

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

SHERWOOD OAKS PRESERVATION, LP,
CENTURY WOODS PRESERVATION, LP,
COLLEGE PRESERVATION, LP,
CRYSTALWOOD PRESERVATION, LP,
and BRIARWOOD PRESERVATION, LP.

Case No. 2020-074BP
RFA No. 2020-204

Petitioners,

vs.

FLORIDA HOUSING FINANCE

Respondent.

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (the “Board”) for consideration and final agency action on January 22, 2021. On January 13, 2021, Sherwood Oaks Preservation, LP, (“Sherwood”), Century Woods Preservation, LP (“Century Woods”), College Preservation, LP (“College”), Crystalwood Preservation, LP (“Crystalwood”), Briarwood Preservation, LP (“Briarwood”) and Florida Housing Finance Corporation (“Florida Housing”) executed a Consent Agreement, attached as Exhibit “A.”

Based on the Consent Agreement, Century Wood is an eligible application and is selected for funding. Contemporaneous with this Final Order, Sherwood, College, Crystalwood, and Briarwood, dismiss their respective petitions. The

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Tom: Alamo / DATE: 1/22/2021

Consent Agreement is adopted and incorporated by reference as though fully set forth in this Order.


IT IS HEREBY ORDERED:

1. Century Wood is an eligible application and selected for funding, subject to credit underwriting; and
2. The Board's decision on December 4, 2020, with respect to the other applications in RFA 2020-204, remains unaffected.

DONE and ORDERED this 22nd day of January, 2021.



FLORIDA HOUSING FINANCE
CORPORATION

By: 
Chair

Copies to:

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

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

SHERWOOD OAKS PRESERVATION, LP,
CENTURY WOODS PRESERVATION, LP,
COLLEGE PRESERVATION, LP,
CRYSTALWOOD PRESERVATION, LP,
and BRIARWOOD PRESERVATION, LP.

Case No. 2020-074BP
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Petitioner,

vs.

FLORIDA HOUSING FINANCE

Respondent.

_____ /

CONSENT AGREEMENT

Petitioners, Sherwood Oaks Preservation, LP, (“Sherwood”), Century Woods Preservation, LP (“Century Woods”), College Preservation, LP (“College”), Crystalwood Preservation, LP (“Crystalwood”), and Briarwood Preservation, LP (“Briarwood”) and Respondent Florida Housing Finance Corporation (“Florida Housing”) by and through undersigned counsel, hereby present the following Consent Agreement in accordance with Section 120.57(4), Florida Statutes.

PRELIMINARY STATEMENT

1. On September 3, 2020, Florida Housing issued RFA 2020-204 Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments (the “RFA”).
2. Sherwood submitted Application No. 2021-046C (the “Sherwood Application”) in response to the RFA. Sherwood requested an allocation of \$1,125,000 in competitive housing

credits for its proposed one hundred twenty-four (124) unit affordable housing development in Alachua County, Florida.

3. Century Woods submitted Application No. 2021-048C (the “Century Woods Application”) in response to the RFA. Century Woods requested an allocation of \$418,000 in competitive housing credits for its proposed thirty-six (36) unit affordable housing development in Escambia County, Florida.

4. College submitted Application No. 2021-049C (the “College Application”) in response to the RFA. College requested an allocation of \$1,425,000 in competitive housing credits for its proposed one hundred and eight (108) unit affordable housing development in Putnam County, Florida.

5. Crystalwood submitted Application No. 2021-050C (the “Crystalwood Application”) in response to the RFA. Crystalwood requested an allocation of \$853,000 in competitive housing credits for its proposed sixty-four (64) unit affordable housing development in Polk County, Florida.

6. Briarwood submitted Application No. 2021-053C (the “Briarwood Application”) in response to the RFA. Briarwood requested an allocation of \$738,350 in competitive housing credits for its proposed sixty-three (63) unit affordable housing development in Leon County, Florida.

7. Florida Housing received eighteen (18) applications in response to the RFA.

8. The designated Review Committee recommended that Florida Housing’s Board of Directors (the “Board”) find seven applications including Sherwood, Century Woods, College, Crystalwood, and Briarwood ineligible for funding.

9. The Review Committee recommended that the Board select six applications for funding.

10. At the December 13, 2019 Board meeting, the Board approved the preliminarily funding recommendations from the Review Committee.

11. Sherwood, Century Woods, College, Crystalwood, and Briarwood timely filed Notices of Intent to Protest followed by a consolidated Formal Written Protest and Petition for Administrative Hearing (the “Petition”) challenging the ineligibility determination of their applications.

12. Florida Housing issued a Notice to All Bidders on the RFA, including those bidders who had been preliminarily selected for funding. The Notice informed all bidders that their substantial interests might be affected by the disposition of Petitioners’ Petition and advised the bidders of their opportunity to intervene.

13. No party sought to intervene in this matter.

STIPULATED FINDINGS OF FACT

14. Florida Housing is a public corporation that is organized to provide and promote the public welfare by administering the governmental function of financing and refinancing housing and related facilities in the State of Florida.

15. Chapter 67-60, Florida Administrative Code, establishes the procedures by which Florida Housing administers the competitive solicitation funding process for the RRLP funding appropriated by the 2019 Florida Legislature.

16. The RFA was issued pursuant to and in accordance with Rule 67-60.003, Florida Administrative Code, and is adopted and incorporated herein by reference.

17. As an eligibility requirement in the RFA, applications must meet the financial arrearage requirement which is stated on page 63 of the RFA as follows:

An Application will be deemed ineligible for funding if, as of close of business the day before the Committee meets to make a recommendation to the Board, there remains any financial obligations for which an Applicant or Developer or Principal, Affiliate or Financial Beneficiary of the Applicant or Developer is in arrears to the Corporation or any agent or assignee of the Corporation as reflected on the most recently published Past Due Report posted to the Corporation's Website under the link Property Owners & Managers/Past Due Reports (also accessible by clicking here), but not more recently than five business days prior to the date the Committee meets to make a recommendation to the Board.

18. Based on the notes from the Review Committee meeting, Sherwood Oaks, Century Woods, College, Crystalwood, and Briarwood were deemed ineligible as there were outstanding arrearages on the October 28, 2020 Past Due Report.

19. Changes to the parties' respective internal procedures related to COVID-19 had an impact on the processing of Florida Housing arrearages.

20. In reviewing the Application, the Petition, the requirements of the RFA, and these stipulated facts, Florida Housing determined that Century Wood should be an eligible application.

STIPULATED CONCLUSIONS OF LAW

21. In light of the foregoing stipulated facts and in order to avoid the time, expense, and uncertainty of litigation, the parties agree that Century Wood is eligible for funding in RFA 2020-204.

22. The undersigned attorneys represent that they have the authority to execute this Consent Agreement on behalf of their respective clients.

23. Pursuant to Sections 120.569 and 120.57(3), Florida Statutes, and Chapter 67-60, Florida Administrative Code, the Florida Housing Board has jurisdiction over the parties to this proceeding.

24. Upon issuance of a Final Order adopting the terms of this Consent Agreement, Sherwood Oaks, College, Crystalwood, and Briarwood agree to timely dismiss its Petition with prejudice.

25. The Century Wood Application is eligible and is selected for funding.

26. The parties waive all rights to appeal this Consent Agreement and the Final Order to be issued in this case. Each party shall bear its own costs and attorney's fees.

27. This Consent Agreement is subject to approval of Florida Housing's Board. If the Board does not approve this Consent Agreement, no Final Order will be issued, and this Consent Agreement shall be null and void as if it were never executed.

STIPULATED DISPOSITION

28. Century Wood is eligible and is selected for funding.

29. The Board's decision on December 4, 2020, with respect to the other applications, remains unaffected.

Respectfully signed this 13th day of January, 2021.

/s/ Michael P. Donaldson
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