

**BEFORE THE
FLORIDA HOUSING FINANCE CORPORATION**

WCAR, LTD.,

Petitioner,

vs.

**FLORIDA HOUSING FINANCE
CORPORATION,**

Respondent.

FHFC Case No. 2017-037BP
FHFC RFA No. 2016-116
Petitioner's Application No. 2017-194C

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FLORIDA HOUSING FINANCE CORPORATION

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

Pursuant to Sections 120.569 and 120.57, Fla. Stat., and Florida Housing Finance Corporation Request for Applications (“RFA”) No. 2016-116, at Section Six, and Rules 28-106.205 and 67-60.009, Fla. Admin. Code; Petitioner WCAR, LTD., (“Petitioner” or “WCAR”), Applicant for Application No. 2017-194C for funding in Florida Housing Finance Corporation Request for Applications (“RFA”) No. 2016-116 for Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments, hereby files its formal written protest to preserve its ability to contest the proposed scoring, ranking, and eligibility determinations of Respondent Florida Housing Finance Corporation in RFA 2016-116. WCAR was deemed eligible and was selected for funding; WCAR does not contest the determinations regarding its own application. WCAR supports Florida Housing’s scoring and ranking determinations regarding Highlands Village, 2017-176C, an eligible but unfunded applicant, and reserves the right to raise additional eligibility, scoring, and ranking issues regarding Highlands Village and other applicants as additional facts become known to it. In support of is Protest and Petition, Petitioner state as follows:

Parties

1. The agency affected is the Florida Housing Finance Corporation (the “Corporation”, “Florida Housing,” or “FHFC”), whose address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The solicitation number assigned to this process for the award of competitive federal low income housing tax credits (“tax credits” or “HC”) is request for Applications (“RFA”) 2016-116. By notice posted on its website, FHFC has given notice of its intent to award tax credits to seven (7) applicants, including WCAR. FHFC also posted notice at the same time of its determination or which applicants were “eligible” for consideration for funding and which were not. (WCAR was among the eligible applicants).

2. Petitioner, WCAR, LTD., (“Petitioner” or “WCAR”) is a Florida limited partnership, whose business address is 516 Lakeview Road #8, Clearwater, Florida 33756. For purposes of this proceeding, Petitioner’s address is that of its undersigned counsel, M. Christopher Bryant, Oertel, Fernandez, Bryant & Atkinson, P.A., P.O. Box 1110, Tallahassee, Florida 32302-1110, telephone number 850-521-0700, facsimile number 850-521-0720, email cbryant@ohfc.com.

3. Petitioner WCAR submitted an application, assigned Application No. 2017-194C, in RFA 2016-116 seeking an award of tax credits in the annual amount of \$296,071. Petitioner proposed to acquire and preserve a 34-unit development for Elderly residents in Lake County, known as Woodcliff Apartments, with all 34 units to be set-aside for low income tenants making at or below 60% of Area Median Income (“AMI”) (including 7 of the units for Extremely Low Income tenants making at or below 40% AMI). The development would be assisted by funding from USDA’s RD 515 and RD 538 programs. FHFC has announced its intention to award funding

to seven (7) Developments, including Petitioner.

Notice

4. On Friday, May 5, 2017, at approximately 9:30 a.m., Petitioner and all other participants in RFA 2016-116 received notice that FHFC's Board of Directors had approved FHFC staff determinations of which applications were eligible or ineligible for consideration for funding, and to select certain eligible applicants for awards of tax credits, subject to satisfactory completion of the credit underwriting process. Such notice was provided by the posting of two spreadsheets, one listing the "eligible" and "ineligible" applications in RFA 2016-116 (copy attached hereto as Exhibit "A") and one identifying the applications which FHFC proposed to fund (copy attached hereto as Exhibit "B") on the Florida Housing website, www.floridahousing.org.

5. Following the posting of the notice of Board action approving eligibility determinations and funding selections, eight (8) applicants filed notices of intent to protest. Those applicants, by funding selection category, development name, application number, and eligibility and funding status, were:

RD-515 in Medium or Small County

Woodcliff Apartments (WCAR), 2017-194C (eligible and funded)

Highlands Village, 2017-176C (eligible but not funded)

Non-RD Family

Shull Manor, 2017-191C (eligible and funded)

Cocoa Sunrise Terrace, 2017-192C (eligible but not funded)

Isles of Pahokee Phase I, 2017-193C (eligible but not funded)

Non-RD Elderly or Disabled

Jacksonville Townhouse Apts., 2017-189C (eligible and funded)

St. Andrew Tower I, 2017-178C (eligible but not funded)

Pembroke Pines, 2017-185C (eligible but not funded)

6. Petitioner was among the applicants who timely filed a Notice of Protest, with attachments, on Wednesday, May 10, 2017, copy attached as Exhibit "C." Petitioner's Formal Written Protest and Petition for Formal Administrative Proceedings is being filed within 10 calendar days of that notice; the tenth day fell on Saturday, May 20, 2017, so by operation of Rule 28-106.103, Fla. Admin. Code, the filing deadline was extended to Monday, May 22, 2017.

Substantial Interests Affected

7. Petitioner's substantial interests are being determined in the instant proceeding because Petitioner is an applicant for low income housing tax credit funding whose application was selected for funding. Petitioner cannot proceed with the proposed acquisition and preservation of its development for low income tenants without the award of the requested funding. Petitioner was selected to receive funding to satisfy the RFA's goal of funding one RD-515 assisted development. Both Petitioner and one other RD 515 assisted applicant, Highlands Village, who was not selected for funding, have filed notices of intent to protest. The protest initiated by Highlands Village would, if successful, result in WCAR not receiving an award of funding, and not being able to proceed with the acquisition and preservation of the Woodcliff development.

Nature of the Controversy

RFA 2016-116 Ranking and Selection Process

8. Through the RFA 2016-116 process, FHFC seeks to award up to an estimated \$6,628,500 in annual Housing Credits to applicants who commit to preserve, or to acquire and preserve, existing affordable housing developments. Generally, applicants must agree to set-aside at least 80% of the units for persons making at or below 60% of Area Median Income ("AMI").

In this RFA, applicants were also required to set-aside 20% of the units for tenants who are considered “Extremely Low Income” (“ELI”), which is a lower percentage of AMI that varies by county. For Lake County, where Petitioner WCAR proposes to acquire and preserve its development, the ELI level is 40% of AMI.

9. Applicants request in their applications a specific dollar amount of housing credits to be given to the Applicant each year for a period of 10 years. Applicants typically sell the rights to that future stream of income tax credits (through the sale of almost all of the ownership interest in the Applicant entity) to an investor to generate a portion of the capital necessary to construct the development.

10. Applicants in this RFA are assigned numerical scores in two areas. Those areas are General Development Experience of the Applicant’s developer (5 points) and Proximity to services needed by tenants of the development (up to 18 points).

11. Applicants who demonstrate that their Development has received funding from a certain United States Department of Agricultural Rural Development program, known as RD 515, were entitled to a 3.0 point proximity score “boost.” Petitioner WCAR’s application indicated it would receive RD 515 funding, and it was awarded the proximity score boost.

12. A Medium County applicant must achieve at least 7.0 total Proximity Points to be considered eligible for funding; that score is thus a threshold requirement. A Medium County applicant who achieves at least 9.0 total Proximity Points will automatically be awarded the maximum proximity score of 18 points. Petitioner’s application achieved a sufficient number of Proximity Points to receive the maximum proximity score of 18 points.

13. Finally, an applicant whose proposed development site is covered by an existing Declaration of Trust between a Public Housing Authority (“PHA”) and the U.S. Department of

Housing and Urban Development (“HUD”) will receive a 3.0 point boost towards its proximity score. Petitioner WCAR did not claim entitlement to the PHA “proximity point boost.”

14. The RFA included two specific funding goals, identifying types of developments sought to be funded. The first funding goal was for an RD 515-assisted Development in a Medium or Small County, regardless of the Demographic group (Family or Elderly) which the applicant proposed to serve. (WCAR was selected to satisfy this first funding goal.) The second funding goal was to fund a Family Demographic development that was not RD-assisted. After satisfying those two funding goals, funding would be awarded to as many Non-RD Assisted developments serving the Elderly or Persons with Disabilities as could be fully funded. If any funding remained, it would be awarded to (in order) RD 515 Elderly applicants or RD 515 Family applicants that could be fully funded.

Application Submission and Processing

15. Florida Housing received 20 Applications seeking funding in RFA 2016-116. Five (5) developments claimed to be RD-515 assisted; Petitioner WCAR was one of them. Currently, FHFC proposes to award funding to seven (7) developments, one of which (WCAR) is RD-515 assisted.

16. The applications were received, processed, deemed eligible or ineligible, scored, and ranked, presumably pursuant to the terms of RFA 2016-116; FHFC Rule Chapters 67-48 and 67-60, Fla. Admin. Code; and applicable federal regulations. Applications are considered for funding only if they are deemed “eligible,” based on whether the Application complies with Florida Housing’s various application content requirements. Each Application is awarded a score of up to 23 points, of which up to 18 points are available for proximity to services needed by the tenants of the development, and 5 points for General Development Experience of the Developer

of the proposed development. Of the 20 Applications submitted to FHFC in RFA 2016-116, nineteen (19) were found “eligible,” and one (1) was found ineligible. All five “RD 515” applicants were deemed eligible. The spreadsheet created by Florida Housing and attached hereto as Exhibit “A” identifies all eligible and ineligible applications (and other relevant information).

17. The RFA specifies an “Application Sorting Order” to rank applicants for potential funding. The first consideration in sorting eligible applications for potential funding is Application scores. The maximum score an Applicant can achieve is 23 points. All nineteen eligible applicants in RFA 2016-116 received a score of 23 points.

18. Many applicants achieve tie scores, and in anticipation of that occurrence FHFC designed the RFA and rules to incorporate a series of “tie-breakers.” The tie-breakers for applicants in this RFA, in order of applicability, are:

(a) First, by Age of Development, with Developments built in 1986 or earlier receiving a preference over relatively newer developments. Petitioner WCAR satisfied this preference.

(b) Second, by a Rental Assistance (“RA”) preference. Applicants are assigned an RA level based on either the number or percentage of units that will receive rental assistance from either HUD or USDA. Applicants with an RA level of 1, 2, or 3 (meaning at least 75% of the units receive rental assistance) receive the preference. Petitioner WCAR satisfied this preference.

(c) Third, by a Concrete Construction Funding Preference. Petitioner WCAR satisfied this preference.

(d) Fourth, by a Per Unit Construction Funding Preference. Petitioner WCAR

satisfied this preference.

(e) Fifth, by a Leveraging Classification that favors applicants who require a lower amount in housing credits per units than other applicants. Generally, the “least expensive” 80% of eligible applicants (Group “A”) receive a preference over the most expensive 20% (Group “B”). Following the determination that there were nineteen (19) eligible applications in this RFA, sixteen (16) (including WCAR) were designated “Group A” and three (3) were designated “Group B.”

(f) Sixth, by an Applicant’s specific RA level, with Level 1 applicants receiving the most preference and Level 6 the least. Petitioner WCAR received the RA Level 1 preference (highest).

(g) Seventh, by a Florida Job Creation Preference. Petitioner WCAR satisfied this preference.

(h) Last, by randomly-assigned lottery number.

19. After applying the scoring and ranking criteria, the five RD 515 applications, in ranked order based on the “sorting order” criteria set out in the RFA, were:

2017-194C, Woodcliff (WCAR), 23 points, satisfies all preferences, Leveraging Group A, RA Level 1, Lottery #5

2017-184C, Colonial Pines, 23 points, satisfies all preferences, Leveraging Group A, RA Level 1, Lottery #12

2017-186C, St. Johns River Apts., 23 points, satisfies all preferences, Leveraging Group A, RA Level 1, Lottery #15

2017-176C, Highlands Village, 23 points, satisfies preferences (except for specific RA level), Leveraging Group A, RA Level 2, Lottery #1

2017-187C, Orangewood Apartments, 23 points, satisfies preferences (except for Leveraging Group), Leveraging Group B,

RA Level 1, Lottery #3

20. FHFC employs a “Funding Test” to be used in the selection of applications for funding in this RFA. The “Funding Test” requires that the amount of Housing Credits funding remaining (unawarded) when a particular application is being considered for selection must be enough to fully fund that applicant’s Housing Credit request amount; partial funding will not be given.

21. In selecting among eligible applicants for funding, FHFC also applies a “County Award Tally.” The County Award Tally is designed to prevent a disproportionate concentration of funded developments in any one county. Generally, before a second application can be funded in any given county, all other counties which are represented by an eligible applicant must receive an award of funding, subject to the Funding Test.

22. The RFA set out an order of funding selection for eligible applicants, after eligible applicants were ranked. That funding selection, subject in all cases to the Funding Tests and the County Award Tally, is as follows:

- (1) One RD 515 Development (in any Demographic Category) in a Medium or Small County;
- (2) One Non-RD 515 Development in the Family Demographic Category (in any sized County);
- (3) The highest ranked Non-RD 515 Application (or Applications) with the Demographic of Elderly or Person with Disability; and
- (4) If funding remains after all eligible Non-RD 515 applicants are funded, then the highest ranked RD 515 applicant in the Elderly Demographic (or, if none, then

the highest ranked RD 515 applicant in the Family Demographic).

23. Following eligibility determinations and applications of funding preferences and the selection process, Florida Housing selected seven applicants for funding. The selected applicants, by category, were selected in the following order:

RD-515 in Medium or Small County:	2017-194C, Woodcliff Apts., Lake County
Non-RD 515 Family Demographic:	2017-191C, Shull Manor, Brevard County
Non-RD 515 Elderly or Persons With Disability Demographic:	2017-180C Marian Towers, Miami-Dade County
	2017-181C, St. Elizabeth Gardens, Broward County
	2017-190C Chipola Apartments, Jackson County
	2017-179C Jacksonville Townhouse Apts., Duval County
	2017-182C Lake Point Plaza, Miami-Dade County

The amount of tax credit funding remaining after selection of these seven applicants for funding was \$35,583.

Highlands Village RA Level Issue

24. As noted, the only RD-515 assisted applicant besides WCAR/Woodcliff who filed a Notice of Protest was Highlands Village, application number 2017-176C. Although Highlands Village was assigned lottery #1, it was not selected for funding because it was determined to be an RA Level 2 applicant. RA level is used as a tie-breaker before lottery numbers are considered.

25. Florida Housing properly deemed Highlands Village to be an RA Level 2. Highlands Village proposed to acquire and preserve a 105 unit development. According to letters

from the USDA Rural Development program office provided at Attachment 6 to the Highlands Village application, a total of 93 units currently receive and will receive either PBRA (Project Based Rental Assistance) or ACC (Annual Continuing Contract) under USDA's RD 515 program.

26. Under the terms of RFA 2016-116, an application can only be designated RA Level 1 by Florida Housing if at least one of two conditions is met. The first conditions is that all of units in the development (with the exception of up to 2 units) will receive rental assistance. Highlands Village, which proposes rental assistance for only 93 of its 105 units, clearly does not meet that standard.

27. The other means of achieving RA Level is if the number of units receiving Rental Assistance is at least 100 units, and that number of units represents more than 50% of the total number of units in the development. Since Highlands Village does not propose at least 100 RA units, it does not qualify under this second option.

28. RA Level 2 designation is given to Applicants who propose that more than 90% of the total units within the development will receive Rental Assistance; or that between 90 and 100 units will receive Rental Assistance, and the number receiving Rental Assistance is more than 50% of the total number of units. Highlands Village does not propose that more than 90% of its units will receive Rental Assistance; 93 units is only 88.57% of 105 units. However, Highlands Village does propose between 90 and 100 units will receive Rental Assistance, and the 93 units receiving rental assistance are more than 50% of the 105 total units in Highlands Village.

29. Florida Housing properly deemed Highlands Village an RA Level 2 applicant. As an RA Level 2 application, Highlands Village ranks below Woodcliff, and Woodcliff was correctly selected for funding.

Disputed Issues

30. Petitioner does not at this time believe there are any disputed issues of fact. Petitioner reserves the right to assert the existence of disputed issues of fact should they arise in the course of this proceeding.


Concise Statement of Ultimate Facts, Relief Sought, and Entitlement to Relief

31. As its concise statement of ultimate fact, Petitioner asserts that its application is eligible for consideration for funding and was properly selected for funding as the highest scoring and highest ranked RD 515 assisted applicant. Petitioner seeks entry of recommended and final orders finding Petitioner's application eligible for funding, and properly selected for funding. Petitioner is entitled to this relief by the terms and conditions of the FHFC's RFA; by FHFC Rule Chapters 67-48 and 67-60, Fla. Admin. Code; and by Chapters 120 and 420, Florida Statutes, including but not limited to Sections 120.569 and 120.57, Florida Statutes.

Request for Settlement Meeting

32. Pursuant to Section 120.57(3)(d), Fla. Stat., Petitioner requests an opportunity to meet with Florida Housing to resolve this matter by mutual agreement within seven business days after filing. Petitioner reserves the right to agree to extend the time for such a settlement meeting.

FILED AND SERVED this 22nd day of May, 2017.



M. CHRISTOPHER BRYANT
Florida Bar No. 434450
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ATTORNEY FOR WCAR, LTD.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that the original of the foregoing Formal Written Protest and Petition for Formal Administrative Proceedings has been filed by e-mail and hand delivery with the Corporation Clerk (CorporationClerk@floridahousing.org), Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, and a copy via Hand Delivery to the following this 22nd day of May, 2017:

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



ATTORNEY

RFA 2016-116 - All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developer	Demo.	HC Request Amount	Eligible For Funding?	RD 515?	Total Points	Age of Development Funding Preference	RA Level 1, 2, or 3 Funding Preference	Concrete Funding Preference	Per Unit Construction Funding Preference	Total Corp Funding Set-Aside	Leveraging Classification	RA Level	Florida Job Creation Preference	Lottery Number
Eligible Applications																			
2017-176C	Highlands Village	Highlands	M	Martin M Wohl	Heartland Development Group, LLC; The Paces Foundation, Inc.	E	1,009,585	Y	Y	23	Y	Y	Y	Y	77,198.85	A	2	Y	1
2017-178C	St. Andrew Tower I	Broward	L	Elizabeth Wong	Southport Development, LLC	E	1,660,000	Y	N	23	Y	Y	Y	Y	61,222.34	A	1	Y	9
2017-179C	Jacksonville Townhouse Apartments	Duval	L	Brianne E Hefner	Southport Development, Inc. a WA corporation, doing business in FL as Southport Development Services, Inc.	E	1,660,000	Y	N	23	Y	Y	Y	Y	53,630.77	A	1	Y	11
2017-180C	Marian Towers	Miami-Dade	L	Elizabeth Wong	Marian Towers Development, LLC	E	1,660,000	Y	N	23	Y	Y	Y	Y	60,944.05	A	1	Y	2
2017-181C	St. Elizabeth Gardens	Broward	L	Elizabeth Wong	St. Elizabeth Gardens Development, LLC	E	1,124,111	Y	N	23	Y	Y	Y	Y	28,165.65	A	1	Y	4
2017-182C	Lake Point Plaza Apartments	Miami-Dade	L	Lewis V Swezy	Lewis V Swezy; RS Development Corp	E	731,735	Y	N	23	Y	Y	Y	Y	77,765.36	A	1	Y	7
2017-183C	Cathedral Townhouse	Duval	L	Shawn Wilson	Cathedral Townhouse Redevelopment Associates, LLC	E	1,600,000	Y	N	23	Y	Y	Y	Y	76,018.10	A	1	Y	19
2017-184C	Colonial Pines Apartments	Lake	M	Thomas F. Flynn	Flynn Development Corporation	F	214,841	Y	Y	23	Y	Y	Y	Y	75,194.35	A	1	Y	12
2017-185C	Pembroke Towers	Broward	L	Brianne E Hefner	Southport Development, Inc. a WA corporation, doing business in FL as Southport Development Services, Inc.	E	1,240,000	Y	N	23	Y	Y	Y	Y	79,487.18	A	1	Y	18
2017-186C	St. John's River Apartments	Puolam	S	Thomas F Flynn	Flann Development Corporation	E	368,938	Y	Y	23	Y	Y	Y	Y	62,080.91	A	1	Y	15
2017-187C	Orangetwood Apartments	Bradford	S	Kimberly K. Murphy	Royal American Development, Inc.	F	580,780	Y	Y	23	Y	Y	Y	Y	101,976.42	B	1	Y	3
2017-188C	Haley Solger Preservation Phase One	Miami-Dade	L	Alberto Millo, Jr.	Haley Solger Phase One Developer, LLC	E	1,660,000	Y	N	23	Y	Y	Y	Y	55,865.38	A	1	Y	20
2017-189C	Hilltop Apartments	Madison	S	Kimberly K. Murphy	Royal American Development, Inc.	F	904,323	Y	N	23	Y	Y	Y	Y	101,446.49	B	1	Y	13
2017-190C	Chipola Apartments	Jackson	S	Brianne E Hefner	Southport Development, Inc. a WA corporation, doing business in FL as Southport Development Services, Inc.	E	476,000	Y	N	23	Y	Y	Y	Y	80,096.15	A	1	Y	10
2017-191C	Shull Manor Apartments	Broward	M	Lisa J. Lacoek	DDER Development, LLC	F	645,000	Y	N	23	Y	Y	Y	Y	80,147.93	A	1	Y	6
2017-192C	Cocoa Sunrise Terrace	Broward	M	Herbert Hernandez	CHA Developer, LLC; CHA Real Estate, Inc.	F	1,510,000	Y	N	23	Y	Y	Y	Y	66,643.65	A	1	Y	8
2017-193C	Isles of Pahokee Phase I	Palm Beach	L	Matthew Rieger	HTG Isles of Pahokee Developer, LLC; Pahokee Development Corporation, a Florida not-for-profit corporation.	F	1,124,828	Y	N	23	Y	Y	Y	Y	75,709.58	A	1	Y	16
2017-194C	Woodcliff Apartments	Lake	M	Thomas F Flynn	Flann Development Corporation	E	296,071	Y	Y	23	Y	Y	Y	Y	70,333.61	A	1	Y	5
2017-195C	Tampa Heights	Hillsborough	L	Brianne E Hefner	Southport Development, Inc. a WA corporation, doing business in FL as Southport Development Services, Inc.	F	385,000	Y	N	23	Y	Y	Y	Y	86,376.21	B	1	Y	17
Ineligible Applications																			
2017-177C	Hogan Creek	Duval	L	Joseph Chambers	Jacksonville Redevelopment Partners, LLC; JAX Urban Initiatives Development, LLC	E	1,660,000	N	N	23	Y	Y	Y	Y	73,266.08		1	Y	14

On May 5, 2017, 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.

RFA 2016-116 - Recommendations

Total HC Available for RFA	6,628,500.00
Total HC Allocated	6,592,917.00
Total HC Remaining	35,583.00

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developer	Demo	HC Request Amount	RD 515?	Total Points	Age of Development Funding Preference	RA Level 1, 2, or 3 Funding Preference	Concrete Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	RA Level	Florida Job Creation Preference	Lottery Number
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RD 515 Development in Medium or Small County Goal																	
2017-194C	Woodcliff Apartments	Lake	M	Thomas F Flynn	Flynn Development Corporation	E	296,071	Y	23	Y	Y	Y	Y	A	1	Y	5

Non-RD 515 Development Family Demographic Goal																	
2017-191C	Shull Manor Apartments	Brevard	M	Lisa J. Lacoek	DDER Development, LLC	F	645,000	N	23	Y	Y	Y	Y	A	1	Y	6

Non RD 515 Development Applications with the Elderly or Persons with a Disability Demographic																	
2017-180C	Marian Towers	Miami-Dade	L	Elizabeth Wong	Marian Towers Development, LLC	E	1,660,000	N	23	Y	Y	Y	Y	A	1	Y	2
2017-181C	St. Elizabeth Gardens	Broward	L	Elizabeth Wong	St. Elizabeth Gardens Development, LLC	E	1,124,111	N	23	Y	Y	Y	Y	A	1	Y	4
2017-190C	Chipola Apartments	Jackson	S	Brianne E Heffner	Southport Development, Inc. a WA corporation, doing business in FL as Southport Development Services, Inc.	E	476,000	N	23	Y	Y	Y	Y	A	1	Y	10
2017-179C	Jacksonville Townhouse Apartments	Duval	L	Brianne E Heffner	Southport Development, Inc. a WA corporation, doing business in FL as Southport Development Services, Inc.	E	1,660,000	N	23	Y	Y	Y	Y	A	1	Y	11
2017-182C	Lake Point Plaza Apartments	Miami-Dade	L	Lewis V Swezy	Lewis V Swezy, RS Development Corp	E	731,735	N	23	Y	Y	Y	Y	A	1	Y	7

On May 5, 2017, 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 Applicant 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., and Rule 67-60.009, F.A.C., and Rule Chapter 28-110, F.A.C., and 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.



OERTEL,
FERNANDEZ,
BRYANT &
ATKINSON, P.A.

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OF COUNSEL:
C. ANTHONY CLEVELAND

May 10, 2017

Via Hand Delivery and e-mail: CorporationClerk@floridahousing.org

Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Re: RFA 2016-116 Housing Credit Financing for Preservation of Existing Affordable Housing
Notice of Protest by WCAR, Ltd.
Applicant for Application No. 2017-194C

Dear Corporation Clerk:

Pursuant to Section 120.57(3) Fla. Stat., and Rules 67-60.009(2) and 28-110.003, Fla. Admin. Code, WCAR, Ltd., Applicant for Woodcliff Apartments Application No. 2017-194C in RFA 2016-116, hereby gives notice of its intent to protest the determinations contained on the attached spreadsheets reflecting proposed awards of funding (Attachment A) and proposed scoring, eligibility, and ineligibility determinations (Attachment B) in RFA 2016-116, as approved by the Corporation's Board of Directors on Friday, May 5, 2017. These spreadsheets were posted on the Corporation's website on Friday, May 5, 2017, at 9:30 a.m.; this Notice of Protest is being filed within 72 hours of such posting (excluding Saturdays and Sundays).

WCAR, Ltd. was selected for funding in RFA 2016-116, and does not contest the eligibility and funding determinations regarding its own application.

WCAR, Ltd. will file its formal written protest within the time required by Section 120.57(3), Fla. Stat.

Sincerely,

M. Christopher Bryant
Counsel for WCAR, Ltd.,
Applicant for Application No. 2017-194C

Exhibit C