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BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

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FLORIDA HOUSING
FINANCE CORPORATION

HTG BANYAN, LLC
Petitioner,

FHFC Case No. 2019-016BP
RFA No. 2018-112
App. No. 2019-117C

vs.

FLORIDA HOUSING FINANCE CORPORATION.

Respondent.

FORMAL WRITTEN PROTEST AND PETITION
FOR ADMINISTRATIVE HEARING

Petitioner, HTG Banyan, LLC, (the "Petitioner" or "HTG Banyan"), pursuant to sections 120.57(1) and (3), Florida Statutes ("F.S.") and Rules 28-110 and 67-60, Florida Administrative Code ("FAC") hereby files this Formal Written Protest and Petition (the "Petition") regarding the scoring decisions of the Respondent, Florida Housing Finance Corporation ("Florida Housing") to award funding to responsive applicants pursuant to *RFA 2018-112- Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties* (hereinafter the "RFA")

Introduction

1. This Petition is filed pursuant to sections 120.57(1) and (3), Florida Statutes, Rules 28-110 and 67-60, Florida Administrative Code.

Parties

2. Petitioner is a Florida limited liability company in the business of providing affordable housing. Petitioner's address is 3225 Aviation Avenue, 6th Floor, Coconut Grove, Florida 33133.

Petitioner's address, telephone number and email address are those of its undersigned counsel for purposes of this proceeding.

3. The affected agency is Florida Housing Finance Corporation. Florida Housing's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Notice

4. On September 6, 2018, Florida Housing issued the RFA.

5. On October 4, 2018 and October 18, 2018, the RFA was modified by Florida Housing and Notices of Modification of RFA 2018-112 were issued.¹

6. Applications in response to the RFA were due on or before November 13, 2018.

7. Florida Housing received approximately 24 applications in response to the RFA.

8. Petitioner in response to the RFA requested an annual allocation of \$2,374,993.00 in Housing Credit funding for its proposed ninety-four (94) unit affordable housing development in Palm Beach County, Florida. Petitioner's application satisfied all the required elements of the RFA and is eligible for a funding award.

9. Petitioner received notice of the preliminary RFA scoring and rankings through electronic posting on Friday, February 1, 2019 at 10:33 am. A copy of the notices posted on the Corporations website are attached hereto as Exhibit "A". Petitioner was deemed eligible for funding but was not among those recommended for funding.

10. On Wednesday, February 6, 2019, at 8:09 am, Petitioner timely submitted their Notice of Intent to Protest Florida Housing's intended decision. A copy of the Notice of Intent is attached hereto as Exhibit "B".

¹ The *Notices of Modification of Request for Applications (RFA) 2018-112* were posted on the Corporations website and sent via electronic mail to persons registered on the Corporation's Multifamily Programs Registry.

11. This Petition is timely filed in accordance with the provisions of section 120. 57(3) (b), Florida Statutes, and rules 28-110.004 and 67-60.009, Fla. Admin. Code.

Background

12. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of financing or refinancing affordable housing and related facilities in Florida. Florida Housing's statutory authority and mandates are set forth in Part V of Chapter 420, Florida Statutes. See, Sections 420.501-420.55, Fla. Stat.

13. Chapter 67-60, Fla. Admin. Code, which establishes "the procedures by which the Corporation shall administer the competitive solicitation processes to implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the IRC and Section 420.5099, F.S. See rule, 67-60.001(2), Florida Admin. Code.

RFA 2018-112

14. Through the RFA process Florida Housing anticipated awarding up to an estimated \$17,314,387 of Housing Credits to proposed Developments located in Broward, Duval, Hillsborough, Orange, Palm Beach and Pinellas Counties. (RFA at p. 2)

15. Within the RFA the Corporation established goals to fund (2) Family Developments located in Geographic Areas of Opportunity² in Pinellas and Broward Counties. (RFA at p. 72)

16. Review Committee members independently evaluate and score their assigned portions of the submitted applications based on various mandatory and scored items. The maximum point

² Geographic Areas of Opportunity are "Census tracts identified by the Corporation which meet at least two out of the following three threshold criteria designated by the Corporation based on the average of the three most recent 5-year averages of the American Community Survey: (a) census tract median income greater than the 40th percentile of all census tracts in the county; (b) educational attainment above the median of all tracts in the county, measured as the proportion of adults over 25 years old who have completed at least some college; and (c) tract employment rate greater than the statewide employment rate. The census tract list can be found at <http://www.floridahousing.org/programs/developers-multifamily-programs/competitive/areas-of-opportunityalso> available by clicking here).(RFA at p. 76)

total that an applicant can receive is 10 points. Failure to meet all Eligibility items results in an application being deemed ineligible. (RFA at p. 69)

17. The RFA provides that all eligible applications will be ranked by sorting the Applications from the highest scoring application to the lowest, with any scores that are tied separated as follows:

- a) First, 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;
- b) Next, by the Application's eligibility for the Per Unit Construction Funding Preference which is outlined in Section Four A. 11.e of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- c) Next, by the Application's eligibility for the Development Category Funding Preference which is outlined in Section Four A.4.b.(4) of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference
- d) Next, by the Application's Leverage 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);
- e) Next, by the Application's eligibility for the Florida Job Creation Funding Preference which is outlined in Item 4 of Exhibit C of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference); and
- f) And finally, by lottery number, resulting in the lowest lottery number receiving preference.

(RFA at p. 73)

18. The RFA mandates the Funding Selection Process (hereinafter "Selection Process"), as follows,

- a. The first Application selected for funding will be the highest-ranking eligible Family Application located in Pinellas County that meets the Geographic Areas of Opportunity funding goal.

- b. The next Application selected for funding will be the highest-ranking eligible Family Application located in Broward County that meets the Geographic Areas of Opportunity Funding goal.
- c. The next Application selected for funding will be the highest-ranking eligible Application that qualifies as a Local Government Areas of Opportunity in Duval County. If there are no eligible Applications that qualify as a Local Government Areas of Opportunity in Duval County, the highest-ranking eligible Application in Duval will be selected.
- d. The next Application selected for funding will be the highest-ranking eligible Application that qualifies as a Local Government Areas of Opportunity in Hillsborough County. If there are no eligible Applications that qualify as a Local Government Areas of Opportunity in Hillsborough County, the highest-ranking eligible Application in Hillsborough County will be selected.
- e. The next Application selected for funding will be the highest-ranking eligible Application that qualifies as a Local Government Areas of Opportunity in Orange County. If there are no eligible Applications that qualify as a Local Government Areas of Opportunity in Orange County, the highest-ranking eligible Application in Orange County will be selected.
- f. The next Application selected for funding will be the highest-ranking eligible Application that qualifies as a Local Government Areas of Opportunity in Palm Beach County. If there are no eligible Applications that qualify as a Local Government Areas of Opportunity in Palm Beach County, the highest-ranking eligible Application in Palm Beach County will be selected.
- g. If funding remains the next Application selected for funding will be the highest ranking eligible unfunded Application in Broward County. If the selected Application cannot be fully funded, it will be entitled to receive a Binding Commitment for the unfunded balance. If funding remains after selecting the highest ranking eligible unfunded Broward County Application, or if there is no eligible unfunded Application located in Broward County, no additional Applications from any county will be selected for funding and any remaining funding will be distributed as approved by the Board.

(RFA at p.73,74)

19. The selection process was carried out by the members of the Review Committee at a public meeting held on January 22, 2019.

20. The following applications were selected for funding by Review Committee members,

- 2019-100C-Shores Apartments, Ltd. (Pinellas)
- 2019-111C-HTG Fiori, LLC (Broward)
- 2019-121C-Lofts at Brooklyn, Ltd. (Duval)
- 2019-116C-WRDG T38, LP (Hillsborough)
- 2019-123C-Hawthorne Park, Ltd. (Orange)
- 2019-115C- HTG Heron Estates Family, LLC (Palm Beach)
- 2019-119C- Poinciana Crossing, Ltd. (Broward)

21. Of the three eligible applications that sought funding for Palm Beach County, two of the three selected for funding Berkeley Landing Ltd. (Application No. 2019-110C) and HTG Heron Estates Family LLC, qualified as Local Government Areas of Opportunity Funding having received either a loan or a grant from the City of Riviera Beach. However, pursuant to the terms of the RFA, both Berkeley Landing, Ltd. and HTG Heron Estates Family, LLC, should have been deemed ineligible and Petitioner chosen as the next eligible applicant in Palm Beach County.

Local Government Area of Opportunity Funding

22. The RFA provides as follows regarding Local Government Areas of Opportunity Funding:

In order for an Applicant to qualify, the Applicant must demonstrate a high level of Local Government interest in the project via an increased amount of Local Government contributions in the form of cash loans and/or cash grants, as outlined below. To that end, the proposed Development may only qualify where a jurisdiction (i.e., the county or a municipality) has contributed cash loans and/or cash grants for any proposed Development applying in this RFA in an amount sufficient to qualify for this funding. **Any single jurisdiction may not contribute cash loans and/or cash grants to more than one proposed Development**

applying for the Local Government Areas of Opportunity Funding. During the ranking process outlined in Section Four B of the RFA, if multiple Applications demonstrate Local Government loans and/or grants from the same jurisdiction in an amount sufficient to qualify for this funding, then all such Applications will be deemed ineligible.

(RFA at p. 67) (Emphasis Supplied)

23. HTG Heron Estates Family, LLC submitted as Attachment 17 to its application, Florida Housing Finance Corporation Local Government Verification of Contribution -Grant Form which details the **City of Riviera Beach's** commitment of \$567,500.00 in the form of a grant to the Applicant. A copy of the Florida Housing Finance Corporation Local Government Verification of Contribution – Grant Form is attached hereto as Exhibit "C".

24. Berkeley Landing, Ltd., submitted as Attachment 17 to its application Florida Housing Finance Corporation Local Government Verification of Contribution- Loan Form which detailed the **City of Riviera Beach's** commitment of \$567,500.00 in the form of a Loan to the Applicant. A copy of the Florida Housing Finance Corporation Local Government Verification of Contribution- Loan Form is attached hereto as Exhibit "D".

25. Pursuant to the language of the RFA these two applicants, HTG Heron Estates Family, LLC and Berkeley Landing, Ltd. must be deemed ineligible. Since there is no remaining eligible application that qualifies as a Local Government Areas of Opportunity in Palm Beach County, the highest ranked eligible application in Palm Beach County, HTG Banyan, LLC must be selected for funding.

Substantial Interests Affected

26. Pursuant to the specifications of the RFA, both HTG Heron Estates Family, LLC and Berkeley Landing, Ltd., should have been deemed ineligible since both submitted a Local Government Verification of Contribution Form from the City of Riviera Beach. By application of

the RFA Selection Process, the next eligible Palm Beach County applicant which should have been selected for funding was HTG Banyan, LLC.

27. Petitioner is substantially affected by the evaluation and scoring of the responses to the RFA. The results of the scoring have affected Petitioner's ability to obtain funding through the RFA. Consequently, Petitioners have standing to initiate and participate in this and related proceedings.

28. Petitioner is entitled to a Formal Administrative Hearing pursuant to Sections 120.57(1) and 120.57(3), Florida Statutes, to resolve the issues set forth in this Petition.

Disputed Issues of Material Fact and Law

29. Disputed issues of material fact and law exist and entitle Petitioners to a Formal Administrative Hearing pursuant to Section 120.57(1), Florida Statutes. The disputed issues of material fact and law include, but are not limited to, the following:

- a. Whether Florida Housing's proposed award of funding to HTG Heron Estates Family, LLC is consistent with the RFA;
- b. Whether Florida Housing's proposed award of funding to HTG Heron Estates Family, LLC is clearly erroneous;
- c. Whether Florida Housing's determination that Berkeley Landing Ltd. is an eligible Applicant is consistent with the RFA;
- d. Whether Florida Housing's determination that Berkeley Landing, Ltd. is an eligible applicant is clearly erroneous;
- e. Such other issues as may be revealed during the protest process.

Statutes and Rules Entitling Relief

30. Petitioner is entitled to relief pursuant to Section 120.569 and 120.57, Florida Statutes, Chapters 28-106, 28-110, and 67-60, Florida Administrative Code.

**Concise Statement of Ultimate Fact and Law, Including the
Specific Facts Warranting Reversal of the Agency's Intended Award**

31. Petitioner participated in the RFA process to compete for an award of Housing Credit funds based upon the delineated scoring and ranking criteria in the RFA. Both HTG Heron Estates Family, LLC, and Berkeley Landing, Ltd. should both be deemed ineligible for funding as a result of each presenting as part of their respective applications a Local Government Verification of Contribution Form from the City of Riviera Beach to qualify for the Local Government Area of Opportunity Funding goal.

32. Unless the score and ranking are corrected, and the preliminary allocation revised, Petitioner will be excluded from funding and Housing Credits will be awarded contrary to the provisions of the RFA and Florida Housing's governing statutes and rules.

33. A correct application of the eligibility, scoring and ranking criteria will result in funding for the Petitioner.

Right to Amend the Petition

34. Petitioner reserves the right to amend this Petition if additional disputed issues of material fact are identified during the discovery process in this case.

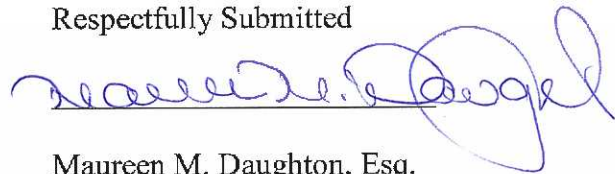
WHEREFORE, pursuant to section 120.57(3), Florida Statutes, and rule 28-110.004, Florida Administrative Code, Petitioner's request the following relief:

- a) An opportunity to resolve this protest by mutual agreement within seven days of the filing of this Petition as provided by Section 120.57(3)(d)(1), Florida Statutes.

- b) If this protest cannot be resolved within seven days, that the matter be referred to the Division of Administrative Hearings for a formal hearing to be conducted before an Administrative Law Judge (“ALJ”) pursuant to Section 120.57(1) and (3), Florida Statutes.
- c) The ALJ enter a Recommended Order determining that the Corporation should have deemed the applications of both HTG Heron Estates Family, LLC and Berkeley Landing, Ltd., ineligible for funding pursuant to the terms of the RFA and award funding to the Petitioner.
- d) That the Corporation adopt the Recommended Order of the ALJ.

Dated this 18th day of February 2019.

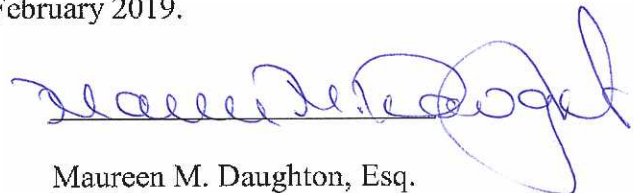
Respectfully Submitted



Maureen M. Daughton, Esq.
FBN 0655805
Maureen McCarthy Daughton, LLC
1725 Capital Circle NE, Ste 304
Tallahassee, Florida 32308
Counsel for HTG Banyan, LLC

CERTIFICATE OF SERVICE

I CERTIFY that the original of this Formal Written Protest and Petition for Administrative Hearing was filed by electronic mail and U.S. Mail with the Corporation Clerk and Hugh Brown, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, on this 18th day of February 2019.



Maureen M. Daughton, Esq.

RFA 2018-112 Board Approved Scoring Results

Application Number	Name of Development	County	Name of Authorized Principal Representative	Name of Developers	Dema. Commitment	Total Units	HC Funding Amount	Eligible for Funding?	Development is in Broward County or Broward County and serves the Family Developmental Commitment, with due diligence for the Geographic Area of Opportunity Funding Goal	Qualifies as a Local Government Area of Opportunity	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Preference	Total Comp. Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number	
Eligible Applications																			
2018-103C	The Shores	Pinellas	William Todd Fasbri	The Richman Group of Florida, Inc.	F	51	910,000.00	Y	Y	N	10	Y	Y	Y	130,884.85	A	Y	9	
2018-103C	Lexington Court Apartments Phase II	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	E, Non-ALE	80	1,824,538.00	Y	N	N	10	Y	Y	Y	195,957.17	A	Y	15	
2018-103C	Amelia Court at Creative Village - Phase II	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	F	105	2,375,000.00	Y	N	Y	10	Y	Y	Y	197,345.32	A	Y	24	
2018-103C	Durham Place	Orange	Jonathan L. Wolf	Durham Place Developer, LLC	E, Non-ALE	112	2,375,000.00	Y	N	N	10	Y	Y	Y	135,866.00	A	Y	3	
2018-110C	Berkley Landing	Palm Beach	Jonathan L. Wolf	Berkley Landing Developer, LLC	E, Non-ALE	120	2,280,000.00	Y	N	Y	10	Y	Y	Y	131,477.27	A	Y	23	
2018-111C	Frost Village	Broward	Matthew A. Rieger	HTG Frost Developer, LLC	F	96	2,779,771.00	Y	Y	N	10	Y	Y	Y	148,754.09	A	Y	21	
2018-112C	Federal Apartments Phase I	Broward	Edward S. Taylor	SHAG Development, LLC; Fairfield Federal Developer,	F	106	2,600,000.00	Y	Y	N	10	Y	Y	Y	153,051.03	A	Y	19	
2018-114C	Avery Commons	Pinellas	Shawn Wilson	Blue Sky Communities LLC	F	65	1,375,000.00	Y	Y	N	10	Y	Y	Y	146,153.86	A	Y	11	
2018-115C	Heron Estates Family	Palm Beach	Matthew A. Rieger	HTG Heron Estates Family Developer, LLC; Heron Estates	F	79	1,801,264.00	Y	N	Y	10	Y	Y	Y	140,794.09	A	Y	2	
2018-116C	WRDG T&B	Hillsborough	Jerome Ryatts	WRDG T&B Developer, LLC	F	130	2,375,000.00	Y	N	Y	10	Y	Y	Y	138,057.26	A	Y	10	
2018-117C	Banyan Station	Palm Beach	Matthew A. Rieger	HTG Banyan Developer, LLC	F	94	2,374,993.00	Y	N	N	10	Y	Y	Y	152,743.75	A	Y	8	
2018-118C	Brandon Preserve	Hillsborough	James R. Hoover	TVC Development, Inc.	F	103	2,375,000.00	Y	N	Y	10	Y	Y	Y	133,210.85	A	Y	18	
2018-120C	Poinciana Crossing	Broward	Kenneth Taylor	APC Poinciana Crossing Development, LLC; HEF	F	113	2,882,000.00	Y	N	N	10	Y	Y	Y	141,043.32	A	Y	4	
2018-120C	Molly Crossing	Duval	James R. Hoover	TVC Development, Inc.	E, Non-ALE	100	1,885,000.00	Y	N	N	10	Y	Y	Y	142,612.27	A	Y	12	
2018-121C	Lofts at Brooklyn	Duval	James R. Hoover	TVC Development, Inc.	F	133	1,968,000.00	Y	N	Y	10	Y	Y	Y	151,327.27	A	Y	14	
2018-122C	Casa Sant'Angelo Apartments	Broward	Kenneth Taylor	Casa Sant'Angelo Development, LLC	E, Non-ALE	113	2,882,000.00	Y	N	N	10	Y	Y	Y	148,780.53	A	Y	22	
2018-123C	Hawthorne Park	Orange	Jonathan L. Wolf	Hawthorne Park Developer, LLC	E, Non-ALE	120	2,300,000.00	Y	N	Y	10	Y	Y	Y	140,700.76	A	Y	1	
Eligible Applications																			
2018-103C*	Wetherbee Landings Senior Living	Orange	W. Scott Culp	AHP Developers, Inc.	E, Non-ALE	30	651,575.00	N	N	N	10	N	Y	Y	219,277.64	B	Y	7	
2018-103C	Camden Crossing	Hillsborough	W. Scott Culp	AHP Developers, Inc.	F	40	868,123.00	N	N	N	10	N	Y	Y	196,091.57	B	Y	6	
2018-103C*	Wetherbee Landings	Orange	W. Scott Culp	AHP Developers, Inc.	F	42	922,246.00	N	N	N	10	N	Y	Y	218,558.43	B	Y	5	
2018-103C	Lake Sherwood - Phase V	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	F	30	647,493.00	N	N	N	10	Y	Y	Y	198,049.47	A	Y	20	
2018-107C	Camden Crossing Senior Living	Hillsborough	W. Scott Culp	AHP Developers, Inc.	E, Non-ALE	30	650,404.00	N	N	N	10	N	Y	Y	198,039.86	B	Y	16	
2018-109C	Springfield Plaza	Hillsborough	Matthew A. Rieger	HTG Springfield Developer, LLC	E, Non-ALE	86	1,997,493.00	N	N	N	10	Y	Y	Y	152,743.75	A	Y	13	
2018-113C	Village of Valor	Palm Beach	Kathy Malino-Lepritz	KSM Holdings Florida, LLC	F	157	2,322,193.00	N	N	N	10	Y	Y	Y	123,965.71	A	Y	17	

* Corporation Funding Per Set-Aside amounts were adjusted during scoring. This did not affect the A/B Leveraging Classification.

On February 1, 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 28-110, F.A.C., and Rule 67.60,009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

- Exhibit A

RFA 2018-112 Board Approved Preliminary Awards

Total HC Available for RFA	17,314,387.00
Total HC Allocated	14,716,035.00
Total HC Remaining	2,598,352.00

Application Number	Name of Development	County	Name of Authorized Principal Representative	Name of Developers	Demo. Commitment	Total Units	HC Funding Amount	Eligible For Funding?	Development is in Broward County or Pinellas County and serves the Family Demographic Commitment, and qualifies for the Geographic Area of Opportunity Funding Goal	Qualifies as a Local Government Area of Opportunity	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Florida Job Creation Preference	Lottery Number	
Pinellas County that serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity Funding Goal																		
2019-100C	The Shores	Pinellas	William Todd Eason	The Richman Group of Florida, Inc.	F	51	9,000,000.00	Y	Y	N	10	Y	Y	Y	A	Y	9	
Broward County that serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity Funding Goal																		
2019-111C	Fort Village	Broward	Matthew A. Rieger	HFC Fort Developer, LLC	F	96	2,779,771.00	Y	Y	Y	10	Y	Y	Y	A	Y	21	
Duval County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-121C	Lofts at Brooklyn	Duval	James R. Hoover	TVC Development, Inc.	F	133	1,868,000.00	Y	N	Y	10	Y	Y	Y	A	Y	14	
Hillsborough County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-116C	WMEG 13B	Hillsborough	Jerome Ryans	WRDG 13B Developer, LLC	F	130	2,375,000.00	Y	N	Y	10	Y	Y	Y	A	Y	10	
Orange County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-123C	Hawthorne Park	Orange	Jonathan L. Wolf	Hawthorne Park Developer, LLC	E, Non-ALF	120	2,300,000.00	Y	N	Y	10	Y	Y	Y	A	Y	1	
Palm Beach County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-115C	Heron Estates Family	Palm Beach	Matthew A. Rieger	HFC Heron Estates Family Developer	F	79	1,601,264.00	Y	N	Y	10	Y	Y	Y	A	Y	2	
Broward County Application																		
2019-119C	Paingiana Crossing	Broward	Kenneth Naylor	APC Paingiana Crossing	F	113	2,862,000.00	Y	N	N	10	Y	Y	Y	A	Y	4	

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 Applicants 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 Sect on 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.005, 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.

Maureen McCarthy Daughton, LLC

MMD LAW

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1725 Capital Circle NE, Suite 304
Tallahassee, Florida 32308

T: (850) 345-8251
Mdaughton@mmd-lawfirm.com
www.mmd-lawfirm.com

Via Hand Delivery and Email
February 6, 2019

Ms. Ana McGlamory
(Ana.McGlamory@floridahousing.org)
Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough, Suite 5000
Tallahassee, Florida 32301

RECEIVED
19 FEB -6 AM 8:09
FLORIDA HOUSING
FINANCE CORPORATION

RE: Notice of Intent to Protest, Request for Applications (RFA) 2018-112 Proposed Funding Selections and Rankings

Dear Corporation Clerk:

On behalf of Applicant, HTG Banyan, LLC, Application No. 2019-117C, we hereby give notice of our intent to protest the Award Notice and Scoring and Ranking of RFA 2018-112 posted by Florida Housing Finance Corporation on Feb. 1, 2019 at 10:33 a.m., concerning Housing Credit Financing for Affordable Housing Developments located in Broward, Duval, Hillsborough, Orange, Palm Beach and Pinellas Counties (See Attached).

A formal written petition will be submitted within ten (10) days of this Notice as required by law.

Respectfully Submitted,


Maureen M. Daughton

cc: Hugh Brown, General Counsel

- Exhibit B -

RFA 2018-112 Board Approved Preliminary Awards

Total HC Available for RFA	17,314,287.00
Total HC Allocated	14,716,035.00
Total HC Remaining	2,598,252.00

Applicant Number	Name of Development	County	Name of Authorized Principal Representative	Name of Developers	Dem. Commitment	Total Units	HC Funding Amount	Eligible for Funding?	Development is in Broward County or Pinellas County and serves the Family Demographic Commitment, and qualifies for the Geographic Area of Opportunity?	Qualifies as a Local Government Area of Opportunity	Total Points	Proximity Funding Preference	Per-Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Florida Job Creation Preference	Lottery Number	
Pinellas County that serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity Funding Goal																		
2019-100C	The Shores	Pinellas	William Todd Sabharwal	The Richmond Group of Florida, LLC	F	31	910,000.00	Y	Y	N	10	Y	Y	Y	A	Y	9	
Broward County that serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity Funding Goal																		
2019-111C	Fleet Village	Broward	Matthew A. Rieger	HFG Fleet Developer, LLC	F	96	2,779,771.00	Y	Y	N	10	Y	Y	Y	A	Y	21	
Duval County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-121C	lots at Brooklyn	Duval	James S. Hoover	TVC Development, Inc.	F	133	1,468,000.00	Y	N	Y	10	Y	Y	Y	A	Y	14	
Hillsborough County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-116C	WRDG 13B	Hillsborough	Jerome Byrns	WRDG 13B Developer, LLC	F	130	2,573,000.00	Y	N	Y	10	Y	Y	Y	A	Y	10	
Orange County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-123C	Hawthorne Park	Orange	Jonathan L. Wolf	Hawthorne Park Developer, LLC	E, Non-AFF	120	2,300,000.00	Y	N	Y	10	Y	Y	Y	A	Y	1	
Palm Beach County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-115C	Heron Estates Family	Palm Beach	Matthew A. Rieger	HFG Heron Estates Family Developer	F	78	1,604,250.00	Y	N	Y	10	Y	Y	Y	A	Y	2	
Broward County Application																		
2019-119C	Piedmont Crossing	Broward	Kenneth Naylor	APC Palmetto Crossing	F	113	2,882,000.00	Y	N	N	10	Y	Y	Y	A	Y	4	

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 110.57(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 110.57(5), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

RFA 2018-112 Board Approved Scoring Results

Application Number	Name of Development	County	Name of Applicant Representative	Name of Developer	Devs. Commitment	Total Units	HC Funding Amount	Eligible For Funding?	Development in Broward County Jurisdictional Area of Opportunity?	Qualifies as a Local Employment Area of Opportunity	Total Points	Proximity Rating Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Site-Acct	Is rezoning Classification	Florida Job Creation Preference	Lottery Number	
Eligible Applications																			
2019-101C	The Shores	Pinellas	William Todd Faber	The Rickman Group of Florida, Inc.	F	31	910,000.00	Y	Y	N	10	Y	Y	Y	130,984.85	A	Y	9	
2019-102C	Lexington Court Apartments - Phase II	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	E, Non-AUF	89	1,234,338.00	Y	N	N	10	Y	Y	Y	190,951.17	A	Y	15	
2019-103C	Amelia Court at Creative Village - Phase II	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	F	109	2,375,000.00	Y	N	Y	10	Y	Y	Y	193,346.32	A	Y	24	
2019-104C	Dunham Place	Orange	Jonathan L. Wolf	Dunham Place Developer, LLC	E, Non-AUF	132	2,375,000.00	Y	N	N	10	F	Y	Y	155,566.60	A	Y	3	
2019-105C	Berkley Landing	Palm Beach	Jonathan L. Wolf	Berkley Landing Developer, LLC	E, Non-AUF	120	2,380,000.00	Y	N	Y	10	Y	Y	Y	138,477.17	A	Y	28	
2019-106C	Fort Village	Broward	Matthew A. Rieger	HTG Fort Developer, LLC	F	98	2,779,771.00	Y	Y	N	10	Y	Y	Y	148,794.82	A	Y	21	
2019-107C	Federal Apartments Phase I	Broward	Edward S. Taylor	SHAG Development, LLC, Fairfield Federal Developer	F	106	2,600,000.00	Y	N	N	10	Y	Y	Y	153,051.63	A	Y	19	
2019-108C	Avery Commons	Pinellas	Shaun Wilson	Blue Sky Communities LLC	F	65	1,375,000.00	Y	Y	N	10	Y	Y	Y	163,153.85	A	Y	11	
2019-109C	Heron Estates Family	Palm Beach	Matthew A. Rieger	HTG Heron Estates Family Developer, LLC, Heron Estates	F	78	1,601,254.00	Y	N	Y	10	Y	Y	Y	308,794.09	A	Y	2	
2019-110C	WRDG T38	Hillsborough	Jerome Ryans	WRDG T38 Developer, LLC	F	130	2,375,000.00	Y	N	Y	10	Y	Y	Y	189,057.26	A	Y	30	
2019-111C	Banyan Station	Palm Beach	Matthew A. Rieger	HTG Banyan Developer, LLC	F	94	2,374,995.00	Y	N	N	10	Y	Y	Y	132,743.75	A	Y	8	
2019-112C	Brandon Preserve	Hillsborough	James R. Hoover	TVC Developments, Inc.	F	164	2,375,000.00	Y	N	Y	35	Y	Y	Y	123,319.65	A	Y	13	
2019-113C	Polichina Crossing	Broward	Kenneth Nygier	AFC Polichina Crossing Developments, LLC, JEF	F	113	2,482,000.00	Y	N	N	10	Y	Y	Y	141,083.33	A	Y	4	
2019-114C	Milly Crossing	Duval	James R. Hoover	TVC Development, Inc.	E, Non-AUF	100	1,685,000.00	Y	N	N	10	Y	Y	Y	142,612.27	A	Y	11	
2019-115C	Lofts at Brooklyn	Duval	James R. Hoover	TVC Development, Inc.	F	123	1,868,000.00	Y	N	Y	10	Y	Y	Y	191,327.17	A	Y	14	
2019-116C	Casa Sant'Angelo Apartments	Broward	Kenneth Nygier	Casa Sant'Angelo Developments, LLC	E, Non-AUF	113	2,482,000.00	Y	N	N	10	Y	Y	Y	143,180.53	A	Y	22	
2019-117C	Hawthorne Park	Orange	Jonathan L. Wolf	Hawthorne Park Developer, LLC	E, Non-AUF	120	2,300,000.00	Y	N	Y	20	Y	Y	Y	140,700.76	A	Y	1	
Ineligible Applications																			
2019-100C	Wetherbee Landings Senior Living	Orange	W. Scott Culp	AHP Developers, Inc.	E, Non-AUF	30	653,575.00	N	N	N	10	N	Y	Y	219,227.84	B	Y	7	
2019-101C	Camden Crossing	Hillsborough	W. Scott Culp	AHP Developers, Inc.	F	40	865,123.00	N	N	N	10	N	Y	Y	199,691.57	B	Y	6	
2019-102C	Wetherbee Landings	Orange	W. Scott Culp	AHP Developers, Inc.	F	47	930,246.00	N	N	N	10	N	Y	Y	216,556.43	B	Y	5	
2019-103C	Lake Sherwood - Phase V	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	F	30	647,958.00	N	N	N	10	Y	Y	Y	196,049.47	A	Y	20	
2019-104C	Camden Crossing Senior Living	Hillsborough	W. Scott Culp	AHP Developers, Inc.	E, Non-AUF	30	656,404.00	N	N	N	10	N	Y	Y	198,899.66	B	Y	16	
2019-105C	Springfield Plaza	Hillsborough	Matthew A. Rieger	HTG Springfield Developer, LLC	E, Non-AUF	96	1,997,491.00	N	N	N	10	Y	Y	Y	157,743.25	A	Y	13	
2019-111C	Village of Vidor	Palm Beach	Ruthy Marino-Liggett	ISM Holdings Florida, LLC	F	153	2,212,159.00	N	N	N	10	Y	Y	Y	123,865.71	A	Y	17	

On February 1, 2019, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's in order to adopt the scoring results above.

Any unassigned lot - Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-120, C.A.C., and Rule 67-100.09, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

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

Name of Development: Heron Estates Family
W 17th Ct., W 17th Ct. and North Congress Ave., Riviera Beach

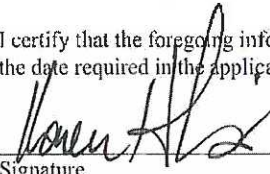
Development Location: _____
(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). If the Development consists of Scattered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

The City/County of Riviera Beach commits \$ 567,500.00 as a grant to the Applicant for its use solely for assisting the proposed Development referenced above. The City/County does not expect to be repaid or reimbursed by the Applicant, or any other entity, provided the funds are expended solely for the Development referenced above. No consideration or promise of consideration has been given with respect to the grant. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. The commitment for this grant must be effective as of the Application Deadline for the applicable RFA, and is provided specifically with respect to the proposed Development.

The source of the grant is: City's General Fund Account
(e.g., SHIP, HOME, CDBG)

CERTIFICATION

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



Signature

Karen L. Hoskins

Print or Type Name
Interim City Manager

Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

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

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

- Exhibit c -

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

Name of Development: Berkeley Landing

Development Location: Broadway (A-1-A), Approximately 1,600 feet Northeast of Intersection of Broadway (A-1-A) and Blue Heron Blvd., Riviera Beach

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

The City/County of Riviera Beach commits \$ 567,500.00 (which may be

used as an FHFC Non-Corporation Funding Proposal in an Application for FHFC funding if it meets the required criteria) in the form of a reduced interest rate loan to the Applicant for its use solely for assisting the proposed Development referenced above

The value of the contribution based on the difference between the face amount of the above-referenced loan and the net present value of its payment stream, inclusive of a reduced interest rate and the designated discount rate (as stated in the applicable RFA) is: \$137,798.00

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing a Florida housing does not constitute consideration. The commitment for this loan must be effective as of the Application Deadline for the applicable RFA and is provided specifically with respect to the proposed Development

CERTIFICATION

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



Tonya Davis Johnson

Print or Type Name

Board of Commissioners Chair

Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals. Mayor, City Manager, County Manager, Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or local government funds initially obtained by or derived from a local government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

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

Please note: This form may be modified by Florida Housing Finance Corporation per Section 5-60.005, F.A.C.

- Exhibit D