

ANNUAL ACTION PLAN

AP-15 Expected Resources – 91.320(c)(1,2)

Introduction

The Small Cities Community Development Block Grant (CDBG) Program will receive \$27,084,070 in funding for federal fiscal year 2018. Of the total funding allocation, \$100,000 (unmatched) plus 2.5 percent (matched with general revenue) will be spent on administration activities, 0.5 percent will be spent on training and technical assistance and 4 percent will be allocated to emergency set-aside activities. That leaves approximately \$25,088,185 available for the four eligible funding categories in the annual competitive application cycle. The Florida Small Cities CDBG Program, administered by the Florida Department of Economic Opportunity (DEO), prioritized the funds for each category by percentage. The funding percentages for each category were determined by analyzing past requests for funding and from public input on the Consolidated Plan collected during the five public meetings.

Consolidated Plan survey results received indicate a high priority for affordable rental housing and owner-occupied housing rehabilitation, as well as stormwater drainage and street improvements for all regions in Florida. These survey results were used in determining how the funds were allocated. For the third fiscal year (2018) of the 2015-2019 Consolidated Plan, funding percentages and dollar amounts for each category are as follows: Neighborhood Revitalization \$9,633,863 (38.4 percent), Housing Rehabilitation \$6,272,046 (25 percent), Economic Development \$7,526,456 (30 percent) and Commercial Revitalization \$1,655,820 (6.6 percent).

The Emergency Solutions Grant (ESG) Program will receive a total allocation of \$5,380,797 in funding for fiscal year 2018. Of the total funding allocation available to local continuum lead agencies for allocation to homeless prevention and emergency shelters in their areas, Continuum of Care (CoC) lead agencies will provide at least 40 percent of available funding to homeless prevention programs and no more than five percent of the project award on administrative activities. Funds will be distributed as Homeless Prevention Grants to those agencies who provide direct assistance to families at risk of homelessness or those who are homeless, for costs associated with data collection and coordination to provide services consistent with the CoC Plans to address homelessness. The Office on Homelessness will maintain for its costs the balance of allowable administrative costs for the administration of the ESG Grant and of other grant funded programs that serve housing, program or service needs included within the CoC Plans of the 27 Continuums of Care.

The HOME Partnerships (HOME) Program will receive a total allocation of \$20,096,274 in funding for fiscal year 2018. Of the total funding allocation, \$3,014,441 will be reserved for development that are sponsored by qualified Community Housing Development Organization (CHDO) applicants. In the event insufficient applications meeting the threshold are received to allocate this amount to rental developments, the remaining unallocated may be shifted to homeownership activities. The same applies

to homeownership activities, so the remaining unallocated funds may be shifted to rental activities. The remaining funds allocated will be awarded via a Request for Application (RFA) process or a reservation system based on the appropriate rule chapters, or through one or more demonstration projects that create affordable rental and homeownership opportunities through construction or rehabilitation of housing units, through tenant-based rental assistance, or direct homebuyer assistance. The total annual allocation of \$2 million will be used by the Florida Housing Finance Corporation (FHFC) HOME program for administrative costs pursuant to 24 CFR § 92.207.

The Housing Opportunities for Persons With AIDS (HOPWA) Program has been allocated \$7,748,771* in funding for fiscal year 2019. Of the total funding allocation, \$7,516,308 (97 percent) of the grant award will be spent to benefit eligible persons whose income does not exceed 80 percent of the median family income for the area served. Eligible activities include rental payments, security deposits, and utility allowances to promote housing opportunities for persons with HIV/AIDS. The remaining 3 percent of the funding will be spent on administrative activities carried out by DOH.

*This amount includes additional funds for eligible metropolitan statistical areas (EMSAs), which may or may not re-designate their allocation back to the state. As such, this number may be reduced should they choose to administer their grants locally.

The HOPWA Program has also been allocated \$1,171,365* in HOPWA CARES Act funding for fiscal year 2020 that will be distributed in the current designated geographic areas.

The National Housing Trust Fund (NHTF) Program will receive a total allocation of \$10,442,914 for fiscal year 2018. Ninety percent of this funding, or \$9,398,622, will be made available in tandem with other affordable rental financing through a Request for Applications process for developments that commit to providing a small portion of extremely low-income units that meet NHTF Program requirements. Ten percent of the total allocation, or \$1,044,291, will be used by FHFC for administrative costs.

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied.

The CDBG Program does not require matching funds, but the state administered program does award up to 25 bonus points in housing rehabilitation, neighborhood revitalization and commercial revitalization applications and up to 125 bonus points if leveraged funds are included.

The HOME Program requires participating jurisdictions to provide match funds in an amount equal to no less than 25 percent of the total HOME funds drawn down for project costs. Match is a permanent contribution to affordable housing. However, match is not leveraging. Match is the participating jurisdiction's contribution to the HOME Program the local, non-federal contribution to the partnership.

The federal ESG Program requires match for all direct recipients. However, 24 CFR § 576.201 (a)(2) states that "If a recipient is a state, the first \$100,000 of the fiscal year grant is not required to be matched. However, the recipient must transfer the benefit of this exception to its subrecipients that are least capable of providing the recipient with matching contributions." Types of acceptable matching contributions include third-party cash match or in-kind contributions.

Neither the federal nor the state HOPWA Programs require match contributions to be leveraged toward funding allocations.

The NHTF Program does not require matching funds; instead NHTF Program funds will be made available in tandem with other affordable financing, which may include Multifamily Mortgage Revenue Bonds, Low Income Housing Tax Credits, state Apartment Incentive Loan Program or HOME Investment Partnerships program funds, as part of a comprehensive annual funding plan adopted by FHFC's Board of Directors. NHTF Program funding will assist in creating financing opportunities with some or all of the programs listed here to enable assisted units to serve more extremely low-income residents than could be done by each program separately.

AP- 25 Allocation Priorities – 91.320(d)

How will the proposed distribution of funds address the priority needs and specific objectives described in the Consolidated Plan?

Performance objectives for communities served by the CDBG Program are entered into the U.S. Department of Housing and Urban Development's (HUD) Integrated Disbursement Information System (IDIS) when awards are made, and the final accomplishments and beneficiaries are reported when projects are completed. The composite objectives of subgrantees comprise the state's overall objectives.

The CDBG Program will address three primary objectives with its federal fiscal year (FFY) 2018 allocation:

1. Creating economic opportunities,
2. Creating a suitable living environment, and
3. Providing affordable housing.

These objectives will result in four major outcomes:

1. Improve the local economy,
2. Reduce poverty through job creation,
3. Improve neighborhoods, and
4. Improve sustainability by promoting viable communities.

In preparing their CDBG applications, local communities hold public meetings to determine their community's priority needs, and then prepare and submit an application for funding in one of the four funding categories. Therefore, specific performance objections can only be determined when the applications are received, scored and a grant is awarded.

The ESG Program will address three primary objectives with its FFY 2018 allocation:

1. Increase street outreach to homeless persons (especially unsheltered),
2. Increase availability of emergency shelters and transitional housing to homeless persons (especially families with children), and
3. Increase the availability of homeless prevention services to persons and families at risk of homelessness.

The HOME Program will address three primary objectives with its FFY 2018 allocation:

1. Increase rental and homeownership activities, through CHDOs, for persons and families at, or below, 80 percent area median income (AMI),
2. Increase affordable rental housing activities through construction of new rental housing units or through tenant-based rental assistance for persons and families at or below 60 percent AMI, and
3. Increase affordable ownership housing activities through direct financial assistance to homebuyers at or below 80 percent AMI.

The state HOPWA Program will address three primary objectives with its FFY 2019 and FFY 2020 CARES Act allocations:

1. Establish or better maintain a stable living environment
2. Reduce the risk of homelessness among people living with HIV/AIDS and their families
3. Transition homeless individuals or families into stable housing as well as create a strategy for long-term housing stability for persons living with HIV/AIDS.

The NHTF Program will address one primary objective with its FFY 2018 allocation: to increase affordable rental housing activities for extremely low-income households, with a preference for those who are homeless, at risk of homelessness and/or have special needs.

AP-40 Section 108 Loan Guarantee – 91.320(k)(1)(ii)

Acceptance process of applications

The Section 108 loan guarantee application, review and approval process is outlined in rule 73C-23.0071, Florida Administrative Code. This rule is provided below:

(1) Eligibility.

(a) Municipalities and counties on U.S. Department of Housing and Urban Development's (HUD) list of non-entitlement local governments in Florida are eligible to apply for Section 108 loans guaranteed by the state of Florida's current and future Small Cities Community Development Block Grant allocations.

(b) Any project proposed for funding through the Small Cities Community Development Block Grant Loan Guarantee Program must be located within the jurisdictional boundaries of the non-entitlement local government that is applying for the loan.

(c) Section 108 loan requests must meet one of the three National Objectives to be eligible for consideration.

(2) Application Process.

(a) Eligible non-entitlement local governments wanting to receive assistance through the Small Cities Community Development Block Grant Loan Guarantee Program may apply at any time during the year. The following application process must be followed:

1. The non-entitlement local government completes the Section 108 Pre-Application Questionnaire, Form SC-58, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05349>; effective date: April 2015, which is hereby adopted and incorporated by reference, and submits it to the department for review.
2. Following the department's review and acceptance of the local government's responses to the Section 108 Pre-Application Questionnaire [sic], the local government requests a screening meeting with the department. The meeting is held to determine if the proposed project meets all program requirements.
3. If the department determines that the project is eligible for further consideration, the local government is invited to submit an loan request that contains the information required in [42 USC 5308](#), effective [sic] date: February 3, 2015, which is available at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section5308&num=0&edition=prelim> , and which is incorporated herein by reference and [24 CFR part 570](#), subpart M. The local government must provide documentation to the Department that it has met the Citizen Participation requirements detailed in paragraph [73C-23.0041\(1\)](#), F.A.C., with the exception that it only has to provide a project summary and draft budget at the second public hearing.
4. The local government then prepares its Section 108 loan application and submits it to the department for review. The application narrative must describe how the proposed project will meet a national objective and the public benefit standards, and it must document that the proposed activities are eligible for funding. The narrative shall also include a detailed budget showing all sources and uses of funds, a repayment (amortization) schedule, required local government certifications, proof of proper citizen's participation and site control (if applicable), background information on project partners, maps and other supporting documentation to illustrate the specifics of the proposed project. Projects which propose a loan(s) to a third party(ies) shall include letters of commitment from all funding sources evidencing sufficient non-loan funds are available to complete the project. For economic development projects, these commitments shall include those stated in Part 5 of the Economic Development section of the Florida Small Cities Community Development Block Grant Application for Funding, Form SC-60, as incorporated in subsection [73C-23.0030\(2\)\(b\)](#), F.A.C., under the "Initial Participating Party Commitments" section.
5. Upon receipt of the application, the department conducts a "due diligence and compliance" review of the application. The department determines whether the application is eligible for funding and financially feasible, ineligible for funding or financially infeasible.
6. The local government shall have a third party complete a detailed underwriting analysis of the proposed project in accordance with [24 CFR 570.482\(e\)\(2\)](#) and Appendix A of [24 CFR Part 570](#), as incorporated in Rule [73C-23.00310](#), F.A.C.
 - a. The department shall retain the right to approve the third party underwriter and the method of analysis and to enforce adherence to the guidelines in [24 CFR 570.482\(e\)\(2\)](#)

and Appendix A, as incorporated in Rule 73C-23.00310, F.A.C. The department shall require additional underwriting standards, criteria or review when it appears that the proposed project is not economically feasible.

b. The client for the underwriter is the department; however, the cost for the underwriting analysis is the responsibility of the applying local government or its partner(s).

c. The department shall be provided the underwriting analysis prior to the final application package being sent to HUD Office in Jacksonville. The department reserves the right to require additional information from the local government, the underwriter and/or the third party to whom a loan is proposed, when it appears that the proposed project is not economically feasible. Once a financial underwriting analysis and other required documentation has been provided by the local government, any material change, including changes in corporate or ownership structure, which affects the underlying assumptions upon which the local government relied, will require that the underwriting analysis be re-evaluated by the local government and the underwriter and any assistance requested for the Participating Party must be adjusted if a material change that affects the conclusions of the underwriter has occurred.

d. Should the project be approved and funded, the cost for underwriting analysis may be reimbursed from loan proceeds to the entity incurring the cost. This reimbursement requires an up-front letter of request to incur pre-agreement costs from the applying local government, delivered to the department prior to incurring the costs.

(3) Site Visit and Contracting Period.

(a) The department will conduct a site visit following review and acceptance of the final application package. For projects which propose loans to a third party(ies), a representative(s) of the third party(ies) shall attend the site visit or shall meet with department staff within 30 days of the site visit at the CDBG Office in Tallahassee.

(b) The local government shall submit a fully executed Participating Party Agreement(s) that meet(s) the requirements set out in Part 5 of the Florida Small Cities Community Development Block Grant Application for Funding, Form SC-60, as incorporated in Rule 73C-23.00310, F.A.C.

(c) The local government and the department shall execute an agreement that outlines the state's requirements for administering the Section 108 loan and includes a Program Budget and an Activity Work Plan.

(d) The department, HUD and the local government sign the HUD Section 108 Loan Guarantee Agreement.

(4) Administration and Reporting.

(a) The local government shall copy the department on all written correspondence with HUD, the underwriter, the Participating Party and all other involved parties.

(b) The local government shall provide the department with quarterly progress reports until the project is administratively closed. This report shall include documentation in a form acceptable to the department of the project's draws and repayments, accomplishments to date, and updates on previous areas of concern as determined by the department.

(c) The local government shall provide documentation and reporting of Minority and Women Business Enterprise participation and Section 3 compliance until the project is administratively closed.

(d) The local government shall meet the requirements of 2 CFR 200.501.

(e) The department shall monitor the local government and project partners to ensure compliance with a National Objective and the public benefit standards, as well as all applicable federal and state regulations.

(f) The local government shall provide the department with documentation of each loan payment made to HUD throughout the life of the Section 108 loan.

AP-50 Geographic Distribution – 91.320(f)

Description of the geographic areas of the state (including areas of low-income and minority concentration) where assistance will be directed

The CDBG Program does not allocate funding resources geographically. Instead, each year a Notice of Funding Availability (NOFA) is published inviting eligible non-entitlement municipalities and counties to submit an application for funding consideration. There are four program areas: economic development, housing rehabilitation, neighborhood revitalization and commercial revitalization. Before submitting an application, the local government must conduct a public hearing to receive input on what they consider is the community's highest priority need. Based on this information, the local government selects a project for funding and prepares an application for one of the four program areas. CDBG staff reviews the applications received in each program category and ranks them from the highest to the lowest score. Funding is awarded from the highest to the lowest ranked application until there are no funds available.

Allowing the local governments to establish their priority need, based on the above-described process, is beneficial to CDBG subgrantees. It allows the DEO to be more flexible in funding projects that are responsive to the local communities' changing needs rather than require a community to submit a project based on a priority established by the state that may not be a priority need in a local community, or may result in a community not submitting an application because the state established priority is not responsive to their local priority need.

The ESG Program is a formula grant program based upon the demographics of Florida's counties and cities. The state receives the grant funds directly from HUD and subgrants the ESG funds to units of general purpose local government and/or nonprofit organizations. Eligible beneficiaries must meet the "homeless" definition in 24 CFR § 576.2. Rapid re-housing assistance beneficiaries must also meet the requirements described in 24 CFR § 576.104. Local governments have the freedom to establish further

eligibility criteria for program beneficiaries in accordance with 24 CFR § 576.400(e). All local government and nonprofit recipients shall consult with the CoC agencies operating within their jurisdiction before determining how ESG funds are allocated.

HOME Program funds are allocated to provide necessary financial support for various activities, creating long-term affordable, safe, decent and sanitary housing for very low- and low-income persons and households. FHFC works with both the public-and private-sector throughout the state to assist in meeting the needs of affordable housing, particularly in rural areas when development capacity exists. FHFC distributes HOME funds either through a RFA process, a reservation system or by demonstration.

The NHTF Program described in this plan will base its statewide allocation distribution on geographical factors that will be part of a comprehensive annual funding plan adopted by FHFC's Board of Directors to distribute financing across geographic areas of the state based on the need for rental housing in each area. To ensure geographic distribution and to respond to rental needs studies carried out by and for FHFC, funding will be offered through RFAs in large counties (825,000+ population), medium counties (>100,000 and <825,000 population) and small counties (up to 100,000 population) over a period of three to five years.

DOH currently contracts with 11 project sponsors to administer the HOPWA Program in designated geographic areas, the majority of which are rural. Ten of Florida's 14 Ryan White Part B consortia/planning bodies provide recommendations for needs assessments, planning, and prioritization for state HOPWA funds. The six consortia/planning body areas not listed are eligible metropolitan statistical areas (EMSAs) that receive funding directly from HUD. The state program provides funds for HOPWA services in 51 of Florida's 67 counties. The EMSAs, including those administered by the state, provide services for the remaining 16 counties.

The current project sponsors for HOPWA funds and the counties that are served are listed below:

1. Lutheran Services Florida, Inc., Northwest (Escambia, Okaloosa, Santa Rosa, and Walton counties)
2. BASIC NWFL, Inc. (Bay, Calhoun, Gulf, Holmes, Jackson, and Washington counties)
3. Big Bend Cares, Inc. (Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla counties)
4. WellFlorida Council, Inc. (Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, and Union counties)
5. Florida Department of Health-Hillsborough (Manatee County)
6. United Way of Brevard County, Inc. (Brevard County)
7. Health Planning Council of Southwest Florida, Inc. (Charlotte, Collier, DeSoto, Glades, Hendry, Lee, and Sarasota counties)
8. Florida Department of Health-Monroe (Monroe County)
9. Florida Department of Health-Volusia (Flagler and Volusia counties)
10. Florida Department of Health-Polk (Highlands, Hardee, and Polk counties)
11. Florida Department of Health-St. Lucie (Indian River, Martin, Okeechobee, and St. Lucie counties)

The HOPWA CARES Act funds will be distributed in the current designated geographic areas.

AP-85 Other Actions – 91.320(j)

Actions planned to reduce the number of poverty-level families

Florida's anti-poverty strategies are carried out by programs administered by several state agencies. Agency rules and related regulations set out the goals and objectives of the programs. The Department of Children and Families (DCF) is the state agency responsible for the distribution of food stamps and temporary assistance to needy families (TANF). The state provides these services as a temporary means to assist families in need. DEO provides reemployment assistance and job placement services.

DEO provides reemployment assistance, job search and career planning assistance and resources to assist businesses and entrepreneurs create jobs and establish businesses in Florida. The CDBG Program funds economic development projects and requires that 51 percent of the jobs created be made available to low- to moderate-income workers. Job training is also required, at no expense to the employee, if skills above a high school education are required.

Anti-poverty activities fall within several categories including the following: financial literacy, education and training, benefit coordination and safety net programs.

Types of financial literacy programs include the Florida Financial Literacy Council and the Florida Prosperity Partnership (FPP). The Florida Financial Literacy Council develops recommendations to aid the Florida Department of Financial Services in developing programs and resources aimed at increasing financial literacy among Floridians. The FPP is a coalition of county governments dedicated to creating unified, coordinated and collaborative statewide effort to educate, train and put money directly back into the hands of Florida citizens to increase financial stability for low- and moderate-income families.

Types of Education and Training programs include Florida Dislocation Workers Reemployment and Emergency Assistance Coordination (REACT), Food Stamp Employment and Training Program (FSET), Job Corps and Veteran's Workforce Program. REACT provides assistance to regional workforce development boards, local government officials, employers and workers for technical assistance and expertise, labor market statistics and job relocation services. FSET emphasizes work, self-sufficiency and personal responsibility by providing temporary financial assistance and job training. Job Corps assist economically disadvantaged young adults to become responsible, employable and productive citizens by providing them with opportunities to develop vocational, educational and social skills needed to succeed. The Veteran's Workforce Program provides priority workforce services to veteran customers in the one-stop career centers around the state.

Types of safety net programs include reemployment assistance and temporary assistance to needy families. The reemployment assistance programs provide temporary, partial wage replacement benefits to qualified workers who are unemployed through no fault of their own. The temporary assistance to needy families' program emphasizes work, self-sufficiency and personal responsibility structured to

enable participants to move from welfare to economic self-sufficiency. Other types of safety net programs include CDBG, HOME, ESG, and HOPWA. These HUD-funded programs provide funding for jurisdictions to carry out activities such as housing rehabilitation, emergency shelter assistance, and housing opportunities for persons with HIV/AIDS for low- to moderate-income households.

No additional actions are planned to reduce the number of poverty-level families.

AP-90 Program Specific Requirements – HOME Investment Partnership Program (HOME) Reference 24 CFR 91.320(k)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

FHFC does not use any other forms of investment with HOME Program funds other than those described in 24 CFR § 92.205(b).

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in § 92.254, is as follows:

Funds that are loaned to an eligible borrower in conjunction with the Homeownership Loan Program competitive cycle and the Homeownership Pool Program will conform to the following guidelines:

- A. At the time of purchase, the initial buyer must satisfy the two following criteria:

1. Must be a low-income family (have an income of 80 percent or less of the median income for the area), and
 2. Must occupy the acquired property as the principal residence.
- HOME-assisted units shall comply with the purchase price limitation requirements in CFR 24 § 92.254. Eligible homebuyers can receive a zero percent interest rate, deferred payment, subordinate mortgage loan. Repayment of the loan, in accordance with these recapture provisions, is expected if (1) the borrower sells, transfers, or disposes of the assisted unit (either by sale transfer, bankruptcy, foreclosure, or the like), (2) the borrower or a co-borrower dies, and as a result title to the property is transferred to a non-borrower, or (3) the loan matures.
 - A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

FHFC utilizes option (ii) under 24 CFR § 92.254(a)(5)(ii), as its method of recapturing HOME Program funds under any Homebuyer Program the state administers. Resale is not currently utilized. If resale is to be used in the future, the plan will be amended.

A. FHFC will recapture the entire amount of the HOME Investment in the property. If the sale of the unit does not have sufficient proceeds to cover the original HOME investment, the amount recaptured will be the net proceeds (i.e., the sales price minus superior loan repayment, other than HOME funds and closing costs). This method of recapture will be identified in the down payment assistance documents which include a homebuyer agreement with FHFC, promissory note and recorded subordinate mortgage.

Period of Affordability

The recapture provisions are in effect for a period of affordability. This period is based on the amount of direct HOME subsidy to the buyer, as follows:

Amount of HOME funds that were direct subsidy to buyer	Period of affordability
Under \$15,000	5 years
\$15,000 to \$40,000	10 years
Over \$40,000	15 years

Principal Residency

The initial buyer must reside in the home as his/her principal residence for the duration of the period of affordability.

Triggering Recapture of HOME funds

If, during the period of affordability, an owner voluntarily or involuntarily transfers his/her property (e.g., through a sale or foreclosure), these recapture provisions go into effect.

The amount subject to recapture is the direct HOME subsidy.

The direct HOME subsidy is the total amount of HOME assistance that enables the buyer to purchase the unit, including a down payment, closing cost assistance and the amount that reduces the purchase price from fair market value to an affordable price.

FHFC can never recapture more than the amount of available net proceeds upon sale. Net proceeds are the sales price of the home minus superior loan repayment (not including HOME loans) and any closing costs.

Noncompliance

During the affordability period, noncompliance occurs when an owner vacates the unit or rents the unit to another household, or sells or transfers the home without FHFC receiving recaptured

funds due at time of sale. In the event of noncompliance, the owner is subject to repay any outstanding HOME funds invested in the housing. Repayment is based on the total amount of HOME funds invested, including both development funds and direct subsidy to the buyer minus any principal HOME loan repayments.

3. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines that will be used under 24 CFR 92.206(b)

FHFC has no plans to utilize this financing structure.

AP-90 Program Specific Requirements- Emergency Solutions Grant (ESG) Reference 91.320(k)(3)

1. Include written standards for providing ESG assistance (may include as attachment)

In accordance with the option provided in the federal rule to state recipients, the Department of Children and Families (DCF) shall require the local grantees to establish and implement the written standards required under 24 CFR § 576.400(e)(2). The local grantees shall establish their written standards, and submit them to the DCF for review and approval. The approval by DCF is required prior to the execution of the grant agreement with the local grantee.

DCF's transfer of the responsibility to establish the written standards to the local grantee is consistent with Florida's homeless enabling statutes. In accordance with section 420.624, Florida Statutes, homeless services are intended to be tailored to the unique needs of each community. The homeless planning shall be done at the community level, as is the delivery of services and housing to those in need.

For 2018, the local recipients of the ESG shall develop the following written standards. All such standards shall be consistent with the provisions specified by HUD in the December 5, 2011, Interim Rule.

Required Written Standards

- a. Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under the ESG.

Minimum Standards: (1) Consistency with the definition of homeless and at-risk homeless set forth in 24 CFR § 576.2; (2) The record keeping requirements in 24 CFR § 576.500 (b)-(e).

DCF's Limitation: For the 2014 awards, local recipients shall not use the risk factor for homelessness allowed under 24 CFR § 576.2 related to an individual, who "otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness."

- b. Policies and procedures for coordination among homeless service providers, as well as mainstream service and housing providers.

Minimum Standards: Standard shall encompass all providers and programs listed in 24 CFR § 576.400(b)-(c).

- c. Policies and procedures for determining and prioritizing which eligible families and individuals will receive homeless prevention assistance or Rapid Re-Housing aid.

DCF's Priority: Families with children, as well as youth exiting from state care, shall be given preference under the DCF's awards for both prevention and rapid re-housing, to the maximum extent possible.

- d. Standards for determining the share of rent and utilities cost that each eligible participant must pay, if any, while receiving either homeless prevention or rapid re-housing aid.
- e. Standards for determining how long a particular participant will be provided with rental assistance, and whether and how the amount of assistance may be adjusted over time.

Minimum Standard: In accordance with the 24 CFR § 576, no participant may receive more than 24 months of assistance in any three-year period.

DCF Standard: Local grantees shall not obligate any assistance beyond the term of 24 months.

- f. Standards for determining the type, amount and duration of housing stabilization and/or rapid re-housing assistance and/or relocation services to be provided to an eligible participant, including limits, if any, on the amount of homeless prevention or rapid re-housing assistance that a participant may receive. The standards shall set forth the maximum amount of assistance, the maximum number of months of assistance possible and maximum number of times a participant may receive assistance.

Minimum Standard: 24 CFR § 576 limits cannot be violated by the local standard.

- g. Standards for targeting and providing essential services to the unsheltered homeless persons related to street outreach activities.
- h. Policies and procedures for admission, diversion, referral and discharge by emergency shelters assisted under ESG. This must include standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations, such as victims of domestic violence. Such standards shall also address the individuals and families who have the highest barriers to housing and are likely to be homeless the longest.

- i. Policies and procedures for assessing, prioritizing and reassessing individuals' and families' needs for essential services related to emergency shelter.

All recipients must develop the written standards required in (a) and (b) above. Street outreach recipients shall also develop and submit for approval the written standards in (g) above.

Emergency shelter recipients must develop the standards described in (h) and (i) above.

Homeless prevention and rapid re-housing recipients must develop the standards required in (c), (d), (e) and (f) above.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The state of Florida does not have a balance of state CoC planning area. Rather, there are 27 local CoC planning areas, covering 64 of Florida's 67 counties each with their own coordinated entry system.

The ESG Program shall require all applicants to submit in their grant proposal, a specific certification that the applying agency is using the CoC's assessment system. Victim service providers may choose not to use the continuum's coordinated assessment system. If so, the victim service provider shall document this decision in writing.

Florida does not have a balance of state CoC plan, and therefore DCF has not established a coordinated assessment system and instead works with local CoC lead agencies to develop this system as required by 24 CFR § 576.400(d).

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

For 2018, DCF will competitively award grants for the ESG under three grant categories.

1. Emergency shelters
2. Street outreach
3. Prevention and rapid re-housing

DCF shall make funds available to local CoC lead agencies in the state, where grant funded activities will be carried out and serve eligible participants.

DCF will detail the grant application requirements in its grant solicitation. DCF will make a maximum grant award of \$400,000 to lead agencies that may sub-contract to local governments and nonprofit direct service providers to carry-out programs consistent with CoC Plans. The project awards shall make available at least 40 percent of the funding for homeless prevention activities. The lead agencies will determine with the approval of the Office on Homelessness, the funding for proposed direct service providers.

DCF will establish maximum grant awards for each of the grant categories. DCF reserves the right to make awards at levels less than the maximum level, if deemed in the best interest of the state. Those limits shall cover the base award limit, plus an administrative cost amount of no more than five percent of the grant category award. All applicants shall cover the cost of contributing participant data to the CoC HMIS database, and may cover these eligible costs under the grant category award limit.

DCF shall give priority to its grant awards to applicants which shall carry out the grant funded activities in the non-formula cities and counties in the state. Exception: CoC lead agencies in formula jurisdictions/areas, may conduct activities in exception cities or carry-out eligible components not receiving direct awards to perform.

DCF shall publish the notice of grant solicitations using the state of Florida's Vendor Bid System. Such notice shall announce the dates for the submission of grant proposals. The department will provide a completeness review of all applications to identify missing information that is required. Applicants will be provided an opportunity to provide the missing information prior to the evaluation of the application.

Grant awards will be made by the DCF based on the determination of which proposals are in the best interest of the state of Florida. Applications will be evaluated according to capacity and performance criteria, which shall serve as a recommendation for consideration by the DCF's Secretary, or designee, in making the grant award decision determined to be in the best interest of the state.

- 4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.**

If a sub-recipient of a grant from DCF does not meet the requirements for homeless participation on its policymaking body, and in staffing the activities funded by the grant, then DCF shall require the recipient to develop and implement a plan to comply with the federal requirement. The corrective action plan shall be a condition for receipt of payment under DCF's grant award.

Applicants seeking funding from DCF shall be governed by the requirements in 24 CFR § 576.405 of the HUD Interim Rule.

5. Describe performance standards for evaluating ESG.

Performance Goals

The following performance measures are proposed to be used jointly by DCF and the CoC planning lead agency to assess the performance of DCF's funded recipients under the 2018 ESG. Recipients will be required to provide copies of DCF required reports to the lead agency at the same time the report is due to DCF.

Emergency Shelter Recipients

Performance Goals:

1. Reduction in the unsheltered homeless population of the CoC area.
2. Reduction in the recipients' average length of stay for clients served in the shelter.
3. Percentage increase of persons exiting the shelter who transition to permanent housing.
4. Percentage increase of persons exiting the shelter who leave with employment income.
5. Percentage decrease of persons who exit and return to homelessness within three months.

Street outreach recipients

Performance Goals:

1. Percentage increase of clients assessed who are successfully placed in housing.
2. Reduction in the number of unsheltered homeless persons in the CoC area.
3. Reduction in the average length of time of a person's homeless episode in the CoC area.
4. Percentage increase of clients assisted who were able to receive mainstream benefits, like ACCESS Program benefits.

Prevention and rapid re-housing recipients

Performance Goals:

1. Reduction in the number of households with children who are homeless in the CoC area, or reduction in the number of unaccompanied youth in the CoC.
2. At least 35 percent of the participants served remained in permanent housing six months following the last assistance provided under the grant.

National Housing Trust Fund Allocation Plan for Florida^[NG1]

Florida's FY 2018 HTF Allocation Amount: \$10,442,914

Introduction

The NHTF is a new federal affordable housing production program that will complement existing state efforts to increase the supply of affordable housing for extremely low- and very low-income households. Congress established the NHTF through the Housing and Economic Recovery Act of 2008. On January 30, 2015, HUD published an [Interim Rule](#), which guides implementation of the NHTF by the states. HUD plans to issue a final rule for the NHTF after states have had experience administering the program and are able to offer comments regarding the initial implementation.

In years that total NHTF funding exceeds \$1 billion nationally, at least 75 percent of each state's allocation must benefit households at or below the federal extremely low-income (ELI) level, which is 30 percent of area median income, or households with incomes below federal poverty level, whichever is greater.¹ In Florida, the ELI level is greater than the federal poverty level. Up to 25 percent may be used to benefit very low-income households (those at or below 50 percent of area median income). However, in years when total national funding is less than \$1 billion, 100 percent of each state's allocation must benefit ELI households. In 2018, the total amount of funds available for the national trust fund is \$219.2 million. Thus, it is likely that the program will serve 100 percent ELI households for the foreseeable future.

The Governor has designated Florida Housing Finance Corporation (FHFC) as the entity to administer the NHTF program in Florida.

State Preference for Use of NHTF - (§ 91.320(k)(5)(vii))

The state may limit the beneficiaries or give preferences to a particular segment of the ELI population. The state may also allow rental housing owners to limit tenants or give a preference in accordance with § 93.303(d)(3). However, these limitations or preferences must be described in this plan and are as follows:

The state of Florida will give a preference to the following segments of the ELI population, which will also be integrated into the written agreements with the recipients of NHTF:

- Persons and households with incomes at or below 22 percent of area median income in order to serve those at or near the Supplemental Security Income (also known as SSI) level² and that are;
- Persons with special needs, defined in [Florida Statute](#) at 420.0004(13); and/or

¹ In some of its programs, Florida Housing utilizes a different "Florida ELI" level based on the Florida minimum wage. All references to ELI in this plan refer to the federal ELI level of up to 30 percent of area median income.

² For context, the SSI income level is currently \$8,796 per year for a single occupancy household.

- Homeless persons and households, defined in [Florida Statute](#) at 420.621(5); or
- Persons and families at risk of homelessness.

These households have limited access to high quality, affordable housing and few new units of housing or rental assistance affordable to these residents are being made available. Households that receive SSI as their only income are at median income levels of approximately 22 percent. Using the most recent census data, there are approximately 162,000 cost burdened renter households (i.e., those paying more than 30 percent of one's income for rent and utilities) with incomes up to 20 percent of area median income in Florida. In a June 2016 evaluation of resident incomes served throughout FHFC's rental portfolio, out of 154,000 units reporting, only 63 were targeted to renters with incomes this low, because current programs are not financially structured in such a way to allow rents to be low enough to serve this income group. Targeting households at this level would allow Florida to add a new lower income level to the Florida ELI units already being financed through state housing programs.

Florida will prioritize use of NHTF funds for developments that commit to integrate a small number of NHTF-funded units serving the populations described above into various types of properties, including general occupancy affordable housing properties serving family and elderly households with a range of incomes up to 60 percent of area median income in most cases,³ properties that serve a range of demographic populations and properties that are targeted to persons with special needs or who are homeless. NHTF-financed units will comprise only a small portion of total units in any property, but may be in addition to other Florida ELI units provided at the property. NHTF funding will be blended with other program financing, such as Multifamily Mortgage Revenue Bonds and State Apartment Incentive Loan (SAIL) gap funds,⁴ to finance general occupancy properties that include these units. Any development that has more than five NHTF-assisted units will be required to submit an Affirmative Marketing procedures in accordance with the requirements at § 93.350, together with the signed written agreement.

NHTF Funding Priorities - § 91.320(k)(5)(i)

The funding priorities and selection criteria of particular importance to the NHTF program are described in the next two sections. Then the plan provides a broader overview of how these mandatory, threshold criteria will fit into the broader funding selection process implemented by FHFC.

The populations that are prioritized to be served by NHTF are described in the prior section. The state of Florida will distribute NHTF funds by selecting applications submitted by eligible recipients on a

³ "Family" properties are general occupancy properties that serve households of any size and age. "Elder" properties are general occupancy properties that serve households of any size, but set aside all or most units for elders. At these properties, the head of household must be 55 or older.

⁴ SAIL is a state program (section 420.5087, Florida Statutes) that is used to finance rental development, and is used as gap financing with mortgage revenue bonds and 9% Low Income Housing Tax Credits, or on its own when financing very small properties.

competitive basis through FHFC's Request for Applications (RFA) process. Funds will be made available in tandem with other financing to ensure geographic diversity, through an existing process that:

- Proportionally aligns SAIL and Low-Income Housing Tax Credit funding with affordable rental needs in the state based on the most recent cost burden data provided through triennial market needs studies carried out by the Shimberg Center for Housing Studies at the University of Florida. Program funding is proportionally distributed across Large, Medium and Small counties based on these findings.⁵ Florida is commonly divided into three broad regions: north, central and south. Three of the seven large counties are located in South Florida, three are located in Central Florida and one is located in North Florida. Medium and small counties are located in all three regions with North Florida having the greatest number of small counties; and
- Within large, medium and small county groupings, Florida regularly uses a "county award tally" to ensure that funding in each RFA is further distributed across as many counties as possible. For example, the tally might specify that once a development is awarded funding in a particular county, that county will not receive another development award unless eligible applications in all other counties have first been awarded.

These RFAs will make financing available directly to recipients submitting applications to develop rental developments that meet the criteria outlined in this allocation plan and criteria required by federal and state statute and rules governing other programs included in the RFA. These RFAs will be part of a comprehensive annual funding plan that is adopted by FHFC's Board of Directors to distribute all competitive FHFC program financing across geographic areas of the state based on the need for rental housing in each area. A total of about 15 RFAs are issued every year.

The Florida Housing Board of Directors will make funding selections based on recommendations from a staff review committee which will score all applications. The following NHTF threshold criteria must be met by all applicants to be considered for funding selection:

- The development must be permanent rental housing – that is, it must provide a permanent home to residents who meet all lease requirements – and each NHTF-designated unit may have no more than two bedrooms;⁶
- The NHTF-designated units must remain affordable to ELI households through a Land Use Restriction Agreement for no less than 30 years. FHFC will not incentivize a longer affordability period for these units at the 22 percent of area median income level, but will require the units to remain affordable at or below 60 percent of area median income after the first 30 years for

⁵ Pursuant to Section 420.5087, Florida Statutes, Large counties are those with a population of 825,000 or more; Medium counties are those with a population of more than 100,000, but less than 825,000; and Small counties are those with a population of 100,000 or less.

⁶ Most of the state's 22 percent of area median income, special needs households are made up of 1-2 people.

an additional 20-year period. After 30 years, the property will require rehabilitation, but because of the limitations on operating income even from the 60 percent of area median income units, recapitalization will be difficult without financing from FHFC and/or the private

- sector, which may require more flexible approach to the income levels served. Any units in the development with affordability restrictions must remain affordable at 60 percent of area median income levels for 50 years. FHFC's approach to providing refinancing to older properties is to require additional units to be set aside to serve ELI tenants; thus, while we cannot know the economic and real estate markets and programs in 30 years, under today's approach these properties would be targeted with refinancing to maintain affordability for ELI tenants.

Recipient Application Requirements - § 91.320(k)(5)(ii)

In addition to applicable rules, statutes and RFA criteria, applications for funding submitted by eligible applicants will be reviewed according to the following NHTF criteria:

- Provision of a description of the eligible activities to be conducted with the NHTF funds;
- The extent to which the application makes use of non-federal funding sources as compared to total units in the proposed development (leveraging factor). This may be measured by different methods, depending on the other funding being blended with NHTF. For example, FHFC can calculate the leveraging factor using any of these types of subsidies below:
 - The amount of any financial contribution from the local government to the development;
 - The amount of SAIL or other state funding in the development; and/or
 - The amount of other non-governmental sources of funding in the development, such as private or nonprofit loans or grants; and
- The extent to which a proposed development has federal, state or local project based rental assistance. Florida will prioritize applications for funding which are able to maintain units affordable to ELI households for at least 30 years without project based rental assistance. Florida's experience indicates that combining capital subsidies for ELI units with project based rental assistance is wasteful and limits the total number of units available to ELI households. Maximizing the number of units affordable to ELI households was a goal of Florida Housing long before Congress created the NHTF. For many years, Florida Housing has worked to finance as many new ELI rental units as possible, because the need for these units is high. The rental programs administered by FHFC are competitive; consequently, the state is able to encourage the inclusion of project based rental assistance in developments without the addition of NHTF. Rather than using both types of funding to finance new ELI units, the state's objective is to create additional units with NHTF. Thus, Florida will not prioritize applications which utilize project based rental assistance. FHFC established the maximum per-unit NHTF subsidy limits in this plan at a level that ensures that properties funded with NHTF will require less debt financing. With less hard-pay debt service, NHTF funded properties will have sufficient cash flow to support the ELI units for 30 years. Where this cross-subsidization is insufficient, FHFC expects applicants to establish an operating deficit reserve to offset projected operating losses from ELI units identified during underwriting. Operating deficit reserves may be funded with NHTF and/or from other sources. No more than one-third of the state's NHTF award will be used to fund operating deficit reserves.

Applicants for NHTF funding must meet minimum qualifications and demonstrate their proficiency as developers and asset managers. In their applications or before preliminary loan awards receive final approval, eligible recipients must meet these threshold requirements related to NHTF. If any of these requirements are not met, the applicant will not be awarded financing:

- Sign a certification that they understand that by receiving NHTF funds, they commit to set aside the required number of units in its property for the priority households specified in this plan; and sign a certification that they will comply with the requirements of the NHTF program and that housing units assisted with the NHTF will comply with NHTF requirements.
- Demonstrate their ability to obligate NHTF funds, their experience and their financial capacity to undertake, comply with and conduct NHTF eligible activities. In addition, show familiarity with the requirements of other federal, state or local housing programs that will be used in conjunction with NHTF funds to ensure compliance with all applicable requirements and regulations of such programs through demonstrated experience with developing, owning and managing affordable multifamily rental housing developments. This will be done through the following:
 - Showing prior developer experience by requiring applicants to list development information for a minimum specified number (depends on the combination of program funding in the RFA) of prior developments financed and built through affordable housing programs. In addition, for developments that will primarily serve special needs tenants, applicants are evaluated on a development experience narrative they submit to explain their experience serving the subpopulation(s) targeted;
 - Showing prior operating/management experience by requiring applicants to list general management company information for a minimum specified number (depends on the combination of program funding in the RFA) of prior affordable rental developments. In addition, for developments that will primarily serve special needs tenants, applicants are evaluated on an operating/managing experience narrative they submit to explain their experience serving the subpopulation(s) targeted;
 - Showing active developments affiliated with applicants that financed through any FHFC programs are in compliance;
 - Showing that applicants have no financial arrearages in any FHFC programs the applicants are currently funded through.
 - Showing its ability to undertake eligible activities in a timely manner; that is, there must be a reasonable expectation that the development will be placed in service within 24 months, which is typically outlined in closing agreements. The most critical way this is measured is the experience threshold described above.

Additional NHTF Threshold Selection Criteria. With the exception of developments that mainly serve persons with special needs where the provision of supportive services is incorporated into a broader

permanent supportive housing strategy, applicants for funding for general occupancy properties that include NHTF units will only be eligible for NHTF funding if they commit to participate in the state's "Link Strategy," which requires applicants awarded financing to work with at least one Special Needs Household Referral Agency working in that county that will refer eligible homeless, at-risk homeless or special needs households for residency in the NHTF-financed units.

In order to be eligible for NHTF funding, applicants also must commit to develop tenant selection plans that include strategies that demonstrate specific tenant selection and application strategies to address barriers to tenancy that the ELI households to be served may have with credit, income, criminal and rental histories.

Scoring RFA Applications that include NHTF Funds

RFAs issued by FHFC typically have three elements to determine funding selection: threshold criteria that are mandatory to meet to be considered for funding, including the NHTF criteria above and augmented by more general criteria summarized below; scored items that allow applications to be ranked for funding selection, including tiebreakers; and finally, any RFA goals or additional funding selection criteria used to choose applications for funding. These categories are detailed below.

Mandatory Threshold Items. All applicants must meet specific mandatory items to be eligible for scoring. Not providing these requirements or providing them incorrectly will cause the application to not be eligible for funding. For RFAs that include NHTF funding, applicants must, in summary, meet the following threshold requirements in addition to the NHTF criteria described above:

- Submission requirements, such as meeting the application deadline, submitting all required forms and paying the application fee, if there is one;
- Completion of all required items in the application and submitting all required forms such as those showing local government signatures on availability of appropriate zoning and infrastructure;
- Showing evidence of site control;
- Meeting all funding requirements, such as requesting funding within the limits imposed in the RFA; submitting financing information, public and private funding commitments and a development cost pro forma and construction/permanent financing analysis;
- Not be in financial arrearage in any existing property;
- Meet minimum scores on any scored items in the RFA, if specified (scoring discussed below); and
- A multi-page certification signed by the applicant that includes the certifications described above in addition to others related to meeting the requirements of the RFA. In partial summary, a certification and/or acknowledgement of the following:

- Due dates for items to be submitted in credit underwriting if awarded financing;
- That all building codes, including Fair Housing Act, ADA and other required codes will be met;
- That the applicant's commitments will be included in a land use restriction agreement and, if applicable, an extended use agreement;
- That all required construction features, including green building requirements as specified in the RFA, will be addressed;
- That resident services programs committed to in credit underwriting will be implemented;
- That a memorandum of understanding with a supportive services referral agency under the state's "Link Strategy" will be executed and implemented, and tenant selection plan will be developed and implemented that includes income and credit strategies recognizing that the ELI households to be served may have credit, income, criminal and rental histories that may be a barrier to tenancy at the property;
- That all financial requirements specified in the RFA will be met;
- That the third-party information required for the RFA has been reviewed by the applicant and is accurate; and
- Cooperation with all audits.

Scored Items. RFAs also include scored items. RFAs providing financing for general occupancy properties that include a few NHTF units will include the following scoring opportunities based on information submitted by applicants:

- A score for a minimum local government financial contribution, as specified in the RFA, based on the size of the local government (higher contributions are required from bigger local governments that have access to more local housing dollars);
- A transit score, measuring the proposed development's proximity to public bus stops, bus rapid transit stops, or rail stops – the closer the proposed development is to transit, the more points received and the more intense the transit (rail or bus rapid transit compared to a regular bus stop), the higher the score; and
- A proximity score, measuring the proposed development's nearness to such resources as grocery stores, medical facilities, pharmacies and public schools, with a higher score for proposed developments that are closer to these resources.

RFAs offering financing for homeless or special needs populations provide opportunities for applicants to provide narratives describing:

- The population(s) to be served,
- The applicant's experience in developing and managing properties for these populations,
- Access to public or other transit,
- Proximity to shopping, employment, education and recreation,

- Access to community based supportive services, and
- Tenant selection policies and approach.

Funding Selection. Only applications that meet mandatory threshold items will be eligible for funding. The FHFC director appoints staff to a review committee. Each committee member independently evaluates and scores their assigned portions of the submitted applications, consulting with non-committee program staff and legal staff as necessary and appropriate.

At the review committee meeting, members read their scores or findings of threshold eligibility into the record. Once the committee knows which applications meet eligibility requirements, funding selection begins with that group of applications. First, eligible applications are ranked from highest to lowest scoring application, with any tied scores separated by tie-breakers. Depending on the funding being offered (programs may have different associated statutory criteria), tiebreakers can include:

- Leveraging of program funds (required in particular for the SAIL program),
- Eligibility for the Florida Job Creation Funding Preference (required by state law), and
- Lottery number.

Then applications are first selected to meet any goals specified in the RFA. To meet the goals, the review committee goes down the list of ranked applications, choosing the highest ranked application that can meet the goals. In RFAs that include NHTF, goals will include requirements to select applications for new construction (since NHTF will not be used for rehabilitation, as discussed below). In addition, a “county award tally,” described above, is employed to disperse awards across counties as much as possible.

Once funding is exhausted, the review committee finalizes its recommendations to present to the FHFC board.

Merits of NHTF applications in meeting the state’s priority housing needs. Because of FHFC’s exacting RFA requirements, applications which meet all threshold mandatory criteria and any additional scoring criteria will be eligible for selection according to the scoring criteria in the RFA. Any of these eligible applications will be deemed to meet the state’s priority housing needs, particularly those relating to serving extremely low-income persons with special needs.

Use of NHTF Funds

Florida will use NHTF project funds to pay for all or some of the following eligible costs: development hard costs, demolition, acquisition of real property, related soft costs and operating deficit reserves (not to exceed one-third of the state’s annual allocation). Awards of NHTF funds will be made in the form of 0 percent, 30-year forgivable loans in order to minimize project debt and maximize affordability to ELI

households. Funding will be allocated only for new construction, including redevelopment in which a new property is built to replace a demolished property. If demolition of occupied units is required, Tenant Relocation Information is required at the time of application per the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Up to 10 percent of the state’s NHTF allocation will be used for administration, as allowed by NHTF regulations.

Rehabilitation Standards - § 91.320(k)(5)(iv) and § 93.301(b) – NHTF funds will not be used for rehabilitation of housing.

Resale and/or Recapture Provisions - § 91.320(k)(5)(v) and § 93.304(f) and HTF Affordable Homeownership Limits - § 91.320(k)(5)(vi) and § 93.305 – NHTF funds will not be used to assist first-time homebuyers.

Refinancing of Existing Debt - § 91.320(k)(5)(viii) and § 93.201(b) – NHTF funding will not be used for the refinancing of existing debt.

Maximum Per-Unit Development Subsidy Amount - § 91.320(k)(5) and § 93.300(a)

The maximum per-unit NHTF subsidy limit is provided in the table below for zero, one and two bedrooms, based on three geographic locations as specified. Units with more bedrooms will not be financed with NHTF funds.

NHTF Maximum Per-Unit Development Subsidy Amounts

Maximum Subsidy Limits for 0-1 Bedroom Units – New Construction Only			
Construction Type	Miami-Dade, Broward, Palm Beach Counties	Monroe County	Remainder of Florida
Garden – Wood	N/A	N/A	\$185,500
Garden – Concrete	\$239,300	\$336,800	\$218,000
Mid-Rise – Wood	N/A	N/A	\$218,000
Mid-Rise – Concrete	\$260,300	\$367,300	\$237,800
High-Rise	\$309,200	N/A	\$284,000

UNIQUE APPENDICES

Maximum Subsidy Limits for 2 Bedroom Units – New Construction Only			
Construction Type	Miami-Dade, Broward, Palm Beach Counties	Monroe County	Remainder of Florida
Garden – Wood	N/A	N/A	\$213,800
Garden – Concrete	\$275,400	\$389,200	\$252,000
Mid-Rise – Wood	N/A	N/A	\$252,000
Mid-Rise – Concrete	\$300,000	\$425,100	\$275,300
High-Rise	\$357,600	N/A	\$329,700
Add this factor to the all above limits if a development is subject to the requirements of the Davis-Bacon Act			\$5,000

* N/A means the Construction Type is not allowed or is inappropriate for the location.

These limits are based on compilation of data about non-luxury developments and reasonable land costs around the state through years of administering Multifamily Mortgage Revenue Bonds, state gap funding, Low Income Housing Tax Credits and other program funding, combined with information about the current cost environments in these areas. The limits specify different amounts based on three geographic cost regions of the state, as well as five development types, ranging from garden-style wood apartments to high rise concrete buildings. FHFC updates its cost limitations regularly based on current actual contracts that deliver affordable housing units, inclusive of any required green features; industry review; construction trends; and stakeholder feedback.

The limits developed by FHFC are based on historic information and analysis of two components in considering an appropriate maximum: the cost to acquire land and develop a property and the level and cost of the debt associated with the property, which differs by program.

The typical sources of financing in an affordable rental development in Florida include bonds, state gap financing, housing credit equity, a traditional first mortgage, local government resources and a deferred developer fee. The housing credit equity does not have any repayment requirements and the local government resources are typically cash flow dependent. The objective of providing NHTF funding is to lower any loan or other debt on a property to ensure that the development is financially feasible.

All developments receiving NHTF awards will be subject to credit underwriting and undergo a subsidy layering review to ensure that financing awarded is no greater than what is needed to make the development financially feasible. FHFC may specify lower NHTF maximum limits in specific RFAs.

CITIZEN PARTICIPATION PLAN

Citizen Participation

Florida's Citizen Participation Plan encourages involvement of citizens as well as representatives of agencies and organizations that share an interest in the issues or serve the clientele for which HUD funding is intended. The plan requires that public meetings be held, that a public comment period be provided on certain documents, and that timely response be made to comments or complaints. It requires participation with other agencies, nonprofits, citizen groups, and interested parties.

All state agencies utilize the Florida Administrative Register (FAR), a publication of the Department of State, to provide public notice of meetings, hearings, funding announcements, and reports. This publication reaches state agencies, local governments, nonprofit organizations, and major lobbying groups. It facilitates citizen participation by providing concise information that can be transmitted to interested parties. Further, state agencies now have websites where information is posted on funding cycles, application deadlines, and public hearings and meetings.

Although the state of Florida's administration of HUD funds differs significantly from the manner in which local jurisdictions administer entitlement funds, it encourages the participation of residents of public- and assisted-housing developments and recipients of tenant-based assistance in the process of developing and implementing the Consolidated Plan (ConPlan), along with other low-income residents of targeted revitalization areas in which the developments are located. The state of Florida makes an effort to provide information to all housing agencies about consolidated plan activities.

The following agencies and organizations are among those who actively participated in the development of the 2015-2019 ConPlan:

- Florida Department of Economic Opportunity (Lead Agency)
- Florida Department of Children and Families, Office on Homelessness
- Florida Department of Health, HIV/AIDS Section
- Florida Housing Finance Corporation, HOME Investment

Public Hearings and Other Actions

The department utilized a series of workgroup meetings that were open to the public in the development of the 2015-2019 ConPlan. The initial meeting addressed plan requirements and the need for public participation. At the second meeting, committees were formed and were assigned sections of the plan to research and review. Upon completion of the draft, two public hearings were conducted. The following reflects the meeting schedule used for the process:

In an effort to achieve maximum participation, announcements were published in the FAR, posted to the department's website, and emailed to interested parties (including state and local government agencies, nonprofit organizations, homeless coalitions, social service agencies, etc.). The announcements indicated that persons requiring special accommodations (because of a disability, physical impairment, or language

barrier) should contact the department prior to the meetings. Rooms used for the meetings were accessible to the disabled, and no special arrangements were requested. The department urged agencies and interested parties to submit written comments.

Action Steps

Before the state of Florida submits the final state Consolidated Plan or the Annual Action Plan to HUD, it shall make available to citizens, units of local governments, public and private agencies, and other interested parties, the following information:

- Amount of assistance in the CDBG, ESG, HOPWA, HOME, and NHTF Programs that the state of Florida expects to receive
- Range of activities that may be undertaken in the covered programs
- Estimate of the amount of assistance that will benefit persons of very low and low income
- Plans to minimize displacement of persons and assistance available to those persons who may be displaced

Notice of Hearings and Access to Meetings

Notice of actions subject to the citizen participation requirements shall be given to all interested parties by any of the following means:

- Notice published in the FAR
- Notice posted to the agency's website
- Notice emailed directly to all persons, agencies, or parties expressing interest in the Small Cities CDBG, HOME, ESG, or HOPWA Program

A minimum of 15 days' notice will be provided prior to workgroup meetings and/or public hearings where actions subject to the citizen participation requirement will be recommended or taken. Public hearings may be referred to as workgroup meetings.

All public notices will contain the name and telephone number of a person to contact if special accommodation is needed due to a disability or language barrier. The notice may require a five-day advance notice for special accommodations. The department will ensure that any non-English speaking person can participate in the consolidated planning process and comment on documents produced. This may include the presence of translators at meetings and the translation of summary documents. The notice will also contain the name and telephone number of a person to contact for additional information about the topic that is being addressed. All notices shall provide the name and address of an individual who will receive comments if the public is being offered an opportunity to make comments. If appropriate, a deadline date will be indicated.

Public Hearings, Publishing the Plan, and Comments

At a minimum, the state shall conduct public hearings to solicit public comment on the following:

All required elements of the Consolidated Plan:

- The state shall hold at least one public hearing or workgroup meeting (open to the public) during the preparation of the state Consolidated Plan.
- An additional hearing shall be conducted to receive final comments after a draft has been completed.
- A draft will be posted to the website and kept so that the public has electronic access. In addition, summary plan information or copies of the plan will be made available upon request.
- The state shall provide all interested persons, agencies, or organizations a minimum of 30 days to comment on the draft plan, any amendment to the plan, or performance report once that document has been formally noticed as available for review and comment. This 30-day review period shall be run prior to the submission of the document to HUD.
- All written comments shall be acknowledged in writing within 30 days. A summary of written comments and the state of Florida's responses will be incorporated into the plan. The summary of citizen comments will include an explanation as to whether or not the comments were accepted and why.
- The department will ensure that any non-English speaking person or disabled person can participate in the consolidated planning process and comment on documents produced. This may include the presence of translators at meetings and the translation of summary documents.

Any amendment to the Consolidated Plan:

- Amendments are submitted concurrently with the Annual Action Plan where possible and are noticed, with hearings held, in the same manner as those prescribed for the Annual Action Plan.

All elements of the Annual Action Plan and Annual Performance Report:

- The state shall hold at least one public hearing or workgroup meeting (open to the public) during the preparation of the Annual Action Plan to receive comments from interested parties.
- A draft of the Annual Action Plan shall be posted to the agency website and made available to the public upon request.
- The public shall be given 30 days in which to comment on the Annual Action Plan prior to its submission to HUD.
- A draft of the Annual Performance Report shall be posted to the agency website and made available to the public upon request. A notice will be posted that states that the public shall be given 15 days in which to comment on the Annual Performance Report prior to its submission to HUD.

- All written comments will be acknowledged in writing within 15 days. A summary of written comments and the state's response will be provided. The summary will include a written explanation of comments not accepted and the reasons why the comments were not accepted.
- The department will ensure that any disabled or non-English speaking person can participate in the consolidated planning process and comment on documents produced. This may include the presence of translators at meetings and the translation of summary documents.

Substantial Amendments

Prior to the submission of any substantial change in the proposed use of funds, the public will have reasonable notice of, and opportunity to comment on, the proposed amendment. The following actions constitute a substantial amendment to the plan, subject to citizen participation requirements:

- Any modification to the method of distribution of funding in any of the programs covered by the plan
- Any change to the strategies, priority needs, and objectives in the state Consolidated Plan

Individual Program Citizen Participation

The Citizen Participation Plan governing the state's Consolidated Plan shall be considered as additional citizen participation requirements applicable to the individual programs and shall not be considered as requirements in lieu of or in place of any other applicable requirements. For example, where state agency rulemaking is required to implement a program, the minimum requirements for public notice and public hearings for agency rulemaking, pursuant the Florida Administrative Procedures Act (Chapter 120, Florida Statutes), shall not be modified in any way. Similarly, where the Florida Statutes require certain citizen participation activities, those shall not be eliminated or altered in any way. However, this Citizen Participation Plan for the Consolidated Plan, required by federal regulations, shall not contain nor restate those program-specific requirements for citizen participation.

Access to Information

Florida's "Government in the Sunshine" and "Open Records" laws apply to all programs administered by state agencies. These laws ensure that records are available for public inspection upon request and that citizens are informed about governmental activities. All records and information on the use of funds in the CDBG, ESG, HOPWA, HOME, and NHTF Programs administered by the state shall be available for public inspection during normal working hours. Requests for extensive data or records access may be scheduled by the appropriate state agency at a reasonable time. Records shall be maintained for a period of six-years for the programs covered by the state Consolidated Plan. They should be maintained within the programs' official offices for a two-year period and then sent for the remainder of the five-year period to the state of Florida's records center.

Florida law also requires that services be made accessible to handicapped persons. All state agencies that receive HUD funds comply with federal and state regulations relating to the accessibility of information and require that subgrantees and other service providers take steps to remove barriers to accessibility that may exist within their administrative offices or buildings that are addressed with federal or state funds.

Citizens, public agencies, and other interested parties, including those most affected, are provided information upon request. All files relating to the preparation of the documents covered by the consolidated planning process are available for public inspection. The files document the process used to develop the document. Files are available for public inspection during regular business hours. The HUD-funded programs provide copies of the proposed and adopted Annual Action Plan, Consolidated Plan, and Annual Performance Report, along with any supporting documentation, to the public in a timely manner and at reasonable or no cost.

Complaints

The state shall record and respond in writing to all citizen complaints within 15 days of receipt. This response will be provided to complaints regarding the proposed state Consolidated Plan, the final state Consolidated Plan, amendments to the state Consolidated Plan, the Annual Action Plan, and the Annual Performance Report. The state shall establish a file of all citizen complaints, along with the written response, on the proposed state Consolidated Plan, the final state Consolidated Plan, the Annual Action Plan, and the Annual Performance Report. The file shall be available to the public upon request.

The state shall refer any complaints regarding program implementation at the local level to the appropriate state sub-recipient or agency responsible for the delivery of the services and shall require that entity to respond in writing to the complainant within 15 working days with a copy of the written response provided to the state. If the state does not feel that the response is adequate, it will determine the most appropriate action to take. All responses, whether provided by the state or sub-recipient, must be responsive to the issue.

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