

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

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MHP JORDAN BAYOU, LLC,

Petitioner,

FHFC Case No.: 2019-050BP

vs.

RFA 2019-109

Application No.: 2019-413H

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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

Petitioner MHP Jordan Bayou, LLC (“Petitioner” or “Jordan Bayou”) 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 intended decision of Respondent Florida Housing Finance Corporation (“Florida Housing”) to find Jordan Bayou ineligible for an award of funding in connection with Request for Applications 2019-109, HOME Financing To Be Used for Rental Developments in Hurricane Michael Impacted Counties and in Rural Areas (the “RFA”).

I. Parties

1. Jordan Bayou is a legally formed entity qualified to do business in Florida that applied for funding pursuant to the RFA. Jordan Bayou sought funding in connection with a proposed 50-unit development consisting of single-family homes in Franklin County to serve the family demographic. For purposes of this proceeding, Petitioner’s address, telephone number, and email address are those of its undersigned counsel.

2. 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 Petitioner's application is 2019-413H.

II. Notice

3. Petitioner received notice of Florida Housing's intended decision to award funding pursuant to the RFA on May 10, 2019, when Florida Housing's Board of Directors approved the recommendation of its Review Committee, which previously had recommended certain applicants for funding. A copy of the notice posted on the Florida Housing website concerning the Board action is attached as **Exhibit A**. Jordan Bayou was not among those recommended for funding because its application was deemed ineligible. See **Exhibit B** (Board Approved Scoring Results) at p. 2.

4. Petitioner timely filed a notice of intent to protest on May 15, 2019. A copy of that notice is attached as **Exhibit C**.

III. Background

5. 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. RFA 2019-109 proposed to award \$30 million in HOME Investment Partnership Program funding for developments in areas impacted by Hurricane Michael and in rural areas. The RFA created a preference during the ranking process for proposed developments located in the Hurricane Michael impacted counties of Bay, Calhoun, Gulf, Jackson, Franklin, Gadsden, Liberty, Wakulla, and Washington. Applications within these nine counties are considered "Tier 1 Applications." Proposed Developments located in rural areas in all other counties were considered "Tier 2 Applications." Jordan Bayou's proposed development serves a

Tier 1 county, i.e., Franklin, which are intended to be funded advance of all Tier 2 applications. RFA, p. 56 (§ Five B.5.).

6. Florida Housing has the responsibility and authority to establish procedures for allocating and distributing various types of funding for affordable housing. In accordance with that authority, Florida Housing has adopted chapter 67-60, Florida Administrative Code, which governs the competitive solicitation process for several programs. Other administrative rule chapters relevant to Florida Housing's selection process in connection with this RFA are chapter 67-48, which governs competitive affordable multifamily rental housing programs, chapter 67-21, which governs Florida Housing's noncompetitive affordable multifamily rental programs, and chapter 67-53, governing compliance. Applicants for funding pursuant to RFA 2019-109 are required to comply with provisions of the RFA and each of the administrative rule chapters referenced in this paragraph, as applicable. *See* RFA, pp. 5-6 (§ Three F.3).

7. The RFA was issued on February 21, 2019. It establishes a series of mandatory eligibility requirements, as well as a detailed process of selecting Applicants for funding. RFA, pp. 51-56 (§ Five A. and B.). Although Applicants are generally required to comply with the RFA, Florida Housing reserved the right on page 5 of the RFA to waive minor irregularities. (§ Three C.1.). Rule 67-60.008, Florida Administrative Code, addresses minor irregularities:

Minor irregularities are those irregularities in an Application, such as computation, typographical, or other errors, that do not result in the omission of any material information; do not create any uncertainty that the terms and requirements of the competitive solicitation have been met; do not provide a competitive advantage or a benefit not enjoyed by other Applicants; and do not adversely impact the interests of the Corporation or the public. Minor irregularities may be waived or corrected by the Corporation.

8. According to scoring sheets provided by Florida Housing in response to a public records request, Jordan Bayou was found ineligible to compete for funding in RFA 2019-109 because the Applicant did not complete the Unit Mix Chart referenced on page 19 of the RFA (§ Four A.6.c.). Jordan Bayou's omission of the Unit Mix Chart was a result of misreading a section of the RFA on page 17 (§ Four. 6.b.(3)), which applied only to proposed developments located in Bay County. The drafters of the Application mistakenly assumed that Section Four. 6.c. of the RFA was a sub-section of Section Four 6.b.(3). The Unit Mix chart included a column for the "Number of Units that are ELI Set-Aside Units," which would not be applicable to developments outside of Bay County. *See Exhibit D* (pages 9-10 of the Application). As discussed in more detail below, Jordan Bayou's omission of the Unit Mix Chart in its Application is a minor irregularity, as all of the material information that would have been included in the chart is provided elsewhere in Jordan Bayou's Application, and no material information was omitted from the Application. Had Jordan Bayou's Application been determined to be eligible for funding, Jordan Bayou would have been selected based on the scoring and ranking criteria identified in the RFA. *See RFA*, pp. 51-56 (§ Five).

9. Applicants for funding were scored based on various criteria identified in the RFA. The maximum number of points available in RFA 2019-109 was 5. *See RFA*, p. 54 (§ Five A.2). Because many Applicants often achieve the maximum number of points and meet the mandatory eligibility requirements, the RFA sets forth an Application Sorting Order that lists a series of tie-breakers:

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, preference will be given to Applications that qualify for the HOME Funding Experience Preference described in Section Four, A.3.b.(3)(b) of the RFA;
- b. Next, preference will be given to Applications that qualify for the Previous Affordable Housing Experience Funding Preference described in Section Four, A.3.b.(3)(a) of the RFA;
- c. Next, by percentage resulting from the Applicant's Eligible HOME Request Amount divided by the maximum award amount the Applicant is eligible to request (rounded to two (2) decimal places of the percentage). Applications will be listed in ascending order beginning with the Application with the lowest percentage and ending with the Application that has the highest percentage;
- d. Next, by the percentage of Match compared to the Applicant's Eligible HOME Request Amount, (rounded to 2 decimal places of the percentage), by dividing the total Match Amount stated at question 12 of Exhibit A by the Eligible HOME Request Amount. Applications will be listed in descending order beginning with the Application with the highest percentage and ending with the Application that has the lowest percentage;
- e. Next, preference will be given to Applications that qualify for the Florida Job Creation Funding Preference which is outlined in Item 2 of Exhibit C (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- f. Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

RFA, p. 55 (§ Five B.1.).

10. The RFA also imposes a County Award Tally, which establishes a procedure relating to how many Applications may be approved in the various counties. RFA, p. 55 (§ Five B.2.). Tier 1 Applications may have more than one Application credited to the County Award Tally until all eligible Tier 1 Applications have been selected for funding. If additional funding remains after funding all eligible Tier 1 Applications, Tier 2 Applications will be selected for funding pursuant to the Selection Process, subject to the County Award Tally. Additionally,

the RFA also provides that Applicants will be selected for funding only if there is enough funding available to fully fund the Eligible Request Amount. RFA, p. 56 (§ Five B.3.). This is known as the “Funding Test.”

11. The RFA established a funding goal to fund an eligible Bay County Application that also requested Florida Housing-issued Multifamily Revenue Bonds and Non-Competitive Housing Credits. RFA, p. 56 (§ Five B.4.a.). A second goal was established to fund one eligible Tier 1 development that qualifies as a HOME Community Housing Development Organization (“CHDO”). *Id.* (§ Five B.4.b.). Taking into account the Application Sorting Order and these goals, the RFA established the following selection process:

- a. First, the highest ranking eligible Bay County Application that also requested Corporation-Issued MMRB and Non-Competitive Housing Credits will be selected for funding.
- b. Next, the highest ranking eligible CHDO Tier 1 Application will be selected for funding.
- c. Next, the highest ranking eligible Tier 1 Application(s) that can be fully funded will be selected for funding, subject to the County Award Tally until there are no remaining eligible Tier 1 Applications that can be fully funded.
- d. Next, with the remaining HOME allocation, if a CHDO was not selected for funding in Tier 1, the highest ranking eligible CHDO Tier 2 Application that can be fully funded will be selected for funding.
- e. Next, the highest ranking eligible Tier 2 Application(s) that can be fully funded will be selected for funding, subject to the County Award Tally, until there are no remaining eligible Tier 2 Applications.
- f. If funding remains and no eligible unfunded Applications can be fully funded, no further Applications will be considered for funding and any remaining funding will be distributed as approved by the Board.

RFA, p. 56 (§ Five B.5.).

12. Florida Housing received 20 Applications in response to the RFA, of which 11 were found to be eligible for funding. **Exhibit B**, 2019-109 – Board Approved Scoring Results. As previously noted, Jordan Bayou was determined to be ineligible for funding. *Id.*

13. The recommendations of Florida Housing’s Review Committee for the RFA were preliminarily approved by the Florida Housing Board of Directors (“Board”) on May 10, 2019. *See Exhibit A*. Seven Applications were preliminarily approved for funding. Three of these are in Bay County; two are in Gulf County; one is in Jackson County, and one is in Wakulla County. *Id.* No Applications were preliminarily approved in Franklin County, as Jordan Bayou submitted the only Application for a development in that Tier 1 county. Jordan Bayou proposed to build 50 new units of affordable housing, while four of the Applicants selected proposed to build 30 units or less. *See Exhibit A*.

IV. Substantial Interests Affected

14. Jordan Bayou’s substantial interests are affected by the Board’s preliminary awards. Had Florida Housing waived the omission of the Unit Mix Chart in Jordan Bayou’s Application as a minor irregularity, Jordan Bayou would have been preliminarily awarded funding by the Board. Jordan Bayou is a shovel-ready development of single-family homes in a Tier 1 County. The proposed development is fully entitled and permitted with a fully engineered site plan permit, development order, and other local government approvals secured. Site work, including all paving, grading, drainage, and utility work is complete for the proposed development. Therefore, Jordan Bayou is in a position to quickly close on its financing and commence vertical construction that will deliver the maximum number of units afforded under the RFA to people in the most impacted Tier 1 Counties.

15. Notably, all of the material information sought in the Unit Mix Chart can be found elsewhere in Jordan Bayou's Application. Jordan Bayou disclosed on page 8 of its Application that it proposed to build 50 units, the maximum number of units permitted in all counties except Bay County. RFA, p. 16 (§ Four A.6.a.(2)). The RFA, at page 17 (§ Four A.6.b.), requires a minimum number of HOME-assisted units based on the amount of HOME funding requested and the Total Development Cost. The RFA also requires a breakdown of High HOME and Low HOME units. *Id.* Following these instructions in the RFA, Jordan Bayou disclosed on page 8 of its Application that it was requesting \$4,998,000 in HOME funding with a Total Development Cost of \$6,411,734.28, resulting in 78% of the Total Development Cost provided by the HOME loan, and 39 of the 50 units assisted by HOME funds. Additionally, the minimum set-asides of High HOME-assisted units and Low HOME-assisted units were calculated, showing that eight of the units were Low-HOME assisted units and 31 of the units were High-HOME assisted units. See **Exhibit E** (page 8 of Jordan Bayou's Application).

16. Jordan Bayou also completed the chart requested on page 68 of the RFA (**Exhibit A**, 10.a.(2)) concerning HOME-Assisted (set-aside) Units. In that chart, Jordan Bayou disclosed that all 39 HOME-assisted units were two-bedroom units, resulting in a Total Maximum Per Unit HOME Rental Subsidy Limit of \$7,510,425. **Exhibit F** (page 13 of Jordan Bayou's Application).¹ This information in the charts shown in **Exhibit E** and **Exhibit F** provided Florida Housing with

¹ This calculation is based on Florida Housing's Per Unit Maximum Subsidy Limits, as disclosed in the chart on page 35 of the RFA (§ Four A.10.a.(2)). The Maximum Request is a product of the total HOME-assisted units and the unit type (number of bedrooms). The maximum per unit HOME subsidy for a two-bedroom unit in Franklin County is \$192,575. Thus, at 39 HOME-assisted units, the total rental subsidy limit for the development is \$7,510,425.

the information necessary to calculate “leveraging” for Jordan Bayou, which is the third tie-breaker in the Application Sorting Order and is based on the number and type of HOME-assisted units.

17. No additional information provided in the Unit Mix Chart would have helped Florida Housing score or rank the Jordan Bayou Application. The only additional information that would have been provided through completion of the Unit Mix Chart is that the 11 non-HOME-assisted units are also two-bedroom, two-bathroom units, which is immaterial to scoring and ranking of the Application.²

18. Florida Housing has waived Eligibility Items as minor irregularities in other circumstances. For example, Florida Housing has consistently taken the position that the failure to submit certain information in a particular place on an application could be waived as a minor irregularity when the information was readily available elsewhere in the application. See *Blue Broadway, LLC v. Fla. Housing Fin. Corp.*, Case No. 17-3273BID, p.10 (DOAH Aug. 29, 2017; FHFC Sept. 27, 2017); *Pinnacle Rio, LLC v. Fla. Housing Fin. Corp.*, Case Nos. 14-1398BID, 14-1399BID, 14-1400BID & 14-1428BID, p.26 (DOAH June 4, 2014; FHFC June 13, 2014). The pertinent information in the Unit Mix Chart can be found in other parts of the location as explained above.

19. Moreover, in this case, any information that was needed to score and evaluate the application was readily available in the application. This is similar to *Renaissance Pointe*

² The Unit Mix Chart also asked for the number of Extremely Low Income (“ELI”) set-aside units, but this information is only relevant for those Bay County Applicants seeking FHFC-issued Multi-family Revenue Bond and Non-Competitive Housing Credit funding. At least one other Applicant did not complete the ELI portion of the Unit Mix Chart but was not determined to be ineligible. See, e.g., 2019-407H (Barry’s Bungalows).

Apartments, LLC v. Midtown Lofts, Ltd. and Florida Housing Finance Corporation, Case No. 18-3806BID (DOAH Sept. 6, 2018; FHFC Sept. 17, 2018), in which one applicant failed to identify the existence of two occupied buildings on the proposed property even though that was a mandatory disclosure. The AIJ found this to be a minor irregularity because there was no score for tenant occupancy, the costs of relocation were not material, and the failure to disclose the information did not change the competitive position of the applicants. *Recommended Order*, at 8-10, 12-16. The Final Order upheld the finding that this was a minor irregularity. Similarly, here, any missing information was not scored and Jordan Bayou received no competitive advantage by failing to include the information in this particular chart when all pertinent information was included elsewhere in its application. *See also Heritage at Pompano Housing Partners, Ltd. v. Fla. Housing Fin. Corp.*, Case Nos. 14-1361BID & 14-1362BID, pp.38-39 (DOAH June 10, 2014; FHFC June 13, 2014) (finding an error in the distance between a public bus transfer stop and the development location point immaterial because the correct distance would receive the same score).

V. Disputed Issues of Material Fact and Law

20. Disputed issues of material fact and law include, but may not be limited to:
 - a. Whether Jordan Bayou's omission of the Unit Mix Chart in its Application was a minor irregularity that Florida Housing should have waived pursuant to rule 67-60.008, Florida Administrative Code;
 - b. Whether Florida Housing's determination that Jordan Bayou is ineligible for funding is contrary to Florida Housing's governing statutes, its rules or policies, or the specifications of the RFA; and
 - c. Whether Florida Housing's determination that Jordan Bayou is ineligible for funding was clearly erroneous, contrary to competition, arbitrary, or capricious.

VI. Statement of Ultimate Facts

21. Ultimate facts alleged are that Jordan Bayou's omission of the Unit Mix Chart in its Application was a minor irregularity that Florida Housing should have waived pursuant to its authority in rule 67-60.008, Florida Administrative Code. If Florida Housing waives the omission of the Unit Mix Chart as a minor irregularity, Jordan Bayou would be eligible for funding and would be among the Applicants recommended for funding.

VII. Right to Amend

22. Jordan Bayou specifically reserves the right to amend this Petition as additional information is developed through discovery or through the review of public records.

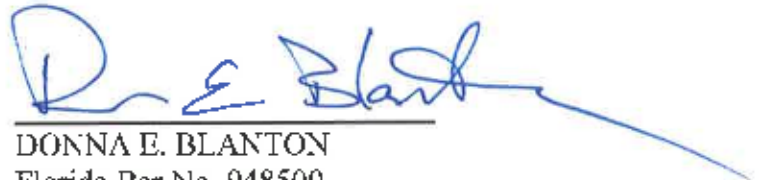
VIII. Statutes and Rules that Entitle Petitioner to Relief

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

IX. Demand for Relief

24. Jordan Bayou respectfully requests that:
- a. Florida Housing schedule a meeting with Petitioner to discuss resolution of this protest within seven business days, as required by section 120.57(3)(d)1., Florida Statutes;
 - b. 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 determining that Florida Housing should find Jordan Bayou eligible for funding; and
 - d. That Florida Housing adopt the Recommended Order of the ALJ as a Final Order.

Respectfully submitted this 28th day of May, 2019.



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Tel: 850-425-6654/ Fax: 850-425-6694

Counsel for MHP Jordan Bayou, LLC

CERTIFICATE OF SERVICE

I CERTIFY that the foregoing document was filed by email to Ana McGlamory, the Florida Housing Finance Corporation Clerk, at corporationclerk@floridahousing.org and Ana.McGlamory@floridahousing.org and a copy sent via email to the following this 28th day of May, 2019:

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



Donna E. Blanton

RFA 2019-109 – Board Approved Preliminary Awards

Total HOME Available for RFA	30,000,000.00
Total HOME Allocated	32,939,566.02
Total HOME Remaining	12,989,566.02

Application Number	Name of Development	Name of Applicant	Name of Developers	County	Total Units	Devel. Commitment	HOME Request Amount	Eligible for Funding?	Tier 1 of 2?	Points	Qualified for CHDD?	HOME Funding Experience Preference	Previous Affordable Housing Experience Funding Preference	Eligible HOME Request as % of Maximum	Match as % of HOME request amount	Florida Job Creation Preference	Lottery
2019-4004	Gateway Manor	Paces Gateway Manor, LLC	The Paces Foundation, Inc.	Full	25	F	6,700,000.00	Y	2	0	N	Y	Y	97.27%	1.06%	N	37
2019-4018B	Tuock Park Southmead	Tuock Park, LP	The Paces Foundation, Inc.	Bay	47	F	4,300,000.00	Y	1	5	N	Y	Y	86.00%	1.15%	Y	9
2019-4046	Tranquility at Hope School	East Lake Florida, LLC	Tranquil Development Partners, LLC and EFCO Development, LLC	Osceola	30	F	1,475,000.00	Y	1	5	N	Y	Y	49.50%	N/A	N	2
2019-407H	Bany's Sunjalow	Affordable Housing Solutions for Florida, Inc.	Affordable Housing Solutions for Florida, Inc.	DADE	27	F	4,964,675.13	Y	1	5	Y	Y	Y	95.20%	0.60%	N	17
2019-408H	Greys Place	Affordable Housing Solutions for Florida, Inc.	Affordable Housing Solutions for Florida, Inc. / Paramedic Affordable, LLC	Meklen	27	F	4,970,890.82	Y	1	5	Y	Y	Y	96.42%	0.60%	N	4
2019-4128B	Hiltop Pointe	Hiltop Pointe LP	Royal American Properties, LLC	Bay	50	F	4,925,000.00	Y	1	5	N	Y	Y	94.50%	N/A	Y	8
2019-4178B	Matthew Commons	MF Commons, LLC	Southern Development, Inc. is a WA corporation doing business as Southern Development Services, Inc.	Bay	36	F	4,600,000.00	Y	2	5	N	Y	Y	92.00%	N/A	Y	10

On May 12, 2019, 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 38-110, F.A.C., and Rule 67-60.008, 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.



RFA 2019-109 – Board Approved Scoring Results

Application Number	Name of Development	Name of Applicant	Name of Developers	County	Total Units	Demol. Commitment	HOME Request Amount	HOME Request	Non-Competitive HC Request	Total Match Amount	Eligible for Funding?	Tier 1 or 2?	Points	Qualified for CHDO? HOME Funding Experience Preference	Previous Affordable Housing Experience Funding Preference	Eligible HOME Request as % of Maximum	Match as % of HOME request amount	Florida Job Creation Preference	Lottery	
Eligible Applications																				
2019-399H	Paradise Palms	Highlands County Housing Authority, Inc.	Highlands County Housing Authority, Inc. & HC Construction Services, Inc.	Highlands	50	F	5,000,000.00		0	0	Y	2	5	N	Y	Y	100.00%	N/A	Y	20
2019-403H	Gateway Manor	Paces Gateway Manor, LLC	The Paces Foundation, Inc.	Gulf	25	F	4,700,000.00		50,000	50,000	Y	1	5	N	Y	Y	97.27%	1.06%	N	17
2019-407H	Tupelo Park Apartments	Tupelo Park, LP	The Paces Foundation, Inc.	Bay	47	F	4,250,000.00	8,200,000	426,718.00	50,000	Y	1	5	N	Y	Y	96.00%	1.11%	Y	9
2019-407H	Pine Breeze Apts	Wankforce Housing Ventures, Inc.	Wankforce Housing Ventures Inc. & HC Construction Services, Inc.	Flagler	50	F	5,800,000.00		0	0	Y	2	5	N	Y	Y	100.00%	N/A	Y	18
2019-404H	Tranquility at Hope school	East Lake Honda JV, LLC	Tranquility Development Partners, LLC and EUCO Development, LLC	Jackson	30	F	4,475,000.00				Y	1	5	N	Y	Y	88.58%	N/A	N	2
2019-405H	Springfield Crossings	Springfield Crossings, LLC	Springfield Crossings Developer, LLC and Cold Rush Real Estate Development, Inc.	Bay	60	F	5,000,000.00	5,700,000	496,825.00		Y	1	5	N	Y	Y	100.00%	N/A	Y	16
2019-406H	Madonna Crossings	Madonna Crossings, LLC	Madonna Crossings Developer, LLC Design Construction Development, LLC	Jackson	30	F	5,000,000.00				Y	1	5	N	Y	Y	100.00%	N/A	N	7
2019-407H	Barry's Bungalows	Affordable Housing Solutions for Florida, Inc.	Affordable Housing Solutions for Florida, Inc.	Gulf	27	F	4,964,675.13				Y	1	5	Y	Y	Y	89.28%	0.60%	N	11
2019-408H	Greyfriars Place	Affordable Housing Solutions for Florida, Inc.	Affordable Housing Solutions for Florida, Inc.	Walton	27	F	4,570,850.25				Y	1	5	Y	Y	Y	99.42%	0.60%	N	4
2019-411H	Hippopointe	Hippopointe, LP	Royal American Properties, LLC	Bay	50	F	4,975,000.00	5,100,000	297,134.00		Y	1	5	N	Y	Y	94.50%	N/A	Y	8
2019-417H	Matthew Commons	SP Commons LLC	Southport Development, Inc. a WA corporation doing business as Southport Development Services, Inc.	Bay	38	F	4,500,000.00	6,600,000	315,200.00	0	Y	1	5	N	Y	Y	92.00%	N/A	Y	10



RFA 2019-109 – Board Approved Scoring Results

Application Number	Name of Development	Name of Applicant	Name of Developers	County	Total Units	Dem. Commitment	HOME Request Amount	MMRB Request	Non-Competitive HC Requester	Total Mizek Amount	Eligible for Funding?	Tier 1 or 2?	Points	Qualified for CHDO?	Home Funding Experience Preference	Previous Affordable Housing Experience Funding Preference	Eligible HOME Request as % of Maximum	Match as % of HOME request amount	Florida Job Creation Preference	Lottery
Ineligible Applications																				
2019-409H	Ortondale Pointe East	Ortondale Pointe East, LP	Royal American Properties, LLC	Jackson	26	F	4,850,000.00				N*	1	5	N	Y	Y	97.20%	N/A	N	5
2019-409H	Ortondale Pointe West	Ortondale Pointe West, LP	Royal American Properties, LLC	Jackson	26	F	4,850,000.00				N*	1	5	N	Y	Y	97.20%	N/A	N	1
2019-410H3	Northshore Pointe East	Northshore Pointe East, LP	Royal American Properties, LLC	Bay	53	F	4,925,000.00	5,300,000	300,372.00		N*	1	5	N	Y	Y	96.50%	N/A	Y	12
2019-412H8	Northshore Pointe West	Northshore Pointe West, LP	Royal American Properties, LLC	Bay	50	F	4,925,300.00	5,300,000	300,372.00		N*	1	5	N	Y	Y	96.50%	N/A	Y	3
2019-413H	Jordan Bayou	MHP Jordan Bayou, LLC	Jordan Bayou Developer, LLC Shear Development Company, LLC Heartland Development Group, LLC	Franklin	50	F	4,998,800.00				N	1	5	N	Y	Y	99.96%	N/A	Y	19
2019-414H	Thomas Pine	Ad Meliora Community Development, Inc.	Ad Meliora Community Development, Inc.	Jackson	32	F	4,500,000.00			5,000	N	1	5	Y	N	Y	90.00%	0.11%	N	14
2019-415H	Marianna Arms Apartments	Marianna Arms Manager LLC	Marianna Arms Developer LLC	Jackson	30	F	4,799,700.00				N	1	5	N	Y	Y	95.99%	N/A	N	10
2019-416I	The Vine - DR	The Wright Foundation, Inc	Emory Peacock dba/ Grant Peacock, Inc. The Wright Foundation, Inc	Jackson	24	F	4,990,380.00			1,500,000	N	1	0	N	N	N	100.00%	33.81%	N	6
2019-418H3	Bid-A-Wee Apartments	Bid-A-Wee Manager LLC	Bid-A-Wee Developer LLC	Bay	110	F	5,300,000.00	10,000,000	772,713.00		N	1	5	N	Y	Y	100.00%	N/A	Y	15

On May 10, 2019, 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 26-11.0, F.A.C., and Rule 67-60.003, 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.



RECEIVED

19 MAY 15 AM 8:56

PHONE (850) 421-0094 FAX (850) 421-6694 WEB WWW.RADEY.LAW.COM
MAIL ROOM OFFICE (850) 421-0097 TALLAHASSEE, FL 32302 OFFICE 501 SOUTH BRONOUGH STREET SUITE 2000 TALLAHASSEE, FL 32302

FLORIDA HOUSING
FINANCE CORPORATION

May 15, 2019

Via Electronic Filing

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

Re: Notice of Intent to Protest, RFA 2019-109, 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. 2019-413II, MHP Jordan Bayou, LLC, files this Notice of Intent to Protest the proposed funding selections adopted by the Florida Housing Finance Corporation ("FHFC") Board of Directors on May 10, 2019, concerning Request for Applications ("RFA") 2019-109, HOME Financing to be Used for Rental Developments in Hurricane Michael Impacted Counties and in Rural Areas.

A copy of the Board's preliminary awards, as posted on the FHFC website, is attached to this notice as **Exhibit A**. A copy of the scoring results approved by the Board, 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,

A handwritten signature in blue ink that reads "Donna E. Blanton". The signature is fluid and cursive, extending across the width of the page.

Donna E. Blanton



RFA 2019-109 – Board Approved Preliminary Awards

Total HOME Available for RFA	28,000,000.00
Total HOME Allocated	22,939,566.02
Total HOME Remaining	5,060,433.98

Application Number	Name of Development	Name of Applicant	Name of Developer	County	Total Units	Demo-Covenantment	HOME Request Amount	Eligible for Funding?	Tier 1 of 2?	Points	Qualified for CHDO?	HOME Funding Experience Preference	Previous Affordable Housing Experience Funding Preference	Highly HOME Request as % of Maximum	Match as % of HOME request amount	Florida Job Creation Preference	Lottery
2019-400F	Gateway Manor	Paces Gateway Manor, LLC	The Paces Foundation, Inc.	Suwannee	26	F	4,700,000.00	Y	1	5	N	Y	Y	10.77%	1.06%	N	17
2019-402F.H	Tupelo Park Apartments	Tupelo Park, LP	The Paces Foundation, Inc.	Bay	47	F	3,300,000.00	Y	1	5	N	Y	Y	85.00%	1.36%	Y	3
2019-404H	Tranquility Hope School	East Lake Florida 2, LLC	Timwell Development Partners, LLC and ELCO Development, LLC	Jackson	30	F	4,475,000.00	Y	1	5	N	Y	Y	89.50%	N/A	N	2
2019-407H	Barry's Bungalows	Affordable Housing Solutions for Florida, Inc.	Affordable Housing Solutions for Florida, Inc.	Gulf	27	F	4,964,675.13	Y	1	5	Y	Y	Y	99.29%	0.64%	Y	11
2019-408H	Greys Place	Affordable Housing Solutions for Florida, Inc.	Affordable Housing Solutions for Florida, Inc. Partnership Affordable Housing	Oklawaha	27	F	4,071,800.89	Y	1	1	Y	Y	Y	89.42%	0.60%	N	4
2019-413HB	Hilltop Pointe	Hilltop Pointe, LP	Royal American Properties, LLC	Bay	50	F	4,925,000.00	Y	1	5	N	Y	Y	98.50%	N/A	Y	8
2019-417HB	Matthew Commons	SP Commons, LLC	Scout24 Group Development Services, Inc.	Bay	28	F	4,680,000.00	Y	1	5	Y	Y	Y	92.00%	N/A	Y	20

On May 13, 2019, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applicants for funding and invite the Applicants to enter into a funding agreement.

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 63-60.002, 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.



RFA 2019-109 – Board Approved Scoring Results

Application Number	Name of Development	Name of Applicant	Name of Developers	County	Total Units	Demo. Commitment	HOME Request Amount	MIMB Request	Non-Competitive HC Request	Total Miscel. Amount	Eligible for Funding?	Tier 1 of 2?	Points	Qualified for CHOCT	HOME Funding Experience Preference	Previous Affordable Housing Experience Funding Preference	Eligible HOME Request as % of Maximum	Match as % of HOME request amount	Florida Job Creation Preference	Lottery
Eligible Applications																				
2019-399H	Paradise Palms	Highlands County Housing Authority, Inc.	Highlands County Housing Authority, Inc. GHD Construction Services, Inc.	Highlands	30	F	5,000,000.00			0	Y	2	5	N	Y	Y	100.00%	N/A	Y	20
2019-470H	Rainbow Manor	Paces Gateway Manor, LLC	The Paces Foundation, Inc.	Gulf	26	F	4,700,000.00			50,000	Y	1	5	H	Y	Y	97.27%	1.06%	N	17
2019-402HB	Tuculo Park Apartments	Tuculo Park, LP	The Paces Foundation, Inc.	Bay	47	F	4,300,000.00	8,200,000	421,748.00	50,000	Y	2	5	H	Y	Y	86.30%	1.16%	Y	9
2019-402H	Pine Breeze Apts	Workforce Housing Ventures, Inc.	Workforce Housing Ventures, Inc. GHD Construction Services, Inc.	Flagler	50	F	5,000,000.00			0	Y	2	5	N	Y	Y	100.00%	N/A	Y	19
2019-404H	Tranquility at Hope School	East Lake Florida II, LLC	Truist Development Partners, LLC and EUCD Development, LLC	Jackson	30	F	4,119,000.00				Y	1	5	N	Y	Y	89.58%	N/A	H	2
2019-405HB	Springfield Crossings	Springfield Crossings, LLC	Springfield Crossings Developer, LLC Ladd Park Real Estate Development, Inc.	Bay	60	F	5,000,000.00	5,700,000	496,825.00		Y	1	5	N	Y	Y	100.00%	N/A	Y	18
2019-406P	Marianna Crossings	Marianna Crossings, LLC	Marianna Crossings Developer, LLC Design Counsel, LLC Development, LLC	Jackson	30	F	5,000,000.00				Y	1	5	H	Y	Y	100.00%	N/A	N	7
2019-407H	Berry's Bungalows	Affordable Housing Solutions for Florida, Inc.	Affordable Housing Solutions for Florida, Inc.	Gulf	27	F	4,964,675.13				Y	1	5	Y	Y	Y	99.29%	0.60%	N	11
2019-438H	Greys Place	Affordable Housing Solutions for Florida, Inc.	Affordable Housing Solutions for Florida, Inc. Pamphile Atlanta II, LLC	Walton	27	F	4,970,000.00				Y	1	5	Y	Y	Y	99.42%	0.60%	N	4
2019-413HB	Hilltop Pointe	Hilltop Pointe, LP	Royal American Properties, LLC	Bay	50	F	4,935,000.00	5,100,000	197,154.00		Y	1	5	N	Y	Y	98.50%	N/A	Y	8
2019-437HB	Westview Commons	SP Commons LLC	Seafport Development, Inc. a WA corporation doing business as Seafport Development Services, Inc.	Bay	34	F	4,600,000.00	6,800,000	315,000.00	0	Y	1	5	N	Y	Y	92.01%	N/A	Y	10



RFA 2019-109 – Board Approved Scoring Results

Application Number	Name of Development	Name of Applicant	Name of Developers	County	Total Units	Demol. Commitment	HOME Request Amount	MMRD Request	Non-Competitive HC Request	Total Match Amount	Eligible for Funding?	Trac 1 or 2?	Points	Qualified for CHDD?	HOME Funding Experience Preference	Previous Affordable Housing Experience Funding Preference	Eligible HOME Request as % of Maximum	Match as % of HOME request amount	Florida Job Creation Preference	Priority
Ineligible Applications																				
2019-403H	Cottontdale Pointe East	Cottontdale Pointe East, LP	Royal American Properties, LLC	Jackson	26	F	4,860,000.00				N*	1	5	N	Y	Y	97.20%	N/A	N	5
2019-409H	Cottontdale Pointe West	Cottontdale Pointe West, LP	Royal American Properties, LLC	Jackson	26	F	4,860,000.00				N*	1	5	N	Y	Y	97.20%	N/A	N	1
2019-410HB	Northshore Pointe East	Northshore Pointe East, LP	Royal American Properties, LLC	Bay	50	F	4,925,000.00	\$,300,000	300,372.00		N*	1	5	N	Y	Y	96.50%	N/A	Y	12
2019-412HB	Northshore Pointe West	Northshore Pointe West, LP	Royal American Properties, LLC	Bay	50	F	4,925,000.00	\$,300,000	300,372.00		N*	1	5	N	Y	Y	96.50%	N/A	Y	3
2019-433H	Jordan Bayou	MHP Jordan Bayou, LLC	Jordan Bayou Developer, LLC Shear Development Company, LLC Hearthard Development Group, LLC	Franklin	50	F	4,998,000.00				N	1	5	N	Y	Y	99.95%	N/A	Y	19
2019-414H	Thomas Pines	Ad Meliora Community Development, Inc	Ad Meliora Community Development, Inc	Jackson	14	F	4,500,000.00			5,000	N	1	3	Y	N	Y	90.00%	0.17%	N	14
2019-415H	Marianna Arms Apartments	Marianna Arms Manager LLC	Marianna Arms Developer LLC	Jackson	30	F	4,799,700.00				N	1	5	N	Y	Y	95.99%	N/A	N	15
2019-416H	The Vyne - DR	The Wright Foundation, Inc	Emory Peacock, dba/ Grant Peacock Inc, The Wright Foundation Inc	Jackson	24	F	4,990,320.00			1,500,000	N	1	0	N	N	N	100.00%	33.83%	N	6
2019-418HE	Old-A-Wee Apartments	Old-A-Wee Manager LLC	Old-A-Wee Developer LLC	Bay	100	F	5,000,000.00	10,000,000	722,713.00		N	1	5	N	Y	Y	100.00%	N/A	Y	15

On May 10, 2019, 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(4), 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.

Any errors in the calculations performed in this section may be corrected by the Corporation during scoring.

*If the total number of HOME-Assisted Units stated in 6.b.(2)(a) is not equal to the total number of set-aside units stated in the chart at question 10.b. the Corporation will use the greater of the two.

(3) Set-Aside Commitments for proposed Developments located in Bay County that are also requesting Corporation-issued MMRB and Non-Competitive Housing Credits

(a) Select one (1) of the following minimum set-aside commitments:

Choose an item.

(b) Set-Aside Breakdown Chart

(i) Applicants committing to the minimum set-aside commitment of 20 percent of the total units at 50 percent of the Area Median Income or less or 40 percent of the total units at 60 percent of the Area Median Income or less must complete the following chart:

Percentage of Residential Units		
Commitment for MMRB	Commitment for Non-Competitive HC	AMI Level
Enter Number %	Enter Number %	At or Below 25%
Enter Number %	Enter Number %	At or Below 28%
Enter Number %	Enter Number %	At or Below 30%
Enter Number %	Enter Number %	At or Below 33%
Enter Number %	Enter Number %	At or Below 35%
Enter Number %	Enter Number %	At or Below 40%
Enter Number %	Enter Number %	At or Below 45%
Enter Number %	Enter Number %	At or Below 50%
Enter Number %	Enter Number %	At or Below 60%
Total Set-Aside Percentage:		
Enter Number % *	Enter Number %	

(ii) Applicants committing to the Average Income Test must complete this chart:

If the Average Income test is selected, the MMRB set-aside commitment will be 40 percent of the total units at or below 60 percent AMI.

Total Set-Aside Breakdown Chart



<u>Number of Residential Units</u>	<u>AMI Level</u>
<u>Enter Number</u>	At or Below 20%
<u>Enter Number</u>	At or Below 30%
<u>Enter Number</u>	At or Below 40%
<u>Enter Number</u>	At or Below 50%
<u>Enter Number</u>	At or Below 60%
<u>Enter Number</u>	At or Below 70%
<u>Enter Number</u>	At or Below 80%
<u>Enter Number</u>	Market Rate Units
<u>Enter Number %</u> (Total Set-Aside Percentage)	

Note: The Development Cost Pro Forma includes an Average Income Test worksheet to assist Applicants in this calculation. If the Total Set-Aside Breakdown Chart reflects that the Average AMI of all Set-Aside Units exceeds 60 percent the Application will not be eligible for funding.

c. Unit Mix Chart

Complete the chart below:

Number of Bedrooms/Bathrooms per Unit	Number of Units per Bedroom Type	Number of Units that are ELI Set-Aside Units
<u>Choose an item.</u>	<u>Enter Number</u>	<u>Enter Number</u>
<u>Choose an item.</u>	<u>Enter Number</u>	<u>Enter Number</u>
<u>Choose an item.</u>	<u>Enter Number</u>	<u>Enter Number</u>
<u>Choose an item.</u>	<u>Enter Number</u>	<u>Enter Number</u>
<u>Choose an item.</u>	<u>Enter Number</u>	<u>Enter Number</u>
<u>Choose an item.</u>	<u>Enter Number</u>	<u>Enter Number</u>

*refer to Section Four A.6.c.(2) of the RFA

Answer the following questions:

- (a) How many Zero Bedroom Units are described in the unit mix chart?
Enter Number
- (b) How many one-bedroom units are described in the unit mix chart?

N/A

NOTE: For a proposed Development located in a Tier 2 county, to be eligible for funding, the Applicant must state "Yes" and must provide, as Attachment 7, the required evidence demonstrating that all sites of the proposed Development are located in an eligible Rural Area.

6. Units

- a. Total number of units in the proposed Development: 50
- b. Set-Aside Commitments

To enter data, double click within the chart and enter the required information. When finished, click anywhere on the page outside the chart to exit the worksheet.

(1) Minimum Number of HOME-Assisted Units Required by HUD:

- (a) HOME loan requested:..... \$4,998,000.00
(as stated at question 10.a.(1) of Exhibit A)
- (b) Total Development Cost:..... \$6,411,734.28
(as stated on the Development Cost pro forma)
- (c) Percentage of Total Development Cost
provided by HOME Loan:..... 78%
(Chart will automatically divide (a) by (b) and round up to the next whole percentage number)
- (d) Total number of units in the Development:..... 50
- (e) Minimum number of HOME-Assisted Units
Required by HUD:..... 39
(Chart will automatically multiply (d) by (c), round up to the next whole number)

(2) Total Number of HOME-Assisted Units Committed for HOME:

- (a) Total HOME-Assisted Units committed for HOME*..... 39
(must equal or exceed the answer at 6.b.(1)(e) above)
- (b) Low HOME Rent Units..... 8
(Chart will automatically calculate 20 percent of the total units stated at 6.b.(2)(a) above)
- (c) High HOME Rent Units..... 31
(Chart will automatically calculate (a) minus (b))



- (2) Complete the chart by including the following information concerning the HOME-Assisted (set-aside) Units:

To enter data, double click within the chart and enter the county and the total number of units in the proposed Development for the applicable unit sizes. When finished, click anywhere on the page outside the chart to exit the worksheet.

Select the County in which the Development is located: Franklin

Unit Size (Number of Bedrooms)	Enter the Number of Set-Aside Units for each Unit Size *		Maximum HOME Subsidy based on Unit Size for the Selected County		Maximum Per Unit HOME Rental FHFC Subsidy Limit
0	0	x	\$139,149	=	\$0
1	0	x	\$158,368	=	\$0
2	39	x	\$192,575	=	\$7,510,425
3	0	x	\$249,130	=	\$0
4	0	x	\$266,417	=	\$0
Total Maximum Per Unit HOME Rental FHFC Subsidy Limit =					\$7,510,425

If the total number of set-aside units stated in this chart is not equal to the total number of HOME-Assisted Units stated at question 6.b.(1)(e) above, the Corporation will use the greater of the two.

- (3) Applicants for proposed Developments located in Bay County only that are utilizing Corporation-issued MMRB and Non-Competitive 4 percent Housing Credits:

(a) MMRB Request: [Click here to enter text.](#)

(b) HC Request Amount (annual amount): \$ [Click here to enter text.](#)

(i) Is the proposed Development the first phase of a multiphase Development?

No

(ii) Basis Boost Qualifications

(A) Is the proposed Development a subsequent phase of a multiphase Development and eligible for the basis boost?

No

