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FLORIDA HOUSING
FINANCE CORPORATION

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

Madison Pines, LLC,

Petitioner

v.

FHFC CASE NO. 2026-063BP
RFA 2026-202
App. No. 2027-031C

FLORIDA HOUSING
FINANCE CORPORATION

Respondents.

**MADISON PINES, LLC'S FORMAL WRITTEN PROTEST AND
PETITION FOR ADMINISTRATIVE HEARING**

Petitioner, Madison Pines, LLC ("Petitioner" or "Madison Pines") files this Formal Written Protest and Petition for Administrative Hearing ("Petition") pursuant to section 120.57(3), Florida Statutes and rules 28-110.004 and 67-60, Florida Administrative Code. This Petition challenges the eligibility determinations, evaluations, and proposed allocations set forth in the Notice of Intended Decision posted by Respondent, Florida Housing Finance Corporation ("Florida Housing" or "Respondent"), in response to Request for Applications 2026-202 Housing Credit Financing for Affordable Housing Developments Located In Broward, Duval, Hillsborough, Lee, Orange, Palm Beach, Pinellas and Polk Counties (hereinafter the "RFA"). In support, Petitioner states:

The Parties

1. Petitioner is a legally formed entity qualified to do business in Florida that applied for funding pursuant to RFA 2026-202. For purposes of this matter, Petitioner's telephone number, address, and email address are the those of its undersigned counsel.

2. Florida Housing Finance Corporation is the agency affected by this Petition. Florida Housing's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Notice

3. Florida Housing issued the RFA on July 16, 2026, modified July 27, 2026.
4. In response to the RFA, Petitioner, timely submitted Application No. 2027-031C.
5. On September 25, 2026 at 10:15 a.m., Petitioner received notice of the preliminary RFA scoring and rankings.
6. On September 30, 2026 at 8:00 a.m., Petitioner timely filed a Notice of Intent to Protest. (Attached as Exhibit 1).

Background

7. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of awarding funding for affordable housing in Florida. Florida Housing's statutory authority and mandates are set forth in Part V of Chapter 420, Florida Statutes and Chapters 67-48 and 67-60, Florida Administrative Code

8. The RFA sets forth the mandatory eligibility requirements an Applicant must satisfy to be considered for funding, the point items and funding preferences used to rank Applications, and the sorting and selection process by which awards are made. *See* RFA at 83-85.

9. Among the mandatory eligibility requirements, an Applicant must submit a Principals of the Applicant and Developer(s) Disclosure Form ("Principals Disclosure Form") that satisfies the RFA and Florida Administrative Code. To meet eligibility requirements, the Principals Disclosure Form "must identify, pursuant to subsections 67-48.002(94), 67-48.0075(8) and 67-48.0075(9), F.A.C., the Principals of the Applicant and Developer(s) as of the Application Deadline." RFA, p. 13 (§ Four A.3.c).

10. The RFA also awarded Developer Experience Points, and based on those points, a Developer Experience Funding Preference. To qualify for the preference, an Application, “must achieve at least 20 Developer Experience Points that must include a minimum of 5 points in criteria (i) and a minimum of 5 points in criteria (ii).” RFA, p. 10 (§ Four A.3.b.(3)(b)).

11. The RFA awarded up to five points for a Local Government Contribution. The RFA specified that the applicant **must submit the Local Government Verification of Contribution Form as Attachment 12** to Exhibit A. RFA, p. 77 (§ Four A.11.c) (emphasis added).

12. The RFA in Section Four, A.11.c “Evidence of the Local Government Contribution,” that “[t]o qualify for Local Government contribution points for loans, grants, fee waivers and fee deferrals, provide the properly completed and executed Local Government Verification of Contribution Form(s) (Form Rev. 03-2025) as Attachment 12 to Exhibit A.” RFA, p. 77 (§ Four A.11.c). Then in Exhibit A, Section 4.A.11.c: “To demonstrate the Local Government Contribution, provide the applicable Local Government Verification of Contribution form(s) as Attachment 12 as outlined in Section Four, 11,” and populate “the total values of all relative forms provided as Attachment 12.” RFA, p. 124 (Exhibit A, § 4.A.11.c).

13. **Documentation required to demonstrate Local Government Areas of Opportunity Funding**

“In order to be eligible to be considered Local Government Areas of Opportunity Funding, (i) the cash loans and/or cash grants must be demonstrated by providing the Local Government Area of Opportunity Form, Rev. 03-2025 as Attachment 12 to Exhibit A ... ” RFA at 81 (emphasis added).

14. The RFA separately designated Attachment 11 as the tab for Non-Corporation funding. RFA, p. 69 (§ Four A.10.b.(2)).

15. The RFA further awarded proximity points based on the distance between the proposed development and transit services and community services. Proximity points are used to determine whether an Application meets the minimum proximity eligibility requirements and the Proximity Funding Preference. RFA, p. 28-34 (§ Four A.5.e).

16. The RFA had two funding goals, as follows:

a. Geographic Area of Opportunity / SADDA Goal

The Corporation has a goal to fund one Family Application that qualifies for the Geographic Areas of Opportunity / SADDA Goal as described in Section Four, A.10.a.(1)(d) of the RFA proposing a Development located in the following counties: (i) Broward County, with a preference that it is a Priority 1 Application that also qualifies for the Local Government Areas of Opportunity Designation as described in Section Four, A.11.d. of the RFA; and (ii) Pinellas County.

b. Local Government Areas of Opportunity Designation Goal

The Corporation has a goal to fund one Application proposing a Development located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Polk County that qualify for the Local Government Areas of Opportunity Goal as described in Section Four, A.11.e. of the RFA.

RFA at 86.

17. Applications were not limited to selecting one goal in which to compete; however, Applicants selected to meet one goal cannot count towards meeting a second goal, even if the Application meets all qualifications for multiple goals. RFA at 86.

18. Because multiple Applicants may meet the eligibility requirements and achieve the same points, the RFA sets forth a detailed sorting order and funding selection process. RFA at 86-90.

19. The RFA provides for Application Sorting Order as follows, RFA at 86-88:

- a. Sorting Order when selecting Applications to meet the Local Government Areas of Opportunity Goal described in 5.b. below

When selecting Applications to meet the Local Government Areas of Opportunity Goal as described in Section Four, A.11.e. of the RFA, the highest scoring Applications will be determined by first sorting together all eligible Applications that qualify for the goal from highest score to lowest score, with any scores that are tied separated in the following order:

- (1) First, 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);
- (2) Next, by the Application's Permit Ready Tier status, which is outlined in Section Four, A.7.c. of the RFA (with Applications that qualify as Tier 1 Permit Ready Applications receiving preference above Applications that do not qualify for this preference);
- (3) Next by the Developer Experience Funding Preference, which is outlined in Section Four, A.3.b.(3)(b) of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- (4) 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);
- (5) And finally, by lottery number, resulting in the lowest lottery number receiving preference.

- b. Sorting Order used when selecting Applications except for those that meet the Local Government Areas of Opportunity Goal described in 5.b. below

For each goal, the highest scoring Priority 1 Applications within the county will be determined by first sorting together all eligible Priority 1 Applications that qualify for each goal from highest score to lowest score, with any scores that are tied separated in the following order. This will then be repeated for Priority 2 Applications that qualify for each goal:

- (1) First, 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);

- (2) Next, by the Application's Leveraging Classification, as 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);
- (3) Next, 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;
- (4) Next, by the Application's Permit Ready Tier status, which is outlined in Section Four, A.7.c. of the RFA (with Applications that qualify as Tier 1 Permit Ready Applications receiving preference above Applications that do not qualify for this preference);
- (5) Next by the Developer Experience Funding Preference, which is outlined in Section Four, A.3.b.(3)(b) of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- (6) 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);
- (7) And finally, by lottery number, resulting in the lowest lottery number receiving preference.

Id.

20. The RFA provides for a Funding Selection Process as follows ("Funding Selection Process") RFA at 88-90:

1. Geographic Area of Opportunity / SADDA

(1) Broward County

The first Application selected for funding will be the highest-ranking eligible unfunded Priority 1 Application for a proposed Development located in Broward County that qualifies for both the Geographic Area of Opportunity / SADDA Goal and the Local Government Areas of Opportunity Designation.

If there are no eligible Priority 1 Applications located in Broward County that meet these qualifications, then the first Application selected for funding will be the highest-ranking eligible unfunded Priority 1 Application for a proposed Development located in Broward County that qualifies for the Geographic Area of Opportunity / SADDA Goal.

If there are no eligible Priority 1 Applications located in Broward County that meet these qualifications, then the highest-ranking eligible Priority 2 Application for a proposed Development located in Broward County that qualifies for the Geographic Area of Opportunity / SADDA Goal will be selected for funding.

(2) Pinellas County

The next Application selected for funding will be the highest-ranking eligible unfunded Priority 1 Application for a proposed Development located in Pinellas County that qualifies for the Geographic Area of Opportunity / SADDA Goal.

If there are no eligible Priority 1 Applications for a proposed Development located in Pinellas County that qualify for the Geographic Area of Opportunity / SADDA Goal, then the highest-ranking eligible Priority 2 Application located in Pinellas County that qualifies for the Geographic Area of Opportunity / SADDA Goal will be selected for funding.

2. Local Government Areas of Opportunity Goal

The first Application selected for funding will be the highest-ranking eligible unfunded Priority 1 Application proposing a Development located in Broward County that qualifies for the Local Government Areas of Opportunity Goal described in Section Four, A.11.e of the RFA. This will be repeated for Duval, Hillsborough, Orange, Palm Beach, and Polk County.

3. Verification that all counties received a certain number of awards

If Duval, Hillsborough, Orange, Palm Beach, Pinellas, or Polk were not credited with at least one award in a. - b. above, then the highest-ranking eligible Priority 1 Application in those counties without an award will be selected for funding. If Broward County was not credited with at least two awards in a. - b. above, then the highest-ranking eligible Priority 1 Application(s) in Broward County will be selected for funding until two awards have been credited to Broward County.

If Duval, Hillsborough, Orange, Palm Beach, Pinellas, or Polk were still not credited with at least one award in a. - b. above, nor were there any Priority 1 Applications in the county, then the highest-ranking eligible Priority 2 Application in those counties without an award will be selected for funding. If Broward County was not credited with at least two awards in a. - b. above, nor were there any Priority 1 Applications in the county, then the highest-ranking eligible Priority 2 Application in Broward County will be selected for funding until two awards have been credited to Broward County.

If an Application selected for funding in this section cannot be fully funded, the Application may be awarded a binding commitment, and no further Applications will be selected for funding in this process.

4. Remaining Funding

(1) Additional awards in Hillsborough, Orange, and Palm Beach County

If funding remains, the highest-ranking eligible unfunded Application that qualifies for either the Local Government Areas of Opportunity Goal described in Section Four, A.11.e. of the RFA or Geographic Areas of Opportunity / SADDA Goal will be selected in each of the following counties, if it can be fully funded, with a preference that this is a Priority 1 Application: Hillsborough, Orange, and Palm Beach County.

If funding remains, this will be repeated, until there are no Applications in these counties that can meet the Funding Test.

(2) Additional awards in Broward, Duval, and Pinellas County

If funding remains, the highest-ranking eligible unfunded Application in that qualifies for either the Local Government Areas of Opportunity Goal described in Section Four, A.11.e. of the RFA or Geographic Areas of Opportunity / SADDA Goal will be selected in each of the following counties, if it can be fully funded, with a preference that this is a Priority 1 Application: Broward, Duval, and Pinellas County.

If funding remains, this will be repeated, until there are no Applications in these counties that can meet the Funding Test.

5. If funding remains, no additional Applications from any county will be selected for funding and any remaining funding will be distributed as approved by the Board.

Id.

21. The Review Committee determined eligible applicants and sorted the applicants. The Review Committee determined that the remaining funding should be award to the following applicants:

- Additional Applications if necessary to ensure that all counties received a certain number of awards
 - 2027-029C Berkshire Square
 - 2027-015C Residences at Magnolia Place
- Additional awards in Hillsborough, Orange, and Palm Beach County
 - 2027-039C ANR 01
 - 2027-037C HP Apt

22. The Board approved the Review Committee's recommendation at its meeting on September 25, 2026.

Petitioner's Substantial Interests are Affected

23. Petitioner's substantial interests are affected because HP Apt, LP (Application no. 2027-037C) ("HP Apt"), Berkshire Square, Ltd. (Application no. 2027-029C) ("Berkshire Square"), and Benschley Manor (Application no. 2027-033C) ("Benschley Manor") are either ineligible for funding or incorrectly scored. If Florida Housing had correctly determined that Berkshire Square and Benschley Manor were either ineligible or incorrectly scored, Petitioner would have been selected for funding under the RFA. Or, if Florida Housing had correctly determined that HP Apt was ineligible for funding or incorrectly scored, Petitioner would have been selected for funding under the RFA.

Berkshire Square and Benschley Manor's Applications Are Either Ineligible for Funding or Erroneously Scored

A. Berkshire Square Received Community Service Points for an Ineligible Medical Facility

24. Berkshire Square received 2.5 points for listing a medical clinic; however, the medical clinic listed by Berkshire Square did not meet the RFA requirements, as it was limited to specific ages.

25. The RFA awards up to four proximity points for each of up to three Community Services, one of which is a "Medical Facility." RFA, p. 32 (§ Four A.5.e.(3)). If a selected Community Service does not meet the RFA definition, no proximity points are awarded for it. Further, the RFA does not permit a fourth Community Service to be substituted under any circumstance, even if during the litigation process, one of the Community Services is determined to not qualify for proximity points. *Id.*

26. The RFA defines a "Medical Facility" as "[a] facility with at least one physician licensed under Chapter 458 or 459, F.S. available to provide medical treatment to patients by walk-in or by appointment," which "may be a clinic or a doctor's office that provides general wellness services ... to all patients over the age of five years old, or a hospital that provides emergency services." RFA at 131.

27. The definition expressly provides that "facilities that only treat specific conditions, ages, or genders (such as children's hospitals or women's health centers), will not be accepted." *Id.*

28. Berkshire Square selected as its Medical Facility the Community Health Centers location at 849 Greenway Professional Ct, Orlando, FL 32824.

29. Based on publicly available information, at the time of the filing of the application, Community Health Centers was a pediatrics-only clinic. Community Health Centers treated children exclusively and did not provide general wellness services to all patients.

30. Community Health Centers was therefore a facility that “only treat[s] specific conditions, ages, or genders” within the meaning of the RFA and should not have been accepted as a Medical Facility.

31. Because the facility Berkshire Square selected does not meet the RFA definition of a Medical Facility, Berkshire Square was not entitled to the Community Service proximity points it claimed for that facility, and no substitute Community Service may be counted in its place.

32. When those points are excluded, Berkshire Square fails to achieve the proximity points necessary for the Proximity Funding Preference. As a result, Berkshire Square should not have been ranked as highly and should not have been recommended for funding.

B. Berkshire Square Was Erroneously Awarded Five Local Government Contribution Points

33. Berkshire Square selected the Development Category of New Construction and therefore did not automatically receive the five Local Government Contribution points. Instead, Berkshire Square was required to demonstrate a qualifying Local Government contribution to earn the points. Berkshire Square App. at 33.

34. The RFA expressly required applicants seeking Local Government Contribution points to submit the properly completed and executed Local Government Verification of Contribution Form as Attachment 12 to Exhibit A. RFA, p. 77 (§ Four A.11.c). Exhibit A reiterates this requirement and specifies that the Local Government Contribution Funding Table is populated from “the total values of all relative forms provided as Attachment 12.” RFA, p. 124 (Exhibit A, § 4.A.11.c).

35. Berkshire Square answered “Yes” to Exhibit A, Section 4.A.11.b, reported a \$75,000 Orange County grant in its Local Government Contribution Funding Table, and claimed five Local Government Contribution points. Berkshire Square App. at 33.

36. Berkshire Square, however, did not provide the required Local Government Verification of Contribution Form as Attachment 12. Instead, Berkshire Square submitted the form as Attachment 11, which the RFA designates for Non-Corporation funding documentation. RFA, p. 69 (§ Four A.10.b.(2)).

37. Because Berkshire Square failed to provide the required verification as Attachment 12, its Application did not satisfy the RFA's express requirements for demonstrating and scoring the Local Government Contribution. Florida Housing erroneously awarded Berkshire Square the full five points based on documentation submitted under a different attachment. Accordingly, Florida Housing erroneously awarded Berkshire Square five Local Government Contribution points, which was arbitrary and contrary to the RFA's scoring requirements.

38. When the five Local Government Contribution points are excluded, Berkshire Square would not have been ranked as highly and would not have been recommended for funding.

C. Berkshire Square Failed to Disclose All Principals of the Applicant

39. To be eligible for funding, an Applicant's Principals Disclosure Form must identify, "pursuant to subsections 67-48.002(94), 67-48.0075(8) and 67-48.0075(9), F.A.C., the Principals of the Applicant and Developer(s) as of the Application Deadline." RFA, p. 13 (§ Four A.3.c).

40. The Principals Disclosure Form submitted by Berkshire identified Berkshire Square GP, LLC ("Berkshire Square") as the General Partner of Berkshire and provided as follows at the First and Second Principal Disclosure Levels:

First Principal Disclosure Level:

General Partner	Berkshire Square GP, LLC
Investor LP	Wolf, Jonathan L.
Non-Investor LP	Wolf, Jonathan L.

Second Principal Disclosure Level (of Berkshire Square GP, LLC):

Manager	Wolf, Jonathan L.
Member	von Weller, Ryan S.
Member	Kroll, Kevin M.
Member	Wendover Share, LLC
Member	Jonathan L. Wolf 2023 Irrevocable Grantor Trust

41. Jonathan L. Wolf was not identified on the Principals Disclosure Form as a Member of Berkshire Square; Mr. Wolf was only identified as a Manager of Berkshire Square.

42. Publicly available information from the Florida Division of Corporations, reflects that Mr. Wolf was a manager and a member of Berkshire GP, yet Berkshire's disclosure identified only the first of those capacities.

43. On August 11, 2026, just two days before the Application Deadline, Berkshire GP filed Articles of Amendment with the Division of Corporations. The amendment, signed by "Jonathan L. Wolf, Manager," requested removal of Mr. Wolf under the designation "AMBR." It did not name a replacement Manager or add another authorized person.

44. Either (a) the Amendment did not change Mr. Wolf's status as a Member under Berkshire Square's Articles of Organization, in which event Mr. Wolf remained a Member and Principal of Berkshire Square as of the Application Deadline; or (b) the Amendment removed Mr. Wolf as an Authorized Person of Berkshire Square altogether, in which event Berkshire Square's Articles of Organization did not identify Mr. Wolf as the Manager as of the Application Deadline. Under either scenario, the Principals Disclosure Form did not identify all of Principals of the Applicant as of the Application Deadline.

45. Because a correct and complete identification of the applicant's Principals at the Application Deadline is an eligibility requirement, Berkshire's failure to comply renders its application ineligible for funding under the RFA.

46. Further, based on this last minute change, Berkshire Square failed to provide an Authorized Representative that meets the RFA requirements.

47. The RFA provides that the Authorized Principal Representative (a) must be a natural person Principal of the Applicant listed on the Principals Disclosure Form; (b) must have signature authority to bind the Applicant entity; (c) must sign the Applicant Certification and Acknowledgement section of Exhibit A; and (d) if funded, will be the recipient of all future documentation that requires a signature.” RFA at 19.

48. Berkshire identified Mr. Wolf as its Authorized Principal Representative, and the Applicant Certification and Acknowledgement Form was executed by “Jonathan L. Wolf” as “Manager of Berkshire Square GP, LLC, General Partner of Berkshire Square, Ltd.” Upon execution, Mr. Wolf certified that the Application met all applicable requirements of the RFA and that “[t]he undersigned is authorized to bind the Applicant entity to this certification and warranty of truthfulness and completeness of the Application.” Berkshire Square App. at 38-39.

49. If Mr. Wolf had been removed as an Authorized Person of Berkshire Square before the Application Deadline as reflected by the Amendment, Mr. Wolf did not have the authority to execute the Applicant Certification and Acknowledgement Form as Manager of Berkshire Square GP, LLC, General Partner of Berkshire Square, Ltd.. Berkshire therefore failed to meet the Eligibility Item requiring that the “Applicant Certification and Acknowledgement [be] signed by Authorized Principal Representative.” RFA at 83-84.

50. Lastly, In the alternative, even if Berkshire is not found ineligible, it should lose the five (5) points assigned for advance review of its Principals Disclosure Form. The RFA makes those points available only when the form is stamped “Received” at least fourteen (14) calendar days before the Application Deadline and “Approved” before that deadline. A form that must be

revised after approval is subject to a new received-date stamp; when that new date falls within fourteen days of the deadline, the form does not qualify for the five points. RFA at 14.

51. Berkshire's form was approved July 30, 2026. As explained above, it either omitted Mr. Wolf's membership status or ceased to describe his managerial status correctly after the August 11 amendment. A revised filing was therefore necessary in either circumstance. Any such revision would have been received within fourteen calendar days of the August 13, 2026 Application Deadline and could not earn advance-review credit. Deducting the five points would reduce Berkshire's score to ten (10), place it below Petitioner, and remove Berkshire from the funding position ahead of Petitioner.

D. Benschley Manor Was Improperly Awarded Five Local Government Contribution Points

52. Benschley Manor selected the Development Category of New Construction and therefore did not automatically receive the five Local Government Contribution points. Instead, Benschley Manor was required to demonstrate a qualifying Local Government contribution to earn the points. Benschley Manor at 33.

53. The RFA expressly required applicants seeking Local Government Contribution points to submit the properly completed and executed Local Government Verification of Contribution Form as Attachment 12 to Exhibit A. RFA, p. 77 (§ Four A.11.c). Exhibit A reiterates this requirement and specifies that the Local Government Contribution Funding Table is populated from "the total values of all relative forms provided as Attachment 12." RFA, p. 124 (Exhibit A, § 4.A.11.c).

54. Benschley Manor answered "Yes" to Exhibit A, Section 4.A.11.b, reported a \$75,000 Orange County grant in its Local Government Contribution Funding Table, and claimed five Local Government Contribution points. Benschley Manor at 33.

55. Benschley Manor, however, did not provide the required Local Government Verification of Contribution Form as Attachment 12. Instead, Benschley Manor submitted the form as Attachment 11, which the RFA designates for Non-Corporation funding documentation. RFA, p. 69 (§ Four A.10.b.(2)).

56. Because Benschley Manor failed to provide the required verification as Attachment 12, its Application did not satisfy the RFA's express requirements for demonstrating and scoring the Local Government Contribution. Florida Housing erroneously awarded Benschley Manor the full five points based on documentation submitted under a different attachment. Accordingly, Florida Housing erroneously awarded Benschley Manor five Local Government Contribution points, which was arbitrary and contrary to the RFA's scoring requirements. Those points should be deducted from Benschley Manor's score, with Benschley Manor's ranking and eligibility for funding reevaluated accordingly.

57. When the five Local Government Contribution points are excluded, Benschley Manor would not have been ranked as highly and would not have been recommended for funding.

E. Recalibration of Funding Awards

58. Had Berkshire Square been found to be ineligible or had been properly scored, Benschley Manor would have been selected for funding instead. However, because Benschley Manor likewise was not entitled to the five Local Government Contribution points it received, proper scoring of both Applications would have resulted in Madison Pines, rather than Berkshire Square or Benschley Manor, being selected for funding.

HP Apt's Application Should not Have Been Recommended for Funding

A. HP Apt Failed to Demonstrate Ownership in Affordable Rental Housing Developments

59. HP Apt received 15 points for developer experience based on Ms. Eileen Pope being a principal of the owner of five prior developments.

60. The RFA awards 15 points for “Demonstration of ownership in Affordable Rental Housing Developments.” An Application receives points “for the number of **Completed and Stabilized** Affordable Rental Housing Developments in which, since January 1, 2006, the Principal(s)* participated in ownership of other developments by serving as a Principal of the owner for the respective development.” RFA, p. 11 (§ Four A.3.b.(3)(b)(ii)) (emphasis added).

61. HP Apt listed Ms. Pope as the natural-person Principal demonstrating ownership in five developments: Tempo at Encore, LP; The Reed at Encore, LP; Trio at Encore, LP; Ella at Encore, LP; and Magnolia Gardens. On that basis, HP Apt claimed 15 of its 30 Developer Experience Points.

62. Ms. Pope was a principal for Banc of America Community Development Company, LLC (“BOACDC”).

63. The public information used for the status of BOACDC’s and Ms. Pope’s involvement in the five projects listed for developer experience were applications and credit underwriting reports which in fact limited BOACDC and Ms. Pope’s involvement to the construction period only. It is also important to note that the projects listed for developer experience are 100% owned by the housing authorities. There has been no ownership from any other entity or person other than the housing authorities, so BOACDC and Ms. Pope are not, and never were an owner of the project or the applicant entity.

64. Further, based on publicly available information, BOACDC claimed to be a Class B limited partner **only during** the construction period and was stated to exit the limited partnership at permanent loan conversion for the five listed developments. Meaning, BOACDC was not an owner of the Completed and Stabilized Affordable Rental Housing Development.

65. Rather, BOACDC was only an owner during construction. Therefore, Ms. Pope does not qualify as a Principal who has Demonstration of ownership in “Completed and Stabilized Affordable Rental Housing Developments.”

66. Because Ms. Pope did not participate in ownership by serving as a Principal of the owner of the five listed developments as defined in the RFA, HP Apt was not entitled to the 15 ownership-experience points. Without those points, HP Apt falls below the 20-point threshold and does not qualify for the Developer Experience Funding Preference. As a result, HP Apt should not have been ranked as highly and should not have been recommended for funding. Florida Housing's contrary determination is clearly erroneous and contrary to the RFA.

67. Madison Pines meets the 20-point threshold and is the next application in line to be funded in Orange County for the “Additional awards in Hillsborough, Orange, and Palm Beach County.” If HP Apt’s application had been correctly scored, Madison Pines would have been funded, not HP Apt.

B. HP Apt Failed to Properly Identify and Disclose the Principals of Its Developer

68. HP Apt failed to meet the RFA’s eligibility requirements because its “Principals for Applicant and Developer(s) Disclosure Form” was incorrect.

69. To meet eligibility requirements, the Principals Disclosure Form: “must identify, pursuant to subsections 67-48.002(94), 67-48.0075(8) and 67-48.0075(9), F.A.C., the Principals of the Applicant and Developer(s) as of the Application Deadline. A Principals Disclosure Form

should not include, for any organizational structure, any type of entity that is not specifically included in the Rule definition of Principals.” RFA, p. 13 (§ Four A.3.c).

70. Rule 67-48.002(94)(c) defines the Principals of a limited liability company as “each manager and each member of the limited liability company.”

71. An Applicant must accurately identify and disclose its Principals, and a failure to accurately identify and disclose a Principal renders an Application ineligible.

72. HP Apt's Developer entity is HP Apt Developer, LLC, and HP Apt disclosed BOACDC as a Member of the Developer entity, together with BOACDC's own Principals.

73. HP Apt listed forty-nine people as “Managers” and listed (1) entity as a “Member”. On the Florida Division of Corporations there are only four “Managers” listed for BOACDC. On publicly available North Carolina State Filings there are only five “Managers” listed for BOACDC, with each listed twice, once an “Officer” and once as a “Manager.” The Florida and North Carolina filings are the same with respect to the Managers listed, with the exception of Eileen Pope, who was not listed as a Manager on Florida Division of Corporations.

74. HP Apt thus identified more than forty individuals as Managers of BOACDC who are not, in fact, Managers of that entity.

75. Separately, HP Apt listed Matthew T. Kalisz as a Manager of BOACDC on its Principals Disclosure Form, although Mr. Kalisz does not appear as a Manager (or in any capacity) on either the Florida Division of Corporations or publicly available North Carolina state filings.

76. These multiple errors on the Principals Disclosure form constitute a complete failure to meet the requirements of the RFA, and HP Apt must be deemed ineligible for funding. *See Blue Broadway, LLC. v. Fla. Hous. Fin. Corp.*, No. 17-3273, ¶ 50 (Fla. DOAH Aug. 29, 2017) (Recommended Order), No. 2017-032BP (FHFC Sept. 22, 2017) (Final Order) (the failure to

identify all officers, directors, and shareholders for a developer entity rendered the initial eligibility determination erroneous).

77. Madison Pines was next application in line to be funded in Orange County for the “Additional awards in Hillsborough, Orange, and Palm Beach County.” If HP Apt had been correctly scored, Madison Pines would have been funded, not HP Apt.

C. HP Apt Failed to Properly Identify and Disclose the Officers of the Orlando Housing Authority

78. On its Principal Disclosures, HP Apt identified the Housing Authority of the City of Orlando, Florida (“OHA”) as a General Partner.

79. Where OHA is a Principal within HP Apt's ownership structure, the Principals Disclosure Form must identify each such officer and director as of the Application Deadline. RFA, p. 13 (§ Four A.3.c).

80. For a Public Housing Authority, rule 67-48.002(94)(e) defines the Principals to include “each officer, director, commissioner, and executive director of the Authority.”

81. Based on publicly available information, Mr. Travaris McCurdy holds a Director-level governmental-affairs position at the Orlando Housing Authority.

82. HP Apt's Principals Disclosure Form fails to disclose Travaris McCurdy among OHA's disclosed officers or directors.

83. The omission of a required officer or director of a disclosed Principal is a material deviation that cannot be waived and renders an Application ineligible.

84. HP Apt's failure to disclose all officers and directors of the Orlando Housing Authority therefore renders its Application ineligible for funding.

D. HP Apt Improperly Received Points for School Proximity and Bus Stops

85. The RFA awards up to four proximity points for each of up to three Community Services, one of which is a “Public School.” RFA, p. 32 (§ Four A.5.e.(3)).

86. If a selected Community Service does not meet the RFA definition, no proximity points are awarded for it.

87. The RFA defines a “Public School,” in relevant part, as “(i) a public elementary, middle, junior and/or high school, where the principal admission criterion is the geographic proximity to the school; or (ii) a charter school or a magnet school, if the charter school or magnet school is open to appropriately aged children who apply, without additional requirements for admissions such as passing an entrance exam or audition, payment of fees or tuition, or demographic diversity considerations.” RFA, p. 133 (Exhibit B).

88. The school HP Apt selected for Community Service points is a magnet school that utilizes a randomized computer lottery for waitlisted students who have applied after the school is at capacity. Proximity to the school alone does not determine admission.

89. Because of the lottery, HP Apt selected a school that does not meet the RFA definition of a “Public School.” Consequently, HP Apt was not entitled to the Community Service proximity points it claimed for that school. *See Madison Oaks, LLC, and American Residential Communities, LLC, v. Florida Housing Finance Corporation*, DOAH Cas. 18-2966 (Fla. DOAH August 23, 2028) (Recommended Order), adopted in toto, (FHFC September 24, 2018) (Final Order).

90. The RFA separately awards up to six Transit Service points for a qualifying “Public Bus Stop.” RFA, p. 31 (§ Four A.5.e.(2)(b)).

91. A Public Bus Stop must “service at least one bus route that either (i) has scheduled stops at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, excluding holidays, on a year-round basis; or (ii) has the following number of scheduled stops within a 24 hour period ... Large Counties: 18 scheduled stops.” RFA, p. 132 (Exhibit B).

92. The bus stop HP Apt listed, Route 13, does not meet either prong of the Public Bus Stop definition. The route provides only 17 scheduled stops within a 24-hour period, short of the 18 scheduled stops required for a development located in a Large County; and the route does not provide stops at least every 60 minutes between the times of 7am to 9am.

93. Because the selected stop fails to meet the RFA definition of a Public Bus Stop, HP Apt is not entitled to the Transit Service points it claimed for that stop.

94. When the school and bus-stop proximity points HP Apt was not entitled to claim are excluded, HP Apt fails to achieve the proximity points necessary for the Proximity Funding Preference. As a result, HP Apt should not have been ranked as highly and should not have been recommended for funding.

95. Madison Pines was next application in line to be funded in Orange County for the “Additional awards in Hillsborough, Orange, and Palm Beach County.” If HP Apt had been correctly scored, Madison Pines would have been funded, not HP Apt.

Disputed Issues of Fact

96. Disputed issues of material fact exist and entitle Petitioner to an administrative hearing pursuant to Section 120.57(1), Florida Statutes. Disputed issues of material fact include but are not limited to the following:

- a) Whether Florida Housing’s proposed scoring and eligibility determinations for HP Apt

- are contrary to its governing statutes, its rules or policies, or the RFA specifications, and whether they are clearly erroneous, contrary to competition, arbitrary, or capricious;
- b) Whether Eileen Pope participated in ownership by serving as a Principal of the owner of the five listed developments within the meaning of the RFA;
 - c) Whether HP Apt was entitled to 15 ownership-experience points and to the Developer Experience Funding Preference;
 - d) Whether HP Apt accurately identified and disclosed the Principals (Managers and Members) of its Developer entity and BOACDC as of the Application Deadline;
 - e) Whether HP Apt's listing of individuals who are not Managers of BOACDC renders its Principals Disclosure Form noncompliant;
 - f) Whether HP Apt disclosed all officers and directors of the Orlando Housing Authority, including Travaris McCurdy;
 - g) Whether the school HP Apt selected meets the RFA definition of a "Public School";
 - h) Whether the bus stop HP Apt selected meets the RFA definition of a "Public Bus Stop";
 - i) Whether HP Apt achieved the minimum Transit Service Points and the proximity points necessary for eligibility and the Proximity Funding Preference;
 - j) Whether HP Apt's Application is eligible for funding under the RFA;
 - k) Whether the Medical Facility Berkshire Square selected meets the RFA definition of a "Medical Facility";
 - l) Whether Berkshire Square was entitled to the Community Service proximity points it claimed for that facility and to the Proximity Funding Preference;
 - m) Whether Berkshire Square was entitled to the Local Government Contribution points it claimed;
 - n) Whether Berkshire Square accurately identified and disclosed the Principals for the

Applicant;

- o) Whether Berkshire Square provided an Authorized Representative that meets the RFA requirements;
- p) Whether Berkshire Square was entitled to the five Advance Review points for its Principal Disclosure Form;
- q) Whether Berkshire Square's Application is eligible for funding under the RFA;
- r) Whether Benschley Manor was entitled to the Local Government Contribution points it claimed; and
- s) Whether Benschley Manor's Application was scored incorrectly under the RFA.

Statutes and Rules Requiring Modification of Florida Housing's Proposed Action

The Statutes and Rules requiring modification of Florida Housing's proposed action in RFA 2025-215 are Section 120.569 and 120.57, Florida Statutes; and Chapters 28-106, 28-110, and 67-60, Florida Administrative Code.

Concise Statement Ultimate Facts, Including Specific Facts Warranting Reversal

Petitioner applied for funding in RFA 2026-202. Berkshire Square and Benschley Manor are ineligible for funding or incorrectly scored. If Florida Housing had correctly determined that Berkshire Square and Benschley Manor were ineligible for funding or incorrectly scored, Petitioner would have been selected for funding under the RFA.

HP Apt is also ineligible for funding under the RFA. If Florida Housing had correctly determined that HP Apt was either ineligible for funding or incorrectly scored, Petitioner would have been selected for funding under the RFA.

Petitioner Reserves Right to Amend Petition

Petitioner reserves the right to amend this Petition should additional disputed issues of material fact arise during discovery in this matter.

Statement of the Relief Sought

WHEREFORE, pursuant to Section 120.57 (3), Florida Statutes, and rule 28-110.004, Florida Administrative Code, Madison Pines, LLC, respectfully requests 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 pursuant to Sections 120.57(1) and (3), Florida Statutes.
- C. Entry of Recommended and Final Orders determining that the application of Berkshire Square, Ltd. and Benschley Manor are not eligible for funding and, as a result, Madison Pines, LLC is funded.
- D. Entry of Recommended and Final Orders determining that the application of HP Apt is not eligible for funding and, as a result, Madison Pines, LLC is funded.
- E. Madison Pines, LLC be granted any other relief as may be deemed just, appropriate, or necessary.

DATED this 12th day of October, 2026.

/s/ Chad Dunn
CHAD WAYNE DUNN
Florida Bar No. 111963
THOMAS J. SCHULTE
Florida Bar No. 1059404
PENNINGTON, P.A.

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Attorneys for Madison Pines, LLC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been filed by email with the Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32308 on this 12th day of October, 2026.

/s/ Chad Dunn
Chad Wayne Dunn



558 West New England Avenue, Suite 230
Winter Park, FL 32789

RECEIVED

SEP 30 2026 8:45 AM

FLORIDA HOUSING
FINANCE CORPORATION

September 30, 2026

Via Electronic Mail: CorporationClerk@floridahousing.org
Corporation Clerk
Florida Housing Finance Corporation
227 N. Bronough St., Ste. 5000
Tallahassee, FL 32301

Re: **Notice of Protest - RFA 2026-202 – Housing Credit Financing For Affordable Housing
Developments Located in Broward, Duval, Hillsborough, Lee, Orange, Palm Beach,
Pinellas, and Polk Counties ("the RFA")**

Dear Corporation Clerk:

On behalf of Madison Pines, LLC, Application No. 2027-031C ("Madison Pines") and Developers ARD Madison Pines, LLC, and New South Residential, LLC (collectively "Developers") this letter constitutes a Notice of Protest ("Notice") filed pursuant to sections 120.569 and 120.57(3); Florida Statutes, Rule Chapters 28-110.003 F.A.C. and 67-60.009, F.A.C.; and the RFA. Madison Pines and Developers protest Florida Housing Finance Corporation's ("Corporation") intended decision with respect to the scoring, ranking and selection of applications in the RFA, including but not limited to those applications selected for funding as identified in the Notice of Intended Decision. (See Board Approved Preliminary Awards/Notice of Intended Decision attached as Exhibit "A.")

This Notice is being filed within 72 hours (not including weekends) of the posting of the Notice of Intended Decision on the Corporation's website on Friday, September 25, 2026 at 10:15 a.m. Madison Pines and Developers reserve the right to file a formal written protest within 10 days of the filing of this Notice pursuant to section 120.57(3), Florida Statutes. This Notice is being filed to, among other matters, preserve Madison Pines and Developers' ability to initiate or intervene in proceedings that may impact that scoring, ranking and funding determination.

Please acknowledge receipt of this filing by stamping the date and time on the enclosed copy of this letter.

Sincerely,



Stacy Banach

cc: Madison Pines, LLC (via email)
ARD Madison Pines, LLC (via email)
New South Residential, LLC (via email)

Exhibit 1

RFA 2026-202 Board Approved Preliminary Awards

Total HC Available for RFA	33,633,880
Total HC Allocated	32,129,000
Total HC Remaining	1,504,880

Application Number	Name of Development	County	Name of Authorized Principal Representative	Developers	Demo	Total Units	HC Funding Amount	Priority Level	Limited to one Priority 1 award?	Nickname of group of P1 Apps if limit applies	Qualifies for the Geographic Areas of Opportunity / SADDA Goal	Qualifies for the LGAO Designation	Qualifies for the LGAO Goal	Total Points	Development Category Funding Preference	Leveraging Classification	Proximity Funding Preference	Permit Ready Application?	Permit Ready Tier Status	Developer Experience Funding Preference	Florida Job Creation Preference	Lottery Number
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One Application proposing a Development located in Broward County that qualifies for the GAO / SADDA Goal, with preference that it also qualifies for the LGAO Designation

2027-019C	Altamira	Broward	Mara S. Mades	Cornerstone Group Partners, LLC	F	90	\$3,800,000	1	N		Y	Y	Y	15	Y	A	Y	N	2	Y	Y	6
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One Application proposing a Development located in Pinellas County that qualifies for the Geographic Area of Opportunity / SADDA Goal

2027-040C	Mills Creek	Pinellas	Joseph J. Chambers	HP Capital Mills Development, LLC; Calston Mills Developer, LLC; HOP - Targeted Opportunities in Time, Inc.	F	78	\$2,100,000	1	N		Y	N	N	15	Y	A	Y	Y	1	Y	Y	30
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One Application proposing a Development located in Broward County that qualifies for the LGAO Goal

2027-013C	Ekos Melrose Manors	Broward	Christopher L. Shear	MHP Broward II Developer, LLC	F	120	\$3,800,000	1	N		Y	Y	Y	15	Y	A	Y	N	2	Y	Y	7
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One Application proposing a Development located in Duval County that qualifies for the LGAO Goal

2027-021C	Astor Gardens	Duval	Kenneth Naylor	APC Development IV, LLC	F	96	\$3,200,000	1	N		Y	Y	Y	15	Y	A	N	N	2	Y	Y	37
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One Application proposing a Development located in Hillsborough County that qualifies for the LGAO Goal

2027-024C	Summerfield Landing	Hillsborough	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	F	130	\$3,500,000	1	N		Y	Y	Y	15	Y	A	N	N	2	Y	Y	19
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One Application proposing a Development located in Orange County that qualifies for the LGAO Goal

none

One Application proposing a Development located in Palm Beach County that qualifies for the LGAO Goal

2027-005C	Pine Bay Landings	Palm Beach	J. David Heller	Pine Bay Landings Developer LLC; WCZ Development LLC	F	86	\$3,100,000	1	Y	N/A	N	Y	Y	15	Y	A	Y	Y	1	Y	Y	24
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One Application proposing a Development located in Polk County that qualifies for the LGAO Goal

none

Additional Applications if necessary to ensure that all counties received a certain number of awards

2027-029C	Berkshire Square	Orange	Jonathan L. Wolf	Berkshire Square Developer, LLC	F	100	\$3,499,000	1	Y	Wendover	Y	N	N	15	Y	A	Y	N	2	Y	Y	3
2027-015C	Residences at Magnolia Place	Polk	Robert Hoskins	NuRock Development Partners Inc.; R Howell Development, LLC; R Block Development, LLC	F	75	\$3,000,000	1	N		N	Y	N	15	Y	B	Y	N	2	Y	Y	2

Additional awards in Hillsborough, Orange, and Palm Beach County

2027-039C	ANR 01	Hillsborough	Daniel Coakley	ANR 01 Developer, LLC	F	90	\$3,500,000	1	N		Y	N	N	15	Y	A	Y	N	2	Y	Y	12
2027-037C	HP Apt	Orange	Daniel Coakley	HP Apt Developer, LLC	F	94	\$2,630,000	1	N		Y	N	N	15	Y	A	Y	N	2	Y	Y	20

On September 25, 2026, 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 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.