

Housing News

Volume 26, Number 1

The Journal of the Florida Housing Coalition, Inc.

NETWORK

Florida's Housing Trust Funds



\$194.59 million is available for appropriation from the Sadowski Housing Trust Funds in Fiscal Year 2010-2011

**If this money is used for housing, it will:
Create nearly 15,000 jobs;
Have a total economic impact of \$1.491 billion**

HOUSING = JOBS AND ECONOMIC RECOVERY

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The substantial rehabilitation of the Viridian apartment complex (front cover) created 102 jobs on-site. The Viridian (formerly known as the Columbian Apartments) has federal Section 8 subsidies which would have been lost either due to disrepair or redevelopment for high-end housing if it had not been preserved using state and local housing trust fund monies. Sage Partners, a Tampa developer, was able to preserve 188 apartments for some of Florida's most vulnerable populations, including extremely low income seniors and disabled veterans. See article on page 14.

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The Florida Housing Coalition is a nonprofit, statewide membership organization whose mission is to act as a catalyst to bring together housing advocates and resources so that Floridians have a quality affordable home and suitable living environment. *The Housing News Network* is published by the Florida Housing Coalition as a service to its members, housing professionals and others interested in affordable housing issues. **Jaimie Ross**, Editor, with assistance from Johnitta Richards, Florida Housing Coalition Communications Manager • Email: info@flhousing.org, Web site: www.flhousing.org •



Jaimie Ross

Whenever someone asks me how I got into affordable housing, I tell them the story about the “Nuns in Apopka.” I was a land use and real property lawyer in an Orlando law firm in the late ‘80s when I was introduced to Catholic nuns in Apopka who were struggling to develop two single family farmworker subdivisions with Housing Predevelopment Trust Fund monies they received from the Florida Department of Community Affairs. They were facing penalties for failing to comply with the terms of the loan and I provided pro bono representation to them in their administrative appeal. I was reminded of the “Nuns in Apopka” last month when the Orlando Sentinel published a tribute in honor of Sister Cathy Gorman, one of those nuns, who recently died after a lifetime of dedicated service to social justice.

The “Nuns in Apopka” were in the business of helping farmworkers with a variety of issues, from obtaining social services to medical care, but had no experience with affordable housing at the time they were contacted by the state and encouraged to apply for a housing loan designed to assist in the development of farmworker housing. Technical assistance was not provided. Engineering bills and predevelopment woes mounted with no houses on the horizon. But there is a happy ending to this story-- ultimately, Lewis Kellom with Homes in Partnership, took over the two sites and built out the projects using its self-help program to successfully develop the farmworker subdivisions.

Today, the Housing Predevelopment Trust Fund is administered by the Florida Housing Finance Corporation and is now known as the Predevelopment Loan Program. The Predevelopment Loan Program had a rocky start over 20 years ago, but is currently one of Florida’s most important programs and one that is in need of funding from the state housing trust funds for continued success. In the story on page 8, we celebrate a few of the many successes of the Predevelopment Loan Program; a program that is designed to help build the capacity of nonprofit organizations and develop housing for Florida’s most vulnerable populations.

When the Legislature uses the Sadowski trust fund monies for purposes other than housing, the Predevelopment Loan Program, as well as the rest of Florida’s stellar housing programs, such as SAIL and SHIP, suffer profound damage. In this edition of *Housing News Network Journal*, we have highlighted several developments that would not and could not be built without the help of the Sadowski state and local housing trust funds. These developments not only provide homes for Florida’s most vulnerable citizens, including the frail elderly and disabled, but provide jobs and economic activity that Florida desperately needs.

The Florida Housing Coalition and the larger Sadowski Coalition have been advocating to restore the state and local housing trust funds by asking the Legislature to repeal the artificial and arbitrary cap that was enacted in 2007 and by asking the Legislature to appropriate all the monies in the state and local housing trust funds for Florida’s existing housing programs.

The 2010-2011 fiscal year trust fund money is expected to be \$194 million. If the Legislature appropriates this money for housing, it will create almost 15,000 jobs and economic activity of over \$1.4 billion. Can Florida afford not to use its housing trust fund monies for housing?

The Sadowski Act dedicated revenue source for affordable housing created a housing delivery infrastructure of human capital in Florida. When the Sadowski Act passed in 1992, it opened the door for a new line of business for market rate and commercial developers, and ensured that every county in Florida, would have a housing department. This local infrastructure was key in helping Florida deploy federal and state disaster assistance after hurricane devastation.

When Sadowski funds are not used for housing, there are repercussions to our housing delivery system, including the human infrastructure needed to effectively run a housing program. By way of example, the Okaloosa County Community Development Corporation, which entirely implements SHIP for the County, has recently lost two full time employees with 11 years of service, due to a lack of SHIP funding.

The Okaloosa CDC has a successful track record of making a significant and positive impact in Okaloosa County, including assisting:

- 53 families become first time home buyers
- 15 families avoid foreclosure
- 39 homeowners with much needed housing rehabilitation
- 28 families obtain affordable multi-family rental units.

The Okaloosa CDC has leveraged SHIP and Federal Home Loan Bank funds to construct a 12 unit homeless shelter, and is prepared to continue with another 10 units in phase 2 pending future funding.



Okaloosa County is completing 66 homeownership units funded with SHIP and HOME.



Economic Benefits of Sadowski Housing Trust Fund Monies

Florida is beginning to recover from a severe economic downturn, which has resulted in a drop in doc stamp and other revenues. Although for-sale housing costs have retreated from all-time highs, the median priced home in Florida is still unaffordable to a large and growing segment of our citizens—including the workers who fill the critical service industry jobs which are essential to Florida. These workers most often need affordable rental



housing, the demand for which is strong and growing.

Given the nexus of the housing crisis and the downturn in the economy, a reduction in funding for Florida’s housing programs would be counterproductive, and would exacerbate both housing and revenue problems. This is exactly the wrong time to reduce Sadowski Act spending, from both an economic recovery and housing policy perspective.

Summary of Findings:

- 1 Leveraging of Sadowski Funding with Private Sector Investment and Federal Funds:** For every \$1 million of Sadowski funding for housing, \$4.62 million of housing is built, rehabilitated and/or sold.

PROGRAM	TOTAL DEVELOPMENT COST/UNITS	FEDERAL PROGRAMS ACCESSED	PRIVATE SECTOR SOURCES ACCESSED	STATE SADOWSKI FUNDING	LEVERAGING
SAIL (Rental Construction and Rehabilitation)	\$421,656,825 2,521	Bonds Tax Credits HOME	Bond Buyers Equity Bank Loans Builders	\$95,521,744	4.41-1.00
SHIP (Primarily homeownership assistance through downpayments to persons needing larger levels of subsidy, also includes rehabilitation of owner occupied housing, and limited rental production)	\$641,481,173 7,887	Bonds Tax Credits HOME CDBG	Bank Loans Equity Mortgage Lenders Builders	\$160,582,798	4.00-1.00
HAP (State downpayment assistance program, primarily for sale of existing housing to persons needing small levels of assistance)	\$199,024,182 1,732	Bonds	Bond Buyers Mortgage Lenders Builders	\$17,235,742	11.55-1.00
TOTAL	\$1,262,162,180 12,140			\$273,240,284	4.62-1.00



Job Creation:

For every \$1 million of state funding, 77 jobs are created.

- ② **Lost Federal Resources:** Florida has lost \$603.8 million of federal tax exempt bonds and tax credit equity in just the last three years because of inadequate housing appropriation levels due to raids on the Sadowski Affordable Housing Trust Funds. This fund would have produced over 46,000 jobs.
- ③ **Total Economic Impact—Multiplier Effect:** The total economic activity far exceeds the value of housing built. Because of the multiplier effect and leveraging, for every \$1 million of state funding, \$7.66 million of economic activity is generated. As part of that economic activity, each \$1 million of state funding generates over \$2.98 million of earnings/income. For every \$1 million of state funding, 77 jobs are created.

SADOWSKI FUNDING	TOTAL HOUSING VALUE CONSTRUCTED AND/OR SOLD	TOTAL JOBS CREATED	TOTAL ECONOMIC IMPACT	EARNINGS (INCOME) GENERATED
\$194.6 million	\$899.1 million	14,984	\$1.491 billion	\$579.9 million

- ④ **Tax Revenues:** Every \$1 million of Sadowski funding generates over \$298,000 of state and local tax revenue, of which \$73,000 of sales tax revenue to the state, directly attributable to purchase of construction materials. Other revenues include corporate income tax, documentary stamp tax, and sales tax paid on purchases from income derived from housing activities.

SADOWSKI FUNDING	TOTAL HOUSING VALUE CONSTRUCTED AND/OR SOLD	TOTAL STATE + LOCAL TAXES GENERATED	DIRECT SALES TAX PAID
\$194.6 million	\$899.1 million	58,180,761	\$14,205,800

For a Full Report on Sadowski Funding, go to www.flhousing.org



Why Fund Florida's Housing Programs in 2010?

SHIP *(the primary program funded from the Local Housing Trust Fund):*

- To move the existing stock of new construction by providing down payment and closing cost assistance.
- To rehabilitate and sell foreclosed and abandoned houses.
- To rehabilitate a house for the purpose of keeping an existing homeowner in the house; a critical tool for “aging in place” and avoiding the costs of institutional housing.
- To prevent neighborhood deterioration and even for foreclosure prevention strategies.
- SHIP is a flexible but accountable program that encourages local government to partner with local businesses, contractors and subcontractors and creates the local infrastructure needed by local governments to deploy emergency funding and recover from natural disasters, such as hurricanes.

SAIL *(the primary program funded from the State Housing Trust Fund):*

- To preserve existing apartments that provide affordable housing for Florida's elderly, and most vulnerable populations.
- Federal funds that subsidize the rent for Florida's elderly and most vulnerable populations are lost when those apartments fail due to deferred maintenance and repairs.
- The economic crisis is resulting in the loss of subsidized housing stock. When subsidized housing stock is lost, the public incurs the cost of homelessness and institutional care that increases Medicaid costs.
- In 2009, the MacArthur Foundation chose Florida as one of 12 states nationwide for its Window of Opportunity program to preserve subsidized housing. The success of that program is contingent on adequate funding for the purchase and rehabilitation of existing housing stock.

HOUSING IS KEY TO ECONOMIC RECOVERY: HOUSING = JOBS

- **Total Economic Impact—Multiplier Effect:** For every \$1 million of state funding, \$7.66 million of economic activity is generated. As part of that economic activity, each \$1 million of state funding generates over \$2.98 million of earnings/income.
- **Job Creation:** For every \$1 million of state funding, 77 jobs are created.

THE SADOWSKI COALITION URGES THE FLORIDA LEGISLATURE TO:
(1) SPEND FLORIDA'S HOUSING TRUST MONIES SOLELY ON HOUSING; AND
(2) REPEAL THE CAP ON THE HOUSING TRUST FUNDS.

**BUSINESS/
INDUSTRY GROUPS**

Associated Industries of Florida
 Coalition of Affordable Housing Providers
 Florida Realtors
 Florida Bankers Association
 Florida Chamber of Commerce
 Florida Home Builders Association
 Fla. Manufactured Housing Association
 Florida Retail Federation

**WHAT IS THE SADOWSKI
COALITION?**

- Nonpartisan collection of 25 diverse statewide organizations
- Came together in 1991 to obtain a dedicated revenue source for Florida's affordable housing programs
- The Sadowski Coalition has grown and continues today

GOVERNMENT

Florida Association of Counties
 Florida Association of
 Local Housing Finance Authorities
 Fla. Dept. of Community Affairs
 Florida Association of Housing and
 Redevelopment Officials
 Fla. Housing Finance Corporation
 Florida League of Cities

**HOW ARE FLORIDA'S
HOUSING PROGRAMS
FUNDED?**

- Doc stamp tax paid on all real estate transactions was increased in 1992
- Those monies were dedicated to the state and local housing trust funds
- 70% of directed funds to local governments (all 67 counties) and Florida's entitlement cities to fund the SHIP program.
- 30% of funds used by the Florida Housing Finance Corporation for programs such as SAIL, PLP, and the Guarantee Fund Program

**ADVOCATES FOR
THE ELDERLY**

AARP of Florida
 Florida Association of Homes and
 Services for the Aging

**SOCIAL SERVICES/LOW
INCOME HOUSING ADVOCATES**

Florida Legal Services
 Florida Coalition for the Homeless
 Florida Housing Coalition
 Florida Supportive Housing Coalition
 United Way of Florida

**HOW DO THESE PROGRAMS
WORK?**

- SHIP provides down payment and closing cost assistance to new homeowners and housing rehabilitation for owner occupied homes, primarily to keep low income elders safe in their homes.
- SHIP program is flexible enough for locally designed programs, but has statutory parameters that emphasize spending monies rapidly, primarily on construction and home ownership; highly leveraged, with oversight, technical assistance, and annual reports to ensure accountability.
- SAIL is used for gap financing, enabling the private sector to develop and preserve much needed rental housing for low paid workforce, persons with disabilities, and the elderly. SAIL is the most highly leveraged of all Florida's housing programs. HNN

**PLANNING/GROWTH
MANAGEMENT
ORGANIZATIONS**

1000 Friends of Florida
 Florida Chapter of American
 Planning Association

**FAITH BASED
ORGANIZATIONS**

Florida Catholic Conference
 Florida Impact



The Florida Predevelopment Loan Program

A state program funded from the Sadowski Act trust fund monies, quietly making a huge contribution to nonprofit capacity building and project success in Florida, is the Predevelopment Loan Program (PLP). Key to the success of the PLP is the training and technical assistance that is automatically provided to all recipients of the funds. It can take many years to get from project idea to ribbon cutting. With so many sources of financing needed to put an affordable housing development together, it is easy to lose sight of those start-up monies that got the idea off the ground; but without those early Predevelopment Loan Funds, we would not be celebrating so many successes today.

The purpose of this Florida Housing Finance program is to provide the upfront due diligence

funds that all developers need, but are typically not available to nonprofit developers without funds of their own, or access to a line of credit at a bank. Through individualized technical assistance and flexible below market interest financing for predevelopment activities, the PLP helps nonprofit and community based organizations, local governments, and public housing authorities plan, finance, and develop affordable housing. Eligible organizations may apply for a loan of up to \$750,000. The loan carries a non-amortizing 1-3% interest rate, with principal and interest deferred until maturity. The loan generally matures either upon the closing of construction/permanent financing or three years after the original PLP loan closed, whichever occurs first.

Villa Aurora

In November 13, 2009, Carrfour Supportive Housing, hosted the grand opening and ribbon cutting ceremony for the Villa Aurora Apartments. This \$28.8 million mixed use development includes supportive housing, affordable housing, offices and a public library. City of Miami Mayor Tomas Regalado and Miami-Dade County Commissioner Bruno Barreiro were among the speakers at the ribbon cutting ceremony.

“Villa Aurora has forever changed the lives of these residents,” said Bill Aldinger, Florida Housing Finance Corporation.

“I commend Carrfour for their perseverance regarding this project and for all they do to help Miami's homeless community,” said Commissioner Bruno Barreiro.



Michael Foster, an attorney, had to quit his job to care for his wife, who was pregnant at the time, after she fell and injured herself seriously. They had no health insurance and found themselves homeless several months before the baby was born. (In the photo L-R) Michael Foster, wife Wendy Tamez and baby Kristin.

Villa Aurora, which is 100% leased, consists of 39 units set aside for formerly homeless families; 76 apartments ranging from studios to four bedrooms, and 37 units are affordable housing for working families and the elderly (3 bedroom units range from 465 sq ft to 1360 sq ft).

Villa Aurora

1398 SW 1st Street in Miami (Little Havana)
Grand Opening November 13, 2009



(Left) Bill Aldinger, Florida Housing Finance Corporation; Stephanie Berman, President, Carrfour Supportive Housing; Alan Ojeda, Rilea Group (Carrfour Board Member); Commissioner Bruno Barreiro, Miami-Dade County.



Includes supportive housing, offices (Carrfour Supportive Housing's new corporate headquarters is located at the site) and a 2,000 square foot ground floor Hispanic Branch Library (part of the Miami-Dade Public Library System).

“Villa Aurora is an example of creative, new mixed used developments across the U.S. that feature unique public spaces (such as libraries) with residential apartments above,” said Stephanie Berman, President of Carrfour Supportive Housing. In places as diverse as Portland, St. Paul, Salt Lake City, San Francisco and Kansas City, libraries are anchoring new mixed used developments including residential

housing. Villa Aurora is the first such development east of the Mississippi and the only one providing a mix of affordable housing with supportive housing for the formerly homeless. “Having a Hispanic branch public library on site has been a tremendous draw for our resident families whose children are school age,”

Kashi- By the River

Technical Assistance from the Florida Housing Coalition began in 2004 when the concept was just being explored until its recent completion. Florida Housing Coalition technical assistance providers worked with consultants, developers and the Kashi Church Foundation to identify funding sources and map out an overview of the development process. The types of assistance grew from funding sources, to environmental approvals, working with Indian River County, and credit underwriters. Design and budget issues were worked through and the multiple layers of funding had to be coordinated to meet the vision of serving frail elderly with extremely low incomes to arrive at a suitable operating budget. The overall site is in a natural area which required multi-jurisdictional permitting to protect and enhance the pristine environment.



Grand opening held on Dec. 14, 2009

The first of its kind in Indian River County, By the River, has been recognized for its innovation as a sustainable solution for aging in place. It is an eco-friendly, independent residential center for 41 low-income frail seniors ages 62 and over. Built on five acres of land designed to preserve the native foliage and is adjacent to the St. Sebastian River and the Kashi spiritual community, the project consists of four buildings with 10 units. They have private baths, and

Kashi- By the River

Secretary Douglas Beach, Florida Dept of Elder Affairs:
"Socialization is so important to people living longer and having better lives. It's organizations like this that we embrace in the State of Florida."



Kathy Spearman, President and Founder of Volunteers of America FL.



Secretary Douglas Beach of the Department of Elder Affairs.



Kathryn Rudloff, Director of the Florida Office for Congressman Bill Posey.

shared kitchens and community areas, such as a library, computer lab and non-denominational chapel.

A \$6.5 million capital campaign was recently completed through the support of community, county and state PLP funding: \$500,000.

Community partnerships to provide care, services and activities to residents: Volunteers of America Florida, Senior Resource Association, Visiting Nurse Association and other home health providers, Boys and Girls Club and Food for Families provide services such as intergenerational activities, volunteer opportunities, art and music classes, health lectures, fitness plans, and day trips.

Conclusion

Mission based nonprofits are wired to invest the human capital needed to develop properties serving some of the most vulnerable and in-need populations. But they must also have project capital; they need to have the up-front monies needed for due diligence-- to make the decision about whether a project is even possible, and if so, what it will take to get it done.

The Predevelopment Loan Fund provides this critical source of up-front monies, and the success of this program is due in large part to the technical assistance that comes with the funding. Sometimes that technical assistance takes the form of advise not to go forward, saving the nonprofit developer from costly mistakes and failure. The PLP is funded by the Sadowski state housing trust fund dollars. It is a home-grown program; one that builds the capacity of Florida's non profits, and one that Florida can be proud of.

HNN



Manor at West Bartow, 850 N. Gordon Avenue, Bartow, Florida

100 Units of Senior Housing

Residents will not pay more than 30% of their adjusted gross income for rent and utilities. A Social Security income household of \$606 will pay \$182 per month 30% of annual adjustment income.

Funding

- Low Income Housing Credits
- Project basing 99 housing choice vouchers
- Bartow CRA
- City of Bartow
- Polk County
- FHFC PLP - \$500,000

Manor at West Bartow

Lakeland Housing Authority and Lakeland - Polk Housing Corporation





Lake City
Cabins
1049 NW
Winborn Way
Lake City,
Florida,
Columbia
County



State Housing Trust Fund is Essential for Housing Veterans



By Lydia Beltrán

For far too long, veteran homelessness has been a silent epidemic in the United States. According to the U.S. Department of Veteran Affairs, approximately 23 percent of America's homeless population is veterans. The VA estimates that each night nearly 131,000 veterans are homeless and the number of veterans experiencing homelessness nearly doubles over the course of a year.

Providing affordable housing is essential to combating veteran homelessness.

Several national and state organizations are dedicated to address veteran homelessness and provide services tailored specifically toward veterans. One such organization is Volunteers of America of Florida.

Volunteers of America of Florida (VOAF) is a national, nonprofit, faith-based organization dedicated to helping frail elderly, homeless individuals and families, people with disabilities, and those recovering from addictions. VOAF strives to provide services that will assist persons in stabilizing their lives. According to recent studies done by the Stand Down,

a national coalition for homeless veterans (www.standdown.org/homeless.html), Florida ranks third in the nation in the number of homeless people and also has one of the highest numbers of homeless veterans.

Since 1920, VOAF has provided services in approximately 15 locations throughout the state concentrating on veterans, veteran homeless and frail elderly. Lake City and Pensacola are two VOAF locations that provide much needed housing and services for homeless veterans.

State housing trust fund dollars provided an essential funding source for VOAF's housing projects. SAIL dollars provided a critical piece of funding for the success of VOAF's veteran housing.

"The state and local housing trust fund money is critical for leveraging the funds needed to house Veterans," said Ed Quill, chief administrative officer for VOAF. "We owe it to our Veterans to see to it that they do not live on the streets."

The following projects amplify the importance of state trust fund dollars and significant role the funds play in the combating veteran homelessness. Without the SAIL

(continued on page 21)



The Viridian: Sadowski Funds Aid in Preservation

Section 8 Housing Serving Seniors and Persons with Disabilities

Built in 1971, the Viridian, formerly known as the Columbian Apartments, is an 11 story high-rise located in the heart of downtown St. Petersburg. The 188-unit building is in the process of substantial rehabilitation by Sage Partners.

The Florida Housing Coalition interviewed Debra Koehler, president of Sage Partners.



Debra Koehler

FHC: What's behind the name change from Columbian Apartments to Viridian?

DK: Viridian is Latin for green. It's the same reason we chose the name Sage for our company- because sage is a shade of green and a primary focus for our company is to build as green as

possible. We think this is a wise way to do business; in addition to "green", the word "sage" means experienced and wise. Substantial rehabilitation of an at-risk project in an area rich with public transit, medical services, and shopping, using as many green designs and products as possible earns the name Viridian.

FHC: Why did you choose this property?

DK: We were introduced to the property by a local broker. The property was owned by Columbian Knights, Ltd., who had owned the property for 30 years. We purchased the property in June 2009. Sage saw this as an opportunity to preserve much needed

senior housing. The building is located in a premier location. It had the potential to be a high end building, and potentially would have sold with views of the bay from the upper floors. If the property sold to a market rate developer, the federal Section 8 subsidy would have been lost- those affordable units would never have been recovered- so it was imperative for us to save this property.

FHC: How were you able to preserve this property?

DK: We pieced together numerous federal, state, and local funding sources; approximately 30% of the funding came from the Sadowski state and local housing trust funds and the Pinellas County Housing Trust Fund dollars. We could not have preserved this property without our government and private sector partners.

FHC: Tell us about the people who live in the Viridian.

DK: The Viridian's population consists of seniors and disabled residents, and 70 percent of the units are on project-based Section 8 Contract. The typical resident



- Pleasantly surprised on how smoothly construction has gone
- “The nicest place I’ve lived in to accommodate the wheelchair”
- Very happy with the removal of the carpeting. Enhances ability to maneuver in unit.

Carl

- Lived at Columbian for 3 years
- Disabled since 1984, on SSI since 1996
- Paraplegic
- Salesman, 5 years with Merrill Lynch

pays \$187 out of their social security check to cover rent and utilities. We have very vulnerable, extremely low income residents. We have 10 full ADA units and four units that are specially equipped for sight and hearing impaired individuals.

FHC: How will the rehabilitation process affect the residents? And what types of building upgrades should be expected?

DK: A few residents left when we instituted a No Smoking policy, but we will have no displacement, even during construction/rehabilitation. We are doing one floor at a time, and moving the residents to different floors as we complete renovations of the apartments. We will be finished by July 2010.

Each residential unit will be renovated with environmentally friendly flooring, Energy Star appliances and light fixtures; bathrooms will be upgraded with grab bars; and each apartment will be painted with no VOC paint.

FHC: What has been the response from the residents?

DK: This transformation is not only to the units but to the community. We have added a new computer lab, a library, a fitness center and a community garden. Our community garden is the first to be approved by the Florida Housing Finance Corporation. We will grow edible foods, herbs and flowers. The food will be used for community meals. We will also receive a Florida Yards and Neighborhood Certification for new landscaping. In addition, we are installing an emergency call service and resident check-in system. The residents are extremely appreciative—they love their renovated apartments, and they are already starting to enjoy the new community environment.

HNN



- “I love my new apartment.”
- “It’s so spacious and easy to keep up.”
- “The kitchen is wonderful.”

Opal

- Lived at Columbian for 10 years
- Varied careers – Telemarketing, sales for Olan Mills, manufacturing



- “This is my home.”
- “This has raised my standard of living.”
- Regarding rehab changes – “It’s all to the ease of the tenant”
- “You run your business like a family.”

Richard

- Lived at Columbian for 12 years
- Worked in local manufacturing /carpentry



- “I love my apartment.”
- “Removing the carpeting has made me healthier.”
- Regarding no-smoking policy – “Best thing that could have been done.”
- “New kitchen is awesome – the big refrigerator and the big stove, that’s a big plus.”

Linda

- Lived at Columbian for 4 years
- Disabled since 1999
- Worked in electronics manufacturing
- Linda suffers from emphysema



Renters: The Forgotten Victims of Florida's Foreclosure Crisis



By Purvi Shah

While much of the national and local discourse on foreclosures has focused on homeowners and financial institutions, low-income renters are the hidden victims of the foreclosure crisis. As foreclosures sweep across Florida, scores of low-income renters are losing their homes through no fault of their own.



By Jeffrey Hearne

National statistics show that 20 percent of the properties facing foreclosure in 2008 were actually rental properties.¹ Moreover, since rental properties often house multiple families, it is estimated that renters actually make up a whopping 40 percent of the families facing eviction due to foreclosure.² Furthermore, it is estimated that low-income communities of color which house a large amount of rental housing, disproportionately bear the brunt of renter displacement from foreclosures.

A True Story

It's Monday morning and the apartment is bustling with children getting ready for school; a line outside the bathroom, the cereal box passed around the table, and Mom pushing everyone to get ready just a little faster so they aren't late. When mom, Marlene,³ closes and locks the door behind her as the children start their walks to school, she says a quick prayer wishing that her home will not get robbed again while she is out protecting other people's valuables as a security guard.

Marlene's two bedroom apartment, carved out of a dilapidated single-family home in Miami's Liberty City, is a foreclosed property. Marlene was duped into renting the apartment from a landlord that failed to disclose that a final judgment of foreclosure existed when she moved in. In fact, Marlene only discovered her home was in foreclosure a few months after moving in when her landlord stopped making payments to the water utility company and failed to make repairs.

With the help of a legal services attorney, Marlene was able to stop the issuance of a writ of possession by the bank and obtained a court order requiring the bank to comply with the Protecting Tenants at Foreclosure Act (PTFA). However, with windows and doors that do not close, a ceiling that leaks from water damage, a kitchen infested with roaches, and a fear of rats biting her children while they sleep, Marlene and her children are falling through the gaps in the PTFA.

Marlene says "The last year has been pure hell. I am a hardworking person who always paid my rent. I had nothing to do with the foreclosure, yet my kids and I are paying the price for it with our lives."

New Federal Renter Protections: The Protecting Tenants at Foreclosure Act

To address this critical problem and to stabilize neighborhoods, Congress passed the Protecting Tenants at Foreclosure Act (Title VII of S. 896, Pub. L. No. 111-22, §§701 - 704 (2009) ("PTFA"). This law immediately went into effect when President Obama signed it on May 20, 2009, and it applies to all pending and future residential



Marlene was duped into renting the apartment from a landlord that failed to disclose that a final judgment of foreclosure existed when she moved in.

Marlene and her family.

foreclosures, regardless of whether the tenant has a written lease.

Prior to PTFA, when a foreclosure was filed, most plaintiffs would also sue the tenant in possession. As such, the foreclosure would terminate the tenancy, regardless of whether there was an unexpired lease, and the purchaser at the foreclosure sale could obtain a writ of possession to remove the tenant from the property. PTFA significantly changed this process.

- **Tenants with an Existing Lease:** PTFA requires a new owner acquiring property at a foreclosure sale, including plaintiffs acquiring the property, to honor all terms and conditions of existing leases. The only exception to this is when the new owner wants to live in the property; however, new owners wanting to live in the property must provide the tenant with at least 90 days written notice to terminate the tenancy.
- **Tenants without an Existing Lease:** In the case of tenants without a current lease, usually month-to-month tenants, the new owner must provide the tenant with a minimum 90 day written notice before terminating tenancy. This also applies when the tenancy has less than 90 days remaining in its term. Because this notice must be sent by the new owner, the notice cannot be sent until after the clerk issues the certificate of title, otherwise a new owner would not exist to issue the notice.

Gaps in the PTFA: Renters' Ongoing Challenges

Unfortunately, neither PTFA nor Florida law resolves the host of problems renters face during foreclosure. Many times rental buildings in foreclosure deteriorate rapidly as financially-strapped landlords stop spending time, money and attention on a property they are about to lose. Some landlords abandon their properties wholesale, others simply stop paying bills such as master-metered utilities causing those utilities to be shut off and leaving tenants without water or electricity. Additionally, landlords in foreclosure are even less likely to maintain the tenant's security deposit.

Under PTFA, the new owner assumes the role of the landlord. While this allows Florida's Landlord-Tenant Act to apply to the new owner, it does not provide an immediate solution to many of challenges tenants living in these properties are dealing with. For example, in the current declining real estate market, oftentimes the foreclosure plaintiff ends up purchasing the property at the foreclosure sale. This means that financial institution such as banks and/or securitized trusts are becoming the new owners of foreclosed properties. Many of these institutions are large and based outside of Florida, making it virtually impossible for the tenant to communicate with their new landlord, especially when there are repairs needed or the tenant needs the security deposit back.

THE INNOCENT TENANT- Florida Legislation for 2010

*Alice Vickers, Attorney at Law,
Florida Legal Services*

The Florida Senate Judiciary Committee staff have convened several meetings of stakeholders to determine the application of The Federal Protecting Tenants at Foreclosure Act to Florida's Residential Landlord Tenant Act, Part II, Chapter 83; staff has also published an interim project report on this issue. It is abundantly clear that without revisions of Part II, Chapter 83, there is and will continue to be confusion statewide among tenants, servicers and courts. Florida Legal Services strongly supports SB 606 and HB 415 to revise Florida's Residential Landlord Tenant Act to fully incorporate the protections for tenants intended by the federal law.

SB 606/HB 415 in 2010

This bill creates a section within Florida's Residential Landlord Tenant Act, Part II, Chapter 83, Florida Statutes, to explain and provide the protections of the Protecting Tenants at Foreclosure Act, P.S. 11-222, effective May 20, 2009. Upon issuance of a certificate of title after a foreclosure sale, the immediate purchaser takes title to the premises as a landlord if tenants are present. The landlord may terminate the tenant's rental agreement by delivering a written 90-day termination notice. If there is a written lease, the tenant may remain in the unit until the lease expires or at least 90 days after the tenant receives the written 90-day termination notice, whichever is longer. If the immediate purchaser at the foreclosure sale sells the premises to a purchaser who will live in the premises, then the immediate purchaser may terminate the tenancy with the 90-day notice, even if there is a written lease extending beyond the 90 days. The newly created section provides a 90-day notice form. These provisions do not apply if the mortgagor or an immediate family member is occupying the unit, the rental agreement is not an "arms-length transaction," or the rent is below the fair market rent unless the unit is subsidized by the federal, state, or local government.

The section also provides that the tenant shall be given credit for any deposit money or advance rent paid to the original landlord.

Although the plaintiff may eventually hire a real estate agent to handle the property, it may take months before anyone contacts the tenant. During that time, utility services may be interrupted and conditions may continue to deteriorate. Additionally, these new owners often do not want to make repairs to the property and claim that they have no obligation to return the security deposit since it was paid to the previous owner. Low-income tenants must frequently choose between living in these conditions or moving out and becoming homeless.

While PTFA is clearly a step in the right direction, neither the PTFA nor other Florida law provides a clear way to deal with the host of challenges tenants living in a foreclosed properties face with respect to notice, repairs, utility shut-offs and security deposits.

Conclusion: Fill in the Gaps with Local Legislation

The PTFA can protect innocent renters like Marlene from rapid eviction. However, while the PTFA is a much-needed step in the right direction, it does not provide any protection for tenants living in foreclosed properties from absentee landlords and banks, utility shut-offs, deteriorating conditions, and theft of security deposits.

As such, state and municipal governments have a moral obligation to people like Marlene to fill the gaps in federal legislation and ensure security for families renting in foreclosed properties. Local and state legislation is sorely needed to remedy these problems so that low-income tenants no longer have to choose between living in these conditions or moving out and becoming homeless. HNN

***PURVI SHAH** is a founding attorney of the Community Justice Project, of Florida Legal Services (FLS), and provides litigation, policy and research support to grassroots community organizations in Miami's low-income neighborhoods.*

***JEFFREY M. HEARNE** is a senior attorney of the Housing Unit at Legal Services of Greater Miami, Inc., and is responsible for the Tenants' Rights Project and the Affordable Housing Project at LSGMI.*

1 National Low Income Housing Coalition, Special Topic: Renters in Foreclosure, available at www.nlihc.org/template/page.cfm?id=159.

2 Id. • 3 Names have been changed.



Legal Services and Nonprofits Partner to Save Mobile Home Park Housing



By Jaimie Ross

“Mobile home parks are an essential element of providing affordable housing in the state;”

so says Senate Bill 1016 and its identical House companion, HB 513, wending its way through the 2010 session.

Mobile home owners residing in investor owned parks are in a precarious and vulnerable position. Even in today’s down market, they

continue to lose their homes as the park owners sell the land for some other more profitable type of land use or a use that better serves other local government or private sector development plans. (see sidebar below) Many are living in mobile homes too old to be moved, and consequently face homelessness when their park closes.

The best way to preserve mobile home parks is for a mission based nonprofit organization, or community land trust to purchase the park. Alternatively, the residents can

convert the park from an investor owned park to a resident owned park. Working in tandem, public interest lawyers, nonprofit affordable housing developers, and nonprofit training and technical assistance providers, just may be able to save some of these parks for the people who live there. The following are a few current examples.



By Christine Allamano

According to Shirley Taylor Prakelt, former Housing and Community Development Director for the Town of Davie, (now retired) "Davie saw approximately 925 families (constituting almost 3,000 residents) lose their homes in the Palma Nova Mobile Home Park due to a government plan to incorporate the park into a Regional Activity Center. Many families occupying older mobile homes which could not be moved, found themselves homeless.



Shirley Taylor Prakelt

We also saw the Seminole Tribe of Florida empty out the Stirling Road Mobile Home Park (non-sovereign land) causing the permanent and involuntary displacement of 65 long-term Davie families. Many elderly residents had lived there over 25 years; and, sadly, their mobiles which aged in place, could not be moved. Again, the majority of these families ended up homeless, living in tents, garages, or in overcrowded situations; and, the vacant site is now used by the Seminoles as overflow parking for special events at their Hard Rock Hotel and Casino.”



The Escambia County nonprofit BRACE is acquiring a mobile home park in which 31 of the 38 rental units will serve households at 50% AMI.

BRACE plans on networking with Catholic Charities, Salvation Army Escaro Coalition for the Homeless, and other agencies providing case management to the families.



Since many current mobile homes will need to be replaced, BRACE is applying to the “Federal Surplus Property” program. If their project meets the program, they could purchase FEMA trailers for simple shipping costs.

The Heritage Oaks Mobile Home Park – Nonprofit Purchase Using NSP Funds

One of the most exciting mobile home park preservation deals that the Florida Housing Coalition has been involved with is Heritage Oaks in Escambia County. This 33 unit park is being saved by a nonprofit using NSP funds to purchase the foreclosed property, make needed infrastructure repairs and bring in replacement mobile homes for those that are unsafe. In fact BRACE, the nonprofit developer, is planning to increase the number of mobile homes on site to 50, not only preserving this essential housing, but providing additional manufactured housing for families in need.

But before BRACE could begin this preservation effort, North Florida Center for Equal Justice had responded to the emergency of utility cutoffs after the property manager took the lease payments but never paid the utility bills. The public interest lawyers organized the residents and negotiated the reinstatement of the utilities so that the residents were not forced out of their homes.

The investor owner of the park abandoned the property and Escambia County, using approximately \$900,000 in NSP funds, facilitated the purchase of the foreclosed property by BRACE, a 501c(3) with hurricane recovery experience. The Florida Housing Coalition has been providing

technical assistance to BRACE to build their capacity for development and management of an income restricted mobile home park.

Hollywood Mobile Home Park – Exploring Resident Ownership

It is not often that you see a mobile home park chosen as an example of a city’s cultural heritage, but photographs of Hollywood Mobile Home Park in St. Petersburg are on display on the walls of the St. Petersburg History Museum. Many residents believe that this park, founded in the 1950s, is the oldest remaining mobile home park in the City. More than 200 mobile homes are still located at the park site on 4th Street North. These mobile homes are a vital source of unsubsidized affordable housing for seniors, the disabled, veterans, and the working poor, and provide easy access to the rest of the city and to Tampa. With lot rents of \$330.00 per month, a home in Hollywood rents for less than half of the HUD fair market rent of a one bedroom apartment in Tampa Bay.

But the size of the park’s acreage and its location – surrounded by upscale retail and new housing constructed during the real estate bubble – also make the park vulnerable to redevelopment. 1000 Friends of Florida put the park residents in touch with FMO Conversion Services (a service of the Florida Mobile Home Owner’s Association) to assist



Above, one of the interior streets in the Hollywood Mobile Home Park in St Petersburg Florida.

At far left, is a proud Veteran, posing in front of his mobile home in the Hollywood Mobile Home Park, after returning home from a VA meeting.

Above, left, Jennifer Tobin, President of FMO Conversion Services and Vicky Krentz, Realtor with FMO Conversion Services explains the step by step what it takes for residents to purchase their mobile home park. FMO Conversion Services will travel throughout Florida to assist with conversion from investor to resident owned parks. Jen@fmo.org 727/535/5125

the mobile home park homeowners association prepare an offer to purchase the park from the current owners. If they are successful in purchasing the property using a cooperative form of home ownership, they would then have achieved their goal of protecting one of the last sources of unsubsidized affordable housing in St. Petersburg, and an important part of the community's heritage.

Southern Comfort Mobile Home Park

At the other end of Pinellas County, the residents of another 200 mobile homes in Southern Comfort Mobile Home Park ("SOCO") have faced down problems of their own. In the decades since the 1960s when SOCO was established, the living conditions in the park have been allowed to run down at the same time rents have

The Florida Bar Foundation funds a statewide affordable housing project that supports lawyers working exclusively on affordable housing impact work and links those offices around the state with other resources such as the Affordable Housing Program at 1000 Friends of Florida and the Florida Housing Coalition.

climbed progressively higher. The park is often without potable water as the owners continue to let it run off an obsolete septic and well system rather than hook it up to the city and county water and sewer lines nearby. Matters reached a head in the spring of 2009 when a maintenance man employed by the park owner threatened a Hispanic resident with a gun while children were present, and the residents sought legal assistance to curb management abuses and deferred maintenance.

An initial stumbling block – the language barrier – was overcome when Gulfcoast Legal Services enlisted the assistance of the Hispanic Student Bar Association at Stetson Law School so that resident meetings could be held in both English and Spanish. With the assistance of the bilingual law students, the residents attended workshops to learn about their legal rights under the Florida Mobile Home Act, formed

Gulfcoast Legal Services Attorney Christine Allamano and law students assist the residents of the Southern Comfort Mobile Home Park to understand their rights and to form a homeowners association.



**Florida Statute
723.083
Governmental
action affecting
removal of
mobile home
owners.**

No agency of municipal, local, county, or state government shall approve any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.

History. —s, 1, ch. 84-80

a Homeowner’s Association, elected a ten-member multicultural board of directors, began holding monthly meetings with guest speakers, formed a Neighborhood Watch, and filed a complaint with the State Department of Business and Professional Regulation when the park owner refused to meet with them about their concerns.

All of this led to a feature article about the residents and their struggles which was published on the front page of the St. Petersburg Times in December 2009. Following publication of the article, the park management agreed to meet with the residents about their concerns. The residents are preparing for their first “negotiating session” with management, which is scheduled for February and will take place in both English and Spanish.

Conclusion

It’s heartening to see that an organized effort between public interest

lawyers (and some private sector lawyers working in the public interest), nonprofit developers and technical assistance providers will save some mobile home owners from homelessness. But if the systemic problems of local government failure to ensure that there are adequate sites for mobile homes, (as required by Florida Statute 163.3177, see below) and failure to comply with the intent of statutory protections against land use changes that cause displacement of mobile home park residents (as required by Florida Statute 723.083, at left) are not cured, we will continue to lose this “essential element of providing affordable housing.” **HNN**

JAIMIE ROSS, Attorney at Law, is the Affordable Housing Director at 1000 Friends of Florida and the President of the Florida Housing Coalition.

CHRISTINE L. ALLAMANNO, Attorney at Law, has been the Affordable Housing advocate at Gulfcoast Legal Services in St. Petersburg, Florida since June 2009.

Florida Statute 163.3177(f)1d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)(j), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

State Housing Trust Fund is Essential for Housing Veterans *(continued)*

funding made available by the Sadowski state housing trust funds, VOAF's housing projects would not have come to fruition.

Lake City:

Phase I of a 3 phase affordable housing plan

- 32 studio units within 8 single story buildings with 4 efficiency units in each
- Community Room/office building/computer lab
- 80% of the units are specifically for homeless or disabled veterans
- 30% of the units set aside for households earning 40% or less of the AMI
- 70% of the units set aside for households earning 60% or less of the AMI
- Funding Sources: SAIL, and Department of Veterans Grant & Per Diem
- Rents range from \$318-\$477
- Grand opening was in October 2008

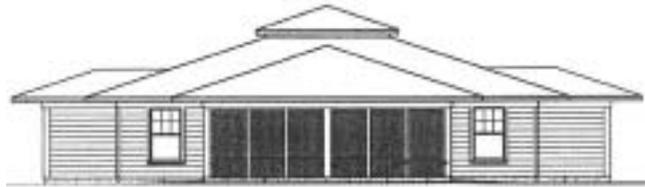
The additional project phases will be located on the remaining 10 acres owned by VOA: Phase 2 will be permanent housing that includes an HUD 811 application and Phase 3 is also being planned as permanent housing.

Pensacola:

- 31 units of transitional housing and Training/ Education Employment Center
- 8 residential buildings with 4 efficiency units in each
- Community room/office building/computer lab
- Construction start up scheduled for mid-year 2010
- Funding Sources: Department of Veteran's Affairs Grant & Per Diem, SAIL Special Needs Cycle through FHFC in underwriting process

Future Pensacola Project:

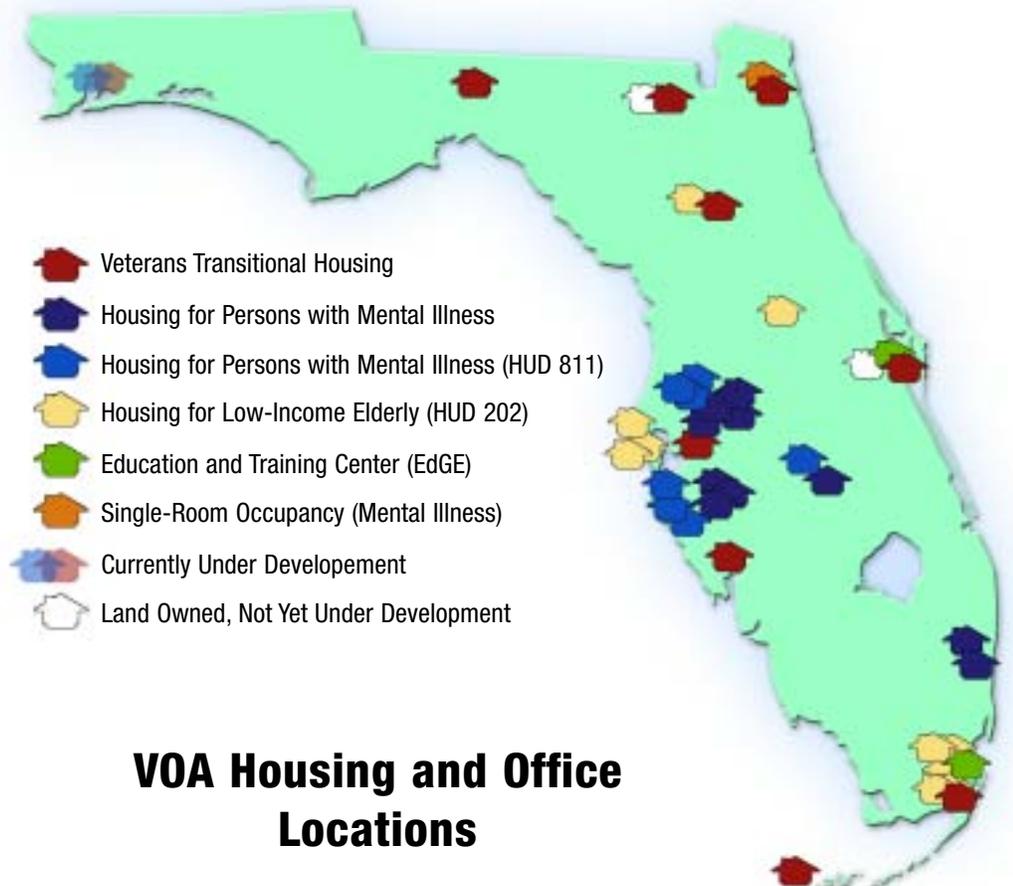
13 units of permanent housing which includes approved HUD 811 funding and match through Volunteers of America of Florida.



Contact:

B.J. Graf
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The Role of Realtors in the Neighborhood Stabilization Program



By Gladys Schneider

Realtors are a vital partner in implementing the NSP plans across the state. The Florida Housing Coalition is developing a training program for the Real Estate industry to complement the technical assistance available to NSP communities.

Lessons Learned

Many NSP plans initially featured as their centerpiece a purchase assistance strategy that was based on buyers working with Realtors to find homes, make offers and obtain financing. For many communities, as we have experienced from California to Florida, this strategy has not led to the obligation of funds within the short time-frame of the NSP program. It was learned that credit ready buyers are in short supply. For those who can qualify for permanent financing, loan closings do not occur as rapidly as the sellers of the homes expect. Federal standards and inspections for rehabilitation must be met and the novice buyer may not be able to meet these requirements. Homes that do not need much rehab are easily absorbed by the private investment sector who often outbid the lower income buyer who must offer the one percent discount below appraised value. Communities experiencing these difficulties are moving into other strategies that involve programs where the community itself or a nonprofit partner takes title to the property, rehabs it, and then resells the home to qualified buyers.

Role for Realtors in the Neighborhood Stabilization Program

- **Initial Property Acquisition.** Since most properties are listed by sellers on the Multiple Listing Service, the listing agent will be a party to any purchase. Some listing agents may be local and others from a national company. NSP managers are building business relationships with these brokers who tend to represent properties located in NSP target areas. Where there are multiple properties, bulk purchase and First Look programs can be explored. Many nonprofit housing providers who are under contract
- **Negotiations between the Seller and the Buyer.** Realtors who are experienced in REO sales can make rapid offers that contain the contingencies needed by NSP buyers including appraised value and due diligence items such as environmental inspections and rehab needs. A buyer's broker relationship allows the buyer to rely on the Realtor to firmly adhere to NSP requirements.
- **Marketing Rehabilitated Properties.** Once a property has been purchased and rehabilitated by the community or their partners, Realtors are experts at finding buyers and assisting them to qualify for permanent financing. Some have added NSP sales to their marketing and have found those lenders most willing to lend to buyers who are using some form of NSP financing mechanisms.
- **Property Management.** Realtors can play a vital and professional role in managing homes that have been acquired, rehabbed and occupied by income eligible renters. This can be in the form of permanent rental or in lease-purchase situations. Not all property managers have the will or expertise to manage scattered site single family homes but those who have chosen to master this niche are excellent partners.
- **Land Banking.** As the summer 2010 deadlines loom for obligation of funds, many NSP communities are seeking to acquire properties and put them into a land bank. Realtors can quickly provide an inventory of vacant or improved properties that will be suitable for land banking. They can continue on as manager of these properties to make sure grass is cut, and buildings are secured.
- **Realtor Associations.** Many local associations have embraced and supported the NSP program by offering their facilities for homebuyer training classes or

providing data and information to NSP managers and their partners. In communities where these partnerships are strong, the NSP programs are moving successfully forward to meeting their goals. Home shows, special events and media publicity are activities Realtors can provide to support the implementation of the Neighborhood Stabilization Program.

Gladys Schneider, Florida Housing Coalition, Technical Assistance Director, providing NSP technical assistance in California as part of a national NSP technical assistance team.



Challenges

- **Local NSP Plan Policies.** Some NSP plans take a “go it alone” approach where staff handles the bulk of NSP activities including identifying properties, contacting sellers, negotiating, purchasing and rehabilitating the properties. They rely on their partners for homebuyer counseling services and have a waiting list of buyers who have qualified to purchase a home. In these communities, the role of the Realtor is somewhat limited.
- **Seller Requirements.** The sellers of foreclosed homes are in the business of disposing of these properties. Communities who wish to alter purchase contracts, insert contingencies or need longer closing times are frustrated. Competition from speculative investors who purchase “as is” and close quickly far outnumber the slower moving and more methodical NSP buyers. First Look programs such as Fannie Mae’s Homepath, often find better results and a local Realtor who represents these properties can be an ally and partner.
- **Title Problems.** In spite of the removal of most liens during the foreclosure process, many properties become encumbered after the foreclosure with code or other liens. The NSP buyer does not have the time to resolve these and must move on to other properties.
- **Financing.** Homebuyers are finding mortgages with FHA but credit score requirements can be high. Other

programs that may be in place that would benefit Realtors to understand, include community land trusts, shared appreciation and shared equity. Realtors need to understand the mechanics of subsidies and the long term affordability requirements within the NSP rules.

- **Speed of Closing.** Most sellers require a 45 day closing. This allows for a ten day contingency period to get the appraisal and make inspections. Realtors need to assist rapidly and in correct format for the NSP rules. The NSP buyers must have in place an efficient system to make payments in time for the closing.
- **Documents and Forms.** Federal requirements for environmental inspections, tenant rights and occupancy situations must be met to the letter. Realtors must fully understand these requirements and work closely with the NSP manager to make sure these are handled correctly.

The Florida Housing Coalition looks forward to working closely with members of the Florida Realtors in providing NSP training that will develop the interest and level of productivity for Realtors in the NSP program. For more information, contact the Coalition at 850-878-4219.

HNN



The Florida Housing Coalition has been at the forefront since 2007 in providing technical assistance needed by housing providers statewide to meet the pressing demands of acquiring, rehabilitating and renting or selling foreclosed homes for affordable housing. Along with regional workshops, the Coalition has been providing on and off site assistance to the 48 HUD direct NSP grantees, as well as workshops to the 24 subgrantees of the Florida Department of Community Affairs. Technical assistance continues through grants from Fannie Mae, Freddie Mac, Bank of America and the Federal Home Loan Bank-Atlanta.

The Florida Housing Coalition is a partner with Training and Development Associates, Inc., a national technical assistance provider under the HUD NSP 2 initiative. Coalition Technical Assistance team members are working through this program statewide as well as nationally. Needs assessments, problem solving clinics and one-on-one sessions are taking place across Florida and team members have been to Arizona, California and Texas. NSP 1 or NSP grantees may request technical assistance either through the Coalition or may request Coalition assistance specifically on the HUD NSP website, www.hudnsphelp.info/index.cfm?do=viewTaRequest. For more information, contact the Coalition at 850-878-4219.



Congress Will Consider Major Changes to Very Low Income Housing Programs This Year



By Chuck Elsesser

The Florida Housing Coalition is a member of the National Low Income Housing Coalition (NLIHC) and with the NLIHC, keeps the Florida Congressional Delegation abreast of housing conditions in Florida. As the new year opens and Congress returns to Washington, there are several major legislative initiatives affecting very low income and extreme low income tenants, which will likely be considered, among them funding the National Housing Trust Fund, significant changes to the Housing Choice voucher program, and new public housing preservation and redevelopment proposals.

National Housing Trust Fund

In July 2008, after years of advocacy, Congress passed and the President signed the National Housing Trust Fund, the first new major federal housing program since the establishment of the Low Income Housing Tax Credit program in the early 1990s. The housing trust fund will fund housing preservation, rehabilitation and development that is affordable to families with very low and extremely low incomes (incomes below 50% and 30% of area median income). These are the most difficult families to serve and have not been the focus of any major federal housing development programs for the past several decades.

The Housing Trust Fund will require that at least 90% of the funds must be used for rental housing and at least 75% of the funds for rental housing must benefit extremely low income households (incomes below 30% of area median income). All funds must benefit very low income households.

The focus this year will be on capitalizing the Trust Fund. At the close of 2009, the House of Representatives approved funding of slightly over \$1 billion for the Trust Fund in an economic recovery jobs bill. In this second session, the focus will be on securing similar funding in the Senate. The National Low



Sheila Crowley, President of the National Low Income Housing Coalition, speaking about the National Housing Trust Fund at the Florida Housing Coalition's statewide annual conference last September.

Income Housing Coalition, the leader of the coalition advocating for the National Housing Trust Fund, estimates that funding at \$1 billion would result in an additional \$55 million for Florida.

Choice Neighborhoods Initiative

This year both Congress and U.S. HUD will be addressing public housing redevelopment. Last year, for the first time in recent memory public housing operating funds were funded at 100% of need. However, the long period of less than adequate operating funding and capital funding have left an estimated need of over \$22 billion in capital funding to restore existing public housing.

Recent efforts to address the resulting deterioration of public housing stock, principally through the HOPE VI program, have resulted in the redevelopment of some public housing stock but also the loss of an estimated 120,000 units of public housing through demolition. Concerned by this loss of public housing, House Committee Chair Representative Barney Frank and Subcommittee on Housing and Community Opportunity Chair Maxine Waters wrote HUD Secretary Donovan requesting a one year moratorium on additional demolitions until a better redevelopment plan can be developed.

HUD has proposed a new program, called the Choice Neighborhoods Initiative (CNI), as a successor program to the HOPE VI program. This session Congress is expected to address legislation authorizing the CNI program. Even though Congress acceded to HUD's request and funded \$65 million for CNI in the current year's budget, it failed to pass any authorizing legislation. Thus the details of the program remain murky. At least initially, HUD is indicating that its proposal for CNI will address some of the most serious concerns of the HOPE VI process, including one for one replacement of the demolished units and a right to return for the former residents. In addition, CNI will broaden the scope of neighborhood redevelopment proposals to include depressed neighborhoods that do not include public housing and will also accept proposals from nonprofit developers as well as public housing authorities. All of these issues have been contentious in the HOPE VI program and it is assumed that the authorizing legislation will be a focus of intense advocacy as soon as it is introduced and as it proceeds through Congress.

Public Housing Funding Reform

In addition to CNI, HUD is discussing possibility of proposing a major change in the funding mechanisms for public housing. Public Housing redevelopment has always suffered from a lack of access to capital funds. Public Housing is currently funded by two annual appropriations, an operating funds appropriation and a capital funds appropriation. Deferred maintenance due to inadequate operating and capital funding has contributed significantly to the deterioration of the public housing stock. HUD has indicated that it is considering requesting that all funding for Public Housing be shifted to a project based voucher type program. While details are lacking, any such program could provide an increased and more secure source of funding. In addition, HUD believes that it could be structured so as to allow for securing capital funds through secured mortgages. Obviously significantly increased capital funding would greatly enhance the living conditions of the many public housing tenants living in substandard conditions. However, tenant advocates are concerned about the increased risk of loss of the property that accompanies any mortgage. In addition, there is concern arising out of the HOPE VI experience, that it could lead to increased privatization, with increased restrictions on eligibility, dramatic reductions in tenant input and participation and loss of public control. Given the importance of these concerns the details of the program will be a subject of close attention.

Section 8 Voucher Reform Act

Congress will also be considering major revisions to the Section 8 Housing Choice Voucher program. H.R. 3045, the Section 8 Voucher Reform Act (SEVRA) was passed by the House Committee on Financial Services last year. It will be considered by the entire House this year and it is anticipated that the Senate will at least begin hearings on a similar bill this year. As adopted by the House Committee, the bill will stabilize the funding of the program, which has seen dramatic shifts over the past decade. The significant shifts in funding have left local public housing authorities scrambling as they sometimes learn halfway through the year that their funds have been significantly reduced. The bill would also adopt a simpler rent calculation procedure. It would also expand the Moving to Work program, a so-called demonstration program exempting local housing authorities from many federal standards. The Committee rejected pleas by advocates that the program should be evaluated before expansion.

Two disturbing amendments were added to the bill in Committee. Federal law already prohibits housing assistance to non-citizens who are not present in the United States legally. One amendment would require each household member to produce immigration verification from a narrow list of acceptable forms of ID. This provision could have devastating effects in Florida and other areas with high immigrant populations. Family members, particularly elderly family members could lose assistance simply because they have lost or misplaced the identification documents. Others may never have possessed the exact documents required. In addition, the Committee adopted an amendment which would prohibit public and assisted housing providers from imposing firearms restrictions in the federally assisted housing units. It is hoped that these amendments can be modified or eliminated as the legislation moves to the House floor.

Conclusion

In addition to these issues, there are numerous bills relating to the foreclosure epidemic. Given the numerous serious issues being considered by the Congress this year it is important that housing advocates keep Congress informed of the continuing crisis in affordable housing. [HNN](#)

CHUCK ELSESSER is an attorney with the Community Justice Project of Florida Legal Services, specializing in representing community organization involved in affordable housing litigation and policy advocacy.



Aida Andujar honed in on program design considerations.

Resolving Conflicts in Housing Rehabilitation

Does this unfortunate scenario sound familiar?

The residential rehabilitation project is underway when the homeowner expresses unhappiness with the kitchen cabinets and now refuses to allow the contractor to continue work or get paid for work already performed until the kitchen cabinets are replaced. The contractor refuses to replace the cabinets because he feels he has complied with the work write and specifications.

Sixty-five SHIP program administrators, rehabilitation inspectors, project managers and non-profit representatives participated a day-long Florida Housing Finance Catalyst workshop designed and produced by the Florida Housing Coalition to address housing rehabilitation nuts and bolts and conflict resolution.



Evelyn Rusciollelli addresses SHIP program administrators, rehab inspectors, project managers and non-profits.

Coalition technical assistance providers, Aida Andujar and Evelyn Rusciollelli, honed in on program design considerations. SHIP administrators were instructed to develop clear policies and procedures to ensure consistency in all program requirements between clients and contractors. Participants received guidance on determining populations to be served, recapture terms, public subsidy amounts, unit feasibility, rehabilitation standards, work-write-ups, specifications and program administration. Andujar and Rusciollelli stressed that key to a successful rehabilitation program is adoption of clear policies and procedures established prior to program implementation.

Some of the items that should be clearly outlined in a policy and procedures manual:

- Application requirements
- Wait List
- Property selection criteria
- Project responsibilities – homeowner, contractor, local government
- Program standards
- Rehabilitation standards
- Detailed specifications
- Subordination policy
- Contract requirements
- Conflict of interest
- Dispute resolution policy
- Contractor selection and removal
- Materials and specifications
- The bid process
- Contractor payment, lien waivers, inspections
- Change order process
- Warranties and guarantees related to the project



Dr. Tom Taylor, Associate Director of the Florida Conflict Resolution Consortium Consensus Center located at Florida State University.

Dr. Tom Taylor focused on developing conflict resolution skills; he provided a conceptual framework for resolving rehabilitation program problems through negotiating skill exercises, providing guidelines for negotiations with owners, contractors and others involved in the rehabilitation process, and providing procedures to avoid and resolve conflicts.

According to Dr. Taylor, the following are five keys to constructive negotiation put forth as a conceptual framework for constructive negotiation, facilitation and mediation.

- 1. Concentration on satisfying interest**
- 2. Creating a cooperative climate**
- 3. Communicating clearly**
- 4. Considering one's effectiveness**
- 5. Carrying out a constructive process**

Through exercises, participants were able to develop active listening skills, communicate their point of view, frame a shared challenge, guide negotiations with constructive questions and comments, use non verbal communication skills and identify negotiation tricks that should not be used during the negotiation process.

Dr. Taylor provided a sample partnership agreement that could be used between the owner, contractor and rehabilitation program staff. This agreement provides resolution principles, steps and responsibilities of all parties and guidelines for negotiation during the rehabilitation process. Dr. Taylor also provided a mediation process that could be adopted by program administrators as part of their program policies and procedures. A copy of the partnership agreement can be found on the Florida Housing Coalition's website at www.flhousing.org.

Understanding the cause of conflicts and having a plan to address it are crucial to the rehabilitation program process. By developing partnering agreements and conflict resolution policies and procedures, SHIP program staff will have the right tools in place to avoid conflict or resolve conflicts, if and when a conflict does arise.

They learned ways to improve existing programs through systematic program design, the establishment of clear policies, procedures, rehabilitation standards, detailed work write ups and comprehensive construction contracts, selection of competent contractors, and improving communication and negotiation skills to help avoid and resolve conflicts.

Housing Rehabilitation and NSP

Housing rehabilitation is a key component of the Neighborhood Stabilization Program. The Florida Housing Coalition is working under a variety of contracts to provide training and technical assistance to NSP recipients and their private sector partners in Florida. Let us know what assistance you are interested in having.



Areas of Technical Assistance:

- NSP Program Requirements and Rules
- Partnerships and Program Administration
- Selecting and Acquiring Sites
- Rental Programs
- Homebuyer Programs
- Meeting the 25% Setaside for Low Income
- Land Banks and Demolition
- Environmental Issues
- Construction Issues
- Tenant and URA Issues
- Special Needs and Supportive Housing Issues
- Neighborhood Stabilization through Homeownership
- DRGR
- Section 3



By Evelyn Rusciolelli

Local Housing Assistance Plans – Tips, Reminders, and Updates

Q: *How do I know if our Local Housing Assistance Plan must be rewritten and submitted to FHFC this year?*

A: 62 SHIP jurisdictions, more than half of all funded communities, have Local Housing Assistance Plans expiring in 2010. Plans must be submitted to FHFC by May 2, preceding the end of the fiscal year in which the current plan expires. If your current plan only covers distributions through 2009/10, you must submit a new plan to the FHFC by May 2, 2010 to receive any upcoming SHIP funds. You can find out when your county, city or interlocal community's local housing assistance plan expires by visiting the "Programs" section of the Coalition's website, www.flhousing.org.

Q: *What number should we use as our distribution amount when completing the Housing Delivery Goals Chart?*

A: Although the Florida Housing Finance Corporation hopes to receive an estimated appropriation, they may not have it prior to a local jurisdiction needing to complete their Housing Delivery Goals Chart on May 2, 2010. Until an estimate is released, Florida Housing's staff suggests filling out the Housing Delivery Goals Chart with a figure representing 75% of your jurisdiction's 2008/09 funding distribution. FHFC will notify local jurisdictions once the amounts are known and will not require an amendment to the goals chart, unless you make changes to which strategies are funded.

Q: *Instead of writing an entirely new LHAP, can I just update my current LHAP and mail it into FHFC?*

A: No, the new plans require several changes. You must use the document "LHAP Template 2009-10 Plan Text", found on the SHIP LHAP section of Florida Housing's website.

Plans must be submitted to the FHFC via electronic submission according to section 67-37.005(18) of the SHIP Rule. The website also includes the Amendments and Technical Revision documents you will need. For new plans and plan amendments, the original signed resolution and certification must be mailed to FHFC.

Q: *Is there anything that I should try to avoid or include so that my LHAP is accepted by the FHFC Review Committee?*

A: Yes, be clear in defining a system or procedure. General terms to AVOID are "may," "case by case", and "at our discretion". When these terms are used, the procedure appears optional. FHFC's Review Committee will ask to see the criteria used to determine when and how one client may be assisted over another. Also, include detailed information in the Terms, Recapture and Default section of each strategy. For example, what is the term of the loan or DPL in number of years? In the event of death, are heirs able to assume the mortgage? If the interest rate is zero percent, state it as 0% or interest free; do not leave people guessing about your loan terms and requirements.

Q: *Were there any changes from Senate Bill 360 that may require additional strategies or an amendment to my LHAP?*

A: When Senate Bill 360 was signed into law last summer, it made several significant changes to the SHIP program. Even if your LHAP is not expiring in 2010, your jurisdiction should soon update your plan to respond to new requirements for integrating green housing and special housing needs work into one or more of your strategies. Furthermore, every jurisdiction should consider whether or not to provide SHIP assistance to manufactured homes, since these units are now included in the SHIP definition of eligible housing. All of the changes have been integrated into the newest LHAP template.

Q: *Can you explain the new "green" requirement for SHIP?*

A: Green housing initiatives are now required to be included within your plan by s. 420.9075; "Each county and each eligible municipality shall describe initiatives in the local housing assistance plan to encourage or require innovative design, green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance." There are a number of items that a local jurisdiction can include in a strategy to address innovative design, green building or storm-resistant construction. For instance, within your Rehabilitation strategy consider using all energy star appliances, compact fluorescent lights (cfl), low VOC paint, and light colored roofs and exteriors. At the very least, one strategy must include such a focus. Remember that green housing includes

Have you got a question about the SHIP program? Free telephone technical assistance is available to help you successfully implement your SHIP funded work. Call the Florida Housing Coalition's SHIP telephone hotline at (800) 677-4548.

water conservation, housing durability, healthy environment and more. The Coalition's website offers a variety of examples of how various Florida communities have addressed green design with SHIP funding.

Q: *I have heard that we can now assist mobile homes; can you explain how this works?*

A: The definition of "eligible housing" has changed in the SHIP Statute. It now includes "manufactured housing constructed after June 1994" as eligible housing, but no more than 20% of a SHIP distribution may be devoted to manufactured housing. Considerations in regard to using SHIP money on manufactured housing may include whether the manufactured home is on land owned by the SHIP recipient or is located on leased land and whether the manufactured home is treated as real property or personal property. The "Programs" section of the Coalition's website provides more detail to distinguish between the two and offers a lien for personal property units.

Q: *Do I need to make any changes to my LHAP to include households that have incomes up to 140% of the area median income?*

A: Although the SHIP Statute now allows cities and counties to assist households with incomes up to 140% AMI, but this is not a requirement. Prior to SB 360, you were permitted to serve moderate income households earning up to 120% of the area median income. Now you may assist households with income as high as 140% of the area median income. Whether your jurisdiction chooses to serve this higher income group is a local decision. The tracking spread-

sheet, which can be found on the Coalition web page, has been revised to address this issue along with the tracking of FHOP funds.

Q: *If I know that we are now required to assist persons who have special housing needs, how should I implement this requirement?*

A: The definition of Special Needs has been included in FAC 67-37. Additional text in 420.9075 now requires SHIP jurisdictions to provide affordable residential units for eligible households that include "persons who have special housing needs." Persons with special housing needs include, but are not limited to the homeless, elderly, migrant farm workers and persons with disabilities. Similar to green design, you are required to address this in your plan. Include language in one or more of your LHAP strategies that explains how you will assist persons who have special housing needs obtain affordable housing. Many jurisdictions already assist one or more groups with special housing needs and should confirm that their LHAPs specifically document this.

Q: *Can you explain what the Housing Preservation language that has been added to the SHIP statute means?*

A: SB 360 amends the SHIP statute to encourage counties and eligible municipalities to develop a strategy in their Local Housing Assistance Plan for the preservation of assisted rental housing. Assisted rental units are those that have project based rental assistance, usually section 8 or Rural Development housing subsidies. The properties are older and will likely need significant rehabilitation. Their affordability period has expired, or will soon expire, leaving the current owners

free to choose not to renew the rental subsidies. These units are at risk for conversion to market based rents. Without some action, these units will be lost to the pool of affordable housing. When developing your strategy, consider giving priority to any "Project Based rental assistance" projects. Provide your SHIP funds through a rental acquisition and rehabilitation strategy. Keep in mind that it is not a good idea to use SHIP funds for pre-development costs. These upfront expenses for a Capital Needs Assessment, a market study, and more can be paid for with other housing subsidies, including the Predevelopment Loan Program.

Final Note:

Take a moment to read the latest SHIP statute and rule as more changes and options are available than space allowed. For other examples of strategies, recapture, etc., you can access all current LHAP's on our website at www.floridahousing.org.

The Florida Housing Coalition has updated the SHIP Clips that are available for review on its website.

The Coalition's website, now includes the SHIP Clips content from the most recent several years in the "Programs" section.

With answers on SHIP topics about income qualification, eligible use, homebuyer strategies and more, the SHIP Clips content on the website has now more than doubled. You may also review this content—over 60 pages in all—by visiting www.shipfaq.blogspot.com.

ABOUT THE COALITION



Our Team

The Florida Housing Coalition is based in Tallahassee and has six other offices throughout Florida. Our technical assistance team consists of a highly skilled and geographically dispersed network of professional staff providing technical assistance in all areas of affordable housing planning, finance, and development. Our professional technical assistance team also includes the expertise of our twenty five member board of directors. Our team is one of the largest and most accomplished statewide providers of training and technical assistance in the nation.

Our Vision

Every Florida community, large and small, practices a community ethic reflecting a belief that access to housing that is decent, safe, affordable and of a person's own choosing, is a fundamental right and that at least one active, viable community-based organization plays an important role in delivering affordable housing and related services in each community.

Our Mission

The Florida Housing Coalition, Inc. is a nonprofit, statewide membership organization whose mission is to act as a catalyst to bring together housing advocates and resources so that all Floridians have a quality affordable home and suitable living environment.

The Coalition provides professional consultation services through training and technical assistance on affordable housing and related issues; supports community-based partnerships in leveraging resources; and advocates for policies, programs and use of funding resources that maximize the availability and improve the quality of affordable housing in Florida. The Coalition carries out this mission recognizing that affordable housing is an integral part of community revitalization and economic development.

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Florida Housing Coalition Chair, George Romagnoli, presents Senator Mike Fasano (R) Pasco County, with an award from the Florida Housing Coalition in recognition of Senator Fasano's leadership and support for affordable housing.

The Florida Housing Coalition appreciates all its Partners for Better Housing, and would like to give special recognition to **BANK OF AMERICA** and **WACHOVIA** for their partnership, leadership and support as our **PLATINUM SPONSORS**.
We are deeply appreciative.



MARK YOUR CALENDAR for the Florida Housing Coalition's 23rd Annual Statewide Affordable Housing Conference September 20-22, 2010, at the Rosen Shingle Creek Resort, in Orlando.



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Partners for Better Housing Membership is for those who wish to support the work of the Florida Housing Coalition by making a tax deductible donation of \$500 or more. Membership benefits include:

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- Complimentary booth at conference expo (if reserved by July 31)

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BASIC MEMBERSHIP

Basic membership is for those who wish to subscribe to *Housing News Network*, post job vacancy announcements free of charge on the Coalition's Web site and receive membership rate registrations at the annual conference. An individual member receives one subscription and one member rate registration. Organizational members receive up to five subscriptions and five member rate registrations. All memberships are on a unified membership cycle, memberships are due on August 1st and expire on July 31st of each year. (Please indicate additional names, addresses and phone numbers on an attached sheet.) Each membership is entitled to be represented by one voting member at the coalition's annual meeting as designated below.

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