

BEFORE THE
FLORIDA HOUSING FINANCE CORPORATION

COPY

RELIANCE-ANDREWS ASSOCIATES,
LTD.,

Petitioner,

vs.

CASE NO. 2004-021-UC

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

**PETITION FOR FORMAL HEARING TO CHALLENGE AGENCY
ACTION BASED UPON APPLICATION OF AN UNPROMULGATED RULE**

Petitioner, Reliance-Andrews Associates, Ltd. (hereinafter "Petitioner"), files this Petition for Formal Hearing to Challenge Agency Action Based Upon Application of an Unpromulgated Rule pursuant to §§ 120.569 and 120.57(1)(e), Fla. Stat., and alleges:

1. Petitioner's address is 516 N.E. 13th Street, Ft. Lauderdale, Florida 33304. For the purpose of this Petition, however, the Petitioner's address is that of the undersigned counsel.
2. Petitioner is a Florida limited partnership. Reliance-Andrews, LLC, the sole general partner of the Petitioner, is a non-profit entity under Florida Administrative Code Rule Chapter 67-48.002.
3. The effected agency is the Florida Housing Finance Corporation ("FHFC"), 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329; (850) 488-4197.

4. Petitioner filed an application with the Florida Housing Finance Corporation for Low Income Housing Credits ("Credits") under the Housing Credit ("HC") program for a proposed development in Broward County, Florida known as Flagler Point. Petitioner's application number is 2004-102C. Under the HC program, successful applicants receive a dollar-for-dollar reduction in federal tax liability in exchange for the development of units to be occupied by low income households. The FHFC is designated as the housing credit agency for the State of Florida and is authorized to establish procedures necessary for the allocation of credits under § 420.5099, Fla. Stat. (2003).

5. FHFC scores and ranks applications for the HC program pursuant to the Universal Application Package Instructions ("Application Instructions") which are adopted as rules pursuant to Rule 67-48.002(111), F.A.C.

6. Petitioner and numerous other applicants for the HC program received the maximum score on the application, 66 points. The FHFC will then rank the applications that received perfect scores to determine priority for funding according to certain Ranking and Selection Criteria as outlined in the Application Instructions. Part of the Ranking process includes "tie breakers" as enumerated in the Application Instructions.

7. The first of the applicable tie breakers separates the applications into groups A and B based upon a formula that purports to determine the FHFC funding request per set-aside unit. Group A is comprised of the 80% of applications with the lowest amount of total FHFC funding request per-set-aside unit. The 20% with the highest per unit FHFC request amount are placed in Group B. (See Application Instructions, p. 76) Applications in Group A receive preference over Group B.

8. The total number of set-aside units for each Application is computed by multiplying the total number of units within the proposed development by the highest total set-aside percentage the applicant committed to in the Set-Aside Commitment section of the Application. (See Application Instructions, pp. 76, 77).

9. The Application Instructions do not authorize the rounding of the total number of set-aside units produced by the above formula. Nevertheless, FHFC modified the formula by rounding up the total set-aside units on application 2004-084C from 182.7 (the product of the total number of units (203) and the highest total set aside percentage (90%) to 183. Rounding this figure produces a lower per unit FHFC funding request amount for application 2004-084C (\$51,857.95 instead of \$51,943.10). Petitioner's per unit FHFC funding request is \$51,882.28, which would be lower than application number 2004-084C if the total set-aside unit figure was not rounded. Because FHFC rounded up application number 2004-084C's total set-aside unit figure, Petitioner's application was placed in Group B instead of Group A.

10. On May 7, 2004, Petitioner filed a Notice of Possible Scoring Error ("NOPSE") requesting correction of this rounding error. Respondent did not, however, correct this error, and on May 28, 2004, issued its scoring summary for application number 2004-084C indicating a per unit FHFC funding request of \$51,857.95. On July 9, 2004, Respondent issued the 2004 Final Score Corporation Funding Per Set-Aside for A and B Groups indicating that Petitioner had been placed in Leveraging Group B. The July 9, 2004 Final Score Corporation Funding Per Set-Aside for A and B Groups Report and Election of Rights is attached hereto.

11. Petitioner's substantial interests are affected by this proceeding because it has a substantial interest in obtaining Credits requested in its application number 2004-102C and the application of the unpromulgated rule in this process has decreased or eliminated the possibility that Petitioner will receive the Credits requested.

12. The ultimate facts relied on by Petitioner include, but are not limited to, the following:

- a. FHFC's Universal Application Instructions do not authorize the rounding of the total number of set-aside units; and
- b. FHFC's modification of the unambiguous formula to determine total number of set-aside units is an unpromulgated rule applied to Petitioner and all other applications without due notice.
- c. If FHFC had not utilized the unpromulgated rule, Petitioner would have been placed in Leveraged Group A.

13. The disputed issues of material fact include, but are not limited to, the following:

- a. whether FHFC's modification of the unambiguous formula to determine total number of set-aside units is an invalid unpromulgated rule; and
- b. whether the unpromulgated rule was applied to Petitioner without due notice.
- c. whether Petitioner should be placed in Leveraged Group A.

14. The Application Instructions do not authorize the rounding of the total number of set-aside units. The set-aside figure is to be determined strictly in accordance with the unambiguous formula found on page 76, Section B.3c. of the Application Instructions which does not authorize or even refer to rounding of the total number of set-aside units. There is no ambiguity in the Application Instructions. In fact, other provisions of the Application Instructions specifically require rounding of numbers in other sections. (See Application Instructions, pp. 73, 78). Other provisions of the Application Instructions specifically require "truncating after one decimal place." (See Application Instructions, p. 12).

15. FHFC is required to strictly follow the rules which govern the allocation process. Bayside at Town Center, Ltd., v. Florida Housing Finance Corporation, FHFC Case No. 2001-065 (2001), aff'd, 823 So. 2d 766 (Fla. 1st DCA 2002) ("The application process is very competitive and Respondent, as well as the applicant, is required to follow its rules which govern the process."). The standard to be applied in this case is the stringent, strict compliance standard. See Ybor, III, Ltd. v. Florida Housing Finance Corp., 2004 WL 715157 (DOAH 2004). Adherence to this strict compliance standard does not allow for the modification of the formula. Accordingly, FHFC's modification of the formula, not found in the rule, constitutes application of an unpromulgated rule without due notice to Petitioner.

16. Petitioner has retained the undersigned attorneys and is obligated to pay a reasonable fee for their services.

WHEREFORE, Petitioner requests the following relief:

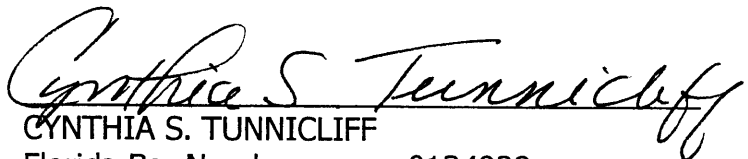
1. That this Petition be transferred to the Division of Administrative Hearings for the appointment of an Administrative Law Judge, who will conduct a hearing in accordance with § 120.57(1)(e).

2. The entry of a recommended and final order finding that FHFC's modification of the unambiguous formula to determine total number of set-aside units is an unpromulgated rule that does not meet the requirements of § 120.57(1)(e), and further recommending that Petitioner's application number 2004-102C be placed in Leveraging Group A.

3. The award of reasonable attorney's fees and costs to Petitioner.

DATED this 28th day of July, 2004.

Respectfully submitted,



CYNTHIA S. TUNNICLIFF

Florida Bar Number: 0134939

BRIAN A. NEWMAN

Florida Bar Number: 0004758

PENNINGTON, MOORE, WILKINSON,
BELL & DUNBAR, P.A.

215 South Monroe Street, 2nd Floor (32301)

Post Office Box 10095

Tallahassee, Florida 32302-2095

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Facsimile: 850/222-2126

we make housing affordable

MEMORANDUM

TO: Applicants for the 2004 Universal Cycle

FROM: Stephen P. Auger, Deputy Development Officer *SJA*

DATE: July 9, 2004

SUBJECT: Final Scores and Notice of Rights

JUL 12 2004

Enclosed is a 2004 Universal Scoring Summary reflecting the Corporation's decision regarding any revisions ("Cures") and Notices of Alleged Deficiencies ("NOAD"), together with an Election of Rights Form with attachments. NOADs and program spreadsheets are now available on Florida Housing's web site at www.floridahousing.org.

Applicants who wish to contest the decision relative to their own Application must petition the Corporation for review of the decision in writing within 21 Calendar Days of the date of receipt of this notice. Only petitions received by this deadline will be considered. The petition must specify in detail each issue and score sought to be reviewed. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis pursuant to section 120.57(2), Florida Statutes. If the appeal raises disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57 (1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal. Written notifications, petitions or requests for review will NOT be accepted via telefax or other electronic means. No Applicant or other person or entity will be allowed to intervene in the appeal of another Applicant.

Petitions must be received by 5:00 p.m. Eastern Time on Monday, August 2, 2004. Petitions must comply with the provisions of Rule 28-106.201 or 28-106.301, Florida Administrative Code, and must be filed with:

Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

An Applicant that requests a hearing will have the right to be represented by counsel or other qualified representative. Pursuant to section 120.573, Florida Statutes, mediation is not available.

Memorandum to Applicants
Page Two
July 9, 2004

Please complete and submit the enclosed Election of Rights Form as soon as possible to facilitate the scheduling of hearings. This form may be submitted prior to the submission of petitions. Florida Housing will make every effort to have a hearing schedule completed and posted on the Corporation web site by August 3, 2004.

Applicants will not be permitted to make oral presentations to the board in response to recommended orders. An Applicant may submit written arguments in response to a recommended order for consideration by the board. Any written argument should be typed, double-spaced with margins no less than one (1) inch, in either Times New Roman 14-point font or Courier New 12-point font, and may not exceed five (5) pages. Any written argument must be received by Florida Housing's Corporation Clerk at the above address no later than 5:00 p.m. Eastern Time on the date stated in the Recommended Order filed in each matter. Failure to timely file a written argument shall constitute a waiver of the right of the Applicant to be heard on the recommended order.

Enc.

ELECTION OF RIGHTS

Application Number: 2004- 102C Development Name: _____

- 1. I do not desire a proceeding.
- 2. I elect an informal proceeding to be conducted in accordance with Sections 120.569 and 120.57(2), Florida Statutes. In this regard I desire to (Choose one):
 - submit a written statement and documentary evidence; or
 - attend an informal hearing to be held in Tallahassee.

Note: Rule 28-106.301, Florida Administrative Code, requires Applicant to submit a petition in a prescribed format. (attached)

- 3. I elect a formal proceeding at the Division of Administrative Hearings. This option is available only if there are disputed issues of material fact.

Note: Applicant must submit an appropriate petition in accordance with Rule 28-106.201, Florida Administrative Code. (attached)

Following are my top eight preferences, in order from 1-8 (with 1 being my first choice, etc.) for scheduling my informal hearing. All formal hearings will be scheduled by the Division of Administrative Hearings.

Hearing Dates:	A.M.	P.M.	Hearing Dates:	A.M.	P.M.
August 18, 2004			August 25, 2004		
August 20, 2004			August 26, 2004		
August 23, 2004			August 27, 2004		
August 24, 2004			August 31, 2004		

*Matters heard after these dates will likely not be funded in the current Application Cycle.

Please fax a Hearing Schedule to me at this number: _____
(include Area Code)

DATE: 7-28-04

Cynthia S. Tunnickliff
Signature of Petitioner

Name: Cynthia S. Tunnickliff

Address: Pennington, Moore, Wilkinson,
Bell & Dunbar, P.A.
Post Office Box 10095
Tallahassee, Florida 32302-2095

Phone: 850/222-3533
(include Area Code)

TO PRESERVE YOUR RIGHT TO A PROCEEDING, YOU MUST RETURN THIS FORM WITHIN TWENTY-ONE (21) DAYS OF RECEIPT OF THIS NOTICE TO THE FLORIDA HOUSING FINANCE CORPORATION AT THE ADDRESS INDICATED IN THE NOTICE OF RIGHTS. TO FACILITATE THE SCHEDULING OF HEARINGS, THIS FORM MAY BE SUBMITTED PRIOR TO FILING A PETITION.

PART II HEARINGS INVOLVING DISPUTED ISSUES OF MATERIAL FACT
28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Specific Authority 120.54(3), (5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History--New 4-1-97, Amended 9-17-98.

**PART III PROCEEDINGS AND HEARINGS NOT INVOLVING DISPUTED
ISSUES OF MATERIAL FACT**

28-106.301 Initiation of Proceedings.

(1) Initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document which requests a proceeding. Each petition shall be legible and on 8 1/2 by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be doubled-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(e) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(f) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) If the petition does not set forth disputed issues of material fact, the agency shall refer the matter to the presiding officer designated by the agency with a request that the matter be scheduled for a proceeding not involving disputed issues of material fact. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this Rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History—New 4-1-97, Amended 9-17-98.

**2004 Final Score Corporation Funding Per Set-Aside for A and B Groups and
SAIL Request Amount a of Development Cost (subject to change th Lottery Numbers**

As of 7/7/04

Scoring Number	Lottery Number	Corporation Funding Per Set-Aside Unit	Leveraging Group	SAIL Request Amount as % of Development Cost	County	Scoring Number	Lottery Number	Corporation Funding Per Set-Aside Unit	Leveraging Group	SAIL Request Amount as % of Development Cost	County
2004-003C	102	\$51,147.55	A		Levy	2004-047S	51	\$66,473.88	A	10.64%	Orange
2004-004C	92	\$51,070.47	A		Madison	2004-048C	141	\$42,925.42	A		Miami-Dade
2004-006C	99	\$50,720.57	A		Suwannee	2004-049C	127	\$53,571.43	B		Polk
2004-007BS	69	\$64,814.81	A	10.59%	Brevard	2004-050C	111	\$50,858.29	A		Broward
2004-008C	118	\$55,463.31	B		Hillsborough	2004-051C	49	\$48,076.88	A		Polk
2004-009S	94	\$55,357.14	A	17.94%	Hillsborough	2004-052C	135	\$47,137.10	A		Broward
2004-012C	71	\$49,666.42	A		Miami-Dade	2004-053C	28	\$42,925.42	A		Miami-Dade
2004-014S	103	\$78,770.72	B	102.37%	Lee	2004-055B	37	\$52,317.88	A		Miami-Dade
2004-015BS	78	\$65,178.57	A	9.56%	St. Lucie	2004-056C	52	\$46,873.13	A		Miami-Dade
2004-017BS	130	\$59,469.70	A	11.05%	Orange	2004-057S	11	\$81,555.56	B	9.04%	Palm Beach
2004-018BS	113	\$57,575.76	A	11.26%	Orange	2004-058BS	47	\$61,444.44	A	7.36%	Miami-Dade
2004-019S	4	\$20,833.33	A	15.71%	Monroe	2004-059S	27	\$62,500.00	A	10.40%	Miami-Dade
2004-020C	32	\$31,433.65	A		Lake	2004-060C	96	\$52,761.28	B		Orange
2004-021C	138	\$42,976.11	A		Brevard	2004-061S	48	\$74,322.92	A	12.60%	Broward
2004-024C	80	\$46,490.38	A		Duval	2004-062C	64	\$48,090.12	A		Miami-Dade
2004-025C	83	\$46,498.14	A		Miami-Dade	2004-063BS	117	\$63,518.52	A	11.37%	Miami-Dade
2004-026S	91	\$21,850.00	A	24.78%	Hillsborough	2004-064C	104	\$41,939.11	A		Leon
2004-027C	41	\$51,975.63	B		Sarasota	2004-065C*	122	\$43,748.25	A		Palm Beach
2004-028S	30	\$79,375.00	B	7.29%	Palm Beach	2004-066S	26	\$58,333.33	A	10.05%	Hillsborough
2004-029BS	84	\$70,967.74	A	22.62%	Lee	2004-067BS	143	\$55,423.08	A	11.93%	Hillsborough
2004-030CS	95	\$42,209.03	A	38.37%	Hillsborough	2004-068S	9	\$58,333.33	A	12.16%	Bay
2004-031C	131	\$49,050.80	A		Duval	2004-069C	36	\$47,690.40	A		Duval
2004-032BS	106	\$71,428.57	A	22.58%	Escambia	2004-070C	65	\$48,249.82	A		Marion
2004-033C	97	\$46,875.00	A		Gadsden	2004-071C	66	\$49,298.73	A		Suwannee
2004-034S	57	\$76,041.67	B	21.74%	Duval	2004-072C	55	\$50,657.89	A		Duval
2004-035BS	13	\$52,500.00	A	11.18%	Charlotte	2004-073BS	21	\$60,869.57	A	24.13%	Orange
2004-036C	126	\$51,981.57	B		De Soto	2004-074BS*	86	\$53,375.00	A	unknown	Bay
2004-037CS	16	\$73,164.51	B	22.81%	Miami-Dade	2004-075C	60	\$48,641.92	A		Miami-Dade
2004-038BS	38	\$58,800.00	A	6.93%	Volusia	2004-076S*	50	\$49,255.62	A	15.19%	Miami-Dade
2004-039C	70	\$36,056.25	A		Collier	2004-077BS	1	\$56,739.13	A	12.69%	Orange
2004-040C	58	\$44,357.60	A		Miami-Dade	2004-078C	15	\$47,987.59	A		Hillsborough
2004-041CS	35	\$81,499.52	B	18.07%	Monroe	2004-079C	43	\$47,188.62	A		Leon
2004-042C	98	\$48,579.23	A		Highlands	2004-080C	110	\$48,362.32	A		Palm Beach
2004-043C	3	\$48,075.00	A		Miami-Dade	2004-082S	67	\$48,525.80	A	8.26%	Broward
2004-044S	90	\$67,567.57	A	14.20%	Broward	2004-083C	20	\$32,207.30	A		Duval
2004-045C	101	\$52,632.25	B		Citrus	2004-084C	24	\$51,857.95	A		Pinellas
2004-046C	119	\$49,461.45	A		Broward	2004-085C	76	\$48,523.78	A		Volusia

**2004 Final Score Corporation Funding Per Set-Aside for A and B Groups and
SAIL Request Amount a: of Development Cost (subject to change th Lottery Numbers**

As of 7/7/04

Scoring Number	Lottery Number	Corporation Funding Per Set-Aside Unit	Leveraging Group	SAIL Request Amount as % of Development Cos	County	Scoring Number	Lottery Number	Corporation Funding Per Set-Aside Unit	Leveraging Group	SAIL Request Amount as % of Development Cost	County
2004-086S*	56	\$90,628.45	B	8.26%	Orange	2004-119B	115	\$60,416.67	A		Escambia
2004-087S	74	\$45,420.08	A	7.67%	Miami-Dade	2004-120S	73	\$91,888.89	B	14.54%	Nassau
2004-088C	123	\$47,886.33	A		Miami-Dade	2004-121S	112	\$71,093.75	A	14.29%	Lake
2004-089C	72	\$47,886.33	A		Miami-Dade	2004-122BS	120	\$71,510.42	A	19.95%	Bay
2004-090C	59	\$47,886.33	A		Hillsborough	2004-123BS	85	\$72,019.23	A	18.94%	Volusia
2004-091C	105	\$44,119.97	A		Duval	2004-124BS	10	\$72,031.25	A	20.51%	St. Lucie
2004-092BS	40	\$61,194.03	A	10.55%	Clay	2004-125BS	134	\$65,476.19	A	16.10%	Hillsborough
2004-093BS	140	\$63,793.10	A	11.70%	Alachua	2004-126C	142	\$42,231.61	A		Alachua
2004-094S	61	\$56,818.18	A	18.25%	St. Johns	2004-127C	79	\$46,875.00	A		Duval
2004-095C	124	\$44,826.75	A		Highlands	2004-128S	29	\$67,021.28	A	19.89%	Bay
2004-096C	109	\$45,187.01	A		Brevard	2004-129S	45	\$64,166.67	A	16.71%	St. Lucie
2004-097C	46	\$41,902.05	A		Brevard	2004-130S	39	\$94,174.76	B	13.72%	Seminole
2004-098S	22	\$77,987.42	B	7.77%	Brevard	2004-131S	23	\$60,714.29	A	17.92%	Volusia
2004-102C	2	\$51,882.28	B		Broward	2004-132S	44	\$70,588.24	A	13.84%	Sarasota
2004-104C	14	\$50,165.22	A		Manatee	2004-133S	132	\$68,939.39	A	15.36%	Brevard
2004-105C	19	\$48,385.16	A		Marion	2004-134C	31	\$48,214.29	A		Bay
2004-106S	33	\$99,914.95	B	122.11%	Sumter	2004-135C	75	\$51,996.28	B		Orange
2004-107C	100	\$46,055.04	A		Marion	2004-136C	5	\$49,804.69	A		Hernando
2004-108S*	114	\$64,166.67	A	13.05%	Hillsborough	2004-137C	34	\$56,603.77	B		Pinellas
2004-109C	133	\$47,954.81	A		Alachua	2004-138S	116	\$64,204.55	A	10.93%	Lake
2004-110C	144	\$49,804.69	A		Polk	2004-139S	87	\$74,395.16	B	12.25%	Alachua
2004-111C	77	\$47,343.75	A		Flagler	2004-140C	108	\$53,812.50	B		Polk
2004-112C	62	\$45,703.13	A		Hillsborough	2004-141C	107	\$52,014.03	B		Volusia
2004-113C	82	\$48,046.88	A		Duval	2004-142C	136	\$49,130.43	A		Volusia
2004-114CS	93	\$29,165.00	A	45.97%	Manatee	2004-143C	88	\$42,419.12	A		Volusia
2004-115C	125	\$17,214.73	A		Orange	2004-144C	7	\$51,988.08	B		Leon
2004-116C	121	\$129,942.17	B		Broward	2004-145C	54	\$33,935.29	A		Collier
2004-117C	129	\$46,104.71	A		Highlands	2004-146C	139	\$46,875.00	A		Polk
2004-118C	128	\$39,842.16	A		Lake	2004-147S*	6	\$19,607.84	A	69.96%	Miami-Dade

***NOTES:**

For 2004-065C, the maximum allowable HC request amount was used to compute Corporation funding per set-aside unit.

For 2004-074BS, the Applicant did not disclose the Development Cost in the Application and therefore, at this time it cannot be determined what the SAIL request amount as percentage of the Development Cost is.

For 2004-076S, during Preliminary Scoring, the Applicant failed to qualify as an Urban In-Fill Development and therefore, the Corporation funding per set-aside unit was adjusted from \$49,255.62 to \$58,988.76. The Applicant qualified as an Urban In-Fill Development following receipt of a cure and as such, it's Corporation funding per set-aside unit was adjusted back to \$49,255.62.

For 2004-086S, during Preliminary Scoring, the Applicant failed to qualify as an Urban In-Fill Development and therefore, the Corporation funding per set-aside unit was adjusted from \$90,628.45 to \$135,266.35. The Applicant qualified as an Urban In-Fill Development following receipt of a cure and as such, it's Corporation funding per set-aside unit was adjusted back to \$90,628.45.

For 2004-0147S, the Applicant set-aside 76% of the units at below 120% AMI which it was ineligible to do. Thus, during Preliminary Scoring, the Corporation funding per set-aside was based on the Applicant having 102 set-aside units and the Corporation funding per set-aside unit was adjusted from \$4,750.59 to \$19,607.84. This is subject to change.

For 2004-108S, the Applicant revised the Application's Development Cost from \$15,345,515 to \$15,329,375 in a cure. This resulted in the SAIL request amount as a percentage of Development Cost changing from 13.03% to 13.05%.

2004 MMRB, SAIL & HC Scoring Summary

As of: 07/08/2004

File # 2004-082S

Development Name: Sandalgrove Apartments

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
07 - 08 - 2004	66	N	7.5	\$48,525.8	8.26%	N
Preliminary	66	N	7.5	\$48,525.8	8.26%	N
NOPSE	66	N	7.5	\$48,525.8	8.26%	N
Final	66	N	7.5	\$48,525.8	8.26%	N
Final-Ranking	0	N	0		0	

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1S	III	B	2.a.	Optional Features & Amenities					
				New Construction	9	0	0	0	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	9	9	9	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	12	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	9	0
				Set-Aside Commitments					
4S	III	E	1.b.	Total Set-Aside Percentage	3	3	3	3	0
5S	III	E	1.c.	Set-Aside Breakdown Chart	5	5	5	5	0
6S	III	E	3.	Affordability Period	5	5	5	5	0
				Resident Programs					
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	6	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	8	8	0
				Local Government Support					
9S	IV		a.	Contributions	5	5	5	5	0
10S	IV		b.	Incentives	4	4	4	4	0

2004 MMRB, SAIL & HC Scoring Summary

As of: 07/08/2004

File # 2004-082S

Development Name: Sandalgrove Apartments

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	III	C	1	Site Plan Approval	Applicant failed to provide the required Local Government Verification of Status of Site Plan Approval for Multifamily Developments form.	Preliminary	Final
2T	III	C	3.b.	Availability of Water	Applicant failed to provide the required evidence of availability of water.	Preliminary	Final
3T	III	C	3.c.	Availability of Sewer	Applicant failed to provide the required evidence of availability of sewer, package treatment or septic tank.	Preliminary	Final
4T	III	C	3.d.	Availability of Roads	Applicant failed to provide the required evidence of availability of roads.	Preliminary	Final
5T	III	C	4	Appropriate Zoning	Applicant failed to provide the required Local Government Verification that the Development is consistent with Zoning and Land Use Regulations form or Local Government Verification that Permits are not Required for this Development form.	Preliminary	Final
6T	V	D		Exhibit 55, HFA of Broward County, Tax-Exempt Bond Financing in the amount of \$37,500,000	Applicant did not provide a letter from the Chair of the HFA specifying: a) tax-exempt allocation had been reserved, b) all approvals precedent to funding had been obtained, c) a commitment had been executed, and d) appropriate fees had been paid. Neither did Applicant provide a copy of the executed note or executed loan agreement, containing terms, interest rates or a copy of the recorded mortgage, if applicable. As such, the \$37,500,000 listed by the Applicant is not considered a source of financing.	Preliminary	Final
7T	V	D		Equity Commitment	The Applicant provided an equity commitment from SunAmerica which is conditioned on an allocation of credits. The Applicant failed to provide evidence that it had received the appropriate tax-exempt bond financing to be eligible to apply for credits. Therefore, the equity stated in the commitment was not considered a source of financing.	Preliminary	Final
8T	V	D		Exhibit 58, NOI during rehab funding	The Applicant listed as sources \$3,332,040 at item 11 under Construction or Rehab Analysis and \$4,000,000 at item 11 under Permanent Analysis. In both cases the Applicant stated the figures represented NOI during Rehab and provided a pro forma at Exhibit 58. Florida Housing does not recognize a pro forma as a commitment to fund or ability to fund. Applicants must provide commitments that meet the criteria stated in the Universal Application Instructions and where the commitments are not from a regulated Financial Institution, provide evidence of ability to fund as stated on page 67 of the Universal Application Instructions. Therefore, the \$3,332,040 and the \$4,000,000 were not considered sources of financing.	Preliminary	
9T	V	D		Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$55,517,847.	Preliminary	Final
10T	V	D		Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$55,517,847.	Preliminary	Final
11T	II	B	3	General Contractor	The prior experience chart for the General Contractor fails to demonstrate experience	NOPSE	

2004 MMRB, SAIL & HC Scoring Summary

As of: 07/08/2004

File # 2004-082S

Development Name: Sandalgrove Apartments

Threshold(s) Failed:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
				in the construction of at least two completed housing developments of similar development type (mid-rise with elevator).		
12T	V	B	Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$3,332,040.	Final	
13T	V	B	Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$1,897,876.	Final	

Proximity Tie-Breaker Points:

Item #	Part Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final	Final Ranking
1P	III	A	10.a.(2)(a) Grocery Store	1.25	1.25	1.25	1.25	1.25	0
2P	III	A	10.a.(2)(b) Public School	1.25	1.25	1.25	1.25	1.25	0
3P	III	A	10.a.(2)(c) Medical Facility	1.25	0	0	0	0	0
4P	III	A	10.a.(2)(d) Pharmacy	1.25	0	0	0	0	0
5P	III	A	10.a.(2)(e) Public Bus Stop or Metro-Rail Stop	1.25	1.25	1.25	1.25	1.25	0
6P	III	A	10.b. Proximity to Developments on FHFC Development Proximity List	3.75	3.75	3.75	3.75	3.75	0

Additional Application Comments:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1C	V	D	Exhibit 58 Cure	The Applicant provided an unsuccessful argument as its cure to Exhibit 58 not being counted as a source of financing (Item 81).	Final	
2C	II	B	3 General Contractor Experience	The cure for Item 11T is deficient because according to the Application Instructions, the General Contractor must demonstrate experience in the construction of at least two completed housing developments of similar development category and development type, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the proposed development. The total number of units in the proposed development is 814, and the Development Type is designated "Mid-Rise with elevator". In the Prior Experience Chart, there are no "Mid-rise" developments listed that represent the stated requirement of no less than 50 percent of the total number of units in the proposed development. In this case, the minimum number of Mid-Rise units is 407 units.	Final	

2004 MMRB, SAIL & HC Scoring Summary

As of: 07/06/2004

File # 2004-102C Development Name: Flagler Point

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
07 - 06 - 2004	66	Y	7.5	\$51,882.28	%	N
Preliminary	66	Y	7.5	\$51,882.28	%	N
NOPSE	66	Y	7.5	\$51,882.28	%	N
Final	66	Y	7.5	\$51,882.28	%	N
Final-Ranking	0	Y	0		0	

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1S	III	B	2.a.	Optional Features & Amenities	9	9	9	9	0
1S	III	B	2.b.	New Construction	9	0	0	0	0
2S	III	B	2.c.	Rehabilitation/Substantial Rehabilitation	12	12	12	12	0
2S	III	B	2.d.	All Developments Except SRO	12	0	0	0	0
3S	III	B	2.e.	SRO Developments	9	9	9	9	0
				Energy Conservation Features					
4S	III	E	1.b.	Set-Aside Commitments	3	3	3	3	0
5S	III	E	1.c.	Total Set-Aside Percentage	5	5	5	5	0
6S	III	E	3	Set-Aside Breakdown Chart	5	5	5	5	0
				Affordability Period					
7S	III	F	1.	Resident Programs	6	0	0	0	0
7S	III	F	2.	Programs for Non-Elderly & Non-Homeless	6	0	0	0	0
7S	III	F	3.	Programs for Homeless (SRO & Non-SRO)	6	6	6	6	0
8S	III	F	4.	Programs for Elderly	8	8	8	8	0
				Programs for All Applicants					
9S	IV	a.		Local Government Support	5	5	5	5	0
10S	IV	b.		Contributions	4	4	4	4	0
				Incentives					

2004 MMRB, SAIL & HC Scoring Summary

As of: 07/06/2004

File # 2004-102C

Development Name: Flagler Point

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10 a.(2)(a)	Grocery Store	1.25	1.25	1.25	1.25	0
2P	III	A	10 a.(2)(b)	Public School	1.25	0	0	0	0
3P	III	A	10 a.(2)(c)	Medical Facility	1.25	1.25	1.25	1.25	0
4P	III	A	10 a.(2)(d)	Pharmacy	1.25	0	0	0	0
5P	III	A	10 a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	1.25	1.25	1.25	0
6P	III	A	10 b.	Proximity to Developments on FHFC Development Proximity List	3.75	3.75	3.75	3.75	0