

PETITION

By written petition I elect an informal hearing to be conducted on the following matter in accordance with Section 120.57(2), Florida Statutes. An "Election of Rights" form in this matter was previously submitted on May 31, 2005 by the petitioner.

Agency Name: Florida Housing Finance Corporation

Agency Address: 227 North Bronough Street

Suite 5000

Tallahassee, FL 32301

Application #: 2005-012B

Development Name: Cutler Vista Apartments

Petitioner Name: Matthew Finkle

Petitioner Address: 60 Columbus Circle

New York, NY 10023

Petitioner Phone: 212-801-1073

The agency's determination that the petitioner's 2005 Universal Cycle Application does not meet Threshold affects the petitioner's substantial interests such that the Development cannot be purchased, rehabilitated and preserved as affordable housing by the petitioner during 2006. Subsequently, the seller of the Development may choose to sell the development to another party who will not choose to extend the Development's affordability and will, instead, convert the Development to market rate or condominium housing. This will cause the petitioner to lose substantial profits to be made from development and other fees.

The petitioner received notice of the agency's decision by written memorandum dated May 25, 2005 and received by Federal Express on May 26, 2005.

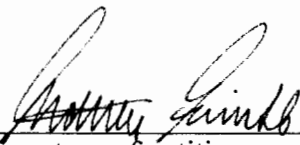
The specific issue that the petitioner contends warrants reversal of the agency's proposed action is Item #15T, Part III, Section C, Subsection 5, Verification of Environmental Safety Phase I Environmental Site Assessment Form (the "Form", attached as Exhibit A) of the petitioner's 2005 Universal Application. The petitioner contends that the agency's determination that this Form and thus the application's Environmental Safety do not meet threshold should be rescinded because the issue identified in the Form by the agency (that the Form is incomplete because it does not include the date of the Phase I ESA) is a minor, clerical error that was the result of a misinterpretation of the Form by the party that completed the Form, namely Evans Environmental and Geosciences ("EEG"). When EEG completed the Form, they were under the impression that they were only required to provide updated information after an original form had been submitted previously with the original application, and such original form (attached as Exhibit B) did include the date of the Phase I ESA.

Although the revised Form does not include the above mentioned date, the original form did include the date of November 2004, which is when the actual Phase I ESA was in fact conducted. A copy of the ESA is attached as proof of the ESA being completed, as well as copies of Lead-Based Paint Screening and Asbestos Screening reports completed in April 2005.

The petitioner contends that the evidence provided demonstrates that the Phase I ESA and additional screening reports were conducted per agency standards and that the error on the Form was clerical in nature and not representative of the true nature of the

Phase I ESA. In light of this, the petitioner asks that the determination that the application's Environmental Safety does not meet threshold be rescinded by the agency.

There are no other failures on the petitioner's 2005 Universal Application. Rescinding this single failure will enable the petitioner to move forward with the acquisition, rehabilitation, and preservation of the Development under a favorable proposed action by the agency.



Signature of petitioner

Name: MATTHEW FINKLE

VERIFICATION OF ENVIRONMENTAL SAFETY
PHASE I ENVIRONMENTAL SITE ASSESSMENT

Name of Development:

Cutler Vista

10469 SW 212th Street, Miami, FL 33190

Development Location:

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

As a representative of the firm that performed the Phase I Environmental Site Assessment (ESA), I certify that a Phase I ESA of the above referenced Development location was conducted by the undersigned environmental firm as of 11/23/2004

Date of Phase I ESA (mm/dd/yyyy)

and such Phase I ESA meets the standards of ASTM Practice #E1527-00.

Check all that apply in Items 1, 2 and 3 below:

1. If the Phase I ESA is over 12 months old from the Application Deadline for this Application, has the site's environmental condition changed since the date of the original Phase I ESA?

Yes No

If "Yes", to demonstrate the condition of the site, answer question (1) or (2) below:

(1) an update to the original Phase I ESA was prepared on _____ (Date - mm/dd/yyyy)

(Date of update must be within 12 months of the Application Deadline for this Application), or

(2) a new Phase I ESA was prepared on _____ (Date - mm/dd/yyyy)

(Date of new Phase I ESA must be within 12 months of the Application Deadline for this Application).

Note: The Corporation will not consider a Phase II ESA to be a substitute for the updated Ph. I ESA or new Ph. I ESA.

2. If there are one or more existing buildings on the proposed site, the Phase I ESA:

- a. addresses the presence or absence of asbestos or asbestos containing materials (ACM) and lead based paint (LBP); or **BASED ON THE AGE OF CONSTRUCTION OF THE ON-SITE BUILDINGS IN 1991, FIBROUS MATERIALS WERE NOT SUSPECTED TO BE PRESENT.**
- b. separate report(s) addressing the presence or absence of asbestos or asbestos containing materials and lead-based paint have been prepared and the undersigned has reviewed the separate report(s). Such separate report(s) may or may not be incorporated by reference in the Phase I ESA.

3. If the Phase I ESA discloses potential problems (including, but not limited to asbestos or asbestos containing materials, lead-based paint, radon gas, etc.) on the proposed site.

- a. environmental safety conditions on the site require remediation and a plan that includes anticipated costs and estimated time needed to complete the remediation has been prepared, either as a part of the Phase I ESA or as a separate report.
- b. a Phase II ESA is required or recommended (the firm that performed the Phase II ESA, even if it is the same firm that prepared the Phase I ESA MUST complete and execute the Phase II Environmental Site Assessment Verification).
- c. although environmental safety conditions exist on the site, no remediation or further study is required or recommended.

CERTIFICATION

I certify that the foregoing information is true and correct

CR
Authorized Signature
CARDINA RIVERA

11/23/2004
Date (mm/dd/yyyy)

EVANS ENVIRONMENTAL & GEOSCIENCES
Name of Firm that Performed the Phase I ESA
14505 COMMERCE WAY, MIAMI LAKES, FL 33016

Print or Type Name of Signatory
STAFF PROFESSIONAL

Address of Environmental Firm
305-374-8300

Print or Type Title of Signatory

Telephone Number Including Area Code

This certification must be signed by a representative of the firm that performed the Phase I ESA for the proposed Development location. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

EXHIBIT B

**VERIFICATION OF ENVIRONMENTAL SAFETY
PHASE I ENVIRONMENTAL SITE ASSESSMENT**

Name of Development: Cutter Vista

Address of Development Site: 10469 SW 212th Street, Miami, FL 33140

As a representative of the firm that performed the Phase I Environmental Site Assessment (ESA), I certify that a Phase I ESA of the above referenced Development site was conducted by the undersigned environmental firm as of _____ and _____ (Date of Phase I ESA)

such Phase I ESA meets the standards of ASTM Practice #E1527-00. Check all that apply in Items 1, 2 and 3 below:

1. If the Phase I ESA is over 12 months old from the Application Deadline for this Application has the site's environmental condition changed since the date of the original Phase I ESA?

Yes No

If "Yes", answer question (1) or (2) below:

(1) an update to the original Phase I ESA was prepared on NOV 2004 (Date of update), or

(2) a new Phase I ESA was prepared on _____ (Date of new Phase I ESA).

2. If there are one or more existing buildings on the proposed site, the Phase I ESA:

a. addresses the presence or absence of asbestos or asbestos containing materials (ACM) and lead based paint (LBP); or

b. separate report(s) addressing the presence or absence of asbestos or asbestos containing materials and lead-based paint have been prepared and the undersigned has reviewed the separate report(s). Such separate report(s) may or may not be incorporated by reference in the Phase I ESA.

3. If the Phase I ESA discloses potential problems (including, but not limited to asbestos or asbestos containing materials, lead-based paint, radon gas, etc.) on the proposed site:

a. environmental safety conditions on the site require remediation and a plan that includes anticipated costs and estimated time needed to complete the remediation has been prepared, either as a part of the Phase I ESA or as a separate report.

b. a Phase II ESA is required or recommended (the firm that performed the Phase II ESA, even if it is the same firm that prepared the Phase I ESA MUST complete and execute the Phase II Environmental Site Assessment Verification).

c. although environmental safety conditions exist on the site, no remediation or further study is required or recommended.

CERTIFICATION

I certify that the foregoing information is true and correct.

CR 4-15-05
Authorized Signature Date

CARDINA RIVERA
Print or Type Name of Signatory

STAFF PROFESSIONAL
Print or Type Title of Signatory

EVANS ENVIRONMENTAL & GEOSCIENCES
Name of Firm that Performed the Phase I ESA

1405 COMMERCE WAY, MIAMI LAKES, FL 33016
Address of Environmental Firm

305-374-8300
Telephone Number Including Area Code

This certification must be signed by a representative of the firm that performed the Phase I ESA for the proposed Development site. If this certification contains corrections or "white-out", or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.