

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

MADISON HOLLOW, LLC and AMERICAN  
RESIDENTIAL DEVELOPMENT, LLC,  
Application #2015-118C,

Petitioners,

FHFC

CASE NO.: 2015-023BP

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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

Madison Hollow, LLC and American Residential Development, LLC (collectively, the "Petitioners") file this Formal Written Protest and Petition for Administrative Hearing (the "Petition") to challenge the eligibility determinations, scoring, rankings and proposed allocations set forth in the Notice of Intended Decision posted on May 8, 2015, by Respondent, Florida Housing Finance Corporation, for Request for Applications 2014-115. In support of this Petition, Petitioners state as follows:

**Introduction**

1. This is a formal written protest filed pursuant to Sections 120.57(1) and (3), Florida Statutes,<sup>1</sup> Rule 28-110.004 and Rule 67-60.009, Florida Administrative Code. The Division of Administrative Hearings has jurisdiction over the subject matter and parties to this proceeding. See, Sections 120.569, 120.57(1), 120.57(3), Fla. Stat., and Rules 67-60.009(1) and (2), Fla. Admin. Code.

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<sup>1</sup>All citations contained herein are to the official version of the 2014 Florida Statutes unless otherwise noted.

### Parties

2. Petitioners are Florida limited liability corporations and the owners and developers of a proposed affordable housing development to be located in Orange County. Petitioners submitted a response to RFA 2014-115 and their proposal has been assigned Application #2015-118C. Petitioners have requested funding for their proposed project which qualifies as a "development" as defined by Florida Housing Finance Corporation in Rule 67-48.002(30), Fla. Admin. Code). Madison Hollow is an applicant as defined in Rule 67-48.002(9), Fla. Admin. Code. American Residential Development, LLC is a "Developer" as defined in Rule 67-48.002(28), Fla. Admin Code. Petitioners and its affiliated entities have successfully completed the construction of several affordable housing developments from funding sources allocated by Florida Housing Finance Corporation.

3. Petitioners' address is 558 West New England Avenue, Suite 250, Winter Park, Florida 32789. For purposes of this proceeding, the Petitioners' address is that of its undersigned counsel.

4. The affected agency is the Florida Housing Finance Corporation ("Florida Housing"). Florida Housing's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

5. Florida Housing is a public corporation created by Section 420.504, Florida Statutes, to administer the governmental function of financing or refinancing affordable housing and related facilities in Florida. Florida Housing's statutory authority and mandates are set forth in Part V of Chapter 420, Florida Statutes. See, Sections 420.501-420.55, Fla. Stat.

### Background on Florida Housing's Programs

6. Florida Housing administers several programs aimed at assisting developers in building affordable housing in the state in an effort to protect financially marginalized citizens

from excessive housing costs. A portion of the units constructed with funding from these programs must be set aside for residents earning at or below a specified percentage of area median income ("AMI").

7. One of the programs through which Florida Housing allocates resources to fund affordable housing is the State Housing Tax Credit Program (the "Tax Credit Program"), which is established in Florida under the authority of Section 420.5093, Fla. Stat. Florida Housing is the designated entity in Florida responsible for allocating federal tax credits to assist in financing the construction or substantial rehabilitation of affordable housing.

#### The RFA

8. Chapter 67-60, Fla. Admin. Code., establishes "the procedures by which the Corporation shall . . . [a]dminister the competitive solicitation processes to implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the IRC and Section 420.5099, F.S." See, Rules 67-60.001 & 60.001(2), Fla. Admin. Code.

9. On November 21, 2014, Florida Housing issued Request for Applications 2014-115 (the "RFA") seeking applications for tax credit funding of affordable housing projects located in Large Counties.<sup>2</sup> The RFA was issued pursuant to and in accordance with Rules 67-60.001 and 67-60.003, Fla. Admin. Code.

10. The RFA was issued by Florida Housing as the competitive selection method for allocating funding to competing affordable housing developments. The RFA solicited proposals from qualified applicants who had previously constructed affordable housing units utilizing funding awarded by Florida Housing. Under the RFA, up to an estimated \$15,553,493 in

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<sup>2</sup> Modifications to the RFA were posted on January 12 and January 23, 2015.

housing tax credits are to be allocated for projects located in the Large Counties. Applications in response to the RFA were due on February 3, 2015.

11. Florida Housing received approximately 58 applications in response to the RFA. Petitioners timely submitted an application in response to the RFA requesting financing for their affordable housing project from the funding that is proposed to be allocated through the RFA. More specifically, Petitioners requested an allocation of \$2,110,000 in annual tax credits for Petitioners' development located in Orange County. Petitioners' application satisfies all of the required elements of the RFA and is eligible for a funding award.

#### Funding Selection

12. The RFA sets forth the information required to be provided by an applicant, provides a general description of the type of projects that will be considered eligible for funding and delineates the submission requirements. See, RFA, pgs. 2-51. The RFA also sets forth the "Funding Selection" criteria beginning on page 52. The RFA expressly provides that "Only Applications that are eligible for funding will be considered for funding selection." (See, RFA pg. 52). Pages 54-55 of the RFA set forth a list of Mandatory Items that must be included in a response.

13. The initial evaluation and scoring of the RFA responses was conducted by a Review Committee comprised of Florida Housing staff assigned to score specific portions of the responses. The Review Committee members consulted with non-committee Florida Housing staff and legal counsel as necessary. See, RFA, p. 54. The Review Committee scored the applications and developed a chart listing the eligible and ineligible Applications in order from highest total score to lowest total score. The Review Committee also applied the Funding Selection criteria set forth in the RFA to develop a proposed allocation of housing tax credits to

eligible applicants. The preliminary rankings and allocations were presented to and approved by the Florida Housing Board on May 8, 2015.

14. As set forth below, the preliminary awards approved by the Board and posted on May 8 are based upon a sorting and ranking of the Applications that utilized leveraging classifications which erroneously included a number of Applications that were ineligible for funding.

15. Section 4B, beginning on page 52 of the RFA is entitled "Funding Selection" and proscribes the method for determining the Applications that will be awarded funding under the RFA.

16. The Funding Selection provisions of the RFA provide a list of factors to be applied in sorting and ranking the eligible Applications. Relevant to this proceeding, the Application sorting criteria in Section 2 of the Funding Selection section include the following:

The highest scoring Applications will be determined by first sorting all eligible Applications from highest score to lowest score, with any scores that are tied separated as follows:

\* \* \*

(d) Next by the Application's Leveraging Classification (applying the multipliers outlined in Exhibit C below and having Classification of A be the top priority);

17. Section 9 of Exhibit C to the RFA beginning on page 111 specifies that eligible Applications for new construction will be categorized into two groups, "A" and "B," based on calculations of the amount of funding requested per unit. The eligible applications with the highest calculated leveraging amount are placed in "Category B" and are to be ranked for funding behind eligible applications that are classified in "Category A."

#### The Challenge

18. The RFA and applicable rules provide an opportunity for applicants to file administrative challenges to the scoring and rankings which serve as the basis for the preliminary

allocations. After the resolution of the administrative challenges, results will be presented to the Florida Housing Board for final approval prior to issuing invitations to the applicants in the funding range to enter the credit underwriting process.

19. As set forth herein, from the information currently available, it appears that the rankings and proposed awards posted on May 8 were based on leveraging calculations and classifications that included several Applications that were not eligible for funding. The rankings and proposed allocations posted on May 8 erroneously reflect Brixton Landing, Application No. 2015-112C ("Brixton Landing"), in leveraging Category A and within the funding range ahead of Madison Hollow. The eligibility determinations, scoring and preliminary ranking of the applications did not recognize or take into account the failure of several applicants to respond to mandatory items required by the RFA and to fully disclose the principals of the applicant and developer entities. As a result, the preliminarily approved allocations are not based on a correct determination of the developments eligible for funding under the RFA. Because of errors in the eligibility determinations, scoring and ranking process, ineligible Applications were erroneously included in the leveraging calculations and preliminary rankings. When only eligible Applications are included in the leveraging classifications, Brixton Landing, which sought funding for a development in Orange County, is appropriately classified as Category B, and is therefore not entitled to funding ahead of Madison Hollow. Based on the scoring, selection and ranking criteria in the RFA, Madison Hollow is appropriately classified in leveraging Category A. When ineligible Applications are excluded from the sorting and ranking process in accordance with the terms of the RFA, Madison Hollow is properly ranked in the funding range.

20. Petitioners received notice of the preliminary RFA scoring, rankings and proposed awards through e-mail notification and electronic posting on May 8, 2015.

21. On May 12, 2015, Petitioners timely submitted their Notice of Intent to Protest the eligibility determinations, scoring and ranking of multiple applications submitted in response to the RFA.<sup>3</sup> This Formal Written Protest and Petition for Administrative Hearing is timely filed in accordance with the provisions of Section 120.57(3)(b), Florida Statutes, and Rules 28-110.004 and 67-60.009, Fla. Admin. Code.

22. As the owner and developer of a project seeking funding from the sources being allocated through the RFA, Petitioners are substantially affected by the eligibility determinations, scoring and ranking of the responses to the RFA. The results of this and related proceedings may affect Petitioners' ability to obtain funding through the RFA. Consequently, Petitioners have standing to initiate and participate in this and related proceedings.

23. Under the state's procurement and bid protest processes, all applicants are entitled to be considered and ranked based upon disclosed, consistent criteria, ensuring a fair and open competition. Applicants are entitled to challenge their own scoring and ranking and can also contest the ranking of their competitors based upon the disclosed criteria and RFA specifications. Petitioners are entitled to a formal administrative hearing pursuant to Sections 120.57(1) and 120.57(3), Florida Statutes, to resolve the issues set forth in this Petition. See, Fairbanks, Inc. v. State, Dep't of Transp., 635 So. 2d 58 (Fla. 1st DCA 1994). The RFA process is halted and no awards are final until the administrative challenges are resolved.

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<sup>3</sup>A true and correct copy of the Petitioners' Notice of Intent to Protest is attached hereto as Exhibit A.

**Problems with Eligibility Determinations and the Preliminary Scoring and Rankings**

24. Based upon the information available to date, it appears inaccurate or incomplete applications were deemed eligible and allowed to be scored and considered in the sorting process for the preliminarily funding allocations set forth in the May 8 posting.
25. The RFA specifically states that in order to be eligible for funding, the proposed development must be appropriately zoned. The RFA provides as follows:
- (2) Appropriate zoning. The Applicant must demonstrate that as of the Application Deadline, the Proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming. . . .
26. The RFA requires a local government verification of the proposed number of units and that the intended use is consistent with current land use regulations and the zoning designation.
27. At least two of the Applications classified in Category B for the leveraging sorting process should be deemed ineligible for failure to meet zoning requirements. The Sheeler Club, Application No. 2015-127C, and Sheeler Club Phase II, Application No. 2015-129C are related developments located in Orange County proposed by the same developer and both are subject to the same local government land use regulations, Development Orders and county zoning designation "PD."
28. The Local Government Verification Forms submitted with the Sheeler Club Applications incorrectly suggest that, as of the submission date of the applications (February 3, 2015), the proposed rental developments and the proposed number of units for the projects were consistent with the zoning designation and the existing land use regulations. However, the PD designation and the local land use regulations limit the development of the sites to "for sale town homes." The Sheeler Club applications submitted to Florida Housing seek funding for rental



units, which is not considered with the land use regulations, zoning designation or Development Orders. Rental units on the sites has not been approved by the local government. In addition, the number of units listed in the Sheeler Club Applications submitted to Florida Housing are not consistent with the number of units authorized in the local government approvals for the development.<sup>4</sup>

29. The PD designation and local land use regulations limit the development to a single phase of "for sale town houses." In section 12(a)(1)(b) of Application No. 2015-129C, the applicant erroneously checked (i) instead of (iv).

30. The "Subdivision Plan" approved by the County dated August 25, 2014, identifies a single phase town house layout for 152 Townhouses. Without County approval, the applicants in the Florida Housing proposals separated the project into two phases. According to the two Sheeler Club Applications submitted to Florida Housing, Sheeler Club Apartments, (Application No. 2015-127C) consists of 88 units and Sheeler Club Apartments-Phase II (Application No. 2015-129C) includes 64 units. However, in an apparent attempt to maximize proximity tiebreaker points for both projects, the developer sought to include five units from the Application No. 2015-127C into Phase II in order to place the survey development point for Phase II in an area that would enhance the scoring. In doing so, it appears the Applicant failed to use the correct number of units for its applications. In order to be consistent with the survey development point, the applicant should have used 69 units for the Sheeler Club Apartments-

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<sup>4</sup> The PD designation that is applicable to the sites for the two Sheeler Club Applications are expressly limited to "for sale town homes." The proposed rental units that were to be developed as set forth in the Florida Housing Applications would be contrary to this zoning designation. The Land Use Plan is limited to "single family (town homes)" and does not allow for the garden apartments that are proposed in the Applications. In addition, the Development Orders issued for the Sheeler Club requires the construction to be in one phase. The Sheeler Club Applications propose construction in two phases contrary to the Development Orders and land use regulations.

Phase II Application (Application No. 2015-129C) instead of 64 units which was set forth in the application filed with Florida Housing. Identifying an incorrect number of units results in an incorrect tax credit request as well as financing and set aside allocation errors. Because of these problems, Application No. 2015-129C must be deemed ineligible.<sup>5</sup>

31. The Sheeler Club Applications include a Development Location Point that purports to satisfy the RFA specifications but was artificially created by improperly breaking the development into two phases. This error also requires the Sheeler Club Applications to be deemed ineligible for funding.

32. The RFA includes specific requirements regarding disclosure of the ownership and management of the applicant and developer entities. These disclosure requirements are detailed in section 2 of Exhibit C to the RFA beginning on page 94. Based upon the information available to date, Petitioners have identified at least two applicants, Banyan Station (Application No. 2015-138CS) and Lauderdale Place (Application No. 2015-145C), that failed to fully disclose their composition of its developer and/or applicant entities to the level of detail mandated by the charts set forth in section 3 of Exhibit C, pages 94-95 of the RFA. As a consequence, the applicants failed to meet the disclosure requirements, must be deemed ineligible and should not be included in determining the Leveraging Classifications.

33. The RFA specifically states that eligibility requirements include all "Mandatory Items." See, RFA, pgs. 54-55. The proper and full disclosure of the principals for the applicant and the developer is a mandatory item that cannot be waived.

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<sup>5</sup> If the applicant placed the development location point for Phase II in the area where the 64 units are located, they would have only received 10.5 points on their proximity scoring instead of 12.25 points and would not have received the maximum points required for funding.

34. Exhibit A to the RFA expressly required applicants to respond to a number of specific questions. Question 6a. on pages 61-62 of the RFA required an applicant to disclose whether it qualified for a proximity point boost. Based upon its preliminary review of the information available to date, Petitioners have identified several applicants (Lake Sherwood Apartments-Phase V, Application No. 2015-126C; Sheeler Club Apartments, Application No. 2015-127C; and Sheeler Club Apartments-Phase II, Application No. 2015-129C) that did not respond to this requirement in Question 6a. This Mandatory Item provides important financing information for the development. The failure to respond to a Mandatory Item renders an applicant non-responsive and ineligible for funding. The applicants that failed to respond to Question 6a should not have been scored or ranked and should not have been included in the Leveraging Calculations.

35. There may be additional Mandatory Items that certain applicants did not provide which similarly render their applications ineligible for funding. Petitioners reserve the right to amend their Petition to include any additional failures to respond to Mandatory Items.

36. The Review Committee developed the preliminary funding recommendations approved by the Board on May 8. In the course of evaluating specific applications to develop the funding recommendations, the Review Committee took into consideration the relative scores of the applications and also applied the Funding Selection factors. However, the Review Committee failed to identify and disqualify applicants who chose not to respond to Mandatory Items, including, but not necessarily limited to, Question 6a. The failure to provide required financing information should result in the applications being deemed ineligible for funding. The rankings should be revised to reflect that applicants that failed to respond to Question 6a. and/or other Mandatory Items are ineligible for an allocation. If the applicants that failed to respond to

Question 6a. and/or other Mandatory Items are deemed ineligible, then Petitioners will advance in the rankings and will be eligible for funding. Unless the preliminary allocations are revised, the awards will be contrary to Florida Housing's governing statutes and rules, the RFA specifications, and will be clearly erroneous, contrary to competition, arbitrary and/or capricious.

37. In addition to the grounds set forth above, there may be additional grounds for reranking which may result in Petitioners being ranked in the funding range. Petitioners reserve the right to identify and raise additional scoring and ranking errors based upon information revealed during the protest process.

#### **Disputed Issues of Material Fact and Law**

38. Disputed issues of material fact and law exist and entitle Petitioners to a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes. The disputed issues of material fact and law include, but are not limited to, the following:

- a. Whether the provisions of the RFA have been followed in the preliminary allocation of the tax credits under the RFA and/or correct eligibility determinations and leveraging classifications have been made based on the provisions of the RFA;
- b. Whether the applicants assigned to Leveraging Classification B for the preliminary rankings were actually eligible and/or whether they should have been excluded from the Leveraging Calculations;
- c. Whether the criteria and procedures followed in the leveraging classifications and used to reach the proposed allocations are arbitrary, capricious, contrary to competition, contrary to the RFA requirements, and/or contrary to prior Florida Housing interpretations of the applicable statutes and administrative rules;

- d. Whether the RFA's criteria for determining eligibility, ranking and evaluation of proposals were properly followed;
- e. Whether the proposed allocations are consistent with the RFA, the requirements of a competitive procurement process and Florida Housing's rules and governing statutes;
- f. Whether Brixton Landing (Application No. 2015-112C) was correctly deemed to be in Leveraging Classification "A" or whether it should have been in Leveraging Classification "B" and ranked behind Madison Hollow for funding;
- g. Whether the preliminary rankings are based on a correct interpretation of the leveraging classification process set forth in the RFA and whether the preliminary rankings properly reflect the eligibility of potential applicants for funding in accordance with the standards and provisions of the RFA;
- h. Whether the Sheeler Club Apartment Applications (Application Nos. 2015-127C and 2015-129C) should be deemed ineligible and/or excluded from the leveraging classifications for the RFA due to the failure to comply with zoning and land use regulations;
- i. Whether the Sheeler Club Apartment Applications (Application Nos. 2015-127C and 2015-129C) should be deemed ineligible and/or excluded from the leveraging classifications for the RFA because they inaccurately or incorrectly delineate the number of units for the proposed developments;
- j. Whether the Sheeler Club Apartment Applications (Application Nos. 2015-127C and 2015-129C) should be deemed ineligible and/or excluded from the

leveraging classifications for the RFA because the proximity measuring point is incorrectly or improperly identified;

- k. Whether Banyon Station (Application No. 2015-138CS) and Lauderdale Place (Application No. 2015-145C) fully and adequately disclosed principals of the developer and applicant entities in accordance with the RFA provisions and/or whether those applications are eligible and whether they should have been included in the Leveraging Classifications for the RFA;
- l. Whether the rankings and proposed awards are consistent with the RFA and the disclosed bases or grounds upon which tax credits are to be allocated;
- m. Whether the rankings and proposed awards are based on a correct determination of the eligibility of the applicants and/or correct classification of the applicants based on the leveraging criteria in the RFA;
- n. Whether the rankings and proposed awards are consistent with fair and open competition for the allocation of tax credits;
- o. Whether the rankings and proposed awards are based on clearly erroneous and/or capricious leveraging classifications, eligibility determinations, scoring or ranking;
- p. Whether the proposed awards improperly incorporate new policies and interpretations that impermissibly deviate from the RFA specifications, existing rules and/or prior Florida Housing interpretations and precedents;
- q. Whether legal authority exists to include in the leveraging calculations applications that lacked zoning, failed to fully delineate the principals of the applicant and/or developer entities and/or failed to respond to Mandatory Items, including but not limited to Question 6a. of the RFA;

- r. Such other issues as may be revealed during the protest process.

**Statutes and Rules Entitling Relief**

39. The statutes and rules which are applicable in this case and that require modification of the proposed allocations include, but are not limited to, Sections 120.57(3) and Chapter 420, Part V, Florida Statutes, and Chapters 28-110 and 67-60, Florida Administrative Code.

**Concise Statement of Ultimate Fact and Law, Including the Specific Facts Warranting Reversal of Agency's Intended Action**

40. The proposed allocation of funding under the RFA is flawed, contrary to the RFA specifications, based on inaccurate and incomplete information and based on erroneous or faulty assumptions or conclusions as to eligibility.

41. Petitioners participated in the RFA process in order to compete for an award of tax credits with other developers based upon the delineated scoring and ranking criteria. Other developments have been incorrectly deemed eligible and included in the Leveraging Classifications resulting in some applicants being unjustifiably elevated ahead of Petitioners in the preliminary allocations.

42. Unless the leveraging classifications and eligibility determinations are corrected and the preliminary allocations are revised, Petitioners may be excluded from funding and other applicants will be awarded tax credits contrary to the provisions of the RFA and Florida Housing's governing statutes and rules.

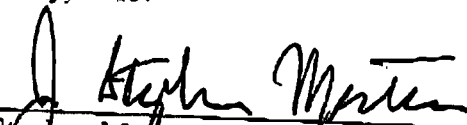
43. The RFA sets forth the process for determining the projects that are eligible to be selected for funding. A correct application of the eligibility and ranking criteria in the RFA provides ineligible applicants from being included in the Leveraging Calculations. Brixton Landing should be in Leveraging Category B. The Sheeler Club Applications lack proper

zoning, incorrectly delineate the number of units, and the proposed phasing cannot be reconciled with the PD designation and the Development Orders. In addition, other applicants that were utilized in the Leveraging Classifications for the preliminary awards failed to properly disclose principals and/or failed to respond to Question 6a. and/or other mandatory requirements of the RFA and should be deemed ineligible.

WHEREFORE, pursuant to Section 120.57(3), Florida Statutes, and Rule 28-110.004, Florida Administrative Code, Petitioners request the following relief:

- a) A 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) Recommended and Final Orders be entered revising the leveraging classifications based on correct eligibility determinations and concluding that applicants lacking proper zoning, that failed to correctly specify the number of units or identify principals or failed to fully respond to Question 6a. and/or other mandatory requirements of the RFA are ineligible for funding.

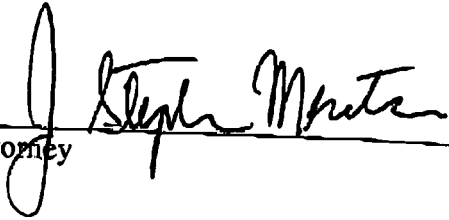
Respectfully submitted this 22nd day of May, 2015.

  
J. Stephen Merton Fla. Bar No. 331181  
Rutledge Ecenia, P.A.  
119 South Monroe Street, Suite 202  
Tallahassee, Florida 32301  
(850) 681-6788; (850) 681-6515 (facsimile)  
Attorneys for Petitioners



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that this original has been hand delivered to the Agency Clerk, Florida Housing Finance Corporation, and a copy to Hugh Brown, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000 Tallahassee, Florida 32301; this 22nd day of May, 2015.

  
\_\_\_\_\_  
Attorney

**RUTLEDGE ECENIA**  
PROFESSIONAL ASSOCIATION  
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May 12, 2015

Ms. Kate Fleming  
Corporate Clerk  
Florida Housing Finance Corporation  
227 North Bronough Street  
Suite 5000  
Tallahassee, Florida 32301

RECEIVED  
15 MAY 12 PM 4:47  
FLORIDA HOUSING  
FINANCE CORPORATION

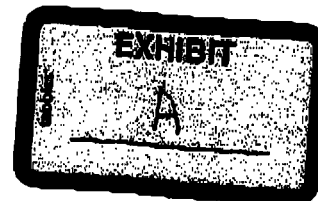
Re: Request For Applications ("RFA") 2014-115 - For Affordable Housing  
Developments Located in Large Counties

Dear Corporate Clerk:

On behalf of American Residential Development, LLC ("ARD") and Madison Hollow, LLC (#2015-118C), this letter serves as ARD and Madison Hollow's timely notice of protest pursuant to section 120.57(3), Florida Statutes, and advises the Florida Housing Finance Corporation that ARD and Madison Hollow intend to challenge the Corporation's notice of intended decision regarding the above-referenced procurement as approved by the Corporation's Board and posted on the Florida Housing Corporation's website on May 8, 2015. ARD and Madison Hollow specifically challenge the eligibility determinations and/or ranking of the Applicants listed below:

Number	Applicant	Developer
#2015-112C	Brixton Landing, Ltd.	Brixton Landing Developer, LLC
#2015-129C	Sheeler Club Phase II Partners, Ltd.	Atlantic Housing Partners, L.L.L.P.
#2015-127C	Sheeler Club Partners, Ltd.	Atlantic Housing Partners, L.L.L.P.
#2015-126C	Lake Sherwood Phase V Partners, Ltd.	Atlantic Housing Partners, L.L.L.P.
#2015-121C	Vista Rialto Housing Partners, Ltd	NuRock Development Partners, Inc.
#2015-138CS	HTG Banyan, LLC	HTG Banyan Developer, LLC
#2015-145C	HTG Anderson, LLC	HTG Anderson Developer, LLC

ARD and Madison Hollow assert that one or more of the above Applicants should be deemed ineligible and consequently should not be considered in the leveraging calculations and/or the Leveraging Classifications utilized for determining the RFA awards.

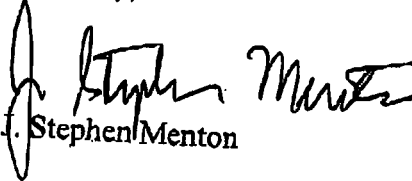


**RUTLEDGE ECENIA**

Ms. Kate Fleming, Clerk  
Florida Housing Finance Corporation  
May 12, 2015  
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On May 4, 2015, ARD and Madison Hollow submitted a letter advising of its intent to challenge the eligibility determinations and ranking of the Applicants listed above. However, that notice predates the Board's approval of the staff recommendations and the posting of the preliminary scoring and ranking on Florida Housing's website on May 8. In order to comply with requirements of section 120.57(3) and Rule 28-110 and 67.60.009, Fla. Adm. Code, this current letter is submitted to provide notice of ARD and Madison Hollow's intent to challenge the posted rankings and eligibility determinations. A formal written Petition will be submitted within ten (10) days of this notice as required by Rule 67-60.009, Fla. Adm. Code.

Sincerely,

  
Stephen Menton

JSM/rd

Copy: Hugh Brown