

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

RECEIVED
STATE OF FLORIDA
HOUSING FINANCE CORPORATION
TALLAHASSEE, FLORIDA

TEMPLE COURT PARTNERS, LTD.,

Petitioner,

Application No. 2002-169C

v.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

_____ /

PETITION FOR INFORMAL ADMINISTRATIVE HEARING

Petitioner, Temple Court Partners, Ltd., through its undersigned counsel and pursuant to §120.57(2) and §120.569, Fla. Stat., and Rules 28-106.301 and 67-48.005, F.A.C., files this Petition for Informal Administrative Hearing, and says as follows:

I. PARTIES AND NOTICE

1. Petitioner is Temple Court Partners, Ltd. ("Temple Court"), whose address is 1103 West Hibiscus Blvd., Suite 408, Melbourne, Florida 32901, and whose telephone number is 321-723-9200. For purposes of these proceedings, Temple Court's address and telephone number shall be that of its undersigned counsel.

2. The affected agency is Respondent, Florida Housing Finance Corporation ("the Corporation"), 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Corporation's identification number for this matter is 2002-169C.

3. Temple Court received notice of the Corporation's decision by way of a memorandum from the Corporation dated July 22, 2002, sent by Federal Express, and received by Morse Landing on July 23, 2002.

II. ULTIMATE FACTS ALLEGED

A. Background

4. On or before April 15, 2002, Temple Court submitted an application for the Housing Credit Program for the 2002 cycle. Temple Court proposed to construct a low-income housing development in Miami, Florida. Temple Court's application met all threshold requirements and received a final score of 60 points. The issues raised in this appeal concern Temple Court's selection of "Demographic or Area Commitment" in Part III.D of the application.

5. In Part III.D of the application, Temple Court checked both "Elderly" and "Urban In-fill" as the Demographic or Area Commitment ("demographic commitment"). Temple Court intended to construct the development to serve the elderly, but checked both boxes because the development met the definition of both Elderly and Urban In-fill and Temple Court wanted to be accurate and precise.

6. The Corporation deducted some or all points on three parts of Temple Court's application: i) zero points for Demographic or Area Commitment in Part III.D; ii) zero points for Resident Programs in Part III.F because the Corporation was "unable to determine Demographic or Area Commitment at Part III.D"; and iii) 2.25 points out of a possible 3.75 points for address/location on FHFC Development Proximity List "based on FHFC verification."

7. During the cure period, Temple Court submitted a market study evidencing the need for low-income elderly housing at the site of the proposed development.

8. Temple Court should receive points for an Elderly development because it is clear from the application that Temple Court is proposing an Elderly development and because denial of the points is inconsistent with how the Corporation scored another applicant who checked two demographic commitment boxes.

B. Part III.D - Demographic or Area Commitment - Five Points

9. As stated above, the Corporation deducted five points from Temple Court's score because Temple Court selected two demographic commitments in Part III.D.

10. Although the directions in this and previous cycles specify to select only one demographic commitment, the Corporation awarded points to another applicant in the 2000 cycle who checked more than one demographic commitment. Attached as composite Exhibit "A" are Forms 1 and 22 from an application (#2000-065C) submitted by The Grand at Lake Wales, Ltd. ("Grand") in the 2000 cycle.

11. On form 22, Grand selected both Elderly and Urban In-fill. The points awarded for either demographic commitment were 25. In response to an appeal by the applicant, the Corporation stated:

Florida Housing does not concede that the Form should be re-scored or the penalty rescinded. The instructions clearly state to choose only one special target, and the Applicant chose two. **The Applicant was awarded 25 points and placed in the Elderly Set-Aside.**

(See Exhibit "B" attached. Emphasis added.)

12. The Corporation awarded the points and determined that the demographic commitment for the Grand should be Elderly - despite the fact that the application instructions stated to chose only one special target and the applicant chose two.

13. Consistency requires that Temple Court be awarded 5 points and “placed in the Elderly Set-Aside.”

14. Even without the comparison to the Grand, it is clear from the following portions of Temple Court’s application which demographic commitment Temple Court intended:

- a. Part II.F.3 - Temple Court committed to provide “Qualified Resident Programs for *Elderly* Developments.” (Emphasis added.)
- b. Part III.A.11.b(3) - Temple Court checked “yes” in response to the question “If the proposed Development will serve the *Elderly* will it be located within five miles of a medical facility?”
- c. Exhibit 19 - The narrative description of the development states that “[t]he 61-unit property is designated to serve *elderly* residents.” (Emphasis added.)
- d. Exhibit 31 - Temple Court submitted a market study evidencing the need for low-income *elderly* housing at the site.
- e. Exhibit 41 - The financing commitment letter from SunTrust states that the loan “will be used to construct a 61-unit multifamily apartment complex (set aside for *senior* housing)”

Based on the above, there can be no question that the application should be scored as an Elderly development.

15. Because there is no confusion over which demographic commitment is intended and in order to be consistent with the Corporation’s scoring on the Grand, Temple Court should be awarded five points on part III.D.

C. Part III.F - Resident Programs - Six Points

16. The Corporation gave Temple Court zero points for Resident Programs in Part III.F allegedly because it was “unable to determine Demographic or Area Commitment at Part III.D.” Temple Court should be awarded six points for Elderly resident programs because it met the one and only requirement in the application instructions to receive resident program points.

17. The application instructions for “Qualified Resident Programs for Elderly Developments” in Part III.F state on page 35:

To be eligible to select resident programs in this category, Applicant *must have selected Elderly* in the Demographic or Area Commitment section of this Application.

(Emphasis added.)

Thus, in order to receive points for Elderly resident programs, an applicant need only “have selected Elderly in the Demographic or Area Commitment section” of the application. *Regardless of whether Temple Court also selected Urban In-fill, it did select Elderly and thus has met the only requirement in the application instructions to receive points for Elderly resident programs.*

18. In the Universal Scoring Summary, the Corporation does not allege that Temple Court failed to follow the application instructions or that Temple Court did not select the Elderly demographic commitment. Rather, the Corporation stated that it was “unable to determine Demographic or Area Commitment at Part III.D.” As explained in Paragraph 14 above, it is clear throughout the application that Temple Court is an Elderly development.

19. Even if it were not clear in the application that Temple Court is an elderly development, consistency requires the Corporation to select a demographic commitment for the applicant, as it did with Grand, and award points for Resident Programs.

20. Because Temple Court followed the application instructions for Part III.F and there is no question that the application is for an Elderly development, Temple Court should be awarded six points on part III.F.

D. Part III.A.11.c - Proximity to Closest Development - 3.75 Points

21. The Corporation awarded Temple Court 2.25 tie-breaker points out of a possible 3.75 in Part III.A.11.c. for proximity of the proposed development to developments on the FHFC Development Proximity List. The full 3.75 points should be awarded because Temple Court's proposed development is over 2.5 miles from the nearest Elderly development on the FHFC Development Proximity List.

22. In Part III.A.11.c. of the original application, Temple Court did not check "yes" or "no" and did not check a distance to nearest development. The Corporation gave Temple Court 2.25 points on Part II.A.11.c in preliminary scoring and stated in the Universal Scoring Summary that the points "were adjusted based on FHFC verification."

23. During the cure period, Temple Court submitted additional documentation for Part III.A.11.c and checked "> 2.5 miles" to the nearest development, which should have earned Temple Court 3.75 points. The Corporation did not change Temple Court's score and provided no further explanation in the Universal Scoring Summary.

24. Without further explanation, Temple Court can only conclude that the Corporation did not award Temple Court the full 3.75 points because the Corporation determined

that the proposed development was not an Elderly development and that there was another non-Elderly development closer than 2.5 miles. If this is not the reason Temple Court was not awarded full points, Temple Court respectfully requests that the Corporation be required to state its reasoning so that Temple Court may respond.

25. For the reasons stated in Paragraphs C and D above, Temple Court is clearly an Elderly development and the Corporation must put Temple Court in the Elderly category for scoring purposes. Therefore, the proposed development is more than 2.5 miles from the nearest development and 3.75 tie-breaker points should be awarded.

III. RULES AND STATUTES WHICH REQUIRE REVERSAL OR MODIFICATION OF THE CORPORATION'S PROPOSED ACTION

26. Temple Court is entitled to relief pursuant to the provisions of §§120.569, 120.57(2), and 420.5093, Fla. Stat.; Rules 67-48.002, 67-48.004, and 67-48.005, F.A.C.; the application instructions adopted by reference in Rule 67-48.002, F.A.C.; together with established decisional law of Florida courts and administrative agencies.

IV. SUBSTANTIAL INTERESTS


27. Temple Court's substantial interests are affected by the Corporation's proposed final score because Temple Court is the developer entity and applicant for the development. Temple Court will incur damages, including lost development costs and lost Housing Credits, if the requested points are not awarded.

V. REQUEST FOR RELIEF

WHEREFORE Temple Court requests:

- i) That an informal hearing be conducted before a Hearing Officer, pursuant to Section 120.57(2), Florida Statutes; Chapter 28-106, F.A.C.; and Rule 67-48.005, F.A.C.;
- ii) That recommended and final orders be entered finding that Temple Court should be awarded: a) five points on Part III.D, b) six points on Part III.F, and c) and 3.75 tie-breaker points on Part III.A.11.c; and
- iii) Such other relief as is appropriate.

Dated this 17th day of August, 2002.



J. Andrew Bertron, Jr. (Fla. Bar No. 0982849)
Huey, Guilday, Tucker, Schwartz & Williams, P.A.
P.O. Box 12500
Tallahassee, Florida 32317-2500
850/224-7091 (telephone)
850/222-2593 (facsimile)
Counsel for Temple Court Partners, Ltd.

Form 1 is a THRESHOLD form. Read carefully and answer completely. FAILURE TO INCLUDE REQUIRED DOCUMENTATION UNDER SECTION I.A. OR FAILURE TO INCLUDE ORIGINALLY SIGNED CERTIFICATION FORM (PAGE 9 OF FORM 1) WILL RESULT IN REJECTION OF THE APPLICATION. IN ADDITION, ERRORS MADE BY FAILING TO PROVIDE COMPLETE, ACCURATE INFORMATION IN THE FORMAT AND LOCATION PRESCRIBED BY THE INSTRUCTIONS ON FORMS 1, 2, 3, AND 4 SHALL RESULT IN A SINGLE 2-1/2 POINT PENALTY, REGARDLESS OF THE NUMBER OF ERRORS.

INDICATE PROGRAM(S) APPLIED FOR:

(Cannot apply for both HOME and SAIL)

- SAIL *+
- HOME **
- HC (competitive) +
- HC (with FHFC financed tax-exempt bonds issued prior to Cycle 2000 or with County-financed tax-exempt bonds)

Note: Developments receiving Cycle 2000 or later FHFC financed tax-exempt bonds will not utilize this Application when applying for HC.

Is the Applicant applying as a Non-Profit as defined in Rule 67-48.002(71)?

Yes No

Is there an existing HC allocation for the Development that is the subject of this Application?

Yes No Amount \$: _____ HC File #: _____

If the Applicant receives SAIL or HOME funding, will HC be needed too?

Yes No Amount \$: _____

*NOTE: Applicant MAY NOT apply for both HOME and SAIL. If Applicant applies for HC and EITHER SAIL OR HOME, the Applicant must be successful in both programs to be eligible for either. When applying for both HC and SAIL OR HOME, the Application shall not be funded from either program if the Application scores within the funding range for one of the loan programs (SAIL or HOME), but does not score within the funding range for HC or if the Application scores within the funding range for HC but not for SAIL or HOME. To determine eligibility, Staff will first determine an Application's position in the HC ranking if HOME or SAIL is sought in conjunction with HC.

+Note: ALL programs have funding limits; Applicant MAY NOT request funds in excess of these limits. See Threshold Requirements pages at front of Application Package. A request for funds in excess of these limits will result in REJECTION OF THIS APPLICATION.

I. APPLICANT INFORMATION

A. Applicant Name: The Grand at Lake Wales, Ltd.

Must be a legally formed entity [i.e., limited partnership, corporation, etc.] qualified to do business in the State of Florida at the time of submission of Application. Except for public housing authorities, include a copy of the certificate of good standing from the Florida Secretary of State. If the Applicant is a general partnership or joint venture, provide a copy of the partnership/joint venture agreement, together with a sworn statement under penalty of perjury that the agreement is a true and correct copy. Documentation can be found behind tab labeled "Form 1, Exhibit A ". REMINDER: Failure to include the certificate of good standing or the agreement and sworn statement, as the case may be, will result in REJECTION of the Application. If the Applicant is not legally formed and in good standing with the Florida Secretary of State AS OF THE DATE OF APPLICATION, the Application will be REJECTED.

EXHIBIT A

If housing credits are sought and it is contemplated that the credits will be syndicated, the Applicant entity must be a limited partnership or a limited liability company. The Applicant entity will be the recipient of the housing credits and CANNOT BE CHANGED until after a Carryover or Final Allocation, whichever comes first, of credits has been issued. Replacement of the Applicant entity or a material change (33.3% or more) in the ownership structure of the named Applicant entity prior to this time will result in disqualification from receiving funding from this cycle and shall be deemed a deliberate misrepresentation pursuant to Rule 67-48.004(6), F.A.C., whether or not a Preliminary Allocation Certificate has been issued.

Address: 322 Banyan Boulevard, West Palm Beach, Florida 33401

Telephone (561) 838-8886

Facsimile: (561) 838-8887

B. If Applicant is a partnership, name of general partner(s): White Oak Grand, Inc. and Sharkey Grand, Inc.

C. Developer Entity (including principals with experience as listed in Form 3) must be consistent with Form 3 AND MAY NOT BE CHANGED UNTIL AFTER COMPLETION of the proposed Development:
White Oak Real Estate Development Corp.

Relationship to Applicant: Affiliated company of White Oak Grand, Inc. - General Partner

Address of Developer: 322 Banyan Boulevard, West Palm Beach, Florida 33401

Telephone (561) 838-8886

Facsimile: (561) 838-8887

Describe the Developer's involvement and ownership interest in the proposed Development:
Paula Ryan is President of both White Oak Real Estate Development Corp., the developer entity, and White Oak Grand, Inc., general partner. As such, she will maintain a 50% interest in the general partner interest throughout the compliance period.

D. Designated Contact Person: Person with decision-making authority with whom the Corporation will correspond concerning the Application and this Development [see 67-48.002(23), F.A.C.] for Applicant/Borrowing Entity (not a "third-party" consultant). Who is the Designated Contact Person for this Development?
Paula J. Ryan

Relationship to Applicant: President of General Partner and sole shareholder of all, but Sharkey Grand, Inc., underlying entities.

Address: 322 Banyan Boulevard, West Palm Beach, Florida 33401Telephone (561) 838-8886Facsimile: (561) 838-8887E-Mail Address (if available): paula@whiteoakrealestate.com

- E. For Applicant and Developer entities, attach a list of all general and limited partners and the officers, directors and shareholders of each as of the date of this Application. This list must include warrant holders and/or option holders of the proposed Development and it can be found behind tab labeled "Form 1, Exhibit B".
- F. Applicant's Federal Taxpayer Identification Number: Applied for.
- If not yet obtained, ATTACH copy of the completed application for the ID number behind tab labeled "Form 1, Exhibit C".
- G. Is the Applicant a Public Housing Authority created by Section 421.04, Florida Statutes?
- Yes No X
- Is the Applicant a Non-Profit entity [pursuant to Rule 67-48.002(71), F.A.C.] which is an Affiliate [pursuant to Rule 67-48.002(3), F.A.C.] of a Public Housing Authority created by Section 421.04, Florida Statutes?
- Yes No X
- H. 1. Is the Applicant or one of its general partners a public housing authority or incorporated as a non-profit entity pursuant to Chapter 617, Florida Statutes, or similar state statute if incorporated outside Florida? NOTE: If Applicant applies as a Non-Profit entity pursuant to Rule 67-48.002(71) F.A.C., it must remain a non-profit or lose all HC funding.
- Yes No X
2. If NO, is the Applicant or one of its general partners a wholly-owned subsidiary of a non-profit entity formed pursuant to Chapter 617, Florida Statutes, or similar state statute if incorporated outside Florida? NOTE: If Applicant applies as a non-profit entity, it must remain a non-profit or lose all HC funding.
- Yes No X
- I. Is the Applicant or one of its general partners a 501(c)(3) or 501(c)(4) non-profit entity or is one of the general partners a wholly-owned subsidiary of a 501(c)(3) or 501(c)(4) non-profit entity?
- Yes No X If "yes", provide the following:
1. Attach the determination letter from the IRS and the legal opinion letter as evidence of Non-Profit status [see Rule 67-48.002(71), F.A.C. and Rule 67-48.032(4), F.A.C.]. Evidence can be found directly behind tab labeled "Form 1, Exhibit n/a".

2. Does the Non-Profit entity have an ownership interest, either directly or indirectly, in the Development?
Yes ___ No ___

If yes, state the interest in terms of a percentage: n/a %

NOTE: Pursuant to Rule 67-48.002(71), F.A.C., the Non-profit entity must own at least 51% of the ownership interest in the Development held by all general partners.

3. Percentage or dollar amount of the Developer's fee that will go to the Non-Profit entity: n/a

4. Describe the role of the non-profit entity in the Development. In the event the percentage distribution of the Developer's Fee and/or annual net profits to the Non-Profit entity is/are different from the ownership percentage, provide an explanation for such difference and how the Non-Profit entity is substantially and materially participating in the management and operation of the Development. Description/explanation can be found directly behind tab labeled "Form 1, Exhibit n/a ".

NOTE: The Non-Profit entity understands and acknowledges that it is the Non-Profit entity's responsibility to contractually insure that it substantially and materially participates in the management and operation of the Development throughout the Compliance Period and the Extended Use Period.

5. Attach the names and addresses of the governing board of the Non-Profit entity. Attachment can be found directly behind tab labeled "Form 1, Exhibit n/a ".

6. Is the purpose of the non-profit entity, in part, to foster low-income housing? If yes, Articles of Incorporation can be found behind tab labeled "Form 1, Exhibit n/a ".

Yes ___ No ___ If NO, this Application cannot be considered a Non-Profit Applicant for purposes of the Housing Credit 12% Non-Profit Set-Aside

7. Year non-profit entity was incorporated: n/a

8. Is the non-profit affiliated with or controlled by a for-profit entity within the meaning of Section 42(h), Internal Revenue Code?

Yes ___ No ___ If yes, name of for-profit entity:

 n/a

NOTE: For purposes of meeting the non-profit set-aside requirement set out in the Qualified Allocation Plan, ALL Non-profit entities organized pursuant to Chapter 617, Florida Statutes, that achieve threshold will receive preference over non-profit entities organized pursuant to similar state statues in jurisdictions other than Florida.

II. DEVELOPMENT INFORMATION

A. Development Name: The Grand at Lakes Wales

DEVELOPMENT NAME MAY NOT BE CHANGED OR ALTERED DURING THE ENTIRE HISTORY OF THE DEVELOPMENT WITH THE CORPORATION. Be sure to provide the actual trade, 'marketing' or d/b/a name. See 67-48.004(16), F.A.C.

B. Development Street Address (if new construction, indicate street names and city):

 115 North 1st Street, Lake Wales, Florida 33853

If scattered sites, all sites must be within the same county. Attach an additional page with the address of each site and include behind tab labeled as "Form 1, Exhibit n/a ".

NOTE: Attach legal description(s) behind tab labeled "Form 1, Exhibit D ".

C. For SAIL and/or HC Applicants check one Development category:

- New Construction (NC) where 50% or more of the units are new construction.
- Rehabilitation (SR)* where less than 50% of the units are new construction. **NOTE:** SAIL Applicants selecting "Rehabilitation" must meet the requirements of "Substantial Rehabilitation" - as set out in Rule 67-48.002(97), F.A.C. HC Applicants selecting "Rehabilitation" must meet the requirements of "Rehabilitation", as set out in Rule 67-48.002(84), F.A.C.
- Combination of Acquisition and Substantial Rehabilitation (A/SR)*
 *NOTE: If Development is occupied, it must be in compliance with program rules at SAIL closing or, for HC, upon completion of rehabilitation.

D. For HOME Applicants check all that apply:

- New Construction (NC) where 50% or more of the units are new construction.
- Acquisition (must be in conjunction with New Construction or Rehabilitation)
- Rehabilitation (SR) where less than 50% of the units are new construction. **NOTE:** HOME Applicants selecting "Rehabilitation" must meet the requirements of "Rehabilitation", as set out in Rule 67-48.002(84), F.A.C.

E. NUMBER OF UNITS: **NOTE:** If the set-aside percentage and the Number of Residential Units shown in Items E, F, G and H are found to be inconsistent with other forms in the Application, the information contained in Forms 11 for SAIL, 14 for HOME and 20 for Housing Credits WILL BE RELIED UPON.

	SAIL	HOME	HC	
Total Number of Units:			82	include market rate units, set-aside units and manager units
Number of Residential Units:			82	SAIL: market rate units plus set-aside units, including manager/employee units regardless of income eligibility; HOME: market rate units plus set-aside units, including any income eligible manager/employee units; HC: market rate units plus set-aside units, excluding manager/employee units regardless of income eligibility.
Total Set-Aside Percentage:	%	%	100	% committed to by Applicant
Number of Set-Aside Units:			82.0	number of Residential Units multiplied by Total Set-Aside Percentage. The number of units must be rounded up to the next whole number.

F. MANAGER/EMPLOYEE UNITS: Are there one or more manager or employee units in the Development?

Yes _____ No X If yes, how many? _____ Unit Type(s): _____

For SAIL and HOME: If so, will each unit be occupied by an income-eligible manager/employee and included in the number of units set aside?

Yes _____ No n/a If included in set-aside, it must be used in all calculations for number of unit, e.g. in rent charts, pro formas, etc.

FOR HOME DEVELOPMENTS: If all units in the Development are Set-Aside Units, an on-site manager must be income eligible and the unit must be included as a Residential Unit and as a Set-Aside Unit.

G. MODEL UNITS: Are there one or more model units? Yes _____ No X
 If yes, identify by unit number and type: _____

NOTE: If Development is 100% set-aside, model units must be rented to income-eligible persons when Development is initially leased up.

H. SAIL AND HOUSING CREDITS ONLY - HOME Applicants must complete the charts on Form 14.

Breakdown of units by type, set-aside, square footage and monthly rent charged. All units in the Development must be listed INCLUDING all manager/employee units.

# of Bedrms Per Unit	# of Baths Per Unit	Square Feet Per Unit	# of Units Per Bedrm Type	% of Area Median Income	Monthly Gross Rent for Set-Aside Units**	Less Utility Allowance (for HC Developments)	Net Rent For Set-Aside Units	Monthly Market Rent +
1	1	575	8	33%	260	50	\$ 210.00	\$ 500.00
1	1	575	42	60%	473	50	\$ 423.00	\$ 500.00
2	2	940	5	33%	312	64	\$ 248.00	\$ 650.00
2	2	940	27	60%	567	64	\$ 503.00	\$ 650.00
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**NOTE: For any Development anticipating the use of housing credits, gross rents include the net rent plus the allowance for tenant paid utilities for set-aside units. Owner-paid utilities should not be included in the utility allowance. These rents may not exceed the allowable rents for the chosen set-aside as shown on the applicable rent charts included in the Application Package [See Rule 67-48.023, F.A.C.]. Rents will be capped based on set-aside chosen.

+NOTE: Indicate the rent that could have been collected if the units were NOT rent-restricted.

I. **HC AND HOME ONLY UTILITY ALLOWANCE:** Evidence of utility allowance may be found behind tab labeled "Form 1, Exhibit E ". Use Section 8 utility allowances which may be obtained from local housing authorities or allowances obtained directly from the utility provider.

J. Number of buildings with dwelling units: 4

Total number of buildings in Development: 5

Describe ALL non-residential buildings: American Legion Hall rehabilitated into Community

Seniors Center with facilities for local social service providers.

K. **DESIGN** Check the one design that best describes this Development:

Garden Apartments High Rise (a building comprising 7 or more stories)

Townhouses Duplexes/Quads

Single Family Mid Rise with Elevator

L. Identify acreage or lot size of entire Development: 2.75 acres

NOTE: If this is a phased Development, include only the acreage for this phase.

M. Name of local jurisdiction where Development is located: City of Lake Wales

If Development is located within a municipality (incorporated city, town, or village) the municipality must be specified:

City of Lake Wales

Name and title of chief elected official of jurisdiction:

Clifford Tonjes, Mayor of City of Lake Wales

Address: 201 West Central Avenue, Lake Wales, Florida 33853

Telephone (863) 678-4182

N. Identify the Congressional District in which this Development is located: 12

Identify the State Senate and House Districts in which this Development is located:

State Senate District: 17

State House District: 65

O. REHABILITATION DEVELOPMENT ONLY:

1. What are the rehabilitation costs per unit? HC Applicants: Refer to Section 42(e)(3), IRC, as amended and Rule Chapter 67-48, F.A.C. SAIL and HOME Applicants: Refer to Rule Chapter 67-48, F.A.C.

\$ 64,776.87 per unit §Please see Form 1, Exhibit H

2. HC ONLY What are the rehabilitation costs as a percentage of the adjusted basis of each building?

60.98 %

P. Has this Development been underwritten previously?

Yes ___ No X

If yes, identify the underwriter: n/a

Q. 1. HAS CONSTRUCTION BEGUN?

Yes ___

No X If yes, when were the

building permits issued? n/a

2. IS THE DEVELOPMENT COMPLETE?

Yes ___

No X

a. If yes, when were the certificates of occupancy issued:

If certificates of occupancy were issued on more than one date, attach a listing of issue-dates for each building directly behind tab labeled "Form 1, Exhibit n/a".

b. If yes, are any of the units occupied? Yes ___

No ___

3. IF THE PROPOSED DEVELOPMENT IS NOT YET COMPLETE, what is the anticipated placed-in-service date? January, 2002

NOTE SAIL Only: See Rule 67-48.002(90), F.A.C. with regard to Development eligibility in the event that construction has started or that the Development has been completed. Please contact SAIL Staff for additional clarification.

NOTE HOME Only: If the Development is complete, the Applicant is not eligible to receive HOME funds. If the Development is under construction, the Applicant must certify compliance with the federal labor standards (if 12 or more HOME-assisted Units) as evidenced at tab labeled "Form 1, Exhibit n/a". Refer to Rule 67-48.002, F.A.C. for the definition of "HOME-Rental Development."

NOTE HC Only: In accordance with Section 42(h), IRC, a Development cannot be allocated 9% housing credits if it was placed-in-service prior to the year in which it receives its allocation.

. DEVELOPMENT SUMMARY

A. Please provide a short narrative description of the Development which summarizes the scope of work to be performed and which further conveys any unique characteristics of the Development not provided elsewhere in the Application. Narrative can be found behind tab labeled "Form 1, Exhibit F".

B. The Application must include a map showing the Development's location within the city or county. Map can be found behind tab labeled "Form 1, Exhibit G".

FORM 1 IS A THRESHOLD FORM! BE SURE IT IS CAREFULLY AND ACCURATELY COMPLETED.

ERRORS MADE BY FAILING TO PROVIDE COMPLETE, ACCURATE INFORMATION IN THE FORMAT AND LOCATION PRESCRIBED BY THE INSTRUCTIONS ON FORMS 1, 2, 3, AND 4 SHALL RESULT IN A SINGLE 2-1/2 POINT PENALTY, REGARDLESS OF THE NUMBER OF ERRORS.

IV. CERTIFICATION (Original Signatures Required)

The undersigned Applicant certifies that the information in this Application is true, correct and authentic. The Applicant further certifies that (s)he is aware that if the Corporation finds that the Applicant or any of its principals or any of the Development's Financial Beneficiaries has engaged in fraudulent actions or misrepresented facts on this Application, this Application will be disqualified and the Applicant, its General Partner (if applicable), the Developer and all other Financial Beneficiaries will be unable to participate in any Corporate program for two complete annual cycles inclusive of any interim cycles pursuant to Section 420.507(35), Florida Statutes.

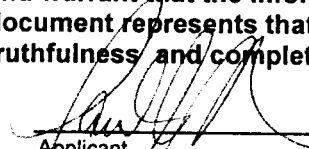
If applying for the HC Program, the Applicant and ALL Financial Beneficiaries have read, understand and agree to comply with the provisions of Section 42 of the Internal Revenue Code, as amended, and all federal regulations issued thereunder by the Department of Treasury.

The Applicant and all Financial Beneficiaries understand and agree that full points will be awarded only in the event that all information required by each form is provided in accordance with the application requirements. Failure to provide complete, accurate information in the format and location prescribed by the application will result in a **REDUCTION OF POINTS OR REJECTION OF THE APPLICATION** as indicated on each form. Subject to the limited exceptions contained within Rule 67-48.005, F.A.C., only information contained within this application will be considered for purposes of points awarded or appealed. However, the Applicant acknowledges that verification of ALL information contained in this Application will be obtained and any funding award preliminarily secured by the Applicant is expressly conditioned upon such verification and the successful completion of credit underwriting.

The Applicant and ALL Financial Beneficiaries further acknowledge having read all applicable Corporation rules governing the combined Application process for SAIL, HOME and HC and further acknowledge having read the instructions for completing this Application. In consideration for the Corporation processing and scoring this Application, the Applicant and all Financial Beneficiaries hereby understand and agree that the Corporation will hear appeals only on the Applicant's own score.

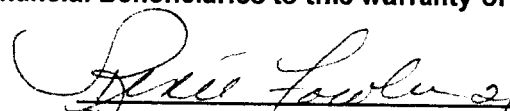
The Applicant and ALL Financial Beneficiaries understand and agree to abide by the provisions of the applicable Florida Statutes and Corporation program policies and rules including, but not limited to, Rule Chapter 67-48, Florida Administrative Code.

The undersigned, as well as ALL Financial Beneficiaries of the Development described herein, represent and warrant that the information provided herein is true and accurate. The person executing this document represents that they have the authority to bind all Financial Beneficiaries to this warranty of truthfulness and completeness of the Application.



Applicant
Date 2/24/00

Paula J. Ryan, Pres., White Oak Grand, Inc., G.P.
Name and Title (typed or printed)



Signature of Witness
Date 2/24/00

Renée Fowler
Name (typed or printed)

NOTE: Original Applications without ORIGINAL SIGNATURES on this certification form will be rejected automatically unless the certification containing the original signature is located in one of the copies of the Application, in which case the 2-1/2 point penalty described in the Application Instructions will apply.

Signatures in BLUE INK are preferred.

ERRORS MADE BY FAILING TO PROVIDE COMPLETE, ACCURATE INFORMATION IN THE FORMAT AND LOCATION PRESCRIBED BY THE INSTRUCTIONS ON HC FORMS 20, 21, 22, 23, AND 24 SHALL RESULT IN A SINGLE 1 POINT PENALTY, REGARDLESS OF THE NUMBER OF ERRORS.

SPECIAL TARGETING: To assure that the Corporation's Special Targeting Goals are met, at least three Elderly Developments, regardless of geographic set-aside, will be funded, provided that funding for the Elderly Developments does not exceed 20% of the allocation authority as of April 21, 2000; at least one Farmworker/ Commercial Fishing Worker Development, regardless of geographic set-aside, will be funded; and, at least three Urban In-Fill Developments, regardless of geographic set-aside, will be funded, **IN ACCORDANCE WITH PARAGRAPH 8 OF THE QUALIFIED ALLOCATION PLAN**. At least one of the Urban In-Fill Developments must be comprised of one or more High Rise buildings (7 stories or higher) in which at least 75% of the set-aside units are located. These Special Targeting goals will be met to the extent eligible Applications are received and housing credit authority is available. To the extent that these Special Targeting goals are not met, Binding Commitments for the following cycle (year 2001) will NOT be issued other than those Binding Commitments issued for a partially funded Development.

I. Rural Development 515 Set-Aside (0 Points):

Is it anticipated that this Development will be assisted with funds from the U.S. Department of Agriculture RD 515 program?

No X If no, no further response is required in Section I.

Yes If yes, Applicant must select one of the following items:

- Applicant chooses to compete within the Rural Development \$100,000 set-aside. Applicants within this set-aside must provide evidence of RD financing by October 1, 2000, or the reserved funds will be distributed outside the RD set-aside in accordance with paragraph 10 of the QAP. Applicants without RD funding commitments at the time of application must submit alternative financing commitment(s) to maximize points under Form 4, which commitment(s) may be replaced during credit underwriting.

Applicant understands that NO Binding Commitments for Cycle 2001 housing credits will be issued to those Applicants competing within this set-aside.

OR

- Applicant does not wish to compete within the Rural Development Set-Aside, but chooses to compete within the geographic set-aside for the Development's location.

II. Special Targeting. If the Applicant commits to provide special targeting for the proposed Development, choose **ONE** of the following (25 points):

- A. **Large Family (25 Points):** Developments accommodating large families within the set-aside units (those providing 30% or more of the total residential units with three or more bedrooms) will receive 25 points.

Does the Development have any residential units with three or more bedrooms to be included in the set-aside units?

Yes ___ No _____

If yes, complete the following:

- 1. How many large family set-aside units? _____
- 2. How many Total Residential Units in Development (see Form 1, Item II.E.)? _____
- 3. What is the percentage of large family set-aside units? _____ %

OR

- B. **Elderly (25 Points):** In order for a proposed Development to be classified as Elderly for purposes of this Application, the Development **CANNOT HAVE MORE THAN 160 TOTAL UNITS** unless the proposed Development is a rehabilitation of an existing elderly housing facility and it must meet all requirements listed in Item I on the HC Threshold pages in addition to all other threshold requirements (25 Points). See Rule 67-48, F.A.C. and program requirements for additional information.

OR

- C. **Farmworker or Commercial Fishing Worker (25 points):** In order to receive points in this category, Applicant must meet the following requirements:

Development cannot have more than 160 total units and Applicant must commit to target not less than 40% of the Total Residential Units for Farmworker or Commercial Fishing Worker Households as defined by Rule 67-48.002, F.A.C.

- 1. Attach a market analysis that demonstrates a local need for such housing, as well as a detailed plan to attract, serve and keep this targeted population. Evidence of local need **and** the detailed plan can be found behind tab labeled "Form 22, Exhibit _____".

AND

- 2. Applicants seeking Farmworker or Commercial Fishing Worker special targeting points must complete the following:

Is this Development 100% set-aside for Farmworker or Commercial Fishing Worker Households and is it anticipated that it will be assisted with funds from the U.S. Department of Agriculture RD 514 and/or RD 516 programs?

No ___ If no, no further response is required.

Yes ___ If yes, Applicant must check one of the following items:

- Applicant chooses to compete within the Rural Development \$200,000 set-aside. Applicants within this set-aside must provide evidence of RD financing by October 1, 2000 or the reserved funds will be distributed outside the RD set-aside in accordance with paragraph 10 of the QAP. Applicants without RD funding commitments at the time of application must submit alternative financing commitment(s) to maximize points under Form 4, which commitment(s) may be replaced during credit underwriting.

Applicant understands that there will be NO MORE THAN \$50,000 issued in a Binding Commitment for Cycle 2001 housing credits for any Applicants competing within this set-aside.

OR

- Applicant chooses to compete within the geographic set-aside for the Development's location.

FAILURE TO PROVIDE THE REQUIRED ATTACHMENTS, AS INDICATED ABOVE, WILL RESULT IN ZERO POINTS FOR SECTION C.

OR

D. **Urban In-Fill Development (25 Points)**

In order to receive points **AND** to qualify as an "Urban In-Fill Development", as it relates to the special targeting goal described in Paragraph 8 of the Qualified Allocation Plan, the area in which the proposed Development is located must meet **ALL** of the conditions set out under Items 1 and 2 below, Item 4 below must be completed, **AND** the properly executed Local Government Verification form (found at Form 22, Page 6) along with all required attachments must be provided.

In order to **FURTHER** qualify for the HOPE VI/Front Porch Florida Set-Aside, as it relates to Paragraph 5 of the Qualified Allocations Plan, **ALL** of the conditions set out under Items 1 through 3 below must be met, Item 4 must be completed, **AND** the properly executed Local Government Verification form (found at Form 22, Page 7) along with all attachments must be provided.

For purposes of Paragraph 5 of the Q.A.P., "funding commitment" shall be evidenced as follows:

- If applying as a HOPE VI funded Development, a copy of the award letter from HUD, executed by the Assistant Secretary for Public and Indian Housing, awarding the HOPE VI revitalization funds must be provided as an exhibit to Form 22. The letter must state the amount of the HOPE VI revitalization award and the Development name.
 - If applying as a Front Porch Community, the "Verification of Front Porch Florida Funding Commitment" form (found at Form 22, Page 7) must be included as an exhibit to Form 22.
1. The site or area in which the proposed Development is located must be targeted for in-fill housing or neighborhood revitalization by the local or state government. This includes, for example, areas such as the Eastward Ho! Corridor; Main Street Program; HUD Empowerment/Enterprise Zone; Florida Enterprise Zone; areas designated by ordinance; areas for which a Neighborhood Revitalization Plan

has been accepted by the local government; areas that are designated under a Community Development Block Grant (CDBG); areas designated by the local Consolidated Plan; areas designated as HOPE VI or Front Porch Florida Communities; or areas designated by the Local Housing Assistance Plan pursuant to the SHIP Program. Such evidence can be found at tab labeled "Form 22, Exhibit A ".

2. The site must be located in an area that is already developed and part of an incorporated area or "existing urban service area". A map depicting the designated targeting area **and** the location of the proposed Development within the designated area must be provided. Such evidence can be found at tab labeled "Form 22, Exhibit B "; and,

3. To qualify for the HOPE VI/Front Porch Florida Set-Aside described in Paragraph 5 of the Qualified Allocation Plan, the Applicant must meet the requirements of Items 1 and 2 above, as well as:

a. Provide evidence that it has received a "funding commitment" from Front Porch Florida (Form 22, page 7) or HOPE VI. Such evidence can be found at tab labeled "Form 22, Exhibit n/a "; and

b. Provide evidence that the Applicant entity includes one or more private-sector Developers among its general partner(s) or members. Such evidence can be found at tab labeled "Form 22, Exhibit n/a ".

4. Urban In-Fill/Hope VI/Front Porch Florida Information:

a. Does the proposed Development meet **ALL** of the criteria set out in Items 1 and 2 above to qualify for points as an Urban In-Fill Development as it relates to the special targeting goal described in Paragraph 8 of the Qualified Allocation Plan?

Yes X (If yes, Applicant must complete question b. below) No

b. If the answer to Item 4.a. above is yes, does the Applicant further meet **ALL** of the criteria set out in Items 1 through 3 above to qualify for the HOPE VI/Front Porch Florida Set-Aside as it relates to Paragraph 5 of the Qualified Allocation Plan?

Yes (If yes, see NOTE) No X

NOTE: As described in the instructions to Section D, all required attachments and verification forms must be included as exhibits to Form 22.

AND

E. **Disabled:** Developments targeting disabled tenants within the set-aside units (those providing 1% or more of the total residential units as handicapped accessible) will receive 5 points.

1. Does the Applicant commit to provide at least 1% of the Development's total residential units which are fully handicapped accessible in accordance with ANSI standards?

Yes X No

2. To receive points, a detailed written plan must be provided which describes the manner in which the Applicant commits to attract and serve tenants with a Handicap (as defined by Section 760.22 (7), F.S.). FAILURE TO INCLUDE A DETAILED PLAN WILL RESULT IN ZERO POINTS FOR ITEM E. The detailed plan can be found behind tab labeled "Form 22, Exhibit C ".

SCORING SUMMARY

A. Large Family	25 points
B. Elderly	25 points
C. Farmworker/Commercial Fishing Worker	25 points
D. Urban In-Fill	25 points
E. Disabled	5 points

NOTE: If Elderly, Farmworker/Commercial Fishing Worker or Large-Family set-aside or Disabled targeting is chosen on this form, it will be included in the Extended Use Agreement and must be maintained in order for the Development to remain in compliance.

NOTE: APPLICANT MAY COMBINE ITEM I WITH ITEM II, OPTION A, B, C OR E. APPLICANT MAY CHOOSE EITHER OPTION A, B, C OR D OF SECTION II. OPTION E MAY BE COMBINED WITH OPTION A, B, C OR D OF SECTION II. MAXIMUM POINTS FOR FORM 22 = 30.



LOCAL GOVERNMENT VERIFICATION OF QUALIFICATION AS URBAN IN-FILL DEVELOPMENT

Name of Applicant: The Grand at Lake Wales, Ltd.

Name of Development: The Grand at Lakes Wales

Location /Address: 115 North 1st Street, Lake Wales, Florida 33853
(Street, City)

Local Government: City of Lake Wales

The City of Lake Wales hereby confirms that the Development
(City or County) (Name of City or County)

known as The Grand at Lakes Wales, meets the following criteria:
(Development Name)

1. The proposed Development is located on a site or in an area that is currently targeted for in-fill housing or neighborhood revitalization by the local or state government. This includes, for example, areas such as the Eastward Ho! Corridor; Main Street Program; HUD Empowerment/Enterprise Zone; Florida Enterprise Zone; areas designated by ordinance; areas for which a Neighborhood Revitalization Plan has been accepted by the local government; areas that are designated under a Community Development Block Grant (CDBG); areas designated by the local Consolidated Plan; areas designated as HOPE VI or Front Porch Florida Communities; or areas designated by the Local Housing Assistance Plan pursuant to the SHIP Program. Such targeting is evidenced by the attached statute, Executive Order, administrative rule, ordinance, resolution, or excerpts from the local Consolidated Plan or Local Housing Assistance Plan. A map(s) depicting the designated targeting area and the location of the proposed Development within the targeted area is/are included and attached in accordance with Form 22, Item D, page 4 of this Application; and
2. the site is in an area that is already developed, is part of an incorporated area or "existing urban service area" as defined by section 163.3164(29), F.S.

CERTIFICATION

I certify that the above information is true and correct.

David L. Greene
Signature

DAVID L. GREENE
PRINT or TYPE Name

CITY MANAGER
PRINT or TYPE Title

THIS FORM MUST BE SIGNED BY THE MAYOR, CITY MANAGER, COUNTY MANAGER/ADMINISTRATOR, OR CHAIRPERSON OF THE CITY COUNCIL OR COUNTY COMMISSION. OTHER SIGNATORIES ARE NOT ACCEPTABLE. NO POINTS WILL BE AWARDED.

NOTE: DO NOT 'SCAN', 'IMAGE', RETYPE OR OTHERWISE ALTER THIS FORM. IT MAY BE PHOTOCOPIED.

VERIFICATION OF FRONT PORCH FLORIDA "FUNDING COMMITMENT"

Name of Applicant: The Grand at Lake Wales, Ltd. N/A

Name of Development: The Grand at Lakes Wales

Location /Address: _____
(Street, City)

The Governor's Revitalization Council and the Governor's Office of Urban Opportunity hereby confirm that the

Development known as The Grand at Lakes Wales,
(Development Name)

meets the following criteria:

1. The proposed Development is located within a designated Front Porch Florida Community, and
2. The proposed Development is in conformance with the Neighborhood Action Plan for the designated Front Porch Florida Community.

CERTIFICATION BY THE GOVERNOR'S REVITALIZATION COUNCIL

I certify that the above information is true and correct.

Signature

PRINT or TYPE Name

PRINT or TYPE Title

CERTIFICATION BY THE GOVERNOR'S OFFICE OF URBAN OPPORTUNITY

I certify that the above information is true and correct.

Signature

PRINT or TYPE Name

PRINT or TYPE Title

Note: The telephone number for Front Porch Florida is (850) 487-9556.

THIS FORM MUST BE SIGNED BY THE AUTHORIZED SIGNATORY FROM BOTH THE OFFICE OF THE GOVERNOR'S REVITALIZATION COUNCIL AND THE GOVERNOR'S OFFICE OF URBAN OPPORTUNITY. OTHER SIGNATORIES ARE NOT ACCEPTABLE. NO POINTS WILL BE AWARDED.

NOTE: DO NOT 'SCAN', 'IMAGE', RETYPE OR OTHERWISE ALTER THIS FORM. IT MAY BE PHOTOCOPIED.

**FLORIDA HOUSING FINANCE CORPORATION
 2000 COMBINED CYCLE APPEALS
 DIRECT
 SCORING NUMBER: 2000-065C
 DEVELOPMENT NAME: GRAND AT LAKES WALES
 APPLICANT: GRAND AT LAKE WALES, LTD.**

original Phase I was prepared more than 18 months prior to Application date and a update was performed and provided with the Application.

RESPONSE:

Florida Housing does not conceded that the Application was incorrectly penalized. The Executive Summary information provided in the Application states that it consists of a Phase I Assessment (not an update) which was prepared based on a January 28, 2000 contract. The Verification form states that the Assessment was dated March 2, 2000. The Assessment submitted was not conducted more than 18 months ago. The Application contained inconsistent and inaccurate information.

CONCLUSION:

It has not been demonstrated that the penalty for this issue should be rescinded.

FORM 22 SPECIAL TARGETING

ISSUE #: 1

DESCRIPTION:

According to documentation received by Florida Housing, the Applicant states that this Development qualifies for more than one set-aside and should not be penalized for choosing two special targets. The Applicant contends that no error was made in the information provided. As such, the penalty should be rescinded.

RESPONSE:

Florida Housing does not concede that the Form should be re-scored or the penalty rescinded. The instructions clearly state to choose only one special target, and the Applicant chose two. The Applicant was awarded 25 points and placed in the Elderly Set-Aside.

CONCLUSION:

It has not been demonstrated that the penalty should be rescinded for this issue.

SCORING CONCLUSION:

<u>FORM #</u>	<u>PAGE / SECTION</u>	<u>ISSUE #</u>	<u>POINTS</u>	<u>PENALTIES</u>	<u>THRESHOLDS FAILED</u>
04		1	NO CHANGE	NO CHANGE	NO CHANGE
05		1	20	NO CHANGE	NO CHANGE
07	SECTION II. SITE CONTROL	1	NO CHANGE	NO CHANGE	NO CHANGE
		2	NO CHANGE	NO CHANGE	NO CHANGE
	SECTION IV. SITE PLAN / PLAT APPROVAL	1	NO CHANGE	NO CHANGE	NO CHANGE
	SECTION V. ENVIRONMENTAL SAFETY	1	NO CHANGE	NO CHANGE	NO CHANGE
22		1	NO CHANGE	NO CHANGE	NO CHANGE

EXHIBIT B