

2020 Florida Housing Litigation Summary

Name	Case Nos.	FORUM	Issues	Result	Developer/Principal
Rochester Park, Ltd., and Rochester Park Developer, LLC v. Florida Housing Finance Corporation, et. al.	2020-015BP	DOAH	RFA 2019-113. Rochester Park challenged Florida Housing's scoring and ranking of the Edgewood Parc application alleging that Edgewood Parc's zoning form failed to meet the requirements in the RFA. Florida Housing agreed with Rochester Park's assertions.	The parties entered into a stipulation agreeing that Edgewood Parc is ineligible for funding and the Administrative Law Judge incorporated that stipulation into the Recommended Order. Rochester Park was then selected for funding. The Final Order adopting the Recommended Order in toto was entered on July 17, 2020.	Rochester Park Developer, LLC/ Jonathan L. Wolf
Turnstone Eustis, LP v. Florida Housing Finance Corporation, et. al.	2020-016BP	DOAH	RFA 2019-113. Turnstone Eustise challenged Florida Housing's scoring and ranking of the Weldon Crossings application alleging that Weldon failed to provide an acceptable management company, failed to provide a correct address, failed to provide acceptable site control documentation, and it failed to provide an acceptable verification of roads form.	Voluntarily dismissed after referral to DOAH.	Turnstone Development Corporation/ William Schneider
Madison Square, LLC, and ARC 2019, LLC v. Florida Housing Finance Corporation, et. al.	2020-017BP	DOAH	RFA 2019-113. Madison Square challenged Florida Housing's scoring and ranking of the Diplomat South application alleging that Diplomat South failed to meet the site control requirements in the RFA. Florida Housing agreed with Madison Square's allegations.	The parties entered into a stipulation agreeing that Diplomat South is ineligible for funding and the Administrative Law Judge incorporated that stipulation into the Recommended Order. Madison Square was then selected for funding. The Final Order adopting the Recommended Order in toto was entered on July 17, 2020.	ARC 2019, LLC; New South Residential, LLC/ Patrick E. Law
Madison Oaks East, LLC, and ARC 2019, LLC v. Florida Housing Finance Corporation, et. al.	2020-018BP	DOAH	RFA 2019-113. Madison Oaks East challenged Florida Housing's scoring of the Retreat at Cocoa Commons application and the Tranquility Milton application. Prior to hearing, Madison Oaks East voluntarily dismissed its challenge against Retreat at Cocoa Commons. Madison Oaks East alleged that Tranquility Milton failed to properly disclose its Principals and failed to meet the general development experience requirement. Florida Housing contested the challenges raised by Madison Oaks East. In the proceeding, Tranquility Milton challenged the eligibility of the Madison Oaks East application for its site control documentation. Florida Housing agreed with Tranquility Milton that Madison Oaks East should be ineligible.	The Administrative Law Judge found that Madison Oaks East failed to demonstrate Florida Housing's proposed action in finding Tranquility Milton eligible and awarding it five points was contrary to governing statutes, rules, the RFA specifications, or clearly erroneous, contrary to competition, arbitrary, or capricious. Additionally, the Administrative Law Judge held that Madison Oaks East substantially deviated from the requirements in the RFA for site control and is ineligible. The Final Order adopting the Recommended Order in toto was entered on July 17, 2020.	ARC 2019, LLC; New South Residential, LLC/ Patrick E. Law
Tranquility Milton, LLC v. Florida Housing Finance Corporation, et. al.	2020-019BP	DOAH	RFA 2019-113. Tranquility Milton challenged Florida Housing's scoring of the Retreat at Cocoa Commons application alleging that Cocoa Commons failed to properly complete the Development Cost Pro Forma, failed to meet the requirements for site control, and failed to properly demonstrate water and sewer availability.	Voluntarily dismissed after referral to DOAH.	Timshel Hill Tide Developers, LLC; JPM Outlook LLC / Todd M. Wind

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HTG Addison II, LLC v. Florida Housing Finance Corporation, et. al.	2020-020BP	DOAH	RFA 2019-113. HTG Addison challenged Florida Housing's scoring and ranking of the Westside Phase I application alleging that Westside failed to meet the requirements in the RFA to be selected for the Local Community Revitalization Initiative Goal.	The Administrative Law Judge found that HTG Addison failed to demonstrate that Florida Housing's proposed action finding the Westside Phase I application eligible is contrary to governing statutes, rules, the RFA specifications, or clearly erroneous, contrary to competition, arbitrary, or capricious. The Final Order adopting the Recommended Order in toto was entered on July 17, 2020.	HTG Addison II Developer, LLC/ Matthew A. Rieger
Meadowlark Court, LTD., v. Florida Housing Finance Corporation, et. al.	2020-024BP	DOAH	RFA 2019-113. Meadowlark challenged Florida Housing's scoring and ranking of the Oak Park Villas application alleging that Oak Park failed to qualify for the Proximity Funding Preference and alleging that in the event that HTG and its related entities are deemed to be disqualified or suspended from funding or if Oak Park fails to successfully complete credit underwriting, then Meadowlark should be invited into credit underwriting.	Voluntarily dismissed after referral to DOAH.	DDER Development, LLC / Domingo Sanchez
Solaris Partners, Ltd., v. Florida Housing Finance Corporation, et. al.	2020-022BP	FHFC	RFA 2019-114. Solaris challenged the scoring of Casa Sant' Angelo, Pembroke Tower II, Cypress Preserve, and Saratoga Crossings III. Solaris alleged that if those four deals were not selected for funding, it would be funded.	Voluntarily dismissed.	Cornerstone Group Partners, LLC; Residential Options of Florida, Inc. / Mara S. Mades
SP Edge, LLC v. Florida Housing Finance Corporation, et. al.	2020-026BP	FHFC	RFA 2019-114. SP Edge challenged the selection of Wells Landing alleging that Wells Landing application failed to meet the requirements of site control.	Voluntarily dismissed.	Southport Development, Inc., a WA Corporation doing business in FL as Southport Development Services, Inc. J. David Page
SP Bay, LLC and SP Bluffs, LLC v. Florida Housing Finance Corporation, et. al.	2019-105BP	FHFC	RFA 2019-111. SP Bay and SP Bluffs challenged the scoring and ranking of MHP Canopy, MHP Magnolia, and MHP River alleging they failed to meet the RFA requirements for site control and principal disclosure.	Voluntarily dismissed.	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc. / J. David Page
Bid-A-Wee Apartments, LLC v. Florida Housing Finance Corporation, et. al.	2019-103BP	FHFC	RFA 2019-111. Bid-A-Wee challenged its own ineligibility for a principal disclosure issue and the eligibility of MHP Canopy, MHP Magnolia, and MHP River for its developer experience.	The parties entered into a Consent Agreement which resulted in Bid-A-Wee being deemed an eligible application, losing five points from its application, and being selected for funding. MHP Canopy withdrew its application, but all other applications remained unaffected by the settlement. The Board entered a Final Order adopting the Consent Agreement on March 6, 2020.	Bid-A-Wee Developer, LLC / James Freeman
Quail Roost Transit Village I, Ltd., v. Florida Housing Finance Corporation and 675 Ali Baba, LLC.	2020-040BP	DOAH	RFA 2020-208. Quail Roost challenged the scoring of the Ali Baba application alleging that that Ali Baba failed to meet the RFA requirements for Principal Disclosure and Scattered Sites. Florida Housing agreed with Quail Roost that Ali Baba should be ineligible for funding.	The Administrative Law Judge issued a Recommended Order in which he concluded that Ali Baba failed to properly disclose its Principals as required by the RFA and failed to comply with the RFA requirements for Scattered Sites. The Final Order adopting the Recommended Order was entered into on October 16, 2020.	Quail Roost I Development, LLC / Kenneth Naylor

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Ambar Trail, Ltd. v. Florida Housing Finance Corporation, et. al.	2020-005BP	DOAH	RFA 2019-112. Ambar Trail challenged the fundamental fairness and property of the selection process in the RFA and alleged that Florida Housing erred by failing to take action on 15 Priority 1 Applications that were submitted by entities associated with Housing Trust Group.	After hearing, the Administrative Law Judge issued a Recommended Order of Dismissal recommending that the Ambar Trail, Sierra Meadows and Quail Roost petitions be dismissed with prejudice for lack of standing. The Board entered a Final Order adopting the Recommended Order of Dismissal on June 11, 2020.	Ambar3, LLC / Elena M. Adames
Sierra Meadows Apartments, Ltd. v. Florida Housing Finance Corporation, et. al.	2020-006BP	DOAH	RFA 2019-112. Sierra Meadows challenged the fundamental fairness and property of the selection process in the RFA and alleged that Florida Housing erred by failing to take action on 15 Priority 1 Applications that were submitted by entities associated with Housing Trust Group.	After hearing, the Administrative Law Judge issued a Recommended Order of Dismissal recommending that the Ambar Trail, Sierra Meadows and Quail Roost petitions be dismissed with prejudice for lack of standing. The Board entered a Final Order adopting the Recommended Order of Dismissal on June 11, 2020.	Landmark Development Corp. / Francisco Rojo
Quail Roost Transit Village IV, Ltd. v. Florida Housing Finance Corporation, et. al.	2020-007BP	DOAH	RFA 2019-112. Quail Roost challenged the fundamental fairness and property of the selection process in the RFA and alleged that Florida Housing erred by failing to take action on 15 Priority 1 Applications that were submitted by entities associated with Housing Trust Group.	After hearing, the Administrative Law Judge issued a Recommended Order of Dismissal recommending that the Ambar Trail, Sierra Meadows and Quail Roost petitions be dismissed with prejudice for lack of standing. The Board entered a Final Order adopting the Recommended Order of Dismissal on June 11, 2020.	Quail Roost IV Development, LLC / Kenneth Naylor
Paseo Del Rio, LLC v. Florida Housing Finance Corporation, et. al.	2020-008BP	FHFC	RFA 2019-112. Paseo challenged the scoring and ranking of Slate Miami alleging that Slate Miami had a financial arrearage and should be ineligible and Orchid Pointe alleging that it violated the Priority I provisions in the RFA.	Voluntarily dismissed.	Paseo del Rio Developer, LLC / Alberto Milo, Jr.
Parc Grove, LLC v. Florida Housing Finance Corporation, et. al.	2020-009BP	DOAH	RFA 2019-112. Parc Grove challenged the scoring and ranking of Harbour Springs alleging that Harbour Springs should receive fewer proximity points for its Public School and Medical Facility.	Voluntarily dismissed.	Parc Grove Developer, LLC / Randy Rieger
Ambar Riverview, Ltd v. Florida Housing Finance Corporation, et. al.	2019-014BP; 1D19-2668; 19-1261BID	Appellate	RFA 2018-111. Ambar Riverview challenged Florida Housing's scoring and ranking of the Las Brisas Trace application on four issues: principal disclosure, equity proposal, failure to answer the Public Housing Authority question, and the local government verification of contribution fee waiver form. The ALJ concluded that Florida Housing's scoring and ranking of the Las Brisas Trace Application was not erroneous, arbitrary, capricious, or contrary to competition and affirmed the scoring decisions.	Ambar Riverview filed an appeal. The parties entered into a Settlement Agreement in order to avoid the time, expense, and uncertainty of further litigation. The settlement does not have any precedential impact on future determinations and did not impact any other applicants in RFA 2018-111. The Board approved the Settlement Agreement on April 17, 2020.	TVC Ambar, Inc. / Elena Adames / John Rood
Fountains at Kings Pointe Limited Partnership v. Florida Housing Finance Corporation	2019-032BP; 1D19-2904	Appellate	RFA 2018-110. Petitioner protested the eligibility determinations and scoring and ranking process of multiple RFA applications ahead of its own that should have been disqualified. The Administrative Law Judge determined that Fountains was ineligible for funding under the terms of the RFA. Fountains filed an appeal.	The parties have filed appellate briefs. Fountains' request for oral argument was denied. The parties are awaiting a decision from the First District Court of Appeal.	BCP Development 18 LLC / Donald Paxton

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The Marshall 4440, LLC v. Florida Housing Finance Corporation	2020-036BP	FHFC	RFA 2020-102. Petitioner challenged Florida Housing's determination that its application was ineligible for funding because its Financing Proposal was inadequate. Miami Beach Housing Initiatives, Inc., the applicant that was selected for funding, filed a Petition to Intervene.	Voluntarily dismissed.	MRK/REVA Development, LLC. / Lynda V. Harris and Charles F. Sims
Baytown Apartments, LLC v. Florida Housing Finance Corporation	2020-037BP	FHFC	RFA 2020-106. Petitioner challenged Florida Housing's determination that its application was ineligible for funding because its documentation concerning a non-profit entity was inadequate. Blue CASL Charlotte, LLC, Valor Preserve, LLLP, and Independence Landing, LLC filed Notices of Appearance.	Voluntarily dismissed.	CDA Monarch, Inc. and InVictus Development, LLC / Sankar Sewnauth
BSMM Pasco, LLC v. Florida Housing Finance Corporation and Innovare, LP, Oakfield Groves Apartments, LP, Durham Place, Ltd., and Durham Place Developer, LLC, Intervenor	2020-039BP	DOAH	RFA 2020-103. Petitioner challenged Florida Housing's scoring of the narrative portion of the application, alleging that it should have received more points than its competitors. The Petition was referred to DOAH and discovery ensued.	Voluntarily dismissed.	Blue PH Developer, LLC; Metropolitan Ministries Developer, LLC / Shawn Wilson
La Estancia, Ltd v. Florida Housing Finance Corporation and Partnership in Housing, Inc.	2020-047BP	DOAH	RFA 2020-104. Petitioner challenged Florida Housing's scoring of the narrative portion of the application, alleging that it should have received more points than the application selected for funding. The Petition was referred to DOAH and discovery ensued.	The Administrative Law Judge entered a Recommended Order in which he found that Florida Housing's scoring of both applications was reasonable and recommended that the petition be dismissed. Florida Housing adopted the Recommended Order with a minor modification as a Final Order on October 16, 2020. The Board also determined that La Estancia should be funded using other SAIL funds.	DDER Development, LLC; EMW La Estancia LLC / Domingo Sanchez
BDG Parkwood Lofts, LP v. Florida Housing Finance Corporation, Waterview Preserve, LLC and Christian Manor Restoration, LLC	2020-021BP	DOAH	2020-116. Petitioner challenged Florida Housing's scoring of Christian Manor's application alleging that it should not have been awarded proximity points. Petitioner also challenged the scoring of Waterview Preserve, alleging that its ability to proceed forms were inadequate, that the leveraging calculation was flawed, and that it could not qualify for NHTF funding.	The Administrative Law Judge entered a Recommended Order in which he concluded that Petitioner had failed to demonstrate that Florida Housing's proposed actions were contrary to governing statutes, rules, the RFA specifications, or clearly erroneous, contrary to competition, arbitrary, or capricious, and recommended that the petition be dismissed. Florida Housing adopted the Recommended Order on July 17, 2020.	BDG Parkwood Lofts Developer, LLC / Scott Zimmerman
Waterview Preserve v. Florida Housing Finance Corporation	2020-025BP	DOAH	2020-116. Petitioner challenged Florida Housing's scoring of Christian Manor's application alleging that it should not have been awarded proximity points. The case was referred to DOAH and discovery ensued.	Voluntarily dismissed.	Waterview Preserve Developer, LLC and Judd Roth Real Estate Development, Inc. / Christopher Savino
Talland Park, Ltd. and Talland Park Developer, LLC v. Florida Housing Finance Corporation	2020-013BP	FHFC	2020-116. Petitioner challenged Florida Housing's determination that its application was ineligible for failing to satisfy the Mandatory Distance Requirement. Petitioner also challenged Villa Verde's application alleging that it had not met the Availability of Roads requirement.	Voluntarily dismissed.	Talland Park Developer, LLC and SHA Development, LLC / Jonathan Wolf

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Metro Grande v. Florida Housing Finance Corporation	2020-023BP	DOAH	2020-116. Petitioner challenged Florida Housing's scoring of Culmer Apartments' application alleging that its site control documents were defective. Petitioner also challenged Florida Housing's scoring of Parc Grove's application alleging that it had not met site control and ability to proceed requirements. The case was referred to DOAH and discovery ensued.	Voluntarily dismissed.	Cornerstone Group Partners, LLC / Mara Mades
Carisbrooke Terrace, Ltd and Carisbrooke Terrace Developer, LLC v. Florida Housing Finance Corporation	2020-014BP	FHFC	2020-116. Petitioner challenged Florida Housing's scoring of Villa Verde's application alleging that it had not met the Availability of Roads Requirement.	Voluntarily dismissed.	Carisbrooke Terrace Developer, LLC and SHA Development, LLC / Jonathan Wolf
SP Mews and Southport Development, Inc. v. Florida Housing Finance Corporation	2020-027BP	FHFC	2020-116. Petitioner challenged Florida Housing's selection of Metro Grande III's application alleging that it exceeded the County Award Tally.	Voluntarily dismissed.	Southport Development, Inc. / David Page
SP Braden, LLC and SP Broward, LLC v. Florida Housing Finance Corporation	2020-028BP	FHFC	2020-116. Petitioners were selected for funding but filed a petition in the event these applications were challenged.	Voluntarily dismissed.	Southport Development, Inc. / David Page
Human Development Center, Inc. v. Florida Housing Finance Corporation	2020-046BP	FHFC	2020-105. Petitioner challenged Florida Housing's determination that its application was ineligible for failure to state the total number of residents that will be living in the proposed development.	Voluntarily dismissed after the parties entered into a Consent Agreement determining that the application did meet the eligibility criteria and would be selected for funding.	Human Development Center, Inc. / Kimberly Church