

**BEFORE THE  
FLORIDA HOUSING FINANCE CORPORATION**

**CHAMPIONS LANDING  
DEVELOPMENT PARTNERS, LLC**

**Petitioner,**

**vs.**

**FLORIDA HOUSING FINANCE  
CORPORATION,**

**Respondent.**

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**FHFC Case No. 2015-044BP  
FHFC RFA No. 2015-112  
Petitioner's Application No. 2015-166BS**

**FORMAL WRITTEN PROTEST AND PETITION FOR  
FORMAL ADMINISTRATIVE PROCEEDINGS**

Pursuant to Sections 120.569 and 120.57(1) and (3), Fla. Stat., and Florida Housing Finance Corporation Request for Application (“RFA”) No. 2015-112, at Section Six, and Rules 28-106.205 and 67-60.009, Fla. Admin. Code; Petitioner CHAMPIONS LANDING DEVELOPMENT PARTNERS, LLC, (“Petitioner” or “Champions Landing”), an applicant for funding in Florida Housing Finance Corporation Request for Applications (“RFA”) No. 2015-112 for SAIL Financing of Affordable Multifamily Housing Developments to be used in conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits, hereby protests the proposed funding and eligibility decisions of Respondent Florida Housing Finance Corporation in RFA 2015-112; and particularly the proposed determination to fund Application No. 2015-184BS for West Lake Apartments. In support of this Protest and Petition, Petitioner state as follows:

**Parties**

1. The agency affected is the Florida Housing Finance Corporation (the “Corporation”, “Florida Housing,” or “FHFC”), whose address is 227 North Bronough Street,

Suite 5000, Tallahassee, Florida 32301-1329. The solicitation number assigned to this process for the award of a State Apartment Incentive Loan (“SAIL”), Tax-Exempt Bonds, and non-competitive federal law income housing tax credits (“tax credits” or “HC”) for affordable multifamily housing is RFA 2015-112. By notice posted on FHFC’s website on Friday, December 11, 2015, copy attached hereto as Exhibit “A,” FHFC has given notice of its intent to award SAIL loans, Tax-Exempt Bonds, and tax credits to nine (9) applicants, excluding Champions Landing. FHFC also posted notice at the same time of its determination or which applicants were “eligible” for consideration for funding and were not (Champions Landing was among the eligible applicants); a copy of that posting is attached as Exhibit “B.”

2. Petitioner, Champions Landing Development Partners, LLC, (“Petitioner” or “Champions Landing”) is a Florida limited liability company, whose business address is 205 E. Central Blvd., Suite 304, Orlando, Florida 32801. For purposes of this proceeding, Petitioner’s address is that of its undersigned counsel, M. Christopher Bryant, Oertel, Fernandez, Bryant & Atkinson, P.A., P.O. Box 1110, Tallahassee, Florida 32302-1110, telephone number 850-521-0700, facsimile number 850-521-0720, email [cbryant@ohfc.com](mailto:cbryant@ohfc.com).

3. Champions Landing submitted an application, assigned Application No. 2015-166BS, in RFA 2015-112 seeking a SAIL loan of \$5.0 million; an additional SAIL ELI (“Extremely Low Income”) loan of \$411,400; FHFC-issued Tax Exempt Bonds, known as Multifamily Mortgage Revenue Bonds (“MMRB”), in the amount of \$8,773,400; and an award of tax credits in the annual amount of \$622,845. Petitioner proposed to construct a 90-unit development in unincorporated Osceola County for Elderly residents, with all 90 units to be set-aside for low income tenants making at or below 60% of Area Median Income (“AMI”) (including 10% of the units for Extremely Low Income tenants making at or below 40% AMI).

FHFC has announced its intention to award funding to nine (9) other Developments, including two other Elderly developments in Medium sized counties, but not to Champions Landing.

**Notice**

4. On Friday, December 11, 2015, at approximately 9:53 a.m., Petitioner and all other participants in RFA 2015-112 received notice that FHFC intended to designate certain applications ineligible for funding, and to select certain other applicants for awards of SAIL loans, MMRB (if requested), and non-competitive tax credits, all subject to satisfactory completion of the credit underwriting process. Such notice was provided by the posting of two spreadsheets, one listing the “eligible” and “ineligible” applications in RFA 2015-112 (copy attached as Exhibit “B”) and one identifying the applications which Respondent proposed to fund (copy attached as Exhibit “A”) on the Florida Housing website, [www.floridahousing.org](http://www.floridahousing.org). Petitioner timely filed a Notice of Protest, with attachments, on Tuesday, December 15, 2015, copy attached as Exhibit “C.” Petitioner’s Formal Written Protest and Petition for Formal Administrative Proceedings is being filed within 10 calendar days of that notice; the tenth day fell on Friday, December 25, 2015, which is a designated State holiday, so by operation of Rule 28-106.103, Fla. Admin. Code, the filing deadline was extended to Monday, December 28, 2015.

**Substantial Interest Affected**

5. Petitioner’s substantial interests are being determined in the instant proceeding because Petitioner is an applicant for SAIL, SAIL ELI, MMRB, and low income housing tax credit funding whose application was preliminarily denied funding. Florida Housing agrees that Petitioner’s application is eligible for consideration, but awarded funding to other applicants based on a detailed funding selection process set out in the RFA, and summarized in this Petition. Petitioner contends that one of the selected applications, West Lake Apartments in Polk

County, Application No. 2015-184BS, should not have been selected for funding. If West Lake was not selected, then Champions Landing would have been selected for funding, based on the application of FHFC's selection criteria contained in the RFA. Petitioner cannot develop its proposed development to include 90 low income tenant set-aside units for Elderly residents without the award of the requested funding.

#### **RFA 2015-104 Ranking and Selection Process**

6. Through the RFA 2015-112 process, FHFC seeks to award up to an estimated \$49,000,000 in SAIL financing to qualified applicants seeking to develop low income rental housing. SAIL loans are awarded at very favorable interest rates and amortization and repayment terms, in recognition of the reduced rental income associated with the low income tenant population. Generally, applicants must agree to set-aside at least 80% of the units for persons making at or below 60% of AMI. In this RFA, applicants were also required to set-aside at least 10% of the units for tenants who are considered "Extremely Low Income" ("ELI"), which is a lower percentage of AMI that varies by county. For Osceola County, where Petitioner proposes to construct its development, the ELI level is 40% of AMI.

7. The RFA also required applicants to utilize tax-exempt bond financing, with the tax-exempt bonds issues either by FHFC or a local housing authority. Champions Landing, as with most applicants (including West Lake), proposed to use FHFC-issued tax-exempt bonds, known as Multifamily Mortgage Revenue Bonds or "MMRB;" Champions Landing sought \$8.0 million in MMRB.

8. Finally, Applicants were to include in their applications a request for proposed award of non-competitive low income housing tax-credits. Non-competitive credits are available

to applicants who utilize other forms of federal assistance to finance their developments, such as tax-exempt bonds.

9. Applicants request in their applications a specific dollar amount of housing credits to be given to the Applicant each year for a period of 10 years. Applicants typically sell the rights to that future stream of income tax credits (through the sale of almost all of the ownership interest in the Applicant entity) to an investor to generate a portion of the capital necessary to construct the development.

10. The RFA divided the available SAIL funding in two ways: by Demographic group to be served (Family and Elderly developments), and by Geographic category (Large County, Medium County, and Small County, all as listed by FHFC in the RFA). The division of SAIL funding by Demographic group was \$16,200,000 to Elderly developments, and \$32,800,000 to family. The Geographic category division of SAIL funding was as follows:

Large County:	\$19,063,353
Medium County:	\$20,388,550
Small County:	\$ 9,548,097

11. The RFA specified that if not all of the designated Small County SAIL funding was used, the excess would be divided proportionally and made available to Large County and Medium County categories (48.32% to Large, 51.68% to Medium). Further, any unused Medium County money would be made available to Large County developments.

12. Florida Housing received 23 Applications seeking funding in RFA 2015-112. Developments were proposed in 18 different Counties: two (2) from Small counties, eleven (11) from Medium counties, and ten (10) from Large counties. Twelve (12) of the applications were for Family developments, and eleven (11) for Elderly. Both of the Small County applications have since been preliminarily deemed ineligible for consideration for funding, as were one

Medium County application and one Large County application. Currently, FHFC proposes to award funding to nine (9) developments: four (4) are in Large counties and five (5) are in Medium counties, and Demographically three (3) of the Applications are for Elderly applications and six (6) for Family applications.

13. For purposes of ranking and selecting applicants for funding, Florida Housing took into consideration the applicant's Demographic tenant commitment (Family or Elderly), and whether the Applicant was in a Large, Medium, or Small County. An applicant was selected for funding only if it passed the "SAIL Funding tests," i.e., if sufficient SAIL funding was available to fully fund its SAIL and ELI request amounts in both the Demographic and Geographic categories in which the applicant applied.

14. The applications were received, processed, deemed eligible or ineligible, scored, and ranked, presumably pursuant to the terms of RFA 2015-112; FHFC Rule Chapters 67-48 and 67-60, Fla. Admin. Code; and applicable federal regulations. Applications are considered for funding only if they are deemed "eligible," based on whether the Application complies with Florida Housing's various application content requirements. Each Application is awarded a score of up to 23 points, of which up to 18 points are available for proximity to services needed by the tenants of the development, and up to 5 points are available for proof of a local government contribution to the development. Of the 23 Applications submitted to FHFC in RFA 2015-112, nineteen (19) were found "eligible," and four (4) were found ineligible. Champions Landing was found eligible. The spreadsheet created by Florida Housing and attached hereto as Exhibit "B" identifies all eligible and ineligible applications (and other relevant information).

15. The RFA specifies "Application Sorting Orders" to rank applicants for potential funding. One Sorting Order applies to Applicants from Miami-Dade County, and another to

applicants from all other counties. The first consideration in sorting eligible applications for potential funding is Application scores. The maximum score an Applicant can achieve is 23 points. All of the non-Miami-Dade applicants in RFA 2015-112 received a score of 23 points.

16. Many applicants achieve tie scores, and in anticipation of that occurrence FHFC designed the RFA and rules to incorporate a series of “tie breakers.” The tie-breakers for non-Miami-Dade applicants in this RFA, in order of applicability, are:

- (a) First by a Per Unit Construction Funding Preference, which all Applicants proposing New Construction automatically satisfy, and which Applicants proposing Rehabilitation or Acquisition and Rehabilitation satisfy if they propose at least \$32,500 per unit in Development Costs. (All Applicants in this RFA were deemed to satisfy this preference.)
- (b) Next, by SAIL request per set-aside units, with lower per unit request amounts ranked above applicants with higher per unit request amounts. (As a practical matter, this ranking criterion, in conjunction with the SAIL Funding Tests described below, was determinative of the funding selection.)
- (c) Next, if necessary, satisfaction of a Florida Job Creation preference, which applies a formula to reflect the estimated number of jobs created per \$1 million of SAIL funding. (All applicants satisfied this preference.)
- (d) Lastly, if necessary, by randomly assigned lottery number. While lottery numbers typically play a role in the selection of applications for funding in FHFC’s RFAs, they did not in this case because of the SAIL Request per Set Aside criterion.

17. FHFC employs two SAIL “Funding Tests” to be used in the selection of applications for funding in this RFA. The “Funding Tests” require that the amount of SAIL funding remaining (unawarded) when a particular application is being considered for selection must be enough to fully fund that applicant’s SAIL and SAIL ELI request amount; partial funding will not be given. FHFC applied both a Demographic (Elderly or Family) funding test, and a Geographic (County Size) funding test.

18. In selecting among eligible applicants for funding, FHFC also applies a “County Award Tally.” The County Award Tally is designed to prevent a disproportionate concentration of funded developments in any one county. Generally, before a second application can be funded in any given county, all other counties which are represented by an eligible applicant must receive an award of funding. As noted previously in this Petition, since there were 19 eligible applications submitted from 15 different counties in RFA 2015-112, there could not be more than one applicant selected for funding from any given county.

19. The RFA set out an order of funding selection for eligible applicants, after eligible applicants were ranked. That funding selection, subject in all cases to the SAIL Funding Tests and the County Award Tally is as follows:

- (1) One highest ranked Large County New Construction Elderly application, with a first preference for a Miami-Dade applicant, a second preference for a Broward applicant, and a third preference for an applicant from any other Large County;
- (2) The two highest Small County New Construction applications, regardless of Demographic category, and if two such applications are not available, then any two Small County applicants;



- (3) The three highest ranked Medium County New Construction applications;
- (4) The three highest ranked Medium County applications regardless of Development category (i.e., New Construction or Rehabilitation);
- (5) Large County applications subject to various county-specific Development Category Preferences.

20. Generally, as a result of the funding selection order, applicants in this RFA compete for funding only against other applicants in the same Demographic group and the same Geographic group. However, the Demographic designation of the applications funded ahead of a given Geographic group will affect the amount of SAIL funding remaining for award to specific Applicants in that Geographic group, and thus could affect whether sufficient funding remains to fully fund an applicant's SAIL request amount. For example, if all of the available Elderly Funding was distributed in steps (1) through (4) above, then no Elderly applicants could be funded in step (5), the general Large County award step.

21. Following eligibility determinations and applications of funding preferences and the selection process, Florida Housing selected the following applicants for funding, by category, with the total SAIL and ELI request amounts shown:

Large County New Construction	
Elderly:	2016-178S, Miami-Dade County, \$5,778,100
Small County:	None (Small County funding reallocated to Large and Medium County groups)
Medium County New Construction:	2016-182BS, Park at Wellington II, Pasco County, \$5,449,314 (Family)
	2016-184BS, West Lake Apts., Polk County, \$5,298,200 (Elderly)
	2016-181BS, Pelican Pointe, Bay County, \$4,455,410.10 (Family)

Other Medium County:	2016-179BS, Seminole Gardens, Seminole County, \$3,336,500 (Family)
	2016-168BS, Trinity Towers East, Broward County, \$4,908,004 (Elderly)
	(Remaining Medium County funding allocated to Large County)
Large County:	2016-180BS, Grand Lake, Palm Beach County, \$8,000,900 (Family)
	2016-187BS, Columbus Court, Hillsborough County, \$3,964,900 (Family)
	2016-186BS, Hampton Villa, Duval County, \$2,340,800 (Family)

22. West Lake Apartments should not be preliminarily selected for funding, as it is not entitled to a score of 23 points; for reasons explained more fully below, it should only receive a score of 18. Because application score is the first consideration in funding selection, a score of 18 would essentially eliminate a Medium County application from consideration.

23. If West Lake Apartments did not achieve a score of 23, it would not be selected for funding. Instead, Champions Landing would be selected as the second Medium County New Construction application to be funded, with a total SAIL and ELI request amount of \$5,411,400. All other preliminarily selected applicants would remain as indicated.

**West Lake’s Claimed Local Government Contribution**

24. In order to achieve a maximum score of 23 on an application in this RFA, an applicant must receive 18 “proximity points” and 5 local government contribution points. To achieve the 5 local government contributions points, an applicant proposing New Construction had to obtain and document a contribution to the Development from a local government. The required amount of local government contribution to receive 5 points varies by county; for Polk

County, in which West Lake is proposed to be constructed, the value of the contribution required to achieve maximum points is \$50,000. Without local government contribution points, and thus without a maximum score, West Lake would not be selected for funding.

25. West Lake Apartments claimed a Local Government Contribution in the form of a Fee Waiver, as purportedly documented by Attachment 16 to the West Lake application. A copy of that Attachment 16, as submitted by West Lake, is attached to this Petition as Exhibit "D."

26. RFA 2015-112 does allow Fee Waivers as one form of local government contribution. But the RFA also identifies a list of claimed Local Government contributions that are ineligible for points, including "Local Government contributions that have not received final approval." See, RFA at pp. 36-37, excerpt attached as Exhibit "E."

27. The claimed fee waiver from the City of Lakeland for West Lake Apartments has not received final approval. The fee waiver form submitted by West Lake identifies a City of Lakeland Ordinance No. 3510, adopted March 7, 1994, that the claimed fee waiver was allegedly granted pursuant to. But the procedure contained in that ordinance has not yet been followed.

28. A copy of Ordinance No. 3510 is attached to this Petition as Exhibit "F." The Ordinance provides for the reimbursement (not waiver) of impact fees for affordable housing, but only after the development has undergone a City application and approval process. The requested affordable housing incentives (including impact fee reimbursements) may be approved or denied, and approval, if granted, might be only partial. See, pp. 8-9 of Ordinance, at Section 12.

29. Under the Ordinance, builders and developers seeking a local government contribution must submit an application to the Affordable Housing Review Committee ("AHRC"), and must undergo a two phase review process. The AHRC, consisting of

representatives of the Building Inspecting Division, the Planning Division, the Engineering Division, and the Electric and Water Utilities Department, must meet with the Developer in a Pre-application Work Session to provide technical assistance to the Developer, and to “determine that incentives are necessary for project.” In the next step, the Application Review, the AHRC “may approve or deny the application in whole or in part.”

30. West Lake has not undergone the process required by the City of Lakeland to obtain the fee waiver. While there is a mechanism in place for West Lake to request a fee waiver or fee reimbursement (which, again, may be approved or denied in whole or in part), West Lake has not actually undergone the process and cannot claim that it has in fact been determined to be entitled to the fee waiver.

**Disputed Issues of Material Fact**

31. Petitioner has initially identified the following disputed issues of material fact, which it reserves the right to supplement as additional facts become known to it:

- (a) Whether West Lake’s claimed local government contribution is supported by a valid waiver of impact fees. Petitioner contends that it is not.
- (b) Whether West Lake is entitled to any points for a local government contribution. Petitioner contends that it is not.
- (c) Whether the lack of local government contribution points would result in West Lake not being selected for funding, and would result in Champions Landing being selected for funding instead. Petitioner contends that it would.
- (d) Whether, without undergoing the required local government application process, West Lake has obtained a fee waiver from the local government. Petitioner contends that it has not.

(e) Whether awarding West Lake 5.0 local government contribution points, when it has not obtained final approval of a fee waiver, would be contrary to the RFA, and would be arbitrary, capricious, contrary to competition, and clearly erroneous.

**Concise Statement of Ultimate Facts, Relief Sought, and Entitlement to Relief**

32. As its concise statement of ultimate fact, Champions Landing asserts that West Lake is not entitled to any local government contribution points, and does not achieve the application score of 23 points necessary to be competitive in the Medium County funding category; and any determination that West Lake is entitled to receive 5 local government contribution points, and to the maximum score of 23, and should be selected for funding would be arbitrary (not supported by facts), capricious (contrary to facts), contrary to competition, clearly erroneous, and contrary to FHFC's RFA.

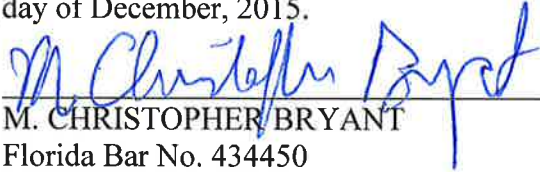
33. To the extent Florida Housing disputes any material factual allegations in this Petition, Petitioner demands that this Petition be forwarded to the Division of Administrative Hearings for Assignment of an Administrative Law Judge to conduct formal evidentiary proceedings, after affording the parties adequate time for case preparation and discovery.

34. Petitioner seeks entry of recommended and final orders finding West Lake to be entitled to a score of only 18 points, and not entitled to be selected for funding. Petitioner is entitled to this relief by the terms and conditions of the FHFC's RFA; by FHFC Rule Chapters 67-48 and 67-60, Fla. Admin. Code; and by Chapters 120 and 420, Florida Statutes, including but not limited to Sections 120.569, 120.57(1) and (3), Florida Statutes.

**Request for Settlement Meeting**

35. Pursuant to Section 120.57(3)(d), Fla. Stat., Champions Landing requests an opportunity to meet with Florida Housing to resolve this matter by mutual agreement within seven business days after filing. Champions Landing reserves the right to agree to extend the time for such a settlement meeting.

**FILED AND SERVED** this 28<sup>th</sup> day of December, 2015.



M. CHRISTOPHER BRYANT

Florida Bar No. 434450

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ATTORNEYS FOR CHAMPIONS LANDING

DEVELOPMENT PARTNERS, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Formal Written Protest and Petition for Formal Administrative Proceedings has been filed by hand delivery with the Agency Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, and a copy via Hand Delivery to the following this 28<sup>th</sup> day of December, 2015:

Hugh R. Brown, General Counsel  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301-1329  
[Hugh.Brown@floridahousing.org](mailto:Hugh.Brown@floridahousing.org)



ATTORNEY

**Exhibits to Champions Landing Petition**

- A. RFA 2015-112 Applications Selected for Funding Spreadsheet, posted December 11, 2015
- B. RFA 2015-112 Eligible and Ineligible Applications Spreadsheet posted December 11, 2015
- C. Champions Landing Notice of Protest, filed December 15, 2015
- D. West Lake Apartments Local Government Contribution (Fee Waiver) Form
- E. Excerpt of RFA 2015-112
- F. City of Lakeland Ordinance No. 3510

2015-112 – Review Committee Recommendations

SAIL Funding Balance Available	5,467,871.60
Family Demographic Funding Balance Available	5,252,175.60
Elderly Demographic Funding Balance Available	215,696.00

Small County Funding Balance Available	-
Medium County Funding Balance Available	-
Large County Funding Balance Available	5,467,871.60

All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	Total Set Aside Units	SAIL Request	ELU Request	Total SAIL Request (SAIL + ELU)	Eligible For Funding?	Total Points	Per Unit Construction Funding Preference	Eligible SAIL Request Amount per Set-Aside (ELU excluded)	If Miami-Dade County, Local Gov't loans and grants amount used for funding selection	Lottery Number
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Elderly Large County New Construction Goal

2016-1785	La Joya Estates	Miami-Dade	L	Lewis V Swezy	Lewis V. Swezy; RS Development Corp	NC	E	106	5,000,000.00	778,100.00	\$5,778,100.00	Y	16.5	Y	\$47,169.81	\$3,926,000.00	6
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Small County Application(s) Recommended

There were no eligible Small County Applications

Medium County Application(s) Recommended

2016-182BS	Park at Wellington II	Pasco	M	Matthew Rieger	HTG Wellington II Developer, LLC	NC	F	110	4,899,714.00	549,600.00	\$5,449,314.00	Y	23	Y	\$44,542.85	\$0.00	15
2016-184BS	West Lake Apartments	Polk	M	Matthew Rieger	HTG West Lake Developer, LLC; Polk County Housing Developers, Inc.	NC	E	100	5,000,000.00	298,200.00	\$5,298,200.00	Y	23	Y	\$50,000.00	\$0.00	22
2016-181BS*	Pelican Pointe Apartments	Bay	M	Kimberly K. Murphy	Royal American Development, Inc.	NC	F	78	4,047,210.40	408,200.00	\$4,455,410.40	Y	23	Y	\$51,887.31	\$0.00	13
2016-179BS	Seminole Gardens	Seminole	M	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	108	2,800,000.00	536,500.00	\$3,336,500.00	Y	23	Y	\$25,925.93	\$0.00	8
2016-168BS	Trinity Towers East	Brevard	M	Rodger L. Brown	Preservation of Affordable Housing LLC	A/R	E	141	4,018,404.00	889,600.00	\$4,908,004.00	Y	23	Y	\$28,499.32	\$0.00	5

Large County Application(s) Recommended

2016-180BS	Grand Lake	Palm Beach	L	Matthew Rieger	Grand Lake Developer, LLC	A/R	F	384	5,000,000.00	3,000,900.00	\$8,000,900.00	Y	23	Y	\$13,020.83	\$0.00	10
2016-187BS	Columbus Court	Hillsborough	L	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	160	3,175,000.00	789,900.00	\$3,964,900.00	Y	23	Y	\$19,843.75	\$0.00	16
2016-186BS	Hampton Villa Apartments	Duval	L	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	60	2,000,000.00	340,800.00	\$2,340,800.00	Y	23	Y	\$33,333.33	\$0.00	11

On December 11, 2015, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit underwriting.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

Exhibit A



2015-112 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	Total Set Aside Units	Total SAIL Request (SAIL + EU)	Eligible For Funding?	Total Points	Per Unit Construction Funding Preference	Eligible SAIL Request Amount per Set-Aside (EU excluded)	If Miami-Dade County, Local Gov't loans and grants amount used for funding selection	Florida Job Creation Preference	Lottery Number
<b>Eligible Applications</b>																
2016-166BS	Champions' Landing	Osceola	M	Joseph Chambers	Gardner Capital Development Florida, LLC	NC	E	90	\$5,411,400.00	Y	23	Y	\$55,555.56	\$0.00	Y	23
2016-167S	Magnolia Pointe	Pinellas	L	Shawn Wilson	Blue Sky Communities, LLC	NC	E	64	\$3,896,100.00	Y	23	Y	\$56,250.00	\$0.00	Y	2
2016-168BS	Trinity Towers East	Brevard	M	Rodger L. Brown	Preservation of Affordable Housing LLC	A/R	E	141	\$4,908,004.00	Y	23	Y	\$28,499.32	\$0.00	Y	5
2016-169S	The Palms of Deerfield Apartments	Broward	L	Darren J Smith	Tacolcy Economic Development Corporation, Inc.; Deerfield Beach Family Empowerment, Inc.	A/R	E	100	\$3,969,000.00	Y	23	Y	\$33,000.00	\$0.00	Y	7
2016-171BS*	Exchange at Seven Hills	Pasco	M	James E Dyal	Forty-nine Acres Development, LLC	NC	F	96	\$5,297,470.85	Y	23	Y	\$49,972.61	\$0.00	Y	12
2016-172S*	Heron Estates Senior	Palm Beach	L	Matthew Rieger	HTG Heron Estates Senior Developer, LLC	NC	E	101	\$5,691,718.13	Y	23	Y	\$49,219.98	\$0.00	Y	14
2016-175BS*	Sugg Redevelopment	Manatee	M	Joseph Chambers	SUGG I Developer, LLC; HACB Development, LLC	NC	E	85	\$5,295,565.80	Y	23	Y	\$55,992.54	\$0.00	Y	21
2016-176BS	Hidden Forest Apartments	Orange	L	Joseph Chambers	Gardner Capital Development Florida, LLC	NC	E	96	\$5,460,300.00	Y	23	Y	\$52,083.33	\$0.00	Y	1
2016-177BS	Douglas Gardens V	Broward	L	Matthew Rieger	Douglas Gardens V Developer, LLC	NC	E	110	\$5,781,900.00	Y	23	Y	\$45,454.55	\$0.00	Y	3
2016-178S	La Joya Estates	Miami-Dade	L	Lewis V Swezy	Lewis V. Swezy; RS Development Corp	NC	E	106	\$5,778,100.00	Y	16.5	Y	\$47,169.81	\$3,926,000.00	Y	6
2016-179BS	Seminole Gardens	Seminole	M	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	108	\$3,336,500.00	Y	23	Y	\$25,925.93	\$0.00	Y	8
2016-180BS	Grand Lake	Palm Beach	L	Matthew Rieger	Grand Lake Developer, LLC	A/R	F	384	\$8,000,900.00	Y	23	Y	\$13,020.83	\$0.00	Y	10
2016-181BS*	Pelican Pointe Apartments	Bay	M	Kimberly K. Murphy	Royal American Development, Inc.	NC	F	78	\$4,455,410.40	Y	23	Y	\$51,887.31	\$0.00	Y	13
2016-182BS	Park at Wellington II	Pasco	M	Matthew Rieger	HTG Wellington II Developer, LLC	NC	F	110	\$5,449,314.00	Y	23	Y	\$44,542.85	\$0.00	Y	15
2016-183BS	Clear Pond Estates	Brevard	M	Peter W. Dellapina	Cacao Developer LLC	A/R	F	100	\$3,981,900.00	Y	23	Y	\$33,299.00	\$0.00	Y	18
2016-184BS	West Lake Apartments	Polk	M	Matthew Rieger	HTG West Lake Developer, LLC; Polk County Housing Developers, Inc.	NC	E	100	\$5,298,200.00	Y	23	Y	\$50,000.00	\$0.00	Y	22
2016-185BS	Hickory Knoll	Marion	M	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	96	\$3,454,800.00	Y	23	Y	\$32,812.50	\$0.00	Y	4
2016-186BS	Hampton Villa Apartments	Duval	L	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	60	\$2,340,800.00	Y	23	Y	\$33,333.33	\$0.00	Y	11
2016-187BS	Columbus Court	Hillsborough	L	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	160	\$3,964,900.00	Y	23	Y	\$19,843.75	\$0.00	Y	16
<b>Ineligible Applications</b>																
2016-165BS**	Encore Park	Escambia	M	Christopher A. Akbari	ITEX Development, LLC	NC	F	72	\$3,370,825.00	N	23	Y	\$39,764.24	\$0.00	Y	20
2016-170S	Cathedral Towers	Duval	L	Shawn Wilson	Cathedral Towers Redevelopment Associates, LLC	A/R	E	185	\$4,912,600.00	N	23	Y	\$20,000.00	\$0.00	Y	9
2016-173S	Springhill Apartments (currently known as Madison Heights Apartments)	Madison	S	James J Kerr, Jr.	AMCS Development, LLC; SCG Development Partners, LLC	A/R	F	76	\$2,400,000.00	N	23	Y	\$28,318.42	\$0.00	Y	17
2016-174S	Perrytown Apartments (currently known as Tidewater Apartments)	Taylor	S	James J Kerr, Jr.	AMCS Development, LLC; SCG Development Partners, LLC	A/R	F	100	\$3,300,000.00	N	23	Y	\$29,916.00	\$0.00	Y	19

\*SAIL Amount was reduced during scoring  
\*\*EU Amount was reduced during scoring

On December 11, 2015, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion to adopt the scoring results above.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.



December 15, 2015

Kate Flemming, Corporation Clerk  
Florida Housing Finance Corporation  
227 North Bronough Street  
Suite 5000  
Tallahassee, Florida 32301

Re: Notice of Protest - Request for Applications 2015-112 for SAIL financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-exempt Bond Financing and Non-competitive Housing Credits (the "RFA")

Dear Ms. Flemming:

On behalf of Champions' Landing Development Partners, LLC, 2016-166BS, and Gardner Capital Development Florida, LLC, this letter constitutes notice of the intent to protest the intended decision of the Florida Housing Finance Corporation relating to the referenced RFA.

This notice is filed pursuant to Section 120.57(3), Florida Statutes, and Rule Chapter 28-110, Florida Administrative.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joseph Chambers', written over a horizontal line.

Joseph Chambers,  
Manager of Applicant's Member



---

3225 Aviation Avenue • Suite 602 • Coconut Grove, FL 33133 • Tel: 305.860.8188 • Fax: 305.856.1475 • www.htgf.com

## REQUEST FOR APPLICATIONS 2015-112

**SUBMITTED TO:** Mr. Ken Reecy  
Director of Multifamily Programs  
Florida Housing Finance Corporation  
227 N. Bronough Street, Suite 5000  
Tallahassee, FL 32301

**SUBMITTED BY:** WEST LAKE I, LTD.  
3225 Aviation Avenue, Suite 602  
Coconut Grove, FL 33133  
Contact Person: Matthew Rieger  
Contact Phone Number: 305-860-8188

**Copy**

# Attachment

16

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LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - FEE WAIVER FORM

Name of Development: West Lake Apartments

Development Location: Hartsell Avenue, Hartsell Avenue and Sikes Boulevard, Lakeland

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county) If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located )

On or before the Application Deadline, the City/County of City of Lakeland, pursuant to  
(Name of City or County)

Ordinance # 3510, March 7th, 1994, waived the following fees: \_\_\_\_\_  
(Reference Official Action, cite Ordinance or Resolution Number and Date)

Transportation (City), fire protection, law enforcement, parks & recreation.

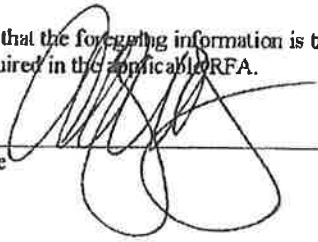
Amount of Fee Waiver: \$ 50,000.00

No consideration or promise of consideration has been given with respect to the fee waiver. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee waiver is effective as of the Application Deadline referenced above, and is provided specifically with respect to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct and that this commitment is effective at least through the date required in the applicable RFA.

Signature



Anthony J. Delgado

Print or Type Name

Interim City Manager

Print or Type Title

NOTE TO LOCAL GOVERNMENT OFFICIAL: Waivers that are not specifically made for the benefit of this Development but are instead of general benefit to the area in which the Development is located will NOT qualify as a contribution to the Development. Further, the fact that no impact fees or other fees are levied by a local jurisdiction for ANY type of development DOES NOT constitute a "Local Government Contribution" to the proposed Development. Similarly, if such fees ARE levied by the local jurisdiction but the nature of the proposed Development exempts it (e.g., typically, a Rehabilitation Development is not subject to impact fees), for purposes of this form, no "Local Government Contribution" exists and no points will be awarded.

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

If the Application is not eligible for automatic points, this contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is altered or retyped. The certification may be photocopied.

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

(Form Rev 01-14)

RFA 2015-112

**REQUEST FOR APPLICATIONS 2015-112**

**SAIL FINANCING OF AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENTS  
TO BE USED IN CONJUNCTION WITH  
TAX-EXEMPT BOND FINANCING AND NON-COMPETITIVE HOUSING CREDITS**

**Issued By:**

**FLORIDA HOUSING FINANCE CORPORATION**

**Issued: October 9, 2015**

**Due: November 10, 2015**

- (e) Resident Assurance Check-In Program – The Applicant commits to provide and use an established system for checking in with each resident on a pre-determined basis not less than once per day, at no cost to the resident. Residents may opt out of this program with a written certification that they choose not to participate.

**10. Local Government Contributions (Maximum 5 Points):**

- a. Applicants Eligible for Automatic Points:

Applicants that selected and qualified for the Development Category of Rehabilitation/Moderate Rehabilitation/Substantial Rehabilitation, with or without Acquisition, at question 5.c.(1) of Exhibit A will automatically receive the maximum 5 points without any requirement to demonstrate a Local Government contribution.

- b. Applicants Not Eligible for Automatic Points:

In order for an Applicant that selected the Development Category of New Construction, Redevelopment, or Acquisition and Redevelopment at question 5.(c)(1). of Exhibit A to receive points, the Applicant must provide evidence of a Local Government grant, loan, fee waiver and/or fee deferral that is effective as of the Application Deadline, is in effect at least through June 30, 2016, and has a value whose dollar amount is equal to or greater than the amount listed on the County Contribution List (set out below) for the county in which the proposed Development will be located. Those Applications that do not have the necessary contribution values to achieve maximum points will be scored on a pro-rata basis.

As evidence of the Local Government Contribution, the Applicant must provide the properly completed and executed Local Government Verification of Contribution Form(s) (Form Rev. 01-14) as **Attachment 16** to Exhibit A. The Local Government Contribution forms (Form Rev. 01-14) are available at Exhibit B of the RFA or the Corporation's Website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-112/RelatedForms/> (also accessible by clicking [here](#)). Note: The Applicant may include the Florida Housing Local Government Contribution Verification forms that were included in a previous RFA submission for the same proposed Development, provided (i) the form(s) used for this RFA are labeled Form Rev. 01-14, (ii) other than the RFA reference number on the form, none of the information entered on the form and certified to by the signatory has changed in any way, and (iii) the requirements outlined in this RFA are met. The previous RFA number should be crossed through and RFA 2015-112 inserted. If the Applicant provides any prior version of the Local Government Verification of Contribution Form(s), the form(s) will not be considered.

To qualify for points, the amount of the contribution stated on the applicable form(s) must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

The only Local Government contributions that will be considered for the purpose of scoring are:

- Monetary grants
- Loans with the exception of USDA RD funds
- A one-year or more deferral of a fee beyond the date that it is routinely due

➤ Waiver of fees

A loan with a forgiveness provision requiring approval of the Local Government will be treated as a loan, rather than as a grant, for scoring purposes. The "Loan" verification form should be used.

Funds administered by the Local Government, including federal funds and SHIP funds, may be included in the contribution as long as the appropriate verification form is provided. For purposes of this RFA, USDA-RD funds will NOT count as a Local Government contribution.

The contribution may not be included as an expense on the Development Cost Pro Forma nor may it be considered part of Development Cost for purposes of calculating HC basis or Developer's fee. The exception to the previous sentence is deferred Local Government fees, which may be shown on the Development Cost Pro Forma.

For a contribution consisting of a loan or deferred fee to be considered complete and eligible for points, the Local Government Verification form must reflect both the total amount of the loan or deferred fee and the value (net present value) of the loan or deferred fee. Calculate the net present value of the payments using the discount rate of 5.61 percent.

NOTE: Neither the payment stream for the present value calculations (if contribution consists of a loan or deferred fee) nor the calculations by which the total amount of each waiver is determined (if contribution consists of a fee waiver) are required to be attached to the certification form or otherwise included in the Application in order for the certification form to be considered for points.

In order to be eligible to be considered for points as a Local Government contribution, the contribution must:

- Be in effect as of Application Deadline;
- Be effective at least through June 30, 2016;
- Be dedicated solely for the proposed Development;
- Provide a tangible economic benefit that results in a quantifiable cost reduction and must be given specifically to the proposed Development because the Development will provide affordable housing; and
- State, federal, or Local Government funds initially obtained by or derived from a Local Government qualify as a Local Governmental contribution even though the funds are directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization, provided that they otherwise meet the requirements set forth in this RFA, including those relating to the executed verification form.

Local Government contributions that are ineligible to be considered for points include:

- Contributions that are not specifically made for the benefit of affordable housing but are instead of general benefit to the area in which the Development is located;
- The fact that no impact fees or other such fees are levied by a local jurisdiction for ANY type of development does not constitute a Local Government contribution. If such fees are levied by the local jurisdiction but the nature of the proposed Development exempts it (e.g., typically, a Rehabilitation Development is not subject



to impact fees), for purposes of this RFA, no Local Government contribution exists and no points will be awarded;

- The absence of interest on a loan or the absence of interest payments until a specific date does not constitute a deferral or waiver of fees;
- Local Government contributions that have not received final approval;
- A contribution from an Applicant or Developer or Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer;
- A contribution from a PHA;
- HOPE VI funds; and
- A contribution of any portion of the Applicant's site below market value.

To calculate the value of a Local Government below market interest rate loan:

- Calculate the net present value of the payments due to the Local Government, including any balloon payment of principal due on a non-amortizing or non-fully amortizing loan.
- Calculate the net present value of the loan payments using the discount rate.
- Subtract the net present value of the loan payments from the original loan principal amount. The remaining amount is the value of the Local Government contribution.

Example: If the discount rate is assumed to be 5.61 percent and the Local Government will provide a fully amortizing \$200,000 loan at 3 percent for 30 years with annual payments, the contribution is calculated as follows:

Calculate the annual payment of the \$200,000 amortizing loan at 3 percent (\$10,203.85).

Calculate the net present value of the stream of (\$10,203.85) annual payments over 30 years using a 5.61 percent discount rate (\$146,515.60).

Subtract the net present value amount from the original principal loan amount to arrive at the value of the contribution ( $\$200,000 - \$146,515.60 = \$53,484.40$  contribution value).

Example: If the discount rate is assumed to be 5.61 percent and the Local Government will provide an interest only \$200,000 loan at 3 percent for 30 years with payments due annually, the contribution is calculated as follows:

Calculate the annual payment of the \$200,000 non-amortizing loan at 3 percent. Multiply the \$200,000 by 3 percent. The answer is \$6,000. As such, the loan payments for the first 29 years are \$6,000. The 30th payment is the \$6,000 interest payment plus the balloon payment of \$200,000, which is \$206,000.

Calculate the net present value of the stream of the various annual payments over 30 years using a 5.61 percent discount rate (\$125,046.78).

Subtract the net present value amount from the original principal loan amount to arrive at the value of the contribution ( $\$200,000.00 - \$125,046.78 = \$74,953.22$  contribution value).

Example: A Development is to be located in Sarasota County and has achieved a Local Government contribution valued at \$37,500. The County Contribution List states that a Development to be located in Sarasota County must obtain contributions valued at \$50,000 to achieve 5 points. Therefore, in this example, the Development would receive 3.75 points ( $(\$37,500 / \$50,000) \times 5$ ).

NOTE: Points will be rounded to two decimal places (3.345 rounded up to 3.35 and 3.3449 rounded down to 3.34).

### County Contribution List

County in Which the Development Is to be Located	Value of Contribution Required to Achieve Maximum Points	County in Which the Development Is to be Located	Value of Contribution Required to Achieve Maximum Points
Broward Miami-Dade	\$100,000	Columbia Flagler Highlands Monroe Nassau Putnam Sumter	\$10,000
Duval Hillsborough Orange Palm Beach Pinellas	\$75,000	Bradford De Soto Gadsden Hardee Hendry Jackson Levy Okeechobee Suwannee Walton	\$5,000
Brevard Lee Pasco Polk Sarasota Seminole Volusia	\$50,000	Baker Calhoun Dixie Franklin Gilchrist Glades Gulf Hamilton Holmes Jefferson Lafayette Liberty Madison Taylor Union Wakulla Washington	\$2,500
Alachua Collier Escambia Lake Leon Manatee Marion	\$37,500		
Bay Charlotte Citrus Clay Hernando Indian River Martin Okaloosa Osceola St. Johns St. Lucie Santa Rosa	\$20,000		

ENCROSSED

ORDINANCE NO. 3510

PROPOSED ORDINANCE 94-20

V-A-2

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AN ORDINANCE RELATING TO THE CITY OF LAKE-  
LAND AFFORDABLE HOUSING INCENTIVE PLAN; MAKING  
FINDINGS; PROVIDING CONDITIONS; PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, on July 7, 1992, the State of Florida enacted  
the William E. Sadowski Affordable Housing Act (hereinafter  
the "Act"), which provided a comprehensive funding package for  
affordable housing programs; and

WHEREAS, the primary funding source created by the Act  
is the State Housing Initiatives Partnership (hereinafter  
"SHIP") Program; and

WHEREAS, in order to receive funds from SHIP, local  
governments must comply with the Act's requirements and  
develop a Local Housing Incentive Plan; and

WHEREAS, in compliance with the Act and SHIP, the City  
of Lakeland appointed an Affordable Housing Advisory Committee  
(hereinafter "AHAC") in January of 1993, which Committee  
reviewed City policies and programs in order to provide the  
City with an Affordable Housing Incentive Plan; and

WHEREAS, it is the goal of the City of Lakeland's  
Affordable Housing Incentive Plan to ensure the provision of  
decent, safe, affordable housing in a suitable living  
environment for all City residents. Further objectives of the  
Plan are:

1. To encourage infill and new development that  
would be affordable for very low to moderate  
income households;

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2. To ensure the ultimate beneficiaries of the Incentive Plan are eligible low to moderate income households;
3. To establish a review process that ensures the quality and livability of the development; and
4. To ensure that all incentives are compatible with other City of Lakeland programs and activities.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. ADOPTION OF PLAN.

The City Commission of the City of Lakeland, Florida, does hereby establish the Lakeland Affordable Housing Incentive Plan.

SECTION 3. INCOME LEVELS.

For purposes of this program, the income levels of persons receiving benefits of affordable housing incentives shall be defined as "very low", "low" and "moderate". "Very low" shall mean less than 50% of the area median income. "Low" shall mean 51% to 80% of the area median income. "Moderate" shall mean 81% to 95% of the area median income.

SECTION 4. DEFINITION OF AFFORDABLE HOUSING.

"Affordable housing" shall generally be defined as housing where the occupant is paying no more than thirty percent (30%) of adjusted income for gross housing costs.

1 For rental properties, gross housing costs shall be  
2 comprised of rental payment and utility costs.

3 For homeowners, gross housing costs shall be comprised  
4 of the mortgage payment of principal and interest, property  
5 taxes and insurance.

6  
7 SECTION 5. CRITERIA FOR QUALIFICATION FOR AFFORDABLE  
8 HOUSING INCENTIVE.

9 If the unit is publicly subsidized, affordable housing  
10 incentives will be provided based upon:

- 11 1. The income by household size of the household  
12 receiving the benefit; and
- 13 2. The sales price of the unit not exceeding Sixty  
14 Thousand Dollars (\$60,000.00).

15 If the unit is non-subsidized, incentives for the unit  
16 will be provided based upon:

- 17 1. The income of the home purchaser(s); and
- 18 2. The sales price of the unit not exceeding  
19 Seventy Thousand Dollars (\$70,000.00).

20 Caps on sales price and household incomes shall be  
21 reviewed and adjusted on an annual basis.

22 SECTION 6. PERMITTING PROCESS.

23 In order to assist in reducing the cost of development  
24 and engineering requirements and to facilitate the permitting  
25 and site plan review process, all builders/developers of  
26 affordable housing shall participate in pre-application and  
27 pre-design meetings with City staff to review requirements,  
28 discuss site potential and receive comments. The Affordable  
29 Housing Review Committee ("AHRC") shall schedule a review  
30 process and preapplication work session between each builder/  
31

1 developer and the AHRC, whereby incentives will be approved  
2 for affordable housing development. This process is set forth  
3 in Section 12 hereof.  
4

5 SECTION 7. INCREASING DENSITY LEVELS.

6 The Affordable Housing Review Committee shall work  
7 with the Planning Division to review regulations and determine  
8 if there is the potential to encourage infill development in  
9 RA-4 zoning districts, provided that the proposed structure is  
10 compatible and consistent with the surrounding neighborhood.  
11 Zero lot line development will continue to be pursued through  
12 the use of PUD zoning.

13 SECTION 8. CONCURRENCY AND INFRASTRUCTURE  
14 RESERVATION.

15 Three percent (3%) of roadway capacity shall be  
16 reserved for affordable housing developments in incentive  
17 target zones. If water and wastewater plant capacity exceed  
18 ninety percent (90%) of permitted capacity, the City will  
19 reserve three percent (3%) for affordable housing. Concurrency  
20 exempt areas within incentive target zones shall be  
21 established when the Lakeland Comprehensive Plan is evaluated  
22 in 1998. In the event affordable housing development and non-  
23 affordable housing development are proposed for the same area  
24 and utility capacity is limited, the affordable housing  
25 development shall have priority. Affordable housing  
26 developments within the corporate limits of the City of  
27 Lakeland shall have priority for utility capacity over any  
28 development outside the corporate limits.  
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SECTION 9. LAND DEVELOPMENT REGULATIONS.

1. Parking and Setback Requirements.

Requests for reductions of parking and setback requirements shall be part of the application for incentives to the AHRC.

2. Modification of Sidewalk, Street, Curb, Gutters and Storm Drainage Systems.

Any requests for modifications of sidewalk, street, curb, gutter and storm drainage requirements shall be made by the builder/developer as part of the application for incentives to the AHRC.

SECTION 10. IMPACT FEE REDUCTIONS AND REIMBURSEMENTS.

The following policies and procedures are hereby established to provide for reimbursement of impact fees to encourage the development of affordable housing:

1. No incentives will be provided outside the corporate limits of the City of Lakeland.
2. Certification of eligibility is obtained by the builder/developer from the AHRC. The review process, outlined in Section 12, will assist to ensure affordability of the units, the necessity for the incentives and consistency with other City goals and policies.
3. Impact fee reimbursements may be applied for, as follows:
  - a. Twenty-five percent (25%) for moderate income households.
  - b. Fifty percent (50%) for low income households.

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c. Seventy-five percent (75%) for very low income households.

4. Additional incentives may be applied for in seven (7) target areas to encourage specific types of affordable housing development. These target areas and the preferred development type by income level are outlined in Section 14 of this Plan. In target areas, a moderate or low income unit may be provided with up to seventy-five percent (75%) impact fee reimbursement if the unit conforms with the preferred development. However, no unit may receive more than a seventy-five percent (75%) reimbursement of impact fees.

5. The builder/developer will pay the appropriate impact fee at the time the building permit is issued. However, if the development is for multi-family units receiving Low Income Housing Tax Credits (LIHTC), the builder/developer will provide the City with a copy of the LIHTC approval which verifies the number of units available per income level prior to issuance of the permit and, multi-family units will only be required to pay the percentage of the fee not subject to reimbursement; such developments shall not be entitled to any additional reduction or reimbursement.

6. After the sale of the affordable housing unit, the builder/developer must submit the following information to the City to receive the impact



1 fee reimbursement:

- 2 a. Evidence of the purchase price.
- 3 b. Total household income of the purchaser for
- 4 subsidized units or income of the purchaser
- 5 for non-subsidized units.
- 6 c. The purchaser's household size if a
- 7 subsidized unit.

8 7. Reimbursement for water and/or wastewater impact

9 fees shall be subject to the availability of a

10 reimbursement fund. Such fund shall be created

11 by appropriation from the general funds of the

12 City of Lakeland to subsidize the Affordable

13 Housing Incentive Plan, which reimbursement fund

14 shall meet all restrictions of any wastewater

15 and/or water impact fee revenue bonds or

16 revolving loan agreements of the City. All

17 eligible reimbursements of water and/or

18 wastewater impact fees shall be made from this

19 fund. Any water and/or wastewater impact fee

20 revenues collected with the issuance of an

21 original building permit applied for under the

22 provisions of this Plan shall be deposited in

23 the appropriate impact fee account. The City

24 shall provide, through annual appropriation, a

25 cap on the annual amount of wastewater and water

26 impact fees to be reimbursed.

27 8. The City Commission does hereby establish a

28 maximum revenue loss and/or reimbursement of

29 non-utility impact fees for the first year of

30 the program in the amount of \$50,000.00, and

31

1 shall maintain such reserve each year thereafter  
2 for such non-utility impact fees for affordable  
3 housing.

4 9. The City shall re-use capacity made available  
5 through demolition or other public projects.  
6 Such unused capacity shall be "banked" as a  
7 credit and used in lieu of reimbursement funds.  
8 The equivalent capacity for each impact fee  
9 category shall be calculated annually for the  
10 next fiscal year.

11 10. The City will strive to eliminate restrictions  
12 on waivers or reductions in impact fees in  
13 future bond issues.

14  
15 SECTION 11. UTILITY DEPOSITS.

16 Various deposits are required before the City will  
17 activate a customer's utilities. An affordable housing  
18 recipient may select an alternative wherein the deposit would  
19 be collected through a series of payments similar to the  
20 deposit payment program for public housing residents.  
21 Additionally, proof of water conservation may serve as a  
22 mechanism for obtaining a master water meter for multi-family  
23 affordable housing units.

24 SECTION 12. APPROVAL OF AFFORDABLE  
25 HOUSING DEVELOPMENTS

26 1. Establishment of Affordable Housing Review  
27 Committee.

28 An Affordable Housing Review Committee (AHRC) is  
29 hereby established, which shall be responsible for accepting  
30 applications for incentives, reviewing applications and the  
31 proposed development, and approving or denying all or a

1 portion of the requested incentives. In the event some  
2 incentives involve modifications to ordinances, variances or  
3 other actions by the City Commission or other City boards or  
4 committees, the AHRC shall make reports and recommendations to  
5 the appropriate board, committee or Commission having legal  
6 authority to consider such modifications.

7  
8 2. Composition of the Affordable Housing Review  
Committee.

9 The AHRC shall be appointed by the City Commission and  
10 comprised of two persons from the Affordable Housing Advisory  
11 Committee, the Director of Community Development or his  
12 designee, the Director of Public Works or his designee, the  
13 Director of Electric and Water Utilities or his designee, the  
14 Housing Programs Coordinator, the Chief Building Official or  
15 his designee, a land planner or architect, and a  
16 representative of the local lending community. The diversity  
17 of issues may require a City department to provide additional  
18 staff support to the Committee's review of a development;  
19 however, these persons will not have a vote in the AHRC's  
20 approval or rejection of an application for incentives.

21  
22 3. Applications.

23 Builders/developers of affordable housing must submit  
24 an application to AHRC to be considered for affordable housing  
25 development incentives.

26 a. Development may be by infill on scattered or  
27 adjacent lots, or within a subdivision requiring  
28 plat approval by the Planning & Zoning Board.

29 b. The incentive application shall be submitted to  
30 Community Development Department, Housing  
31

1 Programs Coordinator.

2  
3 4. Review Process.

4 The review process will be in two phases:  
5 Preapplication Work Session and Application Review.

6 a. Preapplication Work Session:

7 (1) A meeting will be scheduled for the AHRC to  
8 meet with the builder/developer if it is  
9 determined that a project is potentially  
10 viable.

11 (2) Building Inspection Division will provide  
12 technical assistance on construction codes  
13 and permitting procedures.

14 (3) Planning Division will provide technical  
15 assistance on planning and zoning  
16 requirements.

17 (4) Engineering Division will provide technical  
18 assistance to engineering/ development of  
19 subdivision.

20 (5) Electric and Water Utilities Department  
21 will provide technical assistance on  
22 electric and water utility services.

23 (6) Housing Programs Coordinator will provide  
24 technical assistance on affordability  
25 issues, eligibility of recipients of  
26 housing, etc.

27 (7) Determine the incentives that are necessary  
28 for project.

29 b. Application Review:

30 (1) Incentive applications will only be  
31

1 accepted if the builder/developer has  
2 participated in the pre-application  
3 session.

4 (2) Completed application shall be submitted to  
5 the AHRC.

6 (3) Review by AHRC

7 (4) AHRC may approve or deny the application in  
8 whole or in part.

9  
10 5. Review Criteria:

- 11 a. Adequate public facilities
- 12 b. Site design
- 13 c. Financial viability
- 14 d. Support services
- 15 e. Compliance with purpose and intent of the  
16 Local Housing Assistance Program

17 Certain incentives will be approved contingent upon  
18 verification of the unit being purchased by an eligible very  
19 low, low or moderate income household. If a cap is placed on  
20 the amount of impact fees which will be reimbursed or reduced  
21 each year, the AHRC may commit fees to a development and  
22 specify the terms of the commitment for purposes of securing  
23 the development's incentives while limiting the time period in  
24 which the City encumbers reimbursement funds for a project.

25 SECTION 13. MONITORING OF AFFORDABLE  
26 HOUSING DEVELOPMENTS AND THIS PLAN.

27 The Housing Programs Coordinator will be responsible  
28 for monitoring developments that have received incentives  
29 through this program. Monitoring of the Affordable Housing  
30 Incentive Plan be the continuing responsibility of the AHAC.

1 The Housing Programs Coordinator in the Community Development  
2 Department will provide staff assistance to the AHAC and the  
3 AHRC and will be responsible for the implementation of the  
4 various elements of the Plan.

5 The AHAC will continue to meet on a quarterly basis,  
6 at a minimum, to review proposed City policies and ordinances  
7 that significantly impact the cost of housing.

8  
9 SECTION 14. AFFORDABLE HOUSING INCENTIVE TARGET AREAS

10 Additional incentives will be provided for  
11 developments in specified target areas, as identified on the  
12 attached map. Additional incentives for qualifying  
13 developments shall be in the form of a seventy-five percent  
14 (75%) impact fee reduction or reimbursement, in lieu of that  
15 which is otherwise provided herein.

16 Target areas and the eligibility requirements for  
17 additional incentives are, as follows:

18 TARGET AREAS	ELIGIBLE DEVELOPMENT(S) & INCOME LEVEL(S)
19 Martin Luther King	Single family infill development for moderate income households.
20 Webster	Single family infill or subdivision development for very low, low and moderate income level households.
22 N. Lake Wire	Single family infill development for very low, low and moderate income level households.
24 Parker Street	Single family and multi family infill or subdivision development for very low, low and moderate income level households.
27 Central Avenue	Single family and multi family infill or subdivision development for very low, low and moderate income level households.
29 7th Street	Single family infill development for very low, low and moderate income households.

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Lakeshore                      Single family and multi family infill  
development for very low, low and  
moderate income households.

The targeting for Central Avenue and Lakeshore  
Neighborhoods have been reduced to specific areas for the  
provision of incentives. Incentives for affordable housing  
developments in Central Avenue will apply in the area north of  
Ruby Street and Wayman Street, south of Main Street, west of  
Hartsell Avenue and east of Wabash Avenue. Incentives for  
affordable housing developments in Lakeshore will be provided  
north of Memorial Boulevard, south of Garden Street, west of  
Lakeshore Drive and east of Lakeland Hills Blvd.

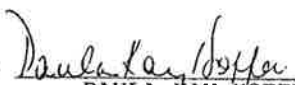
SECTION 15. All ordinances or parts of ordinances in  
conflict herewith are hereby repealed.


SECTION 16. If any word, sentence, clause, phrase, or  
provision of this ordinance, for any reason, is held to be  
unconstitutional, void, or invalid, the validity of the  
remainder of this ordinance shall not be affected thereby.

SECTION 17. This ordinance shall take effect  
immediately upon its passage.

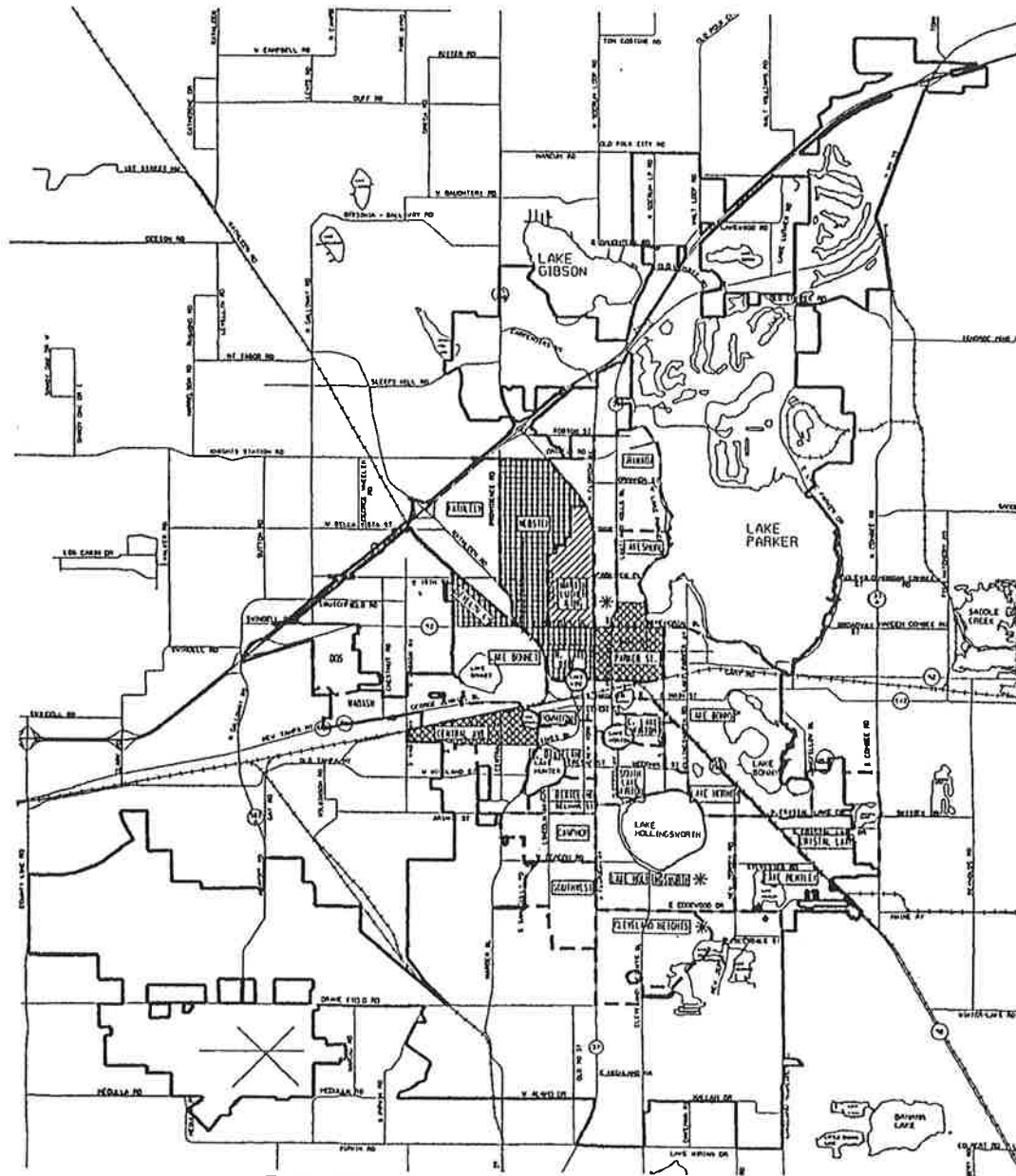
PASSED AND CERTIFIED AS TO PASSAGE this 7th day of  
March , A. D. 1994.

  
RALPH L. FLETCHER, MAYOR

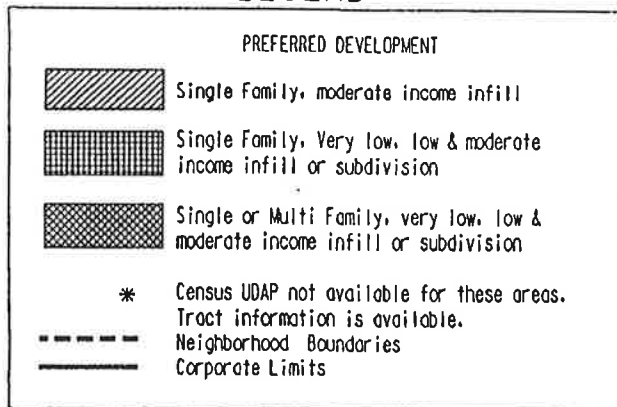
ATTEST:   
PAULA KAY HOFFER  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:   
JOSEPH P. MAWHINNEY  
CITY ATTORNEY

# CITY OF LAKELAND AFFORDABLE HOUSING INCENTIVE TARGET AREAS



## LEGEND



Source: U.S. Bureau of the Census, 1990

City of Lakeland Community Development Department,