

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

CANNERY ROW AT REDLANDS
CROSSING, LLLP

Petitioner

FIHFC Case No.: 2019-008BP
RFA No. 2018-111
Application No. 2019-058C

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

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

Petitioner, CANNERY ROW AT REDLANDS CROSSING, LLLP ("Petitioner"), 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 and scoring decision of Respondent, FLORIDA HOUSING FINANCE CORPORATION ("Florida Housing") to award funding to responsive bidders pursuant to Request for Application 2018-111 Housing Credit Financing for Affordable Housing Developments located in Miami-Dade County, Florida ("RFA"). In support Petitioner provides as follows:

1. Petitioner is a Florida limited liability limited partnership in the business of providing affordable housing. Petitioner is located at 19308 S.W. 380th Street, Florida City, Florida 33034.

2. Florida Housing is the allocating agency for the State of Florida that was granted the authority to issue RFA 2018-111 for the purpose of providing much needed affordable housing. Florida Housing's address is 227 North Bronough Street, Suite 500, Tallahassee, Florida 32301.

3. On September 6, 2018 (as modified on September 25, 2018, October 4, 2018 and October 18, 2018) Florida Housing issued the RFA to offer funding as follows:

Under this RFA, Florida Housing Finance Corporation (the Corporation) expects to have up to an estimated \$6,881,821 of Housing Credits available for award to proposed Developments located in Miami-Dade County. 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.

4. Through the issuance of the RFA, Florida Housing sought to solicit proposals from qualified Applicants that would provide housing consistent with the terms and conditions of the RFA, applicable laws, rule and regulations.

5. On November 6, 2018, Petitioner submitted an Application in response to the RFA that included information concerning a 112 unit apartment complex in Miami-Dade County, Florida. Through the Application, Petitioner was requesting \$2,270,000 of tax credits. Petitioner satisfied all requirements of the RFA. Florida Housing received 67 applications in response to the RFA.

6. As the owner of a project seeking funding through the RFA, Petitioner is substantially affected by the review, scoring, and ranking of the responses to the RFA. The

results of this and related proceedings may affect Petitioner's ability to obtain funding through the RFA.

7. Consistent with the primary mission and goal of the RFA, Petitioner will provide much needed affordable housing in Miami-Dade County. Without the funds provided by the RFA, Petitioner will be unable to provide this much needed housing. Accordingly, Petitioner's substantial interests are affected by the decisions made by Florida Housing.

8. On January 23, 2019, consistent with the RFA instructions, the Florida Housing designated Review Committee met and considered the Applications responding to the RFA. At the meeting, the Review Committee orally listed and manually inputted the scores for each section of each RFA Response and ultimately made recommendations to the Board of Directors for their consideration. The Review Committee consisted of Florida Housing staff.

9. During the meeting, the Review Committee determined the eligibility of each Application. The Review Committee determined that Petitioner's Application was eligible for funding and a recommendation was made to award Petitioner its requested funding. At the conclusion of the meeting, the Review Committee voted to send a funding recommendation to Florida Housing Board of Directors for approval.

10. On February 1, 2019, Florida Housing's Board of Directors accepted the Review Committee's ranking and funding recommendations, which included finding Petitioner eligible and awarding funding to Petitioner. (See Attachment A)

11. On February 6, 2019, Petitioner in an abundance of caution timely filed its Notice of Intent to Protest the determination that its Application was eligible and tentatively awarded

funding. This Formal Written Protest is being timely filed and Florida Housing has waived the bid protest bond requirement for the RFA. As a provider of affordable housing in need of supplemental funding, Petitioner's substantial interests are affected by Florida Housing's decision to award the necessary funding pursuant to the RFA. Without the funding, Petitioner will not be able to develop the proposed development.

12. Petitioner takes the position that Florida Housing's scoring of its Application was neither erroneous, arbitrary, capricious or contrary to competition.

13. Several other notices of intent to protest, however, have been filed and Florida Housing's scoring actions may be changed by those challenges. The results of any challenge may impact Petitioner's funding and Petitioner believes that any change to the current scoring would be arbitrary and capricious.

14. Petitioner reserves the right to amend this petition as additional documents and facts are discovered to raise issues concerning the eligibility of other applications which responded to the RFA and may challenge the Petitioner's Application.

15. Materials issues to be resolved:

(a) Whether the review of Petitioner's Application in response to the RFA was consistent with the RFA requirements, or Florida Housing policies.

(b) Whether Florida Housing's review and actions taken concerning Petitioner's Application were arbitrary or capricious, clearly erroneous or contrary to competition.

(c) Whether Florida Housing's review of all applications submitted in response to the RFA was arbitrary, capricious, clearly erroneous or contrary to competition.

Wherefore, Petitioner requests that a settlement meeting be scheduled and if settlement is not reached, a hearing be scheduled and ultimately an order be entered determining that Florida

Housing's review and scoring of Petitioner's Application was consistent with the RFA specifications and Florida Housing's governing statutes, rules and policies to such an extent as to not be arbitrary, capricious, contrary to competition, or clearly erroneous.

Respectfully submitted,

SHUTTS & BOWEN LLP



GARY J. COHEN
Florida Bar No. 0353302
200 S. Biscayne Boulevard, Stc. 4100
Miami, FL 33131
Telephone: (305) 347-7308
Facsimile: (305) 347-7808
Email: gcohen@shutts.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a copy of the foregoing has been filed by E-Mail and Federal Express to Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, this 15th day of February, 2019.



GARY J. COHEN

RFA 2018-111
Board Approved Preliminary Awards

Attachment A

Total HC Available for RFA	5,881,811.00
Total HC Allocated	6,780,850.00
Total HC Remaining	100,971.00

Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developer	Demo	Total Units	HC Funding Amount	Eligible For Funding?	Qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Qualifies as a Non-Profit Applicant?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Florida Job Creation Preference	Lottery Number
2018-045C	Luxia	William Todd Sabon	The Estate Group of Florida, Inc.	F	206	1,875,000.00	Y	Y	N	15	Y	Y	Y	A	Y	7
One Family (AUF or Non-AUF) Application																
2018-075C	455 Brasas Trace	Steve Precilla	HUDOC Development Services, LLC, Lux Reha Trace Developer, LLC	E, Non-AUF	119	2,535,850.00	Y	N	Y	15	Y	Y	Y	A	Y	1
One Non-Profit Application																
2018-098C	Conroy Row at Woodbuds Crossing	Steven C. Gek	Rural Neighborhoods, Incorporated	E, Non-AUF	112	2,279,000.00	Y	N	Y	15	Y	Y	Y	A	Y	3

On February 1, 2019, 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 as follows: The Applicants to enter credit underwriting.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Sections 126.571(3), Fla. Stat., Rule 62-60.005, F.A.C., and Rule 62-60.005, F.A.C., and Rule 62-60.005, F.A.C. to file a protest within the time prescribed in Section 126.571(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.