

**BEFORE THE  
FLORIDA HOUSING FINANCE CORPORATION**

**CPAR, LTD.,**

**Petitioner,**

vs.

**FLORIDA HOUSING FINANCE  
CORPORATION,**

**FHFC Case No. 2016-029BP  
FHFC RFA No. 2015-111  
Petitioner's Application No. 2016-279C**

**Respondent.**

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

Pursuant to Sections 120.569 and 120.57, Fla. Stat., and Florida Housing Finance Corporation Request for Application (“RFA”) No. 2015-111, at Section Six, and Rules 28-106.205 and 67-60.009, Fla. Admin. Code; Petitioner CPAR, LTD., (“Petitioner” or “Colonial”), an applicant for funding in Florida Housing Finance Corporation Request for Applications (“RFA”) No. 2015-111 for Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments, hereby files its formal written protest to contest the proposed funding decisions of Respondent Florida Housing Finance Corporation in RFA 2015-111; and particularly the proposed determinations not to fund Petitioner’s Application No. 2016-279C for Colonial Pines Apartments in Lake County. In support of this Protest and Petition, Petitioner state as follows:

**Parties**

1. The agency affected is the Florida Housing Finance Corporation (the “Corporation”, “Florida Housing,” or “FHFC”), whose address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The solicitation number assigned to this process for

the award of competitive federal law income housing tax credits (“tax credits” or “HC”) is request for Applications (“RFA”) 2015-111. By notice posted on its website, FHFC has given notice of its intent to award tax credits to five (5) applicants, excluding Colonial. FHFC also posted notice at the same time of its determination or which applicants were “eligible” for consideration for funding and which were not. (Colonial was among the ineligible applicants).

2. Petitioner, CPAR, LTD., (“Petitioner” or “Colonial”) is a Florida limited partnership, whose business address is 516 Lakeview Road, Suite 8, Clearwater, Florida 33756. For purposes of this proceeding, Petitioner’s address is that of its undersigned counsel, M. Christopher Bryant, Oertel, Fernandez, Bryant & Atkinson, P.A., P.O. Box 1110, Tallahassee, Florida 32302-1110, telephone number 850-521-0700, facsimile number 850-521-0720, email [cbryant@ohfc.com](mailto:cbryant@ohfc.com).

3. Petitioner CPAR submitted an application, assigned Application No. 2016-279C, in RFA 2015-111 seeking an award of tax credits in the annual amount of \$244,579. Petitioner proposed to acquire and preserve a 30-unit development for Family residents in Lake County, with all 34 units to be set-aside for low income tenants making at or below 60% of Area Median Income (“AMI”) (including 20% of the units for Extremely Low Income tenants making at or below 40% AMI). FHFC has announced its intention to award funding to five (5) Developments, excluding Petitioner.

### **Notice**

4. On Friday, June 24, 2016, at approximately 11:37 a.m., Petitioner and all other participants in RFA 2015-111 received notice that FHFC’s Board of Directors had determined which applications were eligible or ineligible for consideration for funding, and to select certain eligible applicants for awards of tax credits, subject to satisfactory completion of the credit

underwriting process. Such notice was provided by the posting of two spreadsheets, one listing the “eligible” and “ineligible” applications in RFA 2015-111 (copy attached as Exhibit “A”) and one identifying the applications which FHFC proposed to fund (copy attached as Exhibit “B”) on the Florida Housing website, [www.floridahousing.org](http://www.floridahousing.org). Petitioner timely filed a Notice of Protest, with attachments, on Wednesday, June 29, 2016, copy attached as Exhibit “C.” Petitioner’s Formal Written Protest and Petition for Formal Administrative Proceedings is being filed within 10 calendar days of that notice; the tenth day fell on Saturday, July 9, 2016, so by operation of Rule 28-106.103, Fla. Admin. Code, the filing deadline was extended to Monday, July 11, 2016.

### **Substantial Interests Affected**

5. Petitioner’s substantial interests are being determined in the instant proceeding because Petitioner is an applicant for low income housing tax credit funding whose application was deemed ineligible for consideration for funding. Petitioner cannot proceed with the proposed preservation of its development for low income tenants without the award of the requested funding.

### **Nature of the Controversy**

#### **RFA 2015-111 Ranking and Selection Process**

6. Through the RFA 2015-111 process, FHFC seeks to award up to an estimated \$5,901,631 of Housing Credits to applicants who commit to preserve, or to acquire and preserve, existing affordable housing developments. Generally, applicants must agree to set-aside at least 80% of the units for persons making at or below 60% of Area Median Income (“AMI”). In this RFA, applicants were also required to set-aside a portion of the units, for tenants who are considered “Extremely Low Income” (“ELI”), which is a lower percentage of AMI that varies by county. For Lake County, where Petitioner proposes to construct its development, the ELI level is 40% of AMI.

7. Applicants request in their applications a specific dollar amount of housing credits to be given to the Applicant each year for a period of 10 years. Applicants typically sell the rights to that future stream of income tax credits (through the sale of almost all of the ownership interest in the Applicant entity) to an investor to generate a portion of the capital necessary to construct the development.

8. Applicants in this RFA are assigned numerical scores in two areas. Those areas are General Development Experience of the Applicant's developer (5 points) and Proximity to services needed by tenants of the development (up to 18 points).

9. Applicants who demonstrate that their Development has received funding from a certain United States Department of Agricultural Rural Development program, known as RD 515, were entitled to a 3.0 point proximity score "boost." Petitioner's application indicated it had received RD 515 funding.

10. A Medium County applicant must achieve at least 7.0 total Proximity Points to be considered eligible for funding; that score is thus a threshold requirement. A Medium County applicant who achieves at least 9.0 total Proximity Points will automatically be awarded the maximum proximity score of 18 points. Petitioner's application achieved a sufficient number of Proximity Points with the RD 515 boost (9.5) to receive the maximum proximity score of 18, but without the RD 515 Boost, Petitioner would only have 6.5 Proximity Points and would be ineligible.

11. Finally, an applicant whose proposed development site is covered by an existing Declaration of Trust between a Public Housing Authority ("PHA") and the U.S. Department of Housing and Urban Development ("HUD") will receive a 3.0 point boost towards its proximity score. These points are only awarded if the Applicant properly documented the Declaration of

Trust existence with a verifying letter from the PHA, submitted with its Application.

12. The RFA included two specific funding goals, identifying types of developments sought to be funded. The first funding goal was for an RD 515-assisted Development in a Medium or Small County, regardless of the Demographic group (Family or Elderly) which the applicant proposed to serve. The second funding goal was to fund a Family Demographic development that was not RD-assisted.

### **Application Submission and Processing**

13. Florida Housing received 24 Applications seeking funding in RFA 2015-111. Five (5) developments claimed to be RD-assisted, including Petitioner. Currently, FHFC proposes to award funding to five (5) developments, none of whom are RD-assisted.

14. The applications were received, processed, deemed eligible or ineligible, scored, and ranked, presumably pursuant to the terms of RFA 2015-111; FHFC Rule Chapters 67-48 and 67-60, Fla. Admin. Code; and applicable federal regulations. Applications are considered for funding only if they are deemed “eligible,” based on whether the Application complies with Florida Housing’s various application content requirements. Each Application is awarded a score of up to 23 points, of which up to 18 points are available for proximity to services needed by the tenants of the development, and 5 points for General Development Experience of the Developer of the proposed development. Of the 24 Applications submitted to FHFC in RFA 2015-111, fourteen (14) were found “eligible,” and ten (10) were found ineligible. The spreadsheet created by Florida Housing and attached hereto as Exhibit “A” identifies all eligible and ineligible applications (and other relevant information).

15. The RFA specifies an “Application Sorting Order” to rank applicants for potential funding. The first consideration in sorting eligible applications for potential funding is Application

scores. The maximum score an Applicant can achieve is 23 points. All fourteen eligible applicants in RFA 2015-111 received a score of 23 points, and 8 of the 10 ineligible applicants received a score of 23 points. Without the 3.0 RD “boost” to its proximity score, Colonial was awarded only 6.5 Proximity Points and 5.0 developer experience points, for a total of 11.5 points; but if it prevails in this proceeding and is properly recognized as being entitled to the RD Boost, it would receive a Proximity Score of 18 and a total score of 23 points.

16. Many applicants achieve tie scores, and in anticipation of that occurrence FHFC designed the RFA and rules to incorporate a series of “tie-breakers.” The tie-breakers for applicants in this RFA, in order of applicability, are:

- (a) First, by Age of Development, with Developments built in 1985 or earlier receiving a preference over relatively newer developments. Petitioner satisfies this preference.
- (b) Second, if necessary, by a Rental Assistance (“RA”) preference. Applicants are assigned an RA level based on the percentage of units that receive rental assistance. Applicants with an RA level at 1, 2, or 3 (meaning at least 75% of the units receive rental assistance) receive the preference. Petitioner satisfied this preference.
- (c) Third, by a Concrete Construction Funding Preference. Petition satisfied this preference.
- (d) Fourth, by a Per Unit Construction Funding Preference. Petition satisfied this preference.
- (e) Fifth, by a Leveraging Classification that favors applicants who require a lower amount in housing credits per units than other applicants. Generally, the least

expensive 80% of eligible applicants (Group “A”) receive a preference over the most expensive 20% (Group “B”). Had it been deemed eligible, Petitioner would have been in the less expensive Group A and would have received the preference.

(f) Sixth, by an Applicant’s specific RA level, with Level 1 applicants receiving the most preference and Level 6 at the least. Petitioner would have received the RA Level 1 preference (highest).

(g) Seventh, by a Florida Job Creation Preference. Petitioner satisfied this preference.

17. FHFC employs a “Funding Test” to be used in the selection of applications for funding in this RFA. The “Funding Test” requires that the amount of Housing Credits funding remaining (unawarded) when a particular application is being considered for selection must be enough to fully fund that applicant’s Housing Credit request amount; partial funding will not be given.

18. In selecting among eligible applicants for funding, FHFC also applies a “County Award Tally.” The County Award Tally is designed to prevent a disproportionate concentration of funded developments in any one county. Generally, before a second application can be funded in any given county, all other counties which are represented by an eligible applicant must receive an award of funding, subject to the Funding Test.

19. The RFA set out an order of funding selection for eligible applicants, after eligible applicants were ranked. That funding selection, subject in all cases to the Funding Tests and the County Award Tally, is as follows:

- (1) One RD 515 Development (in any Demographic Category) in a Medium or Small County;

- (2) One Non-RD 515 Development in the Family Demographic Category (in any sized County);
- (3) The highest ranked Non-RD 515 Application (or Applications) with the Demographic of Elderly or Person with Disability; and
- (4) If funding remains after all eligible Non-RD 515 applicants are funded, then the highest ranked RD 515 applicant in the Elderly Demographic (or, if none, then the highest ranked RD 515 applicant in the Family Demographic).

20. Following eligibility determinations and applications of funding preferences and the selection process, Florida Housing selected five applicants for funding. FHFC staff determined that none of the RD-515 applicants satisfied all threshold eligibility requirements.

Non-RD 515 Family Demographic: 2016-293C, Pineda Village, Brevard County

Non-RD 515 Elderly or Persons  
With Disability Demographic: 2016-297C Three Round Tower A, Miami-Dade  
County

2016-294C Cathedral Towers, Duval County

2016-281C Isles of Pahokee II, Palm Beach

2016-290C Lummus Park Manor, Miami-Dade  
County

21. Of the Non-RD applicants funded, the randomly assigned lottery number played a significant role in application selection. Applicant 297C, Three Round Tower A, had lottery number 1; Applicant 294C, Cathedral Towers, had lottery number 9; and Applicant 281C, Isles of Pahokee II, had lottery number 18. The last applicant funded, 290C Lummus Park Manor, had lottery number 12, but was not selected for funding earlier in the selection process because it was from Miami-Dade County, from which another Applicant (Three Round Tower A) had already been selected, so the County Award Tally prevented its being selected earlier. But after funding



the first four applicants, only \$526,880 in Housing Credits remained, and Lummus Park Manor was the only eligible application with a request amount (\$500,000) small enough to be fully funded and thus satisfy the Funding Test.

22. If Colonial had been deemed eligible, it would have been selected for funding. Its lottery number is 22, which places it as the fifth best lottery number among RD-515 applicants, but the two RD-515 applicants with the best lottery numbers (Orangewood Apartments, Lottery number 7, and Century Woods, Lottery number 10) were deemed ineligible by FHFC. Assuming Applicant 2016-287C, Woodcliff, is also successful in its challenge, Woodcliff would be the first applicant selected overall, to satisfy the funding goal for an RD 515 applicant in a Medium or Small County. Colonial believes that, following selection of the highest ranked Non-RD 515 applicants, and depending on the amount of tax credits awarded to such applicants, there may be sufficient funding to fund Colonial.

**Basis for Claimed Ineligibility of Colonial**

23. Colonial was deemed ineligible by FHFC for a reason related to required documentation from USDA for its existing RD financing. The RFA requires all applicants to demonstrate the existence or availability of the financing sources relied upon in their applications. For applicants claiming the existence of RD 515 financing, the RFA, at pages 37 and 38, states:

(2) If the proposed Development will be assisted with funding under the United States Department of Agriculture RD 515 Program and/or RD 538 Program, the following information must be provided:

(a) Indicate the applicable RD Program(s) at question 11.b.(2) of Exhibit A.

(b) For a proposed Development that is assisted with funding from RD 515 and to qualify for the RD 515 Proximity Point Boost (outlined in Section Four A.6.b.(1)(b) of the RFA), the Applicant must:

(i) Include the funding amount at the USDA RD Financing line item on the Development Funding Pro Forma (Construction/Rehab Analysis and/or Permanent Analysis); and

(ii) Provide a letter from RD, dated within six (6) months of the Application Deadline, as **Attachment 17** to Exhibit A, which includes the following information for the proposed Preservation Development:

- Name of existing development;
- Name of proposed Development;
- Current RD 515 Loan balance;
- Acknowledgment that property is applying for Housing Credits; and
- Acknowledgment that the property will remain in the USDA RD 515 loan portfolio.

(c) If the proposed Development will be assisted with funding under the RD 538 Program, the Applicant must:

(i) Include the funding amount at the USDA RD Financing line item on the Development Funding Pro Forma (Construction/Rehab Analysis and/or Permanent Analysis); and

(ii) Provide the letter sent to the Applicant by an RD 538 approved lender certifying that the lender is prepared to make a loan consistent with the program requirements through the Section 538 Guaranteed Rural Rental Housing (“538”) Loan Program as **Attachment 17** to Exhibit A. The U.S. Department of Agriculture, Rural Development (RD), list of Section 538 Guaranteed Rural Rental Housing approved lenders is available by clicking [here](#).

As outlined in Item 3.v. of the Applicant Certification and Acknowledgement form, the Section 538 Selection letter must be provided during credit underwriting.

FHFC deemed Colonial ineligible because the RD letter was not dated within six months of the Application Deadline, which for this RFA was December 4, 2015. FHFC does not require any of

the other letters that document financing commitments for this RFA to be dated within six months of the Application Deadline, whether for construction and permanent loan financing or commitments from equity investors to purchase housing credits.

24. Colonial's Application contained a letter from the USDA Rural Development office for Florida. The letter was dated May 15, 2015, and was signed as "Agreed and Accepted" by Thomas F. Flynn on behalf of Colonial on June 1, 2015. The letter confirmed the existence of an RD 515 loan in the amount of \$725,000.

25. Petitioner's Application should not be declared ineligible for a minor discrepancy regarding the date of the USDA letter. In the case of Colonial, the difference between the date the Applicant signed the letter from USDA agreeing to accept and assume the RD 515 loan, was June 1, 2016 which was 6 months and 3 days before the December 4 Application Deadline (The date that USDA issued the letter was May 15, 2016, six months and 20 days before the December 4 Application Deadline).

26. Significantly, the RD 515 financing is an existing loan on the property, not new financing that is not yet in place. The USDA letter specifically identifies the 515 financing as "RD Financing currently associated with development."

27. Florida Housing's RFA does not indicate why the RD financing letter should be dated within 6 months of the Application Deadline. Presumably, Florida Housing wants assurance that an assumable RD 515 loan is in place as of the FHFC Application Deadline, although FHFC is willing to accept a letter that is up to six months old to demonstrate this. There is no reason to believe that the RD 515 loan in place for this development on May 15 or June 1 did not still exist on June 4, a date that would have been within six months of the Application Deadline.

28. Florida Housing has the ability to waive minor irregularities in applications. A

minor irregularity is a variation from an RFA's literal terms that does not give an applicant an advantage over other applicants, and which does not adversely affect the interests of the Corporation.

29. Colonial gained no measureable advantage over other applicants by using an RD 515 letter that was a few days older than 6 months as of the Application Deadline. Note that only applicants who claimed RD 515 financing had to submit the USDA letter. Since no RD 515 applicants were deemed eligible, then no eligible applicant can claim it was held to a higher standard than Petitioner. Stated another way, even if some theoretical advantage exists because another applicant may have taken the extra step of obtaining a more current USDA letter, no eligible applicant in this RFA can claim that it took such additional step, so no eligible applicant would be prejudiced by the waiver of the minor irregularity.

30. It does not adversely affect Florida Housing's interests to waive this irregularity, and in fact promotes Florida Housing's interests. Florida Housing had included in this RFA as its first funding goal the funding of at least one RD 515-financed development in a Medium or Small County, and included in the order of funding selection a second RD 515-financed development if sufficient funding is available. The goal to fund at least one if not two RD 515 applicants was not met as no RD 515 applicants were deemed eligible. Waiving the irregularity in Colonial's letter would allow for the funding of two RD 515 applicants in this RFA.

### **Disputed Issues**

31. Petitioner has initially identified the following disputed issues, which it reserves the right to supplement as additional facts and matters become known to it. Petitioner does not at this time believe the disputes involve factual issues, but reserves the right to assert the existence of disputed issues of fact should they arise in the course of this proceeding.

- (a) Whether Petitioner’s application substantially complied with all requirements of the RFA, including documenting existing RD 515 financing for the development. Petitioner contends that it did.
- (b) Whether there is in place existing RD 515 financing for Petitioner’s development. Petitioner contends that there is.
- (c) Whether Petitioner’s USDA letter being dated slightly more than six months prior to the RFA 2015-111 Application Deadline is a minor irregularity that should be waived. Petitioner contends that it is.
- (d) Whether Petitioner’s USDA letter being dated slightly more than six months prior to the RFA 2015-111 Application Deadline afforded Petitioner a competitive advantage over any other applicant in this RFA. Petitioner contends that it did not.
- (e) Whether Petitioner’s USDA letter being dated slightly more than six months prior to the RFA 2015-111 Application Deadline adversely impacts the interests of Florida Housing or the public. Petitioner contends that it did not.
- (f) Whether the preliminary determination that Petitioner is ineligible for funding is arbitrary, capricious, contrary to competition, contrary to the RFA terms and conditions, and contrary to FHFC’s rules and governing statutes, including but not limited to FHFC’s rule definition of a “minor irregularity.”
- (g) Whether the failure to waive the minor irregularity in Petitioner’s application would be contrary to FHFC’s rules and the RFA, and would be arbitrary and capricious.

**Concise Statement of Ultimate Facts, Relief Sought, and Entitlement to Relief**

32. As its concise statement of ultimate fact, Petitioner asserts that its application is

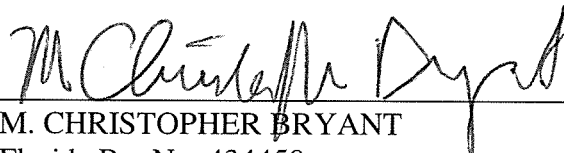
eligible for consideration for funding; and that any variation from the terms of RFA 2015-111 is a minor irregularity that should be waived.

33. Petitioner seeks entry of recommended and final orders finding Petitioner's application eligible for funding. Petitioner is entitled to this relief by the terms and conditions of the FHFC's RFA; by FHFC Rule Chapters 67-48 and 67-60, Fla. Admin. Code; and by Chapters 120 and 420, Florida Statutes, including but not limited to Sections 120.569 and 120.57, Florida Statutes.

**Request for Settlement Meeting**

34. Pursuant to Section 120.57(3)(d), Fla. Stat., Petitioner requests an opportunity to meet with Florida Housing to resolve this matter by mutual agreement within seven business days after filing. Petitioner reserves the right to agree to extend the time for such a settlement meeting.

**FILED AND SERVED** this 11<sup>th</sup> day of July, 2016.

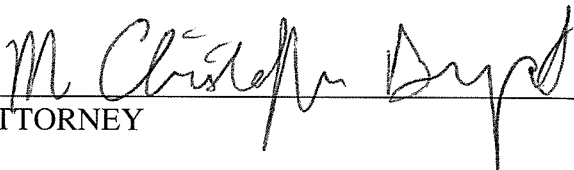


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ATTORNEYS FOR CPAR, LTD.

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that the original of the foregoing Formal Written Protest and Petition for Administrative Proceedings has been filed by hand delivery and e-mail with the Agency Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, and a copy via hand delivery and e-mail to the following this 11<sup>th</sup> day of July, 2016:

Hugh R. Brown, General Counsel  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301-1329  
Hugh.Brown@floridahousing.org

  
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ATTORNEY

RFA 2015-111 - All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developer	Demo.	HC Request Amount	RD 515?	Total Points	Age of Development Funding Preference	RA Level 1, 2, or 3 Funding Preference	Concrete Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	RA Level	Florida Job Creation Preference	Lottery Number	
Eligible Applications																		
2016-280C	Isles of Pahokee Phase I	Palm Beach	L	Matthew Rieger	HTG Isles of Pahokee Developer, LLC; Pahokee Development Corporation	F	1,124,828.00	N	23	Y	Y	Y	Y	A	1	Y	11	
2016-281C	Isles of Pahokee Phase II	Palm Beach	L	Matthew Rieger	HTG Isles of Pahokee II Developer, LLC; Pahokee Development Corporation	E	1,209,190.00	N	23	Y	Y	Y	Y	A	1	Y	18	
2016-287C	Shull Manor Apartments	Brevard	M	Patti P Adams	Herman & Kittle Properties, Inc.	F	651,500.00	N	23	Y	Y	Y	Y	B	1	Y	4	
2016-288C	Moore Landing	Brevard	M	David O. Deutch	Pinnacle Housing Group, LLC; CHA Developer, LLC	F	1,043,000.00	N	23	Y	Y	Y	Y	A	1	Y	15	
2016-289C	Cathedral Townhouse	Duval	L	Shawn Wilson	Cathedral Townhouse Redevelopment Associates, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y	B	1	Y	17	
2016-290C	Lummas Park Manor	Miami-Dade	L	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	E	500,000.00	N	23	Y	Y	Y	Y	A	1	Y	12	
2016-291C	Hickory Knoll	Marion	M	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	F	940,000.00	N	23	Y	Y	Y	Y	A	1	Y	13	
2016-293C	Pineda Village	Brevard	M	David O. Deutch	Pinnacle Housing Group, LLC; CHA Developer, LLC	F	1,350,000.00	N	23	Y	Y	Y	Y	A	1	Y	8	
2016-294C	Cathedral Towers	Duval	L	Shawn Wilson	Cathedral Towers Redevelopment Associates, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y	A	1	Y	9	
2016-295C	Haley Solge Preservation Phase One	Miami-Dade	L	Alberto Millo, Jr.	Haley Solge Phase One Developer, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y	A	1	Y	2	
2016-296C	Lake Point Plaza Apartments	Miami-Dade	L	Lewis V Swezy	Lewis V. Swezy; RS Development Corp	E	760,605.00	N	23	Y	Y	Y	Y	A	1	Y	3	
2016-297C	Three Round Tower A	Miami-Dade	L	Alberto Millo, Jr.	Three Round Tower A Developer, LLC	E	1,155,561.00	N	23	Y	Y	Y	Y	A	1	Y	1	
2016-298C	Trinity Towers East	Brevard	M	Rodger L. Brown, Jr.	Preservation of Affordable Housing LLC	E	1,050,661.00	N	23	Y	Y	Y	Y	A	1	Y	16	
2016-299C	Smathers Preservation Phase One	Miami-Dade	L	Alberto Millo, Jr.	Smathers Phase One Developer, LLC	E	902,782.00	N	23	Y	Y	Y	Y	A	1	Y	20	



RFA 2015-111 - All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developer	Demo.	HC Request Amount	RD 515?	Total Points	Age of Development Funding Preference	RA Level 1, 2, or 3 Funding Preference	Concrete Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	RA Level	Florida Job Creation Preference	Lottery Number	
<b>Ineligible Applications</b>																		
2016-282C	St. Johns River Apartments	Putnam	S	Thomas F Flynn	Flynn Development Corporation	E	340,520.00	N	23	Y	Y	Y	Y		1	Y	21	
2016-284C	Marian Towers	Miami-Dade	L	Elizabeth Wong	Marian Towers Development, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y		1	Y	5	
2016-285C	St. Andrew Tower I	Broward	L	Elizabeth Wong	St. Andrew Towers I Development, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y		1	Y	23	
2016-278C	Woodcliff Apartments	Lake	M	Thomas F Flynn	Flynn Development Corporation	E	265,560.00	N	23	Y	Y	Y	Y		1	Y	19	
2016-279C	Colonial Pines	Lake	M	Thomas F Flynn	Flynn Development Corporation	F	244,579.00	N	11.5	Y	Y	Y	Y		1	Y	22	
2016-283C	St. Elizabeth Gardens	Broward	L	Elizabeth Wong	St. Elizabeth Gardens Development, LLC	E	1,402,702.00	N	23	Y	Y	Y	Y		2	Y	6	
2016-286C	Century Woods Apartments	Escambia	M	Kimberly Murphy	Royal American Development, Inc.	F	353,999.00	Y	23	Y	N	Y	Y		6	Y	10	
2016-277C	Hilltop Apartments	Madison	S	Kimberly Murphy	Royal American Development, Inc.	F	719,073.00	N	5	Y	Y	Y	Y		1	Y	24	
2016-276C	Orangewood Apartments	Bradford	S	Kimberly Murphy	Royal American Development, Inc.	F	474,013.00	Y	23	Y	N	Y	Y		6	Y	7	
2016-292C	Chipola Apartments	Jackson	S	David Schultz	Community Housing Partners Corporation	E	774,136.00	N	23	Y	Y	Y	Y		1	Y	14	

On June 24, 2016, 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.

## RFA 2015-111 - Recommendations

Total HC Available for RFA	5,901,631.00
Total HC Allocated	5,874,751.00
Total HC Remaining	26,880.00

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developer	Demo.	HC Request Amount	RD 515?	Total Points	Age of Development Funding Preference	RA Level 1, 2, or 3 Funding Preference	Concrete Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	RA Level	Florida Job Creation Preference	Lottery Number	
RD 515 Development in Medium or Small County Goal																		
None																		
Non-RD 515 Development Family Demographic Goal																		
2016-293C	Pineda Village	Brevard	M	David O. Deutch	Pinnacle Housing Group, LLC; CHA Developer, LLC	F	1,350,000.00	N	23	Y	Y	Y	Y	A	1	Y	8	
Non RD 515 Development Applications with the Elderly or Persons with a Disability Demographic																		
2016-297C	Three Round Tower A	Miami-Dade	L	Alberto Milo, Jr.	Three Round Tower A Developer, LLC	E	1,155,561.00	N	23	Y	Y	Y	Y	A	1	Y	1	
2016-294C	Cathedral Towers	Duval	L	Shawn Wilson	Cathedral Towers Redevelopment Associates, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y	A	1	Y	9	
2016-281C	Isles of Pahokee Phase II	Palm Beach	L	Matthew Rieger	HTG Isles of Pahokee II Developer, LLC; Pahokee Development Corporation	E	1,209,190.00	N	23	Y	Y	Y	Y	A	1	Y	18	
2016-290C	Lummus Park Manor	Miami-Dade	L	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	E	500,000.00	N	23	Y	Y	Y	Y	A	1	Y	12	

On June 24, 2016, 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 Applicant 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 67-60.009, 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.

CPAR LTD.  
Colonial Pines Apartments  
516 Lakeview Road, Suite 8  
Clearwater, Florida 33756  
(727) 449-1182

June 29, 2016

*VIA E-MAIL – [CorporationClerk@floridahousing.org](mailto:CorporationClerk@floridahousing.org)*

Florida Housing Finance Corporation  
**Attn: Kate Flemming, Corporation Clerk**  
227 N. Bronough Street, Suite 5000  
Tallahassee, Florida 32301

RE: Notice of Intent to Protest  
RFA-2015-111 - Proposed Funding Selections

Application: Colonial Pines, 2015-279C  
Applicant: CPAR LTD.

Dear Ms. Flemming,

Pursuant to Florida Statutes, Section 120.57(3), and Florida Administrative Code Rules 28-110.003 and 67-60.009, we hereby give our Notice of Intent to Protest the proposed scoring and ranking adopted by the Florida Housing Finance Corporation (“FHFC”) Board of Directors on June 24, 2016 concerning RFA 2015-111.

A copy of the Board’s proposed selections as posted on the FHFC website is attached to this Notice. A formal written protest petition will be filed within 10 days of this Notice, as required by law.

Sincerely,



Thomas F. Flynn  
Manager of General Partner

RFA 2015-111 - Recommendations

Total HC Available for RFA	5,901,631.00
Total HC Allocated	5,874,751.00
Total HC Remaining	26,880.00

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developer	Demo.	HC Request Amount	RD 515?	Total Points	Age of Development Funding Preference	RA Level 1, 2, or 3 Funding Preference	Concrete Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	RA Level	Florida Job Creation Preference	Lottery Number
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RD 515 Development in Medium or Small County Goal  
None

Non-RD 515 Development Family Demographic Goal

2016-293C	Pineda Village	Brevard	M	David O. Deutch	Pinnacle Housing Group, LLC; CHA Developer, LLC	F	1,350,000.00	N	23	Y	Y	Y	Y	A	1	Y	8
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Non RD 515 Development Applications with the Elderly or Persons with a Disability Demographic

2016-297C	Three Round Tower A	Miami-Dade	L	Alberto Millo, Jr.	Three Round Tower A Developer, LLC	E	1,155,561.00	N	23	Y	Y	Y	Y	A	1	Y	1
2016-294C	Cathedral Towers	Duval	L	Shawn Wilson	Cathedral Towers Redevelopment Associates, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y	A	1	Y	9
2016-281C	Isles of Pahokee Phase II	Palm Beach	L	Matthew Rieger	HTG Isles of Pahokee II Developer, LLC; Pahokee Development Corporation	E	1,209,190.00	N	23	Y	Y	Y	Y	A	1	Y	18
2016-290C	Lumimus Park Manor	Miami-Dade	L	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	E	500,000.00	N	23	Y	Y	Y	Y	A	1	Y	12

On June 24, 2016, 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 Applicant 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 67-60.009, 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.

RFA 2015-111 - All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developer	Demo.	HC Request Amount	RD 515?	Total Points	Age of Development Funding Preference	RA Level 1, 2, or 3 Funding Preference	Concrete Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	RA Level	Florida Job Creation Preference	Lottery Number
2016-280C	Isles of Pahokee Phase I	Palm Beach	L	Matthew Rieger	HTG Isles of Pahokee Developer, LLC; Pahokee Development Corporation	F	1,124,828.00	N	23	Y	Y	Y	Y	A	1	Y	11
2016-281C	Isles of Pahokee Phase II	Palm Beach	L	Matthew Rieger	HTG Isles of Pahokee II Developer, LLC; Pahokee Development Corporation	E	1,209,190.00	N	23	Y	Y	Y	Y	A	1	Y	18
2016-287C	Shull Manor Apartments	Brevard	M	Patti P. Adams	Herman & Kittle Properties, Inc.	F	651,500.00	N	23	Y	Y	Y	Y	B	1	Y	4
2016-288C	Moore Landing	Brevard	M	David O. Deutch	Pinnacle Housing Group, LLC, CHA Developer, LLC Cathedral Townhouse	F	1,043,000.00	N	23	Y	Y	Y	Y	A	1	Y	15
2016-289C	Cathedral Townhouse	Duval	L	Shawn Wilson	Redevelopment Associates, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y	B	1	Y	17
2016-290C	Lummus Park Manor	Miami-Dade	L	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	E	500,000.00	N	23	Y	Y	Y	Y	A	1	Y	12
2016-291C	Hickory Knoll	Marion	M	Brianne E Heffner	Southport Development, Inc. a Washington Corporation doing business in Florida as Southport Development Services, Inc.	F	940,000.00	N	23	Y	Y	Y	Y	A	1	Y	13
2016-293C	Pineda Village	Brevard	M	David O. Deutch	Pinnacle Housing Group, LLC, CHA Developer, LLC Cathedral Towers	F	1,350,000.00	N	23	Y	Y	Y	Y	A	1	Y	8
2016-294C	Cathedral Towers	Duval	L	Shawn Wilson	Redevelopment Associates, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y	A	1	Y	9
2016-295C	Hayley Sojge Preservation Phase One	Miami-Dade	L	Alberto Millo, Jr.	Hayley Sojge Phase One Developer, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y	A	1	Y	2
2016-296C	Lake Point Plaza Apartments	Miami-Dade	L	Lewis V Swezy	Lewis V. Swezy, RS Development Corp	E	760,605.00	N	23	Y	Y	Y	Y	A	1	Y	3
2016-297C	Three Round Tower A	Miami-Dade	L	Alberto Millo, Jr.	Three Round Tower A Developer, LLC	E	1,155,561.00	N	23	Y	Y	Y	Y	A	1	Y	1
2016-298C	Trinity Towers East	Brevard	M	Rodger L. Brown, Jr.	Preservation of Affordable Housing LLC	E	1,050,661.00	N	23	Y	Y	Y	Y	A	1	Y	16
2016-299C	Smathers Preservation Phase One	Miami-Dade	L	Alberto Millo, Jr.	Smathers Phase One Developer, LLC	E	902,782.00	N	23	Y	Y	Y	Y	A	1	Y	20

Eligible Applications

RFA 2015-111 - All Applications

Application Number	Name of Development	County	County Site	Name of Contact Person	Name of Developer	Demo.	HC Request Amount	RD 515?	Total Points	Age of Development Funding Preference	RA Level 1, 2, or 3 Funding Preference	Concrete Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	RA Level	Florida Job Creation Preference	Lottery Number
<b>Ineligible Applications</b>																	
2016-282C	St. Johns River Apartments	Putnam	S	Thomas F Flynn	Flynn Development Corporation	E	340,520.00	N	23	Y	Y	Y	Y		1	Y	21
2016-284C	Marian Towers	Miami-Dade	L	Elizabeth Wong	Marian Towers Development, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y		1	Y	5
2016-285C	St. Andrew Tower I	Broward	L	Elizabeth Wong	St. Andrew Towers I Development, LLC	E	1,660,000.00	N	23	Y	Y	Y	Y		1	Y	23
2016-278C	Woodcliff Apartments	Lake	M	Thomas F Flynn	Flynn Development Corporation	E	266,560.00	N	23	Y	Y	Y	Y		1	Y	19
2016-279C	Colonial Pines	Lake	M	Thomas F Flynn	Flynn Development Corporation	F	244,579.00	N	11.5	Y	Y	Y	Y		1	Y	22
2016-283C	St. Elizabeth Gardens	Broward	L	Elizabeth Wong	St. Elizabeth Gardens Development, LLC	E	1,402,702.00	N	23	Y	Y	Y	Y		2	Y	6
2016-286C	Century Woods Apartments	Escambia	M	Kimberly Murphy	Royal American Development, Inc.	F	353,999.00	Y	23	Y	N	Y	Y		6	Y	10
2016-277C	Hilltop Apartments	Madison	S	Kimberly Murphy	Royal American Development, Inc.	F	719,073.00	N	5	Y	Y	Y	Y		1	Y	24
2016-276C	Orangewood Apartments	Bradford	S	Kimberly Murphy	Royal American Development, Inc.	F	474,013.00	Y	23	Y	N	Y	Y		6	Y	7
2016-292C	Chipola Apartments	Jackson	S	David Schultz	Community Housing Partners Corporation	E	774,136.00	N	23	Y	Y	Y	Y		1	Y	14

On June 24, 2016, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion to adopt the scoring results above.

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