

**BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

CAMPUS TOWERS APARTMENTS,
LLLP

Petitioner

FHFC Case No.: 2019-009BP

RFA No. 2018-113

Application No. 2019-128C

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

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

RECEIVED
19 FEB 15 PM 1:03
FLORIDA HOUSING
FINANCE CORPORATION

Petitioner, CAMPUS TOWERS APARTMENTS, LLLP (“Petitioner”), pursuant to sections 120.57(3), Florida Statutes (“F.S.”), and Rules 28-110 and 67-60, Florida Administrative Code (“FAC”) hereby files this Formal Written Protest and Petition for Administrative Hearing regarding the review, ranking and scoring decision of Respondent, FLORIDA HOUSING FINANCE CORPORATION (“Florida Housing”) to award funding to responsive bidders pursuant to Request for Application 2018-113 Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments (“RFA”). In support Petitioner provides as follows:

1. Petitioner is a Florida limited liability limited partnership in the business of providing affordable housing. Petitioner is located at 1079 Mulberry Way, Boca Raton, FL 33486.

2. Florida Housing is the allocating agency for the State of Florida that was granted the authority to issue RFA 2018-113 for the purpose of providing much needed affordable housing. Florida Housing's address is 227 North Bronough Street, Suite 500, Tallahassee, Florida 32301.

3. On September 13, 2018 (as modified on October 4, 2018, October 18, 2018 and November 7, 2018), Florida Housing issued the RFA to offer funding as follows:

Under this RFA, Florida Housing Finance Corporation (the Corporation) expects to offer an estimated \$7,776,000 of Housing Credits to qualified applicants that commit to preserve existing affordable multifamily housing developments for the demographic categories of Families, the Elderly, and Persons with a Disability in accordance with the terms and conditions of this RFA, inclusive of all Exhibits, applicable laws, rules and regulations, and the Corporation's generally applicable construction and financial standards.

4. Through the issuance of the RFA, Florida Housing sought to solicit proposals from qualified Applicants that would provide housing consistent with the terms and conditions of the RFA, applicable laws, rule and regulations.

5. On or about November 15, 2018, Petitioner submitted an Application in response to the RFA that included information concerning a 192 unit apartment complex in Duval County, Florida. Through the Application, Petitioner was requesting \$1,800,000 of tax credits. Petitioner satisfied all requirements of the RFA. Florida Housing received 10 applications in response to the RFA.

6. As the owner of a project seeking funding through the RFA, Petitioner is substantially affected by the review, scoring, and ranking of the responses to the RFA. The

results of this and related proceedings may affect Petitioner's ability to obtain funding through the RFA.

7. Consistent with the primary mission and goal of the RFA, Petitioner will provide much needed affordable housing in Duval County. Without the funds provided by the RFA, Petitioner will be unable to provide this much needed housing. Accordingly, Petitioner's substantial interests are affected by the decisions made by Florida Housing.

8. On January 22, 2019, consistent with the RFA instructions, the Florida Housing designated Review Committee met and considered the Applications responding to the RFA. At the meeting, the Review Committee orally listed and manually inputted the scores for each section of each RFA Response and ultimately made recommendations to the Board of Directors for their consideration. The Review Committee consisted of Florida Housing staff.

9. During the meeting, the Review Committee determined the eligibility of each Application. The Review Committee determined that Petitioner's Application was eligible for funding and a recommendation was made to award Petitioner its requested funding. At the conclusion of the meeting, the Review Committee voted to send a funding recommendation to Florida Housing Board of Directors for approval.

10. On February 1, 2019, Florida Housing's Board of Directors accepted the Review Committee's ranking and funding recommendations, which included finding Petitioner eligible and awarding funding to Petitioner. (See Attachment A)

11. On February 6, 2019, Petitioner in an abundance of caution timely filed its Notice of Intent to Protest the determination that its Application was eligible and tentatively awarded

funding. This Formal Written Protest is being timely filed and Florida Housing has waived the bid protest bond requirement for the RFA. As a provider of affordable housing in need of supplemental funding, Petitioner's substantial interests are affected by Florida Housing's decision to award the necessary funding pursuant to the RFA. Without the funding, Petitioner will not be able to develop the proposed development.

12. Petitioner takes the position that Florida Housing's scoring of its Application was neither erroneous, arbitrary, capricious or contrary to competition.

13. Several other notices of intent to protest, however, have been filed and Florida Housing's scoring actions may be changed by those challenges. The results of any challenge may impact Petitioner's funding and Petitioner believes that any change to the current scoring would be arbitrary and capricious.

14. Petitioner reserves the right to amend this petition as additional documents and facts are discovered to raise issues concerning the eligibility of other applications which responded to the RFA and may challenge the Petitioner's Application.

15. Materials issues to be resolved:

(a) Whether the review of Petitioner's Application in response to the RFA was consistent with the RFA requirements, or Florida Housing policies.

(b) Whether Florida Housing's review and actions taken concerning Petitioner's Application were arbitrary or capricious, clearly erroneous or contrary to competition.

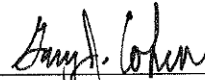
(c) Whether Florida Housing's review of all applications submitted in response to the RFA was arbitrary, capricious, clearly erroneous or contrary to competition.

Wherefore, Petitioner requests that a settlement meeting be scheduled and if settlement is not reached, a hearing be scheduled and ultimately an order be entered determining that Florida

Housing's review and scoring of Petitioner's Application was consistent with the RFA specifications and Florida Housing's governing statutes, rules and policies to such an extent as to not be arbitrary, capricious, contrary to competition, or clearly erroneous.

Respectfully submitted,

SHUTTS & BOWEN LLP



GARY J. COHEN

Florida Bar No. 0353302

200 S. Biscayne Boulevard, Ste. 4100

Miami, FL 33131

Telephone: (305) 347-7308

Facsimile: (305) 347-7808

Email: gcohen@shutts.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a copy of the foregoing has been filed by E-Mail and Federal Express to Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, this 15th day of February, 2019.



GARY J. COHEN

RFA 2018-113 - Board Approved Preliminary Awards

Attachment A

Total HC Available for RFA	7,776,000.00
Total HC Allocated	5,718,000.00
Total HC Remaining	2,058,000.00

Application Number	Name of Development	County	County Size	Name of Authorized Principal Representative	Name of Developer	Demo	Total Units	HC Request Amount	NP? RD 515?	Total Points	Proximity Funding Preference	Age of Development Funding Preference	RA Level 1, 2, or 3 Funding Preference	ESS Construction Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	RA Level	Florida Job Creation Preference	Lottery Number	
Non-Profit Goal																				
NONE																				
RD 515 Development in Medium or Small County Goal																				
2019-127C	College Arms Apartments	Putnam	S	Joseph F. Chapman, IV	Royal American Properties, LLC	F	108	850,000.00	N	Y	10	Y	Y	Y	Y	Y	A	1	Y	1
Non-RD 515 Development Family Demographic Goal																				
2019-129C	Harold House	Duval	L	J. David Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	F	80	780,000.00	N	N	10	Y	Y	Y	Y	Y	A	1	Y	3
Non RD 515 Development Applications with the Elderly or Persons with a Disability Demographic																				
2019-128C	Campus Towers	Duval	L	Darren Smith	SHAG Development, LLC	E, Non-ALF	192	1,800,000.00	N	N	10	Y	Y	Y	Y	Y	A	1	Y	2
2019-126C	Centennial Towers	Duval	L	Fred McKinnies	TWC Development, Inc. Jax Urban Initiatives Development, LLC	E, Non-ALF	208	1,868,000.00	N	N	10	Y	Y	Y	Y	Y	A	1	Y	10
RD 515 Elderly or RD 515 Family Application																				
2019-133C	Heritage Apartments	Walton	S	Joseph F. Chapman, IV	Royal American Properties, LLC	F	50	420,000.00	N	Y	10	Y	Y	Y	Y	Y	A	1	Y	8

On February 1, 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(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(5), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.