

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

FLAGSHIP MANOR, LLC,

Petitioner/Appellant,

v.

FHFC CASE NO.: 2015-009BP

Application No.: 2015-223S

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent/Appellee,

and

SPINAL CORD LIVING
ASSISTANCE DEVELOPMENT, INC.,

Intervenor/Appellee.

_____ /

**ORDER ON PETITIONER/APPELLANT'S MOTION FOR
STAY OF PROCEEDINGS**

This cause came before the Board of Directors of the Florida Housing Finance Corporation ("Board") for consideration and action on August 7, 2015. Petitioner Flagship Manor, LLC, ("Flagship Manor") timely submitted an Application for funding ("Application") in response to Request for Applications 2015-101: SAIL Financing for Smaller Permanent Supportive Housing Developments for Persons with Special Needs (the "RFA"). The matter before consideration before this Board is Petitioner/Appellant's Motion for Stay of Proceedings filed on July 21, 2015.

1. Flagship Manor timely filed its Petition for Formal Administrative Hearing challenging the preliminary agency action of Florida Housing Finance

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Kate R. /DATL: 8-7-15

Corporation (“Florida Housing”) regarding the scoring of its Application. Intervenor Spinal Cord Living Assistance Development, Inc. (“SCLAD”) subsequently intervened in the hearing. An informal hearing was held in this case on May 22, 2015 before Florida Housing’s designated Hearing Officer, Junious D. Brown III.

2. The Hearing Officer issued a Recommended Order on June 15, 2015 recommending that Florida Housing issue a Final Order affirming the scoring of Petitioner’s Application and recommending denial of the relief requested in the Petition. Petitioner filed Exceptions to the Recommend Order and Florida Housing subsequently filed its Response to Petitioner’s Exceptions. On June 19, 2015, the Board entered a Final Order affirming Florida Housing’s scoring of Petitioner’s Application and denying the relief requested in the Petition.

3. Flagship Manor filed a Notice of Appeal with the First District Court of Appeal on July 16, 2015 challenging the Board’s Final Order. On July 21, 2015, Flagship Manor filed Petitioner/Appellant’s Motion for Stay of Proceedings with the Board requesting a stay pending review by the First District Court of Appeal. Florida Housing filed a Response to Petitioner/Appellant’s Motion for Stay of Proceedings on July 31, 2015. Also on July 31, 2015, SCLAD filed a Notice of Joinder in the Response to Petitioner/Appellant’s Motion for Stay of Proceedings and Flagship Manor filed an Amended Motion for Stay of Proceedings.

4. Based on a review of the record, the Board finds that Flagship Manor failed to sufficiently demonstrate 1) a likelihood of success on the merits of the appeal and 2) a likelihood of harm absent the entry of a stay. *See Campbell v. Chitty*, 147 So.3d 4 (Fla. 1st DCA 2012); *Perez v. Perez*, 769 So.2d 389 n.4 (Fla. 3d DCA 1999).

5. The Board finds that Florida Housing and the public will be prejudiced by a stay of the Final Order in this matter. Florida Housing previously made a preliminary commitment to the funded applicants by inviting those applicants into credit underwriting. The funded applicants, including SCLAD, have detrimentally relied upon Florida Housing's preliminary commitment by expending funds to begin putting the initial phases of the development together. Further, the public will be prejudiced by a stay because it would substantially increase the length of time that special needs households would have to wait to obtain safe, affordable housing.

6. In its Response to Petitioner/Appellant's Motion for Stay of Proceedings, Florida Housing committed to make funds available for the Flagship Manor development if Flagship Manor is successful in its appeal to the First District Court of Appeal. Thus, Flagship Manor will not be harmed by denial of the stay.

IT IS HEREBY ORDERED that Petitioner/Appellant's Motion for Stay of Proceedings is **DENIED**.

DONE and ORDERED this 7th day of August, 2015.

FLORIDA HOUSING FINANCE
CORPORATION



By: _____

Chair

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