

**BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

ROBERT KING HIGH PRESERVATION
PHASE ONE, LLC

Petitioner,
vs.

FHFC No. 2014-062BP
RFA 2014-103

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____ /

**AMENDED FORMAL WRITTEN PROTEST AND
PETITION FOR ADMINISTRATIVE HEARING**

Petitioner, ROBERT KING HIGH PRESERVATION PHASE ONE, LLC (“Robert King”), pursuant to sections 120.57(3), Florida Statutes (“F.S.”), and Rule 28-110 and 67-60, Florida Administrative Code (“FAC”) hereby files this Formal Written Protest and Petition for Administrative Hearing regarding the decision of Respondent, FLORIDA HOUSING FINANCE CORPORATION (“Florida Housing”) to award funding to responsive bidders pursuant to RFA 2014-103 Financing of Affordable Multifamily Housing Development With SAIL Funding To Be Used In Conjunction With Tax Exempt Bond Financing And Non-Competitive Housing Credits. In support Robert King provides as follows:

1. Robert King is a Florida limited liability company in the business of providing affordable housing. Robert King is located at 315 South Biscayne Boulevard. Miami, FL 33131. For the purposes of this proceeding, Robert King's phone number is that of its undersigned attorneys.

2. Florida Housing is the agency for the State of Florida that was granted the authority to issue RFA 2014-103 for the purpose of providing much needed affordable housing. Florida Housing's address is 227 North Bronough Street, Suite 500, Tallahassee, Florida 32301.

3. On January 10, 2014, Florida Housing issued the RFA to award an estimated \$32.5 million of SAIL funding to be distributed as follows: \$22.5 million for Elderly Demographic Developments and \$10 million for family demographic Developments (with 10 percent of the total units set aside for persons with a Developmental Disability)

4. Through the issuance of the RFA Florida Housing sought to solicit proposals from qualified Applicants that would commit to construct and/or rehabilitate housing in accordance with the terms and conditions of the RFA, applicable laws, rules, and regulations.

5. On February 6, 2014, Robert King submitted its Application in response to the RFA which included information concerning a 185-unit elderly demographic apartment complex in Miami-Dade County named Robert King High Preservation Phase One. Through the Application, Robert King requested \$1,618,750 in funding assistance for the project which has an overall development cost of \$33,588,889. Robert King believed that it had satisfied all requirements of the RFA.

6. Consistent with the primary mission and goal of the RFA, the Robert King High Preservation Phase One Development will provide much needed affordable housing and services. The proposed Development will provide apartments for lease at affordable rents. Without the funds provided or to be provided by the RFA Robert King will be unable to proceed with the Development. Accordingly Robert King's substantial interests are affected by the decisions made by Florida Housing.

7. Section Four the RFA lists those items which must be included in a response to the RFA as found in Exhibit A. Included in these items at Section Four Exhibit A.7 is the requirement that information be provided demonstrating Site Control.

8. The RFA at Section Five describes the evaluation process as follows:

SECTION FIVE EVALUATION PROCESS

Committee members shall independently evaluate and score their assigned portions of the submitted Applications, consulting with non-committee Corporation staff and legal counsel as necessary and appropriate.

The Corporation will reject any competitive Application submittal and no action will be taken to score the Application if any of the following submission requirements are not met; the Application is not submitted online by the Application Deadline, the required number of hard copies are not submitted by the Application Deadline, the Applicant's hard copy submission is not contained in a sealed package, or the required Application fee is not submitted as the Application Deadline.

An Application will be deemed ineligible to be considered for funding if, as of close of business the day before the Committee meets to make a recommendation to the Board, there are any financial obligations for which an Applicant or Developer or Principal, Affiliate or Financial Beneficiary of the Applicant or Developer is in arrears to the Corporation or any agent or assignee of the Corporation as reflected on the most recently published Past Due Report posted to the Corporation's Website <http://www.floridahousing.org/PropertyOwnersAndManagers/PastDueReports/>, but not more recently than five (5) business days prior to the date the Committee meets to make a recommendation to the Board.

Applications will be scored based on the following Mandatory and Point items:

Mandatory Items	Point Item	Maximum Points
Demographic Commitment	Proximity	18
Name of Applicant	Local Government Contributions	5
Evidence Applicant is a legally formed entity		
Applicant applying as Non-Profit or for-profit entity		
Principals for Applicant and for each Developer		
Contact Person		
Name of Each Developer		
Evidence each Developer entity is a legally formed entity		
Prior Developer Experience		
Name of Proposed Development		
County identified		
Address of Development Site		
Total Number of Units		
Number of new construction units and rehabilitation units		
Number of Buildings		
Development Category		
Any units currently occupied, if applicable		
Development Type		
Total Set-Aside Breakdown Chart		
Evidence of Site Control		
Applicant's SAIL Funding Request Amount		
Financing Information, including the Development Cost Pro Forma (listing expenses or uses) and Construction/Rehab analysis and Permanent analysis (listing sources) — Sources must equal or exceed uses		
Executed Applicant Certification and Acknowledgement (original signature in "Original Hard Copy")		
	Total Possible Points	23

The Committee shall conduct at least one public meeting during which the Committee members may discuss their evaluations, select Applicants to be considered for award, and make any adjustments deemed necessary to best serve the interests of the Corporation's mission. The Committee will list the Applications deemed eligible for funding in order from highest total score to lowest total score, applying the funding selection criteria outlined in Section Four B above, and develop a recommendation or series of recommendations to the Board.

The Board may use the Applications, the Committee's scoring, and any other information or recommendation provided by the Committee or staff, and any other information the Board deems relevant in its selection of Applicants to whom to award funding. Notwithstanding an award by the Board pursuant to this RFA, funding will be subject to a positive recommendation from the Credit Underwriter based on criteria outlined in the credit underwriting provisions in Rule Chapter 67-48, F.A.C.

9. On March 13, 2014, the designated Review Committee met and considered the Applications submitted in response to the RFA. At the meeting the Review Committee orally listed and manually input the scores for each section of each RFA Application and ultimately made recommendations to the Board of Directors for their consideration. The Review Committee consisted of Florida Housing staff.

10. In its consideration, the Review Committee determined that Robert King's Application should be awarded a perfect score of 23 points. However, the Review Committee determined that Robert King's Application should be considered ineligible for funding because of a threshold failure.

11. The threshold failure was related to a Site Control issue described by the Review Committee member responsible for scoring this section as an alleged failure to include adequate Site Control documentation. Specifically the review committee's scoring write-up indicates the issue as follows:

The 1/27/14 ground lease includes a stipulation for automatic termination if approval by the Miami Dade County BOCC is not received. There was no evidence of an approval by the Miami Dade BOCC provided in this lease, therefore it cannot be determined if the lease is in effect.

(Exhibit A)

12. On March 14, 2014, Florida Housing's Board of Directors accepted the Review Committee's scoring ranking and funding recommendation. (Exhibit B) Also during the meeting the Board of Directors accepted the Review Committee's recommendation to find Robert King's Application ineligible.

13. On March 18, 2014, Robert King timely filed its Notice of Intent to Protest (Exhibit C). This Formal Written Protest is being timely filed and Florida Housing has waived by rule the bid protest bond requirement for the RFA. As a Developer of affordable housing in need of supplemental funding, Robert King's substantial interests are affected by Florida Housing's decision not to award the necessary funding pursuant to the RFA. Had Robert King's Application been scored correctly it would be eligible which would allow it the opportunity to be awarded funding. In this challenge Robert King challenges the threshold determination of its own Application.

14. As disclosed in the scoring write-up of the Review Committee and as disclosed orally during the Review Committee meeting held March 13, 2014, Robert King's Application was specifically found ineligible for allegedly failing to demonstrate Site Control.

15. Florida Housing's decision to find Robert King's Application ineligible for this specific reason is contrary to the RFA requirements to such an extent as to be clearly erroneous, arbitrary and capricious, and contrary to competition. Florida Housing's scoring decision must be reversed.

16. Initially, as a matter of fact Robert King in its Application has satisfied all listed RFA threshold requirements including providing documentation to establishing Site Control.

Specifically, the RFA at Section Four, Paragraph 7 is as follows:

The Applicant must demonstrate Site Control by providing, as Attachment 8 to Exhibit A, the documentation required in Items a., b., and/or c., as directed below. If the proposed Development consists of Scattered Sites, site control must be demonstrated for all of the Scattered Sites.

Lease – The lease must have an unexpired term of at least 50 years from the Application Deadline and the lessee must be the Applicant. If the owner of the subject property is not a party to the lease, all documents evidencing intermediate leases, subleases, assignments, or agreements of any kind between or among the owner, the lessor, or any sublease, assignor, assignee, and the Applicant, or other parties, must be provided, and if a lease, must have an unexpired term of at least 50 years from the Application Deadline.

17. In response to these requirements Robert King provided the following documents to demonstrate Site Control:

- 1) Ground Lease – Robert King High Preservation Phase One, LLC
- 2) Ground Lease – Haley Sofge Preservation Phase One, LLC
- 3) Sublease – Robert King High Preservation Phase One; Eastern Portion
 - Robert King High Preservation Phase One, LLC (Sublessee)
 - Haley Sofge Preservation Phase One, LLC (Sublessor)

Exhibit "A" to Sublease – Entire Leased Premises – Legal Description of Haley Sofge Preservation Phase One, LLC Ground Lease

Exhibit "B" to Sublease – Master Lease – Haley Sofge Preservation Phase One, LLC

Exhibit "C" to Sublease – Subleased Property – Legal Description

18. In addition Robert King provided additional explanation at the Addendum Section of the Application as follows:

This Development is a Redevelopment project that will be built on Miami-Dade County land. The Applicant and Miami-Dade County have entered into two separate Ground Leases. One Ground Lease with "Robert King High Preservation Phase One, LLC" and one Ground Lease with "Haley Sofge Preservation Phase One, LLC", both of which are existing public housing developments.

Haley Sofge Preservation Phase One, LLC has subleased a portion of its site to Robert King High Preservation Phase One, LLC as allowed under Section 5.7(b) of the Haley Sofge Preservation Phase One, LLC Ground Lease.

19. Apparently Florida Housing is focusing on the Ground Lease of Haley Sofge Preservation Phase One, LLC. At Paragraph 8.4 the Ground Lease lists in general terms the grounds for Automatic Termination of the Lease. Specifically Section 8.4(b) provides for Automatic Termination if:

Landlord and Tenant fail to obtain the final approval of this Lease by the Miami-Dade Board of County Commissioners which shall be within the Board's sole discretion.

20. Florida Housing apparently opines that another document should have been included with the Site Control documents to show approval of this Lease by the Miami-Dade County Board of County Commissioners. Because this documentation was not provided Florida Housing asserts that it could not tell if the lease was effective.

21. Florida Housing's conclusion that it could not tell if the Haley Sofge Lease was effective ignores the fact that the land encumbered by the Lease is an already existing and operating affordable housing development. Florida Housing also fails to consider that the parties to all the Lease documentation submitted are essentially the same parties with the exact same goals in mind, the development of affordable housing.

22. Additionally Florida Housing ignores a subsequent affirmative representation in the Sublease at page 2 paragraph 9 which discloses the Sublessor's Representation and

Warranties. In that section the Sublessor, Haley Sofge Preservation Phase One, LLC represents that it has the full power and authority to enter into this Sublease which logically must include any needed approval from the County. Moreover in the first WHEREAS clause of the Sublease Haley Sofge represents that it has rightful possession of the property at issue or the "Lease Property".

23. Florida Housing's conclusion implies that additional documentation is necessary to demonstrate Board of County Commissioners' approval, however, Section 8.4(b) does not call for the creation, attachment or submittal of additional documents. Had the Section included a phrase such as "which approval shall be evidenced by a copy of the relevant resolution to be attached hereto as Exhibit "X", then certainly another document showing approval may be required. That is not the case here.

24. The Lease in question on its face has been approved by the Miami-Dade Board of County Commissioners. This approval is indicated by the fact that Miami-Dade County as the Landlord has in fact executed the Lease. The signatures of the Deputy Mayor, Russell Benford, and the Assistant County Attorney, Terrence A. Smith are included in the Lease as representatives authorized to sign the Lease for Miami-Dade County. These signatures demonstrate the approval of the Board of County Commissioners and could not be made unless the Board had approved the Lease. The approval of the Board of County Commissioners is confirmed by the stamp of the Miami-Dade County Board of Commissioners affixed to the Lease by the Clerk of the Board.

25. Contrary to Florida Housing's conclusion otherwise a letter from Miami-Dade County is attached which clearly provides that the County need not and will not take additional

action as the lease in question is effective as far as Miami Dade-County is concerned.
(Attachment D)

26. The Lease in question is effective and Florida Housing's conclusion otherwise is erroneous. Robert King has provided documentation to demonstrate Site Control.

27. Materials issues to be resolved:

- a. Whether Robert King's RFA demonstration of Site Control satisfied all RFA threshold requirements.
- b. Whether additional documentation from Miami-Dade County is necessary for the Lease at issue to be effective.
- c. Whether Florida Housing's decision to find Robert King's Response to be ineligible for funding under the RFA is arbitrary, capricious, clearly erroneous, or contrary to competition.

WHEREFORE, Robert King requests a hearing to contest the issues raised and entry of an order determining that Florida Housing's determination that Robert King's Application is ineligible to receive funding under the RFA is contrary to the RFA specifications and to Florida Housing's governing statutes, rules and policies to such an extent as to be arbitrary, capricious, contrary to competition, or clearly erroneous. Robert King's Application should be deemed to have passed threshold and awarded funding accordingly.

Respectfully submitted,

MICHAEL P. DONALDSON
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215 S. Monroe St., Suite 500
Tallahassee, Florida 32302

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copy of the foregoing has been served by electronic mail on _____ day of July on the following:

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Wellington Meffert, General Counsel
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MICHAEL P. DONALDSON

2014-103 SAIL RFA – Sorting Order

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	Total Set Aside Units	SAIL Request	ELL Request	Eligible For Funding?	Total Points	Per Unit Construction Preference	SAIL Request per Set-Aside	SAIL Request as % of TDC preference?	Florida Job Creation Preference	Lottery Number
2014-3175	Marianna Gardens	Jackson	S	Kimberly Murphy	HVPG Developers, LLC, Royal American Development, Inc.	A/R	F	100	\$350,000.00	\$750,000	Y	23.0	Y	\$3,500.00	Y	Y	21
2014-3265**	Azalea Gardens Apts.	Putnam	S	Michael S. Jordan	E & N Development, Inc.; Toledo Development Group, LLC	NC	E	84	\$2,408,774.50	\$675,000	Y	23.0	Y	\$28,675.89	Y	Y	18
2014-3025	Palm Breeze Apartments - Phase II	Flagler	S	Jay P. Brock	Atlantic Housing Partners, L.L.P.	NC	F	69	\$3,892,000.00	\$675,000	Y	23.0	Y	\$56,405.80	Y	Y	7
2014-3035	Reserve at Brookhaven	Flagler	S	Jay P. Brock	Atlantic Housing Partners, L.L.P.	NC	F	87	\$4,612,000.00	\$825,000	Y	18.0	Y	\$53,011.49	Y	Y	8
2014-3125	400 Apartments	Alachua	M	Brianne E. Heffner	Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.	A/R	E	101	\$1,650,000.00	\$750,000	Y	23.0	Y	\$16,336.63	Y	Y	22
2014-3115	Georgia Arms	Seminole	M	Brianne E. Heffner	Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	90	\$1,850,000.00	\$675,000	Y	23.0	Y	\$20,555.56	Y	Y	20
2014-3235	Trinity Towers West	Brevard	M	Rodger Brown	Preservation of Affordable Housing, LLC	A/R	E	183	\$4,000,000.00	\$1,500,000	Y	23.0	Y	\$21,857.92	Y	Y	30
2014-3015	Grove Park Apartments	St. Lucie	M	Jay P. Brock	Atlantic Housing Partners, L.L.P.	NC	F	168	\$4,200,000.00	\$1,575,000	Y	23.0	Y	\$25,000.00	Y	Y	5
2014-3175	Harbour Court	Polk	M	Brianne E. Heffner	Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	64	\$1,750,000.00	\$525,000	Y	23.0	Y	\$27,343.75	Y	Y	29
2014-3195	Brookside Village	Lee	M	Brianne E. Heffner	Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	50	\$1,400,000.00	\$375,000	Y	23.0	Y	\$28,000.00	Y	Y	1
2014-3105	Brookstone I	Leon	M	Stewart W. Rutledge	Roseale Holdings, LLC, M&H Residential Development, LLC	NC	E	108	\$3,050,000.00	\$750,000	Y	23.0	Y	\$28,240.74	Y	Y	19

Eligible Applications (in sorted order)

2014-103 SAIL RFA – Sorting Order

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	Total Set Aside Units	SAIL Request	EU Request	Eligible For Funding?	Total Points	Per Unit Construction Preference	SAIL Request per Set-Aside	SAIL Request as % of TDC preference?	Florida Job Creation Preference	Lottery Number
2014-3075	The Verandas of Punta Gorda	Charlotte	M	Paula M. Rhodes	Norstar Development USA, LP; Punta Gorda Developers, L.L.C.	NC	E	90	\$3,000,000.00	\$675,000	Y	23.0	Y	\$33,333.33	Y	Y	14
2014-3045	The Loop Apartments	Osceola	M	Jay P. Brock	Atlantic Housing Partners, L.L.P.	NC	F	122	\$5,000,000.00	\$1,200,000	Y	23.0	Y	\$40,983.61	Y	Y	10
2014-3065	Smathers Phase Two	Miami-Dade	L	Alberto Milio, Jr.	Smathers Phase Two Developer, LLC	Redev.	E	130	\$1,138,150.00	\$975,000	Y	23.0	Y	\$8,755.00	Y	Y	13
2014-3055	Caroline Oaks	Duval	L	Stephen A. Frick	TVC Development, Inc. L.L.P.	NC	E	80	\$1,200,000.00	\$600,000	Y	23.0	Y	\$15,000.00	Y	Y	11
2014-3255	Tuscany Cove I	Miami-Dade	L	Douglas R. Mayer	Tecody Economic Development Corporation, Inc.; Stone Soup Development, Inc.	NC	E	160	\$2,524,999.00	\$1,200,000	Y	23.0	Y	\$15,781.24	Y	Y	2
2014-3245	Cathedral Terrace	Duval	L	Shawn Wilson	Cathedral Terrace Redevelopment Associates, LLC	A/R	E	240	\$4,989,600.00	\$1,800,000	Y	23.0	Y	\$20,790.00	Y	Y	15
2014-3225	Northwest Gardens V	Broward	L	Liz Wong	APC Northwest Properties V Development, LLC ; HEF-Diele Court Development, LLC	NC	E	200	\$4,960,000.00	\$1,500,000	Y	23.0	Y	\$24,800.00	Y	Y	12
2014-3005	Paul Laurence Dunbar Senior Complex	Palm Beach	L	Francisco A. Rojo	Landmark Development Corp.; Baobab Development, LLC	Redev.	E	99	\$2,474,000.00	\$750,000	Y	23.0	Y	\$24,989.90	Y	Y	4
2014-3215	Peterborough	Pinellas	L	Shawn Wilson	Peterborough Redevelopment Associates LLC	A/R	E	150	\$3,939,840.00	\$1,125,000	Y	23.0	Y	\$26,265.60	Y	Y	27
2014-3185	Coquina Place	Miami-Dade	L	Mara S. Mades	Brookstone Partners, LLC	NC	F	96	\$2,592,000.00	\$750,000	Y	23.0	Y	\$27,000.00	Y	Y	31
2014-3165	Haley Park	Hillsborough	L	JonaDhan L. Wolf	Haley Park Developer, Inc.	NC	E	80	\$2,300,000.00	\$600,000	Y	23.0	Y	\$28,750.00	Y	Y	28
2014-3285	Cielo	Miami-Dade	L	Liz Wong	APC Development IV, LLC	NC	E	106	\$5,000,000.00	\$825,000	Y	23.0	Y	\$47,169.61	Y	Y	6

2014-103 SAIL RFA – Sorting Order

Application Number	Name of Development	County	County Size	Name of Contact	Name of Developers	Dev Category	Demo. Commitment	Total Set Aside Units	SAIL Request	ELL Request	Eligible For Funding?	Total Points	Per Unit Construction Preference	SAIL Request per Set-Aside	SAIL Request as % of TDC preference?	Florida Job Creation Preference	Lottery Number
2014-3085	Oasis at Renaissance Preserve Lee	Miami-Dade	M	Daryl C. Jones	Integral Development LLC; Southwest Florida Affordable Housing Choices Foundation, Inc.	Redev.	E	100	\$3,400,000.00	\$750,000	N	23.0	Y	\$34,000.00	Y	Y	16
2014-3095	Robert King High Preservation Phase One	Miami-Dade	L	Alberto Millo, Jr.	Robert King High Phase One Developer, LLC	Redev.	E	185	\$1,618,750.00	\$1,425,000	N	23.0	Y	\$6,750.00	Y	Y	17
2014-3135	Caravel Arms Apartments	Broward	L	Brianne E. Heffner	Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	110	\$250,000.00	\$825,000	N	18.0	Y	\$1,272.73	Y	Y	23
2014-3145	Serenity Tower			Brianne E. Heffner	Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.						N	0.0		\$0.00			25
2014-3155*	The Towers of Jacksonville	Duval	L	Anders Platt	Retirement Housing Foundation, Inc.	A/R	E	175	\$1,250,000.00	\$1,500,000	N	14.5	Y	\$7,142.86	Y	Y	26
2014-3205	Winter Haven Manor	Polk	M	Sarah R. Robertson	ERC Development, LLC; Cambridge Housing Partners, LLC	A/R	E	125	\$3,670,000.00	\$525,000	N	23.0	Y	\$29,360.00	Y	Y	3
2014-3295	Courtside Apartments, Phase II	Miami-Dade	L	Matthew Rieger	AMC HTG 2 Developer, LLC	NC	E	120	\$3,575,000.00	\$900,000	N	23.0	Y	\$29,791.67	Y	Y	24
2014-3305	Courtside Family Apartments	Miami-Dade	L	Matthew Rieger	AMC HTG 1 Developer, LLC	NC	F	84	\$800,000.00	\$675,000	N	23.0	Y	\$9,523.81	Y	Y	9

*The ELL Request Amount was adjusted during scoring.
 **The SAIL Request Amount was adjusted during scoring.

On March 14, 2014, 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.

**CARLTON FIELDS
JORDEN BURT**

Michael Donaldson
850 513-3613 Direct Dial
mdonaldson@carltonfields.com

ATTORNEYS AT LAW

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West Palm Beach

March 18, 2014

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

VIA HAND DELIVERY AND EMAIL

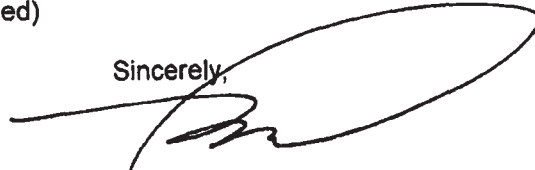
NOTICE OF INTENT

Re: RFA 2014-103

Dear Ms. Black:

On behalf of Robert King High Preservation Phase One, LLC, we hereby give notice of our intent to protest the Award Notice and the scoring and ranking of RFA 2014-103 issued by Florida Housing on March 14, 2014, concerning Financing of Affordable Housing Developments With SAIL Funding To Be Used In Conjunction With Tax Exempt Bond Financing And Non-Competitive Housing Credits. (See Attached)

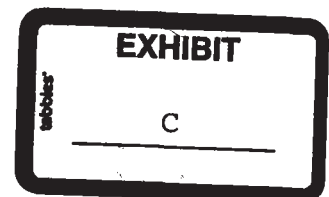
Sincerely,



Michael P. Donaldson

MPD/rb
cc: Albert Milo

RECEIVED
14 MAR 18 PM 4:45
FLORIDA HOUSING
FINANCE CORPORATION



2014-103 SAIL RFA – Review Committee and Staff Recommendations

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	Total Set Aside Units	SAIL Request	Eligible For Funding?	Total Points	Per Unit Construction Preference	SAIL Request per Set-Aside	SAIL Request as % of TDC Preference?	Florida Job Creation Preference	Lottery Number
Small County Application(s) Recommended																
2014-3265*	Azalea Gardens Apts.	Panama	S	Michael S. Jordan	E & N Development, Inc.; Toledo Development Group, LLC	NC	E	84	\$2,408,774.50	Y	23.0	Y	\$28,675.89	Y	Y	18
2014-3275	Merrianna Gardens	Jackson	S	Kimberly Murphy	HVPG Developers, LLC; Royal American Development, Inc.	A/R	F	100	\$350,000.00	Y	23.0	Y	\$3,500.00	Y	Y	21
Medium County Application(s) Recommended																
2014-3015	Grove Park Apartments	St. Lucie	M	Jay P. Brock	Atlantic Housing Partners, L.L.P.	NC	F	168	\$4,200,000.00	Y	23.0	Y	\$25,000.00	Y	Y	5
2014-3105	Brookstone I	Leon	M	Stewart W. Rutledge	Rosedale Holdings, LLC; H&H Residential Development, LLC	NC	E	108	\$3,050,000.00	Y	23.0	Y	\$28,240.74	Y	Y	19
2014-3125	400 Apartments	Alachua	M	Brianne E. Heffner	Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.	A/R	E	101	\$1,650,000.00	Y	23.0	Y	\$16,336.63	Y	Y	22
2014-3115	Georgia Arms	Seminole	M	Brianne E. Heffner	Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.	A/R	F	90	\$1,850,000.00	Y	23.0	Y	\$20,555.56	Y	Y	20

2014-103 SAIL RFA – Review Committee and Staff Recommendations

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Dem. Comment	Total Set Aside Units	SAIL Request	Eligible For Funding?	Total Points	Per Unit Construction Preference	SAIL Request per Set-Aside	SAIL Request as % of TDC preference?	Florida Job Creation Preference	Lottery Number
2014-3065	Smathers Phase Two	Miami-Dade	L	Alberto Wilo, K.	Smathers Phase Two Developer, LLC	ReDev.	E	130	\$1,138,150.00	Y	23.0	Y	\$8,755.00	Y	Y	13
2014-3055	Caroline Oaks	Duval	L	Stephen A. Frick	TVC Development, Inc.	NC	E	80	\$1,200,000.00	Y	23.0	Y	\$15,000.00	Y	Y	11
2014-3225	Northwest Gardens V	Broward	L	Liz Wong	APC Northwest Properties V Development, LLC; HEF-Diale Court Development, LLC	NC	E	200	\$4,960,000.00	Y	23.0	Y	\$24,800.00	Y	Y	12
2014-3005	Paul Laurence Dunbar Senior Complex	Palm Beach	L	Francisco A. Robo	Landmark Development Corp.; Baobab Development, Inc.	ReDev.	E	99	\$2,474,000.00	Y	23.0	Y	\$24,989.90	Y	Y	4
2014-3215	Peterborough	Pinellas	L	Shawn Wilson	Peterborough Redevelopment Associates LLC	A/R	E	150	\$3,939,840.00	Y	23.0	Y	\$26,265.60	Y	Y	27
2014-3165	Hailey Park	Hillsborough	L	Jenathan L. Wolf	Hailey Park Developer, Inc.	NC	E	80	\$2,300,000.00	Y	23.0	Y	\$28,750.00	Y	Y	28
2014-3255	Tuscany Cove I	Miami-Dade	L	Douglas R. Mayer	Tacody Economic Development Corporation, Inc.; Stona Soup Development, Inc.	NC	E	160	\$2,524,999.00	Y	23.0	Y	\$15,781.24	Y	Y	2
2014-3185	Cocquina Place	Miami-Dade	L	Mara S. Mades	Brookstone Partners, LLC	NC	F	96	\$2,592,000.00	Y	23.0	Y	\$27,000.00	Y	Y	31

Large County Application(s) Recommended

*The SAIL Request Amount was adjusted during scoring.

On March 14, 2014, 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 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 67-60.005, 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.



**COUNTY ATTORNEY
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June 24, 2014

Mr. Stephen P. Auger
Executive Director
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

Re: Ground Leases – Robert King High and Haley Sofge

Dear Mr. Auger,

Our office represents Miami-Dade County (“County”) and its housing department, Miami-Dade Public Housing and Community Development (PHCD). Our client has requested that we provide an opinion to you related to whether the ground leases for Robert King High and Haley Sofge, which are public housing developments owned by the County, provide sufficient site control to Robert King High Preservation One LLC and Haley Sofge Preservation One LLC. Based on the following we conclude that both entities have site control.

On July 14, 2011, the County, which is one of the designated public housing agencies in Miami-Dade County, advertised a solicitation seeking proposals from developers to maximize and expedite the development potential of over 100 existing public housing sites and vacant land sites owned by the County. The solicitation sought to establish partnerships with qualified entities to rehabilitate/upgrade existing public housing units, remove and replace obsolete public housing units, increase the number of units on underutilized sites, develop vacant land owned by the County, and also incorporate commercial and other special purpose uses, where appropriate, at particular public housing sites or vacant land sites. Additionally, the County sought to replace its older units with new contemporary designs that resemble market-rate units (regardless of whether these are public housing, affordable or market-rate units) and incorporate creative and sustainable design solutions. One of the developers selected through the County’s competitive process was RUDG LLC (“RUDG”).

On October 22, 2013 and December 8, 2013, the Miami-Dade Board of County Commissioners (“Board”) passed Resolution Nos. R-855-13 and R-1020-13, respectively, which authorized the County Mayor or the County Mayor’s designee to execute ground leases with RUDG or its assignees, i.e. Robert King High Preservation One LLC and Haley Sofge Preservation One LLC,



June 24, 2014

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to develop the Robert King High and Haley Sofge sites. The Ground Leases for Robert King High and Haley Sofge were executed on October 29, 2013 and January 23, 2014, respectively, by Deputy Mayor Russell Benford. Mr. Benford was authorized to execute the ground leases on behalf of the County and the Mayor pursuant to before-mentioned resolutions and the Mayor's delegation memoranda dated August 1, 2011, and February 13, 2014. The leases were also approved by me for form and legal sufficiency as indicated by my signature and attested to by the Miami-Dade County Clerk of the Board.

As further evidence that RUDG or its assignees have site control, on April 8, 2014, the Board also passed Resolution No. R-331-14, which authorized the County Mayor or the County Mayor's designee to execute Master Development Agreements with RUDG or its assignees for the development of the two public housing sites.

Based on the foregoing resolutions and the Mayor's memorandum, it is our opinion that (1) Mr. Benford, acting on behalf of the County, was legally authorized to execute the ground leases; and (2) these ground leases and the subsequent Master Development Agreements serve as evidence that that RUDG and its assignees, Robert King High Preservation One LLC and Haley Sofge Preservation One LLC currently have site control of both Robert King High and Haley Sofge public housing developments. No other action by Miami-Dade County is required and no other action will be taken concerning the approval of these ground leases.

Please do not hesitate to contact me at (305) 375-1322 should you have any questions.

Sincerely,



Terrance A. Smith
Assistant County Attorney

- c. Russell Benford, Deputy Mayor
Gregg Fortner, Director, Public Housing and Community Development
Jorge Cibran, Division Director, Public Housing and Community Development
Albert Milo, RUDG LLC