

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

MADISON POINT, LLC and
AMERICAN RESIDENTIAL
DEVELOPMENT, LLC,

Petitioners,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

FHFC Case No. 2017-031BP
APPLICATION NO: 2017-232C
REQUEST FOR APPLICATIONS: 2016-113

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FLORIDA HOUSING FINANCE CORPORATION

**FORMAL WRITTEN PROTEST OF AWARD
AND PETITION FOR ADMINISTRATIVE HEARING**

Pursuant to Sections 120.569 and 120.57(3), Florida Statutes, and Chapter 28-110 and Rule 28-106.201, Florida Administrative Code, Petitioner, Madison Point, LLC and Petitioner American Residential Development, LLC (collectively, "Petitioners"), file this Formal Written Protest of Award and Petition for Administrative Hearing and state:

Affected Agency

1. The agency affected is the Florida Housing Finance Corporation ("Florida Housing"), 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The telephone number is 850-488-4197.

Petitioners

2. Petitioners' address is 558 West New England Avenue, Suite 250, Winter Park, Florida 32789. Petitioners' telephone number is 407-408-3572. For purposes of this proceeding, Petitioners' address is that of its undersigned counsel.

3. Petitioners are the owners and developers of a proposed affordable housing development to be located in Pinellas County, Application #2017-232C. American Residential Development, LLC is a “Developer” as defined by Florida Housing in Rule 67-48.002(28), Fla. Admin. Code. Petitioners and their affiliated entities have successfully completed the construction of several affordable housing developments from funding sources allocated by Florida Housing Finance Corporation.

4. Petitioners are challenging the eligibility for funding under Request for Applications 2016-113 (the “RFA” or “RFA-2016-113”) of two applicants, Heritage Oaks, LLLP (“Heritage Oaks”), and HTG Hudson, LLC (“The Hudson”) for their respective failure to meet the requirements for an award of Housing Credits through an administrative hearing before the Department of Administrative Hearing (“DOAH”).

Petitioners’ Counsel

5. Counsel for Petitioners and Petitioners' address for this proceeding is:

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Background

1. Florida Housing administers various affordable housing programs including the Housing Credit (HC) Program pursuant to Section 42 of the Internal Revenue Code (the “IRC” or “the Code”) and Section 420.5099, Florida Statutes (“Fla. Stat.”), under which Florida Housing is designated as the Housing Credit agency for the State of Florida within the meaning of Section 42(h)(7)(A) of the IRC, and Chapters 67-48 and 67-60, Florida Administrative Code (Fla. Admin. Code).

2. Florida Housing administers a competitive solicitation process to implement the provisions of the housing credit program under which developers apply for funding. Chapter 67-60, Fla. Admin. Code.

3. Rule 67-60.006, Fla. Admin. Code provides that “[t]he failure of an Applicant to supply required information in connection with any competitive solicitation pursuant to this rule chapter shall be grounds for a determination of nonresponsiveness with respect to its Application.”

4. Furthermore, by submitting an application, each applicant certifies that:

Proposed Developments funded with Housing Credits under this RFA will be subject to the requirements of the RFA, the Application requirements outlined in Rule Chapter 67-60, F.A.C., the credit underwriting and HC Program requirements outlined in Rule Chapter 67-48, F.A.C. and the Compliance requirements of Rule Chapter 67-53, F.A.C.

(RFA at p. 8).

5. Because the demand for HC funding exceeds that which is available under the HC Program, qualified affordable housing developments must compete for this funding. To assess the relative merits of proposed developments, Florida Housing has established by rule, a

competitive solicitation process known as the Request for Applications pursuant Chapters 67-48 and 67-60, Fla. Admin. Code.

6. On or about October 28, 2016, Florida Housing issued RFA 2016-113, Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties (“RFA”). On or about November 10, 2016, Florida Housing issued a modification to the RFA. The application deadline for the RFA as modified was December 30, 2016 (“Application Deadline”).

7. The RFA sets forth the information required to be provided by an applicant, which includes a general description of the type of projects that will be considered eligible for funding and delineates the submission requirements. (RFA at pp. 2-50). The RFA sets forth on Page 54, a list of Mandatory Items that must be included in a response. Among other things, the RFA requires the applicant to demonstrate Proximity to Transit and Community Services as of the Application Deadline evidenced by a properly completed Surveyor Certification Form. See: RFA, pg. 20. In addition, the RFA requires the applicant to demonstrate Local Government Contributions, which is evidenced by providing a properly completed and executed Local Government Verification of Contribution Form. (RFA at p. 38). The RFA also sets forth the funding selection criteria beginning on page 48. The RFA expressly provides that “[o]nly Applications that are eligible for funding will be considered for funding selection.” (RFA at p. 51).

8. Specifically, Florida Housing’s solicitation process for RFA 2016-113, as set forth in Rules 67-60.001 - .009, Fla. Admin. Code, involves the following:

- a) Florida Housing publishes its competitive solicitation (RFA) in the Florida Administrative Register;

- b) applicants prepare and submit their response to the competitive solicitation;
- c) Florida Housing appoints a scoring committee to evaluate the applications;
- d) the scoring committee makes recommendations to Florida Housing's Board, which are then voted on by the Board; and
- e) applicants not selected for funding may protest the results of the competitive solicitation process.

Notice of Agency Action

9. Petitioners received notice of Florida Housing's Final Agency Action entitled "RFA 2016-113 Recommendations" dated May 5, 2017 ("Corporation's Notice"), on or about May 5, 2017. (See attached Exhibit "A").

Notice of Protest

10. On May 9, 2017, Petitioners timely filed their Notice of Protest in which it challenged the selection of the applications in the Corporation's Notice (See attached Exhibit "B").

Substantial Interests

11. Petitioners timely submitted an application in response to RFA 2016-113, Application # 2017-232C ("Application"). In the Application, Petitioners seek an allocation of \$1,660,000 in annual federal tax credits¹ to help finance the development of their project, an 80-

¹ The United States Congress has created a program, governed by Section 42 of the IRC, by which federal income tax credits are allotted annually to each state on a per capita basis to help facilitate private development of affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder's federal tax liability, which can be taken for up to ten years if the project continues to satisfy IRC requirements. The tax credits allocated annually to each state are awarded by state "housing credit agencies" to single-purpose applicant entities created by real estate developers to construct and operate specific multi-family housing projects. The applicant entity then sells this ten-year stream of tax credits, typically to a syndicator, with the sale proceeds generating much of the funding necessary for development

unit High Rise apartment complex. As reflected in RFA 2016-113, All Applications Report, Petitioners were assigned lottery number 31. Petitioners were scored as having satisfied all mandatory and eligibility requirements for funding and scored 28 out of 33 Total Points (See RFA 2016-113 All Applications Report, attached as Exhibit "C").

12. Heritage Oaks, LLLP ("Heritage Oaks") timely submitted an application in response to RFA 2016-113, Application #2017-201C. In its application, Heritage Oaks sought an allocation of \$1,660,000 in annual federal tax credits to help finance the development of its project, an 85-unit Garden Apartments complex. As reflected in RFA 2016-113 All Applications Report, Heritage Oaks was assigned lottery number 15. Heritage Oaks was scored as having satisfied all mandatory and eligibility requirements for funding receiving a score of 33 out of 33 Total Points (See RFA 2016-113 All Applications Report, attached as Exhibit "C"). On May 5, 2017, Florida Housing's Board of Directors adopted the scoring committee's recommendations and tentatively authorized the selection for funding of those applications identified in RFA 2016-113 Recommendations report, which included Heritage Oaks. (See attached Exhibit "A").

13. HTG Hudson, LLC ("The Hudson") timely submitted an application in response to RFA 2016-113, Application #2017-224C. In its Application, The Hudson sought an allocation of \$1,660,000 in annual federal tax credits to help finance the development of its project, an 87-unit Mid-Rise complex. As reflected in RFA 2016-113's All Applications Report, The Hudson was assigned lottery number 17. The Hudson was scored as having satisfied all mandatory and

and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to operate the project at below-market-rate rents that are affordable to low-income and very-low-income tenants. Pursuant to section 420.5099, Fla. Stat., Florida Housing is the designated "housing credit agency" for the State of Florida and administers Florida's tax credit program under its Housing Credit Program ("HC Program"). Through the HC Program, Florida Housing allocates Florida's annual fixed pool of federal tax credits to developers of affordable housing.

eligibility requirements for funding receiving a score of 28 out of 33 Total Points (See RFA 2016-113 All Applications Report, attached as Exhibit "C").

14. Heritage Oaks and The Hudson failed to meet or satisfy the mandatory or Total Points items required by the RFA and are not entitled to the eligibility determinations, scoring, and preliminary ranking of their applications. As a result of the preliminary ranking process, Heritage Oaks and The Hudson were incorrectly included in the rankings and should have been disqualified or scored lower than Petitioners' Application. As discussed below, Florida Housing improperly determined that Heritage Oaks and The Hudson satisfied RFA mandatory, eligibility, and Total Points requirements and improperly selected Heritage Oaks for funding.

15. Through this proceeding Petitioners challenge and are seeking a determination that Florida Housing erred in the scoring, eligibility, and the decision to award Housing Credits to Heritage Oaks. Petitioners further challenge and are seeking a determination that Florida Housing erred in the scoring and eligibility decision of The Hudson application. But for Florida Housing's error in its scoring, eligibility, and award decision, of Heritage Oaks and The Hudson respectively, Petitioners would have been ranked in the funded range and would have been entitled to an allocation of housing credits from RFA 2016-113. Each will be addressed separately.

The Hudson

Public Bus Transfer Stop

16. In order to satisfy RFA eligibility requirements, an applicant is required to achieve a Minimum Transit Service Score of 1.5 points. (RFA at p. 22). Transit Service points vary depending on the type of transit service provided. In order to calculate the value of the points, an applicant is required to include a Surveyor Certification form attesting to the

Development's Location Point, the type of transit service claimed, and the distance (proximity) between the transit service and the Development's location. (RFA at pp. 20-28). The maximum point value for the various transit services include 2 points for a Public Bus Stop and 6 points for a Public Bus Transfer Stop. (RFA at p. 22). The RFA defines a Public Bus Transfer Stop as:

. . . a fixed location at which passengers may access **at least three routes** of public transportation via buses. Each qualifying route must have a scheduled stop at the Public Bus Transfer Stop at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, excluding holidays, on a year-round basis. This would include both bus stations (i.e., hubs) and bus stops with multiple routes. Bus routes must be established or approved by a Local Government department that manages public transportation.

(RFA at p. 23 (emphasis added)).

17. The Hudson's Surveyor Certification Form refers to a Public Bus Transfer Stop as its qualifying Transit Service. The Surveyor Certification Form suggests that the claimed stop is .98 miles from the Development's Location Point. (See The Hudson's Surveyor Certification Form, attached as Exhibit "D"). Had that information been correct, The Hudson would have been entitled to 4.5 Transit Points. (RFA at p. 27). However, the proposed stop does not qualify as a Public Bus Transfer Stop, as explained in detail below.

18. The location identified in The Hudson's Surveyor Certification Form references a bus stop located on 4th Street North, near the intersection of 99th Avenue North, St Petersburg Florida. There are only two scheduled routes that stop at this location and not the mandatory three routes as required by the RFA as of the Application Deadline. At most, the claimed transit service may be considered a Public Bus Stop, potentially earning only the maximum of 2 points. (RFA at p. 22). However, under the RFA scoring grid, in order to receive any points for a Public Bus Stop, the distance between the Public Bus Stop and the Development Location Point cannot exceed .30 miles. (RFA at p. 26-27). The Hudson's Surveyor Certification Form establishes that

the claimed stop is .98 miles from the Development Location Point, thereby exceeding the .30 mile requirement and disqualifying The Hudson from receiving any points for a Public Bus Stop.

19. In light of the foregoing defects in its Application, The Hudson failed to select a qualifying Transit Service, failed to achieve even the Minimum Transit Service Score of 1.5 points and its Application should be scored as ineligible for an award. (See RFA at p. 22).

Medical Facility

20. An applicant may select a qualifying Medical Facility in order to satisfy RFA point requirements for Community Services. (RFA at p. 24). Medical Facility points vary depending on the distance between a Development's Location Point and the distance (proximity) between the Medical Facility and the Development's location. (RFA at pp. 27-28). In order to calculate the value of the points, an applicant is required to include a Surveyor Certification form attesting to the required information. The RFA defines a Medical Facility as:

. . . a medically licensed facility that (i) employs or has under contractual obligation at least one physician licensed under Chapter 458 or 459, F.S. available to treat patients by walk-in or by appointment; and (ii) provides general medical treatment to any physically sick or injured person. Facilities that specialize in treating specific classes of medical conditions or specific classes of patients, including emergency room's affiliated with specialty or Class II hospitals and clinics affiliated with specialty or Class II hospitals, will not be accepted.

(RFA at pp. 24-25). In addition, the Medical Facility must be in existence and available for use as of the Application Deadline. (RFA at p. 25).

21. The Hudson's Surveyor Certification Form identifies Millennium Health and Wellness Center, with an address of 10033 Doctor M.L.K. Jr St N, St. Petersburg, FL 33716 as its qualifying Medical Facility. (See The Hudson's Surveyor Certification Form, attached as Exhibit "D"). The Surveyor Certification Form suggests that the claimed Medical Facility is 1.16 miles from the Development Location Point. Had the information provided been correct, The

Hudson would have been entitled to 2.0 Medical Facility Points. (RFA at p. 27). However, the named facility fails to qualify as a qualifying Medical Facility.

22. The Medical Facility identified by The Hudson was closed as of the application deadline and remains closed. As such, there is no qualifying medical facility located at the address provided by The Hudson in its application.

23. In light of the foregoing defects in its Application, The Hudson failed to select a qualifying Medical Facility and its Application should not have been awarded any points for this claimed Community Service.

24. As a result of The Hudson's failure to identify a qualifying Transit Service and eligible Medical Facility, its Application fails to satisfy the required RFA's Minimum Total Proximity Score, and The Hudson's Application should have been scored as ineligible.

Heritage Oaks

Improperly Designated Development Category and Occupancy Status

25. The RFA specifically requires that applicants accurately disclose the Development Category of a proposed development. (RFA at p. 14). The applicant must select one of five possible Development Categories and provide the required information. (RFA at p. 14). The possible Development Categories are:

- New Construction (where 50% or more of the units are new construction)
- Rehabilitation (where less than 50% of the units are new construction)
- Acquisition and Rehabilitation (acquisition and less than 50% of the units are new construction)
- Redevelopment (where 50% or more of the units are new construction)
- Acquisition and Redevelopment (acquisition and 50% or more of the units are new construction)

(RFA at p. 16). Once a Development Category is selected, it cannot be changed. Rule 67-48.004(3)(f), Fla. Admin. Code.

26. Heritage Oaks incorrectly selected “New Construction” as its Development Category. (See Exhibit A.5.c.(2) to the Heritage Oaks Application). Heritage Oaks properly should have selected “Redevelopment” as its Development Category.

27. The Heritage Oaks proposed Development site is a Public Housing Development, which was constructed prior to 1986. There are existing, occupied units on the proposed Development site. Accordingly, the appropriate Development Category for Heritage Oaks is a “Redevelopment”. As Heritage Oaks failed to properly disclose a Mandatory Item, in this instance the proper Development Category, the application is not eligible for funding.

28. Rule 67 – 48.002 (98), Fla. Admin. Code states that “Redevelopment” means:

- (a) With regard to a proposed Development that involves demolition of multifamily rental residential structures currently or previously existing that were originally built in 1986 or earlier and either originally received financing or are currently financed through one or more of the following HUD or RD programs: Sections 202 of the Housing Act of 1959 (12 U.S.C. §1701q), 236 of the National Housing Act (12 U.S.C. §1701), 514, 515, or 516 of the U.S. Housing Act of 1949 (42 U.S.C. §1484), 811 of the U.S. Housing Act of 1937 (42 U.S.C. §1437), or have PBRA; and new construction of replacement structures on the same site maintaining at least the same number of PBRA units; or
- With regard to proposed Developments that involve demolition of public housing structures currently or previously existing on a site with a Declaration of Trust that were originally built in 1986 or earlier and that are assisted through ACC; and new construction of replacement structures on the same site, providing at least 25 percent of the total new units with PBRA, ACC, or both, after Redevelopment.

29. The RFA requires all applicants to disclose the occupancy status of a proposed Development. The applicant is given the option of selecting whether there are any existing units, and if so, whether such units are occupied. With respect to its Application, Heritage Oaks incorrectly selected that “[t]here are no existing units” (See Exhibit A.5.e.(3)(c) to the Heritage Oaks Application), ignoring that there are occupied units on the proposed Development site. As a

consequence, Heritage Oaks failed to properly disclose a Mandatory Item and because of such defect, the Heritage Oaks' Application should be deemed to be ineligible.

Local Government Areas of Opportunity Funding Contribution

30. The RFA provides that applicants may receive points for providing information demonstrating local government support for the applicant's development. (RFA at pp. 37-42). The local support can come in one of four ways: grants, below-market loans, fee deferrals, and fee waivers. (RFA at p. 38). Applicants who obtain such support are entitled to receive up to 5 points for demonstrating such Local Government Contribution. (RFA at p. 53).

31. Applicants that obtain an enhanced level of local government support may qualify for Local Government Areas of Opportunity Funding points. (RFA at p. 40). Applicants who obtain this enhanced level of government support are entitled to receive a maximum point award of 10 points. (RFA at pp. 38; 53).

32. In addition, the RFA provides that those applicants who receive Local Government Areas of Opportunity Funding are excused from providing certain information that is otherwise required for an applicant to be eligible for funding:

Applications for proposed Developments that select and qualify for the Local Government Areas of Opportunity Funding points as outlined in Section Four A.10.b. of the RFA will (a) meet the Mandatory Distance requirements outlined at Section Four A.6.d. below and (b) automatically achieve the required Minimum Transit Service Score and the Minimum Total Proximity Score and receive the Maximum Total Proximity Score of 18 points without the requirement to provide the services information. . .

(RFA at p. 20).

33. With respect to the Local Government Areas of Opportunity Funding, the RFA provides the following:

In order for an Applicant to receive points, the Applicant must demonstrate a high level of Local Government interest in the project via an increased amount of

Local Government contributions in the form of cash loans and/or cash grants, as outlined below. To that end, the Corporation will only award points to a proposed Development where a jurisdiction (i.e., the county or a municipality) has contributed cash loans and/or cash grants for any proposed Development applying in this RFA in an amount sufficient to qualify for these points.

. . . .

The total amount of permanent funding resources, in the form of cash loans and/or cash grants from Local Government sources will, for purposes of this provision, be considered to be "Local Government Areas of Opportunity Funding."

. . . .

In order to be eligible to be considered Local Government Areas of Opportunity Funding, the cash loans and/or cash grants must be demonstrated via one or both of the Florida Housing Local Government Verification of Contribution forms (Form Rev. 08-16), called "Local Government Verification of Contribution – Loan" form and/or the "Local Government Verification of Contribution – Grant" form. **The forms must meet the requirements outlined in 10.a.(2) above, the qualifying funding must be reflected as a source on the Development Cost Pro Forma, and the applicable form(s) must be provided as Attachment 15 to the Application.**

If the Applicant qualifies for Local Government Areas of Opportunity Funding points and is awarded funding under this RFA, the Applicant must provide and maintain an amount equal to or greater than the minimum qualifying amounts listed in the table below within the permanent sources of financing.

To qualify for Local Government Areas of Opportunity Funding points, the face amounts of any cash loans and/or cash grants shown on the aforementioned Local Government Verification of Contribution forms shall be totaled and the total of these amounts must equal or be greater than the amounts listed in the table below for the proposed Development's Building Type.

If the total face amounts of any cash loans and/or cash grants shown on the Local Government Verification of Contribution form(s) total less than the amounts listed in the table below, the Application will not receive Local Government Areas of Opportunity Funding points, but may receive Local Government Contribution points as outlined in 10.a.(2) above, provided the Local Government Verification of Contribution forms meet the requirements outlined in 10.a.(2) above.

(RFA at pp. 40-41) (emphasis added).

34. Pursuant to Section 10.a.(2), "[f]or 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 5.50 percent.” (RFA at p. 38) (emphasis added). Moreover, the local contribution must be in effect as of the Application Deadline. (RFA at p. 38). Local Government contributions that have not received final approval by the Application Deadline are ineligible and may not receive any points for the claimed contribution. (RFA at pp. 38 – 39).

35. The RFA provides specific instructions and examples of how to calculate net present value of a Local Government contribution that is in the form of a 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 5.50 percent and the Local Government will provide a fully amortizing \$200,000 loan at 3 percent for 30 years with monthly payments, the contribution is calculated as follows:

Calculate the monthly payment of the \$200,000 amortizing loan at 3 percent (\$843.21).

Calculate the net present value of the stream of (\$843.21) monthly payments over 30 years (360 months) using a 5.50 percent discount rate (\$148,507.41).

Subtract the net present value amount from the original principal loan amount to arrive at the value of the contribution ($\$200,000 - \$148,507.41 = \$51,492.59$ value).

(RFA at pp. 39-40).

36. In order to qualify for Local Government Areas of Opportunity Funding, Heritage Oaks needed to receive \$551,000.00 in local support. (RFA at p. 41).

37. Consistent with the RFA, the local government is required to provide the “face amount” of the loan as well as the net present value of the contribution, “based on the difference between the face amount of the above-referenced loan and the net present value of the payment stream inclusive, of a reduced interest rate and the designated discount rate” in order to be scored as a valid contribution. (See Heritage Oaks Loan Form, attached as Exhibit “E”).

38. Heritage Oaks included within its application a Local Government Verification of Contribution-Loan Form in an attempt to qualify for Local Government Areas of Opportunity Funding points. (See Heritage Oaks Loan Form, attached as Exhibit “E”). The Loan Form lists the “face amount” of the loan as \$551,000.00 and “value of the contribution” as \$551,000.00. On its face, the value of the contribution has not been calculated or has been calculated incorrectly and the submission is not in accord with the requirements of the RFA.

39. As previously noted, the RFA requires that the net present value of the payments are calculated using a 5.5% discount rate and if the face value is as represented, the value of the contribution is significantly less than the face value. Given the mandated discount rate, it is impossible for the face amount of the loan to equal the net present value of the contribution.

Absence of Local Government Approval

40. Additionally, by executing the Heritage Oaks Loan Form, Pinellas County affirmatively attested that all official actions had been adopted or were in place as of the Application Deadline, authorizing a loan from Pinellas County to Heritage Oaks. Pinellas County Board of County Commissioners did not specifically approve a substantial loan to Heritage Oaks prior to the Application Deadline. In the absence of any specific approval by the Pinellas County

Board of County Commission authorizing a substantial loan to Heritage Oaks, the loan commitment is invalid.

41. Based on the foregoing, to the Local Government Contribution is invalid and Heritage Oaks cannot qualify for Local Government Areas of Opportunity Funding Contribution.

Disputed Issues of Material Fact and Law

42. Disputed issues of material fact and law include those matters pled in this petition, and include but are not limited to the following:

- a) Whether the provisions of the RFA have been followed in the preliminary allocation of the tax credits under the RFA or correct eligibility and Total Points determinations have been made based on the provisions of the RFA;
- b) Whether the proposed allocations are consistent with the RFA, the requirements of a competitive procurement process and Florida Housing's rules and governing statutes;
- c) Whether the criteria and procedures followed in reaching the proposed allocations are arbitrary, capricious, contrary to competition, contrary to the RFA requirements, or are contrary to prior Florida Housing interpretations of the applicable statutes and administrative rules;
- d) Whether the RFA's criteria for determining eligibility, ranking and evaluation of proposals were properly followed;
- e) Whether the preliminarily rankings properly determine the eligibility of potential applicants for funding in accordance with the standards and provisions of the RFA;
- f) Whether Heritage Oaks' Application should be deemed ineligible under the RFA as a result of Heritage Oaks' failure to satisfy RFA Development Category requirements;

- g) Whether Heritage Oaks' Application should be deemed ineligible under the RFA as a result of Heritage Oaks' failure to properly disclose the occupancy status of existing units as required by the RFA;
- h) Whether Heritage Oaks' Application should be deemed ineligible under the RFA as a result of Heritage Oaks' failure to satisfy RFA Local Government Areas of Opportunity Funding Contribution requirements as of the Application Deadline;
- i) Whether Heritage Oaks' Application should be deemed ineligible under the RFA as a result of Heritage Oaks' failure to satisfy RFA Local Government Contribution requirements as of the Application Deadline;
- j) Whether Heritage Oaks' Application should be deemed ineligible under the RFA because no there was no specific grant of authority by the Pinellas County Board of County commissioners authorizing a loan in favor of Heritage Oaks as of the Application Deadline;
- k) Whether the rankings and proposed awards are consistent with the RFA and the disclosed bases or grounds upon which tax credits are to be allocated;
- l) Whether the rankings and proposed awards are based on a correct determination of the eligibility of the applicants or correct scoring and ranking criteria in the RFA;
- m) Whether the rankings and proposed awards are consistent with fair and open competition for the allocation of tax credits;
- n) Whether the rankings and proposed awards are based on clearly erroneous or capricious eligibility determinations, scoring or ranking;
- o) Whether the proposed awards improperly incorporate new policies and interpretations that impermissibly deviate from the RFA specifications, existing rules or prior Florida Housing interpretations and precedents;

- p) Whether the provisions of the RFA have been followed with respect to The Hudson's eligibility and Total Points determinations;
- q) Whether the criteria and procedures for the scoring, ranking and eligibility determination of The Hudson's Application are arbitrary, capricious, contrary to competition, contrary to the RFA requirements, or are contrary to prior Florida Housing interpretations of the applicable statutes and administrative rules;
- r) Whether the RFA's criteria for determining eligibility, ranking and evaluation of The Hudson Application were properly followed;
- s) Whether the preliminary rankings properly determine the eligibility of potential applicants for funding in accordance with the standards and provisions of the RFA;
- t) Whether The Hudson's Application should be deemed ineligible or suffer a Point Item reduction under the RFA as a result of The Hudson's failure to satisfy Community Service Medical Facility requirements as of the Application Deadline;
- u) Whether The Hudson's Application should be deemed ineligible or suffer a Point Item reduction under the RFA as a result of The Hudson's failure to satisfy RFA Transit Service requirements as of the Application Deadline;
- v) Whether The Hudson's eligibility determination and ranking is consistent with fair and open competition for the allocation of tax credits;
- w) Whether The Hudson's eligibility determination and ranking are based on clearly erroneous or capricious eligibility determination, scoring or ranking;
- x) Whether The Hudson's eligibility determination and ranking improperly incorporate new policies and interpretations that impermissibly deviate from the RFA specifications, existing rules or prior Florida Housing interpretations and precedents; and,

y) Such other issues as may be revealed during the protest process.

43. Petitioners reserve the right to seek leave to amend this petition to include additional disputed issues of material fact and law that may become known through discovery.

Statement of Ultimate Facts and Law

44. As a matter of ultimate fact and law Heritage Oaks and The Hudson failed to complete their applications in accordance with the competitive solicitation; their application were not responsive to and failed to comply with RFA 2016-113; and, therefore, their applications should not have been considered for funding or scored as being eligible applications.

45. As a matter of ultimate fact and law Florida Housing improperly determined that Heritage Oaks and The Hudson applications were completed in accordance with the competitive solicitation; were responsive to RFA 2016-113; and, that Heritage Oaks was eligible for funding under RFA 2016-113.

46. As a matter of ultimate fact and law Florida Housing improperly scored Heritage Oaks and The Hudson Applications as having satisfied all mandatory requirements as of the Application Deadline.

47. As a matter of ultimate fact and law, Florida Housing improperly determined that Heritage Oaks was eligible for funding

48. As a matter of ultimate fact and law, Florida Housing improperly determined that The Hudson was scored as an eligible application.

49. As a matter of ultimate fact and law, but for these errors, Petitioners would have been entitled to an allocation of its requested tax credit funding.

Statutes and Rules

Statutes and rules governing this proceeding are Sections 120.569 and 120.57(3), and Chapter 420, Fla. Stat., and Chapters 28-106, 67-48 and 67-40, Fla. Admin. Code.

WHEREFORE, Petitioners request that:

A. Florida Housing refer this Petition to the Division of Administrative Hearings for a formal administrative hearing and the assignment of an Administrative Law Judge pursuant to Section 120.57(3), Fla. Stat.;

B. The Administrative Law Judge enter a Recommended Order determining that:

- 1) Heritage Oaks and The Hudson failed to complete their applications in accordance with the competitive solicitation; that their applications were non-responsive to and failed to comply with RFA 2016-113; and that their applications should not have been considered for funding or scored as having satisfied mandatory or total point requirements as prescribed by RFA 2016-113;
- 2) Florida Housing improperly determined that the applications submitted by Heritage Oaks and The Hudson were completed in accordance with the competitive solicitation;
- 3) Florida Housing improperly determined that the applications submitted by Heritage Oaks and The Hudson were responsive to RFA 2016-113;
- 4) Florida Housing improperly determined that Heritage Oaks' application was eligible for funding under RFA 2016-113;

C. The Administrative Law Judge enter a Recommended Order recommending Florida Housing award Petitioners their requested tax credit funding;

D. Florida Housing enter a Final Order awarding Petitioners their requested tax credit funding; and,

E. Petitioners be granted such other relief as may be deemed appropriate.

Respectfully submitted this 19th day of May, 2017.

Sarah Pape

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Michael G. Maida, P.A.
1709 Hermitage Blvd. Suite 201
Tallahassee, FL 32308
850-425-8124 (phone)
850-681-6788 (fax)

CERTIFICATE OF SERVICE

I certify that the original of the foregoing has been filed by electronic mail and Hand Delivery to the Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301 (CorporationClerk@floridahousing.org) and a copy furnished via email and Hand Delivery to Hugh Brown, Esq., General Counsel, Florida
[12815-2/6075251/7] [12815-2/6075251/7]

Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301

(Hugh.Brown@floridahousing.org) this 19th day of May, 2017.



Sarah Pape, Esq.

RFA 2016-113 Recommendations

Total HC Available for RFA	14,669,052.00
Total HC Allocated	14,312,000.00
Total HC Remaining	357,052.00

Application Number	Name of Development	County	Name of Contact Person	Name of Developers	HC Funding Amount	Total Points	Development Category Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	75 Units or more Total Unit Preference	Florida Job Creation Preference	Lottery Number
Broward County Application												
2017-211C	Pinnacle at Peacefield	Broward	David O. Deutch	Pinnacle Housing Group, LLC*	2,561,000.00	33	Y	Y	A	Y	Y	2
Duval County Application												
2017-235C	Lofts at LaVilla on Monroe	Duval	James R. Hoover	TVC Development, Inc.	1,660,000.00	33	Y	Y	A	Y	Y	21
Hillsborough County Application												
2017-230C	The Boulevard at West River	Hillsborough	Eileen M Pope	WRDG Boulevard, LLC	2,110,000.00	33	Y	Y	A	Y	Y	10
Orange County Application												
2017-200C	Parramore Oaks	Orange	Paula M Rhodes	InVictus Development, LLC;	2,110,000.00	33	Y	Y	B	Y	Y	11
Palm Beach County Application												
2017-229C	Georgian Gardens Apartments	Palm Beach	Alberto Milo, Jr.	Georgian Gardens Apartments	1,650,000.00	33	Y	Y	A	Y	Y	9
Pinellas County Application												
2017-201C	Heritage Oaks	Pinellas	Brian D Evjen	Norstar Development USA, LP; PGHA	1,660,000.00	33	Y	Y	A	Y	Y	15
2nd Broward County Application												
2017-241C	Saratoga Crossings	Broward	Elizabeth Wong	APC Saratoga Crossings, L	2,561,000.00	33	Y	Y	A	Y	Y	38

* Currently suspended pursuant to Fla. Admin. Code R. 67-48.002

On May 5, 2017, 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 Applicant to enter credit underwriting.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(5), 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**

Michael G. Maida, P.A.

Attorney at Law
Post Office Box 12093, 32317-2093
1709 Hermitage Blvd., Suite 201
Tallahassee, FL 32308
www.maidalawpa.com

Michael G. Maida
Civil Circuit Mediator

TELEPHONE (850)425-8124
TELECOPIER (850)681-0879

May 9, 2017

Via Hand Delivery
Via Electronic Mail: CorporationClerk@floridahousing.org

Ms. Kate Flemming
Corporation Clerk
Florida Housing Finance Corporation
227 N. Bronough St., Ste. 5000
Tallahassee, FL 32301

RE: RFA 2016-113 HOUSING CREDIT FINANCING FOR
AFFORDABLE HOUSING DEVELOPMENTS LOCATED
IN BROWARD, DUVAL, HILLSBOROUGH, ORANGE,
PALM BEACH, AND PINELLAS COUNTIES ("the RFA") - Notice of Protest

Dear Ms. Flemming:

On behalf of Applicant Madison Point, LLC, Application No. 2017-232C ("Madison Point") and Developer American Residential Development, LLC ("American Residential Development"), this letter constitutes a Notice of Protest ("Notice") filed pursuant to sections 120.569 and 120.57(3), Florida Statutes, Rules 28-110 and 67-60.009, Florida Administrative Code and the RFA. Madison Point and American Residential Development protest Florida Housing Finance Corporation's ("Corporation") intended decision with respect to the scoring, ranking and selection of all applications submitted in response to the RFA, including but not limited to those applications selected for funding as identified in the notice of intended decision attached as Exhibit "A."

This Notice is being filed within 72 hours (not including weekends) of the posting of the notice of intended decision on the Corporation's website on Friday May 5, 2017 at 9:58 a.m. Madison Point and American Residential Development reserve the right to file a formal written protest within (10) days of the filing of this Notice pursuant to section 120.57(3), Florida Statutes. This Notice is being filed to, among other matters, preserve its ability to initiate or intervene in proceedings that may impact that scoring, ranking and funding determination.

Please acknowledge receipt of this filing by stamping the date and time on the enclosed copy of this letter.

Sincerely,



Michael G. Maida
Michael G. Maida, P.A.

**EXHIBIT
B**

MGM/sem
Attachment

17 MAY -9 2:22 PM '17
CORPORATION CLERK

RFA 2016-113 Recommendations

Total HC Available for RFA	14,669,052.00
Total HC Allocated	14,312,000.00
Total HC Remaining	357,052.00

Application Number	Name of Development	County	Name of Contact Person	Name of Developers	HC Funding Amount	Total Points	Development Category Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	75 Units or more Total Unit Preference	Florida Job Creation Preference	Lottery Number
Broward County Application												
2017-211C	Pinnacle at Peacefield	Broward	David O. Deutch	Pinnacle Housing Group, LLC*	2,561,000.00	33	Y	Y	A	Y	Y	2
Duval County Application												
2017-235C	Lofts at LaVilla on Monroe	Duval	James R. Hoover	TVC Development, Inc.	1,660,000.00	33	Y	Y	A	Y	Y	21
Hillsborough County Application												
2017-230C	The Boulevard at West River	Hillsborough	Eileen M Pope	WRDG Boulevard, LLC	2,110,000.00	33	Y	Y	A	Y	Y	10
Orange County Application												
2017-200C	Parramore Oaks	Orange	Paula M Rhodes	InVictus Development, LLC	2,110,000.00	33	Y	Y	B	Y	Y	11
Palm Beach County Application												
2017-229C	Georgian Gardens Apartments	Palm Beach	Alberto Milo, Jr.	Georgian Gardens Apartments	1,650,000.00	33	Y	Y	A	Y	Y	9
Pinellas County Application												
2017-201C	Heritage Oaks	Pinellas	Brian D Evjen	Norstar Development USA, LP; PCHA	1,660,000.00	33	Y	Y	A	Y	Y	15
2nd Broward County Application												
2017-241C	Saratoga Crossings	Broward	Elizabeth Wong	APC Saratoga Crossings I	2,561,000.00	33	Y	Y	A	Y	Y	38

*Currently suspended pursuant to Fla. Admin. Code R. 67-48.002

On May 5, 2017, 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 Applicant 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"

RFA 2016-113 All Applications

Application Number	Name of Development	County	Name of Contact Person	Name of Developers	Demo. Commitment	Total Set Aside Units	HC Funding Amount	Eligible For Funding?	Total Points	Development Category Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	75 Units or more Total Unit Preference	Florida Job Creation Preference	Lottery Number
Eligible Applications															
2017-200C	Parramore Oaks	Orange	Paula M Rhodes	InVictus Development, LLC; ADC Communities, LLC; Royal American Development, LLC	F	96	2,110,000.00	Y	33	Y	153,558.29	B	Y	Y	11
2017-201C	Heritage Oaks	Pinellas	Brian D Evin	Norstar Development USA, LP; PCHA Development, LLC	E	85	1,660,000.00	Y	33	Y	136,442.99	A	Y	Y	15
2017-202C	Tuscany at Aloma	Orange	Joseph Chambers	Gardner Capital Development Florida, LLC; Winter Park Urban Development, LLC; JAX Urban Initiatives Development, LLC	F	96	1,800,000.00	Y	28	Y	130,997.60	A	Y	Y	43
2017-203C	Anders Park	Duval	Joseph Chambers	Jacksonville Redevelopment Partners, LLC; JAX Urban Initiatives Development, LLC	F	84	1,125,000.00	Y	28	N	108,173.08	A	Y	Y	5
2017-204C	Pinnacle at the Wesleyan	Broward	David O. Deutch	Pinnacle Housing Group, LLC**	F	90	1,892,000.00	Y	28	Y	124,841.68	A	Y	Y	27
2017-205C	Tuscany at Aloma II	Orange	Joseph Chambers	Gardner Capital Development Florida, LLC; Winter Park Urban Development, LLC	E	89	1,700,000.00	Y	28	Y	133,450.73	A	Y	Y	42
2017-207C	Springfield Plaza	Hillsborough	Clifton E. Phillips	Roundstone Development, LLC	E	96	1,528,577.00	Y	28	Y	128,806.24	A	Y	Y	8
2017-209C	Banyan Court	Palm Beach	Alexander B Kiss	Banyan Development Group, LLC; Judd Beth Real Estate Development, Inc.	F	85	1,540,000.00	Y	28	Y	126,579.64	A	Y	Y	19
2017-210C	Ashleigh Park	Pinellas	Timothy M. Morgan	JJC Florida Development, LLC	E	80	1,660,000.00	Y	28	Y	144,970.67	B	Y	Y	7
2017-211C	Pinnacle at Peacefield	Broward	David O. Deutch	Pinnacle Housing Group, LLC**	E	120	2,561,000.00	Y	33	Y	126,738.72	A	Y	Y	2
2017-212C	Preserve at Sabal Park	Hillsborough	Shawn Wilson	Blue Sky Communities III, LLC	F	144	2,110,000.00	Y	33	Y	102,372.20	A	Y	Y	18
2017-213C	Madison Hollow South	Orange	Patrick E. Law	American Residential Development, LLC	E	80	2,110,000.00	Y	28	Y	138,468.75	B	Y	Y	28
2017-214C	Berkeley Landing	Palm Beach	Jonathan L. Wolf	Berkeley Landing Developer, LLC	E	116	2,110,000.00	Y	28	Y	127,082.73	A	Y	Y	23
2017-215C	Southwick Commons	Orange	Jonathan L. Wolf	Southwick Commons Property Developer, LLC	E	116	2,110,000.00	Y	28	Y	127,082.73	A	Y	Y	12
2017-216C	Stafford Point	Orange	Jonathan L. Wolf	Stafford Point Developer, LLC	E	110	2,110,000.00	Y	28	Y	134,014.51	A	Y	Y	6
2017-217C	Channside Senior Apartments	Hillsborough	Donald W. Paxton	WOB Beneficial Development 116 LLC	E	80	2,090,000.00	Y	23	Y	137,156.25	A	Y	Y	34
2017-219C	Heritage at City View	Palm Beach	Robert G. Hogkins	NuRock Development Partners, Inc.	E	100	2,018,500.00	Y	33	Y	127,980.65	A	Y	Y	22
2017-220C	Westbury Village II at Riviera Beach	Palm Beach	Mara S Medes	Comerstone Group Partners, LLC	E	80	1,445,000.00	Y	28	Y	126,194.35	A	Y	Y	20
2017-222C	Westbury Village I at Riviera Beach	Palm Beach	Mara S Medes	Comerstone Group Partners, LLC	F	108	1,945,000.00	Y	28	Y	125,822.38	A	Y	Y	25
2017-223C	Village View	Broward	Matthew Rejcek	HTG View Developer, LLC	E	96	2,561,000.00	Y	28	Y	119,046.48	A	Y	Y	33
2017-224C	The Hudson	Pinellas	Matthew Rejcek	HTG Hudson Developer, LLC	E	87	1,660,000.00	Y	28	Y	133,306.37	A	Y	Y	17
2017-225C	Barnett Villas	Orange	Alexander B Kiss	Banyan Development Group, LLC; Judd Beth Real Estate Development, Inc.	E	130	2,110,000.00	Y	28	Y	131,094.67	A	Y	Y	41
2017-226C	Leah Gardens	Duval	James R. Hoover	TVC Development, Inc.	E	100	1,570,718.00	Y	28	Y	126,865.68	A	Y	Y	24
2017-228C	Waterview Pointe	Orange	Matthew Rejcek	HTG Waterview Pointe Developer, LLC	F	120	2,110,000.00	Y	28	Y	122,846.63	A	Y	Y	36
2017-229C	Georgian Gardens Apartments	Palm Beach	Alberto Mito, Jr.	Georgian Gardens Apartments Developer, LLC	E	87	1,650,000.00	Y	33	Y	132,503.32	A	Y	Y	9
2017-230C	The Boulevard at West River	Hillsborough	Eileen M Pope	WRDG Boulevard, LLC	F	200	2,110,000.00	Y	33	Y	73,707.98	A	Y	Y	10

EXHIBIT C

RFA 2016-113 All Applications

Application Number	Name of Development	County	Name of Contact Person	Name of Developers	Demo. Commitment	Total Set Aside Units	HC Funding Amount	Eligible For Funding?	Total Points	Development Category Preference	Per Unit Construction Funding Preference	Development Category	Total Corp Funding Per Set-Aside	Leveraging Classification	75 Units or more Total Unit Preference	Florida Job Creation Preference	Lottery Number
2017-231C	Berkshire Square	Orange	Jonathan L. Wolf	Berkshire Square Developer, LLC	E	116	2,110,000.00	Y	28	NC	Y	NC	127,082.73	A	Y	Y	30
2017-232C	Madison Point	Pinellas	Patrick E. Law	American Residential Development, LLC	E	80	1,660,000.00	Y	28	NC	Y	NC	108,937.50	A	Y	Y	31
2017-233C	Madison Plaza	Orange	Patrick E. Law	American Residential Development, LLC	E	80	2,110,000.00	Y	28	NC	Y	NC	138,468.75	B	Y	Y	40
2017-234C*	Birch Hollow	Orange	Matthew Rieger	HTG Birch Developer, LLC	E	120	1,625,000.00	Y	28	NC	Y	NC	142,187.50	B	Y	Y	37
2017-235C	Lehs at Lavilla on Menrope	Duval	James R. Hoover	TVC Development, Inc.	F	108	1,660,000.00	Y	33	NC	Y	NC	97,454.06	A	Y	Y	21
2017-236C	Compass Pointe	Orange	Brianne E. Heffner	Southport Development, Inc. a WA corporation doing business in FL as	E	80	1,400,000.00	Y	28	NC	Y	NC	122,264.42	A	Y	Y	3
2017-238C	Madison Landing	Orange	Patrick E. Law	American Residential Development, LLC	E	80	2,110,000.00	Y	28	NC	Y	NC	138,468.75	B	Y	Y	32
2017-239C	Bryce Landing	Orange	Matthew Rieger	HTG Bryce Developer, LLC	E	136	2,110,000.00	Y	28	NC	Y	NC	125,311.09	A	Y	Y	1
2017-240C	Anderson Terrace Apartments	Orange	Matthew Rieger	HTG Anderson Terrace Developer, LLC	F	120	1,625,000.00	Y	28	NC	Y	NC	142,187.50	B	Y	Y	29
2017-241C	Saratoga Crossings	Broward	Elizabeth Wong	APC Saratoga Crossings Development, LLC; Dana Beach Quality Housing	F	128	2,561,000.00	Y	33	NC	Y	NC	118,817.55	A	Y	Y	38
2017-242C	Heron Estates Family	Palm Beach	Matthew Rieger	HTG Heron Estates Family Developer, LLC	F	79	1,449,527.00	Y	33	NC	Y	NC	128,192.10	A	Y	Y	39

Ineligible Applications

2017-206C	The Promenade at West Lake	Broward	Clifton E. Phillips	Roundstone Development, LLC	E	75	1,789,655.00	N	20	NC	Y	NC	128,600.69		Y	Y	13
2017-208C	Venetian Isles	Pinellas	Kimberly K. Murphy	Royal American Development, Inc.; Green Mills Holdings, LLC	E	96	1,660,000.00	N	28	NC	Y	NC	109,635.82		Y	Y	26
2017-218C	Madison Highlands	Hillsborough	Patrick E. Law	American Residential Development, LLC	E	90	2,110,000.00	N	23	NC	Y	NC	148,646.79		Y	Y	14
2017-221C	Wingate Apartments	Palm Beach	Mara S Mades	Cornerstone Group Partners, LLC	F	82	1,485,000.00	N	28	NC	Y	NC	126,524.51		Y	Y	35
2017-227C	CHANDLERS CROSSING APARTMENTS	Orange	DEION R. LOWERY	DRL CC DEVELOPMENT LLC	F	88	1,576,344.00	N	10	NC	Y	NC	125,149.86		Y	Y	16
2017-237C	ETHANS WALK APARTMENTS	Orange	DEION R. LOWERY	DRL EW DEVELOPMENT LLC	E	88	1,576,344.00	N	10	NC	Y	NC	125,149.86		Y	Y	4

*HC Request Amount was adjusted during scoring. This also affected the Corporation Funding Per Set-Aside Amount

** Currently suspended pursuant to Fla. Admin. Code R. 67-48.002

On May 5, 2017, 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.

**FLORIDA HOUSING FINANCE CORPORATION
SURVEYOR CERTIFICATION**

Name of Development: The Hudson

Development Location: 311 112th Ave NE, St. Petersburg

(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 Sites¹, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located.)

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 5J-17, F.A.C., formerly 61G17-6, F.A.C.:

**All calculations shall be based on "WGS 84" and be grid distances. The horizontal positions shall be collected to meet sub-meter accuracy (no autonomous hand-held GPS units shall be used).*

Part I: Development Location Point² -

Latitude			Longitude			DDA ZCTA ³ , if applicable
N <u>27</u> Degrees	<u>52</u> Minutes	<u>27.50</u> Seconds (represented to 2 decimal places)	W <u>82</u> Degrees	<u>37</u> Minutes	<u>53.46</u> Seconds (represented to 2 decimal places)	

To be eligible for proximity points, Degrees and Minutes must be stated as whole numbers and Seconds must be represented to 2 decimal places.

Part II: Transit Service – State the latitude and longitude coordinates for one (1) Transit Service on the chart below.⁴

	Latitude			Longitude		
Public Bus Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Public Bus Transfer Stop	N <u>27</u> Degrees	<u>51</u> Minutes	<u>42.58</u> Seconds (represented to 2 decimal places)	W <u>82</u> Degrees	<u>38</u> Minutes	<u>20.16</u> Seconds (represented to 2 decimal places)
Public Bus Rapid Transit Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
SunRail Station, MetroRail Station, or TriRail Station	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above ⁵ , the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Transit Service is:						<u>0.98</u> Miles

Initials of Surveyor JP

**EXHIBIT
D**

**FLORIDA HOUSING FINANCE CORPORATION
SURVEYOR CERTIFICATION**

Part III: Community Services - State the Name, Address and latitude and longitude coordinates of the closest service(s) on the chart below.⁴

Grocery Store:	Latitude			Longitude		
Name - <u>Winn Dixie</u> Address - <u>11100 4th St. N</u> <u>St. Petersburg, FL 33716</u>	N <u>27</u> Degrees	<u>52</u> Minutes	<u>23.21</u> Seconds (represented to 2 decimal places)	W <u>82</u> Degrees	<u>38</u> Minutes	<u>24.50</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Grocery Store is:					<u>0.54</u> Miles	
Medical Facility:	Latitude			Longitude		
Name - <u>Millenium Health and Wellness Center</u> Address - <u>10033 Doctor M.L.K. Jr St N</u> <u>St. Petersburg, FL 33716</u>	N <u>27</u> Degrees	<u>51</u> Minutes	<u>49.39</u> Seconds (represented to 2 decimal places)	W <u>82</u> Degrees	<u>38</u> Minutes	<u>46.16</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Medical Facility is:					<u>1.16</u> Miles	
Pharmacy:	Latitude			Longitude		
Name - <u>Bayview Pharmacy</u> Address - <u>11270 4th St N #206</u> <u>St. Petersburg, FL 33716</u>	N <u>27</u> Degrees	<u>52</u> Minutes	<u>27.21</u> Seconds (represented to 2 decimal places)	W <u>82</u> Degrees	<u>38</u> Minutes	<u>24.43</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Pharmacy is:					<u>0.53</u> Miles	
Public School:	Latitude			Longitude		
Name - _____ Address - _____	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Public School is:					_____ Miles	

**FLORIDA HOUSING FINANCE CORPORATION
SURVEYOR CERTIFICATION**

Part IV: Scattered Sites – If the proposed Development meets the definition of Scattered Sites¹, select Item 1 below and provide the required information for each Scattered Site, other than the site with the Development Location Point² (which is described in Part I above). Use multiple copies of this page if necessary. If the Development does NOT consist of Scattered Sites, select Item 2 below.

1. **Location of the Scattered Site¹:** _____
Latitude and Longitude Coordinates located anywhere on the Scattered Site:

N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	DDA ZCTA ³ , if applicable: _____
--------------------	---------------	--	--------------------	---------------	--	---

Location of the Scattered Site¹: _____
Latitude and Longitude Coordinates located anywhere on the Scattered Site:

N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	DDA ZCTA ³ , if applicable: _____
--------------------	---------------	--	--------------------	---------------	--	---

Location of the Scattered Site¹: _____
Latitude and Longitude Coordinates located anywhere on the Scattered Site:

N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	DDA ZCTA ³ , if applicable: _____
--------------------	---------------	--	--------------------	---------------	--	---

2. **The proposed Development does NOT consist of Scattered Sites.**

For this certification form to be considered complete, it must be properly executed and the required information must be stated at Parts I and IV of the form. For this certification to be eligible for Proximity Points not automatically awarded, it must be properly executed, Parts I and IV must be completed, and the applicable services information must be stated at Parts II and III of the form.

If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

CERTIFICATION – Under penalties of perjury, I declare that the foregoing statement is true and correct.

Jared Phillips 12/22/16
 Signature of Florida Licensed Surveyor

6894
 Florida License Number of Signatory

Jared R. Phillips
 Print or Type Name of Signatory

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

This certification consists of 3 pages, plus definitions. This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the form will not be considered. If this certification contains corrections or 'white-out', or if it is altered or retyped, the form will not be considered. The certification may be photocopied.

**FLORIDA HOUSING FINANCE CORPORATION
SURVEYOR CERTIFICATION**

¹"Scattered Sites," as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site within a Scattered Site Development, is considered to be a "Scattered Site"). For purposes of this definition "contiguous" means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement provided the easement is not a roadway or street. All of the Scattered Sites must be located in the same county. The location of the Scattered Site means, at a minimum, the address number, street name, and city, and/or provide (i) the street name, closest designated intersection and city (if located within a city), or (ii) the street name, closest designated intersection and county (if located in the unincorporated area of the county).

²"Development Location Point" means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on the site with the most units that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

³"DDA ZCTA" or "DDA Zip Code Tabulation Area," applies only if any of the proposed Development site(s) is/are located within a metropolitan area and in a ZCTA which has been designated by the Department of Housing and Urban Development (HUD) as a Small Area Difficult Development Area (SADDA) at https://www.huduser.gov/portal/Datasets/qct/DDA2016M_PDF. This can be determined by entering the applicable information at the HUD mapping application, which can be found at https://www.huduser.gov/portal/sadda/sadda_qct.html

⁴The latitude and longitude coordinates for all Proximity Services must represent a point as outlined on the Coordinates Location Chart set out below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds represented to 2 decimal places. If the degrees and minutes are not stated as whole numbers and the seconds are not represented to 2 decimal places, the Applicant will not be eligible for proximity points for that service.

Coordinates Location Chart																									
Service	Location where latitude and longitude coordinates must be obtained																								
Community Services	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.																								
Transit Services	<p>For Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop, TriRail Rail Stations and MetroRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the bus or train.</p> <p>For the following Phase 1 SunRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the train:</p> <p align="center"><u>Phase 1 SunRail Station Name</u></p> <table border="0"> <tr> <td>Altamonte Springs Station</td> <td>Church Street Station</td> </tr> <tr> <td>DeBary Station</td> <td>Florida Hospital Station</td> </tr> <tr> <td>Lake Mary Station</td> <td>LYNX Central Station</td> </tr> <tr> <td>Longwood Station</td> <td>Maitland Station</td> </tr> <tr> <td>Orlando Amtrak/ORMC Station</td> <td>Sand Lake Road Station</td> </tr> <tr> <td>Sanford/SR46 Station</td> <td>Winter Park/Park Ave Station</td> </tr> </table> <p>For the following Phase 2 SunRail Rail Stations, coordinates must represent coordinates listed below:</p> <table border="0"> <thead> <tr> <th><u>Phase 2 SunRail Station Name</u></th> <th><u>Coordinates</u></th> </tr> </thead> <tbody> <tr> <td>Deland Amtrak Station</td> <td>N 29 01 02.25, W 81 21 09.24</td> </tr> <tr> <td>Meadow Woods Station</td> <td>N 28 23 12.19, W 81 22 26.59</td> </tr> <tr> <td>Osceola Parkway Station</td> <td>N 28 20 35.55, W 81 23 24.07</td> </tr> <tr> <td>Kissimmee Amtrak Station</td> <td>N 28 17 34.93, W 81 24 17.37</td> </tr> <tr> <td>Poinciana Industrial Park Station</td> <td>N 28 15 32.04, W 81 29 08.17</td> </tr> </tbody> </table>	Altamonte Springs Station	Church Street Station	DeBary Station	Florida Hospital Station	Lake Mary Station	LYNX Central Station	Longwood Station	Maitland Station	Orlando Amtrak/ORMC Station	Sand Lake Road Station	Sanford/SR46 Station	Winter Park/Park Ave Station	<u>Phase 2 SunRail Station Name</u>	<u>Coordinates</u>	Deland Amtrak Station	N 29 01 02.25, W 81 21 09.24	Meadow Woods Station	N 28 23 12.19, W 81 22 26.59	Osceola Parkway Station	N 28 20 35.55, W 81 23 24.07	Kissimmee Amtrak Station	N 28 17 34.93, W 81 24 17.37	Poinciana Industrial Park Station	N 28 15 32.04, W 81 29 08.17
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If there is no exterior public entrance to the Community Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For example, for a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the latitude and longitude coordinates at the doorway threshold of the exterior public entrance to the enclosed shopping mall that provide the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

Applicants may use the same latitude and longitude coordinates for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - LOAN FORM**

Name of Development: Heritage Oaks
Washington Dr, NW of the Intersection of Washington Dr and 130th Ave N. a/k/a
Development Location: Wilcox Rd, Unincorporated Pinellas County
(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.)

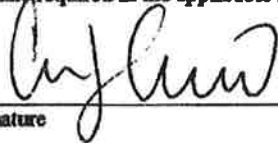
The City/County of Pinellas, commits \$ 551,000.00 (which may be used as an FHFC Non-Corporation Funding Proposal in an Application for FHFC funding if it meets the required criteria) in the form of a reduced interest rate loan to the Applicant for its use solely for assisting the proposed Development referenced above.

The value of the contribution based on the difference between the face amount of the above-referenced loan and the net present value of its payment stream, inclusive of a reduced interest rate and the designated discount rate (as stated in the applicable RFA) is: \$ 551,000.00.

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. The commitment for this loan must be effective as of the Application Deadline for the applicable RFA, 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

CHARLIE JUSTICE

Print or Type Name
CHAIRMAN

Print or Type Title

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. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. 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. 08-16)

APPROVED AS TO FORM

By: Cherise Warden

Office of the County Attorney

**EXHIBIT
E**