

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

GHG EVERGREEN, LTD.,

Petitioner,

v.

FHFC CASE NO.: 2008-094UC
APPLICATION NO. 2008-174BS

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation ("Board") for consideration and final agency action on April 24, 2009. On or before April 7, 2008, GHG Evergreen, Ltd., ("Petitioner") submitted its 2008 Universal Cycle Application ("Application") to Florida Housing Finance Corporation ("Florida Housing") to compete for funding/allocation from the Multifamily Mortgage Revenue Bond ("MMRB") Program. GHG Evergreen was not funded; another project, the Meetinghouse at Zephyrhills, Application No. 2008-185BS was funded instead, based on the SAIL leveraging tiebreaker. Petitioner timely filed its Petition for Informal Administrative Proceeding, pursuant to Sections 120.569 and 120.57(2), Florida Statutes, (the "Petition") challenging Florida Housing's scoring on parts of the Application. Florida Housing

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Dellaon Barrett DATE: 4/24/09

reviewed the Petition pursuant to Section 120.569(2)(c), Florida Statutes, and determined that the Petition did not raise disputed issues of material fact. An informal hearing was held in this case on February 16, 2009, in Tallahassee, Florida, before Florida Housing's designated Hearing Officer, Diane Tremor

Petitioner and Respondent timely filed a Joint Proposed Recommended Order. The Hearing Officer issued a Recommended Order. A true and correct copy of the Recommended Order is attached hereto as "Exhibit A." The Hearing Officer recommended Florida Housing enter a Final Order finding that:

1. The Florida Power & Light letter dated July 9, 2008, submitted as a cure, did not verify that electricity was available to the Meetinghouse development site; thus the Meetinghouse failed threshold requirements.

2. Petitioner's Application should be ranked as having satisfied all threshold requirements and entitled to MMRB, and SAIL funding and an allocation of non-competitive housing credits from the 2008 Universal Cycle.

RULING ON THE RECOMMENDED ORDER

The findings and conclusions of the Recommended Order are supported by competent substantial evidence.

ORDER

In accordance with the foregoing, it is hereby **ORDERED**:

1. The Findings of Fact of the Recommended Order are adopted as Florida Housing's Findings of Fact and incorporated by reference as though fully set forth in this Order.

2. The Conclusions of Law of the Recommended Order are adopted as Florida Housing's Conclusions of Law and incorporated by reference as though fully set forth in this Order.

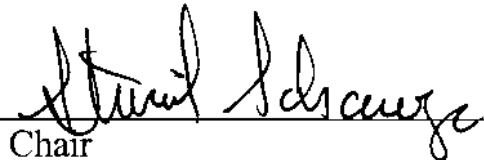
3. Accordingly, it is found and ordered that Petition has satisfactorily demonstrated that the Florida Power & Light letter dated July 9, 2008, submitted as a cure, did not verify that electricity was available to the Meetinghouse development site; thus the Meetinghouse failed threshold requirements.

4. Petitioner's Application should be ranked as having satisfied all threshold requirements and entitled to MMRB, and SAIL funding and an allocation of non-competitive housing credits from the 2008 Universal Cycle.

5. **IT IS HEREBY ORDERED** that Petitioner's Application should be ranked as having satisfied all threshold requirements and entitled to MMRB, and SAIL funding and an allocation of non-competitive housing credits from the 2008 Universal Cycle.

DONE and ORDERED this 24th day of April, 2008.

FLORIDA HOUSING FINANCE
CORPORATION

By: 
Chair

Copies to:

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 300 MARTIN LUTHER KING, JR., BLVD., TALLAHASSEE, FLORIDA 32399-1850, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.