

BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

BONNET SHORES, LLLP

Petitioner,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

FHFC Case No. 2008-100 UC-Ranking

DOAH Case No.:

Agency Case No.: Application No. 2008-169C

**PETITION REQUESTING FORMAL HEARING BEFORE THE DIVISION OF
ADMINISTRATIVE HEARINGS AND THE GRANT OF THE RELIEF REQUESTED**

Pursuant to §§120.569 and 120.57, Florida Statutes ("FS"), Rule 67-48.005, Florida Administrative Code ("F.A.C.") and Rule 28-106.201, Florida Administrative Code ("F.A.C."), Petitioner, Bonnet Shores, LLLP ("Petitioner") requests a formal hearing before an Administrative Law Judge from the Division of Administrative Hearings ("DOAH") regarding the scoring by Florida Housing Finance Corporation ("FHFC") of the Housing Credit ("HC") Application No. 2008-169C ("Application") filed by Madison Glen, LLC ("Applicant") for the proposed development referred to within such Application as Madison Glen which resulted in FHFC denying Petitioner its requested tax credit allocation, and to then grant the relief requested herein. In support of this Petition, Petitioner states as follows:

1. The name and address of the agency affected by this action are:

Florida Housing Finance Corporation
City Center Building, Suite 5000
227 N. Bronough Street
Tallahassee, Florida 32301-1329

2. The address and telephone number of the Petitioner is:

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Bonnet Shores, LLLP
430 Hartsell Avenue
Lakeland, Florida 33815
Telephone: (863) 687-2911

3. The name, address, telephone number, and fax number of the Petitioner's attorney, which shall be the Petitioner's address for service purposes during the course of this proceeding, is:

Gary J. Cohen, Esq.
Shutts & Bowen, LLP
201 S. Biscayne Blvd., Ste. 1500
Miami, Florida 33131
Telephone No. (305) 347-7308

The Low-Income Housing Tax Credit Program

4. The United States Congress has created a program, governed by Section 42 of the Internal Revenue Code ("IRC"), by which federal income tax credits are allotted annually to each state on a per capita basis to help facilitate private development of affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder's federal tax liability, which can be taken for up to ten years if the project continues to satisfy all IRC requirements.

5. The tax credits allocated annually to each state are awarded by state "housing credit agencies" to single-purpose applicant entities created by real estate developers to construct and operate specific multi-family housing projects. The applicant entity then sells this ten-year stream of tax credits, typically to a "syndicator," with the sale proceeds generating much of the funding necessary for development and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to operate the project at below-market-rate rents that are affordable to low-income and very-low-income tenants.

6. Pursuant to section 420.5099, Florida Statutes, FHFC is the designated “housing credit agency” for the State of Florida and administers Florida’s low-income housing tax credit program. Through this program, FHFC allocates Florida’s annual fixed pool of federal tax credits to developers of affordable housing.¹

The 2008 Universal Application Cycle

7. Because FHFC’s available pool of federal tax credits each year is limited, qualified projects must compete for this funding. To assess the relative merits of proposed projects, FHFC has established a competitive application process pursuant to Chapter 67-48, F.A.C. As set forth in Rules 67-48.002-.005, F.A.C., FHFC’s application process for 2008 consisted of the following:

- (a) the publication and adoption by rule of a “Universal Application Package,” which applicants use to apply for a variety of FHFC-administered funding programs, including federal tax credits;

- (b) the completion and submission of applications by developers;

- (c) FHFC’s preliminary scoring of applications;

- (d) an initial round of administrative challenges in which an applicant may take issue with FHFC’s scoring of another application by filing a Notice of Possible Scoring Error (“NOPSE”);

- (e) FHFC’s consideration of the NOPSE’s submitted, with notice to applicants of any resulting change in their scores;

¹ FHFC is a public corporation created by law in section 420.504, Florida Statutes, to provide and promote the financing of affordable housing and related facilities in Florida. FHFC is an “agency” as defined in section 120.52(1), Florida Statutes, and is therefore subject to the provisions of Chapter 120, Florida Statutes.

(f) an opportunity for the applicant to submit additional materials to FHFC to “cure” any items for which the applicant received less than the maximum score;

(g) a second round of administrative challenges whereby an applicant may raise scoring issues arising from another applicant’s cure materials by filing a Notice of Alleged Deficiency (“NOAD”);

(h) FHFC’s consideration of the NOAD’s submitted, with notice to applicants of any resulting change in their scores;

(i) an opportunity for an applicant to challenge, via informal or formal administrative proceedings, FHFC’s evaluation of any item in their own application for which the applicant received less than the maximum score;

(j) final scores, ranking, and allocation of tax credit funding to applicants, adopted through final orders; and

(k) an opportunity for applicants to challenge, via informal or formal administrative proceedings, FHFC’s final scoring and ranking of competing applications where such scoring and ranking resulted in a denial of FHFC funding to the challenger.²

8. On or about April 7, 2008, numerous applications were submitted to FHFC seeking tax credit funding. Petitioner (FHFC Applic. #2008-231C) applied for \$1,393,845 in annual tax credits to help finance its project, the acquisition/rehabilitation of a 75-unit duplex/quadrplex apartment complex in Polk County, Florida. All units in the project are dedicated to housing families earning 60% or less of the area median income.

² Notably, if successful in such a challenge, FHFC funding is not taken away from the competing applicant who was scored or ranked in error and given to the challenger. Instead, the competing applicant keeps its funding, and the challenger receives its requested funding “off-the-top” from the next available source of such funds allocated to FHFC. Rule 67-48.005(7), F.A.C.

9. At the conclusion of the scoring process outlined above, Petitioner received from FHFC the maximum possible application score of 66 points, met all of FHFC's threshold application requirements, and competed for tax credits in the Medium County Geographic Set-Aside.³

10. The applicant ("Applicant") whose scoring is at issue in this proceeding, is Madison Glen (FHFC Applic. #2008-169C), located in Volusia County, Florida in the Medium County Geographic Set-Aside.

11. On September 26, 2008, FHFC's Board adopted final "post-appeal" scores and rankings. Like Petitioner, Applicant Madison Glen received the maximum possible application score of 66 points and the maximum possible "proximity" score of 7.5 points. The Universal Application Instructions ("Instructions") provide that, in the event of a tie among competing applicants receiving 66 points, a series of tie-breakers will be utilized to rank such applications. Generally (in descending order), an application in "Group A" prevails over an application in "Group B"; an application with a greater number of "proximity tie-breaker points" (7.5 being the maximum) prevails over an application with fewer "proximity tie-breaker points"; and finally (passing over certain other tie-breakers not applicable to the applications in question) an application with a lower lottery number prevails over an application with a higher lottery number.

12. In an effort to distribute its available tax credits across the state, FHFC uses a Set-Aside Unit Limitation ("SAUL") that restricts the number of units it will fund in any given

³ Aside from applicants proposing projects targeted to specific tenant populations (e.g., the Homeless) or located in specific areas (e.g., the Florida Keys), applicants generally compete against each other for funding within Geographic Set-Asides (Large, Medium, and Small) based upon the population of the county in which their project is located.

county. Thus, an application ranked higher than applications in other counties may nonetheless be skipped over for funding if the SAUL for its county has been met under FHFC's rules.

13. Both Petitioner Bonnet Shores and Applicant Madison Glen received perfect scores of 66 points, were both in "Group A", and both received the maximum proximity tie-breaker points. Petitioner Bonnet Shores received lottery number 35, while Applicant Madison Glen received lottery number 5. As such, Applicant Madison Glen ranked ahead of Petitioner Bonnet Shores in the Medium County Geographic Set-Aside.

14. In allocating the available tax credits to the ranked applications in the Medium County Geographic Set-Aside, Applicant Madison Glen was designated to receive tax credit funding. Although tax credits remained available in the Medium County Geographic Set-Aside after Madison Glen, and Petitioner Bonnet Shores' lottery number otherwise ranked it high enough to receive these credits, the previous funding of certain other applications located in Polk County exhausted the Polk County SAUL in the first SAUL cycle, and Petitioner Bonnet Shores was skipped over and not designated to receive any tax credit funding in the first SAUL cycle applied to the Medium County Geographic Set-Aside. Upon the completion of the first SAUL cycle in the Medium County Geographic Set-Aside, tax credits remained available; however, there were not enough tax credits remaining to fund Petitioner Bonnet Shores' application in the second SAUL cycle.

15. If FHFC had properly scored Madison Glen and eliminated such application from further competition, as explained below, Petitioner Bonnet Shores would have received its requested tax credits pursuant to Section 8 of the FHFC 2008 Qualified Allocation Plan ("QAP") and Pages 88-89 of the Instructions. Petitioner Bonnet Shores' substantial interests were

therefore materially and adversely affected by FHFC's improper actions, and Petitioner has standing to challenge FHFC's actions in this proceeding.

16. In the QAP, FHFC advised all potential applicants as to the manner in which low-income housing tax credits ("HC") would be allocated. See Sections 1 through 4 of the QAP, and Pages 93 through 99 of the Instructions. HC is first allocated to certain "Special Set-Asides" (Florida Keys, Homeless, Preservation, Rural Development, etc.), then to satisfy certain "Targeting Goals" (Farmworker, HOPE VI, Elderly, Urban In-Fill, Non-Profit, etc.), and then remainder is allocated 62% to Large County Geographic Set-Aside, 34% to Medium County Geographic Set-Aside and 4% to Small County Geographic Set-Aside. HC allocated to satisfy "Targeting Goals" not met the by "Special Set-Asides" are offset against the HC otherwise allocable to the Geographic Set-Aside in which the application satisfying such "Targeting Goal" is located.

17. To the extent of any unused allocation authority within a Geographic Set-Aside, Pages 88-89 of the Instructions require that such unused HC allocation authority be used (i) first, to fund partially funded applications in order to fully fund such developments, and (ii) thereafter, "... If Housing Credits are still available, all eligible, unfunded Applications (Large, Medium and Small) will be listed together in ranked order. Of those Applications proposing Developments in counties which have met SAUL the least number of times in the Geographic Set-Aside, the highest ranking Applications will be considered for tentative funding. This process will be repeated as many times as necessary until all available Housing Credits are tentatively allocated. If the last remaining Allocation Authority after application of the foregoing is not sufficient to fully fund the next highest scoring, eligible Application, such Applicant shall be entitled to a Binding Commitment for the unfunded balance, without regard to the 40 percent

Binding Commitment limitation stated in Section 14 of the 2008 QAP. Applications that are successful in receiving a partial allocation will receive a Binding Commitment for 2009 Housing Credits up to an amount approved by the Corporation.” This process is referred to herein as the “Last Dollar Analysis”.

18. As reflected in the 2008 Universal Application Cycle Ranked Order and 2008 Universal Application Cycle Balances issued by FHFC on September 26, 2008, there was approximately \$1,239,402.00 of HC authority remaining in the Large County Geographic Set-Aside. As disclosed under the subheading “HC Redistribution” in the aforementioned Ranked Order, such HC authority was utilized to fully fund four applications and partially fund a fifth application (Taylor Place Apartments-Phase I, Application No. 2008-227C). As was set forth in the 2008 Universal Application Cycle-MMRB, SAIL and HC Ranked Waiting List issued by FHFC on September 26, 2008, Petitioner Bonnet Shores was the second ranked unfunded HC application on the waiting list (after Application No. 2008-193C, The Ella). However, for purposes of applying the Last Dollar Analysis, Petitioner Bonnet Shores was “next up” in the waiting list, because The Ella was located in Hillsborough County, which had already met its SAUL limit twice, whereas Petitioner Bonnet Shores is located in Polk County, which had only met its SAUL limit once. Pursuant to the Instructions on the bottom of Page 88, preference is given (in applying the Last Dollar Analysis) to those applications proposing developments in counties which have met SAUL the least number of times in the Geographic Set-Aside.

19. Had Applicant Madison Glen been scored correctly and not received any points for its Local Government Contribution (as more fully explained herein), it would not have been funded and Application No. 2008-227C (Taylor Place Apartments-Phase I) would have been funded in its stead in the Medium County Geographic Set-Aside as the top ranked Volusia

County HC applicant. Had this occurred there would have been \$709,316.00 of HC authority remaining in the Medium County Geographic Set-Aside, together with \$1,239,402.00 of HC authority remaining in the Large County Geographic Set-Aside. Under the Last Dollar Analysis, such funds would have been allocated as follows: Cottondale Village Apartments (Application No. 2008-151C) \$68,161.00; Northwest Gardens (Application No. 2008-203C) \$137,216.00; Graceland Manor Apartments (Application No. 2008-152C) \$208,823.00; Paul Colton Villas (Application No. 2008-230C) \$1,346,416.00. At that point there would have been \$188,102.00 remaining, and Petitioner Bonnet Shores would have been entitled (as the next highest ranked Applicant in a county having met SAUL only one time) to such funds, together with a Binding Commitment for 2009 HC in the amount of \$1,205,743.

20. Applicant Madison Glen's application should not have received a perfect score. It should have been awarded zero points for "local government contribution". Applicant Madison Glen was given full credit (as a valid form of "local government contribution") for a \$150,000 loan from Volusia County. FHFC's rule clearly provide that in order to be eligible for points for a local government contribution, the effective date of the local government contribution must be on or before the application deadline of April 7, 2008. As is more fully explained herein, as of April 7, 2008, Applicant Madison Glen was ranked eighth of eight applicants for Volusia County loan funds, with only the top five ranked applicants eligible to receive (as of April 7, 2008) such funds. If FHFC had correctly scored Applicant Madison Glen's application (in particular, its Local Government Contribution), Petitioner Bonnet Shores would have received its requested tax credits as the "Last Dollar Application".

Disputed Issues of Material Fact

21. There are disputed issues of material fact involved in FHFC's scoring of Applicant Madison Glen's application with respect to Section IV.A. of the Madison Glen application. The disputed issued of material fact pertains to whether the commitment for \$150,000 of loan proceeds from Volusia County obtained by Applicant Madison Glen was effective as of April 7, 2008 as required by the Universal Cycle Instructions and, more particularly, whether such commitment for loan funds was in place as of March 13, 2008, which date which was indicated as the effective date of such local government contribution on Exhibit 45 submitted by Applicant Madison Glen as part of the "cure documentation" to its application.

22. As discussed below, a competing party (Taylor Place Apartments – Phase I, Application No. 2008-227C) filed a Notice of Alleged Deficiency ("NOAD") against Applicant Madison Glen alleging that the local government contribution in question was invalid because it was not effective as of the April 7, 2008 application deadline.

23. No reason was given by FHFC in denying the above-referenced NOAD. However, an agency must follow its own rules, so by denying such NOAD, FHFC must have determined (in accordance with its promulgated rules) that the local government contribution in question was in place and effective as of April 7, 2008 (the application deadline). As more fully set forth below, Petitioner contends (based on facts set forth herein) that there was no commitment from Volusia County to Applicant Madison Glen for such loan funds until well after the April 7, 2008 application deadline.

24. Since these facts are material and disputed, they must be resolved in a formal hearing conducted by an Administrative Law Judge ("ALJ") assigned by the Division of Administrative Hearings ("DOAH"), unless FHFC is willing to stipulate to the facts set forth in

this Petition. In that event, it would be proper to conduct an informal hearing before FHFC on the question of the proper application of the law to those then undisputed facts.

Ultimate Facts Alleged

The ultimate facts alleged by Petitioner, including the specific facts that Petitioner contend warrant a finding that FHFC erred in scoring Applicant Madison Glen's Application, are as follows:

25. In its initial Application filed on or about April 7, 2008, Applicant Madison Glen failed to submit any evidence of a qualifying "Local Government Contribution". Up to five points are awarded to applicants providing evidence (in a sufficient dollar amount) of a qualifying "Local Government Contribution".

26. Page 57 of the Instructions provide, in part, that the applicable Local Government Verification of Contribution form must reflect "... the effective date of the Local Government commitment and/or fee waiver (date must be on or before the Application Deadline) (emphasis added) ...". That is, in order to be eligible to receive five points for a qualifying Local Government Contribution, the commitment of the Local Government must have been in place on or before the Application Deadline (April 7, 2008).

27. The applicable form in question (2008 Universal Cycle – Local Government Verification of Contribution – Loan) provides, in relevant part, that "On or before _____ the City/County of _____ committed \$ _____ in the form of reduced interest rate loan to the Applicant ...".

28. On January 31, 2008, Volusia County issued a Request For Proposals ("RFP") to allocate approximately \$750,000.00 in State Housing Initiatives Partnership ("SHIP") program funds to applicants seeking funding from FHFC in 2008. A copy of the relevant portions of the RFP is attached hereto as Exhibit "A".

29. In response to the RFP, Volusia County received responses from six different developers proposing a total of eight developments. Volusia County staff evaluated and rank ordered the proposals, and made a recommendation to the Volusia County Council. On March 13, 2008, the Volusia County Council selected five developments for funding, with the other three developments being placed on a rank ordered waiting list. The proposed developments selected for funding were Laurel Villas (FHFC Application No. 2008-048C), Laurel Court (FHFC Application No. 2008-046C), Taylor Place-Phase I (FHFC Application No. 2008-227C), Arbours of Holly Hill (FHFC Application No. 2008-023C), and Arbours of Deland (FHFC Application No. 2008-027C). A copy of the County's award recommendation (and minutes adopting such recommendation) are attached hereto as Exhibit "B".

30. Of paramount interest is the fact that all five of the recommended developments included, in their applications filed with FHFC on or before the Application Deadline of April 7, 2008, the completed Local Government Verification form (the verification form for each of the five applicants are attached as Exhibit "C").

31. With respect to the three "wait listed" developments (Madison Springs, FHFC Application No. 2008-168C; Madison Glen, FHFC Application No. 2008-169C and Taylor Place-Phase II (did not submit an FHFC Application)), none of those applicants (in their April 7, 2008 Applications filed with FHFC) submitted any evidence of a qualifying Local Government Contribution. It is a fair inference that they did not include the appropriate form in their initial application because, at that time, they were "wait listed" and did not have a commitment from Volusia County for such loan/qualifying Local Government Contribution.

32. Attached as Exhibit "B" is a copy of the agenda and minutes of the meeting of the Volusia County Council on March 13, 2008. In relevant part, the recommendation (as adopted

by the County Council) provided that “The evaluation committee voted to recommend award of a \$150,000.00 SHIP loan to four firms for five projects in the following order ...” (Laurel Villas; Laurel Court; Taylor Place-Phase I; Arbours at Holly Hill; and Arbours at Deland). The recommendation continued on to state that “If negotiation fails with any firm, or an application to FHFC is withdrawn, the committee recommends that a \$150,000.00 loan be awarded and the required FHFC verification of loan form be executed with alternative firms for projects in the following order ...” (Taylor Place Apartments-Phase II; Madison Springs; and Madison Glen as the eighth ranked out of eight applicants). Clearly Applicant Madison Glen was not “in the money” at that time, and did not have a commitment for a SHIP loan from Volusia County as of March 13, 2008.

33. Attached (as Exhibit “D”) is an e-mail from the Government contact person listed on the Local Government Verification of Loan forms for Volusia County (Ms. Paula Szabo) dated May 13, 2008 to representatives of the eight applicants for Volusia County SHIP funds. In that e-mail, Ms. Szabo clearly indicates that an award was made to the top five ranked projects. With respect to the three “wait listed” applications, Ms. Szabo stated as follows: “Three of the applications to Volusia County received a loan commitment that was contingent (emphasis added) upon one of the 5 top ranked projects negotiations failing with Volusia County, or an application to FHFC being withdrawn. In the event of your withdrawal, we would like to be able to inform them in a timely manner.” Clearly, Ms. Szabo had determined that, as of May 13, 2008, the three wait listed applicants (including Applicant Madison Glen) had not received a true commitment for a \$150,000.00 SHIP loan from Volusia County. She clearly classified their funding as contingent upon the withdrawal or cessation of negotiations of one or more of the five top ranked applicants.

34. On or before June 16, 2008 Applicant Madison Glen submitted "cure documentation" to its original application. Included in that "cure documentation" was the form titled "2008 Universal Cycle-Local Government Verification of Contribution-Loan" signed by Mr. James Dinneen as County Manager of Volusia County. The form (attached hereto as Exhibit "E") indicated that on or before March 13, 2008 (the date of the Volusia County Council meeting awarding the SHIP loans), Volusia County committed \$150,000.00 in the form of a reduced interest rate loan to Applicant Madison Glen. Ms. Paula Szabo is listed as the Government contact for such loan.

35. On or about June 24, 2008, a Notice of Alleged Deficiency ("NOAD") was filed against Applicant Madison Glen by a competing applicant (Taylor Place Apartments FHFC Application No. 2008-227C). A copy of the NOAD is attached as Exhibit "F". The NOAD contended that, in essence, the claimed loan was only a contingent commitment as of the Application Deadline and as of the date the Verification form was signed and as such, should be disregarded and not receive five points as a qualifying local government contribution.

36. It is clear from a review of the attached Exhibits that Applicant Madison Glen did not have a commitment for a qualifying Local Government Contribution from Volusia County as of the Application Deadline, as is required by the Instructions. The top five ranked applicants for SHIP funding all (on or before the Application Deadline) submitted forms signed by the Volusia County Manager evidencing their receipt of qualifying loans. Applicant Madison Glen did not, in its original Application, submit any such form. Applicant submitted the verification form in its cure documentation. At the time the cure documentation was submitted, it was clear that all of the five top ranked applicants for SHIP funding (except for Taylor Place Apartments-Phase I, Application No. 2008-227C) had drawn high lottery numbers and would not be eligible to win

HC. Volusia County made the determination to execute (on June 5, 2008) the Verification form for Applicant Madison Glen, notwithstanding the fact that as of that date none of the five top ranked applicants for the SHIP money had withdrawn their application from consideration by FHFC. See the attached list of withdrawn applications as published on the FHFC website (attached hereto as Exhibit "G") showing that none of the five top ranked applicants for SHIP funding had withdrawn their FHFC application until June 13, 2008. Coupled with Ms. Szabo's May 13 e-mail it is clear that as of the Application Deadline (April 7, 2008) and as of March 13, 2008 (the effective date of the Verification form in question), there was no "commitment" of SHIP funds to Madison Glen. After the fact, two of the applicants for SHIP funding withdrew their applications for FHFC funding in order to facilitate Madison Glen becoming eligible to receive SHIP funding from Volusia County, since those withdrawing applicants (Madison Springs and Arbours at Holly Hill) had lottery numbers which would not allow them to win HC themselves. However, these withdrawals do not change the fact that, as of the Application Deadline (April 7, 2008) Madison Glen was not in receipt of a commitment for SHIP funding from Volusia County.

37. The Local Government loan to Madison Glen did not constitute a commitment as of the April 7, 2008 Application Deadline. At best, on March 13 Volusia County had agreed to loan funds to Madison Glen only if other applicants to whom Volusia County had actually committed to loan funds withdrew their FHFC applications or ceased negotiations with Volusia County. Clearly this had not happened as of April 7, 2008; witness Ms. Szabo's email of May 13, 2008 indicating that (as of that May 13, 2008 date) the Madison Glen application was still "contingent upon one of the five top ranked projects negotiations failing with Volusia County, or an application to FHFC being withdrawn."

38. The Instructions require that the Local Government Verification of Contribution must reflect a commitment with an “effective date” on or before the Application Deadline. In this case, the effective date of the commitment will not ever occur unless and until enough other Volusia County applicants withdraw their FHFC applications or fail in their negotiations with the County to place Madison Glen “in the money” for SHIP funds. If this does not occur, then the “commitment” to Madison Glen never becomes effective. As is evidenced by Ms. Szabo’s email of May 13, as of that date (May 13, 2008 and, by definition, the earlier Application Deadline date of April 7, 2008), the claimed “commitment” to Madison Glen was nothing of the sort. At best, a “commitment” to Madison Glen could not be materialized until some time after May 13, 2008.

39. In Nautilus Development Partners, LLLP v. Florida Housing Finance Corporation, FHFC Case No. 2006-023UC, the issue at hand was whether a financing commitment from Bay County, Florida qualified as a source of financing. The applicable Instructions provided in part that an “... affirmation that the tax-exempt allocation has been reserved (emphasis added) must be provided.” A commitment letter from the Housing Finance Authority of Bay County was provided, stating in part that an allocation of private activity tax-exempt bond allocation “... shall be reserved upon application of the Authority to the Florida Division of Bond Finance.” FHFC found (and the hearing officer agreed) that the allocation of tax-exempt bond authority from the Housing Financing Authority of Bay County had not yet been reserved, and as such disregarded the commitment as a source of financing. The hearing officer found that “... A plain and common reading of the language indicates that while approval has occurred as of the date of the letter, a reservation of the bond allocation has not yet occurred and that the allocation will only be reserved after application is made to the Division of Bond

Finance. Use of the words “shall be reserved upon application” implies a future event.” The hearing officer determined that the allocation of tax-exempt bond authority at issue was dependent upon a future event, i.e., the filing of an application with the Division of Bond Finance, and as such there was no present commitment of financing.

40. The rationale underlying the hearing officer’s decision in Nautilus Development is applicable in the instant case. Notwithstanding the fact that the appropriate verification form was provided indicating that, as of March 13, 2008, a commitment for a \$150,000 SHIP loan had been made, in fact such commitment was dependent upon a future event; i.e., the withdrawal or cessation of negotiations of higher ranked applicants for such SHIP financing. As in Nautilus Development, such dependence upon the occurrence of a later event causes there to be no qualifying commitment.

41. If the facts of this case are as alleged by the Petitioner, FHFC failed to give the words of its rules their plain and ordinary meaning. The plain and ordinary meaning of the words in FHFC’s rules, in its previous interpretations of those rules, required that, for the Applicant Madison Glen to be given full credit (as a valid form of “local government contribution”) for the \$150,000 loan from Volusia County, such contribution must have been effective as of the application deadline (April 7, 2008). That was not the case. It is clear from the facts alleged herein that, as of the April 7, 2008 application deadline, Applicant Madison Glen was not in a position to have received a commitment for a \$150,000 loan from Volusia County, since as of such date Volusia County had already fully committed all \$750,000 of its loan funds to other applicants. Applying the clear and unambiguous words of the FHFC’s rules, the Applicant Madison Glen should not have been awarded full credit for a “local government

contribution” and should have not received five points for a qualifying local government contribution. The relief requested in the Petition should be granted.

42. On or about September 29, 2008, Petitioner received formal notice from FHFC of the final rankings and scores, along with notice of its rights under Chapter 120 to challenge them. This Petition is timely filed in response to that notice.

43. As noted above, pursuant to the process established by FHFC, if Petitioner successfully demonstrates in this proceeding that FHFC incorrectly scored Madison Glen, Madison Glen will not have its tax credits taken away and awarded to Petitioner. Rather, Petitioner will receive its requested tax credits “off-the-top” from the next available tax credits allocated to FHFC Rule 67-48.005(7), F.A.C.

44. In this proceeding, the contested issue involves the adequacy of a certification form supplied by Volusia County. The ability to cure that form “was not solely within the Applicant’s control” (as set forth in FHFC Rule 67-48.005(b)(ii)) because, as of the Application Deadline (April 7, 2008), the form was not legally capable of being correctly completed by Volusia County since, at that time, Volusia County could not make a commitment of SHIP funds to Applicant Madison Glen since (as of the April 7, 2008 Application Deadline and as of March 13, 2008, the date asserted on the form) Madison Glen was “wait listed” and not in a position to receive a commitment for SHIP funds.

Satisfaction of FHFC Requirements for Post-Ranking Challenge

45. By rule, FHFC has sought to limit the types of scoring errors that an applicant may challenge via Chapter 120 proceedings. FHFC’s rule in this regard, Rule 67-48.005(5)(b), states as follows:

For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to

subsection 67-48.004(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-48.004(6).

46. As such, the FHFC scoring error relative to Madison Glen is of the type identified in Rule 67-48.005(5)(b), and may be properly challenged under that rule in this proceeding.

Relief Sought

47. The specific action which Petitioner seeks is a determination by DOAH that Applicant Madison Glen should not have been awarded five points for a valid "local government contribution" with respect to the Volusia County loan in the amount of \$150,000, and that FHFC erred in failing to reduce the score of the Madison Glen application to reflect the fact that such application failed to demonstrate any qualifying local government contribution and should have received zero of a possible five points for that section. Petitioner further requests DOAH to instruct FHFC to determine that, but for error in the scoring of the Madison Glen application, Petitioner's application would have prevailed and would have been successful as the Last Dollar Application funded in the 2008 Universal Cycle. Finally, Petitioner requests DOAH to instruct FHFC to provide the funding requested by Petitioner in its 2008 HC application either from available 2008 HC allocation authority, or to provide a binding commitment of HC authority from the 2009 Universal Cycle.

WHEREFORE, Petitioner, Bonnet Shores, LLLP, requests the following:

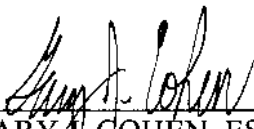
(a) To immediately refer the matter set forth herein to DOAH with the request that the Administrative Law Judge be assigned to conduct a full hearing with respect to the matters set forth herein.

(b) To request that DOAH hear this matter on an expedited basis.

(c) That, upon finding by DOAH that FHFC erred in scoring the Madison Glen application and should have been awarded zero points of a possible five points for its local government contribution, that FHFC determine (i) but for the error in scoring of the Madison Glen application, Petitioner's application would have prevailed and been funded in the 2008 Universal Cycle; and (ii) that Petitioner's application be awarded an allocation of either 2008 HC authority and/or a binding commitment for 2009 HC authority in the amount requested in Petitioner's 2008 Universal Cycle application.

Respectfully submitted on this 17th day of October, 2008.

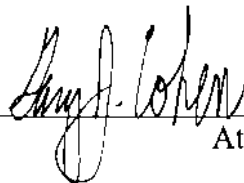
By: _____


GARY J. COHEN, ESQ.
Florida Bar No. 353302
Shutts & Bowen LLP
201 S. Biscayne Boulevard
1500 Miami Center
Miami, Florida 33131
(305) 347-7308 (telephone)
(305) 347-7808 (facsimile)

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a true and correct copy of the foregoing document were served via Federal Express to the **CORPORATION CLERK**, Florida Housing Finance Corporation, 227 N. Bronough Street, City Center Building, Suite 5000, Tallahassee, Florida, 32301-1329, on this 17th day of October, 2008.

A handwritten signature in cursive script, appearing to read "Amy J. Cohen", is written over a horizontal line.

Attorney



REQUEST FOR PROPOSAL
FOR LOCAL GOVERNMENT CONTRIBUTION OR GAP
FINANCING TO SUPPORT
AFFORDABLE MULTI-FAMILY RENTAL HOUSING
CONSTRUCTION/REHABILITATION PROJECTS FOR
COUNTY OF VOLUSIA
COMMUNITY ASSISTANCE DIVISION
HOUSING ACTIVITY

RFP NO. 08-P-65DS

**Closing Date: Thursday, February 14, 2008
at 3:00 P.M. EST**

County of Volusia
Purchasing & Contracts Division
123 West Indiana Avenue, Suite 304
DeLand, Florida 32720-4608
(386) 736-5966

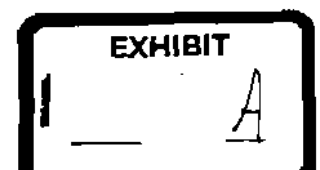


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RFP 08-P-6SDS
Request for Proposals for Affordable Multi-Family
Rental Housing Construction or Rehabilitation projects

1.0 PURPOSE & OVERVIEW

The County of Volusia, Division of Community Assistance is soliciting applications for one or more affordable, multi-family rental housing construction or rehabilitation projects in Volusia County excluding the incorporated limits of the cities of Daytona Beach, Deltona and Port Orange.

The County has approximately seven (7) hundred fifty thousand (\$750,000.00) dollars in State Housing Initiatives Partnership Program (SHIP) funds available for "gap" financing or to award as local government contribution in the form of a deferred payment, zero interest loan to construct/rehabilitate at least four (4) SHIP designated units per funded project.

The multi-family rental units shall serve very-low [adjusted income 50% or less of Area Median Income (AMI)] and low-income residents [adjusted income 80% or less of AMI] with occupancy for a period not less than fifteen years. The firm shall state in their proposal the total number of units set aside for very-low and low-income households. The gross rents shall not exceed the SHIP rents published by Florida Housing Finance Corporation (FHFC).

The County may select one or more firms for a loan. The award of a loan shall be contingent upon the applicant successfully receiving funding through the 2008 Florida Housing Finance Corporation Universal Application for the State Apartment Incentive Loan (SAIL), HOME or Housing Credits (HC) Programs.

2.0 GENERAL TERMS & CONDITIONS

2.1 RFP Closing Date

Sealed proposals shall be received by the Volusia County Purchasing & Contracts Office, Room 304, Third Floor, 123 West Indiana Avenue, DeLand, FL, 32720-4608, no later than 3:00 p.m., local time, on Thursday, February 14, 2008. Proposals received after this time shall not be considered.

2.2 Proposed Schedule

01/31/2008	Release date for Request for Proposal
02/14/2008	Closing Date
02/26/2008	Evaluation Committee Meeting
03/13/2008	County Council Date

2.3 Delivery of Proposals

All proposals shall be sealed and delivered or mailed to (faxes/e-mails will not be accepted):

County of Volusia, Florida

**COUNTY OF VOLUSIA, FL
AWARD RECOMMENDATION
SOLICITATION TABULATION SHEET**

SOLICITATION NO.: 08-P-65DS

SOLICITATION TITLE: Affordable Multi-Use Family Rental Housing
Construction/Rehabilitation Projects

ALL SUBMITTALS ACCEPTED BY THE COUNTY OF VOLUSIA ARE SUBJECT TO THE COUNTY'S TERMS AND CONDITIONS. ANY AND ALL ADDITIONAL TERMS AND CONDITIONS SUBMITTED BY THE RESPONDENT ARE REJECTED AND SHALL HAVE NO FORCE AND EFFECT. SOLICITATION DOCUMENTS FROM THE RESPONDENT LISTED HEREIN ARE THE ONLY SUBMITTALS RECEIVED TIMELY AS OF THE CLOSING DATE AND TIME. ALL OTHER SOLICITATION DOCUMENTS SUBMITTED IN RESPONSE TO THIS SOLICITATION, IF ANY, ARE HEREBY REJECTED AS LATE.

CLOSING DATE/TIME: February 14, 2008

TIME: 3:00 P.M.

Response No. 1 American Realty Development, LLC 615 Crescent Executive Court Suite 120 Lake Mary, FL 32746 Todd L. Borck, Principal Patrick E. Law, Principal Ph. (407) 333-1440 Fx. (407) 333-1340 E-mail: toddb@ard.cc Projects: Madison Springs, DeLand Madison Glen, Ormond Beach	Response No. 2 Arbour Valley Development, LLC 33 Inverness Center Parkway, Suite LL 130 Birmingham, AL 35242 Gabriel Ehrenstein, Managing Member Ph. (205) 961-3300 Fx. (205) 991-9674 Projects: Arbours at Holly Hill Arbours at DeLand	Response No. 3 Laurel Court Associates, LLC 247 N. Westmonte Drive Altamonte Springs, FL 32714 Robert M. Piceme Managing Member Linda McDonnell Member Ph. (407) 772-020 Fx. (407) 772-0220 Project: Laurel Court, DeLand	Response No. 4 Laurel Villas Associates, LLC 247 N. Westmonte Drive Altamonte Springs, FL 32714 Robert M. Piceme Managing Member Linda McDonnell Member Ph. (407) 772-020 Fx. (407) 772-0220 Project: Laurel Villas, DeLand
Response No. 5 Taylor Place, Ltd., 329 N. Park Avenue Suite 300 Winter Park, FL 32789 Jay P. Brock, Manager W. Scott Culp, VP Ph. (407) 741-6500 Ph. (407) 741-8682 Fx. (407) 643-2591 Email: KJbrock@Atlantichousing.com Project: Taylor Place Phase I, DeLand	Response No. 6 Taylor Place II, Ltd. 329 N. Park Avenue Suite 300 Winter Park, FL 32789 Jay P. Brock, Manager W. Scott Culp, VP Ph. (407) 741-8500 Ph. (407) 741-8662 Fx. (407) 643-2591 Email: KJbrock@Atlantichousing.com Project: Taylor Place II, DeLand	BLANK	BLANK

Opened by:

Recommendation:

Alternative:

Dom P. Sotero, Procurement Analyst II; Tabulated by: Betty Delatre

1) Laurel Villa; 2) Laurel Court; 3) Taylor Place - Phase I; 4) Arbours at Holly Hill; and 5) Arbours at DeLand;

Ranked as follows: 1) Taylor Place - Phase II; 2) Madison Springs; and 3) Madison Glen

County Council of Volusia County, Florida
AGENDA
March 13, 2008

Supporting documents linked from this page are in Adobe pdf format. 
Some files may take longer to download, if you only see a white screen it is still loading
 You will need the Acrobat reader to view attached files.
 If you do not have the Acrobat reader, you may download one here for free.

COUNCIL MEMBERS:		STAFF:
Frank T. Bruno, Jr.	Chair	James T. Dinneen, County Manager
Joie Alexander	Vice-Chair	Daniel D. Eckert, County Attorney
Andy Kelly	District 1	Mary Connors, Deputy County Manager
Arthur E. Giles	District 2	Charlene Weaver, Deputy County Manager
Jack Hayman	District 3	Betty J. Holness, Community Outreach Manager
Carl G. Persis	District 4	Marcy A. Zimmerman, Deputy Clerk
Patricia Northey	District 5	Camilla Grasso, Recording Secretary
		Karen Yaris, Administrative Aide

Public participation is encouraged on matters on the agenda. If you desire to be recognized by the Chair, please fill out a request form and present it to one of the staff members present in the Council Chambers. This will allow the County Chair to provide ample time for those desiring to be heard.

Public participation on items not on the agenda can be presented to the County Chair and other Council Members attending, along with County staff representatives at 8:30 a.m. prior to the regular session of the Council meeting that begins at 9:00 a.m. If the matter cannot be resolved at that time, it will be presented to the County Council for determination regarding placing the matter on a future agenda. Public participation will also be heard at the end of the Council meeting.

Public comment on issues on the agenda or public participation shall be limited to 3 minutes.

Public hearings and time-certain matters may be heard later, but not sooner, than the designated time.

If any person decides to appeal a decision made by the County Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing a special accommodation to participate in the proceedings, or an interpreter to participate in any proceedings, should contact the County Manager's Office at 386-736-5920 for assistance, at least two business days before any meeting date.

Assisted listening system receivers are available for the hearing impaired, and can be obtained from the Deputy Clerk by calling the County Manager's Office at 386-736-5920.

We respectfully request that all electronic devices are set for no audible notification.

Electronic Information! County Council agendas, minutes and live audio of meetings are available on the internet: <http://volusia.org/countycouncil/info.htm>

The Volusia County Council Chambers are a Wi Fi Zone.

PUBLIC PARTICIPATION – 8:30 a.m.

Staff Report
Public Participation
Close Public Hearing
Council Discussion/Action
Ordinance No. 2008-07 - Proposed creation of Redfish Cove Streetlighting District, Edgewater
Staff Contact: Travis Davidson, 386-822-6422 VC-1202819781639

BEGIN CONSENT AGENDA

COMMUNITY SERVICES

Community Assistance

Item 10

Bid No. 08-B-43KW
Sewer connections, low income housing bid to Allen Plumbing & Backflow Services, Inc.
[\$25,000.00]
Staff Contact: Edward L. Jasper, 396-943-7039, ext. 3472 VC-1202154300415

Item 11

RFP No. 08-P-65DS
Local government contribution or gap financing to support affordable multi-family rental housing construction/rehabilitation projects for the County
Staff Contact: Edward L. Jasper, 396-943-7039, ext. 3472 VC-1201623994013

Item 12

FY 2006/07 and 2007/08 Community Development Block Grant consolidated plan amendments
Staff Contact: Diana Phillips, 386-736-5955, ext. 2958 VC-1202824266795

Votran

Item 13

Sole source agreement with Gillig Corporation for proprietary original equipment maintenance parts [\$390,000.00]
Staff Contact: Jim Dorsten, 386-756-7496, ext. 4128 VC-1202919937098

ECONOMIC DEVELOPMENT

Administration

Item 14

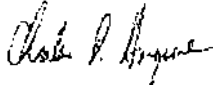
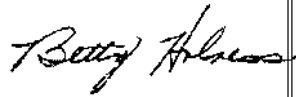
Resolution - Industrial Development Authority issuance of up to \$5,000,000 in revenue bonds on behalf of Edgewater Power Boats, LLC
Staff Contact: Rick Michael, 386-248-6048, ext. 8377 VC-1204226080875

Item 15

Resolution - Industrial Development Authority issuance of up to \$26,000,000 in revenue bonds on behalf of Holly Hill RHF Housing, Inc.
Staff Contact: Rick Michael, 386-248-8048, ext. 8377 VC-1204229309323

Item 16

Resolution - DeLand Crossings Industrial Park transportation improvements made on behalf of NSI Intellitec Products LL
Staff Contact: Rick Michael, 386-248-8048, ext. 8377 VC-1204300758550

March 13, 2008		AGENDA ITEM		Item 11
☐ Ordinance	☐ Resolution	☐ Budget Resolution	☒ Other	
Department: Community Services		File Number: VC-1201623994013-A		
Division: Community Assistance				
Subject: Affordable multi-family rental housing construction/rehabilitation projects, request for proposal no. 08-P-65DS.				
Account Number(s): N/A N/A for \$0.00				
Total Item Budget: N/A				
Staff Contact(s): Edward Jasper Phone: 943-7039 ext. 3472				
Summary/Highlights: The county has approximately \$750,000 in State Housing Initiatives Partnership (SHIP) program funds available for "gap" financing or to award as a local government contribution to construct/rehabilitate at least five SHIP- designated units per funded project. The award to the firm(s) will be a deferred payment, zero interest loan, forgiven after 30 years if affordability conditions are met. The County's SHIP loan will be contingent on the firm(s) being selected for primary financing through the Florida Housing Finance Corporation's (FHFC) 2008 Universal Application for Low Income Housing Tax Credits or State Apartment Incentive Loan (SAIL) programs. Due to the competitive application process, the county's award has been structured to provide the maximum number of loan commitments to responsive				
Recommended Motion: Approval				
David F. Byron, Interim Director Community Services <i>No Signature Present</i> Jeanione Jennings, Acting Procurement Manager Director Purchasing <i>No Signature Present</i>	OMB Approved as to Budget Requirements	Legal  Approved as to Form and Legality	Betty Holness County Manager's Office  Approved Agenda Item For: March 13, 2008	
Council Action: ☐ Approved as Recommended ☐ Approved With Modifications ☐ Disapproved ☐ Continued Date:		Modification:		

Summary/Highlights Continued:

proposals for affordable multi-family rental projects.

The county requested proposals for projects, excluding the city limits of Daytona Beach, Deltona and Port Orange. Six firms submitted eight projects shown on the attached tabulation sheet. The evaluation committee was comprised of Art Giles, county council member; Terry James, planning manager; and Diana Phillips, community assistance planning and monitoring manager. The evaluation committee met to discuss proposal responsiveness and completeness, proposed project nature, applicant capacity and other selection criteria. All proposals were responsive and viable. The projects were ranked for loan financing criteria.

The evaluation committee voted to recommend award of a \$150,000 SHIP loan to four firms for five projects in the following order:

1. Laurel Villas Associates, LLC for Laurel Villas, a 100-120 unit project in DeLand for very-low and low-income families. This project would be the first phase of the redevelopment of the former Oakland Terrace public housing community; *in orig app*
2. Laurel Court Associates, LLC for Laurel Court, an 80-100 unit project in DeLand for very-low and low-income senior citizens. This development would be a phase of the redevelopment of the former Oakland Terrace public housing community; *in orig app*
3. Taylor Place, Ltd. for Taylor Place Apartments - Phase I, a 106-unit project in DeLand for very-low and low-income families; *in orig app*
4. Arbour Valley Development, LLC for Arbours at Holly Hill, a 60-unit project in Holly Hill for very-low and low-income families; and *in orig app*
5. Arbour Valley Development, LLC for Arbours at DeLand, an 80-unit project in DeLand for very-low and low-income senior citizens. *in orig app*

If negotiation fails with any firm, or an application to FHFC is withdrawn, the committee recommends that a \$150,000 loan be awarded and the required FHFC verification of loan form be executed with alternative firms for projects in the following order:

1. Taylor Place II, Ltd. for Taylor Place Apartments - Phase II, a 35-unit project in DeLand for very-low and low-income senior citizens;
2. American Realty Development, LLC for Madison Springs, a 96-unit project in DeLand for very-low and low-income senior citizens; and *no form in original app; no cure submitted*
3. American Realty Development, LLC for Madison Glen, a 96-unit project in Ormond Beach for very-low and low-income senior citizens. *no form in original app; form in cure*

A copy of the FHFC loan verification form to be executed by the county manager is attached.

**2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION
OF CONTRIBUTION - LOAN**

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the loan was calculated must be attached to this verification form.

Name of Development: _____

Development Location: _____

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

On or before _____ the City/County of _____ committed
Date (mm/dd/yyyy) (Name of City or County)

\$ _____ in the form of a reduced interest rate loan to the Applicant for its use solely for
(loan amount)

assisting the proposed Development referenced above. The loan will bear interest at a rate of _____% per annum over a period of _____ years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

Name of Government Contact: _____

Address: _____

Telephone Number: _____

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through _____
Date (mm/dd/yyyy)

Signature _____ Date (mm/dd/yyyy) _____ Print or Type Name _____

Telephone Number _____ Print or Type Title _____

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager /Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered and the Application will fail threshold if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points

**COUNTY OF VOLUSIA, FL
AWARD RECOMMENDATION
SOLICITATION TABULATION SHEET**

SOLICITATION NO.: 08-P-65DS

SOLICITATION TITLE: Affordable Multi-Use Family Rental Housing
Construction/Rehabilitation Projects

ALL SUBMITTALS ACCEPTED BY THE COUNTY OF VOLUSIA ARE SUBJECT TO THE COUNTY'S TERMS AND CONDITIONS. ANY AND ALL ADDITIONAL TERMS AND CONDITIONS SUBMITTED BY THE RESPONDENT ARE REJECTED AND SHALL HAVE NO FORCE AND EFFECT. SOLICITATION DOCUMENTS FROM THE RESPONDENT LISTED HEREIN ARE THE ONLY SUBMITTALS RECEIVED TIMELY AS OF THE CLOSING DATE AND TIME. ALL OTHER SOLICITATION DOCUMENTS SUBMITTED IN RESPONSE TO THIS SOLICITATION, IF ANY, ARE HEREBY REJECTED AS LATE.

CLOSING DATE/TIME: February 14, 2008

TIME: 3:00 P.M.

Response No. 1	Response No. 2	Response No. 3	Response No. 4
American Realty Development, LLC 615 Crescent Executive Court Suite 120 Lake Mary, FL 32746 Todd L. Borck, Principal Patrick E. Law, Principal Ph. (407) 333-1440 Fx. (407) 333-1340 E-mail: toddb@ard.cc Projects: Madison Springs, DeLand Madison Glen, Ormond Beach	Arbour Valley Development, LLC 33 Inverness Center Parkway, Suite LL 130 Birmingham, AL 35242 Gabriel Ehrenstein, Managing Member Ph. (205) 981-3300 Fx. (205) 991-9674 Projects: Arbours at Holly Hill Arbours at Deland	Laurel Court Associates, LLC 247 N. Westmonte Drive Altamonte Springs, FL 32714 Robert M. Piceme Managing Member Linda McDonnell Member Ph. (407) 772-020 Fx. (407) 772-0220 Project: Laurel Court, DeLand	Laurel Villas Associates, LLC 247 N. Westmonte Drive Altamonte Springs, FL 32714 Robert M. Piceme Managing Member Linda McDonnell Member Ph. (407) 772-020 Fx. (407) 772-0220 Project: Laurel Villas, DeLand
Response No. 5	Response No. 6		
Taylor Place, Ltd., 329 N. Park Avenue Suite 300 Winter Park, FL 32789 Jay P. Brock, Manager W. Scott Culp, VP Ph. (407) 741-8500 Ph. (407) 741-8682 Fx. (407) 643-2591 Email: KJbrock@Atlantichousing.com Project: Taylor Place Phase I, Deland	Taylor Place II, Ltd. 329 N. Park Avenue Suite 300 Winter Park, FL 32789 Jay P. Brock, Manager W. Scott Culp, VP Ph. (407) 741-8500 Ph. (407) 741-8682 Fx. (407) 643-2591 Email: KJbrock@Atlantichousing.com Project: Taylor Place II, DeLand	BLANK	BLANK

Opened by: Dom P. Sotero, Procurement Analyst II; Tabulated by: Betty Delatre
 Recommendation: 1) Laurel Villa, 2) Laurel Court; 3) Taylor Place - Phase I; 4) Arbours at Holly Hill; and 5) Arbours at DeLand;
 Alternative: Ranked as follows: 1) Taylor Place - Phase II; 2) Madison Springs; and 3) Madison Glen

County Council of Volusia County, Florida

NOTES

MARCH 13, 2008

COUNCIL MEMBERS:		STAFF:
Frank T. Bruno, Jr.	County Chair	James T. Dinneen, County Manager
Joie Alexander	At-Large	Daniel D. Eckert, County Attorney
Andy Kelly	District 1	Mary Anne Connors, Deputy County Manager
Arthur E. Giles	District 2	Charlene Weaver, Deputy County Manager
Jack H. Hayman	District 3	Betty J. Holness, Community Outreach Manager
Carl G. Persis	District 4	Marcy A. Zimmerman, Deputy Clerk
Patricia Northey	District 5	Camilla Grasso, Recording Secretary
		Karen Yaris, Administrative Aide

Public participation is encouraged on matters on the agenda. If you desire to be recognized by the Chair, please fill out a request form and present it to one of the staff members present in the Council Chambers. This will allow the County Chair to provide ample time for those desiring to be heard.

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DESCRIBED AREA, ALL LYING AND BEING IN VOLUSIA COUNTY, FLORIDA, TO-WIT:

LOTS 1-29, REDFISH COVE, MAP BOOK 54, PAGES 80-81 INCLUSIVE.

BEGIN CONSENT AGENDA

COMMUNITY SERVICES

- **Community Assistance**

Item 10

Bid No. 08-B-43KW

Sewer connections, low income housing bid to Allen Plumbing & Backflow Services, Inc. [\$25,000.00]

Staff Contact: Edward L. Jasper, 396-943-7039, ext. 3472

VC-1202154300415

This Item was approved at the time the CONSENT AGENDA was approved.

Item 11

RFP No. 08-P-65DS

Local government contribution or gap financing to support affordable multi-family rental housing construction/rehabilitation projects for the County

Staff Contact: Edward L. Jasper, 396-943-7039, ext. 3472

VC-1201623994013

This Item was approved at the time the CONSENT AGENDA was approved.

Item 12

FY 2006/07 and 2007/08 Community Development Block Grant consolidated plan amendments

Staff Contact: Diana Phillips, 386-736-5955, ext. 2958

VC-1202824266795

This Item was approved at the time the CONSENT AGENDA was approved.

- **Votran**

Item 13

Sole source agreement with Gillig Corporation for proprietary original equipment maintenance parts [\$390,000.00]

Staff Contact: Jim Dorsten, 386-756-7496, ext. 4128

VC-1202919937098

This Item was approved at the time the CONSENT AGENDA was approved.

**2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION
OF CONTRIBUTION - LOAN**

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the loan was calculated must be attached to this verification form.

Name of Development Laurel Villas

On the North West Corner of the Intersection of Euclid Avenue and Garfield Avenue, DeLand,
Development Location Florida, 32724

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

On or before 03/13/2008 the City/County of Volusia County committed
Date (mm/dd/yyyy) (Name of City or County)

\$ 150,000.00 in the form of a reduced interest rate loan to the Applicant for its use solely for
(loan amount)

assisting the proposed Development referenced above. The loan will bear interest at a rate of 0.0000 % per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are

The loan is subject to be forgiven at the end of the term.

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution.

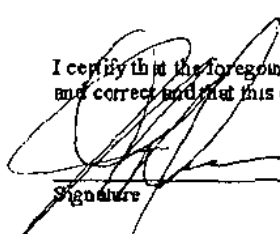
Name of Government Contact Paula Szabo

Address 110 W. Rich Avenue
DeLand FL 32720

Telephone Number (386) 736-5935

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2008
Date (mm/dd/yyyy)

 03/20/2008 James T. Dinneen
Signature Date (mm/dd/yyyy) Print or Type Name

(386) 736-592 County Manager
Telephone Number Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals: Mayor, City Manager, County Manager, Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.6663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community redevelopment corporation, or a state-certified Community Housing Development Organization (CHDO). Other agencies are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated up to maximum of not to exceed, etc.

This contribution will not be considered and the Application will fail threshold if the certification contains corrections or "white-out" or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

Exhibit C

**2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION
OF CONTRIBUTION - LOAN**

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the loan was calculated must be attached to this verification form.

Name of Development Laurel Court

Development Location On the South Side of Voorhies Avenue Approximately 600 Feet West of Garfield Avenue,
DeLand, Florida 32724

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

On or before 03/13/2008 the City/County of Volusia County committed
Date (mm/dd/yyyy) (Name of City or County)

\$ 150,000.00 in the form of a reduced interest rate loan to the Applicant for its use solely for
(loan amount)

assisting the proposed Development referenced above. The loan will bear interest at a rate of 0.0000 % per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are

The loan is subject to be forgiven at the end of the term.

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution

Name of Government Contact Paula Szabo

Address 110 W. Rich Avenue

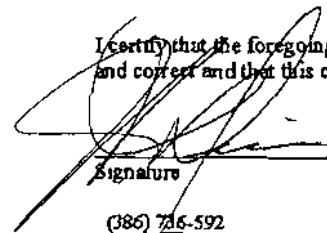
DeLand FL 32720

Telephone Number (386) 736-3955

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2008

Date (mm/dd/yyyy)


Signature

03/20/2008
Date (mm/dd/yyyy)

James T. Dineen
Print or Type Name

(386) 736-592

Telephone Number

County Manager

Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager, Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663 Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation or a state-certified Community Housing Development Organization (CHDO). Other signatures are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered and the Application will fail threshold if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

**2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION
OF CONTRIBUTION - LOAN**

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the loan was calculated must be attached to this verification form.

Name of Development: Taylor Place Apartments - Phase I

Development Location: Northeast corner of the intersection of E Taylor Road and US Hwy 17, Deland, FL 32724.
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

On or before 03/13/2008 the City/County of Volusia County committed
(Date (mm/dd/yyyy)) (Name of City or County)

\$ 150,000.00 in the form of a reduced interest rate loan to the Applicant for its use solely for
(loan amount)

assuming the proposed Development referenced above. The loan will bear interest at a rate of 0.0000 % per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

The loan is subject to be forgiven at the end of the term.

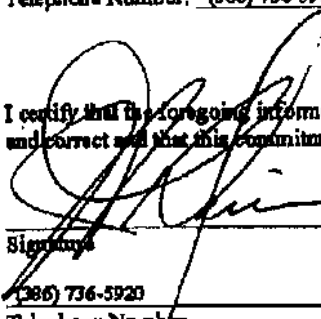
No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

Name of Government Contact: Paula Strabo
Address: 110 W. Rich Avenue
Deland, Florida 32720
Telephone Number: (386) 736-5935

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2008
Date (mm/dd/yyyy)



Date (mm/dd/yyyy) 03/30/2008 James T. Dinneen
Signature (mm/dd/yyyy) Print or Type Name
(386) 736-5920 County Manager
Telephone Number Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager, Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Lead Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Lead Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatures are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered and the Application will fail threshold if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

**2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION
OF CONTRIBUTION - LOAN**

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the loan was calculated must be attached to this verification form.

Name of Development: Arbours at Holly Hill
Appox. 150 Feet Northeast of Walker Street and Old Kings Road Inter
Development Location Holly Hill, Florida 32117
(At a minimum, provide the address assigned by the United States Postal Service including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

On or before 03/13/2008 the City/County of Volusia County committed
Date (mm/dd/yyyy) (Name of City or County)

\$ 150,000.00 in the form of a reduced interest rate loan to the Applicant for its use solely for
(loan amount)

assuring the proposed Development referenced above. The loan will bear interest at a rate of 0.00 % per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

The loan is subject to be forgiven at the end of the term.

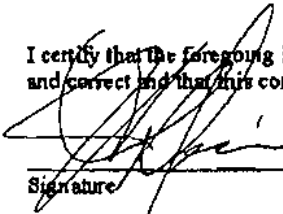
No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution

Name of Government Contact Paula Szabo
Address 110 W. Rich Avenue
DeLand, FL 32720
Telephone Number (386) 736-5955

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2008.
Date (mm/dd/yyyy)


Signature James T. Dinneen Date (mm/dd/yyyy) 3/30/2008 Print or Type Name
(386) 736-5920 County Manager
Telephone Number Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager / Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0667, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

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The Application may still be eligible for automatic points

**2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION
OF CONTRIBUTION - LOAN**

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the loan was calculated must be attached to this verification form.

Name of Development: Arhours at Deland
Approx. 700 Feet Northwest of N Stone Street and N Orange Ave Inter.
Development Location: Deland, Florida 32720
(At a minimum provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

On or before 03/13/2008 the City/County of Volusia County committed
Date (mm/dd/yyyy) (Name of City or County)

\$ 150,000.00 in the form of a reduced interest rate loan to the Applicant for its use solely for
(loan amount)

assisting the proposed Development referenced above. The loan will bear interest at a rate of 0.00 % per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

The loan is subject to be forgiven at the end of the term.

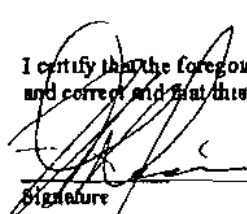
No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

Name of Government Contact: Paula Szabo
Address: 110 W. Rich Avenue
Deland, FL 32720
Telephone Number: (386) 736-5955

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2008
Date (mm/dd/yyyy)


Signature: _____ Date (mm/dd/yyyy): 03/20/2008 James T. Dinneen
Print or Type Name
(386) 736-5920 _____ County Manager
Telephone Number Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager, Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community redevelopment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatures are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

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The Application may still be eligible for automatic points.

-----Original Message-----

From: Paula Szabo [mailto:pszabo@co.volusia.fl.us]

Sent: Tuesday, May 13, 2008 2:19 PM

To: Gabe Ehrenstein-Arbour; Annon Smith; Joe Chambers

Cc: Diana Phillips; Edward Jasper

Subject: Volusia County loans for multi-family rental projects

Good afternoon: As you are all aware, the 2008 Universal Cycle is underway. All applications have received a lottery numbers from the Florida Housing Finance Corporation, and the Preliminary Scoring has been posted on the FHFC website. Volusia County ranked the 8 applications received pursuant to the RFP for local government contribution and approved the award of a deferred payment loan to 5 multi-family rental projects (contingent upon award of funds from FHFC).

It would be greatly appreciated if you could advise me no later than May 31, 2008 if you intend to withdraw your project's application from the FHFC. Three of the applications to Volusia County received a loan commitment that was contingent upon one of the 5 top ranked projects negotiations failing with Volusia County, or an application to FHFC being withdrawn. In the event of your withdrawal we would like to be able to inform them in a timely manner. Thank you for your assistance and cooperation.

Please note: One of the contingent projects - Taylor Place Apartments Phase 2 - did not submit an application during the 2008 Universal Cycle to FHFC, and therefore their application is considered to be withdrawn.

Paula Szabo, Planner II

County of Volusia Community Services

Planning & Monitoring



2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - LOAN

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the loan was calculated must be attached to this verification form.

Name of Development: Madison Glen

Development Location: 592 Sterthaus Drive, Ormond Beach, Florida 32174

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

On or before 03/13/2008 the City/County of Volusia County committed
(Date (mm/dd/yyyy)) (Name of City or County)

\$ 150,000.00 is the form of a reduced interest rate loan to the Applicant for its use solely for
(loan amount)

assisting the proposed Development referenced above. The loan will bear interest at a rate of 0.00% per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

The loan is subject to be forgiven at the end of the term.

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

Name of Government Contact: Paula Szabo

Address: 110 W. Rich Avenue

DeLand, FL 32720

Telephone Number: (386) 736-5955

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2008.

(Date (mm/dd/yyyy))

Signature

06/05/2008 James T. Dinneen

(Date (mm/dd/yyyy))

Print or Type Name

(386) 736-5920

Telephone Number

County Manager

Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager / Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Lead Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Lead Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered and the Application will fail threshold if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

This NOAD Summary Form is being submitted with regard to **Application No. 2008- 169C** and pertains to the revisions/additions made to the Application parts, sections, subsections and exhibits listed below (please list the parts, sections, subsections, and exhibits in the order they appear in the most recent Scoring Summary Report with regard to the Application revisions/additions being challenged):

[illegible]

SUBMITTED BY APPLICATION NO. 2008-227C **IN ACCORDANCE WITH RULES 67-21.003 and/or 67-48.004, F.A.C.**

41

1

2008 CURE FORM

(Submit a SEPARATE form for EACH reason relative to
EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2008-169C** and
pertains to:

Part IV Section A Subsection _____ Exhibit No. _____ (if applicable)

The attached information is submitted in response to the 2008 Universal Scoring
Summary Report because:

- ☒ 1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a
failure to achieve maximum points, a failure to achieve threshold, and/or a
failure to achieve maximum proximity points relative to the Part, Section,
Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2008 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
☒ Reason Score Not Maxed	Item No. 9S	☒	☐
☐ Reason Failed Threshold	Item No. ____T	☐	☐
☐ Reason Proximity Points Not Maxed	Item No. ____P	☐	☐
☐ Additional Comment	Item No. ____C	☐	☐

- ☐ 2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue
resulting from a cure to Part _____ Section _____ Subsection _____
Exhibit _____ (if applicable).

2008 CURE FORM

(Submit a **SEPARATE** form for **EACH** reason relative to
EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2008-169C** and
pertains to:

Part V Section D Subsection _____ Exhibit No. 57 (if applicable)

The attached information is submitted in response to the 2008 Universal Scoring
Summary Report because:

- ☒ 1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a
failure to achieve maximum points, a failure to achieve threshold, and/or a
failure to achieve maximum proximity points relative to the Part, Section,
Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2008 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
☐ Reason Score Not Maxed	Item No. ____ S	☐	☐
☒ Reason Failed Threshold	Item No. 9T	☒	☐
☐ Reason Proximity Points Not Maxed	Item No. ____ P	☐	☐
☐ Additional Comment	Item No. ____ C	☐	☐

- ☐ 2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue
resulting from a cure to Part _____ Section _____ Subsection _____
Exhibit _____ (if applicable).

Brief Statement of Explanation regarding
Application 2008 – 169C

Provide a separate brief statement for each Cure

The Applicant did not provide any of the Local Government Contribution forms and the Applicant does not qualify for automatic points. Therefore, zero points were awarded.

The Applicant has provided the required Local Government Contribution in the form of a Loan from Volusia County which was in place as of the Application deadline and is therefore entitled to the 5 points. This also CURES item 9T.

**2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION
OF CONTRIBUTION - LOAN**

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the loan was calculated must be attached to this verification form.

Name of Development: Madison Glen

Development Location: 592 Sperthaus Drive, Ormond Beach, Florida 32174
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

On or before 03/13/2008 the City/County of Volusia County committed
Date (mm/dd/yyyy) (Name of City or County)

\$ 150,000.00 in the form of a reduced interest rate loan to the Applicant for its use solely for
(loan amount)

assisting the proposed Development referenced above. The loan will bear interest at a rate of 0.00% per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

The loan is subject to be forgiven at the end of the term.

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

Name of Government Contact: Paula Szabo

Address: 110 W. Rich Avenue

DeLand, FL 32720

Telephone Number: (386) 736-5955

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2008
Date (mm/dd/yyyy)

Signature

06/05/2008 James T. Dinneen
Date (mm/dd/yyyy)

Print or Type Name

(386) 736-5920
Telephone Number

County Manager
Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager / Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community redevelopment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatures are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

This contribution will not be considered and the Application will fail threshold if the certification contains corrections or 'white-out' or if the certification is removed, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

Madison Glen

NPV of Loan

Terms:

Amount	\$150,000.00
Term	30
Interest Rate	0.00%
Discount Rate	7.680%

Net Present Value	\$0.00
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Value of Contribution	\$150,000.00
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Period	Payment #
1	\$0.00
2	\$0.00
3	\$0.00
4	\$0.00
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Brief Statement of Explanation regarding
Application 2008 – 169C

Provide a separate brief statement for each NOAD

Madison Glen, 2008-169C, should receive no points at Part IV, Section A of its Application for a local government contribution in the form of a loan. The claimed loan was only a contingent commitment as of the Application Deadline, and was still only a contingent commitment as of the date the Verification Form was signed. Scoring Item 9S should not be rescinded. See the attached Detailed Explanation of NOAD for Item 9S, and supporting documentation.

DETAILED EXPLANATION OF
NOTICE OF ALLEGED DEFICIENCY DIRECTED TO
MADISON GLEN, 2008-169C (ITEM 9S)

At Part IV, Section A.1 and 2 of its Application as originally submitted, Applicant No. 2008-169C, Madison Glen, claimed a local government contribution in the form of a loan, but provided no documentation of this loan. This deficiency was noted in the Florida Housing Finance Corporation's ("FHFC" or "Florida Housing) 5/7/2008 Scoring Summary for this Application, copy attached to this NOAD as Exhibit "A," as Scoring Item 9S.

In its cure documentation, Madison Glen provided purported documentation of a local government loan from Volusia County in the amount of \$150,000, at 0% interest for 30 years, subject to being forgiven at the end of the term. The form provided was signed by the County Manager on June 5, 2008, and states that the loan commitment was made on or before March 13, 2008, which was before the Application Deadline of April 7, 2008. A copy of Madison Glen's cure on this issue is provided with this NOAD immediately above the Brief Explanation Form for this issued, as requested by Florida Housing.

The alleged local government loan should be disregarded as a contribution because it was not a firm commitment as of the Application Deadline; it was only a contingent commitment. The details of the claimed award of that loan are as follows.

On January 31, 2008, Volusia County issued a Request for Proposals ("RFP") to allocate approximately \$750,000 in State Housing Initiatives Partnership ("SHIP") Program funds to applicants seeking SAIL, HOME, or HC funding from FHFC in 2008. A copy of relevant portions of the RFP is attached to this NOAD as Exhibit "B."

In response to the RFP, Volusia County received responses from six different developers for a total of eight developments. Volusia County staff evaluated and rank ordered the proposals,

and made a recommendation to the Volusia County Council. On March 13, 2008, the Volusia County Council selected five applicants for funding, with the other three appearing on a rank-ordered waiting list. The proposed developments selected for funding were Laurel Villa, Laurel Court, Taylor Place-Phase I, Arbours of Holly Hill, and Arbours of Deland. The three alternate, waited-listed developments were, in order, Taylor Place-Phase II, Madison Springs, and Madison Glen. Madison Glen would only receive a loan if at least two of the funded or higher-ranked alternate developments withdrew (or failed to submit) their FHFC funding applications or did not successfully complete negotiations with the County. A copy of the County's Award Recommendation is attached to this NOAD as Exhibit "C."

A review of the 4/10/2008 Applications Submitted report from the FHFC website shows that applications were submitted for 7 of the 8 above-named developments:

Laurel Villa, 2008-048C

Laurel Court, 2008-046C

Taylor Place- Phase I, 2008-227C

Arbours of Holly Hill, 2008-023C

Arbours of Deland, 2008-027C

Madison Springs, 2008-168C

Madison Glen, 2008-169C

Only Taylor Place -Phase II did not submit an application in the 2008 Universal Cycle.

On May 13, 2008, Paula Szabo, Volusia County's planner involved in this funding effort, requested that the proposers notify her by May 31, 2008, if they intended to withdraw their application to FHFC, so the alternate(s) could be notified. A copy of Ms. Szabo's May 13 e-mail

is attached. It is unknown whether any of the applicants responded to Ms. Szabo. However, the list of Withdrawn Applications as of June 16, 2008, as published on the FHFC website, (copy attached hereto as Exhibit "D"), shows that as of the requested date of May 31, 2008, or even as of the date the local government contribution form was signed (June 5, 2008), none of the above-named applications submitted to FHFC for Volusia County had been withdrawn.

In her May 13 e-mail, Ms. Szabo also notified the proposers that one of the "contingent projects" (alternates), Taylor Place-Phase II, did not submit an application to FHFC and therefore was considered withdrawn. Madison Glen therefore became the second ranked alternate instead of the third ranked alternate, but was still not within the "funding range."

The local government loan to Madison Glen was not a firm commitment as of the April 7, 2008, FHFC Application Deadline. It was only a contingent commitment. At best, Volusia County committed to loan funds at Madison Glen only if other applicants to whom Volusia County committed to loan funds withdrew their FHFC applications. There is no indication that enough Volusia County applicants withdrew (or failed to submit) their FHFC applications to move Madison Glen from third on the list of alternates into the funding range.

Further, even as of the date the Volusia County representative signed the contributions on June 5, 2008, there was no firm commitment to loans funds to Madison Glen. As noted, the list of Withdrawn Applications as of June 16, 2008, as published on the FHFC website, shows that as of June 5, 2008, none of the applications in Volusia County had been withdrawn.

Florida Housing's 2008 Universal Cycle Instructions require that the Local Government Verification of Contribution must have an "effective date" on or before the Application Deadline. In this case, the effective date of the contribution will not occur unless and until enough other

Volusia County applicants withdraw their Florida Housing applications or fail in their negotiations with the County. If not enough competing applications withdraw or fail, then the “commitment” to Madison Glen remains contingent and never becomes effective. At the very least, the contingent commitment was not truly effective as a firm commitment on the Application Deadline.

The claimed local government contribution cannot be counted as firm. Madison Glen should receive no points for local government contribution at Part IV, Section A of its Application. Scoring Item 9S should be not be rescinded.

F:\MCB\CEO-Atlantic Housing-2624\Pleadings\Madison Glen Notice of Alleged Deficiency Item 9S

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-169C

Development Name: Madison Glen

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points
05 - 07 - 2008	50	N	0
Preliminary	50	N	0
NOPSE	0	N	0
Final	0	N	0
Final-Ranking	0	N	0

Score:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	0	0	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	0	0	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	0	0	0
4S	III	B	3	Green Building	5	0	0	0	0
Set-Aside Commitments									
5S	III	E	1.b.(2)(b)	Total Set-Aside Commitment	3	3	0	0	0
6S	III	E	3.	Affordability Period	5	5	0	0	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	0	0	0	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	0	0	0
Local Government Support									
9S	IV		A.	Contributions	5	0	0	0	0
10S	IV		B.	Incentives	4	4	0	0	0

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-169C

Development Name: Madison Glen

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded as Result
4S	The Applicant did not commit to provide the Green Building options.	Preliminary	
7S	The Applicant failed to qualify for the Elderly Demographic. Therefore, the Applicant is not eligible to select Qualified Resident Programs for Elderly Developments.	Preliminary	
9S	The Applicant did not provide any of the Local Government Contributions forms and the Application does not qualify for automatic points. Therefore, zero points were awarded.	Preliminary	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	III	C	1	Site Plan Approval	The Applicant failed to provide the required Local Government Verification of Site Plan Approval for Multifamily Developments form.	Preliminary	
2T	III	C	3.b.	Availability of Water	The Applicant failed to provide any of the required documentation to demonstrate availability of water.	Preliminary	
3T	III	C	3.c.	Availability of Sewer	The Applicant failed to provide any of the required documentation to demonstrate availability of sewer capacity, package treatment or septic tank.	Preliminary	
4T	III	C	3.d.	Availability of Roads	The Applicant failed to provide any of the required documentation to demonstrate availability of roads.	Preliminary	
5T	III	C	4	Zoning	The Applicant failed to provide the required Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form.	Preliminary	
6T	III	C	5	Environmental Site Assessment	The Applicant failed to provide the required Verification of Environmental Safety - Phase I Environmental Site Assessment form and, if applicable, the Verification of Environmental Safety - Phase II Environmental Site Assessment form.	Preliminary	
7T	III	D	1	Demographic Commitment	The Applicant failed to qualify for the Elderly Demographic because the market analysis was not dated within nine months of the Application Deadline as required in the 2008 Universal Application Instructions.	Preliminary	
8T	V	D		Equity Commitment	The Applicant provided an equity commitment letter from PNC Multifamily Capital. Page one of the commitment states that \$10,581,442 will be the "total Capital Contribution", however when the three installments of funds found on pages one and two of the commitment are totaled, they equal \$10,581,742. Due to this inconsistency, the equity commitment was not considered a firm source of financing.	Preliminary	
9T	V	D		Loan Commitment	The Applicant listed a second mortgage loan in the amount of \$150,000 in the Application Construction and Permanent Analysis. No evidence of a second mortgage loan commitment was found in the Application. As a result, the	Preliminary	

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-169C

Development Name: Madison Glen

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
					commitment could not be considered firm and was not used as a source of financing.		
10T	V	B		Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$9,389,060.	Preliminary	
11T	V	B		Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$9,389,060.	Preliminary	
12T	III	C	2	Site Control	Section 17 of the March 21, 2007 Purchase and Sale Agreement includes a provision allowing the Purchaser to assign Purchaser's rights provided that the Assignee expressly assumes all of the terms, conditions and obligations of the Agreement in writing. An Assignment of Contract was provided; however, it does not include a statement that the Assignee expressly assumes all of the terms, conditions and obligations of the Agreement.	Preliminary	
13T	III	C	2	Site Control	The March 21, 2007 Purchase and Sale Agreement is incomplete. Section 1 refers to an Exhibit A-1 which was not attached to the Agreement.	Preliminary	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	0	0	0	0
2P	III	A	10.a.(2)(b)	Public School	1.25	0	0	0	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	0	0	0	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	10.b.	Proximity to Development on FHFC Development Proximity List	3.75	0	0	0	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	The Applicant did not provide the required sketch.	Preliminary	
1P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
3P	The Applicant did not provide the required sketch.	Preliminary	
3P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
	Per page 17 of the 2008 Universal Application Instructions, Applicants that select the Elderly Demographic Commitment at Part III.D, but fail to qualify for the	Preliminary	

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-169C

Development Name: Madison Glen

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
3P	Elderly Demographic Commitment will only be eligible for the proximity points that the Development would qualify for as a non-Elderly Development. As a non-Elderly Development, the Applicant may select either Medical Facility or Pharmacy. Since more than one of these items was selected in the Application, the Application received zero points for these services.		
4P	The Applicant did not provide the required sketch.	Preliminary	
4P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
4P	Per page 17 of the 2008 Universal Application Instructions, Applicants that select the Elderly Demographic Commitment at Part III.D, but fail to qualify for the Elderly Demographic Commitment will only be eligible for the proximity points that the Development would qualify for as a non-Elderly Development. As a non-Elderly Development, the Applicant may select either Medical Facility or Pharmacy. Since more than one of these items was selected in the Application, the Application received zero points for these services.	Preliminary	
6P	The Applicant did not submit the Surveyor Certification form.	Preliminary	



**REQUEST FOR PROPOSAL
FOR LOCAL GOVERNMENT CONTRIBUTION OR GAP
FINANCING TO SUPPORT
AFFORDABLE MULTI-FAMILY RENTAL HOUSING
CONSTRUCTION/REHABILITATION PROJECTS FOR
COUNTY OF VOLUSIA
COMMUNITY ASSISTANCE DIVISION
HOUSING ACTIVITY**

RFP NO. 08-P-65DS

**Closing Date: Thursday, February 14, 2008
at 3:00 P.M. EST**

County of Volusia
Purchasing & Contracts Division
123 West Indiana Avenue, Suite 304
DeLand, Florida 32720-4808
(386) 738-5988



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RFP 08-P-65DS
Request for Proposals for Affordable Multi-Family
Rental Housing Construction or Rehabilitation projects

1.0 PURPOSE & OVERVIEW

The County of Volusia, Division of Community Assistance is soliciting applications for one or more affordable, multi-family rental housing construction or rehabilitation projects in Volusia County excluding the incorporated limits of the cities of Daytona Beach, Deltona and Port Orange.

The County has approximately seven (7) hundred fifty thousand (\$750,000.00) dollars in State Housing Initiatives Partnership Program (SHIP) funds available for "gap" financing or to award as local government contribution in the form of a deferred payment, zero interest loan to construct/rehabilitate at least four (4) SHIP designated units per funded project.

The multi-family rental units shall serve very-low [adjusted income 50% or less of Area Median Income (AMI)] and low-income residents [adjusted income 80% or less of AMI] with occupancy for a period not less than fifteen years. The firm shall state in their proposal the total number of units set aside for very-low and low-income households. The gross rents shall not exceed the SHIP rents published by Florida Housing Finance Corporation (FHFC).

The County may select one or more firms for a loan. The award of a loan shall be contingent upon the applicant successfully receiving funding through the 2008 Florida Housing Finance Corporation Universal Application for the State Apartment Incentive Loan (SAIL), HOME or Housing Credits (HC) Programs.

2.0 GENERAL TERMS & CONDITIONS

2.1 RFP Closing Date

Sealed proposals shall be received by the Volusia County Purchasing & Contracts Office, Room 304, Third Floor, 123 West Indiana Avenue, DeLand, FL, 32720-4608, no later than 3:00 p.m., local time, on **Thursday, February 14, 2008**. Proposals received after this time shall not be considered.

2.2 Proposed Schedule

01/31/2008	Release date for Request for Proposal
02/14/2008	Closing Date
02/26/2008	Evaluation Committee Meeting
03/13/2008	County Council Date

2.3 Delivery of Proposals

All proposals shall be sealed and delivered or mailed to (faxes/e-mails will not be accepted):

County of Volusia, Florida

**COUNTY OF VOLUSIA, FL
AWARD RECOMMENDATION
SOLICITATION TABULATION SHEET**

SOLICITATION NO.: 08-P-85DS

SOLICITATION TITLE: Affordable Multi-Use Family Rental Housing
Construction/Rehabilitation Projects

ALL SUBMITTALS ACCEPTED BY THE COUNTY OF VOLUSIA ARE SUBJECT TO THE COUNTY'S TERMS AND CONDITIONS. ANY AND ALL ADDITIONAL TERMS AND CONDITIONS SUBMITTED BY THE RESPONDENT ARE REJECTED AND SHALL HAVE NO FORCE AND EFFECT. SOLICITATION DOCUMENTS FROM THE RESPONDENT LISTED HEREIN ARE THE ONLY SUBMITTALS RECEIVED TIMELY AS OF THE CLOSING DATE AND TIME. ALL OTHER SOLICITATION DOCUMENTS SUBMITTED IN RESPONSE TO THIS SOLICITATION, IF ANY, ARE HEREBY REJECTED AS LATE.

EXHIBIT

CLOSING DATE/TIME: February 14, 2008

TIME: 3:00 P.M.

Response No. 1 American Realty Development, LLC 615 Crescent Executive Court Suite 120 Lake Mary, FL 32746 Todd L. Borck, Principal Patrick E. Law, Principal Ph. (407) 333-1440 Fx. (407) 333-1340 E-mail: toddb@ard.cc Projects: Madison Springs, DeLand Madison Glen, Ormond Beach	Response No. 2 Arbour Valley Development, LLC 33 Inverness Center Parkway, Suite LL 130 Birmingham, AL 35242 Gabriel Ehrenstein, Managing Member Ph. (205) 981-3300 Fx. (205) 991-9674 Projects: Arbours at Holly Hill Arbours at Deland	Response No. 3 Laurel Court Associates, LLC 247 N. Westmonte Drive Altamonte Springs, FL 32714 Robert M. Piceme Managing Member Linda McDonnell Member Ph. (407) 772-020 Fx. (407) 772-0220 Project: Laurel Court, DeLand	Response No. 4 Laurel Villas Associates, LLC 247 N. Westmonte Drive Altamonte Springs, FL 32714 Robert M. Piceme Managing Member Linda McDonnell Member Ph. (407) 772-020 Fx. (407) 772-0220 Project: Laurel Villas, DeLand
Response No. 5 Taylor Place, Ltd., 329 N. Park Avenue Suite 300 Winter Park, FL 32789 Jay P. Brock, Manager W. Scott Culp, VP Ph. (407) 741-8500 Ph. (407) 741-8662 Fx. (407) 643-2591 Email: KJbrock@Atlantichousing.com Project: Taylor Place Phase I, Deland	Response No. 6 Taylor Place II, Ltd. 329 N. Park Avenue Suite 300 Winter Park, FL 32789 Jay P. Brock, Manager W. Scott Culp, VP Ph. (407) 741-8500 Ph. (407) 741-8682 Fx. (407) 643-2591 Email: KJbrock@Atlantichousing.com Project: Taylor Place II, DeLand	BLANK	BLANK

Opened by: Dom P. Sotero, Procurement Analyst II; Tabulated by: Betty Delatre
Recommendation: 1) Laurel Villa; 2) Laurel Court; 3) Taylor Place - Phase I; 4) Arbours at Holly Hill; and 5) Arbours at DeLand;
Alternative: Ranked as follows: 1) Taylor Place - Phase II; 2) Madison Springs; and 3) Madison Glen

-----Original Message-----

From: Paula Szabo [mailto:pszabo@co.volusia.fl.us]

Sent: Tuesday, May 13, 2008 2:19 PM

To: Gabe Ehrenstein-Arbour; Ammon Smith; Joe Chambers

Cc: Diana Phillips; Edward Jasper

Subject: Volusia County loans for multi-family rental projects

Good afternoon: As you are all aware, the 2008 Universal Cycle is underway. All applications have received a lottery numbers from the Florida Housing Finance Corporation, and the Preliminary Scoring has been posted on the FHFC website. Volusia County ranked the 8 applications received pursuant to the RFP for local government contribution and approved the award of a deferred payment loan to 5 multi-family rental projects (contingent upon award of funds from FHFC).

It would be greatly appreciated if you could advise me no later than May 31, 2008 if you intend to withdrawn your project's application from the FHFC. Three of the applications to Volusia County received a loan commitment that was contingent upon one of the 5 top ranked projects negotiations failing with Volusia County, or an application to FHFC being withdrawn. In the event of your withdrawal we would like to be able to inform them in a timely manner. Thank you for your assistance and cooperation.

Please note: One of the contingent projects - Taylor Place Apartments Phase 2 - did not submit an application during the 2008 Universal Cycle to FHFC, and therefore their application is considered to be withdrawn.

Paula Szabo, Planner II

County of Volusia Community Services

Planning & Monitoring



2008 CURE FORM

(Submit a SEPARATE form for EACH reason relative to
EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2008-169C** and
pertains to:

Part V Section D Subsection _____ Exhibit No. 57 (if applicable)

The attached information is submitted in response to the 2008 Universal Scoring
Summary Report because:

- ☒ 1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a
failure to achieve maximum points, a failure to achieve threshold, and/or a
failure to achieve maximum proximity points relative to the Part, Section,
Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2008 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
☐ Reason Score Not Maxed	Item No. ____S	☐	☐
☒ Reason Failed Threshold	Item No. 9T	☒	☐
☐ Reason Proximity Points Not Maxed	Item No. ____P	☐	☐
☐ Additional Comment	Item No. ____C	☐	☐

- ☐ 2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue
resulting from a cure to Part _____ Section _____ Subsection _____
Exhibit _____ (if applicable).

Brief Statement of Explanation regarding
Application 2008 – 169C

Provide a separate brief statement for each Cure

The Applicant did not provide any of the Local Government Contribution forms and the Applicant does not qualify for automatic points. Therefore, zero points were awarded.

The Applicant has provided the required Local Government Contribution in the form of a Loan from Volusia County which was in place as of the Application deadline and is therefore entitled to the 5 points. This also CURES item 9T.

2008 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - LOAN

To be eligible to be considered for points, a sheet showing the payment stream for which the net present value of the loan was calculated must be attached to this verification form.

Name of Development: Madison Glen

Development Location: 592 Serranus Drive, Ormond Beach, Florida 32174
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has only been assigned, provide the street name, closest designated intersection and city)

On or before 03/13/2008 the City/County of Volusia County committed
Date (mm/dd/yyyy) (Name of City or County)

\$ 150,000.00 in the form of a reduced interest rate loan to the Applicant for its use solely for
(see amount)

assisting the proposed Development referenced above. The loan will bear interest at a rate of 0.00% per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

The loan is subject to be forgiven at the end of the term.

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

The following government point of contact can verify the above stated contribution:

Name of Government Contact: Paula Szabo

Address: 110 W. Rich Avenue

DeLand, FL 32720

Telephone Number: (386) 736-5955

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2008.
Date (mm/dd/yyyy)

Signature

06/05/2008 James T. Dinneen
Date (mm/dd/yyyy)

Print or Type Name

(386) 736-5920
Telephone Number

County Manager
Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager / Administrator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0607, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government Bonds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatures are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and must include words such as "estimated, up to, maximum of, not to exceed, etc."

This contribution will not be considered and the Application will fail threshold if the certification contains corrections or "white-out" or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

The Application may still be eligible for automatic points.

Madison Glen

NPV of Loan

Terms:

Amount	\$150,000.00
Term	30
Interest Rate	0.00%
Discount Rate	7.680%

Net Present Value	\$0.00
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Value of Contribution	\$150,000.00
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Period	Payment #
1	\$0.00
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Brief Statement of Explanation regarding
Application 2008 – 169C

Provide a separate brief statement for each NOAD

Madison Glen, 2008-169C, should be deemed to not have a firm Second Mortgage
financing commitment from Volusia County. The claimed loan was only a
contingent or conditional commitment as of the Application Deadline.

Threshold Item 9T should not be rescinded.

See attached Detailed Explanation of NOAD for Item 9T.

DETAILED EXPLANATION OF
NOTICE OF ALLEGED DEFICIENCY DIRECTED TO
MADISON GLEN, 2008-169C (ITEM 9T)

In Part V of its Application as originally submitted, Applicant No. 2008-169C, Madison Glen, included Second Mortgage Financing in the amount of \$150,000, but provided no documentation of such financing. This deficiency was noted in the Florida Housing Finance Corporation's ("FHFC" or "Florida Housing") 5/7/2008 Scoring Summary for this Application, copy attached to this NOAD as Exhibit "A," as Threshold Item 9T.

In its cure documentation, Madison Glen provided purported documentation of a local government loan from Volusia County in the amount of \$150,000, at 0% interest for 30 years, subject to being forgiven at the end of the term. The form provided was signed by the County Manager on June 5, 2008, and states that the loan commitment was made on or before March 13, 2008, which was before the Application Deadline of April 7, 2008. A copy of Madison Glen's cure on this issue is provided with this NOAD immediately above the Brief Explanation form for this issue, as requested by Florida Housing.

The alleged local government loan should be disregarded as a contribution because it was not a firm commitment as of the Application Deadline; it was only a contingent commitment. The details of the claimed award of that loan are as follows.

On January 31, 2008, Volusia County issued a Request for Proposals ("RFP") to allocate approximately \$750,000 in State Housing Initiatives Partnership ("SHIP") Program funds to applicants seeking SAIL, HOME, or HC funding from FHFC in 2008. A copy of relevant portions of the RFP is attached to this NOAD as Exhibit "B."

In response to the RFP, Volusia County received responses from six different developers for a total of eight developments. Volusia County staff evaluated and rank ordered the proposals,

and made a recommendation to the Volusia County Council. On March 13, 2008, the Volusia County Council selected five applicants for funding, with the other three appearing on a rank-ordered waiting list. The proposed developments selected for funding were Laurel Villa, Laurel Court, Taylor Place-Phase I, Arbours of Holly Hill, and Arbours of Deland. The three alternate, waited-listed developments were, in order, Taylor Place-Phase II, Madison Springs, and Madison Glen. Madison Glen would only receive a loan if at least two of the funded or higher-ranked alternate developments withdrew (or failed to submit) their FHFC funding applications or did not successfully complete negotiations with the County. A copy of the County's Award Recommendation is attached to this NOAD as Exhibit "C."

A review of the 4/10/2008 Applications Submitted report from the FHFC website shows that applications were submitted for 7 of the 8 above-named developments:

Laurel Villa, 2008-048C

Laurel Court, 2008-046C

Taylor Place- Phase I, 2008-227C

Arbours of Holly Hill, 2008-023C

Arbours of Deland, 2008-027C

Madison Springs, 2008-168C

Madison Glen, 2008-169C

Only Taylor Place -Phase II did not submit an application in the 2008 Universal Cycle.

On May 13, 2008, Paula Szabo, Volusia County's planner involved in this funding effort, requested that the proposers notify her by May 31, 2008, if they intended to withdraw their application to FHFC, so the alternate(s) could be notified. A copy of Ms. Szabo's May 13 e-mail

is attached. It is unknown whether any of the applicants responded to Ms. Szabo. However, the list of Withdrawn Applications as of June 16, 2008, as published on the FHFC website, (copy attached hereto as Exhibit "D"), shows that as of the requested date of May 31, 2008, or even as of the date the local government contribution form was signed (June 5, 2008), none of the above-named applications submitted to FHFC for Volusia County had been withdrawn.

In her May 13 e-mail, Ms. Szabo also notified the proposers that one of the "contingent projects" (alternates), Taylor Place-Phase II, did not submit an application to FHFC and therefore was considered withdrawn. Madison Glen therefore became the second ranked alternate instead of the third ranked alternate, but was still not within the "funding range."

The local government loan to Madison Glen was not a firm commitment as of the April 7, 2008, FHFC Application Deadline. It was only a contingent commitment. At best, Volusia County committed to loan funds at Madison Glen only if other applicants to whom Volusia County committed to loan funds withdrew their FHFC applications. There is no indication that enough Volusia County applicants withdrew (or failed to submit) their FHFC applications to move Madison Glen from third on the list of alternates into the funding range.

Further, even as of the date the Volusia County representative signed the contributions on June 5, 2008, there was no firm commitment to loans funds to Madison Glen. As noted, the list of Withdrawn Applications as of June 16, 2008, as published on the FHFC website, shows that as of June 5, 2008, none of the applications in Volusia County had been withdrawn.

Florida Housing's 2008 Universal Application Instructions state, at page 70:

If a commitment has a provision for holding back funds until certain conditions are met, the amount of the hold-back will not be counted as a source of construction financing unless it can be determined that the conditions for the release of the hold-back can

be met prior to or simultaneous with the closing of the Development's permanent financing.

Although not stated on the face of the Loan Verification form, Volusia County's "commitment" was conditioned upon other higher ranked applicants withdrawing their Florida Housing applications or not successfully negotiating with the County. The "hold-back" in this case was the entire amount of the loan, and it could not be determined as of the Application Deadline, or even the date the Local Government Verification form was signed, that enough other applicants would withdraw to allow for Volusia County's funding of the Madison Glen Second Mortgage Loan.

The claimed loan from Volusia County cannot be counted as a firm financing commitment. Madison Glen should receive no points for the \$150,000 Second Mortgage Loan at Part V, Section A of its Application. Threshold Item 9T should be not be rescinded.

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-169C

Development Name: Madison Glen

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points
05 - 07 - 2008	50	N	0
Preliminary	50	N	0
NOPSE	0	N	0
Final	0	N	0
Final-Ranking	0	N	0

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	0	0	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	0	0	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	0	0	0
4S	III	B	3	Green Building	5	0	0	0	0
Set-Aside Commitments									
5S	III	E	1.b.(2)(b)	Total Set-Aside Commitment	3	3	0	0	0
6S	III	E	3.	Affordability Period	5	5	0	0	0
Resident Programs									
7S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	0	0	0	0
7S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3.	Programs for Elderly	6	0	0	0	0
8S	III	F	4.	Programs for All Applicants	8	8	0	0	0
Local Government Support									
9S	IV		A.	Contributions	5	0	0	0	0
10S	IV		B.	Incentives	4	4	0	0	0

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-169C

Development Name: Madison Glen

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded as Result
4S	The Applicant did not commit to provide the Green Building options.	Preliminary	
7S	The Applicant failed to qualify for the Elderly Demographic. Therefore, the Applicant is not eligible to select Qualified Resident Programs for Elderly Developments.	Preliminary	
9S	The Applicant did not provide any of the Local Government Contributions forms and the Application does not qualify for automatic points. Therefore, zero points were awarded.	Preliminary	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	III	C	1	Site Plan Approval	The Applicant failed to provide the required Local Government Verification of Site Plan Approval for Multifamily Developments form.	Preliminary	
2T	III	C	3.b.	Availability of Water	The Applicant failed to provide any of the required documentation to demonstrate availability of water.	Preliminary	
3T	III	C	3.c.	Availability of Sewer	The Applicant failed to provide any of the required documentation to demonstrate availability of sewer capacity, package treatment or septic tank.	Preliminary	
4T	III	C	3.d.	Availability of Roads	The Applicant failed to provide any of the required documentation to demonstrate availability of roads.	Preliminary	
5T	III	C	4	Zoning	The Applicant failed to provide the required Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form.	Preliminary	
6T	III	C	5	Environmental Site Assessment	The Applicant failed to provide the required Verification of Environmental Safety - Phase I Environmental Site Assessment form and, if applicable, the Verification of Environmental Safety - Phase II Environmental Site Assessment form.	Preliminary	
7T	III	D	1	Demographic Commitment	The Applicant failed to qualify for the Elderly Demographic because the market analysis was not dated within nine months of the Application Deadline as required in the 2008 Universal Application Instructions.	Preliminary	
8T	V	D		Equity Commitment	The Applicant provided an equity commitment letter from PNC Multifamily Capital. Page one of the commitment states that \$10,581,442 will be the "total Capital Contribution", however when the three installments of funds found on pages one and two of the commitment are totaled, they equal \$10,581,742. Due to this inconsistency, the equity commitment was not considered a firm source of financing.	Preliminary	
9T	V	D		Loan Commitment	The Applicant listed a second mortgage loan in the amount of \$150,000 in the Application Construction and Permanent Analysis. No evidence of a second mortgage loan commitment was found in the Application. As a result, the	Preliminary	

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-169C

Development Name: Madison Glen

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
					commitment could not be considered firm and was not used as a source of financing.		
10T	V	B		Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$9,389,060.	Preliminary	
11T	V	B		Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$9,389,060.	Preliminary	
12T	III	C	2	Site Control	Section 17 of the March 21, 2007 Purchase and Sale Agreement includes a provision allowing the Purchaser to assign Purchaser's rights provided that the Assignee expressly assumes all of the terms, conditions and obligations of the Agreement in writing. An Assignment of Contract was provided; however, it does not include a statement that the Assignee expressly assumes all of the terms, conditions and obligations of the Agreement.	Preliminary	
13T	III	C	2	Site Control	The March 21, 2007 Purchase and Sale Agreement is incomplete. Section 1 refers to an Exhibit A-1 which was not attached to the Agreement.	Preliminary	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	0	0	0	0
2P	III	A	10.a.(2)(b)	Public School	1.25	0	0	0	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	0	0	0	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
6P	III	A	10.b.	Proximity to Development on FHFC Development Proximity List	3.75	0	0	0	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	The Applicant did not provide the required sketch.	Preliminary	
1P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
3P	The Applicant did not provide the required sketch.	Preliminary	
3P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
	Per page 17 of the 2008 Universal Application Instructions, Applicants that select the Elderly Demographic Commitment at Part III.D, but fail to qualify for the	Preliminary	

2008 MMRB, SAIL & HC Scoring Summary

As of: 05/07/2008

File # 2008-169C

Development Name: Madison Glen

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
3P	Elderly Demographic Commitment will only be eligible for the proximity points that the Development would qualify for as a non-Elderly Development. As a non-Elderly Development, the Applicant may select either Medical Facility or Pharmacy. Since more than one of these items was selected in the Application, the Application received zero points for these services.		
4P	The Applicant did not provide the required sketch.	Preliminary	
4P	The Applicant did not submit the Surveyor Certification form.	Preliminary	
4P	Per page 17 of the 2008 Universal Application Instructions, Applicants that select the Elderly Demographic Commitment at Part III.D, but fail to qualify for the Elderly Demographic Commitment will only be eligible for the proximity points that the Development would qualify for as a non-Elderly Development. As a non-Elderly Development, the Applicant may select either Medical Facility or Pharmacy. Since more than one of these items was selected in the Application, the Application received zero points for these services.	Preliminary	
6P	The Applicant did not submit the Surveyor Certification form.	Preliminary	



REQUEST FOR PROPOSAL
FOR LOCAL GOVERNMENT CONTRIBUTION OR GAP
FINANCING TO SUPPORT
AFFORDABLE MULTI-FAMILY RENTAL HOUSING
CONSTRUCTION/REHABILITATION PROJECTS FOR
COUNTY OF VOLUSIA
COMMUNITY ASSISTANCE DIVISION
HOUSING ACTIVITY

RFP NO. 08-P-65DS

Closing Date: Thursday, February 14, 2008
at 3:00 P.M. EST

County of Volusia
Purchasing & Contracts Division
123 West Indiana Avenue, Suite 304
DeLand, Florida 32720-4608
(386) 736-5966



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RFP 08-P-65DS
Request for Proposals for Affordable Multi-Family
Rental Housing Construction or Rehabilitation projects

1.0 PURPOSE & OVERVIEW

The County of Volusia, Division of Community Assistance is soliciting applications for one or more affordable, multi-family rental housing construction or rehabilitation projects in Volusia County excluding the incorporated limits of the cities of Daytona Beach, Deltona and Port Orange.

The County has approximately seven (7) hundred fifty thousand (\$750,000.00) dollars in State Housing Initiatives Partnership Program (SHIP) funds available for "gap" financing or to award as local government contribution in the form of a deferred payment, zero interest loan to construct/rehabilitate at least four (4) SHIP designated units per funded project.

The multi-family rental units shall serve very-low [adjusted income 50% or less of Area Median Income (AMI)] and low-income residents [adjusted income 80% or less of AMI] with occupancy for a period not less than fifteen years. The firm shall state in their proposal the total number of units set aside for very-low and low-income households. The gross rents shall not exceed the SHIP rents published by Florida Housing Finance Corporation (FHFC).

The County may select one or more firms for a loan. The award of a loan shall be contingent upon the applicant successfully receiving funding through the 2008 Florida Housing Finance Corporation Universal Application for the State Apartment Incentive Loan (SAIL), HOME or Housing Credits (HC) Programs.

2.0 GENERAL TERMS & CONDITIONS

2.1 RFP Closing Date

Sealed proposals shall be received by the Volusia County Purchasing & Contracts Office, Room 304, Third Floor, 123 West Indiana Avenue, DeLand, FL, 32720-4608, no later than 3:00 p.m., local time, on Thursday, February 14, 2008. Proposals received after this time shall not be considered.

2.2 Proposed Schedule

01/31/2008	Release date for Request for Proposal
02/14/2008	Closing Date
02/26/2008	Evaluation Committee Meeting
03/13/2008	County Council Date

2.3 Delivery of Proposals

All proposals shall be sealed and delivered or mailed to (faxes/e-mails will not be accepted):

County of Volusia, Florida

**COUNTY OF VOLUSIA, FL
AWARD RECOMMENDATION
SOLICITATION TABULATION SHEET**

SOLICITATION NO.: 08-P-65DS

SOLICITATION TITLE: Affordable Multi-Use Family Rental Housing
Construction/Rehabilitation Projects

ALL SUBMITTALS ACCEPTED BY THE COUNTY OF VOLUSIA ARE SUBJECT TO THE COUNTY'S TERMS AND CONDITIONS. ANY AND ALL ADDITIONAL TERMS AND CONDITIONS SUBMITTED BY THE RESPONDENT ARE REJECTED AND SHALL HAVE NO FORCE AND EFFECT. SOLICITATION DOCUMENTS FROM THE RESPONDENT LISTED HEREIN ARE THE ONLY SUBMITTALS RECEIVED TIMELY AS OF THE CLOSING DATE AND TIME. ALL OTHER SOLICITATION DOCUMENTS SUBMITTED IN RESPONSE TO THIS SOLICITATION, IF ANY, ARE HEREBY REJECTED AS LATE.

EXHIBIT

CLOSING DATE/TIME: February 14, 2008

TIME: 3:00 P.M.

Response No. 1 American Realty Development, LLC 615 Crescent Executive Court Suite 120 Lake Mary, FL 32746 Todd L. Borck, Principal Patrick E. Law, Principal Ph. (407) 333-1440 Fx. (407) 333-1340 E-mail: toddb@ard.cc Projects: Madison Springs, DeLand Madison Glen, Ormond Beach	Response No. 2 Arbour Valley Development, LLC 33 Inverness Center Parkway, Suite LL 130 Birmingham, AL 35242 Gabriel Ehrenstein, Managing Member Ph. (205) 981-3300 Fx. (205) 991-9674 Projects: Arbours at Holly Hill Arbours at Deland	Response No. 3 Laurel Court Associates, LLC 247 N. Westmonte Drive Altamonte Springs, FL 32714 Robert M. Piceme Managing Member Linda McDonnell Member Ph. (407) 772-020 Fx. (407) 772-0220 Project: Laurel Court, DeLand	Response No. 4 Laurel Villas Associates, LLC 247 N. Westmonte Drive Altamonte Springs, FL 32714 Robert M. Piceme Managing Member Linda McDonnell Member Ph. (407) 772-020 Fx. (407) 772-0220 Project: Laurel Villas, DeLand
Response No. 5 Taylor Place, Ltd., 329 N. Park Avenue Suite 300 Winter Park, FL 32789 Jay P. Brock, Manager W. Scott Culp, VP Ph. (407) 741-8500 Ph. (407) 741-8682 Fx. (407) 643-2591 Email: KJbrock@Atlantichousing.com Project: Taylor Place Phase I, Deland	Response No. 6 Taylor Place II, Ltd. 329 N. Park Avenue Suite 300 Winter Park, FL 32789 Jay P. Brock, Manager W. Scott Culp, VP Ph. (407) 741-8500 Ph. (407) 741-8682 Fx. (407) 643-2591 Email: KJbrock@Atlantichousing.com Project: Taylor Place II, DeLand	BLANK	BLANK

Opened by:

Recommendation:

Alternative:

Dom P. Sotero, Procurement Analyst II; Tabulated by: Betty Delatre

1) Laurel Villa; 2) Laurel Court; 3) Taylor Place - Phase I; 4) Arbours at Holly Hill; and 5) Arbours at DeLand;

Ranked as follows: 1) Taylor Place - Phase II; 2) Madison Springs; and 3) Madison Glen

-----Original Message-----

From: Paula Szabo (<mailto:pszabo@co.volusia.fl.us>)

Sent: Tuesday, May 13, 2008 2:19 PM

To: Gabe Ehrenstein-Arbour; Ammon Smith; Joe Chambers

Cc: Diana Phillips; Edward Jasper

Subject: Volusia County loans for multi-family rental projects

Good afternoon: As you are all aware, the 2008 Universal Cycle is underway. All applications have received a lottery numbers from the Florida Housing Finance Corporation, and the Preliminary Scoring has been posted on the FHFC website. Volusia County ranked the 8 applications received pursuant to the RFP for local government contribution and approved the award of a deferred payment loan to 5 multi-family rental projects (contingent upon award of funds from FHFC).

It would be greatly appreciated if you could advise me no later than May 31, 2008 if you intend to withdrawn your project's application from the FHFC. Three of the applications to Volusia County received a loan commitment that was contingent upon one of the 5 top ranked projects negotiations failing with Volusia County, or an application to FHFC being withdrawn. In the event of your withdrawal we would like to be able to inform them in a timely manner. Thank you for your assistance and cooperation.

Please note: One of the contingent projects - Taylor Place Apartments Phase 2 - did not submit an application during the 2008 Universal Cycle to FHFC, and therefore their application is considered to be withdrawn.

Paula Szabo, Planner II

County of Volusia Community Services

Planning & Monitoring



2008 Universal Application Cycle

Withdrawn Applications

as of September 12, 2008

	<u>Application No.</u>	<u>Development Name</u>	<u>Date Withdrawn</u>
1.	2008-090C	Notre Dame II	4-21-08
2.	2008-186C	Fredericksburg Apts.	5-13-08
3.	2008-191CS	The Grove on Hillcrest	5-20-08
4.	2008-023C	Arbours at Holly Hill	6-13-08
5.	2008-296BS	Hollycrest Apts.	6-13-08
6.	2008-168C	Madison Springs	6-16-08
7.	2008-241B	Lynn Haven Center	9-12-08
8.	2008-261S	Palm Coast Town Center – II	9-12-08
9.	2008-290CS	Ridgewood Cove	9-12-08

Exhibit G