

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

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AMBAR TRAIL, LTD.,

Petitioner,

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

FLORIDA HOUSING
FINANCE CORPORATION
FHFC Case No.: 2020-005BP

RFA 2019-112

Application No. 2020-142C

FORMAL WRITTEN PROTEST
AND PETITION FOR ADMINISTRATIVE HEARING

Petitioner Ambar Trail, Ltd. ("Petitioner" or "Ambar Trail") files this Formal Written Protest and Petition for Administrative Hearing ("Petition") pursuant to section 120.57(3), Florida Statutes, and rules 67-60.009 and 28-110.004, Florida Administrative Code. This Petition challenges the preliminary awards and scoring decisions of Respondent Florida Housing Finance Corporation ("Florida Housing") in connection with Request for Applications ("RFA") 2019-112, Housing Credit Financing for Affordable Housing Developments Located in Miami-Dade County.

I. Summary

1. This petition challenges the fundamental fairness and propriety of Florida Housing's evaluation and selection process in connection with RFA 2019-112. More specifically, and as discussed in detail below, Florida Housing erred by failing to take any action regarding 15 Priority I Applications submitted by entities associated with Housing Trust Group, LLC ("HTG"), which openly avoided and defied the RFA provisions that (1) were intended to limit the number of competitive Applications submitted by each Developer to no more than "three (3) Priority I Applications" and (2) were intended to foster fair competition based on Corporation Funding Per

Set Aside Unit. Florida Housing's failure to take any action with respect to the 15 affiliated Priority I applications placed other Applicants, including Petitioner – Applicants who followed the RFA's limitations regarding submission of Priority I Applications, and who did not act to eliminate competition on the basis of Corporation Funding Per Set Aside Unit – at a competitive disadvantage and rendered the entire RFA's scoring and selection process fundamentally unfair. Consequently, in accordance with longstanding procurement law requiring fairness in competitive bidding, the RFA must be withdrawn and all preliminary awards and scores must be rescinded. Florida Housing must issue a new RFA for Housing Credit financing in Miami-Dade County that treats all Applicants fairly.

2. Florida Housing's Director of Multifamily Programs, Marisa Button, made an unprecedented statement at the Florida Housing Review Committee meeting on January 9, 2020, when the 63 Applications submitted in response to the RFA were scored, and preliminary awards were recommended to the Florida Housing Board of Directors ("Board"). Ms. Button read a detailed statement into the record noting many of the "organizational commonalities" among the 15 HTG Applications. *See* Transcript of Florida Housing Review Committee Meeting, pp. 23-24 (full transcript attached as **Exhibit A**). The Review Committee then went on to score the Applicants (including those 15 entities affiliated with HTG) and to approve recommendations of awards to the Board.¹

¹ One of the HTG Applications was recommended for funding at the January 9, 2020, meeting. (Orchid Pointe, App. No. 2020-148C, was preliminary selected to satisfy a goal of funding an Elderly Development). However, the Review Committee reconvened on January 21, 2020, to rescore the Applications after it was determined that three Applications that had been found ineligible because they or their affiliates were in financial arrears to Florida Housing were, in fact, not in arrears as of the close of business on January 8, 2020. The rescoring resulted in a different Applicant, not affiliated with HTG, being recommended for funding. The replacement of the previously recommended HTG Applicant was unrelated to the "organizational commonalities"

3. Despite the public airing of the “organizational commonalities” of the 15 HTG Applications at the Review Committee meeting, Florida Housing’s staff said nothing about the related Applications at the Board meeting on January 23, 2020, when the Review Committee’s recommendations were considered and approved. Nor did any material in the Board’s agenda packets reference the concerns that Ms. Button identified at the Review Committee meeting regarding the HTG entities’ Applications. Thus, absent some conversations outside of a public meeting, it appears Board members (who collectively serve as the governing body and “agency head” of Florida Housing) were unaware of the efforts of one Developer to manipulate the requirements of the RFA for that Developer’s own benefit.

4. The relief sought by this Petition is the withdrawal of RFA 2019-112 and all preliminary recommendations relating to scoring, ranking, and funding of the submitted Applications. Petitioner requests that a new RFA be issued, with appropriate changes to ensure a level playing field, relating to Housing Credit Financing for Affordable Housing Developments Located in Miami-Dade County.

II. Parties

5. Petitioner is a legally formed entity qualified to do business in Florida that applied for funding pursuant to the RFA. Petitioner sought funding in connection with the proposed new construction of a 210-unit, mid-rise, four-story apartment complex called Ambar Trail in Miami-Dade County, Florida, to serve the family demographic. For purposes of this proceeding, Petitioner’s address, telephone number, and email address are those of its undersigned counsel. Petitioner is represented by Donna E. Blanton of the Radey Law Firm, 301 S. Bronough Street,

referenced by Ms. Button, and no reference to the 15 common HTG Applications was made at the January 21 Review Committee meeting.

Suite 200, Tallahassee, Fla. 32301; 850-425-6654 (phone); 850-425-6694 (fax); dblanton@radeylaw.com.

6. Florida Housing is the agency affected by this Petition. Florida Housing's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301. Florida Housing's file number for Petitioner's application is 2020-142C.

III. Notice

7. Petitioner received notice of Florida Housing's intended decision to award funding pursuant to the RFA on January 23, 2020, when Florida Housing's Board voted to approve the recommendation of its Review Committee, which previously had recommended certain applicants for funding. Copies of the formal notices posted on the Florida Housing website on January 24, 2020, concerning the Board's action are attached as **Exhibit B (RFA 2019-112 Board Approved Preliminary Awards)** and **Exhibit C (RFA 2019-112 Board Approved Scoring Results)**. Petitioner was determined to be eligible for funding, but was not among those recommended for funding.

8. Petitioner timely filed a notice of intent to protest on January 29, 2020. A copy of that notice is attached as **Exhibit D**.

IV. Background

9. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of awarding various types of funding for affordable housing in Florida. RFA 2019-112 proposes to award \$7,195,917 of Housing Credit financing for affordable housing Developments located in Miami-Dade County.

10. Florida Housing has the responsibility and authority to establish procedures for allocating and distributing various types of funding for affordable housing. In accordance with

that authority, Florida Housing has adopted chapter 67-60, Florida Administrative Code, which governs the competitive solicitation process for several programs. Applicants for funding pursuant to RFA 2019-112 are required to comply with provisions of the RFA. *See* RFA, § Three F.3., p. 6.

11. The RFA was issued on August 20, 2019, and amended on September 19, 2019, and on October 8, 2019. Applications were required to be submitted to Florida Housing by October 22, 2019. The RFA establishes a series of mandatory eligibility requirements, as well as a detailed process of selecting Applicants for funding. *See* RFA, pp. 63-69 (§ Five A. and B.). Applicants that do not meet the identified “Eligibility Items” on page 64 of the RFA cannot be selected for funding.

12. This RFA also established a “Priority Designation of Applications,” which provides in relevant part:

Priority Designation of Applications

Applicants may submit no more than three (3) Priority I Applications. There is no limit to the number of Priority II Applications that can be submitted; however, no Principal can be a Principal, as defined in Rule Chapter 67-48.002(94), F.A.C., of more than three (3) Priority I Applications.

For purposes of scoring, Florida Housing will rely on the Principals of the Applicant and Developer(s) Disclosure Form (Rev. 05-2019) outlined below in order to determine if a Principal is a Principal on more than three (3) Priority I Applications. If during scoring it is determined that a Principal is disclosed as a Principal on more than three (3) Priority I Applications, all such Priority I Applications will be deemed Priority II.

If it is later determined that a Principal, as defined in Rule Chapter 67-48.002(94), F.A.C., was not disclosed as a Principal and the undisclosed Principal causes the maximum set forth above to be exceeded, the award(s) for the affected Application(s) will be rescinded and all Principals of the affected Applications may be subject to material misrepresentation, even if the Applications were not selected for funding, were deemed ineligible, or were withdrawn.

RFA, pp. 6-7 (§ Four A.). According to statements of Florida Housing’s staff at workshops, the purpose of the provision was to incentivize Developers to submit their best Applications and to limit the overall number of Applications submitted, given the limited amount of Housing Credit financing available.

13. The definition of “Principal” in rule 67-48.002(94) provides:

“Principal” means:

- (a) For a corporation, each officer, director, executive director, and shareholder of the corporation.
- (b) For a limited partnership, each general partner and each limited partner of the limited partnership.
- (c) For a limited liability company, each manager and each member of the limited liability company.
- (d) For a trust, each trustee of the trust and all beneficiaries of majority age (i.e., 18 years of age) as of the Application deadline.
- (e) For a Public Housing Authority, each officer, director, commissioner, and executive director of the Authority.

14. The RFA awarded five points to each Applicant that submitted a Pre-Approved Principal Disclosure Form to Florida Housing, five points relating to the Development Experience Withdrawal Disincentive, and five points for contributions from a Local Government. Because many Applicants often achieve the maximum number of points and meet the mandatory eligibility requirements, the RFA sets forth a series of tie-breakers to determine which Applications will be awarded funding. The RFA also established specific goals to fund certain types of developments. The goals and tie-breakers are as follows:

1. Goals

- a. The Corporation has a goal to fund one (1) proposed Development that (a) selected the Demographic Commitment of Family at question 2.a. of Exhibit A and (b) qualifies for the Geographic Areas of Opportunity/SADDA Goal as outlined in Section Four A.11.a.

b. The Corporation has a goal to fund one (1) proposed Development that selected the Demographic Commitment of Elderly (Non-ALF) at question 2.a. of Exhibit A.

*Note: During the Funding Selection Process outlined below, Developments selected for these goals will only count toward one goal.

2. Application Sorting Order

All eligible Priority I Applications will be ranked by sorting the Applications as follows, followed by Priority II Applications.

- a. First, from highest score to lowest score;
- b. Next, by the Application's eligibility 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;
- c. Next, by the Application's eligibility for the Per Unit Construction Funding Preference which is outlined in Section Four A.10.e. of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- d. Next, by the Application's eligibility for the Development Category Funding Preference which is outlined in Section Four A.4.(b)(4) of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference);
- e. 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);
- f. Next, by the Application's eligibility for the Florida Job Creation Funding Preference which is outlined in Item 4 of Exhibit C of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference); and
- g. And finally, by lottery number, resulting in the lowest lottery number receiving preference.

RFA, pp. 67-68 (§ Five B.1. and 2.).

15. The Leveraging Classification referenced in the Application Sorting Order is

explained in detail on pages 98-100 of the RFA. In essence, eligible Applicants are sorted into Group A or Group B based on the amount of total Corporation funding per set-aside unit that each Applicant requests. Applicants assigned to Group A are those requesting a lower amount of total Corporation funding per set-aside unit. Generally, the Leveraging Classification results in approximately 80 percent of the Applicants being assigned to Group A and 20 percent of Applicants being assigned to Group B. Group A Applicants are funded before Group B Applicants, which means that Applicants have an incentive to be efficient in estimating their costs to ensure that their requested funding places them in Group A. In separating the Group A Applicants from the Group B Applicants, the RFA provides as follows:

The total number of Applications on the New Construction List will be multiplied by 80 percent and the resulting figure will be rounded up to the next whole number (the resulting figure after rounding will be referred to as the “New Construction A/B Cut-Off”). A line will be drawn below the Application whose place on the list is equal to the New Construction A/B Cut-Off. If any Application(s) below the line has the same total Corporation funding request per set-aside unit as the Application immediately above the line, the line will be moved to a place immediately below that Application(s). Applications above the New Construction A/B Cut-Off will be classified as Group A and Applications below the New Construction A/B Cut-Off will be classified as Group B.

(Emphasis supplied). In other words, once the A/B Cut-Off line is determined, Florida Housing checks to see if the Applicant immediately below the line has the same total Corporation Funding Request Per Set-Aside unit as the Applicant above the line. If so, the line is moved down to ensure that Applicants requesting the same amount of funding are in Group A.

16. The Funding Selection Process then provides:

a. The first Application selected for funding will be the highest ranking eligible Priority I Family Application that qualifies for the Geographic Areas of Opportunity / SADDa Goal. If there are none, then the first Application selected for funding will be the highest ranking eligible Priority II Family Application that qualifies for the Geographic Areas of Opportunity / SADDa Goal.

b. The next Application selected for funding will be the highest ranking eligible Priority I Application that qualifies as an Elderly (Non-ALF) Development. If there are none, then the next Application selected for funding will be the highest ranking eligible Priority II Application that qualifies as an Elderly (Non-ALF) Development.

c. The next Application(s) selected for funding will be the highest ranking unfunded Priority I Application(s), regardless of Demographic Category until no more than three (3) total Applications are selected for funding. If less than three Applications are selected for funding and there are no eligible unfunded Priority I Applications, then the next Application(s) selected for funding will be the highest ranking unfunded Priority II Application(s), regardless of Demographic Category until no more than three (3) total Applications are selected for funding. If the third Application cannot be fully funded, it will be entitled to receive a Binding Commitment for the unfunded balance.

d. If funding remains after selecting the three (3) highest ranking eligible unfunded Applications as outlined above, or if funding remains because there are not three (3) eligible Applications that can be funded as outlined above, then no further Applications will be considered for funding and any remaining funding will be distributed as approved by the Board.

17. As previously noted, the Review Committee met on January 9 and January 21 to score the Applications and select Applicants for funding. The Committee followed the Funding Selection Process on page 68 of the RFA to recommend the following three Applications for funding: Harbour Springs (App. No. 2020-101C), which met the Geographic Areas of Opportunity/SADDA Goal; Slate Miami (App. 2020-122C), which met the Elderly (non-ALF) Goal; and Residences at Naranja Lakes, which was the next highest-ranked eligible Priority 1 Application. The Board approved the Committee's recommendations at its meeting on January 23, 2020.

V. The HTG Entity Applications

18. During the process of reviewing the submitted Applications, Florida Housing noticed that 15 of the 63 submitted Applications had certain common features. Although no Principal on those Applications appeared on more than three Applications, numerous other commonalities suggested that all of the Applications were affiliated with HTG, according to the

statement read by Ms. Button at the January 9, 2020, Review Committee meeting. A complete copy of Ms. Button's signed statement that she read into the record can be found at **Exhibit E**.

19. Ms. Button first read the provision in Section Four A. of the RFA relating to Priority Designation of Applications. Then she read the following:

The following Priority I designated Applications contain Principals of the Applicant and Developer(s) Disclosure Forms with separate designations:

Authorized Principal Representative: Mathew Rieger	Authorized Principal Representative: Randy Rieger	Authorized Principal Representative: Cara Balogh	Authorized Principal Representative: Orli Teitelbaum	Authorized Principal Representative: Robert Balogh
2020-097C	2020-102C	2020-091C	2020-132C	2020-095C
2020-109C	2020-115C	2020-100C	2020-148C	2020-103C
2020-146C	2020-105C	2020-130C	2020-149C	2020-133C

The Principals of the Applicant and Developer(s) Disclosure Forms for these Applications do not reflect a Principal designated on more than 3 Priority 1 Applications. However, the designated Priority I Applications share the following organizational commonalities, including:

- Under Section Three A.4.b., of the RFA, all 15 Applications submitted an Application Fee provided by HTG United, LLC from the same account number.
- Under Section Three A.4.a., of the RFA, all 15 Applications were submitted with hard copy binders under the cover sheet of Housing Trust Group, with the address of Aviation Avenue, Coconut Grove, Florida.
- Under Section Four A.3.c.2., of the RFA, all 15 of the Advance Review of Principal Disclosure Form requests for the Applications were submitted from individuals associated with Housing Trust Group, LLC at the address 3225 Aviation Avenue, Coconut Grove, Florida.
- Under Section Four A.3.e.2., of the RFA, all of the Applications share the same operational Contact Person, Scott Osman, associated with Housing Trust Group, LLC, at 3225 Aviation Avenue, Coconut Grove, Florida.
- With the exception of Application 2020-109C, under Exhibit C Section 3 of the RFA, all of the Applications share the exact same Corporation Funding Per Set Aside Amount.

See **Exhibit E**; see also **Exhibit A**, pages 20-24 (transcript).²

² In addition to the similarities in the Applications identified by Ms. Button, all 15 of the HTG Applications had the same Housing Credit investor, Raymond James Tax Credit Funds, Inc.,

20. Ms. Button then made a statement putting HTG on notice that “if it is determined at a later point that a principal was not disclosed on any of the applications” then “the affected applications will be *rescinded*, and all principals of the affected applications may be subject to material misrepresentation consequences.” **Exhibit A**, pp. 23-24. (Emphasis supplied). As noted earlier, the Board apparently was not informed of Ms. Button’s concerns, and all HTG Applications were scored and determined to be eligible.

21. Florida Housing should have determined that all of the HTG Applications violated Florida Housing’s intent to limit Priority I Applications, given the noted commonalities. The most egregious of these commonalities is identified in the last bullet point cited by Ms. Button in her written statement, that 14 of the 15 Applications “share the exact same Corporation Funding Per Set Aside Amount.”³ That amount, \$158,961.60, was the highest requested Corporation Funding Per Set Aside Unit amount identified by any eligible Applicant. When the Review Committee did the math to compute the A/B Cut-Off line, the line fell below the first of the 14 HTG applications with the same requested funding per set-aside unit. Because all other Applications below that line had requested the exact same Corporation Funding Per Set Aside Unit, \$158,961.60, the Group A line was extended to the end of the eligible Applications. Thus, all of the Priority I Applications

and each had the same first mortgage lender, JPMorgan Chase Bank, N.A. Additionally, a review of site control documents involving third parties in the HTG applications shows that 14 of the 15 Applications included documents that were executed by HTG entities. Matthew Rieger was the signatory in 12 of the 15 site control documents and Randy Rieger was the signatory in 2 of the site control documents, prior to assignment to the respective applicant entities, as applicable. Additionally, the Principals identified in Ms. Button’s chart have all been long-associated with HTG. Randy Rieger is Matthew Rieger’s father, and Robert and Cara Balogh are married. Orli Teitlebaum is listed on record with the State of Florida as an officer in dozens of entities controlled by Robert and Cara Balogh, as well as several entities involving Randy and Matthew Rieger, including entities with “HTG” as part of their name.

³ The one Application that is different is Shoreview Place (App. No. 2020-109C).

that had previously been determined to be eligible for funding were all in Group A, and there were no Group B Applicants. A total of 63 Applications were submitted in response to RFA 2019-112. The 14 related HTG applications with the same requested funding per set-aside unit represented 22.22% of total submitted applications. This volume of Priority I applications from one Developer, while other Developers' Priority I applications were capped, had the effect of manipulating and rendering meaningless Florida Housing's Leveraging Classification process described on pages 98-100 of the RFA. Put simply, the process was designed to eliminate the 20% highest request amounts per unit, but was manipulated when Florida Housing permitted one Developer to submit more than 20% of the Priority I applications as a unified blocking piece. **Exhibit A**, p. 41. A spreadsheet sorting all RFA 2019-112 Applications by Total Corporation Funding Per Set-Aside Unit is attached at **Exhibit F**. It shows that the last 14 Applications are all those affiliated with HTG entities and that each of them has a total Corporation Funding Per Set-Aside Unit amount request of \$158,961.60.

22. It defies belief that each of the five HTG-related entities independently arrived at the same funding request per set-aside unit. It is not unusual for Applications submitted by the same Developer to have the same Corporation funding request per set-aside unit, assuming the proposed Developments are of a similar type, as the Developer has presumably done its best to efficiently estimate the project costs and is aiming to be in Group A. The Developer does not want to disadvantage any one of its Application over another, so the requested funding per set-aside unit is made the same so that the A/B Cut-Off line does not fall between two of the Developer's Applications. However, it defies logic and statistics for five unrelated Applicants to have the exact same total Corporation Funding Per Set-Aside Unit.

23. By manipulating the Leveraging Classification calculations to ensure that all of its

Applications were in Group A, the HTG entities effectively rendered the Leveraging Classification procedures meaningless and placed greater emphasis on lottery numbers in determining which Applicants would be funded. Because HTG entities submitted 15 Priority I Applications instead of the three Priority I Applications other Developers were allowed, the HTG entities increased their chances of obtaining lower (better) lottery numbers. Had HTG entities submitted only three Applications, there would have been 51 total Applicants instead of 63. The mathematical chances of a rule-abiding Developer obtaining a more favorable lottery number are far worse when one Developer is allowed to submit five times the number of applications as the rule-abiding developer.⁴

VI. Substantial Interests Affected

24. Florida Housing's scoring and selection processes are subject to the bid protest provisions in the Administrative Procedure Act, chapter 120, Florida Statutes. Courts and Administrative Law Judges ("ALJs") interpreting these provisions have held that participants in procurements, even if a participant has no chance of getting the contract, have standing to challenge the fundamental fairness of the process. *Fairbanks, Inc. v. State, Dep't of Transp.*, 635 So. 2d 58 (Fla. 1st DCA 1994) (even nonbidders can establish standing when the fundamental fairness of the public contracting process is challenged). *See also NCS Pearson, Inc. v. Dep't of Educ.*, DOAH Case No. 04-3976BID, Recommended Order, ¶ 85 (February 8, 2005), where the ALJ wrote:

Both Petitioner, the protestor, and Harcourt, an Intervenor, have challenged the fundamental fairness of Respondent's procurement process. Both vendors argue that the evaluation committee's review of supplemental material after proposals were opened and the evaluation committee's failure to consider proposal

⁴ Lottery numbers are assigned, at random, by Florida Housing shortly after the Applications are received and before any scoring has begun.

alternatives during the evaluation process were contrary to Respondent's governing statutes and the RFP. These challenges to the propriety of the evaluation process provide a basis for standing of both vendors. They argue that under a fair procurement process that followed the requirements of section 120.57(3), Florida Statutes (2004), and the RFP, Harcourt or Petitioner may have received a higher score and been awarded the contract instead of CTB. They argue, further, that every vendor that participated in this flawed procurement is entitled to a rebidding under a fair process, which may result in an award to any of the bidders. . . . Both Petitioner and Harcourt were "adversely affected" by the alleged flawed process that led to Respondent's proposed agency action.

(Emphasis supplied).

25. Other cases also have found that a low-ranked bidder who cannot effectively challenge all of the higher-ranked bidders has standing when the fairness of the process itself is under attack. *E.g., Bozell, Inc. v. State of Florida Department of the Lottery*, DOAH Case No. 91-3165BID, Recommended Order, ¶ 80 (July 25, 1991) (Fourth-ranked bidder had standing not only to protect its position but to challenge "the propriety of the evaluation process."). *Barton Protective Services, LLC v. Dep't of Transp.*, DOAH Case No. 06-1541BID, Recommended Order, ¶ 2 ("Petitioner has an independent basis for standing because of its challenge to the fundamental fairness of the RFP process.").

26. In determining that parties have standing in a particular procurement, courts and ALJs have often focused on the intent behind public procurement statutes that a fair process be provided. In *Fairbanks*, the First District Court of Appeal noted:

The courts of this state have held on numerous occasions that the legislative intent behind such statutes is protection of the public. . . . Given such an intent, such statutes 'should be construed to advance their purpose and to avoid their being circumvented.' *Marriot Corp. v. Metropolitan Dade County*, 383 So. 2d 662, 665 (Fla. 3d DCA 1980).

. . . .

[In] *Groves Watkins* the court concluded that, notwithstanding the broad discretion invested in the Department by the legislature, because of the manifest overriding

concern for the integrity of the bidding process, bidders are entitled to some administrative review of the Department's decisions.

635 So. 2d at 60.

27. The First District Court of Appeal also has commented on the need for fairness, honesty, and consistency in Florida Housing's scoring and selection process of Applicants, stating:

Common sense and logic dictate that if such a program of economic incentives to private investors to commit to low-income housing is to succeed, the process of determining who is qualified for loans and/or tax credits must be administered fairly, honestly, and consistently according to the rules that Appellee [Florida Housing] is charged with implementing. The allegations in the petition, taken as true for purposes of appellate review, indicate that the scoring and ranking process used by Appellee to evaluate Appellant's and Windsong II's applications was not carried out in a manner consistent with the agency's mandate to create and administer investment incentives. Once it became aware of perceived irregularities or improprieties in the application evaluation procedures employed by Appellee, Appellant was denied any meaningful opportunity to be heard. Were Appellee's interpretation of its rules to be approved by this court, then an unsuccessful, simultaneous applicant for a finite, limited benefit who questions the integrity of the evaluation process itself would not have an adequate forum to be heard. An agency could act fraudulently, illegally, arbitrarily, dishonestly, or inconsistently with impunity. The administrative need for decisional finality is a nullity if the road toward closure does not permit a reasonable point of entry for an aggrieved applicant to speak and be heard.

Ybor III, Ltd. v. Florida Housing Finance Corp., 843 So. 2d 344, 346 (Fla. 1st DCA 2003).⁵

28. Florida courts have long held that competitive bidding requirements are intended to protect the public "against collusive contracts; to secure fair competition upon equal terms to all bidders; to remove not only collusion but temptation for collusion and opportunity for gain at public expense; to close all avenues to favoritism and fraud in various forms; to secure the best values at the lowest possible expense; and to afford an equal advantage to all desiring to do

⁵ *Ybor* involved a previous version of Florida Housing's processes for scoring and ranking Applicants, but the point remains the same: Applicants must have an opportunity to challenge a process that is inconsistent with the agency's governing statutes, rules, policies, or the solicitation specifications. Petitioner does here, given its challenge to the fundamental fairness of the process.

business with the [government], by affording an opportunity for an exact comparison of bids.” *Wester v. Belote*, 103 Fla. 976, 138 So. 721, 723-24 (Fla. 1931); *Finley Method Co. v. Standard Asphalt Co. of Florida*, 104 Fla. 126, 139 So. 795, 796-97 (Fla. 1932) (“What the public has to be on guard against . . . [is] the suave and insidiously evasive arrangements which, operating in secret understandings between contractors and their privies, tend to produce an effect as harmful in result as the most direct misconduct or malfeasance.”).

29. Petitioner submitted an eligible Application in response to RFA 2019-112. Petitioner was disadvantaged by the unfair RFA review, scoring, and funding process employed by Florida Housing. All other Applicants in RFA 2019-112 adhered to the requirement in the RFA that only three Priority I Applications may be submitted by the same Principal. Only the HTG entities attempted to “game the system” in a way that made it more likely that one or more of their entities would be selected for funding. Such gamesmanship is exactly what the Court in *Finley Method* warned about: “suave and insidiously evasive arrangements [that] tend to produce an effect as harmful in result as the most direct misconduct or malfeasance.” *Id.*

VII. Florida Housing’s Remedies Regarding the HTG Applications

30. Two RFA provisions, in addition to the provision Ms. Button addressed in her statement, gave Florida Housing the ability to address the concerns about the HTG Applications when they became apparent. Section Three C.2. of the RFA provides:

C. Florida Housing reserves the right to:

1. Waive Minor Irregularities; and

2. Accept or reject any or all Applications received as a result of this RFA.

RFA, p. 5, § Three C.2. (Emphasis supplied). Further, Section Six provides:

The Board may use the Applications, the Committee’s scoring, any other information or recommendation provided by the Committee or staff, and any other information the Board deems relevant in its selection of Applicants to whom to

award funding. Notwithstanding an award by the Board pursuant to this RFA, funding will be subject to a positive recommendation from the Credit Underwriter based on criteria outlined in the credit underwriting provisions in Rule Chapter 67-48, F.A.C.

RFA, p. 69, § Six.

31. Given these provisions, it is particularly surprising that Florida Housing staff chose not to advise the Board at its meeting on January 23, 2020, of staff's concerns about the "organizational commonalities" of the 15 HTG entity, Priority I Applications. The Board may have decided to restore fairness by discarding and restarting the process (with additional safeguards against the behaviors that HTG engaged in), which it plainly has the authority to do pursuant to Section Six of the RFA.

32. Florida Housing now must withdraw RFA 2019-112 and rescind all of its scoring results and preliminary awards, given the unfairness of the process.⁶ While that action may give rise to a challenge pursuant to section 120.57(3), Florida Statutes, from one or more unhappy Applicants, Florida Housing would be on solid ground, given all of the circumstances, and any challenger to that decision would bear a high burden of proof. § 120.57(3), Fla. Stat. ("In any bid-protest proceeding contesting an intended agency action to reject all bids, proposals, or replies, the standard of review by an administrative law judge shall be whether the agency's intended action is illegal, arbitrary, dishonest, or fraudulent.").

33. Petitioner asserts that a rejection of all Applications, a withdrawal of the RFA, and the reissuance of a new RFA is the appropriate remedy at this juncture.

⁶ A lesser remedy, such as disqualifying the HTG Applications, reassigning lottery numbers, and rescoring the Applications is not feasible at this point, given that some Applicants may have lost site control or had other changes occur since the Applications were submitted last October.

VIII. Disputed Issues of Material Fact and Law

34. Disputed issues of material fact and law include, but may not be limited to:
- a. Whether Florida Housing's Preliminary Awards and Approved Scoring Results are contrary to the agency's governing statutes, the agency's rules or policies, or the solicitation specifications;
 - b. Whether Florida Housing's Preliminary Awards and Approved Scoring Results are clearly erroneous, contrary to competition, arbitrary, or capricious;
 - c. Whether Florida Housing erred by failing to take any action concerning all 15 Priority I Applications submitted by entities associated with HTG;
 - d. Whether the fundamental fairness and propriety of Florida Housing's scoring and award process relating to RFA 2019-112 was compromised by Florida Housing's failure to take any action concerning all 15 Priority I Applications submitted by entities associated with HTG;
 - e. Whether it was appropriate for the five HTG-related entities that submitted Applications to structure their financial cost pro formas such that 14 of the 15 Applications had the identical total Corporation Funding Per Set-Aside Unit;
 - f. Whether the five HTG-related entities that submitted Applications coordinated in an appropriate manner in connection with their Applications submitted in response to RFA 2019-112;
 - g. Whether Petitioner and other Applicants who followed the provisions of the RFA relating to Priority Designation of Applications were placed at a competitive disadvantage

by the actions of the HTG entities in submitting the 15 Applications with “organizational commonalities.”

h. Whether Florida Housing staff should have taken its concerns regarding the 15 HTG entity Applications to the Board, which is the “agency head” (pursuant to the Administrative Procedure Act) for Florida Housing.

IX. Statement of Ultimate Facts

35. Ultimate facts alleged are that Florida Housing’s review process in connection with RFA 2019-112, including preliminary scoring and funding decisions, was fundamentally unfair and contrary to competition.

X. Right to Amend

36. Petitioner specifically reserves the right to amend this Petition as additional information is developed through discovery or through the review of public records.

XI. Statutes and Rules that Entitle Petitioner to Relief

37. Statutes and rules entitling Petitioner to Relief are Part V of chapter 420, Florida Statutes; sections 120.569 and 120.57, Florida Statutes; and Chapters 67-48, 67-60, 67-53, 28-106, and 28-110, Florida Administrative Code.

XII. Demand for Relief

38. Petitioner respectfully requests that:

a. Florida Housing schedule a meeting with Petitioner to discuss resolution of this protest within seven business days, as required by section 120.57(3)(d)1., Florida Statutes;

b. Florida Housing refer this petition to the Division of Administrative Hearings for assignment of an Administrative Law Judge (“ALJ”);

c. The ALJ enter a Recommended Order determining that Florida Housing should withdraw RFA 2019-112 and all associated preliminary scoring and award decisions and issue a new RFA in connection with Housing Credit financing for affordable housing developments located in Miami-Dade County.

d. That Florida Housing adopt the Recommended Order of the ALJ as a Final Order.

Respectfully submitted this 10th day of February, 2020.

/s/ Donna E. Blanton
DONNA E. BLANTON
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COUNSEL FOR AMBAR TRAIL, LTD.

CERTIFICATE OF SERVICE

I CERTIFY that the foregoing Formal Written Protest and Petition for Formal Administrative Hearing has been filed by email to the Florida Housing Finance Corporation Clerk at CorporationClerk@floridahousing.org, and a copy sent via email to the following this 10th day of February, 2020:

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

/s/ Donna E. Blanton
Donna E. Blanton

Florida Housing Review Committee Meeting

Taped Transcription

PHIPPS REPORTING

Raising the Bar!

FLORIDA HOUSING

RECORDING OF
Review Committee Meeting

PAGES 1 - 49

Recorded on January 9, 2020

2:00 p.m. - 2:59 p.m.

Stenographically Transcribed By:

TRACY L. BROWN

APPEARANCES:

Lisa Nickerson
Rebecca Sheffield
Melissa Levy
Elizabeth Thorp
Jean Salmonsens
Kenny Derrikson
Marissa Button
Kevin Tatreau
Melanie Yopp
Hugh Brown

CERTIFICATE OF REPORTER

49

1 Thereupon,

2 The following proceedings began at 2:00
3 p.m.:

4 MS. NICKERSON: Good afternoon, everybody.
5 Just a reminder, there's a sign-in sheet in the
6 back of the room, so please be sure to sign in
7 if you haven't already done so.

8 And I will go ahead and call this review
9 committee meeting to order at 2:00 p.m. on
10 Thursday, January 9th, 2020.

11 This review committee meeting is to give
12 the scorers and to submit a recommendation to
13 Florida Housing's Board of Directors regarding
14 the proposal submitted in response to RFA
15 2019-112 for housing credit financing for
16 affordable housing developments located in
17 Miami-Dade County.

18 This meeting was noticed in the Florida
19 Administrative Register pursuant to Section
20 120.525, Florida Statutes. In response to this
21 RFA, 63 applications were received. A list of
22 the applications is attached to the agenda.

23 The agenda for today includes
24 introductions for the record. I will then open
25 the floor for discussion and comments among the

1 review committee members followed by the
2 committee providing scores for the record.
3 Then, based on the scores, the committee will
4 make recommendations to the Board. And then
5 finally, we'll adjourn the meeting.

6 So with that, let's go ahead and make
7 introductions beginning with Jean.

8 MS. SALMONSEN: Jean Salmonsens, not on the
9 committee.

10 MR. BROWN: Hugh Brown, general counsel,
11 not on the committee.

12 MS. SHEFFIELD: Rebecca Sheffield,
13 committee member.

14 MS. NICKERSON: Lisa Nickerson, chair and
15 committee member.

16 MR. TATREAU: Kevin Tatreau, not on the
17 committee.

18 MS. LEVY: Melissa Levy, committee member.

19 MS. NICKERSON: Okay. Thank you.

20 I will now open the floor for discussion
21 and comments.

22 Okay. Hearing none, we'll begin to
23 provide scores for the record.

24 Jean, would you like to tell us about the
25 spreadsheet up on the wall?

1 MS. SALMONSEN: Yes. On the wall is a
2 list of all the items that were scored. And
3 they're separated by point items, eligibility
4 items, tiebreakers, goal, and priority level.
5 As we come to each of the point items, I'll go
6 ahead and just put in the maximum number of
7 points, five, for each item and scroll that
8 across for the entire row. If the scorer has
9 any exceptions to that point value, any
10 different point values, they can identify the
11 application number, the correct points
12 associated with that application, and I'll make
13 the adjustment.

14 And this row will populate automatically
15 if -- it will total all the points associated
16 with each application.

17 When you come to the eligibility
18 requirements, those can be answered with yeses
19 and nos. So when we come to each item, I'll
20 put a Y in and scroll that across for all
21 applications. If the scorer has a no or an
22 exception to that, they can identify the
23 application number and I'll make the
24 adjustment.

25 And then we come down here. This row will

1 populate automatically. If all eligibility
2 requirements are met, a Y will appear there.
3 If any are not met, an N will appear there
4 automatically.

5 Tiebreakers, these can also be answered
6 with yeses and nos, so I'll do the same thing.
7 I'll do a Y all the way across. And if there
8 are any exceptions, then I'll make that
9 adjustment.

10 And same with the goal, I'm not sure if it
11 will be easier to put a Y in or a no in, but
12 we'll scroll something across all the way and
13 then make an adjustment if necessary.

14 And the priority levels, those are all
15 going to be numbers with a one or a two.

16 The one tiebreaker that's not in here is
17 the leveraging level or leveraging
18 classification, and that's because that's
19 assigned only to eligible applications. So
20 first we'll decide which applications are
21 eligible for funding. And then together as a
22 group we'll be making the leveraging
23 classification assignments. So when we get
24 down to the bottom of this spreadsheet, Kevin,
25 who's not on the committee, but he's entering

1 all the information into his laptop as a way of
2 doublechecking our process, so when we get down
3 to the bottom, I'll make sure that this
4 spreadsheet, Kevin's spreadsheet, and the
5 scorers all have the same information. And
6 then we'll begin working on the next tab.

7 This tab is similar to our application
8 submitter report that was posted when the apps
9 first came in. I'll see what I can do about
10 hiding some of the fields when we get to this
11 to make it a little bigger. But it has a lot
12 of the same information from the app submitter
13 report, but I've also added some columns. I've
14 added columns to -- better associated with the
15 first tab's information. So when we get here,
16 I'll be able to copy that information over,
17 populating this.

18 And then we'll be able to work on the
19 leveraging classification. Again, we'll use
20 the RFA, we'll assign those A's and B's. And
21 then at that point we'll have enough
22 information to begin our funding selection
23 process. We'll go through the RFA, we'll
24 follow the funding selection process. We'll
25 select applications for funding and build the

1 spreadsheets that will be taken to the Board on
2 January 23rd, which we just got an announcement
3 that said that the January 23rd Board meeting
4 is going to be moved to this building on our
5 first floor. So you'll see that announcement
6 in your emails when you check, hopefully.

7 Okay. And that's all. Thank you.

8 MS. NICKERSON: All right. Thank you,
9 Jean.

10 Let's go ahead and look at the scoring
11 then.

12 I am up first. I did score all
13 applications for this RFA. And so, 3C, 3B
14 development experience withdrawal disincentive,
15 there were no exceptions. 3D2, submission of
16 principal disclosure forms stamped by the
17 Corporation as preapproved, there were no
18 exceptions.

19 Melissa, did you score all the
20 applications in this RFA?

21 MS. LEVY: Yes, I did.

22 MS. NICKERSON: Okay. Eleven, local
23 government contribution points. Were there any
24 exceptions?

25 MS. LEVY: No. They all received the five

1 points.

2 MS. NICKERSON: Thank you.

3 Rebecca, did you score all applications in
4 this RFA?

5 MS. SHEFFIELD: Yes.

6 MS. NICKERSON: Okay. And for submission
7 requirements met, were there any exceptions?

8 MS. SHEFFIELD: No exceptions.

9 MS. NICKERSON: For number one, applicant
10 certification form provided and meets
11 requirements.

12 MS. SHEFFIELD: No exceptions.

13 MS. NICKERSON: 2A demographic commitment
14 selected.

15 MS. SHEFFIELD: No exceptions.

16 MS. NICKERSON: 3A1, name of applicant
17 provided.

18 Oh, that's me. Thank you. I was like,
19 hmm.

20 All right. 3A1, name of applicant
21 provided, there were no exceptions.

22 3A2, evidence applicant is a legally
23 formed entity provided, there are no
24 exceptions. 3B1, name of each developer
25 provided, no exceptions. 3B2, evidence that

1 each developer entity is a legally formed
2 entity provided, no exceptions. General
3 development experience requirement met, there
4 were no exceptions. 3C1, principal for
5 applicant and developer disclosure form
6 provided and meets requirements, no exceptions.

7 3D1, name of management company provided,
8 no exceptions. 3D2, prior general management
9 company experience requirement met, there were
10 no exceptions. 3E1, authorized principal
11 representative provided and meets requirements,
12 no exceptions.

13 4A, name of proposed development provided,
14 Rebecca?

15 MS. SHEFFIELD: No exceptions.

16 MS. NICKERSON: Okay. 4B1, development
17 category selected.

18 MS. SHEFFIELD: No exceptions.

19 MS. NICKERSON: 4B2, development category
20 qualifying conditions met.

21 MS. SHEFFIELD: No exceptions.

22 MS. NICKERSON: 4C, development type
23 provided.

24 MS. SHEFFIELD: No exceptions.

25 MS. NICKERSON: 5B, address of development

1 site provided?

2 MS. SHEFFIELD: No exceptions.

3 MS. NICKERSON: 5C, question whether a
4 scattered sites development answered.

5 MS. SHEFFIELD: No exceptions.

6 MS. NICKERSON: 5D1, development location
7 provide -- development location point provided.

8 MS. SHEFFIELD: No exceptions.

9 MS. NICKERSON: Okay. 5D2, latitude and
10 longitude coordinates for any scattered sites
11 provided.

12 MS. SHEFFIELD: No exceptions.

13 MS. NICKERSON: 5E, minimum transit score
14 provided.

15 MS. SHEFFIELD: No exceptions.

16 MS. NICKERSON: 5E, again, minimum total
17 proximity score met.

18 MS. SHEFFIELD: No exceptions.

19 MS. NICKERSON: 5F, mandatory distance
20 requirement met.

21 MS. SHEFFIELD: No exceptions.

22 MS. NICKERSON: 5G, recap conditions met.

23 MS. SHEFFIELD: No exceptions.

24 MS. NICKERSON: 6A, total number of units
25 provided and within limits.

1 MS. SHEFFIELD: No exceptions.

2 MS. NICKERSON: 6B, number of new
3 construction units and rehab units provided.

4 MS. SHEFFIELD: No exceptions.

5 MS. NICKERSON: 6C, occupancy status of
6 any existing units provided if rehabilitation.

7 MS. SHEFFIELD: No exceptions.

8 MS. NICKERSON: 6D1, minimum set-aside
9 election provided.

10 MS. SHEFFIELD: No exceptions.

11 MS. NICKERSON: 6D2, total set-aside
12 breakdown chart properly completed.

13 MS. SHEFFIELD: There were no exceptions,
14 although I would like to note for the record on
15 application number 098 under 6B, total
16 set-aside breakdown chart, the total set-aside
17 percentage was not filled in. However, given
18 the total number of units in the chart and the
19 answer given under 6A, total number of units in
20 the proposed development, the development is a
21 hundred percent set-aside.

22 MS. SALMONSEN: So there's no failure, you
23 were just making that --

24 MS. SHEFFIELD: Yes.

25 MS. SALMONSEN: Thank you.

1 MS. NICKERSON: All right. Number 6E,
2 unit mix provided and meets requirements.

3 MS. SHEFFIELD: No exceptions.

4 MS. NICKERSON: 6F, number of residential
5 buildings provided.

6 MS. SHEFFIELD: No exceptions.

7 MS. NICKERSON: 7A, evidence of site
8 control provided.

9 MS. SHEFFIELD: No exceptions.

10 MS. NICKERSON: 7B1, appropriate zoning
11 demonstrated.

12 MS. SHEFFIELD: I have one exception.
13 It's application number 131. They did not
14 provide the zoning form.

15 MS. NICKERSON: Okay. 7B2, availability
16 of electricity demonstrated.

17 MS. SHEFFIELD: No exceptions.

18 MS. NICKERSON: 7B3, availability of water
19 demonstrated.

20 MS. SHEFFIELD: No exceptions.

21 MS. NICKERSON: 7B4, availability of sewer
22 demonstrated.

23 MS. SHEFFIELD: No exceptions.

24 MS. NICKERSON: 7B5, availability of roads
25 demonstrated.

1 MS. SHEFFIELD: No exceptions.

2 MS. NICKERSON: 8D3, minimum additional
3 green building features selected if
4 rehabilitation.

5 MS. SHEFFIELD: No exceptions.

6 MS. NICKERSON: And number 9, minimum
7 number of resident programs selected.

8 MS. SHEFFIELD: No exceptions.

9 MS. NICKERSON: Okay. Melissa, you have
10 the next set of questions.

11 10A, applicant's housing credit request
12 amount provided.

13 MS. LEVY: No exceptions.

14 MS. NICKERSON: And 10C, development cost
15 proforma provided and construction rehab
16 analysis and permanent analysis.

17 MS. LEVY: I did have some exceptions.

18 MS. NICKERSON: Okay.

19 MS. LEVY: Application 110, the equity LOI
20 was not executed and therefore was not included
21 as a source. Construction and permanent
22 funding sources did not cover uses.

23 On application 138C, the applicant was not
24 cited as the borrower or direct recipient of
25 the loan in the permanent loan financing

1 proposal, therefore it was not included as a
2 source and permanent sources do not cover uses.

3 140, the applicant was not cited as the
4 borrower or direct recipient of the loan in the
5 permanent loan financing proposal, therefore it
6 was not included as a source and permanent
7 sources do not cover uses. In addition, based
8 on the equity LOI, the actual equity paid prior
9 to construction completion is less than what is
10 stated on the development cost proforma and
11 construction sources do not cover uses.

12 141, the applicant was not cited as the
13 borrower or direct recipient of the loan in the
14 permanent loan financing proposal, therefore it
15 was not included as a source and permanent
16 sources do not cover uses.

17 And application 144, the applicant
18 included a fee waiver as a source and -- which
19 should not be included as a source. Removing
20 it causes a shortfall in the permanent funding
21 sources.

22 That's all.

23 MS. NICKERSON: Okay.

24 MS. SALMONSEN: So there are five?

25 MS. LEVY: Yes.

1 MS. SALMONSEN: Okay. Thank you.

2 MS. NICKERSON: All right. Next we're
3 going to hear from Kenny Derrikson on financial
4 arrearage requirements.

5 MR. DERRIKSON: Kenny Derrikson, not on
6 the committee.

7 We reviewed the past due report for the
8 financial obligations for which an applicant or
9 developer, principal, affiliate or financial --
10 of the applicant or developer is in arrears to
11 the Corporation or any agent or assignee of the
12 Corporation as reflected on the most recently
13 published past due report posted to the
14 Corporation's website but not more recently
15 than five business days prior to today's
16 committee meeting.

17 As of the close of business yesterday,
18 there were three in arrears.

19 So, do you just want me to tell you those
20 three or --

21 MS. SALMONSEN: Yes, please.

22 MR. DERRIKSON: Okay. The first one is
23 2020-113, 2020-116, and 2020-122.

24 MS. SALMONSEN: Thank you.

25 MS. NICKERSON: Okay. Thank you, Kenny.

1 And next will be Liz Thorp telling us
2 about the no prior acceptance to an invitation
3 to enter credit underwriting for the same
4 development in a previous RFA.

5 MS. THORP: Elizabeth Thorp, not on the
6 committee.

7 There are no exceptions.

8 MS. NICKERSON: Okay. Thank you, Liz.

9 Okay. And, Melissa, total development
10 costs per unit limitation met.

11 MS. LEVY: No exceptions.

12 MS. NICKERSON: Okay. Thank you.

13 And then we'll move into tiebreakers.
14 Rebecca, proximity funding preference.

15 MS. SHEFFIELD: No exceptions.

16 MS. NICKERSON: And, Melissa, per unit
17 funding -- per unit construction funding
18 preference.

19 MS. LEVY: No exceptions.

20 MS. NICKERSON: Okay. And back to
21 Rebecca, development category funding
22 preference.

23 MS. SHEFFIELD: No exceptions.

24 MS. NICKERSON: Okay. And Florida job
25 creation preference.

1 MS. SALMONSEN: That was actually on
2 Melissa and -- let me fix that real quick.

3 MS. NICKERSON: Oh, okay.

4 MS. SALMONSEN: Sorry.

5 MS. LEVY: No exceptions.

6 MS. SALMONSEN: Okay. Thank you.

7 MS. NICKERSON: Okay. And then do you
8 want to do lottery numbers now or finish up --
9 you want to do lottery numbers?

10 MS. SALMONSEN: Yes.

11 MS. NICKERSON: Okay. Then we have
12 Melanie Yopp from our IG's office.

13 MS. SALMONSEN: Melanie, if you'd like,
14 I'll go ahead and read them across, if you just
15 want to verify starting with 088C, lottery
16 number 13, 36, 16, 49, 23, 46, 47, 38, 18, 40,
17 12, 21, 54, 1, 45, 42, 55, 3, 59, 9, 60, 58,
18 61, 34, 5, 27, 8, 44, 26, 2, 56, 22, 50, 37, 4,
19 29, 31, 51, 7, 48, 39, 41, 52, 63, 14, 53, 62,
20 43, 32, 33, 35, 10, 28, 20, 24, 17, 57, 11, 19,
21 15, 6, 30, and 25.

22 MS. YOPP: Yes. Melanie Yopp, not on the
23 committee. Those are correct.

24 MS. SALMONSEN: Thank you.

25 MS. NICKERSON: Thank you.

1 And then we'll move into our goals.

2 Melissa, if applicant selected the family
3 demographic, does the application qualify for
4 the geographic area of opportunity/SADDA
5 funding goal.

6 MS. LEVY: So if you want to put no, I'll
7 tell you the yeses.

8 Okay. So, yeses are 91, 94 --

9 MS. NICKERSON: Melissa, hold on a minute.

10 MS. LEVY: All right. So it was 91, 94,
11 95, 99, 100, 101, 104, 105, 106, 109, 112, 113,
12 115, 117, 120, 121, 123, 129, 131, 133, and
13 142.

14 MS. NICKERSON: Okay. And then on to the
15 priority level. What was the application
16 priority level? And, Jean, if you'll put one
17 all the way across and I will tell you the
18 twos.

19 Okay. And the priority twos were 107C,
20 108C, 118C, and 150C, 1-5-0-C.

21 Okay. Excellent.

22 MS. SALMONSEN: Thank you.

23 MS. NICKERSON: And now we are going to
24 hear from Marissa Button. Go ahead and say her
25 last name.

1 MS. BUTTON: Come up by you, Lisa.

2 MS. NICKERSON: Okey doke.

3 MS. BUTTON: Good afternoon. Marissa
4 Button, director of multifamily programs. I am
5 not on the committee, though I'm a resource
6 person referenced in your agenda.

7 While not impacting scores reported, I am
8 making a comment for the public record
9 regarding the designation of priority one and
10 priority two applications.

11 Section 4A of the RFA states applicants
12 may submit no more than three priority one
13 applications. There is no limit to the number
14 of priority two applications that can be
15 submitted, however, no principal can be a
16 principal as defined in Rule Chapter 67-48.002,
17 Florida Administrative Code of more than three
18 priority one applications.

19 For purposes of scoring, Florida Housing
20 will rely on the principals of the applicant
21 and developer disclosure form outlined in order
22 to determine if a principal is a principal on
23 more than three priority one applications. If
24 during scoring it is determined that a
25 principal is disclosed as a principal on more

1 than three priority one applications, all such
2 priority one applications will be deemed
3 priority two.

4 If it is later determined that a principal
5 as defined in Rule Chapter 67-48.00294, Florida
6 Administrative Code was not disclosed as a
7 principal and the undisclosed principal causes
8 a maximum set forth to be exceeded, the awards
9 for the affected applications will be rescinded
10 and all principals of the affected applications
11 may be subject to material misrepresentation,
12 even if the applications were not selected for
13 funding or deemed ineligible or were withdrawn.

14 So the following priority one designated
15 applications contain principals of the
16 applicant disclosure forms with separate
17 identifications. I am going to list these.
18 The following applications have an authorized
19 principal representative designated, Matthew
20 Rieger, application 2020-097, 2020-109, and
21 2020-146.

22 The following applications have the
23 authorized principal representative of Randy
24 Rieger, application 2020-102, 2020-115, and
25 2020-105.

1 The following applications have the
2 authorized principal representative designated
3 as Cara Balogh, application 2020-091, 2020-100,
4 and 2020-130.

5 The following applications have the
6 authorized principal representative designated
7 as Orli Teitelbaum, application 2020-132,
8 2020-148, and 2020-149.

9 And finally, the following applications
10 have the authorized principal representative
11 designated as Robert Balogh, applications
12 2020-095, 2020-103, and 2020-133.

13 The principals and applicant and developer
14 disclosure forms for these applications do not
15 reflect a principal designated on more than
16 three priority one applications. However, the
17 designated priority one applications share the
18 following organizational commonalities
19 including under Section 3, 4B of the RFA. All
20 15 applications submitted an application fee
21 provided by HTG United, LLC from the same
22 account. Under Section 3A, 4A of the RFA, all
23 15 applications were submitted with hard copy
24 binders under the cover sheet of Housing Trust
25 Group with the address of Aviation Avenue,

1 Coconut Grove, Florida. Under Section 4A, 3C2
2 of the RFA, all 15 of the advanced review of
3 principal disclosure form requests for the
4 applications were submitted from individuals
5 associated with Housing Trust Group, LLC at the
6 address of Aviation Avenue, Coconut Grove,
7 Florida.

8 And under section 4A, 3E2 of the RFA, all
9 the applications share the same operational
10 contact person, Scott Osmond associated with
11 Housing Trust Group, LLC at Aviation Avenue,
12 Coconut Grove, Florida.

13 And finally, with the exception of
14 application 2020-109C, under Exhibit C, section
15 three of the RFA, all of the applications share
16 the exact same corporate funding per set-aside
17 amount.

18 At this juncture, Florida Housing cannot
19 determine that those 15 applications I
20 referenced share common principal as defined in
21 Rule 67-48.002 of the Florida Administrative
22 Code; however, this information is being noted
23 for the public record. And if it is determined
24 at a later point that a principal was not
25 disclosed on any of the applications, the terms

1 of section four of the RFA that I referenced
2 earlier will apply and the affected
3 applications will be rescinded, and all
4 principals of the affected applications may be
5 subject to material misrepresentation
6 consequences.

7 And as I reflected, this does not impact
8 the scoring results of -- that were reported
9 earlier.

10 Thank you.

11 MS. NICKERSON: Thank you, Marissa.

12 And now we will move on.

13 Jean, will you please confirm the scores
14 and begin the funding selection process.

15 MS. SALMONSEN: Yes. Thank you.

16 So there were -- Lisa, there were no
17 exceptions to development experience,
18 withdrawal disincentive points or submission of
19 principal disclosure forms stamped by
20 Corporation's preapproved points.

21 MS. NICKERSON: That's correct.

22 MS. SALMONSEN: And, Melissa, no
23 exceptions to local government contribution
24 points.

25 MS. LEVY: Correct.

1 MS. SALMONSEN: Rebecca, no exceptions to
2 submission requirements met --

3 Let me do this.

4 MS. SHEFFIELD: Correct.

5 MS. SALMONSEN: Applicant certification
6 form provided meets requirements or demographic
7 commitment selected.

8 MS. SHEFFIELD: Correct.

9 MS. SALMONSEN: Lisa, no exceptions to
10 name of applicant provided, evidence applicant
11 is legally formed entity provided, name of each
12 developer provided, evidence that each
13 developer entity is legally formed entity
14 provided, general development experience
15 requirement met, principals for applicant
16 developer disclosure form provided meets
17 requirements, name of management company
18 provided, prior general management company
19 experience requirement met.

20 Hold on. I have to scoot over again.

21 Or authorized principal representative
22 provided meets requirements.

23 MS. NICKERSON: That's correct.

24 MS. SALMONSEN: And then, Rebecca, no
25 exceptions to name or proposed development

1 provided, development category selected,
2 development category qualifying conditions met,
3 development type provided, address of
4 development site provided, question whether
5 scattered sites development answered,
6 development location point provided, latitude,
7 longitude coordinates for any scattered sites
8 provided if applicable, minimum transit scoring
9 met, minimum total proximity score met,
10 mandatory distance requirement met, recap
11 conditions met if applicable, total number of
12 units provided within limits, number of new
13 construction units and rehab units provided,
14 occupancy status of any existing units provided
15 if rehab, minimum set-aside election provided,
16 total set-aside breakdown chart properly
17 completed, unit mix provided meets
18 requirements, number of residents for --
19 provided or evidence of site control provided.

20 MS. SHEFFIELD: Correct.

21 MS. SALMONSEN: You had one exception to
22 appropriate zoning demonstrated. And that was
23 application 131C, correct?

24 Okay, Kevin?

25 Okay. We can request pause if needed.

1 No exceptions to availability of
2 electricity demonstrated, availability of water
3 demonstrated, sewer or roads, minimal
4 additional green building feature selected if
5 rehab, or minimum number of resident program
6 selected.

7 MS. SHEFFIELD: Correct.

8 MS. SALMONSEN: Melissa, no exceptions to
9 applicant's housing credit request amount
10 provided, but there were five exceptions to the
11 development cost proforma provided with sources
12 equaling or exceeding uses. And those five
13 applications are 110C --

14 MS. LEVY: Correct.

15 MS. SALMONSEN: -- 138C, 140C, 141C, and
16 144C?

17 MS. LEVY: Correct.

18 MS. SALMONSEN: And then, Kenny -- there
19 you are. There were three exceptions to the
20 financial arrearage requirement met. And those
21 were applications, let's see, 113C, 116C, and
22 122C? Thumbs up signal from Kenny.

23 Liz is there. No exceptions to no prior
24 acceptance to an invitation to enter credit
25 underwriting for the same development in a

1 previous RFA?

2 Thank you. Thumbs up from Liz.

3 And then, Melissa, no exceptions to total
4 development costs per unit limitation met?

5 MS. LEVY: Correct.

6 MS. SALMONSEN: And then on the
7 tiebreakers, there were no exceptions, Rebecca,
8 to proximity funding preference met.

9 MS. SHEFFIELD: Correct.

10 MS. SALMONSEN: Melissa, no exceptions on
11 the per unit construction funding preference.

12 MS. LEVY: Correct.

13 MS. SALMONSEN: Rebecca, again, no
14 exceptions, development category funding
15 preference.

16 MS. SHEFFIELD: Correct.

17 MS. SALMONSEN: And then, Melissa, no
18 exceptions to job creation preference?

19 MS. LEVY: Correct.

20 MS. SALMONSEN: And we'll do lottery
21 numbers again in just a few minutes.

22 Melissa, again, there are 21 applications
23 that met the goal of a family demographic.
24 They qualified for the geographic area of
25 opportunity/SADDA funding goal. And those 21

1 applications were 91C, 94C, 95C, 99C, 100C,
2 101C, 104C, 105 and 106C, 109C, 112, 113C, 115,
3 117, 120, 121, 123, 129, 131, 133, 142? And
4 that's all.

5 MS. LEVY: Correct.

6 MS. SALMONSEN: Thank you.

7 And, Lisa -- well, my little number didn't
8 appear, but I believe there were three or four
9 twos, so let me identify them.

10 MS. NICKERSON: Four, yes.

11 MS. SALMONSEN: Okay. There were -- the
12 twos were -- priority level twos were 107, 108,
13 118, and 150.

14 MS. NICKERSON: That's correct.

15 MS. SALMONSEN: Thank you.

16 Okay. So now I'm going to begin copying
17 the information and pasting it into the next
18 tab. And as I said before, this is similar to
19 our application submitter report, but it has
20 these empty columns, so I'm going to start
21 populating them with the information we just
22 did in the first tab.

23 I'm going to start with priority level.

24 I'm going to copy this whole row. And I'm
25 going to come over here, I'm gonna right-click

1 and click paste special. And I'm gonna click
2 values and number formats. This particular
3 column didn't have any formulas that created
4 the ones and twos, but if it had, it would
5 delete those formulas behind it and transpose,
6 which takes the information from a row or
7 column or vice versa.

8 And I'm going to do the same thing for
9 eligibility. And this row was created with
10 formulas, so when I do the same thing over
11 here, right click, paste special, click the
12 values and number formats, it will remove that
13 formula and just leave the data. And then I'm
14 going to transpose again.

15 And I'm going to do the same for all of
16 this information. Goal, the points. I think I
17 can take all three of these -- because
18 proximity funding preference, per unit
19 construction funding preference, and
20 development category funding preference are all
21 together on both tabs, I'm going to take all
22 three at the same time.

23 And, again, we're skipping leveraging
24 classification for the moment, but we're just
25 about ready to populate that. I just need

1 these last two fields.

2 And I'd like to verify one more time with
3 Kevin when you're ready.

4 I'm going to try to hide some of these for
5 the moment. I'm going to hide these three
6 columns and see if I can make this a little
7 bigger. That's better.

8 MR. TATREAU: Okay. I'm ready.

9 MS. SALMONSEN: Okay. So starting with
10 the priority levels, all applications are one
11 exception for 107, 108, 118, and 150.

12 MR. TATREAU: Yes.

13 MS. SALMONSEN: Applications are eligible
14 for funding except 110, 113, 116, 122, 131,
15 138, 140, 141, and 144.

16 MR. TATREAU: Yes.

17 MS. SALMONSEN: I'm going to read out
18 again the applications that qualify for that
19 goal. And those are 91C, 94, 95, 99, 100, 101,
20 104, 105, 106, 109, 112, 113, 115, 117, 120,
21 121, 123, 129, 131, 133, 142.

22 MR. TATREAU: Yes.

23 MS. SALMONSEN: And that's it.

24 MR. TATREAU: Yes.

25 MS. SALMONSEN: All applications had 15

1 points.

2 MR. TATREAU: Yes.

3 MS. SALMONSEN: They all met their
4 proximity funding preference per unit
5 construction funding preference and development
6 category funding preference.

7 MR. TATREAU: Yes.

8 MS. SALMONSEN: And job creation
9 preference.

10 MR. TATREAU: Yes.

11 MS. SALMONSEN: And then let's go ahead
12 and read those lottery numbers one more time.

13 So starting with 88C, 13, 36, 16, 49, 23,
14 46, 47, 38, 18, 40, 12, 21, 54, 1, 45, 42, 55,
15 3, 59, 9, 60, 58, 61, 34, 5, 27, 8, 44, 26, 2,
16 56, 22, 50, 37, 4, 29, 31, 51, 7, 48, 39, 41,
17 52, 63, 14, 53, 62, 43, 32, 33, 35, 10, 28, 20,
18 24, 17, 57, 11, 19, 15, 6, 30, and 25.

19 MR. TATREAU: That's what I have.

20 MS. SALMONSEN: Thank you.

21 And then Melanie gave a thumbs up from the
22 back. Thank you.

23 Okay. So, we now have enough information
24 to do our leveraging classification.

25 So first thing we're gonna do is go to our

1 RFA. And I'm looking at the modified version
2 from September 19th and October 8th.

3 All right. I'm going to rearrange some
4 things here. And I'm looking at page 98. And
5 it starts out with all eligible applications
6 will be classified as either group A or group B
7 based on the amount of total corporation
8 funding per set-aside unit as outlined below.
9 Eligible priority one applications will be
10 assigned a leveraging classification as
11 outlined below first followed by eligible
12 priority two applications.

13 And then it goes on to show a lot of math.
14 And this math was done for you based on what
15 the application -- what the applicant said in
16 their application. We put that information on
17 the application submitted report. But there
18 are a couple things. I know of one adjustment
19 that we want to make and that's regarding
20 mid-rise four-story. You know, this RFA had
21 the new multiplier of mid-rise four-story
22 buildings which -- in which -- let's see. And
23 in which at least 90 percent of the units were
24 in the mid-rise building. And we have had that
25 mid-rise multiplier for the mid-rise five, six

1 buildings for at a while. And in those -- the
2 RFAs, the applicant proposing a mid-rise five-
3 or six-story building are specifically asked to
4 confirm that at least 90 percent of the units
5 are in the mid-rise five- or six-story building
6 in order to qualify for the multiplier. We had
7 no such question for the mid-rise four-story
8 development type.

9 And as such, we're going to go ahead and
10 apply the multiplier to each application in
11 this RFA that selected the development,
12 mid-rise four-story. And this affects
13 applications 2020-109C, 2020-116C, 2020-138C,
14 2020-141C, and 2020-142C. And I have that
15 information here. We're going to make those
16 adjustments.

17 So the first thing I'm going to do is mark
18 with an asterisk which applications those are
19 so we can add a note at the bottom that we
20 changed it from the app submitted report. So
21 it's 109C, 116C, 138C, 141C, and 142C. And I
22 have the information here with the new
23 calculated leveraging -- the new corporation
24 funding per set-aside. And I'm going to make
25 Hugh Brown read them out to me.

1 These new numbers, the now -- yes, please,
2 starting with 109C -- oh, here.

3 MR. BROWN: For application 2020-109C, the
4 amount was 162 -- \$162,494.08. The new amount
5 is \$146,244.67.

6 MS. SALMONSEN: Hold on. Let me read that
7 back to you, 14 -- 244.67?

8 MR. BROWN: That's correct.

9 MS. SALMONSEN: Thank you.

10 MR. BROWN: For application 2020-116C,
11 original number was \$139,333.33. New number is
12 \$125,400.

13 MS. SALMONSEN: 125,400?

14 MR. BROWN: Yes.

15 MS. SALMONSEN: Thank you.

16 MR. BROWN: For application 2020-138C,
17 original amount was \$182,500, new adjusted
18 amount is \$164,250.

19 MR. TATREAU: Can I get you to say it one
20 more time? 164 --

21 MR. BROWN: 164,250.

22 MR. TATREAU: Thank you.

23 MS. SALMONSEN: Thank you.

24 MR. BROWN: For application 2020-141C,
25 original amount was \$183,920. New adjusted

1 amount is now \$165,528.

2 MS. SALMONSEN: 165,528?

3 MR. BROWN: Correct.

4 For application 2020-142C, original amount
5 was \$104,300.95. New amount is \$93,870.86.
6 93,870.86.

7 MS. SALMONSEN: Thank you.

8 All right. Thank you very much.

9 Okay. So now there might have been other
10 adjustments made as a result of scoring, so I
11 look to Melissa as finance scorer. Did you
12 adjust any housing credit request amounts
13 during the scoring?

14 MS. LEVY: I adjusted one, 098C. The
15 number of set-aside units is not totaled in the
16 set-aside chart, but adding the units in each
17 income band provides a total set-aside unit
18 count of 125. So I calculated the leveraging
19 calculation off of this figure while the app
20 submitted report showed a zero set-aside units.
21 So the number is 140,180.48.

22 MS. SALMONSEN: \$140,180.48.

23 MS. LEVY: Yes.

24 MS. SALMONSEN: Thank you.

25 And I put these asterisk -- I'm sorry.

1 Did you have any other adjustments at all
2 during --

3 MS. LEVY: No, that was the only one.

4 MS. SALMONSEN: I put these asterisk notes
5 here. I want to put some language down here to
6 say what we did.

7 Let's see. So for the first asterisk
8 regarding the mid-rise four-story, I'm going to
9 say the mid-rise four-story multiplier was
10 applied at the review committee meeting which
11 affects the Corporation funding per set-aside
12 amount. And I'm just going to type that in.

13 And then, Melissa, I saw that the total
14 set-aside -- the total Corporation funding for
15 set-aside amount for 098C was blank, and what
16 you did is you, you know, could figure out what
17 the total set-aside percentage is. So I'm
18 going to go ahead and say something like the
19 total set-aside percentage was not included on
20 the application submitted report, but it was
21 presented at the review committee meeting,
22 which affected the Corporation funding per
23 set-aside amount.

24 Okay. Thank you.

25 Okay. It sounds like now we have enough

1 information to begin the leveraging.

2 So, the math begins on page 98 of this
3 modified version, and that's -- we've already
4 covered all that. So I'm going to look at page
5 99, letter B, all eligible applications --
6 again, this is only priority one first, and
7 then we do priority two. All eligible
8 applications will be divided into two lists.
9 New construction list with new construction and
10 redevelopment applications, and the rehab list.
11 And I've looked at this list and they're all
12 new construction, so we're only going to be
13 doing a new construction list. There's an
14 extra column here that would have, you know,
15 combined new construction and redevelopment
16 into a new construction list, but I'm just
17 gonna hide it. In fact, I'm going to hide the
18 development category list, too. And I can,
19 once again, make this a little bit bigger as a
20 result.

21 So, the very bottom, page 99 says, The new
22 construction list will be compiled of
23 applications listed in ascending order
24 beginning with the application that has the
25 lowest amount total Corporation funding per

1 set-aside unit and ending with the application
2 with the highest amount of total Corporation
3 funding per set-aside unit.

4 So I'm going to do a sort here. I'm going
5 to do a few things at once. I'm going to sort
6 eligible and ineligible, priority one and
7 priority two, and sort them by Corporation
8 funding per set-aside amount in that ascending
9 order. And then we'll just make sure I did it
10 right in just a minute.

11 And I see the ineligible applications down
12 here. I'll create a little space there. And I
13 see my priority twos here, I'm going to create
14 a little space here. And glancing at it looks
15 like I did it right.

16 But, Kevin, the easiest way to verify is
17 to verify with you. And I'll -- the easiest
18 way to do that is to read through those lottery
19 numbers again, so that's what I'd like to do,
20 starting with 142C. Lottery number 24, 46, 41,
21 50, 2, 16, 32, 21, 1, 29, 36, 12, 7, 17, 33,
22 13, 23, 22, 51, 15, 8, 5, 39, 18, 55, 10 --

23 MR. TATREAU: Wait a minute.

24 MS. SALMONSEN: You want me to go back?

25 MR. TATREAU: No. I'm good through 18.

1 You said 55, I see 58 on your screen.

2 MS. SALMONSEN: Okay.

3 MR. TATREAU: I had 58 on my screen.

4 MS. SALMONSEN: Okay. And I had 58 on my
5 screen, too. Glad you're paying attention.

6 So going back to 18, which is application
7 96. Eighteen, 58, 10, 34, 37, 11, 31, 48, 47,
8 55, 59, 62, 43, 49, 38, 40, 54, 45, 42, 3, 44,
9 52, 14, 53, 19, 6, 30. And that's it for the
10 priority ones. Then priority twos are 56, 9,
11 60, 25.

12 MR. TATREAU: I have the same sort.

13 MS. SALMONSEN: Great. And then, of
14 course, the ineligible applications, it doesn't
15 matter because they are not assigned an ARB.

16 So starting with the priority ones, I'm
17 gonna first do a little trick for numbering
18 these so we can identify how many apps we have
19 and also their placement on the list. And I
20 just did the first one was a one and then I
21 did, like, an equals one plus the thing above
22 it, now I can scroll that all the way down for
23 this list. And I see it's a nice round number
24 of 50.

25 And so going back to the RFA, page 100, it

1 says the total number of applications on the
2 new construction list -- and again, these are
3 only priority ones -- will be multiplied by
4 80 percent, and that resulting figure will be
5 rounded up to the next whole number, and that's
6 the A/B cutoff. So it's 50 times .8 is a
7 number I can do in my head and that's 40. So
8 that's going to be our lowest A. However, when
9 I look back at the instructions, it said a line
10 will be drawn below the applications whose
11 place on the list is equal to the new
12 construction A/B cutoff. Then it goes on to
13 say if any applications below the line have the
14 same total Corporation funding request per
15 set-aside unit as the application immediately
16 above the line, the line will be moved to a
17 place immediately below that application with a
18 paren S. So, the line actually comes down, all
19 these have identical Corporation funding per
20 set-aside amounts. And the line is drawn all
21 the way down to the bottom, so that that's our
22 lowest A. And, in fact, there are no Bs.

23 And then I'm gonna do the same thing for
24 the priority two applications. And, of course,
25 there are four applications here. When I

1 multiply four times .8, the answer's 3.2. And
2 if I round that up to the nearest whole number,
3 as it says on page 100, that would be four. So
4 therefore, all four applications are also an A.

5 So I'm going to remove this column that we
6 used for the numbers. And I'm going to put
7 these back in application number order, and the
8 ineligible applications as well. This could be
9 one of the spreadsheets that we present to the
10 Board with all the scores. And I'll clean it
11 up and make the formatting look better, and
12 hope to get this posted, if not today, then
13 tomorrow to our website, but then this will be
14 one of our Board exhibits.

15 Okay. And then I'm going to save this
16 because we now have enough information to begin
17 our funding selection process. And I'm going
18 to page 63 of the RFA. It starts by describing
19 the eligibility items which we've been talking
20 about, 67 has point items. And also in 67, it
21 begins by describing goals.

22 Corporation has a goal to fund one
23 proposed development that's selected
24 demographic commitment of family and qualifies
25 for the geographic area of opportunity/SADDA

1 goal as outlined in Section 4A 11A. And then
2 the Corporation has a goal to fund one proposed
3 development that's selected the demographic
4 commitment elderly non-ALF at question 2A of
5 Exhibit A. And then it describes the
6 application sorting order.

7 So I'm going to go ahead and I'm going to
8 make a copy of this tab and I'm going to call
9 it funding -- funding selection, because that's
10 what we're about to begin. I'm going to remove
11 the ineligible applications. They'll no longer
12 be participating. And I'm going to put the
13 rest of these applications in sorting order as
14 described. It's all eligible priority one
15 applications by sorting the application as
16 followed, followed by priority two
17 applications. And it lists the order. I'm
18 going to go ahead and do that real quick and
19 then we can double-check and make sure I did a
20 good job.

21 And here's one more column I can hide to
22 make a little more room and make things bigger
23 if you'd like.

24 And I can see the lottery numbers are in
25 order. Everybody had the points of the

1 tiebreakers and -- except for this one down
2 here.

3 MR. TATREAU: It's a two.

4 MS. SALMONSEN: Oh, it's a two. Thank
5 you, Kevin. Thought I was losing my mind.

6 So, I can see that they're in order. I
7 don't see a need to go through the lottery
8 numbers again, which means that we're ready for
9 the funding selection process.

10 So, on page 68, there is an amount of
11 money associated with this. There's no funding
12 tests. In fact, it -- we'll see in a second,
13 the funding selection process describes how
14 we're going to fund a maximum of -- exactly
15 three applications, even if that third
16 application requires a binding commitment. So
17 there is no funding test, but I'd still like
18 some assistance manually tracking the funding
19 amounts, please.

20 Melissa, I see you brought a calculator
21 and you're as far away from me as possible, but
22 thank you for meeting me halfway.

23 On page two of the RFA, the amount of
24 funding that we have available is described
25 there. And the total amount, if you can write

1 it at the top of the spreadsheet I just gave
2 you, Melissa, is \$7,195,917. 7,195,917. And
3 if you could, as we fund applications, write in
4 the application number awarded, the request
5 amount, and then the balance remaining, please.
6 And that number should match what we have here
7 and we also have it on this page.

8 MS. LEVY: Got it.

9 MS. SALMONSEN: Thank you.

10 Okay. So then when I look to page 68, the
11 funding selection process, it describes in 2A
12 the first application selected for funding will
13 be the highest ranking eligible priority-one
14 family application that qualifies for the
15 geographic area of opportunity/SADDA goal.

16 So the highest ranking is this application
17 101C, with the request amount of 2,851,000.
18 2851. And I'm going to make that bigger as
19 well. And I'm going to shade it in green on my
20 computer. It shows up as kind of weird gray.
21 Sorry.

22 Okay. Moving on to page 68 2B, the next
23 application selected for funding will be the
24 highest ranking eligible priority one
25 application that qualifies as an elderly

1 non-ALF development. So I see here, this
2 application, 148C, with a request amount of
3 \$2,875,950 is our highest ranking elderly
4 non-ALF, and that's the one we're gonna fund.

5 Sorry.

6 And then going to paragraph C, the next
7 application selected for funding will be the
8 highest ranking eligible priority one
9 application regardless of demographic category
10 until no more than three total applications are
11 selected for funding. And if less than three
12 applications are selected, of course, we won't
13 have that problem. We would fund a priority
14 two.

15 And then at the bottom of that paragraph,
16 though, it says if the third application cannot
17 be fully funded, it will be entitled to receive
18 a binding commitment for the unfunded balance.
19 So we're not looking as applications that can
20 be fully funded because they will be through a
21 binding commitment, we're just looking for the
22 highest ranking eligible unfunded application,
23 which is 117C, with a request amount of
24 2,582,000.

25 Then it goes on in paragraph D to describe

1 the funding remaining, which I see there is a
2 binding gonna be required to fund these three.
3 It still says, No further applications will be
4 considered for funding and any remaining
5 funding will be distributed as approved by the
6 Board.

7 So that concludes our selection process.

8 MS. NICKERSON: All right. Thank you,
9 Jean.

10 Will you now please read the applications
11 selected for funding into the record?

12 MS. SALMONSEN: Yeah. So 2020-101C,
13 Harbor Springs; 2020-148C, Orchid Point;
14 2020-117C, Residences at Naranja Lakes.

15 MR. TATREAU: Naranja.

16 MS. SALMONSEN: Naranja. Do you pronounce
17 the J? Okay. Well, anyway, that one, it got
18 funded.

19 MS. NICKERSON: All right. Thank you.

20 Do we have a motion from the committee to
21 accept the scores and recommendations for
22 funding today?

23 MS. LEVY: Motion.

24 MS. SHEFFIELD: Second.

25 MS. NICKERSON: Okay. All those in favor.

1 (Members reply aye.)

2 MS. NICKERSON: Motion carries.

3 Do we have a motion to recommend to the
4 Board that it adopt the scores and
5 recommendations for funding of the review
6 committee?

7 MS. LEVY: Motion.

8 MS. SHEFFIELD: Second.

9 MS. NICKERSON: Okay. All those in favor.

10 (Members reply aye.)

11 MS. NICKERSON: Motion carries.

12 And then lastly, do we have a motion to
13 adjourn this review committee meeting?

14 MS. LEVY: Motion.

15 MS. SHEFFIELD: Second.

16 MS. NICKERSON: Okay. All those in favor.

17 (Members reply aye.)

18 MS. NICKERSON: Okay. Motion carries.

19 Meeting will adjourn at 2:59 p.m.

20 (Meeting adjourned at 2:59 p.m.)

21 * * *

22

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24

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STENOGRAPHER CERTIFICATE

STATE OF FLORIDA

COUNTY OF LEON

I, Tracy Brown, certify that I was
authorized to and did stenographically
transcribe the foregoing audio-taped
proceedings, and that the transcript is a true
and complete record of my stenographic notes.

 Dated this 30th day of January, 2020.

TRACY L. BROWN
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<u>\$</u>	<u>1</u>		
\$104,300.95	1	109	118C
36:5	18:17 32:14	19:11 31:20	19:20
\$125,400	39:21	109C	11A
35:12	1-5-0-C	29:2 34:21	43:1
\$139,333.33	19:20	35:2	12
35:11	10	10A	18:17 32:14
\$140,180.48	18:20 32:17	14:11	39:21
36:22	39:22 40:7	10C	120
\$146,244.67	100	14:14	19:12 29:3
35:5	19:11 31:19	11	31:20
\$162,494.08	40:25 42:3	18:20 32:18	120.525
35:4	100C	40:7	3:20
\$164,250	29:1	110	121
35:18	101	14:19 31:14	19:12 29:3
\$165,528	19:11 31:19	110C	31:21
36:1	101C	27:13	122
\$182,500	29:2 45:17	112	31:14
35:17	104	19:11 29:2	122C
\$183,920	19:11 31:20	31:20	27:22
35:25	104C	113	123
\$2,875,950	29:2	19:11 31:14,	19:12 29:3
46:3	105	20	31:21
\$7,195,917	19:11 29:2	113C	125
45:2	31:20	27:21 29:2	36:18
\$93,870.86	106	115	125,400
36:5	19:11 31:20	19:12 29:2	35:13
	106C	31:20	129
<u>0</u>	29:2	116	19:12 29:3
088C	107	31:14	31:21
18:15	29:12 31:11	116C	13
098	107C	27:21 34:21	18:16 32:13
12:15	19:19	117	39:22
098C	108	19:12 29:3	131
36:14 37:15	29:12 31:11	31:20	13:13 19:12
	108C	117C	29:3 31:14,21
	19:20	46:23	131C
		118	26:23
		29:13 31:11	133

19:12 29:3 31:21	150C 19:20	2020 3:10	2020-132 22:7
138 31:15	16 18:16 32:13 39:21	2020-091 22:3	2020-133 22:12
138C 14:23 27:15 34:21	162 35:4	2020-095 22:12	2020-138C 34:13 35:16
14 18:19 32:17 35:7 40:9	164 35:20	2020-097 21:20	2020-141C 34:14 35:24
140 15:3 31:15	164,250 35:21	2020-100 22:3	2020-142C 34:14 36:4
140,180.48 36:21	165,528 36:2	2020-101C 47:12	2020-146 21:21
140C 27:15	17 18:20 32:18 39:21	2020-102 21:24	2020-148 22:8
141 15:12 31:15	18 18:16 32:14 39:22,25 40:6	2020-103 22:12	2020-148C 47:13
141C 27:15 34:21	19 18:20 32:18 40:9	2020-105 21:25	2020-149 22:8
142 19:13 29:3 31:21	19th 33:2	2020-109 21:20	21 18:17 28:22, 25 32:14 39:21
142C 34:21 39:20	2	2020-109C 23:14 34:13 35:3	22 18:18 32:16 39:22
144 15:17 31:15	2 18:18 32:15 39:21	2020-113 16:23	23 18:16 32:13 39:22
144C 27:16	2,582,000 46:24	2020-115 21:24	23rd 8:2,3
148C 46:2	2,851,000 45:17	2020-116 16:23	24 18:20 32:18 39:20
15 18:21 22:20, 23 23:2,19 31:25 32:18 39:22	20 18:20 32:17	2020-116C 34:13 35:10	244.67 35:7
150 29:13 31:11	2019-112 3:15	2020-117C 47:14	25 18:21 32:18 40:11
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9:4 17:4 20:11 22:19, 22 23:2,8,15 24:1 28:1 33:1,20 34:11 40:25 42:18 44:23 RFAS 34:2 Rieger 21:20,24 right-click 29:25 roads 13:24 27:3 Robert 22:11 room 3:6 43:22 round 40:23 42:2 rounded 41:5 row 5:8,14,25 29:24 30:6,9 Rule 20:16 21:5 23:21 S Salmonsens 4:8 5:1 12:22,25 15:24 16:1, 21,24 18:1,4, 6,10,13,24 19:22 24:15, 22 25:1,5,9,	24 26:21 27:8,15,18 28:6,10,13, 17,20 29:6, 11,15 31:9, 13,17,23,25 32:3,8,11,20 35:6,9,13,15, 23 36:2,7,22, 24 37:4 39:24 40:2,4,13 44:4 45:9 47:12,16 save 42:15 scattered 11:4,10 26:5, 7 scoot 25:20 score 8:12,19 9:3 11:13,17 26:9 scored 5:2 scorer 5:8,21 36:11 scorers 3:12 7:5 scores 4:2,3,23 20:7 24:13 42:10 47:21 scoring 8:10 20:19,24 24:8 26:8 36:10,13 Scott 23:10	screen 40:1,3,5 scroll 5:7,20 6:12 40:22 section 3:19 20:11 22:19,22 23:1,8,14 24:1 43:1 select 7:25 selected 9:14 10:17 14:3,7 19:2 21:12 25:7 26:1 27:4,6 34:11 42:23 43:3 45:12,23 46:7,11,12 47:11 selection 7:22,24 24:14 42:17 43:9 44:9,13 45:11 47:7 separate 21:16 separated 5:3 September 33:2 set 14:10 21:8 set-aside 12:8,11,16,21 23:16 26:15, 16 33:8 34:24 36:15,16,17,	20 37:11,14, 15,17,19,23 39:1,3,8 41:15,20 sewer 13:21 27:3 shade 45:19 share 22:17 23:9, 15,20 sheet 3:5 22:24 Sheffield 4:12 9:5,8, 12,15 10:15, 18,21,24 11:2,5,8,12, 15,18,21,23 12:1,4,7,10, 13,24 13:3,6, 9,12,17,20,23 14:1,5,8 17:15,23 25:4,8 26:20 27:7 28:9,16 47:24 shortfall 15:20 show 33:13 showed 36:20 shows 45:20 sign 3:6 sign-in 3:5
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units 11:24 12:3,6,	weird 45:20		
	withdrawal 8:14 24:18		
	withdrawn 21:13		
	work 7:18		

RFA 2019-112 **Board Approved Preliminary Awards**

Total HC Available for RFA	7,195,917.00
Total HC Allocated	7,933,000.00
Total HC Remaining	(737,083.00)

Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Florida Job Creation Preference	Lottery Number
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One Family Applications that qualifies for the Geographic Area of Opportunity/HUD-designated SADDA Goal

2020-101C	Harbour Springs	Lewis V. Swezy	RS Development Corp; Lewis V. Swezy	F	1	150	2,851,000	Y	Y	15	Y	Y	Y	A	Y	1
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One Elderly (ALF or Non-ALF) Application

2020-122C	Slate Miami	William Todd Fabbri	The Richman Group of Florida, Inc.	E, Non-ALF	1	105	2,500,000	Y	N	15	Y	Y	Y	A	Y	4
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One Additional Application

2020-117C	Residences at Naranja Lakes	Robert Hoskins	NuRock Development Partners, Inc.	F	1	140	2,582,000	Y	Y	15	Y	Y	Y	A	Y	2
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On January 23, 2020, 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.

RFA 2019-112 Board Approved Scoring Results

Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Family Demo and qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number
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Eligible Applications

2020-088C	Alto Tower	Steve Protulis	EHDOC Development Services, LLC; Alto Tower Developer, LLC	E, Non-ALF	1	119	2,795,000	Y	N	15	Y	Y	Y	142,803.36	A	Y	13
2020-089C	Northside Transit Village III	Kenneth Naylor	Northside Property III Development, LLC	E, Non-ALF	1	130	2,881,980	Y	N	15	Y	Y	Y	134,787.99	A	Y	36
2020-090C	Quail Roost Transit Village IV	Kenneth Naylor	Quail Roost IV Development, LLC	E, Non-ALF	1	134	2,630,000	Y	N	15	Y	Y	Y	119,331.34	A	Y	16
2020-091C	Coco Parc	Cara Balogh	24735 Coco Parc Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	49
2020-092C	San Cristobal	Steve Protulis	EHDOC Development Services, LLC; San Cristobal 27 Developer, LLC	E, Non-ALF	1	90	2,115,000	Y	N	15	Y	Y	Y	142,880.00	A	Y	23
2020-093C	Culmer Apartments II	Kenneth Naylor	APC Culmer Development II, LLC	E, Non-ALF	1	108	1,923,000	Y	N	15	Y	Y	Y	108,257.78	A	Y	46
2020-094C	City Place	Francisco Rojo	Landmark Development Corp.	F	1	110	2,728,000	Y	Y	15	Y	Y	Y	150,784.00	A	Y	47
2020-095C	Park Ridge	Robert B. Balogh	Park Ridge Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	38
2020-096C	The Seattle	Justin Wilson	908 Affordable I Developer, LLC	F	1	120	2,882,000	Y	N	15	Y	Y	Y	146,021.33	A	Y	18
2020-097C	Courtside Apartments, Phase III	Matthew A. Rieger	AMC HTG 3 Developer, LLC	F	1	80	2,091,600	Y	N	15	Y	Y	Y	158,961.60	A	Y	40
2020-098C**	Banyan Station	Terri Murray	NRI Development Corp.; Neighborhood Renaissance, Inc.; Stone Soup Development, Inc.	F	1	125	2,882,000	Y	N	15	Y	Y	Y	140,180.48	A	Y	12
2020-099C	Princeton Crossings	Lewis V. Swezy	RS Development Corp; Lewis V. Swezy	F	1	150	2,851,000	Y	Y	15	Y	Y	Y	121,338.56	A	Y	21
2020-100C	The Saxony	Cara Balogh	Saxony Wynwood Developer, LLC	F	1	104	2,719,080	Y	Y	15	Y	Y	Y	158,961.60	A	Y	54
2020-101C	Harbour Springs	Lewis V. Swezy	RS Development Corp; Lewis V. Swezy	F	1	150	2,851,000	Y	Y	15	Y	Y	Y	121,338.56	A	Y	1
2020-102C	Riverside Flats	Randy E. Rieger	2nd Avenue Flats Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	45
2020-103C	The Orange Grove	Robert B. Balogh	Orange Grove Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	42
2020-104C	Autumn Ridge	Francisco Rojo	Landmark Development Corp.	F	1	110	2,728,000	Y	Y	15	Y	Y	Y	150,784.00	A	Y	55
2020-105C	Parc Grove	Randy Rieger	Parc Grove Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	3

RFA 2019-112 Board Approved Scoring Results

Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Family Demo and qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number
2020-106C	Sierra Meadows	Francisco Rojo	Landmark Development Corp.	F	1	114	2,827,200	Y	Y	15	Y	Y	Y	150,784.00	A	Y	59
2020-107C	Quail Roost Transit Village II	Kenneth Naylor	Quail Roost II Development, LLC	F	2	130	2,882,000	Y	N	15	Y	Y	Y	134,788.92	A	Y	9
2020-108C	Northside Transit Village V	Kenneth Naylor	Northside Property V Development, LLC	F	2	130	2,882,000	Y	N	15	Y	Y	Y	134,788.92	A	Y	60
2020-109C*	Shoreview Place	Matthew A. Rieger	HTG Shoreview Developer, LLC	F	1	94	2,184,560	Y	Y	15	Y	Y	Y	146,244.67	A	Y	58
2020-111C	Villa Saona	Steve Protulis	EHDOD Development Services, LLC; Villa Saona Developer, LLC	E, Non-ALF	1	106	2,560,000	Y	N	15	Y	Y	Y	146,837.74	A	Y	34
2020-112C	Laurel Club	Oscar Sol	Laurel Club Dev, LLC; JCG Real Estate Ventures, LLC	F	1	120	2,880,000	Y	Y	15	Y	Y	Y	145,920.00	A	Y	5
2020-113C	Parkview	William Todd Fabbri	The Richman Group of Florida, Inc.	F	1	99	2,500,000	Y	Y	15	Y	Y	Y	153,535.35	A	Y	27
2020-114C	Pinnacle Landings	David O. Deutch	Pinnacle Communities, LLC	E, Non-ALF	1	114	2,735,000	Y	N	15	Y	Y	Y	145,866.67	A	Y	8
2020-115C	Creek View	Randy E. Rieger	Creek View NMB Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	44
2020-116C*	The Mosaic	William Todd Fabbri	The Richman Group of Florida, Inc.	E, Non-ALF	1	105	1,925,000	Y	N	15	Y	Y	Y	125,400.00	A	Y	26
2020-117C	Residences at Naranja Lakes	Robert Hoskins	NuRock Development Partners, Inc.	F	1	140	2,582,000	Y	Y	15	Y	Y	Y	117,739.20	A	Y	2
2020-118C	Culmer Apartments	Kenneth Naylor	APC Culmer Development, LLC	F	2	88	1,950,892	Y	N	15	Y	Y	Y	134,788.90	A	Y	56
2020-119C	Capri Place	Barry Goldmeier	DDA Development, LLC; Advanced Housing Corp.; JCG Real Estate Ventures, LLC	E, Non-ALF	1	112	2,675,000	Y	N	15	Y	Y	Y	145,214.29	A	Y	22
2020-120C	Platform 3750 at Frankie Shannon Rolle Center	Mara S. Mades	Cornerstone Group Partners, LLC	F	1	77	1,480,000	Y	Y	15	Y	Y	Y	116,862.34	A	Y	50
2020-121C	Rosemary Cove	Stephanie Berman	Carrfour Supportive Housing, Inc.; Romero Capital, LLC	F	1	118	2,859,899	Y	Y	15	Y	Y	Y	147,357.51	A	Y	37
2020-122C	Slate Miami	William Todd Fabbri	The Richman Group of Florida, Inc.	E, Non-ALF	1	105	2,500,000	Y	N	15	Y	Y	Y	144,761.90	A	Y	4
2020-123C	RUDG The Commons Phase Two	Alberto Milo, Jr.	RUDG The Commons Phase Two Developer, LLC	F	1	180	2882000	Y	Y	15	Y	Y	Y	127,768.67	A	Y	29
2020-124C	Vineyard Villas	Marc S. Plonskier	Gatehouse Development Corp.; Magellan Housing, LLC	E, Non-ALF	1	97	1,895,000	Y	N	15	Y	Y	Y	148,474.23	A	Y	31

RFA 2019-112 Board Approved Scoring Results

Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Family Demo and qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number
2020-125C	Yeager Plaza	Kareem Brantley	Yeager Plaza Developer, LLC; Stone Soup Development, Inc.; The Yeager Clinic, Inc.	E, Non-ALF	1	105	2510000	Y	N	15	Y	Y	Y	145,340.95	A	Y	51
2020-126C	Paseo del Rio	Alberto Milo, Jr.	Paseo del Rio Developer, LLC	E, Non-ALF	1	125	2,882,000	Y	N	15	Y	Y	Y	140,180.48	A	Y	7
2020-127C	Sage Pointe	Nikul A. Inamdar	Sage Pointe Developer, LLC	F	1	80	1,877,777	Y	N	15	Y	Y	Y	149,846.60	A	Y	48
2020-128C	Pinnacle at Heron Pointe	David O. Deutch	Pinnacle Communities, LLC	E, Non-ALF	1	114	2,737,000	Y	N	15	Y	Y	Y	145,973.33	A	Y	39
2020-129C	Cordova Estates	Lewis V. Swezy	RS Development Corp; Lewis V. Swezy	F	1	190	2,882,000	Y	Y	15	Y	Y	Y	115,280.00	A	Y	41
2020-130C	Skyview	Cara Balogh	Skyview79 Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	52
2020-132C	Riverside Grove	Orli Teitelbaum	2nd Avenue Grove Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	14
2020-133C	Rosewood Gardens	Robert B. Balogh	Rosewood Miami Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	53
2020-134C	Ambar Club Residences	Elena M. Adames	Ambar3, LLC	E, Non-ALF	1	105	2,700,000	Y	N	15	Y	Y	Y	156,342.86	A	Y	62
2020-135C	The Ambar	Elena M. Adames	Ambar3, LLC	E, Non-ALF	1	105	2,700,000	Y	N	15	Y	Y	Y	156,342.86	A	Y	43
2020-136C	Liberty Square Phase Four	Alberto Milo, Jr.	Liberty Square Phase Four Developer, LLC	E, Non-ALF	1	120	2270000	Y	N	15	Y	Y	Y	120,764.00	A	Y	32
2020-137C	Metro Grande I	Mara S. Mades	Cornerstone Group Partners, LLC	E, Non-ALF	1	108	2,530,000	Y	N	15	Y	Y	Y	142,429.63	A	Y	33
2020-139C	Healthcare Senior Housing	Steven Kirk	Rural Neighborhoods, Incorporated; Advanced Housing Corp.; JCG Real Estate Ventures, LLC	E, Non-ALF	1	112	2,700,000	Y	N	15	Y	Y	Y	146,571.43	A	Y	10
2020-142C*	Ambar Trail	Elena M. Adames	Ambar3, LLC	F	1	210	2,882,000	Y	Y	15	Y	Y	Y	93,870.86	A	Y	24
2020-143C	Metro Grande III	Mara S. Mades	Cornerstone Group Partners, LLC	F	1	84	1,950,000	Y	N	15	Y	Y	Y	141,142.86	A	Y	17
2020-145C	The Atala	Nikul A. Inamdar	Atala Developer, LLC	E, Non-ALF	1	134	2,600,000	Y	N	15	Y	Y	Y	147,462.69	A	Y	11
2020-146C	Courtside Apartments, Phase II	Matthew A. Rieger	AMC HTG 2 Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	19
2020-147C	Harmony Tower	David O. Deutch	Pinnacle Communities, LLC	E, Non-ALF	1	112	2,685,000	Y	N	15	Y	Y	Y	145,757.14	A	Y	15
2020-148C	Orchid Pointe	Orli Teitelbaum	Orchid District Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	6

RFA 2019-112 Board Approved Scoring Results

Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Family Demo and qualifies for the Geographic Area of Opportunity / HUD-designated SADDAs Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number
2020-149C	Gables 31	Orli Teitelbaum	Gables31 Developer, LLC	E, Non-ALF	1	86	2,248,470	Y	N	15	Y	Y	Y	158,961.60	A	Y	30
2020-150C	Brownsville Transit Village V	Kenneth Naylor	APC Brownsville Village V Development, LLC	F	2	120	2,660,308	Y	N	15	Y	Y	Y	134,788.94	A	Y	25

RFA 2019-112 Board Approved Scoring Results

Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Family Demo and qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number
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Ineligible Applications

2020-110C	Residences at Opa-Locka	Robert Hoskins	NuRock Development Partners, Inc.	F	1	90	1,657,475	N	N	15	Y	Y	Y	139,964.56		Y	61
2020-131C	The Haven	Justin Wilson	908 Affordable II Developer, LLC	F	1	140	2,882,000	N	Y	15	Y	Y	Y	156,451.43		Y	63
2020-138C*	Superior Manor Apartments II	Oliver L. Gross	SMA II Developers, LLC	F	1	76	1825000	N	N	15	Y	Y	Y	164,250.00		Y	35
2020-140C	The Villages Apartments, Phase II	Oliver Gross	Villages II Developers, LLC	F	1	120	2882000	N	N	15	Y	Y	Y	146,021.33		Y	28
2020-141C*	Serenity Grove	Oliver L. Gross	Serenity Grove Developers, LLC	E, Non-ALF	1	75	1650000	N	N	15	Y	Y	Y	165,528.00		Y	20
2020-144C	Rio Pointe on Flagler	Joseph F. Chapman, IV	Royal American Properties, LLC	E, Non-ALF	1	100	2,460,000	N	N	15	Y	Y	Y	149,568.00		Y	57

*Mid-Rise 4 story multiplier was applied at the review committee meeting which affects the Corporation Funding Per Set-Aside.

**Total Set-Aside percentage was not included on the Application Submitted Report, but it was presented at the review committee meeting which affected the Corporation Funding Per Set-Aside Amount.

On January 23, 2020, 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.

**CARLTON
FIELDS**

Michael Donaldson
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January 29, 2020

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 2019-112 – Housing Credit Financing For Affordable Housing
Developments Located In Miami-Dade County

Dear Ms. McGlamory:

On behalf of Ambar Trail, Ltd. (2019-142C), 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 January 24, 2020 at 9:03 a.m. Ambar Trail, Ltd. 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

MPD/rb

cc: Elena Adames

Section Four A. of RFA 2019-112 states:

“Applicants may submit no more than three (3) Priority I Applications. There is no limit to the number of Priority II Applications that can be submitted; however, no Principal can be a Principal, as defined in Rule Chapter 67-48.002(94), F.A.C., of more than three (3) Priority 1 Applications.

For purposes of scoring, Florida Housing will rely on the Principals of the Applicant and Developer(s) Disclosure Form (Rev. 05-2019) outlined below in order to determine if a Principal is a Principal on more than three (3) Priority I Applications. If during scoring it is determined that a Principal is disclosed as a Principal on more than three (3) Priority I Applications, all such Priority I Applications will be deemed Priority II.

If it is later determined that a Principal, as defined in Rule Chapter 67-48.002(94), F.A.C., was not disclosed as a Principal and the undisclosed Principal causes the maximum set forth above to be exceeded, the award(s) for the affected Application(s) will be rescinded and all Principals of the affected Applications may be subject to material misrepresentation, even if the Applications were not selected for funding, were deemed ineligible, or were withdrawn.”

The following Priority I designated Applications contain Principals of the Applicant and Developer(s) Disclosure Forms with separate designations:

Authorized Principal Representative: Mathew Rieger	Authorized Principal Representative: Randy Rieger	Authorized Principal Representative: Cara Balogh	Authorized Principal Representative: Orli Teitelbaum	Authorized Principal Representative: Robert Balogh
2020-097C	2020-102C	2020-091C	2020-132C	2020-095C
2020-109C	2020-115C	2020-100C	2020-148C	2020-103C
2020-146C	2020-105C	2020-130C	2020-149C	2020-133C

The Principals of the Applicant and Developer(s) Disclosure Forms for these Applications do not reflect a Principal designated on more than 3 Priority 1 Applications. However, the designated Priority I Applications share the following organizational commonalities, including:

- Under Section Three A.4.b., of the RFA, all 15 Applications submitted an Application Fee provided by HTG United, LLC from the same account number.
- Under Section Three A.4.a., of the RFA, all 15 Applications were submitted with hard copy binders under the cover sheet of Housing Trust Group, with the address of Aviation Avenue, Coconut Grove, Florida.
- Under Section Four A.3.c.2., of the RFA, all 15 of the Advance Review of Principal Disclosure Form requests for the Applications were submitted from individuals associated with Housing Trust Group, LLC at the address 3225 Aviation Avenue, Coconut Grove, Florida.
- Under Section Four A.3.e.2., of then RFA, all of the Applications share the same operational Contact Person, Scott Osman, associated with Housing Trust Group, LLC, at 3225 Aviation Avenue, Coconut Grove, Florida.
- With the exception of Application 2020-109C, under Exhibit C Section 3 of the RFA, all of the Applications share the exact same Corporation Funding Per Set Aside Amount.



1/9/2020

EXHIBIT E

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Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Family Demo and qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number	Goal
2020-142C*	Ambar Trail	Elena M. Adames	Ambar3, LLC	F	1	210	2,882,000	Y	Y	15	Y	Y	Y	93,870.86	A	Y	24	#1 Family
2020-093C	Culmer Apartments II	Kenneth Naylor	APC Culmer Development II, LLC	E, Non-ALF	1	108	1,923,000	Y	N	15	Y	Y	Y	108,257.78	A	Y	46	#3 Addtl
2020-129C	Cordova Estates	Lewis V. Swezy	RS Development Corp; Lewis V. Swezy	F	1	190	2,882,000	Y	Y	15	Y	Y	Y	115,280.00	A	Y	41	
2020-120C	Platform 3750 at Frankie Shannon Rolle Center	Mara S. Mades	Cornerstone Group Partners, LLC	F	1	77	1,480,000	Y	Y	15	Y	Y	Y	116,862.34	A	Y	50	#2 Elderly
2020-117C	Residences at Naranja Lakes	Robert Hoskins	NuRock Development Partners, Inc.	F	1	140	2,582,000	Y	Y	15	Y	Y	Y	117,739.20	A	Y	2	
2020-090C	Quail Roost Transit Village IV	Kenneth Naylor	Quail Roost IV Development, LLC	E, Non-ALF	1	134	2,630,000	Y	N	15	Y	Y	Y	119,331.34	A	Y	16	
2020-136C	Liberty Square Phase Four	Alberto Milo, Jr.	Liberty Square Phase Four Developer, LLC	E, Non-ALF	1	120	2270000	Y	N	15	Y	Y	Y	120,764.00	A	Y	32	
2020-101C	Harbour Springs	Lewis V. Swezy	RS Development Corp; Lewis V. Swezy	F	1	150	2,851,000	Y	Y	15	Y	Y	Y	121,338.56	A	Y	1	
2020-099C	Princeton Crossings	Lewis V. Swezy	RS Development Corp; Lewis V. Swezy	F	1	150	2,851,000	Y	Y	15	Y	Y	Y	121,338.56	A	Y	21	
2020-116C*	The Mosaic	William Todd Fabbri	The Richman Group of Florida, Inc.	E, Non-ALF	1	105	1,925,000	Y	N	15	Y	Y	Y	125,400.00	A	Y	26	
2020-123C	RUDG The Commons Phase Two	Alberto Milo, Jr.	RUDG The Commons Phase Two Developer, LLC	F	1	180	2882000	Y	Y	15	Y	Y	Y	127,768.67	A	Y	29	
2020-089C	Northside Transit Village III	Kenneth Naylor	Northside Property III Development, LLC	E, Non-ALF	1	130	2,881,980	Y	N	15	Y	Y	Y	134,787.99	A	Y	36	
2020-126C	Paseo del Rio	Alberto Milo, Jr.	Paseo del Rio Developer, LLC	E, Non-ALF	1	125	2,882,000	Y	N	15	Y	Y	Y	140,180.48	A	Y	7	
2020-098C**	Banyan Station	Terri Murray	NRI Development Corp.; Neighborhood Renaissance, Inc.; Stone Soup Development, Inc.	F	1	125	2,882,000	Y	N	15	Y	Y	Y	140,180.48	A	Y	12	
2020-143C	Metro Grande III	Mara S. Mades	Cornerstone Group Partners, LLC	F	1	84	1,950,000	Y	N	15	Y	Y	Y	141,142.86	A	Y	17	
2020-137C	Metro Grande I	Mara S. Mades	Cornerstone Group Partners, LLC	E, Non-ALF	1	108	2,530,000	Y	N	15	Y	Y	Y	142,429.63	A	Y	33	
2020-088C	Alto Tower	Steve Protulis	EHDOD Development Services, LLC; Alto Tower Developer, LLC	E, Non-ALF	1	119	2,795,000	Y	N	15	Y	Y	Y	142,803.36	A	Y	13	
2020-092C	San Cristobal	Steve Protulis	EHDOD Development Services, LLC; San Cristobal 27 Developer, LLC	E, Non-ALF	1	90	2,115,000	Y	N	15	Y	Y	Y	142,880.00	A	Y	23	
2020-122C	Slate Miami	William Todd Fabbri	The Richman Group of Florida, Inc.	E, Non-ALF	1	105	2,500,000	Y	N	15	Y	Y	Y	144,761.90	A	Y	4	

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Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Family Demo and qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number	Goal
2020-119C	Capri Place	Barry Goldmeier	DDA Development, LLC; Advanced Housing Corp.; JCG Real Estate Ventures, LLC	E, Non-ALF	1	112	2,675,000	Y	N	15	Y	Y	Y	145,214.29	A	Y	22	
2020-125C	Yeager Plaza	Kareem Brantley	Yaeger Plaza Developer, LLC; Stone Soup Development, Inc.; The Yaeger Clinic, Inc.	E, Non-ALF	1	105	2510000	Y	N	15	Y	Y	Y	145,340.95	A	Y	51	
2020-147C	Harmony Tower	David O. Deutch	Pinnacle Communities, LLC	E, Non-ALF	1	112	2,685,000	Y	N	15	Y	Y	Y	145,757.14	A	Y	15	
2020-114C	Pinnacle Landings	David O. Deutch	Pinnacle Communities, LLC	E, Non-ALF	1	114	2,735,000	Y	N	15	Y	Y	Y	145,866.67	A	Y	8	
2020-112C	Laurel Club	Oscar Sol	Laurel Club Dev, LLC; JCG Real Estate Ventures, LLC	F	1	120	2,880,000	Y	Y	15	Y	Y	Y	145,920.00	A	Y	5	
2020-128C	Pinnacle at Heron Pointe	David O. Deutch	Pinnacle Communities, LLC	E, Non-ALF	1	114	2,737,000	Y	N	15	Y	Y	Y	145,973.33	A	Y	39	
2020-096C	The Seattle	Justin Wilson	908 Affordable I Developer, LLC	F	1	120	2,882,000	Y	N	15	Y	Y	Y	146,021.33	A	Y	18	
2020-109C*	Shoreview Place	Matthew A. Rieger	HTG Shoreview Developer, LLC	F	1	94	2,184,560	Y	Y	15	Y	Y	Y	146,244.67	A	Y	58	
2020-139C	Healthcare Senior Housing	Steven Kirk	Rural Neighborhoods, Incorporated; Advanced Housing Corp.; JCG Real Estate Ventures, LLC	E, Non-ALF	1	112	2,700,000	Y	N	15	Y	Y	Y	146,571.43	A	Y	10	
2020-111C	Villa Saona	Steve Protulis	EHDOC Development Services, LLC; Villa Saona Developer, LLC	E, Non-ALF	1	106	2,560,000	Y	N	15	Y	Y	Y	146,837.74	A	Y	34	
2020-121C	Rosemary Cove	Stephanie Berman	Carrfour Supportive Housing, Inc.; Romero Capital, LLC	F	1	118	2,859,899	Y	Y	15	Y	Y	Y	147,357.51	A	Y	37	
2020-145C	The Atala	Nikul A. Inamdar	Atala Developer, LLC	E, Non-ALF	1	134	2,600,000	Y	N	15	Y	Y	Y	147,462.69	A	Y	11	
2020-124C	Vineyard Villas	Marc S. Plonskier	Gatehouse Development Corp.; Magellan Housing, LLC	E, Non-ALF	1	97	1,895,000	Y	N	15	Y	Y	Y	148,474.23	A	Y	31	
2020-127C	Sage Pointe	Nikul A. Inamdar	Sage Pointe Developer, LLC	F	1	80	1,877,777	Y	N	15	Y	Y	Y	149,846.60	A	Y	48	
2020-094C	City Place	Francisco Rojo	Landmark Development Corp.	F	1	110	2,728,000	Y	Y	15	Y	Y	Y	150,784.00	A	Y	47	
2020-104C	Autumn Ridge	Francisco Rojo	Landmark Development Corp.	F	1	110	2,728,000	Y	Y	15	Y	Y	Y	150,784.00	A	Y	55	
2020-106C	Sierra Meadows	Francisco Rojo	Landmark Development Corp.	F	1	114	2,827,200	Y	Y	15	Y	Y	Y	150,784.00	A	Y	59	
2020-113C	Parkview	William Todd Fabbri	The Richman Group of Florida, Inc.	F	1	99	2,500,000	Y	Y	15	Y	Y	Y	153,535.35	A	Y	27	

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Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Family Demo and qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number	Goal
2020-135C	The Ambar	Elena M. Adames	Ambar3, LLC	E, Non-ALF	1	105	2,700,000	Y	N	15	Y	Y	Y	156,342.86	A	Y	43	
2020-134C	Ambar Club Residences	Elena M. Adames	Ambar3, LLC	E, Non-ALF	1	105	2,700,000	Y	N	15	Y	Y	Y	156,342.86	A	Y	62	
2020-105C	Parc Grove	Randy Rieger	Parc Grove Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	3	
2020-148C	Orchid Pointe	Orli Teitelbaum	Orchid District Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	6	
2020-132C	Riverside Grove	Orli Teitelbaum	2nd Avenue Grove Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	14	
2020-146C	Courtside Apartments, Phase II	Matthew A. Rieger	AMC HTG 2 Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	19	
2020-149C	Gables 31	Orli Teitelbaum	Gables31 Developer, LLC	E, Non-ALF	1	86	2,248,470	Y	N	15	Y	Y	Y	158,961.60	A	Y	30	
2020-095C	Park Ridge	Robert B. Balogh	Park Ridge Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	38	
2020-097C	Courtside Apartments, Phase III	Matthew A. Rieger	AMC HTG 3 Developer, LLC	F	1	80	2,091,600	Y	N	15	Y	Y	Y	158,961.60	A	Y	40	
2020-103C	The Orange Grove	Robert B. Balogh	Orange Grove Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	42	
2020-115C	Creek View	Randy E. Rieger	Creek View NMB Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	44	
2020-102C	Riverside Flats	Randy E. Rieger	2nd Avenue Flats Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	45	
2020-091C	Coco Parc	Cara Balogh	24735 Coco Parc Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	49	
2020-130C	Skyview	Cara Balogh	Skyview79 Developer, LLC	E, Non-ALF	1	110	2,875,950	Y	N	15	Y	Y	Y	158,961.60	A	Y	52	
2020-133C	Rosewood Gardens	Robert B. Balogh	Rosewood Miami Developer, LLC	F	1	110	2,875,950	Y	Y	15	Y	Y	Y	158,961.60	A	Y	53	
2020-100C	The Saxony	Cara Balogh	Saxony Wynwood Developer, LLC	F	1	104	2,719,080	Y	Y	15	Y	Y	Y	158,961.60	A	Y	54	

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Application Number	Name of Development	Name of Authorized Principal Representative	Name of Developers	Demo	Priority Level	Total Units	HC Funding Amount	Eligible For Funding?	Family Demo and qualifies for the Geographic Area of Opportunity / HUD-designated SADDA Funding Goal?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number	Goal
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Ineligible Applications

2020-110C	Residences at Opa-Locka	Robert Hoskins	NuRock Development Partners, Inc.	F	1	90	1,657,475	N	N	15	Y	Y	Y	139,964.56		Y	61	
2020-131C	The Haven	Justin Wilson	908 Affordable II Developer, LLC	F	1	140	2,882,000	N	Y	15	Y	Y	Y	156,451.43		Y	63	
2020-138C*	Superior Manor Apartments II	Oliver L. Gross	SMA II Developers, LLC	F	1	76	1825000	N	N	15	Y	Y	Y	164,250.00		Y	35	
2020-140C	The Villages Apartments, Phase II	Oliver Gross	Villages II Developers, LLC	F	1	120	2882000	N	N	15	Y	Y	Y	146,021.33		Y	28	
2020-141C*	Serenity Grove	Oliver L. Gross	Serenity Grove Developers, LLC	E, Non-ALF	1	75	1650000	N	N	15	Y	Y	Y	165,528.00		Y	20	
2020-144C	Rio Pointe on Flagler	Joseph F. Chapman, IV	Royal American Properties, LLC	E, Non-ALF	1	100	2,460,000	N	N	15	Y	Y	Y	149,568.00		Y	57	

*Mid-Rise 4 story multiplier was applied at the review committee meeting which affects the Corporation Funding Per Set-Aside.

**Total Set-Aside percentage was not included on the Application Submitted Report, but it was presented at the review committee meeting which affected the Corporation Funding Per Set-Aside Amount.