

**BEFORE THE FLORIDA HOUSING FINANCE CORPORATION**

**CORE OAK PARK LLLP,**

**Petitioner,**

**FHFC Case No.: 2023-048BP**

**vs.**

**RFA No.: 2023-304**

**Application No.: 2023-202BR**

**FLORIDA HOUSING FINANCE CORPORATION,**

**Respondent.**

**RECEIVED**

JUN 22 2023 12:00 PM

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

**FLORIDA HOUSING  
FINANCE CORPORATION**

Petitioner CORE Oak Park LLLP (“CORE”) files this Formal Written Protest and Petition for Administrative Hearing (“Petition”) pursuant to section 120.57(3), Florida Statutes, and rules 67-60.009 and 28-110.004, Florida Administrative Code. This petition challenges the eligibility determinations, evaluations and proposed allocations set forth in the Notice of Intended Decision posted on June 9, 2023 by Respondent, Florida Housing Finance Corporation (“Florida Housing”), in response to Request for Applications 2023-304 RRLP Financing to be Used for Rental Developments in Hurricane Ian and Hurricane Nicole Impacted Counties (the “RFA”). In support, CORE states:

**I. Parties**

1. CORE is a legally formed entity qualified to do business in Florida. For purposes of this proceeding, its address, telephone number, and email address are those of its undersigned counsel.

2. CORE filed an Application in response to the RFA, seeking the award of Rental Recovery Loan Program (“RRLP”) financing to be used for rental developments in Hurricane Ian

and Hurricane Nicole impacted counties. CORE proposes to build a 144-unit mid-rise (4 stories) development in Lee County.

3. Florida Housing is the agency affected by this Petition. Florida Housing's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301. Florida Housing's file number for CORE's application is 2023-202BR.

## **II. Notice**

4. CORE received notice of Florida Housing's intended decision to award funding pursuant to the RFA on June 9, 2023, when Florida Housing's Board of Directors approved the recommendation of its Review Committee. A copy of the notice posted on the Florida Housing website concerning the Board action is attached as **Exhibit 1**. CORE's Application was deemed eligible for RRLP funds but was not selected for a preliminary award of funding based on the sorting and selection criteria in the RFA. For the reasons set forth below, CORE contends that its Application should have been selected for funding.

5. CORE timely filed a Notice of Intent to Protest, with attachments, on June 12, 2023. A copy of the notice, without attachments, is attached as **Exhibit 2**.

## **III. Background**

6. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of awarding various types of funding for affordable housing in Florida. In accordance with that authority, Florida Housing has adopted Chapter 67-60, Florida Administrative Code, which governs the competitive solicitation process for several programs. Chapter 67-48 also applies to this competitive solicitation for RRLP funding. In addition, Chapter 67-53 governs compliance procedures. Applicants are required to adhere to

the provisions of the RFA and each of the administrative rule chapters referenced in this paragraph. See RFA, p. 8 (§ Three F.3).

7. The RFA was issued on April 12, 2023 and amended on April 25, 2023, with applications due May 3, 2023 (the “Application Deadline”). The RFA seeks Applications from developers proposing to build affordable housing utilizing RRLP financing as funding for Developments in the following Hurricane impacted counties and based on the available impact criteria and FEMA data:

Tier 1 Counties: Charlotte, Lee, Orange, Sarasota and Volusia

Tier 2 Counties: Collier, DeSoto, Hillsborough, Osceola, Polk and Seminole

Tier 3 Counties: Brevard, Flagler, Glades, Hardee, Hendry, Highlands, Lake, Manatee, Monroe, Okeechobee, Palm Beach, Pasco, Pinellas, Putnam and St. Johns

RFA, p. 2 (§ One). Florida Housing anticipated the award of an estimated \$81,600,000 in RRLP funds through the RFA.

8. The RFA sets forth the information required to be provided by an Applicant and sets out a general description of the types of projects that will be eligible for funding. The RFA further outlines a detailed process for selecting developments for an allocation of RRLP funding. See generally RFA, pp. 8-68.

9. First, Applicants are required to meet certain mandatory eligibility requirements that must be satisfied in order to be selected for funding. RFA, pp. 61-64 (§ Five A.1). For example, Applicants are required to provide the location of the proposed development. Specifically, an Applicant must “Indicate (1) the address number, street name, and name of city, and/or (2) the street name, closest designated intersection, and either name of city or unincorporated area of county.” RFA, p. 18 (§ Four A.5.b).

10. In addition, Applicants are required to provide the latitude and longitude coordinates for the proposed development. *See* RFA, pp. 18-19 (§ Four, A.5)

11. Because multiple Applicants striving to meet each goal may achieve the maximum number of points and meet the mandatory eligibility requirements, the RFA also sets forth an Application Sorting Order:

Within each Tier, the highest scoring Applications will be determined by first sorting together all eligible Applications from highest score to lowest score, with any scores that are tied separated in the following order:

- a. First, by the Application's Leveraging Classification, applying the multipliers outlined in Item 3 of Exhibit C of the RFA (with Applications having the Classification of A listed above Applications having the Classification of B);
- b. Next, by the Application's eligibility for the Proximity Funding Preference which is outlined in Section Four A.5.e. of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- c. Next, preference will be given to Applications that qualify for the Florida Job Creation Funding Preference which is outlined in Item 4 of Exhibit C (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- d. Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

RFA, pp. 64-65 (§ Five B.1).

12. The RFA next explains the funding goals for Applications:

- The Corporation has a goal to fund one Priority I, Tier 1 Application that qualifies for the Public Housing Authority ("PHA") Goal. (Definition, RFA, pg. 60)
- The Corporation has a goal to fund three Applications in Lee County, with a preference that they be Priority I Applications.

RFA, p. 65 (§ Five B.2).

13. To ensure that funding is not concentrated in any one county, the RFA further includes a County Award Tally:

As each Application is selected for tentative funding in the selection process below, the county where the proposed Development will be located will have one Application credited toward the County Award Tally.

Within each Tier, the Corporation will prioritize eligible unfunded Priority I Applications that meet the Funding Test and are located in counties that have the lowest County Award Tally above other eligible unfunded Priority I Applications in counties with a higher County Award Tally that also meet the Funding Test, even if the Priority I Applications with a higher County Award Tally are higher ranked. If there are multiple eligible unfunded Priority I Applications within a Tier that meet the Funding Test and have the lowest County Award Tally, the Corporation will select the highest-ranking Application among them for tentative funding.

For instance, Application 1 and Application 2 are the only eligible unfunded Priority I Applications that meet the Funding Test within a Tier Level. Application 1 is higher ranked than Application 2 and has a County Award Tally of 1. Although Application 2 is lower ranked than Application 1, it has a County Award Tally of 0, and, therefore, Application 2 will be selected for funding.

RFA, p. 65 (§ Five B.3).

14. The RFA also contains a funding test: Applications will be selected for funding only if there is enough RRLP funding available to fully fund the Eligible RRLP Request Amount.

RFA, p. 66 (§ Five, B.4).

15. Finally, the RFA outlines the Funding Selection Process for eligible applicants. As explained in section Five B.2., the goal of the Funding Selection Process is to “fund one Priority I, Tier 1 Application that qualifies for the PHA Goal” and to “fund three Applications in Lee County, with a preference that they be Priority I Applications.” The Funding Selection Process outlines a procedure for selecting Applicants that satisfy each goal. If any funds remain and no

eligible unfunded Applications can be fully funded, no further Applications will be considered for funding and any remaining funding will be distributed by the Board. RFA, pp. 66-67 (§ Five B.5).

16. On May 25, 2023, Florida Housing's Review Committee met to assess the 36 Applications received in response to the RFA. Of those Applications, the Review Committee determined that all 36 Applications submitted were eligible for funding, including CORE's Application. *See Exhibit 3* (RFA 2023-304 Application Scores).

17. The Review Committee further followed the Funding Selection Process to recommend Applicants for funding. Among those selected for Lee County were:

- a. Hermosa NFTM 41, II, Ltd. ("**Hermosa II**"), which proposed a development named Hermosa North Fort Myers II;
- b. SP Palms LLC ("**SP Palms**"), which proposed a development called Palms Landing; and
- c. HTG Legacy II, Ltd. ("**HTG**") which proposed a development called Legacy Park II.

*See Exhibit 1* (RFA 2023-304 Board Approved Preliminary Awards adopting the Review Committee Recommendations).

18. The Board approved the Committee's recommendations at its meeting on June 9, 2023. *See Exhibit 1*.

#### **IV. Substantial Interests Affected**

19. CORE's substantial interests are affected because Hermosa II was either ineligible for funding or incorrectly scored to receive a Proximity Funding Preference under the RFA's Funding Selection Process. If Hermosa II was found to be ineligible or not entitled to the Proximity Funding Preference it claimed, CORE would have been awarded the remaining funding in Lee County which is reserved for the highest-ranking eligible Priority I Application. RFA, p. 66.

## V. Errors in the Preliminary Awards and Determinations of Eligibility

### HERMOSA NFTM 41, II, LTD.

#### A. Hermosa II Does Not Qualify for the Proximity Funding Preference

20. The RFA allows Applicants to earn “proximity points.” RFA, pp. 19-23 (§ Four A.5.e.). Proximity points are based on the distance between the proposed development and transit services—including bus stops—and community services, such as public schools, medical facilities, grocery stores, and pharmacies. *Id.*

21. Point totals are calculated using the Transit and Community Service Scoring Charts, which identify the number of points an Applicant receives based on the number of miles between the development and each type of service. RFA, pp. 93-94 (Exhibit C).

22. The RFA has no minimum eligibility requirement for transit points or for a total proximity score. However, proximity points are used to determine whether an Applicant meets the Proximity Funding Preference. To achieve the Proximity Funding Preference, an Applicant must receive 9.0 total proximity points. RFA, p. 19 (§ Four A.5.e.).

23. The RFA distinguishes between various categories of transit services. While all Public Bus Stops receive points, a higher score is provided to certain kinds of bus stops—such as Public Bus Transfer Stops and Public Bus Rapid Transit Stops. RFA, pp. 93-94 (Exhibit C).

24. On page 6 of its Application, Hermosa II claimed that its development was .99 miles away from a “Public Bus Transfer Stop.” *See Exhibit 4.* As a result, based on the Transit Services Scoring Chart included in the RFA, Hermosa II claimed 4.5 proximity points for this alleged Public Bus Transfer Stop. RFA, p. 94 (Exhibit C). Because it claimed these 4.5 proximity points, Hermosa II was initially determined to receive a Proximity Funding Preference.

25. The RFA defines “Public Bus Transfer Stop” as follows:

For purposes of proximity points, a Public Bus Transfer Stop means a **fixed location** at which passengers may access **at least three routes** of public transportation via buses. Each qualifying route must either (i) 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; or (ii) have the following number of scheduled stops at the Public Bus Transfer Stop within a 24 hour period, Monday through Friday, excluding holidays, on a year-round basis, for the applicable county size:

Small and Medium Counties: 12 scheduled stops

Large Counties: 18 scheduled stops

This would include 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. Buses that travel between states will not be considered.

**Additionally, it must have either been in existence and available for use by the general public as of the Application Deadline;** or (ii) been in existence and available for use by the general public as of September 25, 2022 but not available as of the Application Deadline because of temporary closures or service suspensions due to Hurricane Ian or other emergency suspension based on an official emergency declaration.

RFA, p. 89 (Exhibit B) (emphasis added).

26. The coordinates Hermosa II provided for its alleged Public Bus Transfer Stop (latitude of 26.686622 and longitude of -81.901947) correspond to a non-existent bus stop (Stop 12246) located near the intersection of North Cleveland Avenue and Stockton Street.

27. In fact, the stop selected by Hermosa II in its Application was not in existence at the Application Deadline and has not been in service for at least six (6) months as the area has been under construction for over two (2) years. See **Exhibit 5** (Email from Lee County Department of Transportation). In sum, the stop was not a “fixed location” in existence at the Application Deadline as required by express terms of the RFA.



28. Even when the selected bus stop was in existence and operational over six (6) months ago, the bus stop location listed in Hermosa II's Application only serviced one (1) route. Because the stop never serviced at least three (3) routes, it cannot be considered a Public Bus Transfer Stop.

29. Because the coordinates Hermosa II provided in its Application reference a non-existent bus stop and because that stop never qualified as a Public Bus Transfer Stop even when it was operational, Hermosa II's Application was not eligible for the 4.5 transit service points. *Capital Grove Ltd. P'ship v. Fla. Hous. Fin. Corp.*, No. 15-002386BID, ¶ 49 (Fla. DOAH August 3, 2015) (Recommended Order) (finding that a Public Bus Transfer Stop claimed by applicant was not a "fixed location" for purposes of the RFA and was "not entitled to obtain proximity points"); *see also Houston Street Manor Ltd. P'ship v. Fla. Hous. Fin. Corp.*, No. 15-3302BID, ¶¶ 23-24, 31 (Fla. DOAH Aug. 18, 2015) (Recommended Order) (opining that "misrepresenting the true nature" of a bus stop was a material deviation that should render an application nonresponsive and recognizing that applicant cannot receive points for a quality established by evidence submitted only after bid opening), No. 2015-024BP (FHFC Sept. 18, 2015) (Final Order); *Berkeley Landing, Ltd. v. Fla. Hous. Fin. Corp.*, No. 20-0140BID, ¶ 111 (Fla. DOAH Apr. 6, 2020) (Recommended Order) (finding that applicant's bus stop failed to meet the definition of a "Public Bus Rapid Transit Stop" and was not entitled to proximity points), *adopted in pertinent part*, No. 2019-102BP (FHFC Apr. 17, 2020) (Final Order); *Quail Roost Trans. Village II, Ltd. v. Fla. Hous. Fin. Corp.*, No. 23-0674BID, ¶ 77 (Fla. DOAH May 10, 2023) (Recommended Order) (finding that application's claimed transit service failed to meet the RFA definition of a Public Bus Rapid Transit Stop and was accordingly not entitled to receive any transit points), No. 2023-011BP (FHFC June 9, 2023) (Final Order).

30. When the transit service points that Hermosa II erroneously claimed are properly excluded from its proximity point tabulation, Hermosa II is left without any transit service points and falls under the 9.0 point threshold necessary to achieve the Proximity Funding Preference. Applying the Funding Selection Process outlined in the RFA, Florida Housing should have determined that Hermosa II was not ranked as high and should not have been awarded the RRLP funding. Instead, CORE's application should have been funded.

**B. Hermosa II Failed to Properly Identify the Address of the Development Site**

31. Hermosa II's Application in response to the RFA is the proposed second phase of a development in North Fort Myers, Florida. An entity named Hermosa NFTM 41, LLC ("Hermosa I") submitted an application and was recommended for funding by Florida Housing last year in RFA 2022-201 (9% Medium County). Following its award under RFA 2022-201, Hermosa I apparently split its intended development site into two portions, and requested via its April 27, 2023 letter to Florida Housing that a change in the legal description from the Application submitted for RFA 2022-201 be amended to reflect a reduction of the development site from 8 acres to 3.6 acres (leaving 4.4 acres for Phase II). *See Exhibit 6*. Therefore, Parcel 1 (3.6 acres) was designated for Hermosa I (RFA 2022-201) and Parcel 2 (4.4 acres) was designated for Hermosa II (RFA 2023-304).

32. The RFA requires that Applications include the location of the proposed development. Specifically, an Applicant must "Indicate (1) the address number, street name, and name of city, and/or (2) the street name, closest designated intersection, and either name of city or unincorporated area of county." Applicants are required to provide this information in order to maintain eligibility. *See RFA, p. 62 (§ Five, A.1) (requiring the "Address of the Development Site" in the list of Eligibility Item).*

33. On page 5 of its Application, Hermosa II provides the following address of the proposed development site: “West side of N. Cleveland Avenue, approximately 1,400 feet north of the intersection of N. Cleveland Avenue and Littleton Road.” In addition, Hermosa II provided the following latitude and longitude coordinates as the proposed development’s location point: latitude of 26.700967 and longitude of -81.901183. See **Exhibit 7**.

34. Hermosa II’s Application failed to show the closest correct intersection as required by the RFA. The closest designated intersection for the latitude/longitude points provided in the Application is North Cleveland Avenue and Sky Villa Boulevard, not “N. Cleveland Avenue and Littleton Rd.” Further, even if “N. Cleveland Avenue and Littleton Rd.” was the correct intersection, the distance identified by Hermosa II (1,400 ft.) is incorrect. If Florida Housing relied upon the 1,400 ft. measurement identified in Hermosa II’s Application, the end location would be positioned within the Hermosa I development location and outside the property boundary for Hermosa II’s location.

35. Because Hermosa II’s application failed to properly list the Address of the Development Site as required by the RFA, Hermosa II is ineligible for funding. When Hermosa II is removed from the list of applications to be funded, CORE’s application is next in line to be funded under the RFA.

#### **VI. Disputed Issues of Material Fact and Law**

36. Disputed issues of fact and law include the following:
- a. Whether Florida Housing’s Approved Scoring Results are contrary to the agency’s governing statutes, the agency’s rules or policies, or the solicitation specifications;
  - b. Whether Florida Housing’s Approved Scoring Results are clearly erroneous, contrary to competition, arbitrary, or capricious;

- c. Whether Florida Housing’s proposed award of funding to Hermosa II is clearly erroneous, arbitrary and capricious, or contrary to competition;
- d. Whether Hermosa II’s Application meets the requirements of the RFA;
- e. Whether Hermosa II is eligible for the Proximity Funding Preference;
- f. Whether Hermosa II is entitled to an award of funding if it did not qualify for the Proximity Funding Preference;
- g. Whether Hermosa II failed to identify the Address of its Development Site as required by the RFA; and
- h. Whether Hermosa II is ineligible for funding under the RFA.

**VII. Statement of Ultimate Facts**

37. The ultimate facts alleged are that Hermosa II is not eligible for funding, or received an incorrect ranking in the Funding Selection Process. As a result of this determination, CORE should be awarded the remaining funding as one of the top three highest-ranked Priority I Applications for the Lee County Goal.

**VIII. Right to Amend**

38. CORE reserves the right to amend this Petition if disputed issues of material fact or law become known during the course of discovery in this proceeding.

**IX. Statutes and Rules that Entitle CORE to Relief**

39. Statutes and rules entitling CORE to Relief are Part V of Chapter 420, Florida Statutes; sections 120.569 and 120.57, Florida Statutes; Chapters 67-48, 67-60, 67-53, and rules 28-106 and 28-110, Florida Administrative Code.

**X. Demand for Relief**

40. Pursuant to section 120.57(3), Florida Statutes and Florida Administrative Code Rule 28-100.004, CORE requests the following relief:

a. Florida Housing schedule a meeting with CORE to discuss resolution of this protest within seven business days, as required by section 120.57(3)(d)1., Florida Statutes;

b. If the matter cannot be resolved, that Florida Housing refer this petition to the Division of Administrative Hearings for assignment of an Administrative Law Judge (“ALJ”);

c. The ALJ enter a Recommended Order revoking the funding granted to Hermosa II, awarding funding to CORE, and inviting CORE to the credit underwriting process; and

d. That Florida Housing adopt the Recommended Order of the ALJ as a Final Order.

Respectfully submitted this 22<sup>nd</sup> day of June, 2023.

*/s/ Christopher B. Lunny*

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Tallahassee, Florida 32301

Telephone: (850) 425-6654

**COUNSEL FOR PETITIONER,  
CORE OAK PARK LLLP**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing Formal Written Protest and Petition for Formal Administrative Hearing has been filed by email to the Florida Housing Finance Corporation Clerk at [CorporationClerk@floridahousing.org](mailto:CorporationClerk@floridahousing.org) this 22<sup>nd</sup> day of June, 2023.

*/s/ Christopher B. Lunny*  
\_\_\_\_\_  
CHRISTOPHER B. LUNNY

*CORE Oak Park LLLP v. Florida Housing Finance Corporation*  
RFA NO.: 2023-304  
Application No.: 2023-202BR

# **EXHIBIT**

**1**

## RFA 2023-304 – Board Approved Preliminary Awards

Total RRLP Funding	81,600,000
Total RRLP Allocated	79,669,700
Total RRLP Remaining	1,930,300

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus ELI)	Eligible For Funding?	Funding Test Met?	County Award Tally	Priority Level	Total Points	PHA Goal?	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
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**goal to fund one Priority I, Tier 1 Application that qualifies for the PHA Goal**

2023-201R	Lofts on Lemon Phase II	Sarasota	M	1	Darren Smith	Lofts II Fortis Developer, LLC; SHA Affordable Development, LLC	NC	HR	F	93	10,657,100	Y	Y	1	1	10	Y	A	Y	Y	28
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**goal to fund three Applications in Lee County, with a preference that they be Priority I Applications**

2023-212BR	Hermosa North Fort Myers II	Lee	M	1	Michael R. Allan	DDER Development, LLC; Revital Development Group, LLC; LCHA Developer, LLC	NC	MR 4	E, Non-ALF	88	9,981,900	Y	Y	1	1	10	N	A	Y	Y	9
2023-216BR	Palms Landing	Lee	M	1	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	88	8,096,200	Y	Y	2	1	10	N	A	Y	Y	10
2023-220BR	Legacy Park II	Lee	M	1	Matthew A Rieger	HTG Legacy II Developer, LLC	NC	MR 5/6	E, Non-ALF	80	8,950,600	Y	Y	3	1	10	N	A	Y	Y	12

### Exhibit 1



## RFA 2023-304 – Board Approved Preliminary Awards

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EI)	Eligible For Funding?	Funding Test Met?	County Award Tally	Priority Level	Total Points	PHA Goal?	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
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**Remaining Funding**

2023-226BR	New York Avenue Apartments	Volusia	M	1	Shawn Wilson	Blue Ian Developer, LLC	NC	MR 4	F	84	9,353,500	Y	Y	1	1	10	N	A	Y	Y	2
2023-208BR	Cardinal Pointe	Orange	L	1	Deion R. Lowery	DDER Development, LLC	NC	G	E, Non-ALF	120	11,058,400	Y	Y	1	1	10	N	A	Y	Y	5
2023-223BR	EKOS on Pine	Sarasota	M	1	Christopher L. Shea	MHP Sarasota I Developer, LLC	NC	G	E, Non-ALF	100	10,837,000	Y	Y	2	1	10	N	A	Y	Y	4
2023-196BR	Town Oaks Apartments	Orange	L	1	C. Hunter Nelson	ECG Town Oaks Developer, LLC	NC	G	F	60	5,340,600	Y	Y	2	1	10	N	A	Y	Y	16
2023-206BR	Lakewood Senior Housing	Volusia	M	1	Terri Murray	ACRUVA Community Developers, LLC; Neighborhood Renaissance, Inc.	NC	MR 4	E, Non-ALF	56	5,394,400	Y	Y	2	1	5	N	A	Y	Y	17

On June 9, 2023, 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.

*CORE Oak Park LLLP v. Florida Housing Finance Corporation*  
RFA NO.: 2023-304  
Application No.: 2023-202BR

# **EXHIBIT**

## **2**



PHONE (850) 425-6654 FAX (850) 425-6694 WEB WWW.RADEYLAW.COM  
MAIL POST OFFICE BOX 10967 | TALLAHASSEE, FL 32302 OFFICE 301 SOUTH BRONOUGH ST. | STE. 200 | TALLAHASSEE, FL 32301

June 12, 2023

**Via Electronic Filing**

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

RECEIVED

JUN 12 2023 9:19 AM

FLORIDA HOUSING  
FINANCE CORPORATION

Re: Notice of Intent to Protest, RFA 2023-304, Proposed Funding Selections

Dear Corporation Clerk:

Pursuant to section 120.57(3), Florida Statutes, rule chapters 28-106 and 28-110, and rule 67-60.009, Florida Administrative Code, Applicant No. 2023-202BR, CORE Oak Park LLLP, files this Notice of Intent to Protest the proposed funding selections adopted by the Florida Housing Finance Corporation ("FHFC") Board of Directors on June 9, 2023, concerning Request for Applications 2023-304, RRLP Financing To Be Used For Rental Developments In Hurricane Ian And Hurricane Nicole Impacted Counties.

A copy of the Board's Approved Preliminary Awards, as posted on the FHFC website, is attached to this notice as **Exhibit A**. A copy of the Board's Approved Scoring Results, also posted on the FHFC website, is attached as **Exhibit B**. A formal written protest petition will be filed within 10 days of this notice, as required by law.

Sincerely,

Christopher Lunny

**Exhibit 2**

*CORE Oak Park LLLP v. Florida Housing Finance Corporation*  
RFA NO.: 2023-304  
Application No.: 2023-202BR

# **EXHIBIT**

# **3**

## RFA 2023-304 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EI)	MMRB Request Amount	Non Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-195BR	Legacy Park I	Lee	M	1	Matthew A Rieger	HTG Legacy I Developer, LLC	NC	MR 5/6	F	95	10,721,300	16,000,000	1,426,657	Y	1	10	N	88,175.64	A	Y	Y	24
2023-196BR	Town Oaks Apartments	Orange	L	1	C. Hunter Nelson	ECG Town Oaks Developer, LLC	NC	G	F	60	5,340,600	13,000,000	1,050,972	Y	1	10	N	83,582.00	A	Y	Y	16
2023-197BR	Princeton Oaks	Orange	L	1	Brett Green	Archway Princeton Oaks Developer, LLC	NC	G	F	90	9,227,900	14,500,000	1,325,042	Y	1	10	N	86,420.97	A	Y	Y	23
2023-198BR	Azalea Bloom	Osceola	M	2	Michael Ruane	CORE Azalea Bloom Developer LLC	NC	MR 5/6	F	95	9,345,400	15,500,000	1,397,998	Y	1	10	N	75,374.51	A	Y	Y	11
2023-199BR	The Nautilus	Lee	M	1	Matthew A Rieger	HTG Nautilus Developer, LLC	NC	MR 5/6	F	86	9,661,900	14,300,000	1,242,690	Y	1	10	N	88,206.87	A	Y	Y	35
2023-200BR	Fern Grove Phase Two	Orange	L	1	Scott Zimmerman	BDG Fern Grove Phase Two Developer, LLC	NC	MR 5/6	E, Non-ALF	133	10,600,000	27,000,000	2,347,564	Y	1	10	N	73,496.24	A	Y	Y	36
2023-201R	Lofts on Lemon Phase II	Sarasota	M	1	Darren Smith	Lofts II Fortis Developer, LLC; SHA Affordable Development, LLC	NC	HR	F	93	10,657,100		1,595,157	Y	1	10	Y	69,663.51	A	Y	Y	28
2023-202BR	Oak Park	Lee	M	1	Michael Ruane	CORE Oak Park Developer LLC	NC	MR 4	E, Non-ALF	144	10,721,600	17,000,000	1,490,984	Y	1	10	N	64,657.55	A	Y	Y	13
2023-203R	3611/3621 Cleveland Avenue	Lee	M	1	Vincent R Bennett	Fort Myers Developer, LLC; Southwest Florida Affordable Development, LLC	NC	G	F	92	9,846,500		1,900,628	Y	1	10	Y	92,822.29	B	Y	Y	19
2023-204BR	Enclave at Endeavor	Lee	M	1	Joseph F Chapman, IV	Royal American Properties, LLC	NC	G	F	112	11,113,600	16,000,000	1,434,330	Y	1	10	N	93,982.52	B	Y	Y	15
2023-205BR	Southward Village CNI Phase 2	Lee	M	1	Vincent R Bennett	Fort Myers Developer, LLC; Southwest Florida Affordable Development, LLC	NC	G	F	151	11,427,000	35,000,000	2,614,878	Y	1	10	N	72,172.02	A	Y	Y	29

### Exhibit 3

## RFA 2023-304 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EI)	MMRB Request Amount	Non Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Porximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-206BR	Lakewood Senior Housing	Volusia	M	1	Terri Murray	ACRUVA Community Developers, LLC; Neighborhood Renaissance, Inc.	NC	MR 4	E, Non-ALF	56	5,394,400	8,000,000	668,977	Y	1	5	N	77,145.70	A	Y	Y	17
2023-207BR	Arbors at The Ridge	Lee	M	1	Terri Murray	ACRUVA Community Developers, LLC; Neighborhood Renaissance, Inc.	NC	MR 4	E, Non-ALF	120	9,199,300	16,000,000	1,427,959	Y	1	5	N	58,466.72	A	Y	Y	21
2023-208BR	Cardinal Pointe	Orange	L	1	Deion R. Lowery	DDER Development, LLC	NC	G	E, Non-ALF	120	11,058,400	15,000,000	1,435,767	Y	1	10	N	76,705.00	A	Y	Y	5
2023-209BR	Casa San Juan Diego	Collier	M	2	Eric C. Miller	NDA Developer, LLC; CSJD Developer, Inc.; CCHA Developer, LLC	NC	G	F	80	8,029,600	13,200,000	1,308,737	Y	1	10	N	74,367.42	A	Y	Y	6
2023-210BR	St. Peter Claver Place II	Lee	M	1	Eric C. Miller	LCHA Developer, LLC; St. Peter Claver Developer, Inc. ; NDA Developer, LLC	NC	G	F	72	6,574,400	11,500,000	1,143,426	Y	1	10	N	74,122.60	A	Y	Y	31
2023-211R	Amaryllis Park Place III	Sarasota	M	1	Darren Smith	Amaryllis III Fortis Developer, LLC; SHA Affordable Development, LLC	NC	G	F	108	11,059,100		1,961,634	Y	1	10	Y	79,261.83	A	Y	Y	34
2023-212BR	Hermosa North Fort Myers II	Lee	M	1	Michael R. Allan	DDER Development, LLC; Revital Development Group, LLC; LCHA Developer, LLC	NC	MR 4	E, Non-ALF	88	9,981,900	14,250,000	1,324,288	Y	1	10	N	83,044.00	A	Y	Y	9
2023-213BR	Emerson Place	Hillsborough	L	2	Paula McDonald Rhodes	ADC Communities II, LLC; Invictus Development, LLC; UAD Emerson Place, LLC	NC	G	F	64	6,650,700	9,700,000	930,551	Y	1	10	N	99,187.50	B	N	Y	8

## RFA 2023-304 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EII)	MMRB Request Amount	Non Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-214BR	Avid @ Coral Shores	Lee	M	1	Michael Ruane	CORE FL Developer VII LLC; 3rd Wave Affordable Developer LLC	NC	MR 4	E, Non-ALF	144	10,921,600	17,500,000	1,490,616	Y	1	10	N	66,015.19	A	Y	Y	33
2023-215BR	Twin Lakes Estates - Phase III	Polk	M	2	Matthew A. Rieger	HTG Twin Lakes III Developer, LLC; Polk County Housing Developers, Inc.	NC	MR 4	F	86	9,553,200	12,000,000	957,138	Y	2	5	N	83,002.50	A	Y	Y	20
2023-216BR	Palms Landing	Lee	M	1	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	88	8,096,200	14,000,000	1,220,000	Y	1	10	N	87,044.55	A	Y	Y	10
2023-217R	Oakhurst Trace	Pinellas	L	3	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	MR 4	F	224	4,000,000		2,500,000	Y	1	10	N	8,025.97	A	Y	Y	30
2023-218BR	Ellen Estates	Hillsborough	L	2	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	MR 4	F	97	10,992,000	18,000,000	1,090,000	Y	2	10	N	87,628.87	A	Y	Y	27
2023-219BR	Flats on 4th	Pinellas	L	3	Brett Green	Flats on 4th Developer, LLC	NC	G	F	64	7,331,300	11,500,000	966,608	Y	1	10	N	111,090.00	B	Y	Y	1
2023-220BR	Legacy Park II	Lee	M	1	Matthew A Rieger	HTG Legacy II Developer, LLC	NC	MR 5/6	E, Non-ALF	80	8,950,600	13,000,000	1,235,458	Y	1	10	N	88,231.59	A	Y	Y	12
2023-221BR	The Enclave at Canopy Park	Orange	L	1	Brett Green	The Enclave at Canopy Park Developer, LLC	NC	G	F	104	8,952,300	17,000,000	1,453,186	Y	1	10	N	70,804.62	A	Y	Y	32

## RFA 2023-304 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Tier	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	Total RRLP Request Amount (RRLP plus EII)	MMRB Request Amount	Non Competitive HC Request Amount	Eligible For Funding?	Priority Level	Total Points	PHA Goal?	Corporation Funding PSAU	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-222BR	Renaissance Hall Senior Living	Collier	M	2	Steven Kirk	Rural Neighborhoods, Incorporated	NC	MR 5/6	E, Non-ALF	100	8,000,000	21,000,000	1,310,304	Y	1	10	N	50,871.68	A	Y	Y	7
2023-223BR	EKOS on Pine	Sarasota	M	1	Christopher L. Shear	MHP Sarasota I Developer, LLC	NC	G	E, Non-ALF	100	10,837,000	16,750,000	1,062,947	Y	1	10	N	80,040.00	A	Y	Y	4
2023-224BR	Ekos on Vine	Volusia	M	1	Christopher L. Shear	MHP Volusia I Developer, LLC	NC	G	E, Non-ALF	96	10,524,000	15,000,000	901,282	Y	2	10	N	83,375.00	A	Y	Y	26
2023-225BR	Orange Grove	Lee	M	1	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	60	6,582,300	14,000,000	865,000	Y	1	10	N	92,046.00	B	Y	Y	18
2023-226BR	New York Avenue Apartments	Volusia	M	1	Shawn Wilson	Blue Ian Developer, LLC	NC	MR 4	F	84	9,353,500	14,000,000	1,216,219	Y	1	10	N	89,294.63	A	Y	Y	2
2023-227BR	Residences at Barnett Park	Orange	L	1	Robert Hoskins	NuRock Development Partners, Inc.; R Howell Development, LLC; R Block Development, LLC	NC	MR 5/6	F	140	8,812,000	32,000,000	2,002,090	Y	1	10	N	45,558.48	A	Y	Y	25
2023-228R	Vesta Esperanza Village	Charlotte	M	1	Kory Geans	Middleburg Development, LLC; Newstar Development, LLC	NC	G	F	96	10,614,600		944,352	Y	1	10	N	95,833.33	B	Y	Y	3
2023-229BR	Ekos on Evans	Lee	M	1	Christopher L. Shear	MHP Lee I Developer, LLC	NC	G	F	120	11,002,500	19,500,000	1,587,787	Y	1	10	N	76,705.00	A	Y	Y	22
2023-230BR	Ekos Del Prado	Lee	M	1	Christopher L. Shear	MHP Lee II Developer, LLC	NC	G	F	96	9,606,600	15,500,000	1,225,496	Y	1	10	N	84,375.50	A	Y	Y	14

On June 9, 2023, 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.



*CORE Oak Park LLLP v. Florida Housing Finance Corporation*  
RFA NO.: 2023-304  
Application No.: 2023-202BR

# **EXHIBIT**

# **4**

**Exhibit A to RFA 2023-304 RRLP Financing to be Used for Rental Developments in Hurricane Ian and Hurricane Nicole Impacted Counties**

**Section 4.A.5  
Proximity, Mandatory Distance, and RECAP**

**e. Proximity**

**(1) PHA or RD 515 Proximity Point Boost**

**(a)** Does the proposed Development qualify for the PHA Proximity Point Boost?

No

If "Yes", provide the required letter as Attachment 5.

**(b)** Does the proposed Development qualify for the RD 515 Proximity Point Boost?

No

If "Yes", provide the required letter as Attachment 14.

Points awarded for Proximity Point Boost*
0,0

*\*Subject to verification of other RFA requirements*

**(2) Transit Services**

Applicants may select Private Transportation or provide the location information and distance for one of the remaining four Transit Services on which to base the Application's Transit Score.

**(a)** If the proposed Development will serve the Elderly Demographic Commitment, does the Applicant commit to provide Private Transportation?

No

*(The proposed Development's Demographic Commitment is Elderly Non-ALF, which qualifies to select this option for 2 transit points.)*

Points awarded for Transit Type
0,0

**(b) Other Transit Services**

Service	Latitude Coordinates	Longitude Coordinates	Distance*	Points awarded for Transit Type
Public Bus Stop 1				
Public Bus Stop 2				
Public Bus Stop 3				
Public Bus Transfer Stop	26.686622	-81.901947	0.99	4.5
Public Bus Rapid Transit Stop				
Public Rail Station				

*This area intentionally left blank.*

**Community Services**

Up to **three** Community Services may be selected, for a maximum 4 points for each service.

Service	Service Name	Service Address	Distance*	Points awarded for Community Services
Grocery Store	Walmart Supercenter #623	545 Pine Island Rd., North Fort Myers, FL 33903	1.45	1.5
Medical Facility				

*CORE Oak Park LLLP v. Florida Housing Finance Corporation*  
RFA NO.: 2023-304  
Application No.: 2023-202BR

# **EXHIBIT**

# **5**

**From:** Huff, Dawn <DHuff3@leegov.com>  
**Sent:** Thursday, June 15, 2023 11:27 AM  
**To:** Oscar Paul  
**Subject:** RE: Bus Stop Clarifying Question

It has not been in service for over six months and will never be reactivated.

**Dawn Huff**  
Planning and Scheduling Manager



3401 Metro Pkwy  
Fort Myers FL, 33901  
O: (239) 533-0233  
C: (239) 839-4170  
[DHuff3@leegov.com](mailto:DHuff3@leegov.com)

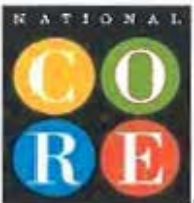
[www.RideLeeTran.com](http://www.RideLeeTran.com)



**From:** Oscar Paul <opaul@nationalcore.org>  
**Sent:** Thursday, June 15, 2023 11:05 AM  
**To:** Huff, Dawn <DHuff3@leegov.com>  
**Cc:** Ariana Brendle <abrendle@nationalcore.org>  
**Subject:** [EXTERNAL] Re: Bus Stop Clarifying Question

Thank you for the information and map. Just to confirm, the pickup location at the coordinates provided and identified in the map you provided as "Old Location" was not in service as of May 3rd, 2023?

**ATTENTION: We have moved our corporate office to 9692 Haven Ave. Suite 100 Rancho Cucamonga, CA 91730. Please take a moment to update your contact system to reflect our new office location.**



Oscar Paul | Development Manager, Affordable Housing - Florida | (850) 703-8810  
National Community Renaissance | 9692 Haven Avenue Suite 100 | Rancho Cucamonga, CA 91730 | Fax (909) 291- | v  
0302

**National CORE is Hiring!** [Check open positions](#)

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**Exhibit 5**

*CORE Oak Park LLLP v. Florida Housing Finance Corporation*  
RFA NO.: 2023-304  
Application No.: 2023-202BR

# **EXHIBIT**

**6**



April 27, 2023

Florida Housing Finance Corporation  
Attn: Sarah Garner  
227 N. Bronough Street, Suite 5000  
Tallahassee, FL 32301

Re: Hermosa North Fort Myers – 2023-040C  
Legal Description Change Request

Dear Ms. Garner:

On behalf of Hermosa NFTM 41, LLC, the Applicant and Ownership Entity for the above referenced development, please allow this correspondence to serve as a written request for a change in the legal description.

The Applicant requests a change in the legal description from the application submission within the Vacant Land Contract provided as Site Control in Application 2023-040C in RFA 2022-201 to reduce the size of the site from +/- 8 acres to 3.6 acres to preserve the remaining 4.4 acres for a future Phase II development.

The Land Use Attorney Affidavit is included as Exhibit A certifying the Development Location Point has not moved and the change in site size does not affect zoning. The \$500 payment for the fee associated with this request is being wired today.

Please let us know if we can provide any additional information for this request to be approved.

Sincerely,

Hermosa NFTM 41, LLC  
By: Revital NFTM 41, LLC, it Manager and Member  
By: Revital Communities, LLC, it Managing Member

A handwritten signature in black ink, appearing to read "Michael Allan", is written over a horizontal line.

Michael Allan, Manager & Authorized Principal Representative

*CORE Oak Park LLLP v. Florida Housing Finance Corporation*  
RFA NO.: 2023-304  
Application No.: 2023-202BR

# **EXHIBIT**

# **7**

**Exhibit A to RFA 2023-304 RRLP Financing to be Used for Rental Developments in Hurricane Ian and Hurricane Nicole Impacted Counties**

**Section 4.A.5  
Location of Proposed Development**

a. County: Lee County Size: Medium Tier: 1

**b. Address of Development Site**

Street Address or closest designated intersection:

West side of N. Cleveland Avenue, approximately 1,400 feet north of the intersection of N. Cleveland Avenue and Littleton Road

City of Development Site\*: Unincorporated Lee County

*\*If the proposed Development is located in the unincorporated area of a county, provide that information.*

**c. State whether the Development consists of Scattered Sites**

(1) Does the proposed Development consist of Scattered Sites? No

**d. Latitude and Longitude Coordinates**

(1) Development Location Point

Latitude in decimal degrees, rounded to at least the sixth decimal place: 26.700967

Longitude in decimal degrees, rounded to at least the sixth decimal place: -81.901183

(2) If the proposed Development consists of Scattered Sites, for each Scattered Site that is in addition to the Development Location Point information provided in (1) above, identify the latitude and longitude coordinate, rounded to at least the sixth decimal place:

[Redacted area for scattered site coordinates]