the tab labeled "Exhibit ~~35~~ 36".

2. The Local Government has an on-going and current process for providing contributions to aAffordable housing properties or developments or properties for which the local government provided any actual contribution(s) between the period ~~1/1/99 and 12/31/01~~. Provide the Local Government Verification of Affordable Housing Incentives – Contributions Made to Affordable Housing Properties or Developments Form behind a the tab labeled "Exhibit ~~36~~ 37".



~~NOTE: List of properties and/or Developments and year approved must be provided to receive the 1 point for this incentive.~~

Exhibit 37, Local Government Verification of Affordable Housing Incentives Contributions Made to Affordable Housing Properties or Developments Form, the title of the form has been changed as follows, and the top portion of the form preceding the Certification section, has been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF  
AFFORDABLE HOUSING INCENTIVES  
CONTRIBUTIONS MADE TO AFFORDABLE HOUSING  
PROPERTIES OR DEVELOPMENTS

Name of Applicant: \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Address: \_\_\_\_\_  
Name of City or County Government: \_\_\_\_\_

The referenced local government has an on-going and current process for providing contributions to affordable housing properties or developments ~~between the period of 1/1/99 and 12/31/01. Below is a representative listing of properties or developments which have benefited and/or will benefit from local contributions:~~

Property or Development Name	Type of Contribution	Amount of Contribution	Year of Commitment or Award
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

~~List of properties or developments, type of contribution, amount of contribution, and year of commitment or award must be provided to receive 2 points for this incentive.~~

(61) through (62) renumbered (62) through (63) No change.

~~(64)(63)~~ “Homeless” or “Homeless Household” means an individual or Family who lacks a fixed, regular, and adequate nighttime residence or an individual or Family who has a primary nighttime residence that is:

(64) through (73) renumbered (65) through (74) No change.

~~(75)(74)~~ “HUD Regulations” means, with respect to the HOME Program, the regulations of HUD in 24 CFR § 92 (1996) issued under the authority of Title II of the National Affordable Housing Act of 1990 (Public Law 101-625, November 28, 1990), together with subsequent amendments thereto, as in effect on the date of this rule chapter.

~~(76)(75)~~ “Income Certification”, “Tenant Income Certification” or “Form TIC-1” means that Form TIC-1, which is adopted and incorporated by reference as amended from time to time, and which shall be used to certify the income of

all residents residing in a set-aside unit in a Development. A copy of such form is available on FHFC’s website [www.floridahousing.org](http://www.floridahousing.org).

(76) through (77) renumbered (77) through (78) No change.

~~(79)(78)~~ “Local Government” means a unit of local general-purpose government as defined in Section 218.31 (2), Florida Statutes F.S. (2000).

(79) through (90) renumbered (80) through (91) No change.

~~(92)(91)~~ “Project,” “Property” or “Development” means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or families ~~via rental agreement executed in accordance with the Florida Residential Landlord and Tenant Act, Sections 83.40—83.682, Florida Statutes~~, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, together with such related non-housing facilities as the Corporation determines to be necessary, convenient, or desirable.

~~(93)(92)~~ “Qualified Allocation Plan” or “QAP” means, with respect to the HC Program, the Qualified Allocation Plan which is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter, and which was approved by the Governor of the State of Florida, pursuant to Section 42(m)(1)(B) of the Code and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is available on FHFC’s website [www.floridahousing.org](http://www.floridahousing.org).

Section 1.a., page 4, has been changed to read as follows:

a. Applicants that choose to compete within the RD Rural Development Set-Aside will, to the extent not fully or partially funded in such Set-Aside, also be eligible to compete within the Geographic Set-Aside within which the Development is located (in the event of competition within the Geographic Set-Aside, a ~~such~~ RD 514/516 Applicant shall be counted as a Farmworker/Commercial Fishing Worker Development).

Section 1.b., page 4, has been changed to read as follows:

b. Any Applicant partially funded under the RD Development Set-Aside shall receive a Binding Commitment to fund the balance of the amount of credits determined as needed, subject to the provisions of Section 12 hereof.

Section 2, page 5, has been changed to read as follows:

a. Applicants that choose to compete as a Florida Keys Area Development will, to the extent not fully funded as a Florida Keys Area Development, also be able to compete within the Small County Geographic Set-Aside.



~~b. No additional adjustments will be made to achieve this special targeting if the Executive Director or the Board of Directors determines, based on a negative recommendation from the Credit Underwriter, that an Florida Keys Area Development chosen for tentative funding, should not receive a credit allocation.~~

Section 5, pages 7 and 8, has been changed to read as follows:

5. FHFC will make a determination on the FHFC's working day immediately following the date FHFC's Board takes action on informal appeals ~~scoring~~ scoring which ~~RD Development 515, RD514/516~~ and Front Porch Florida Community Development Applicants will be tentatively allocated housing credits. As of this date, any returned housing credits plus the Housing Credit Allocation Authority received based on the per capita calculation plus any housing credits received from the National Pool, less any amount obligated to be allocated pursuant to existing Binding Commitments, less the amount of housing credits tentatively allocated to those Applicants in the ~~RD Rural~~ RD Development Special Set-Aside, less the amount of housing tentatively allocated to those Applicants in the Front Porch Florida Community Development Special Set-Aside and less the amount of housing credits tentatively allocated to those in the SAIL Special Set-Asides (Homeless, Farmworker/Commercial Fishing Worker, and Elderly), will be allocated pursuant to the set-asides described in Section 4 above and subject to Sections 6 and 7 below. If after final rankings, any Geographic Set-Aside category (small, medium, or large) fails to utilize its entire allocation amount, the remaining housing credits will be awarded in accordance with Section 8 of this QAP.

Section 6, pages 8 through 12, has been changed to read as follows:

6. Following Board action on informal appeals ~~scoring~~, FHFC will endeavor to allocate not less than 12% of the 2002 Allocation Authority amount (per capita allocation plus returned housing credits plus any National Pool housing credits received) as of the date of the FHFC's working day immediately following the date of the Board action on informal appeal scoring for Developments with Applicants qualified as Non-Profit pursuant to Rule 67-48.002(83)(77), F.A.C. whose Applications have met threshold requirements. FHFC is required by Section 42, IRC to allocate not less than 10% of its Allocation Authority to qualified Non-Profits. FHFC has determined that an initial allocation of 12% to qualified Non-Profits will help ensure that the 10% requirement will be met in the event that all Developments included in the initial 12% do not receive an allocation. FHFC will endeavor to accomplish this goal by following the procedures stated in the Ranking and Selection Criteria section of the Universal Application Package Instructions.

a. When a Non-Profit Applicant is to receive a Binding Commitment for credits from future Allocation Authority, FHFC shall only include the 2002 credits actually allocated, and not the amount of the Binding Commitment, to determine compliance with the 12% goal. FHFC shall include in such 12% calculation any 2002 credits allocated or ~~to shall~~ to be allocated pursuant to a Binding Commitment from a previous ~~the 2001~~ cycle.

b. No more than 90 percent of the Allocation Authority as of ~~4~~ October 1, 2002, ~~including to include~~ any housing credits received from the 2002 National Pool before or after this date ~~and including any returned credits after this date~~, will be allocated to Applicants which do not qualify as Non-Profit Applicants.

c. If it is determined between September 30, 2002 and December 15, 2002 that less than 10% of the Allocation Authority as of ~~4~~ October 1, 2002, ~~including to include~~ any housing credits received from the 2002 National Pool before or after this date, will be tentatively allocated to Non-Profit Applicants because a Non-Profit Applicant previously considered for funding is no longer considered or because additional allocation authority is received, Non-Profit Applicants meeting threshold will, in the order of their score, be invited into credit underwriting to the extent that the request amount of the last Non-Profit Applicant invited into credit underwriting takes the amount to be tentatively allocated to Non-Profit Applicants over the higher of the amount needed to meet the 10% minimum or the total request amounts of Non-Profit Applicants no longer considered for funding. In this event, the last Non-Profit Applicant invited into credit underwriting would only receive a 2002 credit allocation for the higher of the two amounts previously stated and a Binding Commitment for the remaining amount as determined by FHFC's credit underwriter and approved by the FHFC. The provisions of this paragraph shall take precedence over the provisions of Section 12 of the QAP. Such Applicant will be exempted from the provisions of Section 12 of this QAP.

~~d. The last Non-Profit Applicant moved into the funding range in order to meet the initial 12% goal and in order to meet the minimum 10% federal requirement after October 1, 2002, will be fully funded contingent upon successful credit underwriting even though that may result in a total Non-Profit allocation in excess of 12%, or if applicable, 10%.~~

~~d.e.~~ After the 12% goal has been realized, remaining Applications from Non-Profit Applicants shall compete with all other Applications in the HC Program for remaining Allocation Authority.

Section 7, pages 12 through 17, has been changed to read as follows:

7. FHFC's goal is to have a diversified rental housing portfolio. Therefore, its targeting goal is to allocate credits, regardless of Geographic Set-Aside and to the extent such targeting goals can be met in accordance with these

procedures, to: a minimum of ~~three~~ two Elderly Developments, one Farmworker/Commercial Fishing Worker Development in addition to any USDA RD 514/516 Developments funded under the RD Rural Development ~~514/516~~ Set-Aside, one Urban In-Fill Development in which at least 75% of the set-aside units are located in one or more new construction High Rise buildings (7 stories or higher) (a "UI High Rise"), and two additional Urban In-Fill Developments. Developments will be classified as Elderly, Farmworker/Fishing Worker, and Urban In-Fill only to the extent so designated within the Universal Application Package. Developments funded within the Front Porch Florida Community Set-Aside, as stated in Section 3 above, will count toward meeting the goal of funding Urban In-Fill Developments. A Front Porch Florida Community Development in which at least 75% of the set-aside units are located in one or more new construction High Rise buildings 7 stories or higher will meet the requirement of funding at least one UI new construction High Rise. Developments which intend to qualify as a UI new construction High Rise must also designate a High Rise design within the Universal Application Package. In the event the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides and the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, plus 60% of the third Elderly Development's request amount is greater than 50% of the housing credits available for those applying for Competitive HC using the Universal Application, then the Elderly Development goal will be two Elderly Developments and no special consideration will be given to funding a third Elderly Development. In the event a third Elderly Development is picked for a tentative allocation of Competitive HC to meet the HC Competitive goal, it will only receive a tentative allocation of Competitive HC in an amount so when adding the amount to the total amount Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides and the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside is 50% of the housing credits available for those applying for Competitive HC using the Universal Application. Any shortfall in housing credits to the third Elderly Application will be allocated through a binding commitment for 2003 credits if the Application is successful in receiving a Carryover Allocation. No adjustments will be made to achieve the targeting goal if the Executive Director or the Board of Directors determines, based on a negative recommendation from the Credit Underwriter, that an Elderly, Farmworker/Fishing Worker, or Urban In-Fill Development chosen for tentative funding, should not receive a credit allocation.

The ~~special~~ targeting goals will be achieved in accordance with the procedures in the Universal Application Package Instructions.

Section 9, first sentence, page 22, has been changed to read as follows:

Section 9. Any Allocation Authority received on or after October 1, 2002, or such later date as the Board takes action on informal appeals ~~approves final rankings~~, including any tentatively funded Applicant withdrawing or otherwise failing to proceed, will be used, subject to the provisions of Section 6(c) hereof, (i) to fully fund any Application that has been partially funded by the method described in Section 8 above and then (ii) applied to the 2003 housing credits cycle; provided, that any such Allocation Authority received which, if after application of (ii) above would cause FHFC to be above the de minimis requirements for use of allocation necessary to participate in the national tax credit pool, shall instead be applied as provided in Section 8 above.

Section 12, page 25, has been changed to read as follows:

12. Except as otherwise set forth herein and except for Binding Commitments awarded pursuant to Rule Chapter 67-48.005(2), F.A.C., no Binding Commitment shall be awarded for an amount in excess of 40% of the Applicant's total allocation request.

A new Section 13 has been added to read as follows:

13. No adjustments will be made to achieve the Special Set-Asides and HC Competitive Goals stated in the Universal Application Package, if the Executive Director or the Board of Directors determines, based on a negative recommendation from the Credit Underwriter, that an Application chosen for tentative funding, should not receive a credit allocation with the exception of the provisions stated in Section 6.c.

A new Section 14 has been added to read as follows:

14. Housing credits will be allocated in accordance with the 2001 Qualified Allocation Plan until the 2002 Qualified Allocation Plan becomes effective.

Part I, Selection Criteria, first sentence of the first paragraph, page 27, has been changed to read as follows:

Upon receipt of a completed Universal Application Package for Housing Credits pursuant to FHFC rule requirements and notification of an open credit allocation cycle, FHFC shall score and rank the Universal Application according to the following required selection criteria and the priorities set forth in II below.

Section B, Housing Needs Characteristics, fourth bulleted item, page 29, has been changed to read as follows:

\* Developments which are designed to attract and serve Farmworker/Commercial Fishing Worker families will be targeted.

Section C, Development Characteristics, first bulleted item, page 30, has been changed to read as follows:

\* Developments which offer the most efficiency in development and thereby the best and most efficient use of the housing credits will be targeted in the following categories:

- Experience of Development Team

- Development Funding, Feasibility and Economic Viability
- Ability to Proceed
- ~~Construction Features and Amenities Design Features and Quality of Construction~~
- Leveraging
- Equity Realized from Sale of Credits
- Energy Conservation

Section E, Tenant Populations With Special Housing Needs, third bulleted item, page 33, has been changed to read as follows:

\* Developments which will serve Farmworker/Commercial Fishing Worker will be targeted.

Section H, Developments Intended for Eventual Resident Ownership, last paragraph, page 34, has been changed to read as follows:

This criterion is specifically addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

Part II Priorities

Section A, pages 34 and 35, has been changed to read as follows:

A. Developments which serve either Elderly, Homeless, Large Family, Farmworker/Commercial Fishing Worker, Developments financed with USDA RD 514 and/or RD 516 that reserve 100% of their units for Farmworker/Commercial Fishing Worker households, Developments financed with USDA RD 515, Developments located in the Florida Keys Area or Developments which are located in an Urban In-Fill area, including those which meet the criteria to be classified as a Front Porch Florida Community Development, will be targeted.

\* This criterion is addressed in the Universal Application Package which is incorporated in FHFC rules by reference and in Sections 1, 2, 3 and 7 above.

~~B.C.~~ Developments which will serve the lowest income families will be targeted.

\* This criterion is ~~specifically~~ addressed in the Universal Application Package which is incorporated by reference in FHFC rules.

~~C.D.~~ Developments which will waive the option to convert the set-aside units to market after year 14 and extend the set-aside period beyond the required 30 year period will be targeted.

\* A commitment to waive the option to convert after year 14 and to set-aside units beyond the required 30 year period is awarded points on a pro-rata basis. The minimum additional set-aside period is 1 year and the maximum additional set-aside period is 20 years for a maximum total length of 50 years.

This criterion is ~~specifically~~ addressed in the Universal Application Package and is incorporated by reference in FHFC rules.

~~D.E.~~ Developments located in qualified census tracts, the development of which contributes to a concerted community revitalized plan will be targeted.

\* This criterion is addressed in the Universal Application Package which is incorporated by reference in FHFC rules.

~~E.F.~~ Developments which require the least amount of housing credits to produce an affordable unit will be targeted.

\* This criterion is specifically addressed Universal Application Package Instructions which is incorporated by reference in FHFC rules.

~~F.G.~~ The FHFC will initially allocate not less than 12% (as described in Section 6 of this QAP) of the state's Allocation Authority to Developments involving qualified, Non-Profit Applicants, provided they are Non-Profits organized under Chapter 617, Florida Statutes, or similar state statute if incorporated outside Florida, and as set forth in Section 42(h)(5) of the Internal Revenue Code, as amended, and Rule Chapter 67-48, Florida Administrative Code.

~~G.H.~~ The order of funding is: Florida Keys Area Key Developments, Developments selected for SAIL tentative funding within a SAIL Special Set-Aside (Homeless, Farmworker/Commercial Fishing Worker, Elderly), Front Porch Florida Community Developments, RD Developments, a Farmworker/Commercial Fishing Worker Development, two Urban In-Fill Developments, Urban In-Fill new construction High Rise Development, three Elderly Developments, meeting the 12% Non-Profit goal, Medium County Geographic Set-Aside Developments, Small County Geographic Set-Aside Developments, and then, Large County Geographic Developments. The goal of allocating housing credits to a Farmworker/Commercial Fishing Worker Development, two Urban In-Fill Developments, an a Urban In-Fill new construction High Rise Development, ~~and~~ three Elderly Developments, and 12% of the Allocation Authority to Non-Profit Applicants can be met or partial met when allocating credits to Applications within the SAIL Homeless Special Set-Aside, SAIL Farmworker/Commercial Fishing Worker Special Set-Aside, SAIL Elderly Special Set-Aside, HC RD Special Set-Aside, or HC Front Porch Florida Community Special Set-Aside.

~~H.I.~~ Provided they are consistent with the QAP, the decisions of the Board of Directors of FHFC regarding Binding Commitments or the allocation of housing credits are solely within the discretion of the Board and shall be considered final.

The title of Part III, page 39, has been changed to read as follows:

III. Application of the Plan to Bond Financed and Non-cycle Developments Section A, first paragraph, second sentence, page 39, has been changed to read as follows:

If 50% or more of a Development's financing is from tax-exempt bonds, the housing credits are issued at the federal level rather than as part of the State's allocation authority and

these Developments are not subject to the FHFC ranking and scoring process as set forth in sections I and II above; however, they must meet the minimum threshold criteria, as follows:

Section A., second paragraph, second sentence, page 39, has been changed to read as follows:

Applicants must complete the Universal Application in accordance with the Universal Application Package Instructions.

Section A, fifth paragraph, page 40, has been changed to read as follows:

These bond-financed Developments are subject to all other provisions of Chapter 67-48, Florida Administrative Code, including, but not limited to, the compliance monitoring requirements set forth in section IV of this plan below.

The title of Section B, page 40, has been changed to read as follows:

B. Non-cycle Developments:

Part IV, Compliance

Section A, page 41, has been changed to read as follows:

A. All Housing Credit Developments will be monitored by FHFC or its appointee. Detailed compliance requirements are set forth in the program rules of Chapter 67-48, Florida Administrative Code, and in 26 CFR Parts 1 and 602.

(93) through (100) renumbered (94) through (101) No change.

~~(102)(404)~~ “SAIL Development” means a residential development which provides one or more housing units proposed to be constructed or substantially rehabilitated with SAIL funds for Eligible Persons. A SAIL Development which is under construction, in the process of rehabilitation or which has been completed may be considered for the SAIL Program funding only if:

(a) The pro forma submitted for the SAIL Development in other programs of the Corporation within the last year reflected SAIL funding; and

(b) Permanent financing of the costs associated with construction or rehabilitation of the SAIL Development, including tax-exempt bonds with conversion clauses, has not closed as of the Application Deadline, or if financed with Local Government-issued tax exempt bonds, the bonds did not close prior to January 1, 2000; and

(c) The Application and attached exhibits demonstrate that SAIL funds will enable the SAIL Development to provide additional amenities, or incorporate some additional features which benefit Very Low-Income persons or households. Developments that are not eligible to obtain SAIL funds are those Developments that have already received funding through the SAIL Program.

Notwithstanding the above, Developments that have extraordinary conditions such as acts of God, restrictions of any Governmental Authority, enemy action, civil disturbance,

fire, or any other act beyond the reasonable control of the Developer will need to obtain permission from the Board to process an Application through SAIL for additional funding.

(102) through (104) renumbered (103) through (105) No change.

~~(106)(405)~~ “Section 8 Eligible” means one or more persons or families who have incomes which meet the income eligibility requirements of Section 8 of the United States Housing Act of 1937, which is adopted and incorporated herein by reference, as in effect on the date of this rule chapter.

(106) through (109) renumbered (107) through (110) No change.

~~(111)(410)~~ “Substantial Rehabilitation” means, with respect to the SAIL Program, to bring a Development back to its original state with added improvements, where the value of such repairs or improvements (excluding the costs of acquiring or moving a structure) exceeds 40% of the appraised as is value (excluding land) of such Development before repair. For purposes of this definition, the value of the repairs or improvements means the Development Costs, ~~exclusive of the cost of acquiring or moving the structure~~. To be considered “Substantial Rehabilitation,” there must be at least the foundations remaining from the previous structures, suitable to support the proposed construction.

~~(112)(414)~~ No change.

~~(113)~~ “Tie-Breaker Measurement Point” means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For Scattered Site Developments the Applicant must select a single point on one Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

~~(114)~~ “Total Development Cost” means the total of all costs incurred in the completion of a Development, all of which shall be subject to the approval by the Credit Underwriter and the Corporation as reasonable and necessary. Such costs include, for example, the following:

(a) The cost of acquiring real property and any buildings thereon, including payment for options, deposits, or contracts to purchase properties.

(b) The cost of site preparation, demolition, and development.

(c) Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Development.

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, Developer fee, and the Corporation.

(e) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, rehabilitation, or reconstruction of the Development.

(f) The cost of the construction, rehabilitation, and equipping of the Development.

(g) The cost of land improvements, such as landscaping and offsite improvements related to the Development, whether such costs are paid in cash, property, or services.

(h) Expenses in connection with initial occupancy of the Development.

(i) Allowances established by the Corporation for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first 2 years after completion of the Development.

(j) The cost of such other items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for the Corporation's bonds, as the Corporation shall determine to be reasonable and necessary for the construction or rehabilitation of the Development.

~~(115)(412)~~ No change.

~~(116)(413)~~ "Universal Application Package" or "UA1016" means the ~~computer disk~~, forms, and instructions, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the SAIL and/or HC Program(s). The Universal Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter.

Universal Application Instructions.

First paragraph, page 1, has been changed to read as follows:

Applicants are encouraged to review Rule Chapters 67-21 and/or 67-48, F.A.C., and the following Instructions before completing and submitting prior to completion of this Application. Unless otherwise provided in these Instructions and the Application, capitalized terms are as defined in the rule chapters. Program requirements do not necessarily meet all non-FHFC funding or allocation requirements. Applicants are responsible for ensuring that their developments meet all applicable laws and regulations.

General Instructions.

Second paragraph, first bullet, page 1, has been deleted as follows:

- ~~• a computer disk containing all completed information in the Application, except the required exhibits, using Florida Housing's Electronic Application Template;~~

Second paragraph, second bullet, page 1, has been changed to read as follows:

- one printed version of the completed Application, including applicable exhibits and the Applicant

Certification and Acknowledgement exhibit with an original signature. The Applicant must label ~~will mark~~ this printed version of the Application as the "Original Hard Copy";

Third paragraph, page 1, has been changed to read as follows:

The Applicant must ensure that the online Application (if applicable), ~~the Application on computer disk~~, the "Original Hard Copy" and the photocopies of the Application are all identical. Florida Housing will first consider the Application submitted online (if applicable). If for any reason all or part of the information in the online Application is inaccessible, Florida Housing will ~~next consider the Application submitted on computer disk~~. If for any reason all or part of the ~~information in the Application on computer disk is inaccessible~~, Florida Housing will then consider the "Original Hard Copy" of the Application. Florida Housing will only consider the exhibits submitted as part of the "Original Hard Copy". Notwithstanding the foregoing, if the Executive Director of Florida Housing, in his sole discretion, determines that ~~there are technical issues~~ substantially and adversely impact the actual or perceived efficiency, reliability, or accuracy of the ~~with the online and/or computer disk Application process that affect efficiency or accuracy~~, then he may require Corporation staff to consider only the "Original Hard Copy" of ~~an the Application, of a group of Applications, or of all Applications.~~

Fourth paragraph, page 1, has been changed to read as follows:

Applications for non-competitive HC in conjunction with tax-exempt bonds: Submit one original Application labeled "Original Hard Copy" and only one photocopy of the "Original Hard Copy"; ~~along with a computer disk~~ containing all completed information in the Application, ~~except the required exhibits~~, using Florida Housing's Electronic Application Template.

Fifth paragraph, page 2, has been changed to read as follows:

Florida Housing will reject any competitive Application submittal and no action will be taken to score the Application if:

- ~~• no computer disk is submitted, and/or;~~
- the "Original Hard Copy" of the Application fails to contain the Applicant Certification and Acknowledgement exhibit with an original signature and the applicable exhibits, and/or;
- less than one "Original Hard Copy" and three photocopies of the completed Application, including applicable exhibits, are submitted.

Eighth paragraph, page 2, has been changed to read as follows:

Do not retype, scan, image, or alter any page in the Application Package. This will cause the Application to be rejected. ~~NOTE:~~ Additional information that is placed on the face of a page that does not obscure the printed words is NOT considered an alteration of the page. However, the additional information cannot change the meaning or intent of the page. Additional information should be presented in an asterisk or footnote format or presented as an explanatory addendum to the page.

Ninth paragraph, page 2, has been changed to read as follows:

Notwithstanding anything in this Application and all instructions in this Application Package to the contrary and except for those items listed in Rule ~~Chapters 67-21.003~~ and/or 67-48.004, F.A.C., Applicants shall be provided with an opportunity to submit additional documentation and revised pages, as well as other information in accordance with the applicable said rules.

Specific Instructions.

Part II., Applicant and Development Team.

Section A.1., 1st paragraph, page 3, has been changed to read as follows:

1. Select the Program(s) applied for in this Application.

In accordance with Rule Chapters 67-21 and 67-48, F.A.C., only one Application may be submitted for each subject property.

The Application may be submitted for only ONE of the following:

- ~~Florida Housing-issued MMRB-~~
- ~~Florida Housing-issued MMRB and SAIL~~
- Florida Housing-issued MMRB and non-competitive HC
- Florida Housing-issued MMRB, SAIL and non-competitive HC
- SAIL for Developments using Local Government-issued Tax-Exempt Bonds as a funding source
- SAIL and Competitive HC only if applying in the SAIL special set-asides (Farmworker/Commercial Fishing Worker, Elderly, or Homeless), ~~or~~ in the Florida Keys Area, or if in a county with an area median income (AMI) of \$40,000 or less\*.
- Competitive HC only
- SAIL only
- non-competitive HC with Local Government-issued tax-exempt bonds
- ~~Qualified 501(e)(3) Bonds~~

\* FHFC deems that only the following counties have an AMI of \$40,000 or less: Calhoun, Citrus, DeSoto, Dixie, Franklin, Gilchrist, Glades, Gulf, Hamilton, Hendry, Highlands, Holmes, Jackson, Lafayette, Levy, Madison, Marion, Okeechobee, Putnam, Suwannee, Taylor, and Washington.

Section A.1., second paragraph, page 3, has been changed to read as follows:

SAIL Applicants that have Local Government-issued Tax-Exempt Bonds as a funding source and wish to obtain non-competitive HC must submit a separate Application for the non-competitive HC. The separate Application must be submitted in accordance with the Qualified Allocation Plan and is not subject to the Application Deadline, but is subject to the Application requirements of paragraph 67-48.027(2)(m), F.A.C.

Section A.1., paragraph 3, page 3, has been changed to read as follows:

~~SAIL Applicants wishing to apply for 501(e)(3) Bonds must submit a separate Application for the 501(e)(3) Bonds. Applicants that have closed on their bonds are not eligible to apply for SAIL funding.~~

Applicants may not submit a SAIL Application if the Development which would be the subject of the SAIL Application has received a final allocation of Competitive or non-competitive HC.

Section A.2., pages 3 and 4, has been changed to read as follows:

Enter requested information for Applicant ~~Entity. The Address must be in accordance with the definition of Address in the applicable Rule.~~

If the Federal Employer Identification Number has not yet been obtained, provide a copy of the completed, submitted application for that number behind a tab labeled "Exhibit 2".

a. Applicant ~~Entity~~ must be a legally formed entity [i.e., limited partnership, corporation, limited liability company, etc.] qualified to do business in the ~~s~~State of Florida as of the Application Deadline. Except for public housing authorities, Applicant must include behind a tab labeled "Exhibit 3" a copy of the valid Certificate of Good Standing from the Florida Secretary of State and a copy of the documentation that created the Applicant ~~Entity~~ (such as the partnership or joint venture agreement, ~~;~~ or Certificate of Limited Partnership and the Affidavit of Initial Capital Contribution). If a general partnership or joint venture, provide together with a sworn statement under penalty of perjury that the agreement is a true and correct copy of the documentation that created the Applicant.

b. If applying for HC, the Applicant ~~entity~~ must be a limited partnership (including a limited liability limited partnership) or a limited liability company. It shall be the borrowing entity and/or the recipient of the Housing Credits and cannot be changed until after a Final Housing Credit Allocation of credits has been issued. Replacement of the Applicant ~~entity~~ or a material change (33.3% or more) in the ownership structure of the named Applicant ~~entity~~ prior to this time shall result in disqualification from receiving funding and shall be deemed a material misrepresentation. Changes to the limited partner ~~entity~~ of a limited partnership will not result in disqualification.

c. If the Applicant applies as a Non-Profit entity, it must remain a Non-Profit entity. The Non-Profit entity understands and acknowledges that it is the Non-Profit entity's responsibility to contractually ~~ensure~~ insure that it substantially and materially participates in the management and operation of the Development throughout the Compliance Period and the Extended Use Period. If the Applicant is applying as a Non-Profit entity, failure to include the attorney opinion letter behind a tab labeled "Exhibit 4" and the IRS determination letter behind a tab labeled "Exhibit 5" will result in disqualification as a Non-Profit and rejection of the Application.

If the Applicant applies as a Non-Profit entity ~~applicable~~, provide the description/explanation of the role of the Non-Profit entity behind a tab labeled "Exhibit 6". Provide the names and addresses of the governing board of the Non-Profit entity behind a tab labeled "Exhibit 7". Provide the articles of incorporation demonstrating that ~~If~~ one of the purposes of the Non-Profit entity is to foster low income housing, ~~provide the articles of incorporation~~ behind a tab labeled "Exhibit 8".

Section A.3., page 5, has been changed to read as follows:

3. Provide the required information ~~a list of all general and limited partners, officers, directors and shareholders for the Applicant and each Developer as of the Application Deadline~~ behind a ~~the~~ tab labeled "Exhibit 9". ~~This list must include warrant holders and/or option holders of the proposed Development.~~

Section A.4., page 5, has been changed to read as follows:

4. Enter requested information for Contact Person. See definition of "Contact Person" in the applicable Rule.

Section B, first paragraph, page 5, has been changed to read as follows:

The past performance record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, e.g. i.e., failure to place-in-service a development or project which received a housing credit allocation; failure to comply with previously executed loan documents; failure to comply with Program Rules; failure to comply with Section 42; and/or failure to comply with a the Land Use Restriction Agreement or an the Extended Use Agreement, will be verified during credit underwriting. Development teams with an unsatisfactory past performance record may will receive a negative recommendation from the Credit Underwriter. The past experience record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, will be carefully reviewed.

Section B.1., page 5, has been changed to read as follows:

1. Developer or principal(s) of Developer (Threshold)

a. Provide name of Developer

~~b.a.~~ Certification – Provide the completed Developer or Principal(s) of Developer Certification Form behind a tab labeled "Exhibit 10". A separate certification should be provided for each Co-Developer.

~~c.b.~~ Prior Experience Chart – The Developer or principal(s) of Developer must demonstrate experience in the completion of at least two affordable housing developments of similar magnitude by providing a prior experience chart behind a tab labeled "Exhibit 10". The chart must include that includes the following information:

Section B.2.b., page 5, has been changed to read as follows:

Prior Experience Chart – The Management Agent or principal(s) of Management Agent must demonstrate experience in the management of at least two affordable housing properties of similar magnitude for at least two years ~~of similar magnitude~~ by providing a prior experience chart behind a tab labeled "Exhibit 11". The chart must include that includes the following information:

Section B.3.b., page 6, has been changed to read as follows:

Prior Experience Chart – The General Contractor or principal(s) of General Contractor must demonstrate experience in the construction of at least two completed housing developments of similar magnitude, development category, and design type as the proposed Development by providing a prior experience chart behind a tab labeled "Exhibit 12". The chart must include that includes the following information:

Section B.7., last paragraph, page 7, has been changed to read as follows:

~~Upon notification by the Credit Underwriter, Applicant must immediately provide financial statements for each guarantor for each of the past three years. The financial statements must be prepared and certified as accurately representing the guarantors' financial condition. If audited statements are unavailable for each proposed guarantor, unaudited financial statements and federal tax returns for the past three years must be provided. These will be reviewed by the Credit Underwriter for several purposes, including determination of sufficient financial liquidity. If it is determined in credit underwriting that the proposed guarantors do not demonstrate sufficient financial liquidity, the Credit Underwriter may require additional guarantors or other additional security.~~

Part III., Development.

Section A.1., page 7, has been changed to read as follows:

Provide the actual trade or marketing name, and, if applicable, the d/b/a name ~~of for~~ the Development.

Section A.2.a., page 7, has been changed to read as follows:

Provide the State Address as defined in the applicable rule.

Item A.2.b., second paragraph, page 7, has been changed to read as follows:

Geographic distribution by targeted areas (Applicants applying for SAIL with or without other FHFC funding SAH-Developments Only – Maximum 2 points). The following counties have a demonstrated need for affordable housing, but no development in these counties has ever received SAIL funds: Bay, Citrus, Leon, Nassau, Okaloosa, Okeechobee, St. Lucie and Santa Rosa. If the proposed Development is located in one of these counties, the ~~SAH~~ Application will be awarded 2 points. The Development can be located anywhere in the county, not just in the unincorporated area.

Section A.2.d.(1)(a), page 7, has been changed to read as follows:

In order to be classified as a Development located in a Difficult Development Area (DDA), the proposed Development must be located in one of the areas found on the DDA list compiled by the United States Department of Housing and Urban Development. The current listing is available on Florida Housing's website: [www.floridahousing.org](http://www.floridahousing.org). ~~No other areas will be considered DDAs for purposes of this Application.~~

Section A.2.d.(1)(b), last sentence, page 8, has been changed to read as follows:

If applicable, provide a copy of ~~a~~ the letter from the local planning officer or census bureau verifying the Development's location in the referenced QCT behind a tab labeled "Exhibit 18".

Section A.3., last sentence, page 8, has been changed to read as follows:

However, the acquisition costs and sources must still be reflected on the Development Cost pro forma.

Section A.6., page 8, has been changed to read as follows:

State the total number of units in the proposed Development. Note:

FHFC-issued MMRB Developments may not exceed ~~are limited to~~ 400 total units.

Section A.7., first sentence, page 8, has been changed to read as follows:

Provide a short narrative description of the Development which summarizes the scope of work to be performed and which further conveys any unique or unusual characteristics of the Development not provided elsewhere in the Application.

Section A.8., page 8, has been changed as follows:

Complete the chart. All units in the Development must be listed, including all manager/employee units. Number of baths per unit must indicate 1/2 baths, if applicable. ~~Floor space means the interior space that is heated and cooled.~~ Use additional sheets if necessary.

Section A.9., first sentence, page 9, has been changed to read as follows:

Indicate whether the proposed Development has been underwritten previously by any Credit Underwriter ~~acting~~ on behalf of Florida Housing Finance Corporation.

Section A.10., first sentence of the first paragraph, page 9, has been changed to read as follows:

Indicate the sStatus of the new construction or Rehabilitation/Substantial Rehabilitation work.

Section A.11., page 9, has been deleted in its entirety and a new Section A.11. has been added to read as follows:

To be eligible for tie-breaker points, the Applicant must indicate the proximity of the proposed Development to:

- services; and
- Development Address or location coordinates identified on the FHFC Development Proximity List serving the same demographic group as the proposed Development.

To determine proximity, the Applicant must first identify a Tie-Breaker Measurement Point on the proposed Development site and provide the latitude and longitude coordinates determined in degrees and minutes truncated after three decimals. If the minutes are not stated to three decimals, Florida Housing will utilize "0" for any missing decimals. The Surveyor Certification Form and a land survey map (no larger than 11" x 17") must be provided behind a tab labeled "Exhibit 21". The map must clearly show the boundaries of the proposed Development site, the location of the latitude/longitude coordinates for the Tie-Breaker Measurement Point on the proposed Development site, and the scale of the map.

a. Proximity to services (Maximum 3.75 tie-breaker points):

Utilizing Street Atlas USA, version 9.0, published by DeLorme, measure the distance from the Tie-Breaker Measurement Point to the following service(s). If an Address for the service(s) is not included on Street Atlas USA, Version 9.0, the latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled "Exhibit 21". The latitude and longitude coordinates must be located at the main entrance used by the general public.

If an Applicant concludes upon entering an Address for a service (Grocery Store, Public School or Medical Facility) into the Street Atlas USA, Version 9, software that the software fails to identify a location that is on a service site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the service in question; (2) that the Street Atlas USA, Version 9, software fails to identify a location that is on the service site upon entering the service's Address; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three



decimal places) for the respective service. The surveyor's certification must be signed and dated by the surveyor under oath.

To be considered for tie-breaker points in this Application, the grocery store, public school or medical facility, and public bus stop or metro-rail stop must be in existence and available for use by the general public as of the Application Deadline.

(1) Name and Address as assigned by the United States Postal Service of the closest:

(a) Grocery Store – For purposes of tie-breaker points, a grocery store means a self-service retail market that sells food and household goods and has at least 4,500 square feet of air conditioned space.

(b) Public School – For purposes of tie-breaker points, a public school means a public elementary, middle, junior and/or high school, including a charter school, except that a charter school that is not generally available to appropriately aged children in the radius area may not be counted. This service may not be selected if the Applicant selected Elderly in the Demographic or Area Commitment section of this Application.

(c) Medical Facility – For purposes of tie-breaker points, a medical facility means a hospital, state or county health clinic or walk-in clinic (that does not require a prior appointment) that provides general medical treatment or general surgical services on a daily basis to any physically sick or injured person. This service can be selected only if the Applicant selected Elderly in the Demographic or Area Commitment section of this Application.

Applicant must provide both the name and Address as assigned by the United States Postal Service for the selected service(s).

(2) Location of the closest public bus stop or metro-rail stop. The latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled "Exhibit 21".

b. Proximity to the closest Development Address or location coordinates identified on the FHFC Development Proximity List (Maximum 3.75 tie breaker points):

The FHFC Development Proximity List is incorporated by reference and is available on FHFC's website [www.floridahousing.org](http://www.floridahousing.org).

Utilizing the location coordinates, if stated on the FHFC Development Proximity List, or if the location coordinates are not stated, using the Address on the FHFC Development Proximity List, determine the closest Development Address or location coordinates that will serve the same demographic group as the proposed Development, i.e., "Elderly", "Farmworker/Commercial Fishing Worker", "Homeless", or "Other", regardless of the funding source, as identified on the FHFC Development Proximity List. For purposes of this section, the demographic group of a proposed Development is "Other" if the Applicant did not select Elderly,

Farmworker/Commercial Fishing Worker, or Homeless in the Demographic Group or Area Commitment section of this Application.

The Applicant must state the name of the closest Development included on the FHFC Development Proximity List that serves the same demographic group as the proposed Development. If the closest Development serving the same demographic group consists of several Addresses or location coordinates, the Address or location coordinates closest to the proposed Development site must be stated. Applicants are only permitted to utilize the Address or location coordinates set forth on the FHFC Development Proximity List unless evidence is provided of an inaccuracy.

In determining the distance between a proposed Development's Tie Breaker Measurement Point and a Development listed on the FHFC Development Proximity List, it is the Applicant's responsibility to verify for the Development listed on the FHFC Development Proximity List, as applicable, that the FHFC provided location coordinates are on the Development site or that the Street Atlas USA, Version 9, software correctly identifies a location on the Development site when the Development's location coordinates or Address is entered.

If, for a Development on the FHFC Development Proximity List, an Applicant concludes that the FHFC provided location coordinates for a Development are not on the Development site, or upon entering the Development's Address or location coordinates into Street Atlas USA, Version 9, that the software fails to identify a location that is on the Development site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the Development in question; (2) that the FHFC provided location coordinates for the Development are not on the Development site or that the Street Atlas USA, Version 9, software fails to identify a location that is on the Development site upon entering either the Development's Address or location coordinates; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three decimal places) for the respective site. The surveyor's certification must be signed and dated by the surveyor under oath.

An Applicant may disregard any Development on the FHFC Development Proximity List that is contiguous to the proposed Development if the two Developments have the same Financial Beneficiaries.

Florida Housing may verify the above information utilizing "Street Atlas USA Version 9.0" or other relevant information available to Florida Housing for such verification. Tie-breaker points will be added together to determine the total

proximity tie-breaker points. If necessary, the total proximity tie-breaker points will be used as a tie breaker, as described in the Ranking and Selection Criteria Section of these Instructions.

The following examples are provided to demonstrate the procedure Florida Housing may use to verify the distance from a proposed Development's Tie-Breaker Measurement Point to a service.

Example 1: An Applicant has indicated that a grocery store is within one mile of the proposed Development's Tie-Breaker Measurement Point and was awarded 1.25 tie-breaker points during preliminary scoring. The Applicant provided the Surveyor Certification Form stating the location coordinates for the grocery store. Florida Housing received a Notice of Possible Scoring Error (NOPSE) that alleged that the grocery store is actually 1.05 miles from the proposed Development's Tie-Breaker Measurement Point. The NOPSE does not challenge the location coordinates for the proposed Development's Tie-Breaker Measurement Point or for the grocery store.

Florida Housing will use the Street Atlas USA, Version 9, in making its determination of whether the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point. The following steps will be used:

(1) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the proposed Development's Tie-Breaker Measurement Point will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(2) The location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(3) The "F10" key will be pressed to display the Drawing Palette features of the software. Using the features, a circle with a radius of one mile will be drawn that has the proposed Development's Tie-Breaker Measurement Point as its center. The "Circle Properties" will be set so the line is drawn at medium width.

(4) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the grocery store will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(5) The grocery store's location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(6) If the grocery store's depicted location is clearly within the drawn circle, Florida Housing will conclude the grocery store is within one mile or less the proposed Development's Tie-Breaker Measurement Point and no adjustment to the Application's tie-breaker score will be made for this issue. If

the grocery store's depicted location appears to be on the line of the circle, using the cursor and the mouse, the grocery store's depicted location will be centered on the screen and using the zooming features of the software, the grocery store's depicted location will be zoomed in as far as possible. In the event the grocery store's depicted location on the computer screen appears to the human eye to be on the drawn line of the circle, it will be concluded that the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point and no adjustment will be made to the Application's tie-breaker score for this issue. If the grocery store's depicted location is outside the drawn line of the circle but within 2 miles of the proposed Development's Tie-Breaker Measurement Point, the Application's tie-breaker score will be reduced from 1.25 tie-breaker points to 1 tie-breaker point. Applicants are cautioned that a depicted location may appear to be on the line of a circle when the map is not zoomed all the way in, but when the map is zoomed all the way in, the depicted location is outside the line of the circle.

Example 2: This example is the same as the one above except the Applicant provided an Address for the grocery store.

Using the Street Atlas USA, Version 9, Florida Housing will make a determination of whether or not the grocery store is within one mile of the proposed Development's Tie-Breaker Measurement Point using the following steps:

(1) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the proposed Development's Tie-Breaker Measurement Point will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(2) The location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(3) The "F10" key will be pressed to display the Drawing Palette features of the software. Using the features, a circle with a radius of one mile will be drawn that has the proposed Development's Tie-Breaker Measurement Point as its center. The "Circle Properties" will be set so the line is drawn at medium width.

(4) Using "Locate by Address" under "Find" on the menu bar with the options set to "very small" and "circle", the grocery store's Address will be entered and the "Search" icon depressed using the left button of the computer mouse.

(5) The software will then display the grocery store's Address as a small black dot on a map on the computer screen.

(6) If the black dot which depicts the grocery store's Address is clearly within the drawn circle, Florida Housing will conclude the grocery store is within one mile or less the proposed Development's Tie Breaker Measurement Point and no adjustment to the Application's tie-breaker score will be made for this issue. If the black dot depicting the grocery store's Address appears to be touching the line of the circle,

using the cursor and the mouse, the black dot depicting the grocery store's Address will be centered on the screen and using the zooming features of the software, the black dot depicting the grocery store's Address will be zoomed in as far as possible. In the event, the black dot depicting the grocery store's Address on the computer screen appears to the human eye to be touching the drawn line of the circle, it will be concluded that the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point and no adjustment will be made to the Application's tie-breaker score for this issue. If the black dot depicting the grocery store's Address is outside the drawn line of the circle and is not touching the line of the circle but is within two miles of the proposed Development's Tie-Breaker Measurement Point, the Application's tie-breaker score will be reduced from 1.25 tie-breaker points to 1 tie-breaker point. Applicants are cautioned that a black dot depicting a location may appear to be touching the line of a circle when the map is not zoomed all the way in, but when the map is zoomed all the way in, the black dot is outside the line of the circle and is not touching the line of the circle.

The above examples do not limit Florida Housing from using other means of verification and determination.

Section B., first paragraph, page 11, has been changed to read as follows:

All required features and amenities, as well as all optional features and amenities selected by the Applicant, will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section B.1., second paragraph, page 11, has been changed to read as follows:

Indicate whether Applicant commits to provide all required features and amenities for the proposed Development. Applicant must select "yes" to be considered for participation in any ~~P~~program.

Section B.2., first and second paragraphs, page 12, have been changed to read as follows:

All items selected must be located on the Development property. Selecting these items commits the Applicant to provide them, unless the Board approves a change. Points will be awarded as indicated for each item up to the maximum allowed for each particular section, as indicated below.

The point value for each feature and amenity selected by the Applicant in the Optional Features and Amenities section of the Application at Part II, Section B.2.a., b., c. and/or d. will be doubled if the proposed Development:

Section B.2., a new third paragraph, as been included which reads as follows:

Rehabilitation/Substantial Rehabilitation Developments will automatically receive 2 points for Energy Conservation Features and may achieve a maximum of 9 points by selecting items totaling at least 7 points.

Section C.2.a., page 12, has been changed to read as follows:

A qualified contract is one that has a term which does not expire before the last expected closing date of December 31, 2002 or that contains extensions options exercisable by the purchaser and conditioned solely upon payment of additional monies which, if exercised, would extend the term to a date not earlier than December 31, 2002; provides that the buyer's remedy for default on the part of the seller includes or is specific performance; and the buyer MUST be the Applicant unless a fully executed assignment of the qualified contract which assigns all of the buyer's rights, title and interests in the qualified contract to the Applicant, is provided.

Section C.3., third paragraph, page 13, has been changed to read as follows:

Evidence of availability of electricity must be provided behind a tab labeled "Exhibit 24". Evidence of availability of water must be provided behind a tab labeled "Exhibit 25". Evidence of availability of sewer, package treatment or septic tank must be provided behind a tab labeled "Exhibit 26". Evidence of availability of roads must be provided behind a tab labeled "Exhibit 27".

Section C.4., first sentence, page 13, has been changed to read as follows:

To demonstrate that the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming, the Applicant must provide the appropriate verification form behind a tab labeled "Exhibit 28".

Section C.5., last paragraph, page 14, has been changed to read as follows:

Note: If the Phase I ESA and/or the Phase II ESA disclosed environmental problems requiring remediation, a plan, including time frame and cost, for the remediation is required. By answering the applicable questions and executing the Phase I and/or Phase II verification(s), the environmental provider is certifying that such plan has been prepared. In addition, by executing the Applicant Certification and Acknowledgement Form ~~at Part V of this Application~~, the Applicant certifies that the plan has been prepared and the costs associated with such remediation have been included in the Development Ceost pro forma submitted in this Application.

Section D, Targeting, page 14, has been changed to read as follows:

Demographic or Area Commitment Targeting (Maximum 7 Points):

~~In accordance with the SAIL and MMRB NOFAs and the HC NOCA, allocation of funds will be prioritized based on specific targeting goals.~~

Selection of the Elderly, Farmworker/Commercial Fishing Worker, or Homeless ~~targeting~~ commitment will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

Applicants may select only one of the following: targeting category from Items 1 through 9 below.

Section D.1., first paragraph, page 15, has been changed to read as follows:

Florida Keys Area (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 7 Points

Section D.2., page 15, has been changed to read as follows:

Rural Development (Only HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

Applicant may make this selection ~~select this option~~ if it is anticipated that the Development will be assisted with funds from the United States U.S. Department of Agriculture RD 515 or 514/516 Program. Applicant must check the applicable box. By making this selection ~~selecting this option~~, the Applicant chooses to compete within the Rural Development Special Sset-Aaside. Applicants within this Special Sset-Aaside must provide evidence of RD financing by October 1, 2002 or the reserved funds will be distributed outside the RD Special Sset-Aaside in accordance with the QAP. Applicants without an RD funding commitment at the time of Application Deadline must submit alternative financing commitment(s) to qualify ~~for the set-aside~~ during scoring. Such commitment(s) may be replaced during credit underwriting.

Section D.3., first three paragraphs, page 15, have been changed to read as follows:

Elderly (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

SAIL Applicants making this selection will compete in the SAIL ~~are eligible to receive points for selecting Elderly Targeting only if the Elderly Special Categorical Set-Aside for the Elderly Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Elderly ~~for purposes of this targeting category~~, the Development must meet all of the following restrictions:

Section D.3.a. through c., page 15, have been changed to read as follows:

a. Applicant understands, acknowledges and agrees that ~~by applying under this targeting category~~, it will comply with the Federal Fair Housing Act requirements and rent at least 80% of the total units to residents that qualify as Elderly pursuant to that Act. Further, Applicant understands, acknowledges and

agrees that all such units are subject to the income restrictions committed to in the Set-Aside Commitment section Part II, Section E of this Application;

b. The Development cannot consist of more than 160 total units, unless the proposed Development is a rehabilitation of an existing elderly housing facility;

c. At least 50% of the total units must be comprised of one bedroom and no more than 15% of the total units can be larger than 2 bedroom;

Section D.3.e., page 16, has been changed to read as follows:

A minimum of one elevator per residential building must be provided for all nNew cConstruction Developments that consist of more than one story if any of the Elderly set-aside units will be located on a floor higher than the first floor.

Section D.3.f., first paragraph, page 16, has been changed to read as follows:

The Applicant must provide the following features in the specified percentages of all units in nNew cConstruction (NC) and Rehabilitation/Substantial Rehabilitation (SR) Developments. Features required in less than 100% of the units must be provided in the same units so that the designated number/ percentage of units is fully useable by handicapped or frail Elderly hHouseholds.

Section D.4., first three paragraphs and Item a., page 17, have been changed to read as follows:

Farmworker or Commercial Fishing Worker (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

SAIL Applicants making this selection will compete in the SAIL ~~are eligible to receive points for selecting Farmworker or Commercial Fishing Worker Targeting only if the Farmworker or Commercial Fishing Worker Special Categorical Set-Aside for Farmworker or Commercial Fishing Worker Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Farmworker or Commercial Fishing Worker ~~for purposes of this targeting category~~, the Development must meet all of the following requirements:

a. Development cannot have more than 160 total units and Applicant must commit to target not less than 40% of the total units for Farmworker or Commercial Fishing Worker Households.

Section D.5., first three paragraphs and Items a. through c., page 17, have been changed to read as follows:

Homeless (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

SAIL Applicants making this selection will compete in the SAIL ~~are eligible to receive points for selecting Homeless Targeting only if the Homeless Special Categorical Set-Aside for the Homeless Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Homeless ~~for purposes of this targeting category~~, the Development must meet the following requirements:

a. SRO Developments must commit to rent not less than target 80% of the total units ~~to for~~ Homeless Households and must have selected the SRO Construction Features and Amenities in ~~Part II, Section B.2.d.~~, of this Application; or

b. Non-SRO Developments must commit to rent not less than target 80% of the total units for Homeless Households; and

c. ~~All~~ Applicants ~~selecting Homeless Targeting~~ must provide the properly completed and executed Verification of Inclusion in Local Homeless Assistance Continuum of Care Plan by Lead Agency Form behind a tab labeled "Exhibit 31".

~~In addition, If~~ no Local Homeless Assistance Continuum of Care Plan exists for the Catchment Area in which the proposed Development is located, a needs analysis demonstrating the local need for such housing must be provided behind a tab labeled "Exhibit 31".

Section D.6., page 18, has been changed to read as follows:

Urban In-Fill Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as an Urban In-Fill Development ~~for purposes of this targeting category~~, the Applicant must provide a properly completed and executed Local Government Verification of Qualification as Urban In-Fill Development Form behind a tab labeled "Exhibit 31".

Section D.7., page 18, has been changed to read as follows:

Large Family Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

To be eligible to receive points ~~for purposes of this targeting category~~, the Applicant commits to accommodate large families within the set aside units by providing 30% or more of the set-aside units with three or more bedrooms.

Section D.8., page 18, has been changed to read as follows:

HOPE VI Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as a HOPE VI Development ~~for purposes of this targeting category~~, the Applicant must provide a copy of the properly executed award letter from HUD, awarding the HOPE VI revitalization funds. The letter must state the amount of the HOPE VI revitalization award and the name of the Development, and must be provided behind a tab labeled "Exhibit 31".

Section D.9., page 18, has been changed to read as follows:

Front Porch Florida Community (MMRB Applicants may not make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as located in a Front Porch Florida Community ~~for purposes of this targeting category~~, the Applicant must provide a properly completed and executed Verification of Front Porch Florida Funding Commitment Form behind a tab labeled "Exhibit 31".

Note: The telephone number for the Office of Urban Opportunity Front Porch Florida is (850)487-9556.

Section E., first and second paragraphs, page 19, have been changed to read as follows:

All set-aside commitments ~~made on this form~~ will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement, and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

If there is an inconsistency between the information submitted as minimum set-aside section and the information stated in the total set-aside commitment section of this Application, the percentage(s) stated as the total set-aside commitment section ~~to set aside units beyond the minimum~~ will be considered the Applicant's set-aside commitment.

Section E.1., page 19, has been deleted in its entirety.

Section E.2., has been renumbered as Section E.1. and the second paragraph has been changed to read as follows:

HC Applicants Note: Choosing the 20% at 50% AMI or less minimum set-aside will restrict ALL set-aside units at 50% or less of the AMI pursuant to IRS regulations. Applicants may choose the 40% at 60% AMI or less minimum set-aside without committing to setting aside any of the units at the 60% AMI level. For example, an Applicant may commit to setting aside 40% at 50% AMI and this would also be considered 40% at 60% AMI or less.

Section E.1., third paragraph, second bullet, page 20, has been changed to read as follows:

For purposes of meeting threshold requirements of this Application only, "scheduled" shall mean:

The Application is one Applicant has submitted Application for both SAIL and HC; or

The Applicant includes evidence within its Application that the Development has a firm commitment, as determined by Florida Housing after scoring the Financing portion of this Application, for 50% or more of its financing from tax-exempt private activity bonds.

Section E.3., has been renumbered as Section E.2. and the first, second and third paragraphs, page 21, have been changed to read as follows:

Commitment to Serve Lower Area Median Income (~~Maximum~~ 5 Points)

Percentage chosen must be the same for all programs applied for in this Application. Where reasonably reasonable possible, Applicants should keep the unit mix consistent to each AMI level committed to.

Points will be awarded for a commitment to set-aside units beyond the minimum set-aside, with the following exceptions:

- Applications for developments that will be funded with Local Government issued tax-exempt bonds that are only requesting non-competitive HC will automatically receive 5 points; and
- Applications for Developments located in Locations B, C or D which are requesting FHFC-issued MMRB without SAIL and with/without non-competitive HC will automatically receive 5 points.

Section E.2., Location A, page 21, has been changed to read as follows:

First bullet under “Threshold requirement:”:

-Applicants requesting Competitive HC ~~out of the allocation authority (competitive credits)~~ must commit to set-aside 100% of the Development’s units at 50% AMI or less.

First and second paragraphs under “To earn 5 points:”, page 22, have been changed to read as follows:

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside: all units, no units above 50% AMI, no more than 95% of the Development’s units at 50% AMI and no less than 5% of the units at 40% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside: all units, no units above 50% AMI, no more than 88% of the Development’s units at 50% AMI and no less than 12% of the units at 40% AMI or less.

-Applicants requesting only MMRB or only SAIL must at a minimum commit to set-aside the threshold requirement of 50% of the Development’s units at 50% AMI or less.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside 60% of the Development’s units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 85% of a Development’s units at 50% AMI or less and 15% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement. The same Applicant would not earn five points if it committed to do 90% of the Development’s units at 50% AMI or less and 10% of the units at 30% AMI.

Section E.2., Location A Summary chart, page 22, has been changed to read as follows:

Location A Summary

Program(s) applying for	Location A				
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less		% of units @ 50% AMI or less
<u>Competitive HC ONLY</u> <del>(out of the allocation authority)</del>	na	na	5	and	95
<u>Competitive HC</u> <del>(out of the allocation authority)</del> with SAIL	na	na	12	and	88
<u>SAIL ONLY</u> without <u>Competitive HC</u> , FHFC bonds or local bonds	na	na	na		50
<u>FHFC bonds</u> with or without <u>non-competitive HC 4% credits ONLY</u>	na	na	na		50
<u>FHFC or local bonds</u> with SAIL	na	na	na		60
<u>non-competitive HC ONLY</u>	na	na	na		na

Section E.2., Location B, first and second paragraphs under “To earn 5 points:”, page 23, have been changed to read as follows:

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside either: 15% of the Development’s units at 30% AMI or less, 20% of the Development’s units at 35% AMI or less, 27% of the Development’s units at 40% AMI or less, or 56% of the Development’s units at 50% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside either: 19% of the Development’s units at 30% AMI or less, 25% of the Development’s units at 35% AMI or less, 34% of the Development’s units at 40% AMI or less, or 72% of the Development’s units at 50% AMI or less.

-Applicants requesting only MMRB or only SAIL must at a minimum commit to set-aside either: 8% of the Development’s units at 30% AMI or less, 10% of the Development’s units at 35% AMI or less, 14% of the Development’s units at 40% AMI or less, or 30% of the Development’s units at 50% AMI or less.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside either: 4% ~~11%~~ of the Development’s units at 30% AMI or less, 6% ~~14%~~ of the Development’s units at 35% AMI or less, 9% ~~19%~~ of the Development’s units at 40% AMI or less, or 20% ~~40%~~ of the Development’s units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development’s units at 30%

AMI or less and 20% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 25% of the units at 35% AMI or less.

Section E.2., Location B Summary chart, page 23, has been changed to read as follows:

Location B Summary

Program(s) applying for	Location B			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
Competitive HC ONLY (out of allocation authority)	15	20	27	56
Competitive HC (out of the allocation authority) with SAIL	19	25	34	72
SAIL ONLY without Competitive HC, FHFC bonds or local bonds	8	10	14	30
FHFC bonds with or without non-competitive HC 4% credits ONLY	na 8	na 10	na 14	na 30
FHFC or local bonds with SAIL	4 11	6 14	9 19	20 40
non-competitive HC ONLY	na	na	na	

Section E.2., Location C, first and second paragraphs under “To earn 5 points:”, page 24, have been changed to read as follows:

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside either: 7% of the Development’s units at 30% AMI or less, 9% of the Development’s units at 35% AMI or less, 12% of the Development’s units at 40% AMI or less, or 26% of the Development’s units at 50% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside either: 11% of the Development’s units at 30% AMI or less, 15% of the Development’s units at 35% AMI or less, 20% of the Development’s units at 40% AMI or less, or 43% of the Development’s units at 50% AMI or less.

-Applicants requesting only ~~MMRB or only~~ SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they apply for.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they apply for.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development’s units at 30% AMI or less and 10% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 15% of the units at 35% AMI or less.

Section E.2., Location C Summary chart, page 24, has been changed to read as follows:

Location C Summary

Program(s) applying for	Location C			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
Competitive HC ONLY (out of the allocation authority)	7	9	12	26
Competitive HC (out of the allocation authority) with SAIL	11	15	20	43
SAIL ONLY without Competitive HC, FHFC bonds or local bonds	na	na	na	na
FHFC bonds with or without non-competitive HC 4% credits ONLY	na	na	na	na
FHFC or local bonds with SAIL	na	na	na	na
non-competitive HC ONLY	na	na	na	na

Section E.2., Location D, first and second paragraphs under “To earn 5 points:”, page 25, have been changed to read as follows:

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside either: 11% of the Development’s units at 30% AMI or less, 15% of the Development’s units at 35% AMI or less, 20% of the Development’s units at 40% AMI or less, or 43% of the Development’s units at 50% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside either: 15% of the Development’s units at 30% AMI or less, 20% of the Development’s units at 35% AMI or less, 27% of the Development’s units at 40% AMI or less, or 56% of the Development’s units at 50% AMI or less.

-Applicants requesting only ~~MMRB or only~~ SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they apply for.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside either: 3% ~~6%~~ of the Development’s units at 30% AMI or less, 4% ~~8%~~ of the Development’s units at 35% AMI or less, 5% ~~10%~~ of the Development’s units at 40% AMI or less, or 11% ~~22%~~ of the Development’s units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development’s units at 30%

AMI or less and 15% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 20% of the units at 35% AMI or less.

Section E.2., Location D Summary chart, page 25, has been changed to read as follows:

Location D Summary

Program(s) applying for	Location D			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
Competitive HC ONLY (out of the allocation authority)	11	15	20	43
Competitive HC (out of the allocation authority) with SAIL	15	20	27	56
SAIL ONLY without Competitive HC, FHFC bonds or local bonds	na	na	na	na
FHFC bonds with or without non-competitive HC 4% credits ONLY	na	na	na	na
FHFC or local bonds with SAIL	36	48	54	112
non-competitive HC ONLY	na	na	na	na

The paragraph following the Location D Summary chart has been deleted as follows:

~~To be awarded 5 points, Applicants that received local tax exempt private activity bonds and are only applying for 4% credits must meet the same requirements as an Applicant applying for MMRB only.~~

Section E.4., page 26, has been renumbered as Section E.3. and the section has been changed to read as follows:

**3.4. Total Set-Aside Commitment to Set-Aside Units Beyond the Minimum**

(Maximum 3 Points)

All Applicants must complete the chart. Points will be awarded if the Applicant commits to set-aside 70% or more of the total units at 60% AMI or less. Percentages should be whole numbers. MMRB total set-aside percentage (excluding any portion relating to non-competitive HC) should not exceed 85%. In the event an MMRB Applicant selects higher than 85%, the total set-aside percentage will be reduced to 85%. Applicants applying for MMRB and SAIL or Competitive HC and SAIL should complete both the combined program funding column and the MMRB or Competitive HC column, as applicable. In the event the Applicant is successful in receiving the MMRB or the Competitive HC, but not the SAIL, and the Applicant is able to demonstrate an alternative funding source within the time frame outlined in the Ranking and Selection Criteria section of these instructions, the Applicant's set-aside commitment will be the percentage(s) listed in the MMRB Only or Competitive or non-competitive HC Only column, as applicable.

Section E.5., page 26, has been renumbered as Section E.4.

Section F., first and second paragraphs, page 26, have been changed to read as follows:

Applicants may select resident programs from the Qualified Resident Programs for Non-Elderly and Non-Homeless Developments section, the Qualified Resident Programs for Homeless Developments – SRO and Non-SRO section, or the Qualified Resident Programs for Elderly Developments section Item 1, 2 or 3, up to a maximum of 6 points. Programs in the Qualified Resident Programs for All Applicants section ~~Item 4~~ may be selected, up to a maximum of 8 points.

All resident programs selected by the Applicant will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section F.1., first paragraph, page 26, has been changed to read as follows:

To be eligible to select resident programs from this category, Applicant cannot have ~~selected committed to~~ Elderly ~~Targeting~~ or Homeless in the Demographic or Area Commitment section of Targeting in this Application.

Section F.2., first and second paragraphs, page 28, have been changed to read as follows:

To be eligible to select resident programs from this category, Applicant must have ~~selected committed to~~ Homeless in the Demographic or Area Commitment section of Targeting in this Application.

Note: All Applicants ~~selecting the committing to~~ Homeless demographic commitment Targeting in this Application will be required to provide a Service Coordination Program whereby the Applicant or its Management Agent must provide, at no cost to the resident, a service coordinator (at least one for every 25 residents) whose activities are aimed at assessing resident needs, planning services, linking the service system to a resident, coordinating the various system components, monitoring service delivery, and evaluating the effect of service delivery. Service Coordinators must possess at least a bachelor's degree in human services or a related field.

Section F.2.a.(2), page 29, has been changed to read as follows:

Daily Activities – Applicant or its Management Agent must provide on-site supervised, structured activities, at no cost to the resident at least 5 days per week. (3 points)

Section F.3., first paragraph, page 31, has been changed to read as follows:

To be eligible to select resident programs in this category, Applicant must have ~~selected committed to~~ Elderly in the Demographic or Area Commitment section of Targeting in this Application:

Section F.3.c., page 31, has been changed to read as follows:



Assistance with Light Housekeeping, Grocery Shopping and/or Laundry – ~~The Applicant or its Management Agent must provide weekly assistance with at least two of the following: (a) light housekeeping, and/or (b) grocery shopping, and/or (c) laundry.~~ The Applicant or its Management Agent will provide residents with a list of qualified service providers for (a) light housekeeping, and/or (b) grocery shopping, and/or (c) laundry ~~all three types of services~~ and will coordinate, at no cost to the resident, the scheduling and provision of services. (1 point)

Section F.3.f., page 32, has been deleted.

Section F.4.b., last sentence, page 32, has been changed to read as follows:

The goal here is to foster a sense of community by bringing residents together on a regularly scheduled basis by providing activities such as holiday and special occasion parties, community picnics, newsletters, children's special functions, etc. (2 points)

Section F.4.i., page 33, has been changed to read as follows:

Life Safety Training – The Applicant or its Management Agent must provide courses such as fire safety, first aide (including CPR), etc., on-site, at least twice each year, at no cost to the resident. (2 points)

Section F.4.j., page 33, has been deleted.

Section F.4.k., page 33, has been renumbered F.4.j.

Part IV., Local Government Support.

Section A. has been changed by the insertion of a new paragraph preceding the first paragraph on page 34. This paragraph has been deleted from the County Contribution List bullet on page 38.

To be eligible for 5 points, Applicants applying for Competitive HC with or without SAIL and Applicants applying for SAIL only without any tax-exempt bond financing must obtain a Local Government contribution equal to or greater than the amounts listed on the County Contribution List. All other Applicants will automatically receive 5 points without any requirement to obtain a Local Government contribution.

Section A., second to last sentence of first paragraph, page 34, has been changed to read as follows:

Local Government contributions that have not received final approval will not qualify as a Local Government contribution for purposes of this Application.

Section A., first sentence of the second paragraph, page 35, has been changed to read as follows:

The contribution may not be included on the Development Cost Pro Forma nor may it be considered part of Development Cost for purposes of calculating HC basis or Developer's fee.

Section A., first bullet, page 35, has been changed to read as follows:

- Calculate the net present value of the payments using the discount rate, the 10 year Treasury note bond in effect as of the date of the MMRB and SAIL Notices of Funding Availability (NOFA) and ~~or~~ HC Notice of Credit Availability (NOCA) plus 285 ~~245~~ basis points. This figure may be obtained from the Corporation prior to the Application Deadline.

Section A, second to last paragraph, page 35, has been changed to read as follows:

- Calculate the net present value of the loan payments using the discount rate, the 10 year Treasury note bond in effect as of the date of the MMRB and SAIL Notices of Funding Availability (NOFA) and ~~or~~ HC Notice of Credit Availability (NOCA) plus 285 ~~245~~ basis points. This figure may be obtained from the Corporation prior to the Application Deadline.

Section A, Scoring, first sentence of the first paragraph, page 36, has been changed to read as follows:

Local Government Contributions may be verified by Florida Housing Staff during the scoring and appeals process.

Section A., Scoring, second Note, page 37, has been changed to read as follows:

NOTE: For waiver of ~~impact~~ fees, attach a sheet behind the Local Government Verification of Contribution Form detailing how the amount of savings was calculated.

For waivers of fees that are determined on a per unit basis ~~Where applicable~~, calculations should show for each waived fee, the amount waived per unit. Failure to attach a sheet showing these calculations ~~do so~~ will result in the contribution not being considered.

Section A, Scoring, last sentence of the third Note, page 37, has been changed to read as follows:

Failure to attach a sheet that provides this information will result in the contribution not being considered.

Section B., page 38, except the last paragraph, has been changed to read as follows:

B. Incentives (Maximum ~~4~~ 5 Points):

Points will be awarded for the following Local Government planning efforts: To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.

1. ~~Affordable housing developments or properties for which the Local Government provided an expedited processing of permits. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind a tab labeled “Exhibit 36”. (1 point)

2. ~~Affordable housing developments or properties that have benefited or will benefit from any actual Local Government contributions. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives –

Contributions Made to Affordable Housing Properties or Developments Form behind a tab labeled "Exhibit 37". (1 point)

3. ~~Modification of fee requirements, including reduction or waiver of fees and alternative methods of fee payment. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Modification of Fee Requirements for Affordable Housing Properties or Developments Form behind the tab labeled "Exhibit 38". (1 point)

4. ~~Ongoing formal process for consideration, before adoption, by the Local Government of the potential impact of policies, procedures, ordinances, regulations, or plan provisions upon affordable housing. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments Form behind the tab labeled "Exhibit 39". (1 point)

~~To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.~~

Part V. Financing.

Section A.1., page 40, has been changed by addition of a new third paragraph and deletion of the existing third paragraph as follows:

An Applicant requesting funding from both SAIL and Competitive HC will not be eligible for automatic Competitive HC that are to be awarded to Applicants in the SAIL Special Set-Aside unless the Applicant's SAIL funding request amount is a minimum of 10% of Total Development Cost.

~~If a SAIL Applicant is requesting a loan in excess of 25% of total Development Cost, evidence of the Applicant's eligibility must be provided behind a tab labeled "Exhibit 40" by the Application Deadline.~~

The "HC request cannot exceed:" chart and footnote, page 40, have been changed to read as follows:

County Group*	Maximum Request Amount if Development is not located in a DDA or QCT	Maximum Request Amount if Development is located in a DDA or QCT
LL Counties	\$1.7 Million	\$2,210,000
LS Counties	\$1.4 Million	\$1,820,000
ML Counties	\$1 Million	\$1,300,000
Florida Keys Area		The lesser of \$10,000 \$9,500 per set-aside unit or \$1,300,000
MS Counties	\$850,000	\$1,105,000
Small Counties	\$750,000	\$975,000

\*County Groups are ~~described~~ defined in the Ranking and Selection Criteria, ~~Item 11~~

Section A., page 40, has been changed by the addition of a new Item 2 as follows:

2. SAIL ONLY – Indicate whether the Applicant is applying for a loan in excess of 25% of Total Development Cost. If the answer is "yes", Applicant must indicate which of the eligibility requirements it has met that enables it to make such request and provide evidence of its eligibility behind a tab labeled "Exhibit 40".

Section A.2., page 40, has been changed to read as follows:

~~3.2. Other Corporation Funding – If applicable, Applicant must list any other FHFC funding, excluding credit enhancement financing from the Guarantee Fund or funding from the Predevelopment Loan Program (PLP), that will be used as a source of financing for this construction project. If Local Government-issued tax-exempt bond proceeds will be used as a source of financing, the source and amount of such proceeds must also be listed.~~

Section B., second sentence of Fee Disclosure bullet, page 41, has been changed to read as follows:

In the event the Developer fee and/or General Contractor fee are/is not disclosed on the Development Cost Pro Forma, Florida Housing will assume that these fees will be the maximum allowable and will add the maximum amount(s) to ~~T~~total Development Cost.

Section B., first paragraph of Developer Fees bullet, page 41, has been changed to read as follows:

Developer fee shall be limited to 16% of Development ~~C~~cost excluding land and building acquisition costs. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A total Developer fee of 18% of Development ~~C~~cost, excluding land and building acquisition costs, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax Exempt Bond-Financed Developments.

Section D., Tax-Exempt Bond Applicants Only, page 41, has been changed to read as follows:

Indicate the Credit Enhancer's or Bond Purchaser's name and the term and expected rating. Provide the Credit Enhancer's or Bond Purchaser's Commitment/Letter of Interest with a contact person's name, address and telephone number, credit underwriting standards and an outline of proposed terms behind a tab labeled "Exhibit 47". The stated amount of the commitment or Letter of Interest shall not be less than the proposed principal amount of the Bonds (including any proposed Taxable Bonds). In addition, if the Applicant will participate in the HUD Multifamily Risk Sharing Program, provide a copy of the completed and

~~executed application, the completed Year 2002 HUD Multifamily Risk-Sharing Program Certification, and proof of payment of the requisite fee~~ behind a tab labeled "Exhibit 47".

Section E., first bulleted item of the Firm Commitment bullet, page 42, has been changed to read as follows:

- A firm commitment must contain:
- Terms
- Interest rate
- Signature of all parties, including acceptance by the Applicant

Note: In order to be considered 'firm', Local Government financial commitments are not required to be signed by the Applicant if the Applicant provides the properly completed Local Government Verification of Contribution Form along with, where applicable, the required supporting documentation.

- A statement that states the commitment does not expire before December 31, 2002, with the exception of Local Government-issued tax-exempt bonds.

Section E., the eleventh bulleted item of the Firm Commitment bullet, page 44, has been changed to read as follows:

- If the first mortgage financing is to come from Corporation-issued Multifamily Bonds from a past Application cycle, a copy of the loan commitment which has been executed and accepted by all parties including the Applicant must be included as an exhibit to the Application in order for financing to count as a firm commitment.

~~If the Guarantee Fund will be the source of enhancement, a copy of the Application submitted to the Guarantee Fund and proof of payment of the commitment fee must be included as an exhibit to the Application.~~

~~Applicant must include as an exhibit to the Application a copy of the Commitment or Letter of Interest for the credit enhancer(s)/bond purchaser with a contact person's name, address and telephone number, credit underwriting standards~~

~~and an outline of proposed terms. The stated amount of the Commitment or Letter of Interest shall not be less than the proposed principal amount of the bonds (including any proposed taxable bonds). If the Applicant intends to apply for credit enhancement through the Florida Affordable Housing Guarantee Program using the HUD/HFA Risk Sharing Program, the Certification located within this Form must also be completed.~~

Section E., first line of Item B. of the twelfth bulleted item of the Firm Commitment bullet, page 45, has been changed to read as follows:

B. Issuance on behalf of ~~by~~ 501(c)(3) Organizations:

Section E., first sentence of the first bulleted item of Syndication/HC Equity bullet, page 45, has been changed to read as follows:

A firm commitment from a Housing Credit Syndicator is an agreement which is executed and accepted by all parties including the Applicant, is dated, and includes all terms and conditions of the agreement.

Section E., second paragraph of the third bulleted item of Syndication/HC Equity bullet, page 46, has been changed to read as follows:

Important! If not syndicating/selling the housing credits, evidence of ability to fund, as defined under Firm Commitment above, must be provided as an exhibit to the Application. Additionally, in order for the commitment to be scored firm, 35% ~~forty percent~~ of the total equity being provided must be paid prior to or simultaneously with the closing of the construction financing. Proceeds from a bridge loan will NOT count toward meeting this requirement.

Section E., last sentence of the second to last paragraph, page 47, has been changed to read as follows:

Further, Florida Housing expressly reserves the right to verify and confirm Local Government contributions during the scoring and appeals processes.

Specific Instructions, Part VI, Exhibits.

The entries for Exhibits 17 and 23, page 48, Exhibit 31, page 49, and Exhibit 40, page 50, have been changed to read as follows:

Exhibit No.	Application Part/Section Number	Subject	Required to Meet Threshold or Receive Points	
			All Applicants Must Provide	Applicants Must Provide Only If Applicable
17	II.B.	Guarantor(s) information chart	*	x
23	III.C.	Site Control: <del>qualified contract and title insurance commitment, recorded deed or recorded certificate of title and title insurance policy or commitment, or long-term lease and title insurance leasehold policy</del>	x	
31	III.D.	<u>Demographic or Area Commitment Targeting</u> : evidence of need for Elderly housing, evidence of need for Farmworker/Comm. Fishing Worker housing, Verification of Inclusion in Local Homeless Assistance Continuum of Care Plan by Lead Agency, Local Government Verification of Qualification as Urban In-Fill Development, proof of eligibility as HOPE VI Development, or Verification of Front Porch Funding Commitment.		x

37	IV.B.	Local Government Verification of Affordable Housing Incentives Contributions <del>Made</del> to Affordable Housing Properties or Developments	x
40	V.A.	Evidence of eligibility to request SAIL loan in excess of 25% of <del>T</del> total Development Cost	x

Threshold Requirements.

Item 3., page 51, has been changed to read as follows:

3. Applicant must submit one original Application labeled "Original" and three photocopies of the original Application; ~~along with a computer disk containing all completed applicable pages and forms.~~ MMRB Applicants that will participate in the HUD Risk Sharing Program must submit one additional photocopy of the original Application.

Item 11., page 51, has been deleted.

Item 12., page 51, has been renumbered Item 11.

Item 13., page 52, has been renumbered Item 12.

A new Item 13 has been added to read as follows:

13. Other items specifically designated "Threshold" in the Universal Application Package.

Ranking and Selection Criteria.

The Ranking and Selection Criteria section, pages 52 through 64, has been deleted in its entirety and a new Ranking and Selection Criteria section has been added to read as follows:

RANKING AND SELECTION CRITERIA

The following does not apply to non-competitive HC only Applications; however, non-competitive HC only Applicants must receive 50 points or more, which points will not include any tie-breaker points, to be eligible for an allocation of non-competitive HC.

1. Application Numbers

Each Application received by the Application Deadline will be assigned an Application number.

2. Lottery Numbers

Each Application that is assigned an Application number will receive a random lottery number at or prior to the issuance of final scores. Lottery numbers will be randomly assigned by running the total number of assigned Application numbers through a computer program. Florida Housing's internal auditors will verify the accuracy of the procedures for assigning lottery numbers.

3. Group A and Group B Leveraging Classifications

Each Application Received on or before the Application Deadline, including any Application that is withdrawn by the Applicant after the Application Deadline but excluding any

Application withdrawn prior to the Application Deadline, will be classified into one of two groups based on leveraging: Group A or Group B. Applications will be classified in Group A or Group B as follows:

a. Applications for MMRB only and MMRB with non-competitive HC will be classified as Group A.

b. All other Applications will be initially divided into two lists. The first list will consist of Applications applying for Competitive HC with or without SAIL. The second list will consist of Applications applying for MMRB with SAIL and Applications applying for SAIL only, including SAIL only Applications that have local government tax-exempt bonds as a funding source.

c. The Applications on each list will be placed in descending order beginning with the Application on each list that has the lowest amount of total FHFC funding request per set-aside unit and ending with the Application on each list that has the highest amount of total FHFC funding request per set-aside unit. The total number of set-aside units for each Application will be computed by multiplying the total number of units within the proposed Development by the highest total set aside percentage the Applicant committed to in the Total Set-Aside Commitment section of the Application. If an Application's funding request exceeds the maximum allowed, FHFC will use the maximum funding request allowed when classifying the Applications into Groups A and B. If an Applicant, with local government tax-exempt bonds as a funding source, revises the amount of bonds stated in the Funding section of the Application, Florida Housing will use the higher of the original amount or the revised amount for purposes of Group A and Group B classifications. Total funding request will be determined by adding the following applicable funding sources, as stated in the Funding section of the Application:

(1) SAIL request amount.

(2) FHFC-issued MMRB tax-exempt bond request amount or local government-issued tax-exempt bond commitment amount, except state or local 501(c)(3) bonds. Local government tax-exempt bonds will be deemed to be FHFC funds for purposes of leveraging.

(3) Competitive HC request amount. If the Development is not located in a DDA or QCT, multiply the request amount by 7.5. If the Development is located in a DDA or QCT, multiply the request amount by 7.5 and multiply that product by .7692.

(4) Other FHFC funding. For purposes of classifying Applications in Groups A and B, Florida Housing-issued taxable bonds, local government-issued taxable bonds, non-competitive HC, Guarantee Fund credit enhancement and PLP funding will not be considered FHFC funds.

d. The total number of Applications on each list will be multiplied by 80% and each resulting figure will be rounded up to the next whole number (each resulting figure after rounding will be referred to as the "Leveraging Cut-Off"). On each list, a

line will be drawn below the Application whose place on the list is equal to the Leveraging Cut Off. If any Application(s) below the line has the same total FHFC funding request per set-aside unit as the Application immediately above the line, the line will be moved to a place immediately below this Application(s). For each list, the group of Applications above the line will be classified as Group A and the group of Applications below the line will be classified as Group B.

e. All Applications classified as Group A from each list and the MMRB only and MMRB/non-competitive HC Applications will be combined into a single Group A, and all Applications classified as Group B from each list will be combined into a single Group B.

f. Group A and Group B classifications will be used for tie breakers as more fully described below in the Tie breakers section of these instructions.

4. Groups 1, 2 & 3 Total Score Classifications Immediately following the Board's actions on informal appeals, eligible Applications will be classified in three groups based on the total score of each eligible Application: Group 1, Group 2 and Group 3. For purposes of this classification, eligible Application means an Application that satisfied all threshold requirements, regardless of the Application's total score. Group 1, Group 2 and Group 3 classifications will not be affected by any actions after this determination. Eligible Applications will be classified in Group 1, Group 2 or Group 3 as follows:

a. Eligible Applications will be listed in descending order beginning with the Application that has the highest total score and ending with the Application that has the lowest total score. Total score means the amount of points awarded to the Application, excluding any tie-breaker points.

b. The total number of eligible Applications will be multiplied by 75% and the resulting figure will be rounded up to the next whole number (such resulting figure after rounding is referred to as the "Total Score Cut-Off"). A line will be drawn below the Application whose place on the list is equal to the Total Score Cut-Off. If any Application(s) below the line has the same total score as the Application immediately above the line, the line will be moved to a place immediately below this Application(s). The group of Applications above the line will be classified as Group 1. Group 2 will consist of the eligible Applications with a total score equal to or greater than 64, but which are not included in Group 1. When the eligible Applications for Group 1 are determined, if Group 1 contains eligible Application that achieved 64 points or higher, then there will be no Group 2. Applications in Group 3 will consist of eligible Applications that are not included in Group 1 or Group 2.

c. When applying the SAUL Cycles for each Special Set-Aside and each Geographic Set-Aside and for implementation of the Competitive HC goals, Applications in Group 1 will be considered for funding first and if funds

remain after funding all Group 1 Applications, the Applications in Group 2 will be considered for funding. No Applications in Group 3 will be considered for funding except as provided in the Competitive HC Goals section of these instructions.

5. Tie breakers

Tie breakers will be applied to Applications with tied scores in the following order, as necessary for making tentative funding selections:

a. Leveraging – An Application in Group A will receive preference over an Application in Group B.

b. Proximity to services and to Developments on the FHFC Development Proximity List serving the same demographic group – Preference will be given to the Application with the highest tie-breaker score in the Proximity section of the Application.

c. SAIL leveraging as a percentage of Total Development Cost – An Application not requesting SAIL funds will receive preference over an Application requesting SAIL funds. In the event of a tie in the total score between two or more Applications requesting SAIL funds, the Application requesting the lower amount of SAIL funds as a percentage of Total Development Cost as shown on the Development Cost Pro Forma will receive preference. If an Applicant revises the Total Development Cost on the Development Cost Pro Forma as provided in Rule Chapter 67-48.004 or Rule Chapter 67-21.003, F.A.C., Florida Housing will use the lesser of the original amount or the revised amount for purposes of this provision.

d. Lottery – Preference will be given to the Application with the lowest lottery number.

6. Set-Aside Unit Limitation (SAUL)

The counties are grouped based on the 2000 Florida Statistical Abstract population figures, as follows:

LL = 1.4 million or more  
LS = 500,001 – 1,399,999

ML – 250,001 – 500,000  
MS = 100,001 – 250,000

SL = 50,001 – 100,000  
SM = 20,001 – 50,000  
SS = up to 20,000

<u>County Groups</u>	<u>County</u>	<u>Set-Aside Unit Limitation</u>
<u>LL</u>	<u>Broward</u>	<u>350</u>
	<u>Miami-Dade</u>	
<u>LS</u>	<u>Duval</u>	<u>250</u>
	<u>Hillsborough</u>	
	<u>Orange</u>	
	<u>Palm Beach</u>	
	<u>Pinellas</u>	
<u>ML</u>	<u>Brevard</u>	<u>100</u>
	<u>Escambia</u>	
	<u>Lee</u>	
	<u>Manatee</u>	
	<u>Pasco</u>	
	<u>Polk</u>	
	<u>Sarasota</u>	
	<u>Seminole</u>	
	<u>Volusia</u>	
<u>MS</u>	<u>Alachua</u>	<u>100</u>
	<u>Bay</u>	
	<u>Citrus</u>	
	<u>Charlotte</u>	
	<u>Clay</u>	
	<u>Collier</u>	
	<u>Hernando</u>	
	<u>Indian River</u>	
	<u>Lake</u>	
	<u>Leon</u>	
	<u>Marion</u>	
	<u>Martin</u>	
	<u>Okaloosa</u>	
	<u>Osceola</u>	
	<u>St. Johns</u>	
<u>St. Lucie</u>		
<u>Santa Rosa</u>		

<u>County Groups</u>	<u>County</u>	<u>Set-Aside Unit Limitation</u>
<u>SL</u>	<u>Columbia</u>	<u>100</u>
	<u>Gadsden</u>	
	<u>Highlands</u>	
	<u>Nassau</u>	
	<u>Putnam</u>	
	<u>Sumter</u>	
	<u>Monroe</u>	
	<u>Florida Keys Area</u>	
<u>SM</u>	<u>Baker</u>	<u>100</u>
	<u>Bradford</u>	
	<u>DeSoto</u>	
	<u>Flagler</u>	
	<u>Hardee</u>	
	<u>Hendry</u>	
	<u>Jackson</u>	
	<u>Levy</u>	
	<u>Okeechobee</u>	
	<u>Suwannee</u>	
	<u>Wakulla</u>	
<u>Walton</u>		
<u>Washington</u>		
<u>SS</u>	<u>Calhoun</u>	<u>75</u>
	<u>Dixie</u>	
	<u>Franklin</u>	
	<u>Gilchrist</u>	
	<u>Glades</u>	
	<u>Gulf</u>	
	<u>Hamilton</u>	
	<u>Holmes</u>	
	<u>Jefferson</u>	
	<u>Lafayette</u>	
	<u>Liberty</u>	
	<u>Madison</u>	
	<u>Taylor</u>	
	<u>Union</u>	

\* This SAUL will apply only to Applicants that selected the Florida Keys Area in the Demographic or Area Commitment section of the Application, and only when such Applications are being considered for funding from the Competitive HC Florida Keys Area Special Set-Aside.

a. The above chart represents the SAUL for each county. When an Application is selected for tentative funding, the total number of set-aside units committed to in that Application will be credited toward meeting the SAUL for the county in which the proposed Development is located. The total number of set-aside units will be computed by multiplying the total number of units within the proposed Development by the highest total set-aside percentage committed to within the Application.

b. A county's SAUL is met in the following circumstances:

i. If the number of set-aside units credited toward the county's SAUL is zero at the time an Application for a Development located in that county is considered for tentative funding and the Applicant committed to a total number of set-aside units that equals or exceeds the county's SAUL, then when that Application is selected for tentative funding, the county's SAUL will be met; or

ii. If the number of set-aside units credited toward the county's SAUL is not zero at the time an Application for a Development located in that county is considered for tentative funding, but the SAUL has not been met, and the next Application to be considered for tentative funding committed to a total number of set-aside units that when added to the number of set-aside units already credited toward the county's SAUL would be equal to or greater than the SAUL but the total number of set-aside units credited would not exceed 150% of the SAUL, then when that Application is selected for tentative funding, the county's SAUL will be met; or

iii. If the number of set-aside units credited toward the county's SAUL is not zero at the time an Application for a Development located in that county is considered for tentative funding, but the SAUL has not been met, and the Applicant committed to a total number of set-aside units that when added to the number of set-aside units already credited toward the county's SAUL would exceed 150% of the SAUL, then the county's SAUL will be deemed to be met without that Application being selected for tentative funding.

Examples of SAUL being met when a county has a SAUL of 100 set-aside units:

i. The number of set-aside units credited toward the county's SAUL is zero, and an Application for a Development located in that county that committed to 200 set-aside units is selected for tentative funding;

ii. There are 60 set-aside units credited toward meeting the county's SAUL and an Application for a Development located in that county that committed to 80 set-aside units is selected for tentative funding.

iii. There are 60 set-aside units credited towards meeting the county's SAUL and an Application for a Development located in that county that committed to 100 set-aside units is the next Application considered for tentative funding. The county will be deemed to have met its SAUL without that Application being selected for tentative funding.

iv. There are 60 set-aside units credited towards meeting the county's SAUL and two Applications for Developments located in that county that committed to 100 set-aside units and 60 set-aside units, respectively, are the next two highest ranked Applications to be considered for tentative funding. In this event, the county will be deemed to have met its SAUL without either Application being selected for tentative funding.

c. Subject to the provisions that no Application classified in Group 2 will be selected for tentative funding until all eligible Applications classified in Group 1 have been selected for tentative funding, no Application(s) for a Development located in a county that has met its SAUL will be selected for tentative funding until all other counties with eligible Applications being considered in a Geographic Set-Aside (large, medium or small counties with eligible Applications) or Special Set-Aside (all counties with eligible Applications regardless of county size) have met their SAULs or have had their eligible Application(s) selected for tentative funding. This is known as a SAUL Cycle. Separate SAUL Cycles will be held for each Special Set-Aside. For purposes of this provision, an eligible Application means an Application that met all threshold requirements.

d. Upon the completion of a SAUL Cycle for a Geographic or Special Set Aside, counties that have met their SAULs will then be deemed to have zero set-aside units credited towards meeting their SAULs with one exception. If a county's SAUL has been met during the selection of Applications within Special Set-Asides, the number of set-aside units credited to the county's SAUL will not be zero within its respective Geographic Set-Aside, until all counties within the Geographic Set-Aside have met their SAULs or have had all their eligible Applications selected for tentative funding (subject to the provisions regarding Group 1 and Group 2 classifications).

Example: There are three Applications within a Special Set-Aside ranked in the following order: Application A, which is classified in Group 1, committed to 75 set-aside units and is located in Leon County with a SAUL of 100. Application B, which is classified in Group 1, committed to 90 set-aside units and is located in Leon County. Application C, which is classified in Group 2, committed to 50 set-aside units and is located in Sarasota County with a SAUL of 100. Application A and B have tied scores of 72 and Application A was selected for tentative funding after application of the tie breakers. Application C has a score of 70. When Application B was considered for tentative funding, Leon County met its SAUL. Application C (Group 2) cannot be funded before Application



B (Group 1). Thus, a new SAUL Cycle will commence with Leon County being deemed to have zero set-aside units credited towards meeting its SAUL in this Special Set-Aside and Application B will be selected for tentative funding.

Example: County A has met its SAUL within the SAIL Elderly Special Set-Aside and all other counties within the SAIL Elderly Special Set-Aside have met their SAULs or have had all their eligible Applications selected for tentative funding. The highest ranked un-funded Application within the SAIL Elderly Special Set-Aside has 200 set-aside units in County A. If funds are available, this Application will be tentatively funded and the number of set-aside units credited to County A will be 200. Also, the highest ranked Application within the Medium Geographic Set-Aside is from County A. Once the selection process for choosing Applications for tentative funding moves to the Medium County Set-Geographic Aside, this Application will not be considered for tentative funding until a Medium County Geographic Set-Aside SAUL Cycle is completed because it has set-aside units in a county that has met its SAUL.

e. Any set-aside units credited towards meeting the Florida Keys Area SAUL will also be credited toward meeting the Monroe County Area SAUL. For example, when 120 set-aside units are credited toward meeting the Florida Keys Area SAUL, the 120 set-aside units are also credited towards meeting the Monroe County SAUL. As such, while the Florida Keys Area has not met its SAUL of 180, Monroe County has met its SAUL of 100. Therefore, no eligible Application(s) with units in Monroe County will be considered for tentative funding until after completion of a Small County Geographic Set-Aside SAUL Cycle.

f. Regardless of the number of times a county has met its SAUL while Applications are selected for tentative funding within the Special Set-Asides, the county will be credited as meeting its SAUL only once within its respective Geographic Set-Aside. For example, County A met its SAUL twice during the process of selecting Applications for tentative funding within the Special Set-Asides. Applications for Developments located in County A will not be considered for funding within County A's Geographic Set-Aside until all counties within the Set-Aside have met their SAULs or have had all their qualified Applications selected for tentative funding. The un-funded Applications for Developments located, in County A will not have to wait for consideration until two SAUL Cycles are completed.

g. If the number of set-aside units credited towards meeting a county's SAUL is less than the county's SAUL, those credited units will count towards meeting the county's SAUL in any Set-Aside with one exception. Upon completion of selecting Applications for tentative funding from the Special Set-Asides, the counties credited with meeting their SAULs will also be credited for meeting their SAULs within their Geographic Set-Aside but if these counties have additional

credited units in the Special Set-Asides, these additional credited units will not be credited to the counties in the Geographic Set-Asides. Example: County A met its SAUL during the selection of Applications for tentative funding within the Special Set-Asides and also was credited with an additional 75 set-aside units towards meeting the county's SAUL a second time within the Special Set-Asides. Within the respective Geographic Set-Aside, County A will be credited with meeting its SAUL once, but not with meeting its SAUL once and having 75 additional set-aside units credited towards meeting it a second time.

#### 7. Program Provisions and Application Selection Order

##### a. Overall Program Provisions:

i. The Special Set-Asides are: Competitive HC Florida Keys Area Special Set-Aside, SAIL Homeless Special Set-Aside, SAIL Farmworker/Commercial Fishing Worker Special Set-Aside, SAIL Elderly Special Set-Aside, Competitive HC Front Porch Florida Community Special Set-Aside, Competitive HC RD Development Special Set-Aside, and MMRB HOPE VI Special Set-Aside.

ii. The Geographic Set-Asides are: Large, Medium and Small County Categories for SAIL and Competitive HC and Large and Medium/Small Categories for MMRB as more fully described in the Notice of Funding Availability or QAP, as applicable for each Program.

iii. Unless otherwise provided in the applicable Program rules and these instructions, any selection of an Application for tentative funding or allocation from a Special or Geographic Set-Aside or from implementation of a Competitive HC Goal is subject to the following: (1) availability of funds; (2) threshold and other eligibility requirements; (3) SAUL provisions; (4) Groups 1, 2, & 3 provisions; (5) tie-breaker provisions; and (6) overall and specific program provisions as set forth below.

iv. An Application that requested SAIL funds and also requested MMRB or Competitive HC will not be selected for tentative SAIL funding if the Application is not selected for tentative funding of the MMRB or Competitive HC as of the time that the Board takes action on informal appeals. An Application that requested SAIL funds and also requested MMRB or Competitive HC that is selected for tentative funding of MMRB or Competitive HC but is not selected for tentative funding of SAIL must, within 30 days of the date that the Board takes action on the informal appeals, submit documentation to Florida Housing and if assigned, their assigned credit underwriter, demonstrating that it is able to fill the SAIL funding gap. If such documentation is not timely submitted, the Application will be rejected and MMRB funds will be applied to the MMRB ranked list and Competitive HC will be deemed to be housing credits received on or after October 1, 2002, and applied in accordance with the Qualified Allocation Plan (QAP). The MMRB ranked list means the

MMRB Applications listed in ranked order that are not awarded tentative funding after the Board enters final orders resulting from informal appeals.

v. An Application is eligible to apply for SAIL and Competitive HC if competing in a Special Set-Aside and/or if the Development is located in a county that has an Area Median Income (AMI) of \$40,000 or less. SAIL Applications that are not selected for tentative funding in one of the SAIL Special Set-Asides are eligible to compete for funding in the Geographic Set-Asides, unless the SAIL Applicant also requested Competitive HC and the Development is located in a county with an AMI above \$40,000. However, a SAIL Application that is not selected for tentative funding in the SAIL Special Set-Asides, but is selected for tentative funding in the Geographic Set-Asides, will not automatically receive the Competitive HC or MMRB.

b. Competitive HC Provisions:

i. An Application for Competitive HC will not be selected for tentative funding if there are not enough housing credits available in the Front Porch Florida Community Special Set-Aside, RD Special Set-Aside or applicable Geographic Set-Aside to fund at least 60% of the Application's funding request amount. In the event that an Application is not selected for tentative funding for this reason, then no other lower ranked Application(s) within that Special or Geographic Set-Aside will be considered for tentative funding even though there may be enough housing credits available to fund at least 60% of another Application's request amount. Any housing credits not tentatively allocated within a Special or Geographic Set-Aside, will be distributed in accordance with the 2002 QAP. Applications that are successful in receiving a partial allocation will receive a Binding Commitment for 2003 housing credits up to an amount approved by Florida Housing.

ii. The total amount of housing credits available for the Special and Geographic Set-Asides are set forth in the QAP.

c. SAIL Provisions:

i. A SAIL Application will not be funded if there are not enough funds available in the applicable Special or Geographic Set-Aside to fund at least 60% of the Application's SAIL request amount. In the event that an Application is not funded for this reason, a lower ranked Application within the same Set-Aside will be considered for funding.

ii. SAIL funds not allocated within the Homeless Special Set-Aside will be added to the Farmworker/Commercial Fishing Worker Special Set-Aside allocation subject to a 150% limit (the total funds allocated to the Special Set-Aside cannot be more than 150% of the amount originally allocated to the Special Set-Aside). Any amount over the 150% limit will be allocated to the Family Demographic category. If the Farmworker/Commercial Fishing Worker and/or Elderly Special Set-Aside have funds unallocated, the funds will be distributed to the Family Demographic category.

iii. Tentative funds awarded to an Application in a SAIL Special Set Aside will also be credited toward the funding goals set forth in the Notice of Funding Availability for the respective Geographic Set-Aside.

d. MMRB Provisions:

i. Tentative allocations of MMRB will be awarded only if there is enough allocation to fully fund the Application funding request amount. In the event that an MMRB Application is not funded for this reason, then no other lower ranked MMRB Application(s) within the Set-Aside will be considered for tentative funding even though there may be enough MMRB allocation available to fully fund another Application funding request amount. Any allocation available after tentatively funding Applications when implementing final order(s) entered by the Board after the informal appeal(s) will be allocated in accordance with Rule Chapter 67-21, F.A.C., and will not be subject to SAUL.

ii. The initial split of allocation between the Large County Geographic Set-Aside and the Medium/Small County Geographic Set-Aside as stated in the Notice of Funding Availability will be done with the funds available after the tentative funding in the Special Set-Asides.

e. Application funding order: Applications will be considered for tentative funding in the following order:

i. Competitive HC Florida Keys Area Special Set-Aside: For the 2002 Cycle, Florida Housing will first select Competitive HC Application(s) that obtained points for being located in the Florida Keys Area. Once the Florida Keys Area SAUL is met, any remaining eligible Competitive HC Application(s) that was not selected for tentative funding in the Competitive HC Florida Keys Area Special Set-Aside will compete in the Small County Geographic Set-Aside if the Application did not also request SAIL funds. A Competitive HC Application selected for tentative funding in the Florida Keys Area Special Set-Aside that also requested SAIL funds will automatically receive SAIL funds if the Applicant's SAIL funding request amount is 10% or more of the Total Development Cost.

ii. SAIL Special Set-Asides: Florida Housing will then select Applications for tentative funding from the SAIL Special Set-Asides in the following order:

SAIL Homeless Special Set-Aside

SAIL Farmworker/Commercial Fishing Worker Special Set-Aside

SAIL Elderly Special Set-Aside

Only SAIL Applications that obtained points for being a Homeless Development, a Farmworker/Commercial Fishing Worker Development or an Elderly Development are eligible to compete in the respective SAIL Special Set-Asides. A SAIL Application selected for tentative funding in the SAIL Homeless Special Set-Aside, the SAIL Farmworker/Commercial Fishing Worker Special Set-Aside or the SAIL Elderly Special Set-Aside also requesting MMRB

will automatically receive the MMRB subject to MMRB fund availability. A SAIL Application selected for tentative funding in the SAIL Homeless Special Set-Aside or the SAIL Farmworker/Commercial Fishing Worker Special Set-Aside also requesting Competitive HC will automatically receive the Competitive HC if the Applicant's SAIL funding request amount is 10% or more of the Total Development Cost.

In the event SAIL Applications (with a SAIL funding request of 10% or more of the Total Development Cost) that also requested Competitive HC are selected for tentative funding in the SAIL Elderly Special Set-Aside, the two highest ranked of these Applications will automatically receive Competitive HC. The third ranked SAIL/Competitive HC Application (with a SAIL funding request of 10% or more of the Total Development Cost) will automatically receive the Competitive HC only if the following situation occurs: If the total amount of Competitive HC tentatively allocated to Applications in the SAIL Special Set-Asides plus the lesser of the total HC request amount(s) of the qualified HC Application(s) within the Competitive HC RD Development Special Set-Aside and \$300,000 plus the lesser of the total request amount(s) of the qualified HC Application(s) within the Competitive HC Front Porch Florida Community Special Set-Aside and \$3,000,000 plus 60% of the third ranked SAIL/Competitive HC Application's request amount equals 50% or less of the Competitive HC available for the Universal Application cycle, then the third ranked SAIL/Competitive HC Application will automatically receive the Competitive HC. However, in this event, the third ranked SAIL/Competitive HC Application will only receive a tentative allocation of Competitive HC in an amount that will not bring the total over 50% of the Competitive HC available. Any shortfall in housing credits allocated to this Application will be allocated through a binding commitment for 2003 housing credits if the Application is successful in receiving a Carryover Allocation.

(3) Competitive HC Special Set-Asides: Competitive HC Applications in the Front Porch Florida Community Special Set-Aside and the RD Development Special Set-Aside will be considered for tentative funding in the following order: Front Porch Florida Community Special Set-Aside RD Development Special Set-Aside.

Only Applications that obtained points for being a Front Porch Florida Community Development or a RD Development may compete for funding within their respective HC Special Set-Aside. Front Porch Florida Community Developments which are selected for a tentative funding of housing credits will count towards meeting the Competitive HC Goal of funding two Urban In-Fill Developments. A Front Porch Florida Community Development which is selected for tentative funding of housing credits and which has one or more new construction High Rise buildings (7 stories or higher) in which at least 75% of the set-aside units are located will count towards meeting the goal of funding one Urban In-Fill High

Rise new construction Development. Front Porch Florida Community Development HC Application(s) and RD Development HC Applications that are not selected for a tentative housing credit allocation(s) within their respective Special Set-Asides will compete for funding in their respective Geographic Set-Aside(s). An RD 514/516 Application that is moved into a Geographic Set-Aside will count as a Farmworker Development.

(4) MMRB HOPE VI Special Set-Aside: MMRB Applications that were awarded points for the Development being a HOPE VI Development are eligible to compete within this MMRB HOPE VI Special Set-Aside. An eligible Application(s) not funded in this Special Set-Aside will compete for funding within its Geographic Set-Aside.

(5) Competitive HC Goals: The Housing Credit Program has a goal to allocate housing credits to a minimum of: one Farmworker/ Commercial Fishing Worker Development (in addition to any Developments funded in the Competitive HC RD Development Special Set-Aside), two Urban In-Fill Developments, one Urban In-Fill High Rise new construction Development (7 stories or higher) in which at least 75% of the set-aside units are located), three Elderly Developments and 12% of its Allocation Authority per the Qualified Allocation Plan to Non-Profit Applicants. This goal may be achieved or partially achieved by the tentative allocation of housing credits to Competitive HC Applications during the selection of qualified Applications in the Special Set-Asides. In the event the goal is not achieved through the tentative allocation of housing credits to Applications within the Special Set-Asides, Florida Housing will attempt to achieve the goal by selecting the highest scoring qualified Application(s), applying tie-breakers where necessary, regardless of Geographic Set-Aside, where a goal has not been met, for tentative allocation of credits subject to SAUL and fund availability\*, in the following order:

One Farmworker/Commercial Fishing Worker

Two Urban In-Fill Developments

One Urban In-Fill High Rise New Construction Development Three Elderly \*\*

Minimum 12% Non-Profit Applicants

The last Non-Profit Applicant selected to meet the 12% Non-Profit goal will tentatively receive a full allocation of Competitive HC even though the total Non-Profit tentative allocation may exceed 12%.

\* In the event that the only way to achieve a Competitive HC goal is to fund an Applicant that has a proposed Development in a county that has met its SAUL, an Application that will assist in meeting the goal that is in a county that has met its SAUL will be selected for tentative allocation of Competitive HC. The county of the Development, which was selected, will be deemed to have met its SAUL for

the purposes of selecting future Applications for tentative funding and the Development's set-aside units will be credited towards meeting the county's SAUL a second time.

For example, County A is in the Medium County Geographic Set Aside and has met its SAUL of 100 set-aside units. A Non-Profit Application with 100 set-aside units in County A is needed to be selected for tentative funding in order to meet the 12% Non-Profit goal. County A will be deemed to have met its SAUL for the first and second Medium County Geographic Set-Aside SAUL Cycle.

If the 12% Non-Profit goal still has not been met and the only Non-Profit Applicants available to meet the 12% Non-Profit goal are located within a Geographic Set-Aside where there are not enough housing credits available for such Applicants, enough housing credits will be redistributed from the other Geographic Set-Asides on a pro-rata basis to tentatively fund those Non-Profit Applicants needed to meet the 12% Non-Profit goal. Non-Profit Applications classified in Group 3 will only be chosen to meet the 12% Non-Profit goal if there are no eligible Non-Profit Applications classified in Group 1 or Group 2 available to meet the goal. The amount of 2003 housing credits stated in Binding Commitments to Non-Profit Applicants will not count towards meeting the 12% Non-Profit goal. However, Binding Commitments issued to Non-Profit Applicants for 2002 Housing Credits will count toward meeting the 12% Non-Profit goal.

\*\* In the event the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides plus the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, and 60% of the third Elderly Development's Competitive HC request amount is greater than 50% of the Competitive housing credits available for those applying for Competitive HC using the Universal Application, then the Competitive HC Elderly Development goal will be two Elderly Developments and no special consideration will be given to funding a third Elderly Development. In the event a third Elderly Development is selected for a tentative allocation of Competitive HC to meet the Competitive HC goal, the Applicant will receive a tentative allocation of Competitive HC in an amount such that, when adding that tentative allocation amount to the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides together with the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, the total does not exceed 50% of the Competitive HC allocation available for Applicants using the Universal Application. In the event that a third Elderly Applicant is selected and receives less than its HC request amount, the Applicant will receive a binding commitment for 2003 Competitive HC if the Applicant is successful in receiving a Carryover Allocation.

(5) Small/Medium/Large Geographic Set-Asides:

a. Applications, regardless of Program(s) applied for by the Applicant, will be considered for tentative funding within each Geographic Set-Aside; i.e., Applications located in small counties (regardless of whether they are in SL, SM or SS on the SAUL chart) will be listed together in order of total score within the Small County Geographic Set-Aside.

b. Applications in the Medium County Geographic Set-Aside will be selected for tentative funding first, followed by those in the Small County Geographic Set-Aside and then followed by those in the Large County Geographic Set-Aside.

(7) Declined Invitations into Credit Underwriting: In the event Florida Housing determines that an invitation into credit underwriting has been declined, those funds attributable to the respective Applications will be allocated as follows:

(a) MMRB: Funds will be allocated to the next highest ranking unfunded MMRB Applications on MMRB ranked list until funds are exhausted. The SAUL procedure will not be applied.

(b) Competitive HC: Housing credits will be deemed to have been received by Florida Housing on or after October 1, 2002 and will be allocated in accordance with the QAP. The SAUL procedure will not be applied.

(c) SAIL: Funds will be first allocated to those Applications that received a partial tentative allocation and have been determined not to have declined an invitation into credit underwriting. Funds will be distributed to partially funded Applications in the following order: Applications from Small Counties, Applications from Medium Counties and then, Applications from Large Counties. If funds still remain, the funds will be offered to the highest ranked eligible SAIL Application. The SAUL procedure will not be applied.

Fees.

Item 1.b., page 64, has been changed to read as follows:

1. Application Package Fee:

Applicants may obtain the Universal Application Package as follows:

b. A ~~hard copy and disk version~~ of the Application Package ~~and Application Instructions~~ can be purchased from Florida Housing for a fee of \$50.00. Payment ~~for the Application~~ must be received by the Corporation prior to the issuance of an Application Package.

Item 2., a., page 64, has been changed to read as follows:

a. \$1000 per Application if Applicant or Applicant's general partner qualifies as a Non-Profit entity; ~~or and~~

Item 3., first sentence of the first paragraph, page 65, has been changed to read as follows:

The following fees are not the fees that will be charged, but are listed ~~below herein~~ for estimation purposes of completing your pro-forma in the Application.

Item 4., first two sentences, page 65, have been changed to read as follows:

With respect to the HC Program, each Applicant to ~~whom~~ which a Preliminary Allocation, Binding Commitment, or Preliminary Determination is granted shall submit to the Corporation a non-refundable administrative fee in the amount of 8% of the first annual Housing Credit Allocation amount to be received. However, such fee shall be 5% for Applicants that qualify or whose general partner qualifies as a Non-Profit entity pursuant to Rule 67-48.002(83), F.A.C., HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida.

Item 5, first sentence, page 65, has been changed to read as follows:

With respect to the SAIL Program, each Applicant to ~~whom~~ which a firm commitment is granted shall submit to the Corporation a non-refundable commitment fee of 1% of the SAIL loan amount upon acceptance of the firm commitment.

Item 6, first sentence, page 66, has been changed to read as follows:

The following fees are not the fees that will be charged, but are listed below herein for estimation purposes of completing your pro-forma in the Application.

Item 7, first sentence, page 67, has been changed to read as follows:

The following fees are not the fees that will be charged, but are listed below herein for estimation purposes of completing your pro-forma in the Application.

Item 8, first sentence, page 67, has been changed to read as follows:

The following fees are not the fees that will be charged, but are listed below herein for estimation purposes of completing your pro-forma in the Application.

New Items 10 and 11 have been added to read as follows:

10. Construction Inspection Fees:

The following fees are not the fees that will be charged, but are listed below for estimation purposes of completing your pro-forma in the Application. The actual fees will be determined based upon a contract for services between Florida Housing Finance Corporation and the Credit Underwriter(s) to commence in 2002:

On-site construction inspection – \$125 per hour, not to exceed \$1,300 per inspection.

11. Additional MMRB Fees:

MMRB Applicants will also be charged additional fees as specified in Rule Chapter 67-21, F.A.C.

Item 10, page 68, has been changed to read as follows:

~~12.40:~~ Development Cost Pro Forma:

All of the fees set forth above with respect to the SAIL Program are part of Development Cost and can be included in the Development Ceast pro forma and paid with SAIL loan

proceeds. Failure to pay any fee shall cause the firm loan commitment under any Program to be terminated or shall constitute a default on the respective loan documents.

Universal Application Pages.

Part II., Applicant and Development Team

Section A.1., page 1, has been changed to read as follows:

Florida Housing Program(s) applied for in this Application:

Multifamily Bonds (MMRB)  SAIL

Housing Credits (HC)  Housing Credits (HC)

~~(Non-Competitive 4% with~~ (Competitive 4% and/or 9%)

Tax-Exempt Bonds)  ~~Qualified 501(c)(3) Bonds~~

Section A.2.a., page 1, has been changed to read as follows:

Is Applicant a legally formed entity qualified to do business in the ~~s~~State of Florida as of the Application Deadline?

Section A.2.c., third sentence, page 2, has been changed to read as follows:

If answer is “No”, skip Non-Profit status questions and proceed to question 3 below.

Questions at Section A.2.c.(2)(a), (b) and (d), page 2, have been changed to read as follows:

(a) Is the Applicant a Public Housing Authority created by section § 421.04, Florida Statutes?

(b) Is the Applicant or one of its general partners a Non-Profit entity that is an Affiliate of a Public Housing Authority created by section § 421.04, Florida Statutes?

(d) Is the Applicant or one of its general partners a 501(c)(3) or 501(c)(4) Non-Profit entity or is the Applicant or one of its the general partners a wholly-owned subsidiary of a 501(c)(3) or 501(c)(4) Non-Profit entity?

Yes  No

If yes, answer the following questions.

(iv) Provide the names and addresses of the members of the governing board of the Non-Profit entity behind a tab labeled “Exhibit 7”.

(v) Provide the articles of incorporation demonstrating that Is one of the purposes of the Non-Profit entity, ~~as stated in the Articles of Incorporation,~~ is to foster low-income housing behind a tab labeled “Exhibit 8”. ~~?~~

Yes  If Yes, provide the articles of incorporation behind a tab labeled “Exhibit 8”.

No  If No, the Applicant will not qualify as a Non-Profit Applicant and this Application will be disqualified from participation in the current cycle.

Section A.3., page 4, has been changed to read as follows: Provide a list of general and limited partner(s) and the officers, directors and shareholders of each for the Applicant and for each Developer, as of the Application Deadline, behind a tab labeled “Exhibit 9”. This list must include warrant holders and/or option holders of the proposed Development.

Section B.1., page 4, has been changed to read as follows:

1. Developer or principal(s) of Developer

a. Name of Developer: \_\_\_\_\_

~~b.a.~~ Provide the executed Developer or Principal(s) of Developer Certification Form behind a tab labeled "Exhibit 10".

~~c.b.~~ Provide the Developer's Prior Experience Chart behind a tab labeled "Exhibit 10".

Part III, Development

Section A.2.d.(1)(b), last paragraph, page 7, has been changed to read as follows:

Provide a copy of a ~~the~~ letter from the local planning office or census bureau which verifies that this Development is located in the referenced QCT behind a tab labeled "Exhibit 18".

Section A.3., page 8, has been changed to read as follows:

Development Category

New Construction (where 50% or more of the units are new construction)

Acquisition (MMRB Only)

Rehabilitation/Substantial Rehabilitation (where less than 50% of the units are new construction)

Acquisition and Rehabilitation/Substantial Rehabilitation

Section A.5., page 8, has been changed to read as follows:

Number of ~~Buildings with Dwelling Units Residential Buildings:~~ \_\_\_\_\_

Section A.8., page 9, has been changed to read as follows:

# of Bedrooms Per Unit	# of Baths Per Unit	Floor Space (Feet <sup>2</sup> )	# of Units Per Bedroom Type

Section A.11., page 10, has been changed by the addition of a new a. to read as follows:

a. Provide the Surveyor Certification Form and map, including all required information, behind a tab labeled "Exhibit 21".

Section A.11., page 10, has been changed by renumbering former a. as b. and the opening paragraphs of (2) and (3) have been changed to read as follows:

~~b.a.~~ Proximity to Services (Maximum 3.75 Tie-Breaker Points):

(2) If the proposed Development will serve is targeted for any demographic group population other than Elderly, i.e., the Applicant selected any Demographic or Area Commitment in this Application other than Elderly, will it be located within 5 miles of a public school?

(3) If the proposed Development will serve the is targeted for Elderly, i.e., the Applicant selected Elderly in the Demographic or Area Commitment section of this Application, will it be located within 5 miles of a medical facility?

Section A.11.(4), page 11, has been changed with the addition of the following sentence:

Latitude and longitude must be stated on the Surveyor Certification Form.

Section A.11.b., page 12, has been deleted.

Section A.11.c., page 12, has been changed to read as follows:

c. Proximity to closest Development Address or location coordinates identified on the FHFC Development Proximity List (Maximum 3.75 Tie-Breaker Points):

Is the closest Development included Are there any Development(s) on the FHFC Development Proximity List, which serves, serving the same demographic targeted resident group as the proposed Development, which are located within 2.5 miles of the proposed Development?

Yes (check only ONE applicable distance)

No

Proximity of Proposed Development to Developments on the FHFC Development Proximity List which serve the same demographic group targeted population	Proximity Tie-Breaker Points
<input type="checkbox"/> > 0 and ≤ .5 mile	0
<input type="checkbox"/> > .5 and ≤ 1.0 miles	.75
<input type="checkbox"/> > 1.0 and ≤ 1.5 miles	1.50
<input type="checkbox"/> > 1.5 and ≤ 2.0 miles	2.25
<input type="checkbox"/> > 2.0 miles and ≤ 2.5 miles	3.00
<input type="checkbox"/> > 2.5 miles	3.75

~~Name of Closest Development Address or location coordinates~~ included on the FHFC Development Proximity List: \_\_\_\_\_

Name of the closest Development: \_\_\_\_\_

Section B.2.b., page 14, has been changed with the addition of these new entries:

New kitchen cabinets and counter top(s) (3 points)

New Bathroom cabinet(s), excluding medicine cabinet (1 point)

New range and oven (1 point)

New refrigerator (1 point)

New plumbing fixtures in kitchen and bathroom(s) (1 point)

Section B.2.e.(2), opening line on page 15, has been changed to read as follows:

(2) Cooling – Applicant may select only one of the following ~~two~~ three items:

Section B.2.e.(4), third choice on page 16, has been changed to read as follows:

Insulation of R-19 with radiant barrier on top floor only ~~(1 point)~~ (2 points)

Section D., page 18, title of the section has been changed to read as follows:

D. Demographic or Area Commitment Targeting

Section D.2., page 18, has been changed to read as follows:

2. Rural Development (HC Applicants Only)

RD 515       RD 514/516

Section D.8., page 19, has been changed to read as follows:

8. HOPE VI Development – Provide evidence of Applicant’s eligibility to make this selection ~~select this target category~~ behind a tab labeled “Exhibit 31.”

Section E., page 19, has been changed to read as follows:

~~1. All SAIL Applicants must select one of the following and indicate the percentage of set-aside units:~~

- ~~\_\_\_\_\_ % Family~~
- ~~\_\_\_\_\_ % Elderly~~
- ~~\_\_\_\_\_ % Farmworker or Commercial Fishing Worker~~
- ~~\_\_\_\_\_ % Homeless~~

1.2. Minimum Set-Aside Chosen:

Applicants must select one of the following:

20% of units at 50% Area Median Income (AMI) or lower

40% of units at 60% Area Median Income (AMI) or lower

Deep rent skewing option as defined in Section 42, IRC, as amended

~~20% of units at or below 80% of state or county median income, whichever is higher, and with family size adjustment.~~

2.3. Commitment to Serve Lower AMI:

If Applicant commits to set-aside units beyond the minimum set-aside ~~selected~~ chosen above, indicate the lowest AMI level and the percentage of total units that will be set-aside at that level.

- \_\_\_\_\_ % of total units at 30% AMI or less
- \_\_\_\_\_ % of total units at 40% AMI or less
- \_\_\_\_\_ % of total units at 35% AMI or less
- \_\_\_\_\_ % of total units at 50% AMI or less

3.4. Total Set-Aside Commitment to Set-Aside Units Beyond the Minimum:

<u>Percentage of Set-Aside Units</u>			At or Below this AMI Level
<u>Commitment for MMRB Application Percentage of Units Set-Aside</u>	<u>Commitment for SAIL Only, SAIL and MMRB, or SAIL and Competitive HC Percentage of Units Set-Aside</u>	<u>Commitment for Competitive HC or non-competitive HC Percentage of Units Set-Aside</u>	
			30%
			35%
			40%
			50%
			60%
Total Set-Aside Percentage	%	%	%

4.5. Affordability Period:

Applicant irrevocably commits to set-aside units in the proposed Development for a total of \_\_\_\_\_ years.

Section F.3.c. and f., page 22, have been changed to read as follows:

c. Assistance with Light Housekeeping, Grocery Shopping and/or Laundry (1 point)

f. Service Coordination (4 points)

Section F.4.j. and k., page 23, have been changed to read as follows:

~~j. Residence for Youth Services Provider (2 points)~~

~~k. Mentoring (1 point)~~

Part IV. Local Government Support

Section B., page 24, has been changed to read as follows:

1. The Local Government provides an expedited permitting and review process for affordable housing. Affordable housing developments or properties for which the local government has provided an expedited processing of permits. Provide the Local Government Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind a tab labeled “Exhibit 36”.

2. The Local Government has an on-going and current process for providing contributions to affordable housing properties or developments. Affordable housing developments or properties that have benefited or will benefit from any actual local government contributions. Provide the Local Government Verification of Affordable Housing Incentives – Contributions Made to Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit 37”.

3. The Local Government currently makes available to affordable housing properties or developments the modification of fee requirements, including reduction or

~~waiver of fees and alternative methods of fee payment. Modification of fee requirements, including reduction or waiver of fees and alternative methods of fee payment.~~ Provide the Local Government Verification of Affordable Housing Incentives – Modification of Fee Requirements for Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit 38”.

~~[ ] 4. The Local Government currently has a process, established by ordinance, resolution, plan, or policy, that requires consideration of the impact of proposed policies, ordinances, regulations, or plan provisions on the cost of affordable housing prior to adoption of such policies, ordinances, regulations, or plan provisions. Ongoing formal process for consideration, before adoption, by the local government of the potential impact of policies, procedures, ordinances, regulations, or plan provisions upon affordable housing.~~ Provide the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit 39”.

Part V. Financing.

A new Section A.2. has been added to read as follows and Section 2, page 25, has been renumbered Section 3.

2. SAIL ONLY – Is Applicant applying for a loan in excess of 25% of Total Development Cost? [ ] Yes [ ] No

If “Yes”, indicate below the eligibility requirement that has been satisfied to enable the Applicant to make such request:

[ ] a. Non-Profit and public Sponsors which are able to secure grants, donations of land, or contributions from other sources collectively totaling at least 10% of Total Development Cost; or

[ ] b. Sponsors that maintain an 80% occupancy of residents qualifying as Farmworkers as defined in 420.503(18), F.S., over the life of the loan.

Part VI. Exhibits.

Exhibit 21, Surveyor Certification Form, confirmation chart and License Number entry have been changed to read as follows:

**SURVEYOR CERTIFICATION**

The undersigned Florida licensed surveyor confirms the following:

	Latitude		Longitude	
<u>State the Tie-Breaker Measurement Point. Tie-Breaker Measure Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. Location of the point selected by the Applicant on the proposed Development Site</u>	Degrees	Minutes (truncated after 3 2 decimals)	Degrees	Minutes (truncated after 3 2 decimals)
<u>Location of closest public bus stop or metro-rail stop</u>	Degrees	Minutes (truncated after 3 decimals)	Degrees	Minutes (truncated after 3 decimals)
A land survey map (no larger than 11” x 17”) must be provided which clearly shows the following information:				
1. Boundaries of the proposed Development site;				
2. Location of the <u>Tie-Breaker Measurement Point</u> latitude/longitude coordinates, as stated above, within the boundaries of the proposed Development site; and				
3. The scale of the map.				
<u>If an Address for the service(s) is not included on Street Atlas USA, Version 9.0, state the name and latitude/longitude coordinates of the closest service(s) on the chart below. Determination of the location coordinates should be made at the main entrance used by the general public.</u>				
	Latitude		Longitude	
<u>Name of grocery store</u>	Degrees	Minutes (truncated after 3 decimals)	Degrees	Minutes (truncated after 3 decimals)
<u>Name of public school</u>	Degrees	Minutes (truncated after 3 decimals)	Degrees	Minutes (truncated after 3 decimals)
<u>Name of medical facility</u>	Degrees	Minutes (truncated after 3 decimals)	Degrees	Minutes (truncated after 3 decimals)



If Florida Housing discovers that there are any false statements made in this certification, Florida Housing will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

CERTIFICATION

Under penalties of perjury, I declare ~~certify~~ that the foregoing statement information is true and correct.

_____ Signature	_____ Date	_____ Name of Surveyor
_____ Print or Type Name	_____ Address	
_____ Print or Type Title		
_____ Florida License Number	_____ Telephone Number (including area code)	

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity tie-breaker points fail threshold. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

Exhibit 21

Exhibit 22, Local Government Verification of Status of Site Plan Approval for Multifamily Developments Form, has been changed by addition of new Item 3., renumbering of Item 3. as Item 4., and the second to last paragraph has been changed to read as follows:

3. [ ] The above-referenced Development is new construction or rehabilitation with new construction and requires site plan approval for the new construction work. However, this jurisdiction does not provide preliminary/conceptual site plan approval or other similar process prior to issuing final site plan approval. The preliminary or conceptual site plan has been reviewed by \_\_\_\_\_ on \_\_\_\_\_.

(Legally Authorized Body\*) (Date)

4.3 [ ] The above-referenced Development is rehabilitation without any new construction and does not require additional site plan approval or similar process.

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County

Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed the Application will fail threshold.

Exhibit 22, Local Government Verification of Status of Plat Approval for Single-Family Developments Form, the second to last paragraph has been changed to read as follows:

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official ~~or (staff)~~ responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed the Application will fail threshold.

Exhibit 32, Local Government Verification of Contribution – Grant Form, title of form and second to last paragraph have been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION GRANT

~~(HOPE VI FUNDS WILL NOT BE CONSIDERED)~~

This certification must be signed by the Mayor, City Manager, County Manager ~~Manager~~/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed.

Exhibit 33, Local Government Verification of Contribution – Fee Waiver Form, second to last paragraph has been changed to read as follows:

This certification must be signed by the Mayor, City Manager, County Manager ~~Manager~~/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed.

Exhibit 34, Local Government Verification of Contribution – Loan Form, title of form and second to last paragraph have been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION LOAN (HOPE VI FUNDS AND TAX-EXEMPT BOND PROCEEDS WILL NOT BE CONSIDERED)

This certification must be signed by the Mayor, City Manager, County Manager, Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed.

Exhibit 35, Local Government Verification of Contribution – Fee Deferral Form, second to last paragraph has been changed to read as follows:

This certification must be signed by the Mayor, City Manager, County Manager, Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed.

Exhibit 36, Local Government Verification of Affordable Housing Incentives Expedited Permitting Process for Affordable Housing Form, the top portion of the form preceding the Certification section, has been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF AFFORDABLE HOUSING INCENTIVES EXPEDITED PERMITTING PROCESS FOR AFFORDABLE HOUSING

Name of Applicant:
Name of Development:
Address:
Name of City or County Government:
Name of Jurisdiction that will issue building permits:
The City/County of currently administers an expedited permitting and review process for affordable housing enacted by, adopted. (Ordinance, Resolution Number or citation of policy) (date)

Below is a representative listing of properties or developments which have benefited from this process:

Table with 2 columns: Property or Development Name\*, Year Approved\*\*. Includes several blank rows for data entry.

\*Note: The Development for which this Application is being submitted may be included on the above list.

\*\*Note: To receive the 1 point for this incentive, properties or developments listed here must have been approved subsequent to the enactment of the incentive.

NOTE: List of properties and/or Developments and year approved must be provided to receive the 1 point for this incentive.

Exhibit 37, Local Government Verification of Affordable Housing Incentives Contributions Made to Affordable Housing Properties or Developments Form, the title of the form has been changed as follows, and the top portion of the form preceding the Certification section, has been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF AFFORDABLE HOUSING INCENTIVES CONTRIBUTIONS MADE TO AFFORDABLE HOUSING PROPERTIES OR DEVELOPMENTS

Name of Applicant:
Name of Development:
Address:
Name of City or County Government:

The referenced local government has an on-going and current process for providing contributions to affordable housing properties or developments. Below is a representative listing of properties or developments which have benefited and/or will benefit from local contributions:

Table with 4 columns: Property or Development Name, Type of Contribution, Amount of Contribution, Year of Commitment or Award. Includes several blank rows for data entry.

List of properties or developments, type of contribution, amount of contribution, and year of commitment or award must be provided to receive the 1 point for this incentive.

Exhibit 41, Development Cost Pro Forma, the following changes have been made:

Notes: (1) For HC these fees must be included but may be included as an eligible cost only at the Applicant's discretion. Applicant should rely on the advice of a tax professional. (See Fees section in Universal Application Package threshold pages for amount of fees.)

B. ~~DEVELOPMENT~~ ~~DEVL.~~ COST

(A1.2+A2+A3)

(114) through (115) renumbered (117) through (118) No change.

67-48.004 Application and Selection Procedures for Developments.

(6) Within 15 Calendar Days of receipt of the notice set forth in paragraph (5) above, each Applicant shall be allowed to submit additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to paragraphs (3) and (5) above that could result in rejection of the Application or a score less than the maximum available. Where specific pages of the Application are revised, changed or added, each new page(s) must be marked as "revised," and submitted. Failure to mark each new page(s) "revised" will result in the Corporation not considering the revisions, changes or additions to that new page. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional documentation and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s). ~~Each Applicant must submit a computer disk containing all revised completed pages. Nothing on the computer disk that is not otherwise contained within the original of the revised pages will be considered.~~

(9) Following the receipt and review by the Corporation's Staff of the documentation described in paragraphs (5), (6) and (7) above, the Corporation's Staff shall then prepare final scores. In determining such final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notices described in paragraphs (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to paragraph (6) above will still be justification for rejection or reduction of points, as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in paragraph (14)~~(a)-(n)~~ below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application, ~~and any deficiencies in the mandatory element set forth in (14)(o) below can be identified at any time prior to sending the final scores to Applicants and~~

~~will result in zero tie-breaker points for the applicable Proximity to Proposed Development chart in that section. The Corporation shall then transmit final scores to all Applicants.~~

(11) Applications shall be limited to one submission per subject property with the exception that Local Government-issued Tax-Exempt Bond-Financed Developments may submit a separate Application for non-competitive ~~applying noncompetitively~~ for Housing Credits. Two or more Applications with the same Financial Beneficiary for Developments that are contiguous with the property of another Application, or that are ~~is~~ divided by a street or easement, or if it is readily apparent from the two Applications, proximity, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development, the Applications will be considered to be submissions for the same Development site and the Corporation will reject all such Applications except the Application with the highest (worst) lottery number.

(12) If the Board determines that any Applicant or any Affiliate of an Applicant:

~~(a) Has is determined by the Corporation to have engaged in fraudulent actions; or~~

(b) Has to have deliberately and materially misrepresented information to the Corporation regarding any of its Developments, or within the current Application or in any previous ~~a~~ Applications for financing or an allocation of Housing Credits administered by the Corporation;

(c) Has been convicted of fraud, theft or misappropriation of funds;

(d) Has been excluded from federal or Florida procurement programs; or

(e) Has been convicted of a felony upon a determination by the Board that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board makes such determination. Such determination shall be either pursuant to a factual hearing before the Board at which the Applicant shall be entitled to present evidence or as a result of a finding by a court of law or recommended order of an administrative law judge.

(13) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in paragraph (6) above:

(c) The Applicant fails to provide all required copies and file all applicable Application pages and exhibits ~~and the disk~~ which are provided by the Corporation and adopted under this rule chapter;

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(i) ~~Demographic or Area Commitment Targeted resident population or targeted demographic area;~~

(k) The total set-aside percentage of the Total Set-Aside Commitment units committed to be set-aside unless, with regard to the HOME Program, the change results from the revision allowed under (m) ~~(n)~~ below;

~~(4) Categorical set-aside for the SAIL Program;~~

~~(1)(n) CHDO election for the HOME Program;~~

(m)(n) Funding Request (except for Taxable Bonds) Requested amount; notwithstanding the foregoing, requested amounts exceeding the Corporation and Program funding limits can be reduced by the Applicant to reflect the maximum request amount allowed (and no other changes to this amount will be allowed);

~~(e) Selections made on the Proximity of Proposed Development charts in the proximity section of the Application.~~

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, this rule chapter, or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended, as of ~~at~~ the time of submission of the Application or at the time of issuance of a credit underwriting report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

67-48.006 Compliance and Reporting Requirements.

(1) Any duly authorized representative of the Corporation shall be permitted at any time during normal business hours to inspect and monitor the construction or rehabilitation of a Development. Any duly authorized representative of the Corporation or the Treasury shall be permitted at any time during normal business hours to inspect and monitor Development and resident records and facilities. All resident records shall be maintained by the owner of the Development within 50 miles of the Development site.

(2) On-site inspections for HC Developments:

(a) An authorized representative of the Corporation will, at the Applicant's expense, conduct four on-site construction inspections during the construction or rehabilitation of a Competitive HC Development. Any required re-inspection due to a finding of non-compliance will be at the Applicant's expense.

(b) An authorized representative of the Corporation will, at the Applicant's expense, conduct a minimum of one on-site construction inspection of a Non-Competitive HC Development which has not received any other Florida Housing financing. Any required re-inspection due to a finding of non-compliance will be at the Applicant's expense.

~~(3)(2) The Corporation or its representative shall conduct on-site Development inspections at a minimum of every three years, with a typical frequency of annual reviews least annually.~~

~~(4)(3) No change.~~

~~(5)(4) The Corporation will document approval of the management company to the owner of the Development after successful completion of items (4)(3)(a)-(d).~~

~~(6)(5) No change.~~

~~(7)(6) The Applicant shall submit Program Reports pursuant to the following:~~

(a) The initial HC Program Report shall be submitted upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 ~~within 10~~ days following the leasing of any unit end of the calendar quarter during which the issuance of the Final Housing Credit Allocation was made. Subsequent Program Reports shall be submitted each year of the Housing Credit Compliance Period and shall be due no later than the ~~on~~ one of the following ~~dates assigned by the Corporation: January 10, April 10, July 10 or October 10.~~ The Program Reports shall be accompanied by:

(b) The initial HOME Program Report shall be submitted prior to the time of loan closing, if occupied, or if not occupied at loan closing upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 ~~within 10~~ days following the end of the calendar quarter during which leasing of any unit HOME-Assisted Units occurred. Subsequent Program Reports shall be submitted annually on the ~~one of the following due~~ dates assigned by the Corporation: January 10, April 10, July 10 or October 10. The Program Reports shall be accompanied by:

(c) The initial SAIL Program Report shall be submitted prior to the time of loan closing, if the Development is occupied, or by the 25th of the month following rental of the initial unit in the Development. Subsequent Program Reports shall be submitted each month and are due no later than the 25th of each month thereafter. The Program Reports shall be accompanied by Recap of Tenant Income Certification

Information Form AR-1 and copies of all Tenant Income Certifications executed since the last Program Report (to be sent to the monitoring agent).

~~(8)~~(7) HC Developments will submit copies of each building's completed IRS Low-Income Housing Credit Allocation Certification Form 8609, Rev. 1-2000, and Schedule A, Annual Statement, Form 8609, Rev. 1-2000, for the first year housing credits are claimed to the Compliance Section of Florida Housing Finance Corporation. These forms are adopted and incorporated herein by reference and are due at the same time they are filed with the Internal Revenue Service. Form 8609 and Schedule A (Form 8609) can be obtained from the Internal Revenue Service by calling 1-800-829-4477. Additionally, correspondence shall accompany these forms which indicates what the first month of the first taxable year in which the Housing Credits were claimed and the fiscal operating year for the property is.

~~(9)~~(8) No change.

67-48.007 Fees.

(9) Construction inspection fees.

(9) through (10) renumbered (10) through (11) No change.

All of the fees set forth above with respect to the SAIL Program are part of Development Coost and can be included in the Development Coost pro forma and paid with SAIL loan proceeds. Failure to pay any fee shall cause the firm loan commitment under any Program to be terminated or shall constitute a default on the respective loan documents.

67-48.009 SAIL General Program Procedures and Restrictions.

(1) No change.

(2) Loans shall be in an amount not to exceed 25% of the Ttotal Development Coost except as described in (3) below, or the minimum amount required to make the Development economically feasible, whichever is less, as determined by the Credit Underwriter.

(3) The following types of Sponsors are eligible to apply for loans in excess of 25% of Ttotal Development Coost pursuant to Section 420.507(22), Florida Statutes:

(a) Non-Profit and public Sponsors which are able to secure grants, donations of land, or contributions from other sources collectively totaling at least 10% of Ttotal Development Coost; or

(b) Sponsors that maintain an 80% occupancy of residents qualifying as Farmworkers as defined in 420.503(18), Florida Statutes F.S., over the life of the loan.

(6) Developer fee shall be limited to 16% of Development Coost excluding land and building acquisition costs. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A total Developer fee of 18% of Development Coost, excluding land and building acquisition costs, shall be allowed if the proposed

Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax-Exempt Bond-Financed Developments.

(7) The General Contractor's fee shall be limited to a maximum of 14% of the actual total construction cost.

67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

~~(3) The Corporation shall, within each demographic category, rank Applications in order of total points assigned, with the highest point total being ranked first.~~

~~(3)~~(4) The Corporation shall ~~then~~ assign, in order of ranking, tentative loan amounts to the Applications in each demographic and geographic category, up to the total amount available. However, the Corporation shall make adjustments to ensure that minimum and maximum funding distribution levels by geographic category are met, as required by Section 420.5087(1), Florida Statutes, and further described in the SAIL Notice of Funding Availability.

~~(4)~~(5) In the event that the 10% of program funds required to be allocated to counties with a population of 100,000 or less remains unallocated at the conclusion of a successive three-year cycle, the unallocated funds shall be carried forward and shall be added to the funds reserved for counties with a population of 100,000 or less for the next successive three-year period.

~~(5)~~(6) After the six-month period referenced in Rule 67-48.0095(1), F.A.C., has expired, the Corporation shall allocate SAIL funds to Applicants meeting threshold requirements, without regard to demographic category.

~~(6)~~(7) Based upon fund availability, the Corporation shall select Applications ~~notify Applicants of selection for participation in the SAIL Program in accordance with the instructions included in the Universal Application Package rank order within each set aside category, as clarified in (4) above. When the amount of an Applicant's loan request exceeds the remaining funds available, the Corporation shall offer the Applicant a tentative loan amount equal to the remaining funds only if there is enough allocation to fund at least 60% of the requested amount. Rejection of such offer will cause the Corporation to make the offer to the next highest ranked Applicant within the category. This process shall be followed until all funds in the category are either committed in this category or combined with available funds from other categories and offered to the next highest scorer in any category or, with Board approval, the available funds will be retained for use in the next Funding Cycle.~~

~~(7)~~(8) Selection for SAIL Program participation is contingent upon fund availability after determination of final loan amounts and the appeals process as set forth in Rule 67-48.005, F.A.C.

67-48.010 Terms and Conditions of SAIL Loans.

(3) The loans shall be non-amortizing and shall have interest rates as follows:

(a) 1% simple interest per annum on loans to Developments that maintain an 80% occupancy of residents qualifying as Farmworkers over the life of the loan ~~Developments that are unable to pay will be required to show cause and may seek relief for deferral from the Board;~~

(b) 3% simple interest per annum for Family and Elderly loans ~~Developments that are unable to pay will be required to show cause and may seek relief for deferral from the Board;~~

(c) 3% simple interest per annum on loans to Homeless and SRO; ~~Developments that are unable to pay will be required to show cause and may seek relief for deferral from the Board.~~

(d) Payment on the loans shall be based upon the actual Development Cash Flow. Interest may be deferred as set forth in Rule 67-48.010(6), F.A.C., (a)-(c) above, without constituting a default on the loan.

(4) The loans described in Rule 67-48.010(3)(a), and (b), and (c), F.A.C., above shall be repaid from all Development Cash Flow, and if the SAIL loan is not a first mortgage loan, each year, subject to the provisions of paragraph (6) below, Development Cash Flow shall be applied to pay the following items in order of priority: The first interest payment on the loan shall be paid to the Corporation 24 months from the date of the notice of commencement and annually thereafter.

(a) First mortgage fees and debt service;

(b) Development Expenses on the SAIL loan, including up to 20% of total Developer fees per year;

(c) Interest payment on SAIL loan balance equal to 1% as stated in (3)(a) above and equal to 3% as stated in (3)(b) and (c) above over the life of the SAIL loan;

(d) Interest payment deferred from previous years;

(e) Mandatory payment on subordinate mortgages;

(f) 12% Return on Equity to Applicant;

(g) Any other unpaid SAIL interest deferred from the current and previous years;

(h) Any unpaid Return on Equity deferred from previous years; and

(i) Remaining monies to be equally divided between the Applicant and the Corporation with the Corporation receiving no more than the stated interest rate on the SAIL loan. After the full SAIL loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(5) If the SAIL loan is secured by a first mortgage lien, each year, subject to the provisions of paragraph (6) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) First mortgage fees and interest payment on SAIL loan balance equal to 1% as stated in (3)(a) above and equal to 3% as stated in (3)(b) above over the life of the SAIL loan;

(b) Development Expenses on the SAIL loan, including up to 20% of total Developer fees per year;

(c) Any other unpaid SAIL interest deferred from the current and previous years;

(d) Mandatory payment on subordinate mortgages;

(e) 12% Return on Equity to Applicant;

(f) Any unpaid Return on Equity deferred from previous years; and

(g) Remaining monies to be equally divided between the Applicant and the Corporation with the Corporation receiving no more than the stated interest rate on the SAIL loan. After the full SAIL loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(6)~~(5)~~ The determination of Development Cash Flow, determination of payment priorities, and payment of interest on SAIL loans shall occur annually. Any payments of accrued and unpaid interest due annually on SAIL loans shall be deferred to the extent that Development Cash Flow is insufficient to make said payments pursuant to the payment priority schedule established in this rule chapter. If Development Cash Flow is under-reported and such report causes a deferral of SAIL interest, such under-reporting shall constitute an event of default on the SAIL loan. A penalty of 5% of any required payment shall be assessed.

(a) By May 31 of each year of the SAIL loan term, (The Applicant shall provide the Corporation with audited financial statements and a certification detailing the information needed to determine the annual payment to be made within 5 months of the Applicant's fiscal year end. However, this certification requirement will be waived until May 31 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements and the SAIL annual reporting form, Cash Flow Reporting Form SR-1, Rev. 1/98, which is incorporated by reference. Form SR-1 can be obtained from the assigned servicer. The audited financial statements are to be prepared in accordance with generally accepted accounting principles for the 12 months ended December 31 with the Applicant's fiscal year end and shall include:

1. Comparative Balance Sheet with prior year and current year balances;
2. Statement of revenue and expenses ~~which;~~
3. Statement of changes in fund balances or equity;
4. Statement of cash flows; and
5. Notes.

The financial statements referenced above should also be accompanied by a certification of the Applicant as to the accuracy of such financial statements. The Applicant shall furnish to the Corporation or its servicer, unaudited statements, certified by the Applicant's principal financial or accounting officer, covering such financial matters as the Corporation or its servicer may reasonably request, including without

limitation, monthly statements with respect to the Development. A late fee of \$500 will be assessed by the Corporation for failure to submit the required audited financial statements and certification by May 31 of each year of the SAIL loan term within 5 months of the Applicant's fiscal year end. Failure to submit the required audited financial statements and certification by the due date May 31 of each year of the SAIL loan term shall constitute an event of default on the SAIL loan.

(b) The Corporation servicer shall issue a billing for interest due on the SAIL loan for the immediately preceding calendar year by July 31 of each calendar year of the SAIL loan.

(c) The Applicant shall remit the interest due to the Corporation servicer no later than August 31 of each year of the SAIL loan term. The first payment of SAIL interest will be due no later than August 31 following the calendar year within which the first unit is occupied. The first payment of interest shall include all base interest for the period which begins accruing on the date of the first Draw and ends on December 31 of the calendar year during which the first unit is occupied.

(6) through (10) renumbered (7) through (11) No change.

(12)(14) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective September 28, 1999, which is adopted and incorporated herein by reference.

(13)(12) The SAIL loan shall be for a period of not more than 15 years to include the construction/stabilization period. However, if both a SAIL loan and federal housing credits are to be used to assist a Development, the Corporation may set the SAIL loan term for a period commensurate with the investment requirements associated with the Housing Credit syndication. The loan term may also exceed 15 years as required by the Federal National Mortgage Association whenever it is participating in the financing of the Development, or if otherwise approved by the Board.

(14)(13) No change.

(15)(14) After accepting a preliminary commitment Board approval of the final credit underwriting report, the Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the SAIL mortgage without prior approval of the Corporation's Board of Directors.

(a) The Board shall approve requests for mortgage loan refinancing only if Development Cash Flow is improved, the Development's economic viability is maintained, the security interest of the Corporation is not adversely affected, and the Credit Underwriter provides a positive recommendation.

(b) The Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in Rule 67-48.010(15)(14)(a), F.A.C., are met, the original combined loan to value ratio for the superior mortgage and the SAIL mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding SAIL loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the SAIL loan balance, the following calculation shall be used: divide the amount of the original SAIL mortgage by the combined amount of the original SAIL mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage after deducting refinancing costs. For example, if the amount of the original SAIL mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, the proposed new superior mortgage is \$5,000,000, and refinancing costs are \$200,000, then the amount of the increase in the superior mortgage after deducting refinancing costs would be \$800,000, and the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the SAIL loan balance would be \$266,667.

(c) The Board shall deny requests for mortgage loan refinancing which require extension of the SAIL loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in Rule 67-48.010(15)(14)(a), F.A.C., are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

(16)(15) All SAIL loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR 100, which is adopted and incorporated herein by reference, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR 35, which is adopted and incorporated herein by reference. The Corporation shall allow units dedicated to occupancy by the Elderly in a Development designed for occupancy by elderly households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR 100.

(16) through (17) renumbered (17) through (18) No change.

(19)(18) Applicants shall annually certify that the household gross income, adjusted for family size, of each household occupying a unit set aside for Very Low-Income

persons or households meets income requirements specified in Section 142(d)(3)(B) of the Code, which is adopted and incorporated herein by reference. Should the annual recertification of such households result in noncompliance with income occupancy requirements, the next available unit must be rented to a household qualifying under the provisions of Section 420.5087(2), Florida Statutes, in order to ensure continuing compliance of the Development.

(19) through (20) renumbered (20) through (21) No change.

~~(22)~~(21) If, after a four-month rent-up period commencing after issuance of the last certificate of occupancy on the units, an Applicant is unable to meet the agreed-upon demographic commitment ~~Categorical Set-Aside~~ for Elderly, Homeless, Farmworker or Commercial Fishing Worker, the Applicant may request to rent such units to Very Low-Income persons or households without demographic ~~category~~ restriction.

~~(23)~~(22) No change.

~~(24)~~ Failure to provide the Corporation and its servicer with the SAIL available Cash Flow Statement detailing the information needed to determine the annual payment to be made pursuant to this rule chapter shall constitute a default on the SAIL loan.

67-48.0105 Sale, Refinancing or Transfer of a SAIL Development.

(1) The SAIL loan shall be assumable upon sale, transfer or refinancing of the Development if the following conditions are met:

(a) The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan; ~~and~~

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the SAIL loan for the period originally specified or longer; ~~and~~

(c) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board of Directors of the Corporation.

(2) If the SAIL loan is not assumed since the buyer does not meet the criteria for assumption of the SAIL loan, the SAIL loan (principal and any outstanding interest) shall be repaid from the proceeds of the sale in the following order of priority:

(g) If there will be insufficient funds available from the proposed sale of the Development to satisfy (2)(a)-(f) above, the SAIL loan shall not be satisfied until the Corporation has received:

1. An appraisal prepared by an appraiser selected by the Corporation or the Credit Underwriter indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

2. A certification from the Applicant that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the Development Cash Flow reported to the Corporation during the term of the SAIL loan was true and accurate;

~~(3) Any sale, refinancing or transfer of a SAIL Development shall be subject to a favorable recommendation from the Credit Underwriter and approval by the Corporation's Board.~~

67-48.012 SAIL Credit Underwriting and Loan Procedures.

(2) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Syndicator, General Contractor and other members of the Development team.

(g) The minimum combined debt service coverage shall be 1.10 and the maximum debt service coverage shall be 1.50, including the SAIL mortgage and all other superior mortgages. In extenuating circumstances, such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis. Developments receiving first mortgage funding from the United States ~~U.S.~~ Department of Agriculture Rural Development (RD) are not required to meet the debt service coverage standards if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the SAIL and all superior mortgages.

(i) The underwriters may request additional information but at a minimum the following will be required during the underwriting process:

1. For ~~Credit~~ ~~Enhancers~~, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

2. For Principals and ~~g~~Guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with the Fannie Mae Multifamily



Delegated Underwriting and Servicing (DUS) Guide, effective November 23, 1999, which is adopted and incorporated herein by reference, and the two most recent year's tax returns.

4. For the Applicant and ~~g~~General ~~p~~Partner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(j) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

1. Liquidity of the guarantor.
2. Developer and General Contractor's history in successfully completing Developments of similar nature.
3. Problems encountered previously with Developer or contractor.
4. Exposure of Corporation funds compared to Ttotal Development Costs.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of 1.-4. above that additional surety is needed. However, a completion guarantee will not be required if SAIL funds are not drawn until construction is complete, as evidenced by final certificates of occupancy.

(k) The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of six consecutive months for the combined permanent first mortgage and SAIL loan. Developments receiving United States U.S. Department of Agriculture Rural Development funds are not required to meet the debt service coverage standards for release of operating deficit guarantee.

(l) Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Substantial Rehabilitation may be included within the Ttotal Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from SAIL funds.

~~(p) If audited financial statements are unavailable from the Applicant, the Credit Underwriter shall request federal tax returns and unaudited or internally prepared financial statements for the past two years.~~

(3) Any changes in a firm commitment from any other source of the funding shall be consistent with the underwriting assumptions made in connection with the SAIL loan. All items required by the Credit Underwriter must be provided to the Credit Underwriter within 35 Calendar Days of notification

from the Credit Underwriter. The Applicant will have an additional 25 Calendar Days to submit the appraisal, survey and final plans to the Credit Underwriter. The Credit Underwriter shall advise the Corporation in writing of all items not received by the specified deadlines. Unless an extension is approved by ~~obtained from~~ the Corporation's Board, failure to submit the required credit underwriting information or fees by the specified deadlines shall result in withdrawal of the preliminary commitment and the funds will be made available to the next eligible Applicant.

67-48.013 SAIL Construction Disbursements and Permanent Loan Servicing.

(1) SAIL loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the SAIL loan to the Ttotal Development Cost, unless approved by the Credit Underwriter.

67-48.014 HOME General Program Procedures and Restrictions.

In order for a Development to qualify for HOME funds, it shall, at a minimum, meet or comply with the following:

(2) The Corporation shall utilize at least 15% of the HOME allocation for CHDOs pursuant to the HUD Regulations, to be divided between the multifamily and single family cycles as approved by the Board of Directors. In the event of CHDO Applications in excess of 15% of the HOME allocation designated for multifamily, such Applications shall be funded up to a cumulative maximum of 25%, including partial funding of any such Application. Partial funding will be offered to an Applicant only in the event that partial funding constitutes at least 60% of the Applicant's requested HOME funding. Any remaining unfunded or partially funded portion ~~of such~~ CHDO Application(s) shall remain eligible to compete for non-CHDO designated funding. In order to apply under the CHDO set-aside, the CHDO must have at least 51% ownership interest in the Development held by the General Partner entity and meet all other CHDO requirements as defined by HUD in 24 CFR 92.

(6) A Development qualifies as affordable housing and for HOME funds if, with respect to income and occupancy:

(g) The minimum percentage of HOME-Assisted Units within a Development must be at least equal to the percentage (ratio) calculated by dividing the HOME loan amount by the Ttotal Development Cost. This percentage will be utilized to determine the minimum number of HOME-Assisted Units required within a Development. HOME-Assisted Units must be identified at the time of Application. For purposes of meeting affordable housing requirements for a Development, the HOME-Assisted Units counted may be changed over the Compliance Period, so long as the total number of HOME-Assisted Units remains the same, and the substituted units are, at a minimum, comparable in terms of size, features, and number of bedrooms to the original HOME-Assisted Units.

(8) Any single contract for the development (rehabilitation or new construction) of affordable housing with 12 or more HOME-Assisted Units under the HOME Program must contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the United States Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), which is adopted and incorporated herein by reference, 24 CFR § 92.354, 24 CFR Part 70 (volunteers), which is adopted and incorporated herein by reference, and 40 U.S.C. 276c, which is adopted and incorporated herein by reference, will be paid to all laborers and mechanics employed for the construction or rehabilitation of the Development, and such contracts must also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. § 327-333~~2~~ (1994), which is adopted and incorporated herein by reference, the Copeland Act (Anti-Kickback Act), 40 U.S.C. § 276c (1994), which is adopted and incorporated herein by reference, and the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), which is adopted and incorporated herein by reference.

(9) All HOME Developments must conform to the following federal requirements:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), which is adopted and incorporated herein by reference, Fair Housing Act (42 U.S.C. 3601-3620), which is adopted and incorporated herein by reference, Age Discrimination Act of 1975, as amended (42 U.S.C. 6101), which is adopted and incorporated herein by reference, Executive Order 11063 (amended by Executive Order 12259), which is adopted and incorporated herein by reference, and 24 CFR 5.105(a), which is adopted and incorporated herein by reference.

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR Part 58, which is adopted and incorporated herein by reference, and National Environmental Policy Act of 1969, which is adopted and incorporated herein by reference.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4201-4655), which is adopted and incorporated herein by reference, 49 CFR Part 24, which is adopted and incorporated herein by reference, 24 CFR Part 42 (Subpart B), which is adopted and incorporated herein by reference, and Section 104(d) "Barney Frank Amendments," which is adopted and incorporated herein by reference.

(e) Lead-based Paint as enumerated in 24 CFR § 92.355, and 24 CFR Part 35, which is adopted and incorporated herein by reference.

(f) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR 85.36 and 24 CFR 84.42, which are adopted and incorporated herein by reference.

(g) Debarment and Suspension as enumerated in 24 CFR Part 5, which is adopted and incorporated herein by reference.

(h) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106), which is adopted and incorporated herein by reference.

(i) Handicapped Accessibility as enumerated in Section 504 of the Rehabilitation Act of 1973 (implemented in 24 CFR Part 8) and 24 CFR § 100.205, which are adopted and incorporated herein by reference.

(j) Americans with Disabilities Act as enumerated in 42 U.S.C. 12131; 47 U.S.C. 155, 201, 218, and 225, which are adopted and incorporated herein by reference.

(k) Equal Opportunity Employment as enumerated in Executive Order 11246 (implemented in 41 CFR Part 60), which is adopted and incorporated herein by reference.

(l) Economic Opportunity as implemented in 24 CFR Part 135, which is adopted and incorporated herein by reference.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e), and Executive Orders 11625, 12432, and 12138, which are adopted and incorporated herein by reference.

(n) Site and Neighborhood Standards as enumerated in 24 CFR 893.6(b), which is adopted and incorporated herein by reference.

67-48.019 Eligible and Ineligible HOME Development Costs.

(1) HOME funds may be used to pay for the following eligible costs as enumerated in the HUD Regulations:

(c) Soft costs as they relate to the identified HOME-Assisted Units. The costs must be reasonable, as determined by the Corporation and the Credit Underwriter, and associated with the financing, development, or both. These costs may include:

3. Developer fee shall be limited to 16% of Development Cost ~~excluding land and building acquisition costs~~. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land.

8. The General Contractor's fee shall be limited to a maximum of 14% of the actual ~~total~~ construction cost.

67-48.020 Terms and Conditions of Loans for HOME Rental Developments.

All HOME Rental Development loans shall be in compliance with the Act, the HUD Regulations and, at a minimum, contain the following terms and conditions:

(1) The HOME loan may be in a first, second, or subordinated lien position. The term of the loan shall be for a minimum period of 15 years for Rehabilitation Developments and 20 years for new construction Developments. The term of

the HOME loan may be extended to coterminate with the first mortgage term upon the recommendation of the Credit Underwriter and approval by the Corporation.

(5) The accumulation of all Development financing, including the HOME loan and all existing debt within a Development, may not exceed the Total Development Cost, as determined and certified by the Credit Underwriter.

(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Section 101.17 of the Federal National Mortgage Association Multifamily Conventional Selling Eligibility Requirements for rental properties, which is adopted and incorporated herein by reference.

67-48.021 HOME Credit Underwriting and Loan Procedures.

(2) Based upon availability of funds, the Corporation shall issue a preliminary commitment notifying each Applicant of selection for participation in the HOME Program in the order of each Applicant's ranking within each set-aside category. When an Applicant's tentative loan amount exceeds the remaining fund availability, the Corporation shall offer the Applicant a tentative loan amount equal to the remaining funds. Rejection of such an offer will cause the Corporation to make the offer to the next highest ranked Applicant within the category. This process shall be followed until all funds for the set-aside category are committed.

(a) The preliminary commitment letter shall be subject to a positive recommendation by the Corporation's Credit Underwriter, approval by the Corporation's Board of Directors, and a certification by the Corporation of the HUD Environmental Review pursuant to 24 CFR § 92.352 (1994).

(b) All items required by the Credit Underwriter must be provided to the Credit Underwriter within 35 Calendar Days of notification from the Credit Underwriter. The Applicant will have an additional 25 Calendar Days to submit the appraisal, survey and final plans to the Credit Underwriter. Unless an extension is approved by ~~obtained from~~ the Corporation's Board, failure to submit the required credit underwriting information by the specified deadlines shall result in withdrawal of the preliminary commitment and the funds will be made available to the next eligible Applicant. The Corporation shall select the Credit Underwriter for each Development.

(d) The underwriters may request additional information but at a minimum the following will be required during the underwriting process:

1. For ~~C~~redit ~~E~~nhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is

complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

2. For Principals and ~~g~~uarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 23, 1999, which is adopted and incorporated herein by reference, and the two most recent year's tax returns.

4. For the Applicant and ~~g~~eneral ~~p~~artner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(f) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

1. Minimum debt service coverage of 1.10 and maximum debt service coverage of 1.50 for the HOME loan and all other superior mortgages. In extenuating circumstances such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis. Developments receiving first mortgage funding from the United States U.S. Department of Agriculture Rural Development (RD) are not required to meet the debt service coverage standards if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the HOME and all superior mortgages.

~~3. Require audited financial statements and, if unavailable from the Applicant or Affiliates, the Credit Underwriter shall request federal tax returns and unaudited or internally prepared financial statements for the past two years.~~

~~3.4.~~ No change.

~~4.5.~~ The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

a. Liquidity of the guarantor.

b. Developer and General Contractor's history in successfully completing Developments of similar nature.

c. Problems encountered previously with Developer.

d. Problems encountered previously with contractor.

e. Exposure of Corporation funds compared to Total Development Costs. At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity.

~~5.6.~~ No change.

~~6.7.~~ Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Rehabilitation may be included within the Total Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from HOME funds.

~~7.8.~~ No change.

67-48.022 HOME Disbursements Procedures and Loan Servicing.

(7) The Corporation or its servicer shall elect to withhold any Draw or portion of any Draw, in addition to the retainage, notwithstanding any documentation submitted by the borrower in connection with a request for a Draw, if:

~~(d) The Applicant or any of its Financial Beneficiaries are in financial arrears to the Corporation for any other Development funded by Corporation programs.~~

(9) If 100% of the loan proceeds have not been expended within six months prior to the HUD deadline pursuant to 24 CFR § 92.500 (1996, as amended), the funds shall be recaptured and reallocated to any eligible HOME Development on any Corporation waiting list or eligible HOME Developments, as selected by the Board.

67-48.023 Housing Credits General Program Procedures and Requirements.

(4) The Development shall provide safe, sanitary and decent residential rental housing and shall be developed, constructed and operated in accordance with the commitments made and the facilities and services described in the Application at the time of submission to the Corporation. Applications will not be considered approved to receive an allocation of Housing Credits until Florida Housing issues a Preliminary Allocation/Preliminary Determination to the Applicant and all contingencies of such documents are satisfied. Allocations are further contingent on the Applicant complying with its Application commitments, Chapter 67-48, F.A.C., and Section 42 of the Code, IRC.

(5) All of the dwelling units within a Development shall be rented or available for rent on a continuous basis to members of the general public. The owner of the Development shall not give preference to any particular class or group in renting the dwelling units in the Development, except to the extent that dwelling units are required to be rented to Eligible Persons. All Developments must comply with the Fair Housing Act as implemented by 24 CFR 100, Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the

Americans with Disabilities Act of 1990 as implemented by 28 CFR 35, which are adopted and incorporated herein by reference.

67-48.026 Housing Credit Underwriting Procedures.

(8) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

(c) Developer fee shall be limited to 16% of Development Cost ~~excluding land and building acquisition cost~~. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A total Developer fee of 18% of Development Cost, ~~excluding land and building acquisition costs~~, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax-Exempt Bond-Financed Developments.

(f) All contracts for hard or soft Development Costs must be itemized for each cost component.

~~(k) The underwriters may request additional information but at a minimum the following will be required during the underwriting process:~~

~~1. For Credit Enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete.~~

~~2. For Principals and Guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 23, 1999, and the two most recent year's tax returns.~~

~~3. For the General Contractor, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least "A" by AMBest & Co.~~

~~4. For the Applicant and General Partner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18~~

~~months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.~~

~~(k)(4)~~ The Corporation's assigned Credit Underwriter shall order, at the Applicant's sole expense, a pre-construction analysis for all new construction or a physical needs assessment for Rehabilitation and shall conduct a review of all of the Development's costs.

~~(l)(4)~~ Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Rehabilitation may be included within the ~~T~~total Development Cost for Application and underwriting purposes.

~~(m)(4)~~ The proposed Development must demonstrate, based on current rates, that it can meet 1.10 debt service coverage (DSC) requirements with all first and second mortgages. Developments receiving first mortgage funding from the United States U.S. Department of Agriculture Rural Development (RD) are not required to meet the debt service coverage standards if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the first and second mortgages.

~~(n)(4)~~ If the Credit Underwriter is to recommend an allocation out of the annual Allocation Authority, the recommendation will be the lesser of (1) the qualified basis calculation result, (2) the gap calculation result, or (3) the Applicant's request amount. In the event the Credit Underwriter is making a recommendation for 4% Housing Credits in reference to a Development funded with tax-exempt bonds, the recommendation will be the lesser of the qualified basis calculation result or the gap calculation result.

~~(o)(4)~~ If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same.

(10) If the Credit Underwriter recommends that Housing Credits be allocated to the Development, the Executive Director shall determine the credit amount, if any, necessary to make the Development financially feasible and viable throughout the Housing Credit Extended Use Period and shall issue a Preliminary Allocation Certificate or a Preliminary Determination of Housing Credits in the case of Tax-Exempt Bond-Financed Developments. If the Credit Underwriter recommends that no credits be allocated to the Development and the Executive Director accepts the recommendation, the Applicant shall be notified that no Housing Credits will be allocated to the Development for the current cycle. No Preliminary Allocation Certificate shall be issued on a RD (formerly FmHA) Development which competed for Housing Credits within the RD set-aside and has not received an Obligation of Funding (RD or FmHA Form 1944-51) by October 1<sup>st</sup> of the year the Applicant is invited into credit

underwriting. The Obligation of Funding (RD or FmHA Form 1944-51) is adopted and incorporated herein by reference and a A copy of the form obligation for funding can be obtained from the United States U.S. Department of Agriculture, P.O. Box 147010, Gainesville, FL 32614-7010. All contingencies required in the Preliminary Allocation shall be met or satisfied by the Applicant within 45 Calendar Days from the date of issuance or as otherwise indicated on the Certificate unless an extension of this deadline is requested in writing by the Applicant and is granted by the Corporation in writing for good cause.

67-48.027 Tax-Exempt Bond-Financed Developments.

(2) Tax-Exempt Bond-Financed Developments, as defined in Section 42(h)(4)(B) of the Code, seeking to obtain Housing Credits from the Treasury receiving the bonds from Florida Housing prior to calendar year 2000 or receiving bonds from another source other than Florida Housing, and not competing for Housing Credits under the State of Florida Allocation Authority shall:

(m) After bonds are issued to the Development, make Application to the Corporation as required in Rules 67-48.004 and 67-48.026, F.A.C. Applicant shall submit its Application completed in accordance with the Universal Application Package instructions for receipt by the Corporation no later than July 1 of the year the Development is placed in service; and

(n) No change.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 423, Play FLA USA™  
 RULE NO.: 53ER02-3  
 SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 423, "Play FLA USA™" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, number and size of prizes in the game; and vacation prize package information.  
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-3 Instant Game Number 423, Play FLA USA™.  
(1) Name of Game. Instant Game Number 423, "Play FLA USA™."