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

FLORIDA HOUSING
FINANCE CORPORATION

RIVER FOX COMMONS, LP,

FHFC Case # 2024-073BP

Petitioner,

RFA No. 2024-306

vs.

Application No. 2025-182BD

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

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

Petitioner, RIVER FOX COMMONS, LP (“River Fox Commons”), pursuant to sections 120.57(3), Florida Statutes (“F.S.”), and Rules 28-110 and 67-60, Florida Administrative Code (“FAC”) hereby files this Formal Written Protest and Petition for Administrative Hearing regarding the review, ranking, scoring and eligibility decisions of Respondent, FLORIDA HOUSING FINANCE CORPORATION (“Florida Housing”) as it relates to RFA 2024-306 Community Development Block Grant – Disaster Recovery (CDBG-DR) Financing for Affordable Housing Developments Located in Hurricane Ian Impacted Areas (the “RFA”). In support River Fox Commons provides as follows:

1. River Fox Commons is a Florida limited liability company in the business of providing affordable housing. River Fox Commons address 2730 Cumberland Blvd. SE, Smyrna, Georgia 30080.

2. Florida Housing is the allocating agency for the State of Florida that was granted the authority to issue the RFA for the purpose of construction, redevelopment, or rehabilitation of much needed affordable housing. Florida Housing's address is 227 North Bronough Street, Suite 500, Tallahassee, Florida 32301.

3. On August 20, 2024, Florida Housing issued the RFA with an application due date of September 5, 2024. The RFA in relevant part offered funding as follows:

SECTION ONE INTRODUCTION

In September 2022, Hurricane Ian made landfall as a Category 5 hurricane causing devastation in several Florida counties. This Request for Applications (RFA) is open to Applicants proposing the construction of affordable housing utilizing Community Development Block Grant Disaster Recovery (CDBG-DR) funding for Developments in Hurricane Ian impacted counties and based on the available impact criteria and FEMA data. Florida was allocated CDBG-DR funding from the United States Department of Housing and Urban Development (HUD) for award under the Florida Department of Commerce Workforce Affordable Housing Construction Program. The proposed developments must help address the unmet need in the HUD-Designated Most Impacted and Distressed (“HUD-Designated MIDs”), or other areas impacted by the storms and deemed as a priority by the State that are not HUD MIDs (“State-Designated MIDs”).

- o HUD-designated MIDs: Brevard, Charlotte, Collier, DeSoto, Hardee, Highlands, Hillsborough, Manatee, Monroe, Osceola, Pinellas, Polk, Putnam, and Seminole
- o State-designated MIDs: Flagler, Glades, Hendry, Lake, Okeechobee, St. Johns

• Note: Although Lee, Orange, Sarasota, and Volusia were also impacted by Hurricane Ian, these counties are ineligible for funding in this RFA because they each received direct federal allocations and have submitted action plans to HUD for separate review.

Applicants that are selected to receive funding will be invited to enter credit underwriting and will be expected to complete the credit underwriting process, including Board approval of the credit underwriting report, complete the Development and be occupied on or before December 20, 2028.

A. CDBG-DR Funding

Florida Housing Finance Corporation (the Corporation) **expects to offer an estimated \$90,000,000 in funding for this RFA. The request amounts are outlined in Section 10 of this agenda.**

B. Tax-Exempt Bonds and 4% Housing Credits

Applications of proposed Developments in DeSoto, Glades, Hardee, Hendry, Highlands, Monroe, Okeechobee, Putnam Counties must consist of a minimum of 10 units. If a proposed Development consists of less than 50 units, the Application is only eligible for CDBG-DR Funding and not Tax-Exempt Bond Financing or 4% Housing Credits. If a proposed Development in DeSoto, Glades, Hardee, Hendry, Highlands, Monroe, Okeechobee, Putnam Counties consists of at least 50 units, the Application

may request either (i) CDBG-DR Funding only; or (ii) utilize Tax-Exempt Bond Financing and 4% Housing Credits in conjunction with the request for CDBG-DR funding.

Applicants of proposed Developments in Brevard, Charlotte, Collier, Flagler, Hillsborough, Lake, Manatee, Osceola, Pinellas, Polk, Seminole, and Saint Johns Counties must request Tax-Exempt Bond Financing and 4% Housing Credits. The Applicant will NOT utilize the Non-Competitive Application Package to apply for (i) Corporation-issued MMRB and the 4% Housing Credits or (ii) 4% Housing Credits to be used with non-Corporation-issued Tax-Exempt Bonds (i.e. issued by a Public Housing Authority (established under Chapter 421, F.S.), a County Housing Finance Authority (established pursuant to Section 159.604, F.S.), or a Local Government). Instead, the Applicant is required to apply for the MMRB and/or Housing Credits as a part of its Application for the CDBG-DR funding.

If, prior to the submission of the Applicant's Application in response to this RFA, the Applicant submits or has already submitted a Non-Competitive Application for the Development proposed in this Application, such previous Non-Competitive Application will not be considered and the Applicant will be required to request the Corporation-issued MMRB and/or 4% Housing Credits as a part of this Application request, as outlined above.

If the proposed Development is not selected for funding or if the Applicant's funding award is rescinded, and the Applicant still wishes to receive the MMRB and/or 4% Housing Credits, the Applicant will be required to submit a new Application for such funding using the Non-Competitive Application Package that is in effect at that time.

Proposed Developments are not eligible for any funding offered in this RFA if the Applicant has already closed on the Tax-Exempt Bond financing prior to the Application Deadline for this RFA.

In addition, proposed Developments are not eligible to receive any funding awarded through this RFA if the Applicant closes on the Tax-Exempt Bond financing prior to the issuance of the preliminary commitment for funding awarded in this RFA. If the Bonds are closed between the Application Deadline and issuance of the preliminary commitment, the Applicant's award will be rescinded.

The Corporation is soliciting applications from qualified Applicants that commit to provide **housing in accordance with the terms and conditions of this RFA, inclusive of all Exhibits, applicable laws, rules and regulations, and the Corporation's generally applicable construction and financial standards.**

(emphasis added)

4. Rule 67-60.005 F.A.C. provides that Florida Housing may modify the terms of any competitive solicitation at any **point prior to the due date of the Applications**. When a modification occurs, any applicant shall have at least seven days from the date of the posting of the notice modification to submit or modify its Application.

5. The RFA at page 8 of 167 further provides that any modifications that occur to the Request for Application will be posted on the website and may result in an extension of the application deadline. Typically, when a modification occurs Florida Housing issues a Multi-Family List Serve Notification. Notifications often times provide the following:

Note: Any modifications that occur to the Request for Applications will be posted at the website and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

(See Exhibit A)

6. The RFA was twice modified. First on August 8, 2024, at 3:35 p.m. (See Exhibit B) Next, on August 21, 2024, at 5:28 p.m. (See Exhibit C) Each modification was issued prior to the Application Deadline of September 5, 2024. Neither modification changed the estimated amount to be awarded by the RFA of \$90,000,000.

7. On September 5, 2024, River Fox Commons submitted its Application in response to the RFA that included information concerning the development of a 92 unit complex in Lake County, Florida, named River Fox Commons.

8. Through the Application, River Fox Commons was requesting supplemental funding to develop affordable housing. Florida Housing received 39 applications in response to the RFA.

9. The RFA at Section Six provides as follows:

SECTION SIX AWARD 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 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 applying the funding selection criteria outlined in Section Five above and develop a recommendation or series of recommendations to the Board.

10. On October 9, 2024, the designated Review Committee in a public meeting 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 the Applications and ultimately made a recommendation to the Florida Housing Board of Directors ("Board") for their consideration. The Review Committee consisted of Florida Housing staff.

11. During the meeting, the Review Committee found River Fox Commons' Application to be eligible. Additionally, the Review Committee voted to recommend, based on the RFA selection criteria, that the River Fox Commons Application be tentatively selected for funding. The River Fox Commons Application was one of 10 Applications selected for funding by the Review Committee. The Review Committee based its recommendation on the terms of the RFA in existence as of the Application Deadline.

12. Subsequent to the Review Committee meeting, Florida Housing staff prepared an agenda action item write up which explained the review process and presented the recommendation of the Review Committee to approve the Committee's recommendation that the Board adopt the scoring results of the 39 Applicants and authorize the tentative selection of the 10 Application for funding including the River Fox Commons Application. (See Exhibit D)

13. On October 22, 2024, the Board considered the Review Committee's ranking and funding recommendations. However, during that meeting Florida Housing Staff recommended modifying the RFA and revising the Review Committee's recommendation to add an additional \$9,276,000 to the amount offered by the RFA. Staff explained that the additional funding resulted from the inclusion of unused administration fees. Staff further explained that rather than simply funding an additional deal which it had historically done, the Applications should be reranked as if the Review Committee had \$99,276,000 at its October 9, 2024, meeting. The Board after discussion moved to approve staff's new recommendation. As a result of this action the River Fox Commons Application was removed from the tentative funding list because it could no longer be fully funded. (See Exhibit E) As explained more fully below, River Fox Commons believes this action was erroneous.

14. On October 25, 2024, River Fox Commons timely filed its Notice of Intent to Protest. (See Exhibit F) This Formal Written Protest is being timely filed and Florida Housing has waived the bid protest bond requirement for the RFA.

15. As the owner and developer of a proposed project seeking funding through the RFA, River Fox Commons is substantially affected by the review, scoring, and ranking of the responses to the RFA. The results of this proceeding, as well as others that may be filed, affect River Fox Commons' ability to obtain funding through the RFA.

16. Consistent with the primary mission and goal of the RFA, River Fox Commons seeks to provide much needed affordable housing in Lake County. Without the funds provided by the RFA, River Fox Commons will be unable to provide this much needed housing. Accordingly, River Fox Commons' substantial interests are affected by the decisions made by Florida Housing.

17. In this action River Fox Commons challenges the funding determination made by Florida Housing as it relates to the tentative funding award. River Fox Commons challenges the award decision of Florida Housing as arbitrary, capricious and contrary to Florida Housing policies when adding funds to tentative awards.

18. Specifically, River Fox Commons challenges the procedural process of adding additional money to an RFA under the circumstances here and also the policy implications of adding funding which results in an Application having its tentatively awarded funding taken away. If successful in its challenge, River Fox Commons will move back into the funding range.

19. Initially as a matter of procedural process, adding \$9,276,000 to the initial allocation amount constituted a modification of the terms of the RFA. As the RFA and Rule 67-60.005, F.A.C. makes clear any modification of the terms of the RFA should have been issued prior to the due date. This was not a situation where funds may have been returned after action by the Board as contemplated by the RFA.

20. As was done two times to the current RFA, a modification adding the \$9,276,000 should have been issued prior to the Application Deadline as required by Rule 67-60.005, F.A.C. No timely modification was done here. As a matter of process, this improper modification was erroneous and resulted in River Fox Commons losing its tentative award of funding.

21. As a policy matter upon knowledge and belief, Florida Housing has never added funding to an RFA after the Application Deadline and Review Committee meeting resulting in an application that was recommended for funding by a Review Committee being removed from the funding range as happened here. Indeed, Florida Housing staff admitted as much to the Board. Adding funding to an RFA which then results in an application tentatively awarded funding does not advance good public policy nor is it consistent with past Florida Housing policy.

22. Typically, when funds are added to funding awards after the Application Deadline and Review Committee meeting additional applications are simply added to those applications previously selected by the Review Committee for funding.

23. For example, on March 26, 2024, staff recommended using remaining unallocated funding and adding additional funding to fund the proposed Development recommended by the Review Committee and funding one additional proposed Development. The result being 2 deals funded rather than 1. (See Exhibit G)

24. Similarly on May 10, 2024, also related to RFA 2024-106 staff recommended adding additional funding to pull up and fully fund the next highest ranking eligible application. The result being 3 projects funded rather than 2. In each of these examples additional projects bringing additional units were awarded funding. No proposed Developments were removed from the funding as happened here. (See Exhibit H)

25. In the instant case not only was the RFA improperly modified, but the Review Committee recommendation was also modified to actually exclude a proposed Development, the River Fox Commons Application. As one Board member pointed out the net result of removing the River Fox Commons Application was 12 fewer units.

26. In the instant case to add funding to an allocation but remove a proposed Development from funding is inconsistent with Florida Housing's past policies. This is especially true given that the end result is fewer units being added to Florida Housing's portfolio.

27. Material issues of disputed fact:

- a. Whether Florida Housing has acted in an erroneous, arbitrary or capricious manner in awarding funding in this RFA.
- b. Whether Florida Housing acted in a manner that was inconsistent with the RFA.

- c. Whether Florida Housing approved scoring results are contrary to the Corporation's governing statutes, rules, policies or RFA specifications.

28. River Fox Commons reserves the right to amend this petition as more facts and issues are discovered.

WHEREFORE, River Fox Commons requests that a settlement meeting be scheduled and to the extent no settlement is reached a hearing scheduled and ultimately the entry of a Recommended and Final Order determining that Florida Housing's review and scoring of Applications was 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, and clearly erroneous and awarding funding to River Fox Commons.

Respectfully submitted,

CARLTON, FIELDS

/s/ Michael P. Donaldson

MICHAEL P. DONALDSON

Florida Bar No. 0802761

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Email: mdonaldson@carltonfields.com

Counsel for River Fox Commons, LP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Formal Written Protest and Petition for Administrative Proceedings has been filed by e-mail with the Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, this 4th day of November 2024.

/s/ Michael P. Donaldson

MICHAEL P. DONALDSON

Donaldson, Michael

From: Multifamily Programs <MULTIFAMILYPROGRAMS@LISTSERV.FLORIDAHOUSING.ORG>
on behalf of Multifamily Allocations <Multifamily.Allocations@FLORIDAHOUSING.ORG>
Sent: Tuesday, October 15, 2024 2:42 PM
To: MULTIFAMILYPROGRAMS@LISTSERV.FLORIDAHOUSING.ORG
Subject: Modification of RFA 2025-102



EXTERNAL SENDER: This Message is from outside the organization.

On October 15, 2024, at 2:30 p.m., Florida Housing issued a modification of RFA 2025-102 SAIL Financing For Smaller Permanent Supportive Housing Developments For Persons With Special Needs. The following documents have been posted under the heading "Complete RFA issued at 5:12 p.m. on September 5, 2024" on the RFA webpage: <https://www.floridahousing.org/programs/developers-multifamily-programs/competitive/2025/2025-102> .

Complete RFA 2025-102 as modified on 10-15-24 (clean) bookmarked
Complete RFA 2025-102 as modified on 10-15-24 (redline)
Modification of RFA 2025-102, Issued at 2:30 p.m. on October 15, 2024

Note: Any modifications that occur to the Request for Applications will be posted at the website and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date. Applications are expected to be due at 3:00 p.m. on November 21, 2024. The Review Committee Meeting is anticipated to be held January 9, 2025, with recommendations presented to the Florida Housing Board of Directors at the January 24, 2025, Board Meeting.

To unsubscribe from the MULTIFAMILYPROGRAMS list, click the following link:
<https://LISTSERV.FLORIDAHOUSING.ORG/scripts/wa-FLAHOUSE.exe?SUBED1=MULTIFAMILYPROGRAMS&A=1>

EXHIBIT A

FLORIDA HOUSING FINANCE CORPORATION

Modification of Request for Applications (RFA) 2024-306 Community Development Block Grant – Disaster Recovery (CDBG-DR) Financing for Affordable Housing Developments Located in Hurricane Ian Impacted Areas

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Three, D. of the RFA as follows:

- D. Any interested party may submit any inquiry regarding this RFA in writing via e-mail at RFA_2024-306_Questions@floridahousing.org (also accessible by clicking [here](#)) with “Questions regarding RFA 2024-306” as the subject of the email. All inquiries are due by 5:00 p.m., Eastern Time, on ~~May 2~~August 16, 2024. Phone calls or written inquiries other than at the above e-mail address will not be accepted. The Corporation expects to respond to all inquiries by 5:00 p.m., Eastern Time, on ~~May 9~~August 21, 2024, and will post a copy of all inquiries received, and their answers, on the RFA Webpage. The Corporation will also send a copy of those inquiries and answers in writing to any interested party that requests a copy. The Corporation will determine the method of sending its answers, which may include regular United States mail, overnight delivery, fax, e-mail, or any combination of the above. No other means of communication, whether oral or written, shall be construed as an official response or statement from the Corporation.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Section Five, B.1. of the RFA as follows:

1. Application Sorting Order

The highest scoring Applications will be determined by first sorting together all eligible Applications by highest score to lowest score, with any scores that are tied separated in the following order:

- a. First, preference will be given to Applications that qualify for the Federal Funding Experience Preference which is outlined in Section Four, A.3.b.(4) of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- b. Next, by the Application’s Leveraging Classification, applying the multipliers outlined in Item 3 of Exhibit C of the RFA (with Applications having the Classification of A listed above Applications having the Classification of B);
- c. Next, preference will be given to Applications that qualify for the Proximity Funding Preference which is outlined in Section Four, A.5.e. of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- ed. Next, preference will be given to Applications that qualify for the Florida Job Creation Funding Preference which is outlined in Item 4 of Exhibit C (with Applications that

qualify for the preference listed above Applications that do not qualify for the preference);

de. Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

Submitted By:
Melissa Levy
Managing Director of Multifamily Programs
Florida Housing Finance Corporation
227 N. Bronough Street, Suite 5000
Tallahassee, FL 32301
850-488-4197 or Melissa.Levy@floridahousing.org

FLORIDA HOUSING FINANCE CORPORATION

Second Modification of
Request for Applications (RFA) 2024-306 Community Development Block Grant – Disaster Recovery
(CDBG-DR) Financing for Affordable Housing Developments Located in Hurricane Ian Impacted Areas

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies the Section Four, A.3.b.(4) of the RFA as follows:

(4) Federal Funding Experience Preference

Applications will qualify for the Federal Funding Experience Preference if at least one Principal of the Developer entity, or if more than one Developer entity, at least one Principal of at least one of the Developer entities, demonstrates experience in the completion* of at least one rental housing development consisting of at least eight total units that was financed with federal funding and required all federal programs such as Davis Bacon requirements and Environmental Review requirements.

If this preference is not met within the Development provided in Exhibit A in response to (3) above, a second Development may be provided to meet this preference in Exhibit A.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies the Section Four, A.5.e of the RFA as follows:

e. Proximity Tiebreakers used in Funding Selection Process

The Application may earn proximity points based on the distance between the Development Location Point and the Bus or Rail Transit Service (if Private Transportation is not selected at question 5.e.(2)(a) of Exhibit A) and the Community Services stated in Exhibit A. Proximity points are awarded according to the Transit and Community Service Scoring Charts outlined in Item 2 of Exhibit C. Proximity points will not be applied towards the total score. There is no minimum eligibility requirement for transit points or total proximity score in this RFA. Application may still be eligible for funding even if the Application achieved zero proximity points. Proximity points will only be used to determine whether the Applicant meets the Proximity Funding Preference outlined in the chart below.

Application Qualifications	Minimum Total Proximity Points that Must be Achieved to Receive the Proximity Funding Preference
Large County Application	12.5 or more
Medium County Application	9.0 or more
Small County Application	6.0 or more

Awarding Proximity Points

The Application may earn proximity points through the following:

- Qualifying for the PHA Proximity Point Boost or the RD 515 Proximity Point Boost;

- Providing private transportation or Bbased on the distance between the Development Location Point and the Bus or Rail Transit Service; and
- Based on the distance between the Development Location Point and the Community Services.

(1) PHA or RD 515 Proximity Point Boost

(a) PHA Proximity Point Boost

An Application that involves a site(s) with an existing Declaration of Trust between a Public Housing Authority (PHA) and HUD will qualify to receive a 3-point boost toward its proximity score if the Applicant states that it qualifies and provides a letter from the PHA dated within 12 months of the Application Deadline certifying that the site(s) where all of the units in the proposed Development will be located has an existing Declaration of Trust between the PHA and HUD. The letter must be signed by the appropriate person authorized to make such a certification and must be provided as **Attachment 4** to Exhibit A.

or

(b) RD 515 Proximity Point Boost

An Application that involves property that is currently assisted with RD 515 funding will qualify to receive a 3-point boost toward its proximity score if the Applicant demonstrates RD 515 funding as outlined in Section Four A.10. of the RFA, and either (i) selects the Development Category of Rehabilitation; or (ii) qualifies for the Development Subcategory of Redevelopment, with or without Acquisition.

(2) Transit Services (Maximum of 6 points)

Select Private Transportation or pProvide the location information for one of the remaining four Transit Services to achieve Proximity Points to use for calculating the Application's Transit Score. The Transit Service Scoring Charts, reflecting the methodology for calculating the points awarded based on the distances, are outlined in Exhibit C.

Location of coordinates for Transit Services

To receive proximity points for Transit Services other than Private Transportation, provide latitude and longitude coordinates for that service, stated in decimal degrees, rounded to at least the sixth decimal place, and the distance between the Development Location point and the coordinates for the service. The distances between the Development Location Point and the latitude and longitude coordinates for each service will be the basis for awarding proximity points.

~~(a) Location of coordinates for Transit Services~~

For a Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop, and Rail Station, coordinates must represent the location where passengers may embark and disembark the bus or train.

(a) Private Transportation (2 Points)

This service is defined in Exhibit B and may be selected only if the Applicant selected the Elderly (ALF or Non-ALF) Demographic Commitment.

or

(b) Public Bus Stop (Maximum 6 Points)

(i) This service is defined in Exhibit B and may be selected by all Applicants.

(ii) Each Public Bus Stop must meet the definition of Public Bus Stop as defined in Exhibit B. Each Public Bus Stop, except for Sister Stops, must serve at least one unique route. Up to two of the selected Public Bus Stops may be Sister Stops as defined in Exhibit B.

or

(c) Public Bus Transfer Stop (Maximum 6 Points)

This service is defined in Exhibit B and may be selected by all Applicants.

or

(d) Public Bus Rapid Transit Stop (Maximum 6 Points)

This service is defined in Exhibit B and may be selected by all Applicants.

or

(e) Public Rail Station (Maximum 6 Points)

This service is defined in Exhibit B and may be selected by all Applicants.

(3) Community Services (Up to three Community Services may be selected, for a maximum 4 Points for each service)

The Community Services that are available are Grocery Store, Medical Facility, Pharmacy, and Public School.

Up to three Community Services may be selected, for a maximum 4 Points for each service. If all four Community Services are selected, the Corporation will only award points for the three Community Services that are closest to the Development Location Point based on the distance stated in Exhibit A, even if the service that is furthest from the Development Location Point would have achieved a higher point value. In the event that the two Community Services that are furthest from the Development Location Point have an equal distance, the Corporation will select the service that is listed higher on the Community Service chart in Exhibit A. Under no circumstance will the fourth service be considered for points, even if during the litigation process, one of the Community Services is determined to not qualify for proximity points.

Provide the location information and distances for Community Services on which to base the Application's Community Services Score. The Community Service Scoring Charts, which reflect the methodology for calculating the points awarded based on the distances, are outlined in Exhibit C.

The distance between the Development Location Point and each Community Service must be calculated from a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located. If there is no exterior public entrance to the Community Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the doorway threshold of the exterior public entrance to the enclosed shopping mall that provide the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

Applicants may use the same location for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.

(4) Scoring Proximity to Services (Transit and Community)

(a) ~~Location of coordinates for Transit Services~~ Private Transportation

Applicants that selected the Elderly (ALF or Non-ALF) Demographic Commitment and wish to provide Private Transportation as the Transit Service must select "Yes" at question 5.e.(2)(a) of Exhibit A to be eligible to receive 2 points. For a Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop, and Rail Station, coordinates must represent the location where passengers may embark and disembark the bus or train.

(b) Bus and Rail Transit Services

Applicants that wish to receive proximity points for Transit Services other than Private Transportation must provide latitude and longitude

coordinates for that service, stated in decimal degrees, rounded to at least the sixth decimal place, and the distance between the Development Location Point and the coordinates for the service. The distances between the Development Location Point and the latitude and longitude coordinates for each service will be the basis for awarding proximity points. The method used to determine the latitude and longitude coordinates must conform to Rule 5J-17, F.A.C., formerly 61G17-6, F.A.C. All calculations shall be based on "WGS 84" and be grid distances. The horizontal positions shall be collected to meet sub-meter accuracy (no autonomous hand-held GPS units shall be used). Failure to provide the distance for any service will result in zero points for that service. The Transit and Community Service Scoring Charts reflecting the methodology for calculating the points awarded based on the distances are in Exhibit C.

(c) Community Services

Applicants that wish to receive proximity points for any community service must provide the name and address for that service, and the distance between the Development Location Point and the location for the service. The distances between the Development Location Point and the doorway threshold for each service will be the basis for awarding proximity points. The method used to determine the latitude and longitude coordinates must conform to Rule 5J-17, F.A.C., formerly 61G17-6, F.A.C. All calculations shall be based on "WGS 84" and be grid distances. The horizontal positions shall be collected to meet sub-meter accuracy (no autonomous hand-held GPS units shall be used). Failure to provide the distance for any service will result in zero points for that service. The Transit and Community Service Scoring Charts reflecting the methodology for calculating the points awarded based on the distances are in Exhibit C.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies the Section Four, A.6.f. of the RFA as follows:

f. Compliance Period

All Applicants are required to set aside the units for 50 years. Applicants that wish to qualify for an exemption from ad valorem tax pursuant to 196.1978(4), F.S., may also choose to commit to an additional minimum 49-year extended affordability period, for a total affordability period of 99 years ("Perpetuity"), which will only be applied to the ~~SAH-CDBG-DR~~ and Bond LURAs, as applicable.

In submitting its Application, the Applicant knowingly, voluntarily and irrevocably commit to waive, and do hereby waive, for the duration of the 50-year set aside period, the option to convert the Development to market rate, including any option or right to submit a request for a qualified contract, after year 14, and any other option, right or process available to the

Applicant to terminate (or that would result in the termination of) the 50-year set aside period at any time prior to the expiration of its full term.

Demographic Commitments: The Compliance Period committed to in this section includes the units set aside for the Demographic Commitments made in this RFA, which includes the commitments for Link Units.

The Persons with Special Needs set-aside commitment must be maintained throughout the entire Compliance Period.

Although the percentage of units committed to must remain in effect for the entire Compliance Period, the particular units designated for the Demographic Commitment and AMI commitment must not be limited to the same units throughout the Compliance Period. Doing so may cause the Development to be in noncompliance.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies the Section Four, A.10.b.(2)(b)(i) of the RFA as follows:

- (b) Financing that has closed:
 - (i) For any financing other than Tax-Exempt Bond financing*, if the financing has closed in the Applicant's name, provide a letter from the lender acknowledging that the loan has closed. The letter must also include the following information:
 - o Amount of the construction loan, if applicable;
 - o Amount of the permanent loan, if applicable; and
 - o Specific reference to the Applicant as the borrower/direct recipient/mortgagee.

*As stated in Section One and Section Four A.10.a. of the RFA, proposed Developments are not eligible to apply for any funding offered in this RFA if the Applicant has already closed on the Tax-Exempt Bond financing prior to the Application Deadline for this RFA. In addition, proposed Developments are not eligible to receive any funding awarded through this RFA if the Applicant closes on the Tax-Exempt Bond financing prior to the issuance of the preliminary commitment for the SAH-CDBG-DR funding. As part of the Applicant's acceptance of the invitation to enter credit underwriting (i.e., the preliminary commitment), the Applicant will be required to confirm that the Bonds have not closed. If the Bonds are closed between the Application Deadline and issuance of the preliminary commitment, the Applicant's award will be rescinded.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies the title stated on each page of Exhibit A as follows:

~~Exhibit A to RFA 2024-305 Community Development Block Grant – Disaster Recovery to be used in Conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits in Counties Deemed Hurricane Sally Recovery Priorities~~

Exhibit A to RFA 2024-306 Community Development Block Grant – Disaster Recovery to be used in Conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits in Counties Deemed Hurricane Ian Recovery Priorities

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies question 3.b.(3)(a) of Exhibit A as follows:

(3) Developer Experience

(a) Required Developer Experience

At least one Developer entity named in (1) above must meet the Developer experience outlined in Section Four of the RFA.

Name of the natural person Principal with the required experience: _____

Name of Developer Entity (for the proposed Development) for which the above individual is a Principal: _____

(i) First development that meets the Developer experience requirement outlined in Section Four, A.3.b.(3)(a) of the RFA:

Name of Development: _____

Location (city and state): _____

Affordable Housing Program(s) that Provided Financing: _____

If Other is selected above, enter the name of the program here: _____

Total Number of Units: _____

Year Completed (must be 2004 or later): _____

(ii) Second development that meets the Developer experience requirement outlined in Section Four, A.3.b.(3)(a) of the RFA:

Name of Development: _____

Location (city and state): _____

Affordable Housing Program(s) that Provided Financing: _____

If Other is selected above, enter the name of the program here: _____

Total Number of Units: _____

Year Completed (must be 2004 or later): _____

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies question 3.c.(3) of Exhibit A as follows:

~~(3) Previous Submission Funding Preference~~

~~Does the Application qualify for the Previous Submission Funding Preference?~~

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies question 6.f. of Exhibit A as follows:

All Applicants are required to set aside the units for this number of years, as further described in Section Four of the RFA: 50 years

For Applicants that wish to qualify for an exemption from the ad valorem tax pursuant to 196.1978(4), F.S., does the Applicant elect to commit to an additional minimum 49-year extended affordability period, for a total affordability period of 99 years ("Perpetuity") to be applied to the CDBG-DR and Bond LURAs, as applicable?

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Item 23 of the Applicant Certification and Acknowledgement of Exhibit A as follows:

Applicants that are selected to receive funding will be invited to enter credit underwriting and will be expected to complete the credit underwriting process, including Board approval of the credit underwriting report, complete the Development and be occupied on or before ~~September 22, 2027~~ December 20, 2028.

Pursuant to Rule 67-60.005, F.A.C., Modification of Terms of Competitive Solicitations, Florida Housing hereby modifies Exhibit B as follows:

Exhibit B – Definitions

Capitalized terms within this RFA shall have the meaning as set forth in this RFA, in this Exhibit, Rule Chapter 67-60, F.A.C., and Rule Chapter 67-21, F.A.C., (effective July 6, 2022), or in applicable federal regulations.

"Application"	The sealed response submitted to participate in a competitive solicitation for funding pursuant to rule Chapter 67-60, F.A.C.
"CDBG-DR Development"	A residential Development comprised of one or more residential buildings proposed to be constructed with CDBG-DR funds for Eligible Persons.
"CDBG-DR Minimum Set-Aside Requirement"	The least number of set-aside units in a CDBG-DR Development which must be held for Very Low-Income persons or households pursuant to the category under which the Application has been made, as further described in Exhibit H.
"CDBG-DR Rent-Restricted Unit"	With respect to a CDBG-DR Development, a unit for which the gross monthly rent shall not exceed 30 percent of the imputed income limitation applicable to such unit as committed to by the Applicant in its Application and shall be determined in a manner consistent with Section 42(g)(2) of the IRC.
"Development Cash Flow"	Cash transactions of the Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles ("GAAP"), as adjusted for any cash transactions that are subordinate to the CDBG-DR loan interest payment including any distribution or payment to the Applicant or Developer, Principal(s) of the Applicant or Developer or any

	Affiliate of the Principal(s) of the Applicant or Developer, or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining the annual debt service coverage in the Board approved final credit underwriting report.
"Development Expenses"	Usual and customary operating and financial costs, such as the compliance monitoring fee, the financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to CDBG-DR Developments and to the application of Development Cash Flow described in Exhibit H, the term includes only those expenses disclosed in the operating pro forma on an annual basis included in the final credit underwriting report, as approved by the Board, and maximum of 20 percent Developer Fee per year.
"Domestic Violence"	Domestic violence as defined in Section 741.28, F.S.
"Draw"	The disbursement of funds to a Development.
"ELI Household" or "Extremely Low Income Household"	A household of one or more persons wherein the annual adjusted gross income for the Family is equal to or below the percentage of area median income for ELI Persons.
"ELI Set-Aside" or "Extremely Low Income Set-Aside"	Extremely low income persons as defined in Section 420.0004(9), F.S., or in the RFA.
"Financial Institution"	A Lending institution as defined in Section 420.503, F.S.
"Grocery Store"	<p>A retail food store consisting of 4,500 square feet or more of contiguous air-conditioned space available to the public, that has been issued a food permit, current and in force as of the dates outlined below, issued by the Florida Department of Agriculture and Consumer Service (FDACS) which designates the store as a Grocery Store or Supermarket within the meaning of those terms for purposes of FDACS-issued food permits.</p> <p>Additionally, it must have (i) been in existence and available for use by the general public continuously since a date that is 6 months prior to the Application Deadline; or (ii) been in existence and available for use by the general public as of the Application Deadline AND be one of the following: Albertson's, Aldi, Bravo Supermarkets, BJ's Wholesale Club, Costco Wholesale, Food Lion, Fresh Market, Harvey's, Milam's Markets, Piggly Wiggly, Presidente, Publix, Sam's Club, Sav – A – Lot, Sedano's, SuperTarget, Trader Joe's, Walmart Neighborhood Market, Walmart Supercenter, Whole Foods, Winn-Dixie.</p>

"LURA" or "Land Use Restriction Agreement"	An agreement which sets forth the set-aside requirements and other Development requirements under a Corporation program.
"Medical Facility"	<p>A medically licensed facility that employs or has under contractual obligation at least one physician licensed under Chapter 458 or 459, F.S. available to provide general medical treatment to patients by walk-in or by appointment. Facilities that only treat specific classes of medical conditions, including, but not limited to clinics/emergency rooms affiliated with specialty or Class II hospitals, or facilities that only treat specific classes of patients (e.g., age, gender) will not be accepted.</p> <p>Additionally, it must have either been in existence and available for use by the general public as of the Application Deadline.</p>
"Pharmacy"	<p>A community pharmacy operating under a valid permit issued pursuant to s. 465.018, F.S., current and in force as of the dates outlined below and open to the general public at least five days per week without the requirement of a membership fee.</p> <p>Additionally, it must have (i) been in existence and available for use by the general public continuously since a date that is 6 months prior to the Application Deadline; or (ii) been in existence and available for use by the general public as of the Application Deadline AND be one of the following: Albertson's, Costco Wholesale, CVS, Harvey's, Kmart, Navarro's, Piggly Wiggly, Publix, Sav – A – Lot, Target, Walgreens, Wal-Mart, Winn-Dixie.</p>
<u>"Private Transportation"</u>	<p><u>At no cost to the residents, transportation provided by the Applicant or its Management Company to non-emergency medical appointments such as therapy, chemotherapy, dentistry, hearing, dialysis, prescription pick-ups, testing and x-rays, as well as shopping, public service facilities, and/or educational or social activities. The vehicle used for the residents' transportation must accommodate at least six adult passengers, including the vehicle's driver and at least one wheelchair position. Access to a program such as "Dial-A-Ride" will not meet this definition.</u></p>
"Project" or "Property"	A Project as defined in Section 420.503, F.S.
"Public Bus Rapid Transit Stop"	A fixed location at which passengers may access public transportation via bus. The Public Bus Rapid Transit Stop must service at least one bus that travels at some point during the route in either a lane or corridor that is exclusively used by buses, and the Public Bus Rapid Transit Stop must service at least one route that has scheduled stops at the Public Bus Rapid Transit Stop at least every 20 minutes during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, excluding holidays, on a year-round basis.

	<p>Additionally, it must have either been in existence and available for use by the general public as of the Application Deadline.</p>
<p>“Public Bus Stop”</p>	<p>A fixed location at which passengers may access one or two routes of public transportation via buses. The Public Bus Stop must service at least one bus route that either (i) has scheduled stops at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, excluding holidays, on a year-round basis; or (ii) has the following number of scheduled stops within a 24 hour period, Monday through Friday, excluding holidays, on a year-round basis, for the applicable county size;</p> <p>Small and Medium Counties: 12 scheduled stops</p> <p>Large Counties: 18 scheduled stops</p> <p>Bus routes must be established or approved by a Local Government department that manages public transportation. Buses that travel between states will not be considered.</p> <p>Additionally, it must have either been in existence and available for use by the general public as of the Application Deadline.</p>
<p>“Public Bus Transfer Stop”</p>	<p>For purposes of proximity points, a Public Bus Transfer Stop means a fixed location at which passengers may access at least three routes of public transportation via buses. Each qualifying route must either (i) have a scheduled stop at the Public Bus Transfer Stop at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday, excluding holidays, on a year-round basis; or (ii) have the following number of scheduled stops at the Public Bus Transfer Stop within a 24 hour period, Monday through Friday, excluding holidays, on a year-round basis, for the applicable county size:</p> <p>Small and Medium Counties: 12 scheduled stops</p> <p>Large Counties: 18 scheduled stops</p> <p>This would include bus stations (i.e., hubs) and bus stops with multiple routes. Bus routes must be established or approved by a Local Government department that manages public transportation. Buses that travel between states will not be considered.</p> <p>Additionally, it must have either been in existence and available for use by the general public as of the Application Deadline.</p>
<p>“Public Rail Station”</p>	<p>For purposes of proximity points, a Public Rail Station means a fixed location at which passengers may access the scheduled public rail transportation on a year-round basis at a MetroRail Station located in Miami-Dade County, a TriRail Station located in Broward County, Miami-Dade County or Palm Beach County,</p>

	<p>or a SunRail Station located in the following counties: Orange, Osceola, Seminole, and Volusia.</p> <p>Additionally, it must have either been in existence and available for use by the general public as of the Application Deadline.</p>
“Public School”	<p>Either (i) a public elementary, middle, junior and/or high school, where the principal admission criterion is the geographic proximity to the school; or (ii) a charter school or a magnet school, if the charter school or magnet school is open to appropriately aged children who apply, without additional requirements for admissions such as passing an entrance exam or audition, payment of fees or tuition, or demographic diversity considerations.</p> <p>Additionally, it must have either been in existence and available for use by the general public as of the Application Deadline.</p>
“Regulated Mortgage Lender”	<p>(a) A state or federally chartered entity authorized to transact business in this state that regularly engages in the business of making mortgage loans secured by real property in this state, whose mortgage lending activities subject it to the jurisdiction of the State of Florida Office of Financial Regulation, the Board of Governors of the Federal Reserve, Office of the Comptroller of the Currency, the National Credit Union Administration, or the Federal Deposit Insurance Corporation; (b) A Fannie Mae-approved lender whose name appears on the Fannie Mae list of Delegated Underwriting and Servicing (DUS®) Lenders*; (c) A HUD-approved lender whose name appears on the U.S. Department of Housing and Urban Development (HUD) list of Multifamily Accelerated Processing (MAP) Approved Lenders*; (d) A RD-approved lender whose name appears on the U.S. Department of Agriculture, Rural Development (RD), list of Section 538 Guaranteed Rural Rental Housing approved lenders*; or (e) A Freddie Mac-approved multifamily lender whose name appears on Freddie Mac’s lists of Program Plus (Florida region) lenders, Targeted Affordable Housing lenders or Seniors Housing lenders*; or (f) a mortgage lender that is a certified Community Development Financial Institution (CDFI) in the State of Florida that has been awarded funding from the CDFI Fund in a cumulative amount of at least \$5,000,000, exclusive of New Market Tax Credit (NMTC) awards, whose name and CDFI awards can be confirmed on the CDFI Fund’s web site (Qualified CDFI, and the affiliate(s) of such Qualified CDFI. As used herein, the affiliate(s) of a Qualified CDFI means the parent, subsidiary or successor of the Qualified CDFI, or an entity that shares common ownership or management with the Qualified CDFI. If the lender is an affiliate of the Qualified CDFI, the funding letter(s) being considered by the Corporation must include the name of the Qualified CDFI and a statement that the lender is an affiliate of the Qualified CDFI.</p> <p>*These documents are available on the RFA Webpage.</p>

"Review Committee" or "Committee"	A committee established pursuant to rule Chapter 67-60, F.A.C.
"Set-Aside Units"	<p>When not committing to the Average Income Test, Set-Aside Units are units set aside at or below 60 percent of the Area Median Income for the county in which the Development is located. The total number of Set-Aside Units is then calculated as follows:</p> <p style="padding-left: 40px;">The total number of units within the proposed Development multiplied by the highest Total Set-Aside Percentage the Applicant committed to as stated in the last row of the set-aside breakdown chart in the Set-Aside Commitment section of the Application. Results that are not a whole number will be rounded up to the next whole number.</p> <p>When committing to the Average Income Test, Set-Aside Units are units set aside at or below 80 percent of the Area Median Income for the county in which the Development is located, but the average AMI shall not exceed 60 percent. The total number of Set-Aside Units is calculated by adding together the number of units at or below 80 percent AMI represented on the Total Set-Aside Breakdown Chart.</p>
"Sister Stop"	Sister Stop is defined as two bus stops that (i) individually, each meet the definition of Public Bus Stop; (ii) are separated by a street or intersection from each other; (iii) are within 0.2 miles of each other; (iv) serve the same bus route(s); and (v) the buses travel in different directions.
"Very Low-Income"	<p>With respect to the CDBG-DR Program,</p> <ol style="list-style-type: none"> 1. If using tax-exempt bond financing for the first mortgage, income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as in effect on the date of this rule chapter, or 2. If using taxable financing for the first mortgage, total annual gross household income which does not exceed 50 percent of the median income adjusted for family size, or 50 percent of the median income adjusted for family size for households within the metropolitan statistical area (MSA), within the county in which the Family resides, or within the state of Florida, whichever is greater, or 3. If used in a Development using Housing Credits, income which meets the income eligibility requirements of Section 42 of the IRC.
"Zero Bedroom Unit"	A single person occupancy unit of at least 350 square feet that includes a private full bathroom and a vertical closet for clothing. The unit shall include a kitchen with a refrigerator, stove and sink.

Submitted By:
Melissa Levy, Managing Director of Multifamily Programs
Florida Housing Finance Corporation
227 N. Bronough Street, Suite 5000
Tallahassee, FL 32301
850-488-4197 or Melissa.Levy@floridahousing.org

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

C. **RFA 2024-306 Community Development Block Grant – Disaster Recovery (CDBG-DR) Financing for Affordable Housing Developments Located in Hurricane Ian Impacted Areas**

1. **Background**

- a) On August 1, 2024, Florida Housing Finance Corporation (Florida Housing) issued RFA 2024-306 offering \$90,000,000 in Community Development Block Grant Disaster Recovery (CDBG-DR) funding, which may be use in conjunction with Tax-Exempt Bond financing and Non-Competitive Housing Credits (HC), for Developments in Hurricane Ian impacted counties and based on the available impact criteria and FEMA data.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, September 5, 2024.

2. **Present Situation**

- a) Florida Housing received 39 Applications in response to this RFA. The Review Committee members, designated by the Chief Financial Officer, were David Woodward, Federal Loan Programs Administrator (Chair), Amanda Franklin, Federal Loan Programs Manager, and Nicole Gibson, Federal Loan Programs Director. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its October 9, 2024, Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed here.
- c) The RFA 2024-306 All Applications chart (provided as [Exhibit E](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on Exhibit E and recommendations for funding as set out on [Exhibit E](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on Exhibit E and recommendations for funding as set out on Exhibit F.
- e) The motions passed unanimously.

3. **Recommendation**

- a) Approve the Committee's recommendations that the Board, adopt the scoring results of the 39 Applications and authorize the tentative selection of the 10 Applications (set out on Exhibit F) for funding.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications set out on the Exhibit F.
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation for those Applicants impacted by litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the resulting funding range. For those Applications in the funding range but not impacted by litigation, staff will issue invitations to underwriting as outlined in Exhibit H, Item 3.a. of the RFA.
- d) There is \$100,000 of CDBG-DR funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

RFA 2024-306– Review Committee Recommendations

Total CDBG-DR Funding	90,000,000
Total CDBG-DR Allocated	89,900,000
Total CDBG-DR Remaining	100,000

Application Number	Name of Development	County	County Size	HUD or State-Designated MID?	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	CDBG-DR Base Request Amount	Non-Competitive HC Request Amount	MMRB Request Amount	Eligible For Funding?	Total Points	Federal Funding Experience Preference	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2025-1808D	40th Street Lofts	Hillsborough	L	HUD	Renee Sandell	Paces Preservation Partners, LLC	NC	MR 4	F	65	\$6,500,000	\$1,236,032	\$16,700,000	Y	10	Y	A	Y	Y	1
2025-2038D	Villas on Central	Seminole	M	HUD	J. David Heller	NRP Sunshine Development LLC; WCZ Development, LLC	NC	MR 5-6	F	90	\$10,000,000	\$1,470,217	\$18,000,000	Y	10	Y	A	Y	Y	2
2025-1878D	Amberwood Lofts	Osceola	M	HUD	J. David Heller	NRP Sunshine Development LLC; WCZ Development, LLC	NC	G	F	88	\$9,500,000	\$1,605,666	\$20,000,000	Y	10	Y	A	Y	Y	7
2025-1968D	Rockledge Apartments	Brevard	M	HUD	C. Hunter Nelson	ECG Florida 2023 V Developer, LLC	NC	G	F	84	\$6,900,000	\$1,472,715	\$18,000,000	Y	10	Y	A	Y	Y	15
2025-1988D	Ekos at Santa Clara	Collier	M	HUD	Christopher L. Shear	MHP Collier IV Developer, LLC	NC	G	F	84	\$10,000,000	\$957,604	\$17,600,000	Y	10	Y	A	Y	Y	19
2025-206D	Largo Station	Pinellas	L	HUD	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	MR 4	F	168	\$10,000,000	\$2,450,000		Y	10	Y	A	Y	Y	20
2025-1688D	Highland Creek	Polk	M	HUD	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	120	\$10,000,000	\$1,700,000	\$22,000,000	Y	10	Y	A	Y	Y	22

RFA 2024-306– Review Committee Recommendations

Application Number	Name of Development	County	County Size	HUD or State-Designated MID?	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	CDBG-DR Base Request Amount	Non Competitive HC Request Amount	MMRB Request Amount	Eligible For Funding?	Total Points	Federal Funding Experience Preference	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2025-186D	Desoto Apartments	Manatee	M	HUD	J. David Heller	NRP Sunshine Development LLC; WCZ Development, LLC	NC	MR 4	F	140	\$10,000,000	\$2,113,306		Y	10	Y	A	Y	Y	32
2025-185D	Cortaro Heights Apartments LLC	Hillsborough	L	HUD	J. David Heller	NRP Sunshine Development LLC; WCZ Development, LLC	NC	MR 4	F	100	\$10,000,000	\$1,559,758		Y	10	Y	A	Y	Y	3
2025-1828D	River Fox Commons	Lake	M	State	Renee Sandell	Paces Preservation Partners, LLC	NC	G	E, Non-ALF	92	\$7,000,000	\$1,476,697	\$18,000,000	Y	10	Y	A	Y	Y	37

RFA 2024-306 Board Approved Preliminary Awards

Total CDBG-DR Funding	99,276,000
Total CDBG-DR Allocated	92,900,000
Total CDBG-DR Remaining	6,376,000

Application Number	Name of Development	County	County Size	HUD or State-Designated MID?	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	CDBG-DR Base Request Amount	Eligible For Funding?	Total Points	Federal Funding Experience Preference	A/B Leveraging	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2025-180BD	40th Street Lofts	Hillsborough	L	HUD	Renee Sandell	Paces Preservation Partners, LLC	NC	MR 4	F	65	\$6,500,000	Y	10	Y	A	Y	Y	1
2025-203BD	Villas on Central	Seminole	M	HUD	J. David Heller	NRP Sunshine Development LLC; WCZ Development, LLC	NC	MR 5-6	F	90	\$10,000,000	Y	10	Y	A	Y	Y	2
2025-187BD	Amberwood Lofts	Osceola	M	HUD	J. David Heller	NRP Sunshine Development LLC; WCZ Development, LLC	NC	G	F	88	\$9,500,000	Y	10	Y	A	Y	Y	7
2025-196BD	Rockledge Apartments	Brevard	M	HUD	C. Hunter Nelson	ECG Florida 2023 V Developer, LLC	NC	G	F	84	\$6,900,000	Y	10	Y	A	Y	Y	15
2025-198BD	Ekos at Santa Clara	Collier	M	HUD	Christopher L. Shear	MHP Collier IV Developer, LLC	NC	G	F	84	\$10,000,000	Y	10	Y	A	Y	Y	19
2025-206D	Largo Station	Pinellas	L	HUD	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	MR 4	F	168	\$10,000,000	Y	10	Y	A	Y	Y	20
2025-168BD	Highland Creek	Polk	M	HUD	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc.	NC	G	F	120	\$10,000,000	Y	10	Y	A	Y	Y	22
2025-186D	Desoto Apartments	Manatee	M	HUD	J. David Heller	NRP Sunshine Development LLC; WCZ Development, LLC	NC	MR 4	F	140	\$10,000,000	Y	10	Y	A	Y	Y	32
2025-185D	Cortaro Heights Apartments LLC	Hillsborough	L	HUD	J. David Heller	NRP Sunshine Development LLC; WCZ Development, LLC	NC	MR 4	F	100	\$10,000,000	Y	10	Y	A	Y	Y	3
2025-192BD	Harwick Place	Seminole	M	HUD	Julie von Weller	Harwick Place Developer, LLC; SHA Development, LLC	NC	G	E, Non-ALF	80	\$10,000,000	Y	10	Y	A	Y	Y	4

On October 22, 2024, 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 67-60.009, 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.

EXHIBIT E



RECEIVED

OCT 25, 2024 8:00am

FLORIDA HOUSING FINANCE CORPORATION

ATTORNEYS AT LAW

215 S. Monroe Street | Suite 500
Tallahassee, Florida 32301-1866
P.O. Drawer 190 | Tallahassee, Florida 32302-0190
850.224.1585 | fax 850.222.0398
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Michael Donaldson
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Atlanta
Florham Park
Hartford
Los Angeles
Miami
New York
Orlando
Tallahassee
Tampa
Washington, DC
West Palm Beach

October 25, 2024

Florida Housing Finance Corporation
Ana McGlamory, CP, FCP, FRP
Corporation Clerk
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

ELECTRONIC TRANSMISSION

Re: RFA 2024-306 – Community Development Block Grant – Disaster Recovery (CDBG-DR) Financing for Affordable Housing Developments Located in Hurricane Ian Impacted Areas

Dear Ms. McGlamory:

On behalf of River Fox Commons, LP (“River Fox Commons”) (2025-182BD) this letter constitutes a Notice of Intent to Protest (“Notice”) filed pursuant to sections 120.569 and 120.57(3), Florida Statutes, Rules 28-110.003 and 67.60.009, Florida Administrative Code, and the RFA.

This Notice is being filed within 72 hours (not including weekends and holidays) of the posting of the RFA on the Florida Housing’s website on October 22, 2024, at 10:36 a.m. River Fox Commons reserves the right to file a formal written protest within (10) days of the filing of this Notice pursuant to section 120.57(3), Florida Statutes.

Sincerely,

Michael P. Donaldson
Michael P. Donaldson

MPD/rb

cc: Renee Sandell

Carlton Fields, P.A.
Carlton Fields, P.A. practices law in California through Carlton Fields, LLP.

EXHIBIT F

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

B. RFA 2024-106 Financing to Develop Housing for Persons with Disabling Conditions/Developmental Disabilities

1. Background:

- a) On November 9, 2023, Florida Housing Finance Corporation (Florida Housing) issued RFA 2024-106 offering \$6,000,000 in SAIL Financing, \$3,264,800 in Competitive Housing Credits, \$4,600,000 in grant funding, and \$5,500,000 in forgivable NHTF or HOME-ARP funding for Non-Profit Applicants proposing the development of independent Permanent Supportive Housing for either (i) persons with a Disabling condition that also includes a portion of units for Homeless Households; or (ii) Persons with Developmental Disabilities.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, February 15, 2024.

2. Present Situation:

- a) Florida Housing received 6 Applications in response to this RFA. The Review Committee members, designated by the Chief Financial Officer, were Zach Summerlin, Policy Director (Chair); Freebeau Swindle, Construction Administrator; Jack Hartsfield, Multifamily Programs Manager; Diana Fields, Policy Administrator; Elaine Roberts, Policy Administrator; and Mitch Englert, Multifamily Programs Credit Underwriting Manager. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its March 12, 2024, Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed here.
- c) The RFA 2024-106 All Applications chart (provided as [Exhibit C](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results set out on [Exhibit C](#) and recommendations for funding as set out on [Exhibit D](#);
 - (2) A motion to recommend that the Board approve the scoring results set out on [Exhibit C](#) and recommendations for funding as set out on [Exhibit D](#).
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

3. Recommendation:

- a) Approve the Committee's recommendations that the Board, adopt the scoring results of the 6 Applications and authorize the tentative selection of the 1 Application (set out on [Exhibit D](#)) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Application set out on [Exhibit D](#).
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation for those Applicants impacted by litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to those Applicants in the resulting funding range. For those Applications in the funding range but not impacted by litigation, staff will issue invitations to underwriting as outlined in rule 67-48.0072(1), F.A.C.
- d) There is \$6,000,000 in SAIL funding and \$1,314,800 in Competitive Housing Credits and there is no grant funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.
- e) Staff also recommends the Board approve the preliminary selection of the next highest ranking eligible unfunded Application with a demographic of Disabling Conditions by adding \$1,185,200 in 9% Housing Credit allocation from returned Housing Credit funding in the fourth quarter 2023. If approved, Application 2024-305CSN, The Franklin, would be funded and there would be no funding remaining under this RFA.

MULTIFAMILY PROGRAMS - ALLOCATIONS

Action

B. Request to Allocate Additional SAIL and Housing Credit Funding in RFA 2024-106 Financing to Develop Housing For Persons with Disabling Conditions/Developmental Disabilities

1. Background

- a) On November 9, 2023, staff issued RFA 2024-106, offering \$6,000,000 in SAIL funding, \$3,264,800 in Competitive Housing Credits, \$4,600,000 in grant funding and \$5,500,000 in forgivable NHTF or HOME-ARP funding for Non-Profit Applicants proposing the development of independent Permanent Supportive Housing for either (i) persons with a Disabling condition that also includes a portion of units for Homeless Households; or (ii) Persons with Developmental Disabilities.
- b) The Application Deadline was February 15, 2024, and six applications were received.
- c) At the March 26, 2024 Board Meeting, the Board approved the scoring and selection results of the Review Committee, and two Applications were preliminarily awarded.
- d) There was no SAIL, Grant or Housing Credit Funding remaining.
- e) An unfunded eligible Application filed a formal written protest, which was dismissed on April 24, 2024.
- f) Over the past year, there has been a return of \$6,500,000 in SAIL Financing and a return of \$2,026,298 in Housing Credits (that has not been allocated yet). There is also an excess of \$323,644 in Housing Credit funding remaining for 2024 due to actual Housing Credits exceeding initial estimates.

2. Present Situation

- a) The next highest ranking, eligible Application with a demographic of Disabling Conditions in this RFA is Application number 2024-307CSN (Willow Way Village), with a total SAIL request amount of \$6,000,000 and a total Housing Credit request amount of \$2,142,000. This Development consists of 72 units and is located in Okaloosa County.
- b) Staff would like to utilize \$6,000,000 of the returned SAIL funding and \$2,142,000 of the returned/remaining Housing Credit funding to fully fund Application 2024-307CSN.

3. Recommendation

- a) Authorize staff to utilize \$6,000,000 of the returned SAIL funding and \$2,142,000 of the returned/remaining Housing Credit funding and invite Application 2024-307CSN to enter Credit Underwriting.