

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ALLAPATTAH HOUSING)	
PARTNERS, LLC; TOWER)	
ROAD GARDENS, LTD.; AND)	
CITY RIVER APARTMENTS, LTD.,)	
)	
Petitioners,)	
)	
vs.)	Case No.
)	
FLORIDA HOUSING FINANCE)	
CORPORATION,)	
)	
Respondent.)	
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**PETITION FOR ADMINISTRATIVE DETERMINATION
OF INVALIDITY OF PROPOSED RULE**

Pursuant to Section 120.56(1) and (2), Fla. Stat., Allapattah Housing Partners, LLC; Tower Road Gardens, Ltd.; and City River Apartments, Ltd. (“Petitioners”), challenge as an invalid exercise of delegated legislative authority certain proposed rules revising the Florida Housing Finance Corporation’s 2012 Qualified Allocation Plan (“2012 QAP”), which is proposed to be incorporated by reference into Rule 67-48 Fla. Admin. Code. As more fully set forth below, the 2012 QAP proposed rule improperly attempts to allocate 2011 Housing Credits in a manner that violates the requirements of Florida Statutes. In support of this Petition, Petitioners state as follows:

Parties

1. Petitioner Allapattah Housing Partners, LLC, is a limited liability company whose address is 1172 South Dixie Highway, Suite 500 Coral Gables, Florida 33146. Petitioner Tower Road Gardens, Ltd. is a limited partnership whose address is 5709 NW 158 Street, Miami Lakes,

Florida 33014. Petitioner City River Apartments, Ltd. is a limited partnership whose address is 1666 Kennedy Causeway, Ste. 505, North Bay Village, Florida 33141. For purposes of this proceeding, Petitioners' address is that of its undersigned counsel, Douglas Manson, Manson Law Group, P.A., 1101 West Swann Avenue, Tampa, Florida 33606-2637, telephone number 813-514-4700, facsimile number 813-514-4701.

2. The Respondent is the Florida Housing Finance Corporation ("Florida Housing" or "the Corporation"), a public corporation created by Section 420.504, Fla. Stat., to administer the governmental function of financing or refinancing housing and related facilities in Florida. Florida Housing's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Affected Proposed Rule

3. The proposed rules affected are the 2012 QAP proposed rule and proposed rule 67-48.002 (94), which incorporates the 2012 QAP proposed rule by reference.

Notice and Rule Development

4. In the July 1, 2011, Florida Administrative Weekly ("FAW"), Volume 37, No. 26, pages 1831 through 1872 Florida Housing gave notice of the proposed amendments to Rule Chapter 67-48, Fla. Admin. Code, and to forms and instructions that make up the Universal Cycle Application Package, incorporated by reference into Rule 67-48.004(1)(a). A copy of the FAW excerpt containing the proposed amended Rule Chapter 67-48 is attached hereto as Exhibit "A."

5. The July 1, 2011 notice for the proposed rule indicated that a public hearing would be held at Florida Housing's office in Tallahassee, Florida on Tuesday, July 26, 2011 at

10:00 a.m. This Petition is filed within 10 days of the final public hearing, and thus is timely pursuant to Section 120.56(2), Fla. Stat.

Summary of the Process of Allocating Housing Credits

6. Under Federal law memorialized in Section 42 of the Internal Revenue Code (“IRC” or the “Code”), each state is given an amount of federal Low-Income Rental Housing Tax Credits (“Housing Credits” or “HC”) based upon its population. In 2011, each state is entitled to \$2.15 per capita of Housing Credits. Florida is entitled to receive approximately \$40,422,817 in 2011 Housing Credits. These Housing Credits are then allocated to specific qualifying housing projects, and can be utilized by project investors each year for a 10 year period. Accordingly, the 2011 Florida HC entitlement will represent a total of \$404,228,170 in Housing Credits, which will attract significant equity investments in such projects (e.g. based upon an equity “price” of 90 cents for each dollar of Housing Credits, approximately \$360 million in investor equity).

7. Section 42 of the Code requires that each state designate a “housing credit agency” which is responsible for the proper allocation and distribution of Housing Credits in compliance with Section 42 criteria and guidelines. Florida Housing’s rules incorporate Section 42 of the Code at Rule 67-48.004 (71), Fla. Admin. Code.

8. Florida Housing administers various federal and state affordable housing programs including the Housing Credit Program pursuant to Sections 420.507 and 420.5099, Fla. Stat., and Chapter 67-48, Fla. Admin. Code. Florida Housing’s rulemaking authority to implement this process is set forth in Section 420.507(12), Fla. Stat. As such, Florida Housing is the “housing credit agency” responsible for the allocation and distribution of Housing Credits in Florida.

9. Under Federal law, Florida Housing must distribute Low-Income Rental Housing Tax Credits to applicants pursuant to a specific Qualified Allocation Plan (“QAP”). IRC Sec. 42(m)(1)(A). The QAP must contain certain criteria mandated by Federal law, referred to as “Selection Criteria”. IRC Sec. 42(m)(1)(B). The Code further provides that a state’s federal Housing Credit award will be deemed to be zero if its QAP fails to include a complete plan setting forth (a) selection criteria, (b) preferences for lowest income, longest terms and development in qualified census tracts, and (c) procedures for monitoring and reporting a project’s non-compliance. IRC Sec. 42(m)(1)(A).

10. In Florida, the QAP must be approved by Florida Housing’s Board of Directors, by the Governor of the State of Florida and adopted as a rule. IRC Sec. 42(m)(A)(i), Section 120.56, Fla. Stat. Typically, each year Florida Housing embarks on a public rule making process to adopt the applicable Rule and QAP which control the complex and critical processes for evaluation, review, notice, opportunity to be heard and, ultimately, ranking and approval of developments to receive allocations of Housing Credits for that year.

11. Because the demand for allocation of Housing Credits exceeds that which is available under the Housing Credit Program, applicants of qualified affordable housing developments must compete for this funding. Applicants apply for funding under various affordable housing programs administered by Florida Housing by submitting information as required by the Universal Cycle Application Package. Rules 67-21.003(1)(a) and 67-48.004(1)(a), Fla. Admin. Code, (Parts I through V with instructions), Fla. Admin. Code. To assess the relative merits of proposed developments, Florida Housing has established a competitive application process known as the Universal Cycle. Rule Chapter 67-48, Fla. Admin. Code.

12. Florida Housing's application process for the 2009 Universal Cycle is set forth in Rules 67-21.002-.0035 and 67-48.001-.005, Fla. Admin. Code.

13. Florida Housing scores and competitively ranks the applications to determine which applications will be allocated Housing Credits. Florida Housing's scoring and evaluation process for Housing Credit applications is set forth in Rule 67-48.004, Fla. Admin. Code. Under these Rules, the applications are evaluated and scored based upon factors contained in the Universal Cycle Application Package and Florida Housing's adopted rules. Florida Housing then issues preliminary scores to all applicants. Rule 67-48.004(3), Fla. Admin. Code.

14. Following release of the preliminary scores, competitors can alert Florida Housing of alleged scoring errors in other applications by filing a written Notice of Possible Scoring Error ("NOPSE") within a specified time frame. Florida Housing reviews the NOPSE and notifies the affected applicant of its decision by issuing a NOPSE scoring summary. Rule 67-48.004(4), Fla. Admin. Code.

15. Applicants then have an opportunity to submit "additional documentation, revised pages and such other information as the Applicant deems appropriate ('cures') to address the issues" raised by preliminary or NOPSE scoring. See Rules 67-21.003 and 67-48.004(6), Fla. Admin. Code. In other words, within parameters established by the rules, applicants may cure certain errors and omissions in their applications pointed out during preliminary scoring or raised by a competitor during the NOPSE process.

16. After affected applicants submit their "cure" documentation, competitors can file a Notice of Alleged Deficiency ("NOAD") challenging the sufficiency of an applicant's cure. Florida Housing considers the challenged cure materials and reviews the NOADS, then issues final scores for all the applications. Rule 67-48.004(9), Fla. Admin. Code.

17. Rule 67-48.005, Fla. Admin. Code, establishes a procedure through which an applicant can challenge the final scoring of its application. The Notice of Rights that accompanies an applicant's final score advises an adversely affected applicant of its right to appeal Florida Housing's scoring decision. Ultimately Florida Housing ranks each application, and allocates available Housing Credits based on such rankings.

Procedural Background and Promulgation of 2012 QAP Proposed Rule

18. The last time the QAP in the State of Florida was promulgated and adopted as a rule was in 2009, which allocated 2009 Housing Credits.

19. During 2010 there were no new amendments to Florida Housing's rules or the QAP.

20. At the end of 2010, Florida Housing drafted the 2011 QAP, which was signed by the Governor but never adopted as a rule. A true and correct copy of the draft 2011 QAP is attached to this Petition as Exhibit "B." The draft 2011 QAP allocated Housing Credits in accordance with a Universal Application Cycle, but Florida Housing did not adopt the QAP as a rule pursuant to Chapter 120.56, Fla. Stat. The 2011 Cycle did not take place.

21. More than seven million dollars (\$7,000,000) of 2011 Housing Credits remain unallocated by Florida Housing.

22. On June 26, 2011, the Florida Housing Board authorized publication of proposed rule amendments to Rule Chapter 67-48. The proposed rule amendments incorporate the 2012 QAP by reference at proposed rule 67-48.002(94). A true and correct copy of the published 2012 QAP proposed rule is attached to this Petition as Exhibit "C."

23. The 2012 QAP proposed rule purports to govern the process and allocation for *both 2011 and 2012 Housing Credits.*

24. Petitioners challenge proposed rule 67-48.002(94) and those portions of the 2012 QAP proposed rule which purport to govern the allocation of 2011 Housing Credits.

25. The only mention in the 2012 QAP proposed rule of the allocation of 2011 Housing Credits is contained in Paragraph 16 of the 2012 QAP proposed rule, which states in its entirety: “Any available 2011 Housing Credit Allocation Authority may be awarded by the FHFC Board *by means of Request for Proposals based on criteria approved by the FHFC Board*”. (emphasis added).

Substantial Interests Affected

26. Petitioners’ substantial interests are affected because they are Applicant entities of affordable housing as that term is defined by Rule 67-48.002(8), Fla. Admin. Code. Petitioners have been identified as the “Applicant” in applications submitted to Florida Housing for public financing of affordable housing development activities. Such applications are typically submitted by single-purpose, single-asset entities such as Petitioners to pursue a specific development. Successful applicants receive allocations of Housing Credits under the process described above. Petitioners, and the “Developer” entities identified in previous applications submitted to Florida Housing, possess the requisite skill, experience, and credit worthiness to successfully produce affordable housing.

27. The 2012 QAP proposed rule provision challenged by this Petition is designed to allocate Housing Credits in a manner prohibited by Section 42 of the Internal Revenue Code and Section 420.5099, Fla. Stat. and is invalid.

28. Petitioners’ substantial interests are affected as an entity whose efforts in developing affordable housing (as administered by Florida Housing) are subject to Florida

Housing's rules and the proposed rules, including specifically the rules governing application, evaluation, review and approval of developments for allocation of Housing Credits.

Proposed Rule Exceeds Legislative Grant of Authority

29. The federal and state statutory construct for evaluating, reviewing and approving low income housing developments for the purpose of allocating Housing Credits plainly and repeatedly include very specific criteria. See IRC Sec. 42(m) and Section 420.5099, Fla. Stat.

30. Nothing contained in the implementing statutes authorizes Florida Housing to allow the 2012 QAP proposed rule to allocate 2011 Housing Credits by an RFP, and certainly not based on as yet undeveloped and unapproved selection criteria providing unbridled discretion to award Housing Credits.

31. The challenged proposed rules cite Section 420.507, Fla. Stat. for rulemaking authority; and Section 420.5099, Fla. Stat. as specific statutory authority for implementation. Neither statute provides specific authority to issue Housing Credits by RFP as described in the proposed rules.

32. Chapter 420 also provides a list of specific considerations that must be used in selecting recipients of Housing Credits. Section 420.5099(2) recites the mandatory factors:

- the timeliness of the application,
- the location of the proposed housing project,
- the relative need in the area for low income housing and the availability of such housing,
- the economic feasibility of the project, and
- the ability of the applicant to proceed to completion of the project in the calendar year for which the credit is sought.

33. Nothing in any of the cited legislation authorizes Florida Housing to circumvent these considerations or other process by reference to a RFP. Even permission to “request such information from applicants as will enable ... [Florida Housing] to make the allocation”, goes on

to say... “*according to the guidelines set forth in section [420.5099] (2).*” Section 420.5099(3), Fla. Stat.

34. All states, including Florida, seeking to participate in the allocation of Housing Credits must comply with Section 42(m)(1) of the Internal Revenue Code, and must satisfy all of the following mandatory elements and so called “Selection Criteria”:

- (m) Responsibilities of housing credit agencies.
 - (1) Plans for allocation of credit among projects.
 - (A) In general. Notwithstanding any other provision of this section, the housing credit dollar amount with respect to any building shall be zero unless--
 - (i) Such amount was allocated pursuant to a qualified allocation plan of the housing credit agency which is approved by the governmental unit (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (b)(ii) thereof)) of which such agency is a part,
 - (B) Qualified allocation plan. For purposes of this paragraph, the term “qualified allocation plan” means any plan--
 - (i) which sets forth selection criteria to be used to determine housing priorities of the housing credit agency which are appropriate to local conditions,
 - (ii) which also gives preference in allocating housing credit dollar amounts among selected projects to--
 - (I) Projects serving the lowest income tenants,
 - (II) Projects obligated to serve qualified tenants for the longest periods, and
 - (III) Projects which are located in qualified census tracts (as defined in subsection (d)(5)(c) and the development of which contributes to a concerted community revitalization plan,
 - (iii) which provides a procedure that the agency (or an agent or other private contractor of such agency) will follow in monitoring for noncompliance with the provisions of this section and in notifying the Internal Revenue Service of such noncompliance which such agency becomes aware of and in monitoring for noncompliance with habitability standards through regular site visits.
 - (C) Certain selection criteria must be used. The selection criteria set forth in a qualified allocation plan must include—
 - (i) project location,
 - (ii) housing needs characteristics,

- (iii) project characteristics including whether the project includes the use of existing housing as a part of a community revitalization plan,
- (iv) sponsor characteristics,
- (v) tenant populations with special housing needs,
- (vi) public housing waiting lists,
- (vii) tenant populations of individuals with children, and
- (viii) projects intended for eventual tenant ownership.

35. The 2012 QAP proposed rule adopted by Florida Housing and incorporated by reference in the challenged rule, quotes from the federal law verbatim in this respect.

36. However, the 2012 QAP proposed rule attempts to allocate 2011 Housing Credits without any regard to Section 42 of the Code or the State of Florida's rulemaking requirements. The summary reference in Paragraph 16 of the 2012 QAP proposed rule to allocating the 2011 Housing Credits by RFP based on criteria that does not exist is deficient in at least three material respects.

37. First, it contains no specific criteria and no statutorily sanctioned approval process.

38. Second, this single sentence certainly does not and cannot constitute a Qualified Allocation Plan as contemplated under IRC 42m(1) and contradicts existing rule and statutory provisions.

39. Finally, *each year's allocation* of Housing Credits must be distributed in accordance with a valid QAP which must be approved by the Board and Florida's Governor, and adopted by rule. The terms of the RFP and criteria referred to as governing the allocation of 2011 Housing Credits cannot be approved by the Board or signed by the Governor; they do not exist. As noted above, there is no specific statutory authorization for the state to adopt rules that award Housing Credits by means of a Request for Proposal.

Bases for Proposed Rule Invalidity

40. The proposed rule 67-48.002(94) and that portion of the 2012 QAP proposed rule that attempt to permit the award of Housing Credits by means of Request of Proposals are invalid based on the foregoing in that:

- a) The challenged proposed rules constitute invalid exercises of delegated legislative authority.
- b) Florida Housing lacks the specific legislative authority to adopt rules that award of Housing Credits by means of Request of Proposals.
- c) The decision to award Housing Credits by means of Request for Proposals would be a fundamental policy change that can only be established by the Legislature, in accordance with governing federal law, not by Florida Housing on an ad hoc basis.
- d) The proposed rules contravene the specific provisions of the law implemented.
- e) Housing Credits cannot be awarded based on a Request for Proposals process or on standards that fail to comply with the mandatory selection criteria contained in Section 42(m)(1)(B) of the Code.
- f) The proposed rules are arbitrary and capricious. There are no criteria or standards for the application, evaluation, review and allocation of 2011 Housing Credits as required by the Code and Florida law.
- g) The proposed rules are vague, fail to establish adequate standards for agency decisions, and vest unbridled discretions in Florida Housing. The complete lack of approved standards and criteria purports to allow Florida Housing to

allocate 2011 Housing Credits at some point in the future under an as yet to be determined RFP, according to undisclosed and unapproved criteria, without any reference to a QAP or other safeguards for this important government program.

Disputed Issues of Material Fact

41. The material facts in dispute include but are not limited to whether:
- a) Florida Housing has exceeded its grant of rule-making authority;
 - b) the proposed rule modifies and contravenes the specific provisions of law implemented;
 - c) criteria for selection or the Request for Proposals were published as proposed rules or exist as of the date the publication of these proposed rules;
 - d) the proposed rules are vague, fail to establish adequate standards for agency decisions, or vest unbridled discretions in the agency; and
 - e) the proposed rules are arbitrary and capricious.

Facts, Statutes and Rules Which Entitle Petitioners to Relief

42. The facts, statutes and rules which entitle Petitioners relief are described above and include but are not limited to:

- a) Florida Housing is unable to prove by a preponderance of the evidence that it materially followed the applicable rulemaking procedures and requirements of Chapter 120, Florida Statutes.
- b) Florida Housing is unable to prove by a preponderance of the evidence that it has not exceeded its grant of rulemaking authority.

- c) Florida Housing is unable to prove by a preponderance of the evidence that the proposed rules do not enlarge, modify, or contravene the specific provisions of law implemented.
- d) Florida Housing is unable to prove by a preponderance of the evidence that the proposed rules are not vague, establish adequate standards for Florida Housing decisions, and do not vest unbridled discretion in Florida Housing.
- e) Florida Housing is unable to prove by a preponderance of the evidence that the proposed rules are not arbitrary or capricious.
- f) Florida Housing is unable to prove by a preponderance of the evidence that the proposed rules are supported by competent substantial evidence.
- g) Florida Housing is unable to prove by a preponderance of the evidence that Section 16 of the 2012 QAP is sufficient to allow it to allocate 2011 Housing Credits through an RFP process.

43. The Statutes and Rules which entitle Petitioners to relief include those described above and IRC 42m(1); Chapters 120 and 420, Fla. Stat. and Chapter 67-48, Fla. Admin. Code.

Concise Statement of Ultimate Facts

44. Proposed rule 67-48.002(94) and 2012 QAP proposed rule incorporated by reference therein are invalid to the extent they purport to authorize the award of 2011 Housing Credits by RFP.

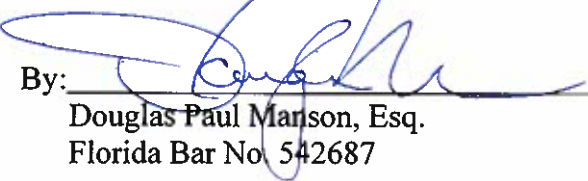
Request for Relief

WHEREFORE, the Petitioners respectfully request:

- a) that a hearing be conducted in accordance with Sections 120.56, 120.569 and 120.57, Fla. Stat.;
- b) that an administrative law judge determine that the challenged proposed rules are invalid based on the allegations in this Petition and applicable law;
- c) an award to Petitioners of reasonable costs and attorneys' fees pursuant to section 120.595(2), Fla. Stat., upon the grounds that there was no reasonable basis in law or fact for the proposed rules challenged herein.

FILED this 5th of August, 2011.

MANSON LAW GROUP, P.A.
1101 W. Swann Avenue
Tampa, Florida 33606-2637
Telephone: 813-514-4700
Facsimile: 813-514-4701
Attorney for Petitioners,
Allapattah Housing Partners, LLC
Tower Road Gardens, Ltd., and
City River Apartments, Ltd.

By: 
Douglas Paul Manson, Esq.
Florida Bar No. 542687

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original has been electronically filed with the Clerk, Division of Administrative Hearings, The DeSoto Building, 1230 Apalahchee Parkway, Tallahassee, Florida 32301-3060; and a copy via U.S. Mail to Wellington Meffert, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, this 5th of August, 2011.



ATTORNEY

Jusevitch, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

LAND AND WATER ADJUDICATORY COMMISSION

Circle Square Woods Community Development District

RULE NOS.:	RULE TITLES:
42S-1.001	Creation
42S-1.002	Boundary
42S-1.003	Supervisors

PURPOSE AND EFFECT: The Circle Square Woods Community Development District (District) was originally created by the Commission in 1994 through adoption of Rule Chapter 42S-1, F.A.C. The District was created to provide water and wastewater services to one portion of the On Top of the World (Central) community in Marion County. Upon initial creation, the District consisted of approximately 2,455 acres of land. Through rule amendment in 2002, the District was reduced to 718.75 acres. Pursuant to subsection 190.046(9), F.S., a district with no outstanding financial obligations and no operating or maintenance responsibilities, may petition for dissolution. The District has no outstanding financial obligations and no operating or maintenance responsibilities. Further, there are no current services provided by the District as, pursuant to an interlocal agreement between the District and the Bay Laurel Center Community Development District ("BLCCDD"), utility services have been assigned and transferred to the BLCCDD. The District has filed a petition for dissolution with the Commission.

SUMMARY: The Circle Square Woods Community Development District (District) was originally created by the Commission in 1994 through adoption of Rule Chapter 42S-1, F.A.C. The District was created to provide water and wastewater services to one portion of the On Top of the World (Central) community in Marion County. Upon initial creation, the District consisted of approximately 2,455 acres of land. Through rule amendment in 2002, the District was reduced to 718.75 acres. Pursuant to subsection 190.046(9), F.S., a district with no outstanding financial obligations and no operating or maintenance responsibilities, may petition for dissolution. The District has no outstanding financial obligations and no operating or maintenance responsibilities. Further, there are no current services provided by the District as, pursuant to an interlocal agreement between the District and the Bay Laurel Center Community Development District ("BLCCDD"), utility

services have been assigned and transferred to the BLCCDD. The District has filed a petition for dissolution with the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Thursday, July 28, 2011, 10:00 a.m.

PLACE: Room 2107, The Capitol, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

42S-1.001 Creation.

Rulemaking Specific Authority 190.005 FS. Law Implemented 190.005 FS. History--New 8-15-94, Repealed

42S-1.002 Boundary.

Rulemaking Specific Authority 190.005 FS. Law Implemented 190.005 FS. History--New 8-15-94, Amended 10-1-02, Repealed

42S-1.003 Supervisors.

Rulemaking Specific Authority 190.005 FS. Law Implemented 190.005 FS. History--New 8-15-94, Repealed



Florida Housing Finance Corporation

~~2011-2012~~ Qualified Allocation Plan

Housing Credit Program

Pursuant to Section 420.5099, Florida Statutes, the Florida Housing Finance Corporation (FHFC) is designated as the "housing credit agency" responsible for the allocation and distribution of Housing Credits in Florida. As the allocating agency for the state, FHFC must distribute Low-Income Rental Housing Tax Credits to Applicants pursuant to a Qualified Allocation Plan (QAP).

Specific criteria of the Qualified Allocation Plan as mandated by Congress and addressed at Section 42(m)(1)(B) of the Internal Revenue Code (IRC), as amended, are as follows:

- (B) QUALIFIED ALLOCATION PLAN.--For purposes of this paragraph, the term 'qualified allocation plan' means any plan--
 - (i) which sets forth selection criteria to be used to determine housing priorities of the housing credit agency which are appropriate to local conditions,
 - (ii) which also gives preference in allocating housing credit dollar amounts among selected projects to--
 - (I) projects serving the lowest income tenants,
 - (II) projects obligated to serve qualified tenants for the longest periods, and
 - (III) projects which are located in qualified census tracts [as defined in



Florida Housing Finance Corporation

2011 Qualified Allocation Plan

Housing Credit Program

Pursuant to Section 420.5099, Florida Statutes, the Florida Housing Finance Corporation (FHFC) is designated as the “housing credit agency” responsible for the allocation and distribution of Housing Credits in Florida. As the allocating agency for the state, FHFC must distribute Low-Income Rental Housing Tax Credits to Applicants pursuant to a Qualified Allocation Plan (QAP).

Specific criteria of the Qualified Allocation Plan as mandated by Congress and addressed at Section 42(m)(1)(B) of the Internal Revenue Code (IRC), as amended, are as follows:

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