

BEFORE THE STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION

GHG FLAGLER CROSSING LIMITED  
PARTNERSHIP,

Petitioner,

vs.

Agency Case No.: Application No. 2005-126C

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

\_\_\_\_\_ /

**PETITION REQUESTING INFORMAL HEARING  
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 28-106.301, Florida Administrative Code ("F.A.C."), Petitioner GHG Flagler Crossing Limited Partnership ("Petitioner") requests an informal hearing regarding the scoring by Florida Housing Finance Corporation ("FHFC") of the Housing Credit ("HC") Application No. 2005-126C ("Application") filed by Royal Palms Senior Apartments Limited Partnership ("Royal Palms") for the proposed development referred to within such Application as Royal Palms Senior Apartments, and to then grant the relief requested herein. Petitioner has filed petitions dated as of even date herewith involving two other applications (Pines at Warrington, 2005-127C; and Pebble Hill Estates, 2005-123C) pertaining to the identical issue identified herein. In support of this Petition, Petitioner states as follows:

**PRELIMINARY STATEMENT**

1. Petitioner has applied for an allocation of HC from FHFC in the 2005 competitive application cycle for HC (the "2005 Cycle"). HC is a scarce resource; in the 2005 Cycle, FHFC had available for allocation approximately \$40,000,000 of HC (including returned HC and "national pool" HC, less "binding commitments"). Approximately 68 applicants (requesting in the aggregate approximately \$86,322,547 of HC) applied in the 2005 Cycle. FHFC has developed a Universal

Application which must be submitted in order to compete for HC. Applicants applying for HC are advised by FHFC to closely review the Universal Application Instructions (“Instructions”) and F.A.C. Rule 67-48, when completing and submitting such applications to FHFC.

2. The Universal Application and Instructions set forth the manner in which competitive applications are scored and ranked. The current form of application and instructions have not been substantially changed since 2002; FHFC has accumulated substantial experience in scoring and ranking competitive applications for HC such as those submitted in the 2005 Cycle. Due to the substantial number of applications filed and the quality of such applications, it is frequently difficult to differentiate between competing applications. FHFC has, over the years, insisted upon strict application of its rules in order to differentiate between competitive applications and achieve fair final scoring results. In particular, FHFC has created a list of 15 “non-curable” items (see F.A.C. Rule 67-48.004(14)(a-o), which “non-curable” items cannot be revised, corrected or supplemented after the Application Deadline and with respect to which any attempted changes will not be accepted. In other words, a mistake or failure with respect to one of the 15 “non-curable” items causes rejection of an application without an opportunity to “cure”. In the instant case, FHFC has failed to uniformly and strictly apply its own rules, resulting in an unfair ranking result to Petitioner.

3. In the instant case, Royal Palms submitted an application for HC, and Petitioner submitted a competing application. In the scoring of Royal Palms’s Application No. 2005-126C (“Application”), FHFC ultimately failed to strictly apply its rules. A Notice of Potential Scoring Error (“NOPSE”) was filed against Royal Palms pointing out an error in one of the “non-curable” items (“Identity of each Developer”; F.A.C. Rule 67-48.014(4)(b)); however, FHFC failed to follow its rules and did not disqualify Royal Palms with respect to its error relative to this “non-curable” item. Under FHFC’s rules and procedures, once the above-referenced NOPSE was denied, Petitioner was not permitted to participate in any further hearing alleging the foregoing error. As a result, Royal Palms was selected to be funded in the final rankings issued on August 25, 2005.

4. The effect of FHFC's decision to deny the NOPSE was to cause Royal Palms to be funded and to cause Petitioner's application to fall out of the funding range. Had FHFC correctly scored Royal Palms's application, Petitioner's application would have prevailed and been in the funding range and would have received HC.

5. Under FHFC's rules, Petitioner is now afforded the opportunity of a "post-final ranking appeal".

6. If FHFC properly applies its rules and administrative procedures, Petitioner should prevail here and receive funding.

#### **AGENCY AFFECTED**

7. The name and address of the agency affected is Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The agency's file or identification number with respect to the application which is the subject matter of this Petition is Application No. 2005-126C.

#### **PETITIONER**

8. The Petitioner is GHG Flagler Crossing Limited Partnership, a Florida limited partnership. The address of Petitioner is c/o The Gatehouse Group, 120 Forbes Boulevard, Mansfield, Massachusetts 02048, telephone number (508) 337-2525. Petitioner's representative is Michael G. Maida, Esq., Rutledge, Ecenia, Purnell & Hoffman, 215 South Monroe Street, Suite 420, Tallahassee, Florida, 32302-0551, telephone number (850) 681-6788.

#### **PETITIONER'S SUBSTANTIAL INTERESTS**

9. Petitioner's substantial interests are affected as follows:

(a) Petitioner has applied for an allocation of Federal Low-Income Housing Tax Credits ("HC") under the HC Program. The HC Program is set forth in §42 of the Internal Revenue Code of 1986, as amended, and it awards developers and investors a dollar for dollar reduction in income tax liability through the allocation of tax credits in exchange for the construction of affordable rental housing units. FHFC is the agency designated by the United States Treasury to

administer the allocation of HC in the State of Florida.

(b) An HC application is comprised of numerous forms which request information of each applicant. FHFC adopted the forms by reference in Rule 67-48.004(1)(a), F.A.C.

(c) The HC application offers a maximum score of 66 points. The Universal Application Instructions ("Instructions") to the Universal Application provide that, in the event of a tie among competing applications 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 amount of "proximity tie-breaker points" (7.5 being the maximum) prevails over an application with fewer "proximity tie-breaker points"; and finally, an application with a lower lottery number prevails over an application with a higher lottery number. In scoring applications, FHFC determines whether certain threshold requirements have been met; failure to satisfy any of the "threshold requirements" gives rise to rejection of an application. Certain of the "threshold requirements" are "non-curable" pursuant to F.A.C. Rule 67-48.004(14); as a result, an error with respect to one of the "non-curable threshold requirements" gives rise to rejection of an application without an opportunity to "cure".

(d) One of the "non-curable threshold requirements" is the identity of the "Developer". See F.A.C. Rule 67-48.004(14)(b) and page 6 of the Application Instructions. Indeed, page 6 of the Application Instructions (in Part II. B. 1.) states that "The Identity of the Developer(s) listed in this Application may not change until the construction or Rehabilitation/Substantial Rehabilitation of the Development is complete." Page 5 (Part II. B.1.a.) of the Universal Application clearly requires the "Name of each Developer" be provided. Royal Palms identified an entity named "RLI Beneficial Development 5 LLC" as the developer in this section of its application. Royal Palms also named this entity as the developer in numerous other places in its Application, including Exhibits 9, 11 and 54 of its Application. See attached Exhibit "A". Notwithstanding the foregoing, the entity "RLI Beneficial Development 5 LLC" did not exist as of the Application Deadline (February 16, 2005), and in fact was not formed until March 30, 2005, well after the

February 16, 2005 Application Deadline. See attached Exhibit "B".

(e) On or about February 16, 2005, Petitioner submitted to FHFC an HC Application for the 2005 funding cycle ("2005 Cycle"). The application was submitted in an attempt to assist in the financing of the construction of a 154 unit apartment complex in West Palm Beach, Florida. Petitioner's HC application was assigned Application No. 2005-064C.

(f) Petitioner's Application No. 2005-064C was scored by FHFC in accordance with the provisions of §420.5099 FS, and Rule 67-48, F.A.C. By letter and scoring summary dated August 25, 2005, FHFC advised Petitioner that its final post-appeal score was 66 points, that Petitioner's application had met all threshold requirements, that Petitioner's application was classified into "Group A", and that Petitioner's application had received 7.5 "proximity tie-breaker points". See letter and final scoring summary attached as Exhibit "C".

(g) At the conclusion of the FHFC scoring of its application, FHFC advised Royal Palms (on or about August 25, 2005) that its final score was 66 points, that its Application had met all threshold requirements, that its Application was classified into "Group A", and that Royal Palms's Application had received 7.5 "proximity tie-breaker points". See letter and final scoring summary for Royal Palms attached as Exhibit "D".

(h) As a result of its final score, Royal Palms was funded as the winning applicant under the "Competitive HC Goal" of funding at least one applicant in Brevard County. As can be seen from FHFC's document titled "Ranked Order-2005 Universal Application Cycle Ranking" attached as Exhibit "E", Royal Palms's Application and Application No. 2005-023C (Island Horizons Housing) were the only two applications eligible to be funded in Brevard County, and both were in fact funded. Royal Palms was funded to satisfy the Competitive HC goal of funding one job from Brevard County, and Application 2005-023C (Island Horizons Housing) was funded from the Medium County Geographic Set-Aside. There were no other eligible Brevard County applications available to be funded.

(i) In the FHFC Qualified Allocation Plan (“QAP”) disseminated as part of the 2005 HC Application (attached as Exhibit “F”), FHFC advised all potential HC Applicants as to the manner in which HC would be allocated. See Section 6 of the QAP. HC is allocated first to certain “special set-asides” (Front Porch Community, Rural Development, Homeless, Florida Keys, etc.), then to satisfy certain “targeting goals” (elderly, farm worker, 11 hurricane affected counties, non-profit, etc.), and then the remainder is allocated 60% to large county geographic set-aside, 30% to medium county geographic set-aside and 10% to small county geographic set-aside. HC allocated to satisfy “targeting goals” not met by the “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.

(j) To the extent of any unused allocation authority within either a special set-aside or a geographic set-aside, Section 9 of the QAP requires such unused HC allocation authority to be used (i) first, to fund partially funded applications in order to more fully fund such developments, and (ii) thereafter, “...to fund the next highest scoring, eligible Application regardless of which of the above stated Set-Asides it is in until all Housing Credits are 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 limitation imposed by Section 14 hereof” (the requirement that an application must be funded in an amount equal to at least 60% of its request in order to receive a Binding Commitment). This process is referred to herein as the “Last Dollar Analysis”.

(k) As a result of the application of the Last Dollar Analysis, Application No. 2005-123C (Pebble Hill Estates) was designated the “Last Dollar Application” and received an allocation of the last remaining HC authority of \$133,828 (see 2005 Universal Cycle HC ranking attached as Exhibit “E”).

(l) If FHFC had correctly scored Royal Palms's Application and disqualified it for failure to satisfy a threshold non-curable item, Petitioner's application would (under the Last Dollar Analysis) have been funded.

(m) A NOPSE was filed against Royal Palms with respect to its mis-identification of the identity of the developer. See attached Exhibit "G". However, FHFC took no affirmative action with respect to such NOPSE, and Royal Palms's score remained unchanged. As a result, Royal Palms's Application received the score referenced earlier and was determined to fall within the funding range in the final rankings. As discussed earlier, Petitioner had (until the filing of this Petition) no recourse regarding the scoring of Royal Palms's Application (after denial of the aforementioned NOPSE) until this time. Petitioner was not entitled to file a Notice of Alleged Deficiency ("NOAD") against Royal Palms's Application regarding the mis-identification of the identity of the developer, since the applicable Rule (F.A.C. Rule 67-48.004(7)) only permits NOAD's to be filed with respect to issues created by document revisions, or additions submitted by an applicant as part of its cure documentation. Since Royal Palms filed no additional "cure" documents with respect to its mis-identification of the identity of the developer, Petitioner was unable to file a NOAD with respect to such issue.

(n) Notwithstanding that Royal Palms's Application was not penalized for its mis-identification of the developer's identity, Royal Palms went ahead and formed "RLI Beneficial Development 5 LLC" as a limited liability company under Florida law on March 30, 2005. See formation documents attached as Exhibit "B". See also excerpts from Exhibits 9, 11 and 54 of Royal Palms's Application attached as Exhibit "A", identifying "RLI Beneficial Development 5 LLC" as the developer, notwithstanding the fact that such entity had not been formed as of the Application Deadline.

(o) Had FHFC correctly scored the Royal Palms's Application, FHAC would have determined that such application had failed a threshold requirement (correct identification of the developer) and should have been rejected. In such case, Petitioner's application would have been

awarded an allocation of HC under the "Last Dollar Analysis". But for FHFC's error in scoring Royal Palms's Application, Petitioner would have received an allocation of HC in the 2005 cycle. If Petitioner is successful hereunder, Petitioner will be entitled to a binding commitment of HC from the 2006 HC Authority, pursuant to F.A.C. Rule 67-48.005(7).

### **NOTICE OF AGENCY DECISION**

10. Petitioner received notice of the final scores and rankings and its Notice of Rights to file a post-appeal petition on or about August 25, 2005. See attached Exhibit "C". Neither the Notice of Rights nor the Universal Scoring Summary for Applicant's Application explained why the NOPSE filed against Royal Palms pertaining to this mis-identification of the developer was denied.

11. Under F.A.C. Rule 67-48.004 and 67-48.005, once a NOPSE filed against another Applicant is denied, a competing party (such as Petitioner) has no further recourse until such time as the final post-appeal scores are released. At such time, a "post-final ranking appeal" may be filed, provided that if the contested issue involves an error in scoring, the contested issue must either be one that (i) could not have been cured pursuant to Rule 67-48.004(14), F.A.C. (which is the case here), or (ii) could have been cured, if the ability to cure was not solely within the applicant's control. The petitioning applicant must also demonstrate that, but for the error in scoring, it would have been in the funding range at the time of final ranking. In the instant case, Petitioner may contest the final ranking of Royal Palms's Application under the foregoing Rule, since the matter at hand involves an error in scoring and the contested issue was non-curable. In the Notice of Rights, Petitioner was given until September 16, 2005 to file a petition.

### **ULTIMATE FACTS ALLEGED**

The ultimate facts alleged by Petitioner, including the specific facts that Petitioner contend warrant a reversal of FHFC's action with respect to Royal Palms's Application, are as follows.

12. In its application Royal Palm identified the developer as "RLI Beneficial Development 5 LLC". See page 3 of Royal Palms's Application and Exhibits 9, 11 and 54 thereto, all attached as Exhibit "A".



13. As of February 16, 2005 (the Application Deadline), RLI Beneficial Development 5 LLC did not exist as a legally formed entity in the State of Florida.

14. On March 30, 2005, approximately five days after a NOPSE alleging the issues raised herein was filed against Royal Palms and approximately 42 days after the Application Deadline, an entity named "RLI Beneficial Development 5 LLC" was formed under Florida law as a limited liability company. See filing attached as Exhibit "B".

15. FHFC has clearly determined (see Rule 67-48.004(14)(b) and Part II.B.1. (page 6) of FHFC's Application Instructions) that the correct identification of the developer is of paramount importance in the application. Failure to correctly identify the developer results in failure of a threshold requirement and outright rejection of an application. See Rule 67-48.004(13), wherein it is stated that FHFC shall reject an application if an applicant fails to achieve the threshold requirements as detailed in the rules, application and application instructions.

16. It is clear from a review of Royal Palms's Application that Royal Palms merely forgot to form RLI Beneficial Development 5 LLC by the Application Deadline. There can be no other rational or reasonable explanation for Royal Palms's decision to form the entity within five days after becoming aware of the issue (the filing of a NOPSE identifying the issue on March 25, 2005).

17. As of the Application Deadline, Royal Palms's Application fails to answer the most basic threshold question: Who is the developer? The developer identified by Royal Palms did not exist as of the application deadline. As previously noted, RLI Beneficial Development 5 LLC was not formed until March 30, 2005, which was after the Royal Palms was advised that its putative developer was not a legal entity.

18. Royal Palms clearly intended to form an entity separate and distinct from "RLI Beneficial Development, LLC" and did not intend for "RLI Beneficial Development, LLC" to serve as developer. Unfortunately, Royal Palms failed to timely form the developer entity.

## RELEVANT RULES AND STATUTES

19. F.A.C. 67-48.004(1)(a) specifically incorporates the 2005 HC application and Instructions. Part II.B.1.(A) (page 5) of the Universal Cycle Application clearly requires that the name of the developer be provided. Exhibit 11 to the Application (on its second line) clearly requires identification of the name of the developer. Part II.B.1. page 6 of the Application Instructions clearly instruct an applicant to “provide name of each developer”. Due to the foregoing, there can be no doubt that the specific “non-curable” information sought was the developer’s correct name. F.A.C. Rule 67-48.004(14)(b) indicates that the “identity of each developer” is non-curable and that any attempted changes to such item after the Application Deadline will not be accepted. As such, the identification of a developer which does not exist as of the Application Deadline must cause the rejection of Applicant’s Application. Royal Palms cannot change the identity of the developer after the Application Deadline. Correct identification of the Developer is one of the “threshold requirements” of the application, and failure to satisfy a “threshold requirement” must result in rejection of an application.

20. F.A.C. Rule 67-48.004(1), F.A.C. provides that “All Applications must be complete (emphasis added), legible and timely when submitted...”. F.A.C. Rule 67-48.004(2) provides in part that “Failure to submit an Application completed in accordance with the Application Instructions and these rules will result in rejection (emphasis added) of the Application or a score less than the maximum available in accordance with the instructions in the Application and this Rule chapter”. F.A.C. Rule 67-48.004(13)(b) and (c) provides in part that “The Corporation shall reject (emphasis added) an Application if ... (b) the Applicant fails to achieve the threshold requirements as detailed in these Rules, the applicable Application, and Application Instructions”. All of the above-mentioned Rules and Instructions apply to the issue of the misidentification of the developer by Royal Palms.

21. F.A.C. Rule 67-48.005 provides an applicant (such as Petitioner) with a point of entry to contest the ranking of any other application in the 2005 Cycle. That Rule (67-48.005(5)(b))

requires an applicant (such as Petitioner) to demonstrate that the contested issue involves an error in scoring that was either (a) non-curable under Rule 67-48.004(14), or (b) if curable, the ability to cure was not solely within the Applicant's control and was not feasibly curable within the time allowed for cures in Subsection 67-48.004(6). Petitioner has demonstrated that the contested issue was non-curable.

22. F.A.C. Rule 67-48.005(7) provides that if an applicant (such as Petitioner) ultimately obtains a final order that demonstrates that its application would have been in the funding range, but for the scoring error described in such petition, that such applicant will be provided the requested funding from the next available funding and/or allocation, whether in the current year or a subsequent year. The filing of a petition pursuant to Rule 67-48.004(5), F.A.C. does not stay FHFC's provision of funding to applicants per the final rankings issued by FHFC. As such, Petitioner does not contend at this point that Royal Palms should be denied an allocation of HC; rather, Petitioner contends that pursuant to the provisions of F.A.C. Rule 67-48.005(7), Petitioner should be awarded either an allocation of 2005 HC and/or a binding commitment for 2006 HC.

#### **RELIEF SOUGHT**

23. The specific action which Petitioner seeks is a determination that (a) Royal Palms's Application should have been rejected due to failure to meet a non-curable threshold requirement, and (b) but for the error in scoring of the Royal Palms's Application, Petitioner's application would have prevailed and been successful under the Last Dollar Analysis and funded in the 2005 Cycle. Finally, Petitioner requests a determination that FHFC provide the funding requested by Petitioner in its 2005 HC application either from available 2005 HC allocation authority, and/or to provide a binding commitment of HC authority from the 2006 Cycle.

**WHEREFORE**, Petitioner respectfully requests that:

- a. FHFC conduct an informal hearing on the matters presented in this Petition if there are no disputed issues of material fact to be resolved;

b. FHFC forward this Petition to DOAH for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes, if there are disputed issues of material to be resolved, or if non-rule policy forms the basis of any FHFC actions complained of herein;

c. FHFC's designated hearing officer or an Administrative Law Judge, as appropriate, enter a Recommended Order determining that the Royal Palms application should have been disqualified and that Petitioner's application would have been funded but for the error in scoring and ranking;

d. FHFC enter a Final Order determining that the Royal Palms application should have been disqualified and that Petitioner's application would have been funded but for the error in scoring and ranking;

e. Petitioner's application be awarded an allocation of either 2005 HC authority and/or a binding commitment for 2006 HC authority totaling \$1,650,000.00; and


f. Flagler Crossing be granted such other and further relief as may be deemed just and proper.

Respectfully submitted

By:   
MICHAEL G. MAIDA, ESQ.  
Florida Bar No. 0435945  
J. Stephen Menton  
Florida Bar No. 0331181  
Rutledge, Ecenia, Purnell & Hoffman  
215 South Monroe Street, Suite 420  
Tallahassee, FL 32302-0551  
(850) 681-6788 (Telephone)  
(850) 681-6515 (Facsimile)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that an original and one copy of the foregoing have been filed with Florida Housing Financing Corporation, Attention: Corporation Clerk, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301 on this 16<sup>th</sup> day of September, 2005.

By:   
\_\_\_\_\_  
Michael G. Maida, Esq.

**Universal Application**  
**Multifamily Mortgage Revenue Bonds (MMRB) Program**  
**State Apartment Incentive Loan (SAIL) Program**  
**HOME Investment Partnerships (HOME) Rental Program**  
**Housing Credit (HC) Program**

**Part I. Applicant Certification**

Applicant must provide the properly executed Applicant Certification and Acknowledgement Form behind a tab labeled "Exhibit 1".

**Part II. Applicant and Development Team**

**A. Applicant**

1. Corporation program(s) applied for in this Application:

- Tax-Exempt Multifamily Mortgage Revenue Bonds (MMRB)
- Taxable Multifamily Mortgage Revenue Bonds
- State Apartment Incentive Loan (SAIL)
- Housing Credits (HC) [Competitive 4% and/or 9%]
- Housing Credits (HC) [non-competitive 4% with Tax-Exempt Bonds]
- HOME Investment Partnerships (HOME) Rental

2. Applicant Information

Name of Applicant: Royal Palms Senior Apartments Limited Partnership

Street Address: 3131 Clark Road, Suite 203

City: Sarasota State: FL Zip Code: 34231

Telephone: 941 929 1270 Facsimile: 941 929 1271

E-Mail Address: DPaxton@beneficialcom.com  
(Optional)

Federal Employer Identification Number: 20-2297484

If not yet obtained, provide a copy of the completed, submitted application for the Federal Employer Identification Number behind a tab labeled "Exhibit 2".

a. Is Applicant a legally formed entity qualified to do business in the state of Florida as of the Application Deadline?

- Yes
- No

Provide required documentation behind a tab labeled "Exhibit 3".

b. If applying for HC: Is the Applicant a limited partnership or limited liability company?

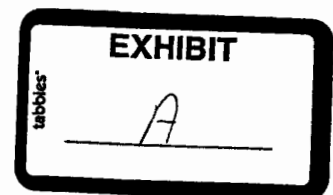
- Yes
- No

c. Is Applicant applying as a Non-Profit organization?

- Yes
- No

If answer is "Yes", Applicant must respond to (1) and (2) below.

If answer is "No", skip Non-Profit status questions and proceed to question 3 below.



Yes  No

If "Yes", state name of the for-profit entity:

**3. General and Limited Partner(s), Officers, Directors and Shareholders**

For a Limited Partnership, provide a list of the limited partner(s), and the officers, directors, members and shareholders of the general partner(s), including percentage of ownership interest for each, as of the Application Deadline, behind a tab labeled "Exhibit 9". This list must include warrant holders and/or option holders of the proposed Development.

For a Limited Liability Company, provide a list of the member(s), and the officers, directors, members and shareholders of majority-in-interest or elected managing member(s), including percentage of ownership interest for each, as of the Application Deadline, behind a tab labeled "Exhibit 9". This list must include warrant holders and/or option holders of the proposed Development.

For all other entities, provide a list of the officers and directors, including percentage of ownership interest for each, as of the Application Deadline, behind a tab labeled "Exhibit 9".

**4. Contact Person for this Application**

First Name: Donald MI: W Last Name: Paxton

Street Address: 3131 Clark Road, Suite 203

City: Sarasota State: FL Zip Code: 34231

Telephone: 941 929 1270 Facsimile: 941 929 1271

E-Mail Address: DPaxton@beneficialcom.com  
(optional)

Relationship to Applicant: Manager of Sole Member of General Partner

**5. If applying for HOME: Is the Applicant applying under the Community Housing Development Organization (CHDO) Set-Aside?**

Yes  No

If "Yes", state CHDO Name:

and provide the required information behind a tab labeled "Exhibit 10".

**B. Development Team**

**1. Developer or principal of Developer**

a. Name of each Developer (include all co-Developers):

RLI Beneficial Development 5 LLC

b. For each experienced Developer, provide an executed Developer or Principal of Developer Certification Form behind a tab labeled "Exhibit 11". For each co-Developer without the required experience, provide the requested information behind a tab labeled "Exhibit 11".

c. Provide the Developer's Prior Experience Chart behind a tab labeled "Exhibit 11".

**2. Management Agent or principal of Management Agent**

a. Provide the executed Management Agent or Principal of Management Agent Certification Form behind a tab labeled "Exhibit 12"

**RLI Beneficial Development 5 LLC  
Developer Structure**

**Members**

**RLI Beneficial Development, LLC** (100% owner)  
3131 Clark Road, Suite 203  
Sarasota, Florida 34231

**Members**

**Lomas Holdings Corp.** (1% owner)  
Robert Lomas 100% owner

**AHG, Inc.** (46.5% owner)  
Robert Lomas, 100% owner

**Paxton Family Holdings, LLC** (47.5% owner)  
Donald W. Paxton, 100% owner

**O'Grady Family Holdings, LLC** (5% owner)  
Kathleen O'Grady, 100% owner



**DEVELOPER OR PRINCIPAL OF DEVELOPER  
CERTIFICATION**

Name of Development: Pines at Warrington

Name of Developer: RLI Beneficial Development 5 LLC

Name of principal of Developer, if applicable: Donald Paxton

Address of Developer: 3131 Clark Road, Suite 203  
Sarasota, FL 34231

Telephone No. of Developer: (941) 929-1270

Fax No. of Developer: (941) 929-1271

E-Mail Address (if available): DPaxton@beneficialcom.com

Developer and applicant share common principals (see Exhibit 9).

Relationship to Applicant: \_\_\_\_\_

As the Developer or principal of the Developer of the referenced Development, I certify that I have the requisite skills, experience and credit worthiness to successfully produce the units proposed by this Application. I further certify that the design, plans, and specifications for the proposed Development will comply with all federal, state and local requirements and the requirements of the Federal Fair Housing Act as implemented by 24 CFR 100, Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR 35, incorporating the most recent amendments and other legislation, regulations, rules, and other related requirements which apply or could apply to the proposed Development. I have developed and completed; i.e., the certificate of occupancy has been issued for at least one building, at least two affordable rental housing developments, at least one of which consists of a total number of units no less than 50 percent of the total number of units in the Development proposed by this Application, as evidenced by the accompanying prior experience chart I understand I am the Developer or principal of the Developer of record for this Development and that, if funded by the Corporation, I will remain in this capacity until the Development has been completed. I certify that neither the Developer, Applicant, any Principal or Financial Beneficiary has any existing Developments participating in Corporation programs that remain in non-compliance with the Code, applicable rule chapter, or applicable loan documents and for which any applicable cure period granted for correcting such non-compliance has ended. I further certify that the information provided within this Application is true and correct.

	02/15/2005	Donald W Paxton
Signature of Developer or principal of Developer	Date (mm/dd/yyyy)	Print or Type Name of Signatory
	02/15/2005	Kathleen O'Grady
Witness to Developer's or principal of Developer's Signature	Date (mm/dd/yyyy)	Print or Type Name of Signatory

**APPLICANT'S CERTIFICATION**

I certify that the Developer identified above will serve as the Developer of the proposed Development.

	02/15/2005	Donald W Paxton
Applicant's Signature	Date (mm/dd/yyyy)	Print or Type Name of Signatory
	02/15/2005	Kathleen O'Grady
Witness to Applicant's Signature	Date (mm/dd/yyyy)	Print or Type Name of Signatory

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

COMMITMENT TO DEFER DEVELOPER FEE

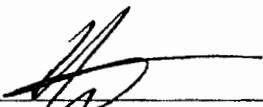
RLI Beneficial Development 5 LLC commits to defer up to \$ 2,016,012.00  
(Name of Developer)

of its Developer fee to offset any funding shortfall until the closing of permanent financing for  
Fines at Warrington. Additionally,  
(Name of Development)

the Developer identified above commits to defer up to \$ 2,016,012.00 to fill any  
funding shortfall after closing of permanent financing for the Development identified above.

I, Donald W Paxton, the undersigned, certify that I have the  
(Print or Type Name)

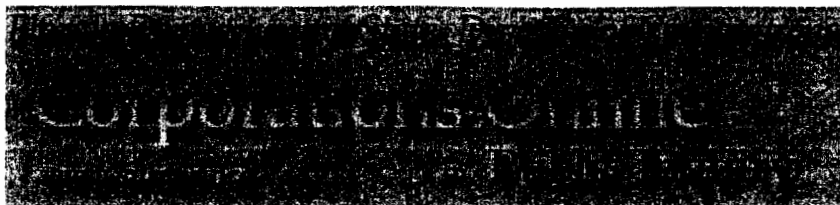
authority to make this commitment on behalf of the above-named Developer.

  
\_\_\_\_\_  
Signature

2/15/05  
\_\_\_\_\_  
Date (mm/dd/yyyy)

NOTE: If a Non-Profit entity will share in the Developer fee, a commitment to defer must also be received from the Non-Profit entity if the Developer intends to defer any portion of the fee that would go to the Non-Profit entity.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected automatically. The certification may be photocopied.



Florida Limited Liability

RLI BENEFICIAL DEVELOPMENT (5) LLC

PRINCIPAL ADDRESS

3131 CLARK RD, STE 203  
SARASOTA FL 34231

MAILING ADDRESS

3131 CLARK RD, STE 203  
SARASOTA FL 34231

Document Number  
L05000031210

FEI Number  
NONE

Date Filed  
03/30/2005

State  
FL

Status  
ACTIVE

Effective Date  
NONE

Total Contribution  
0.00

Registered Agent

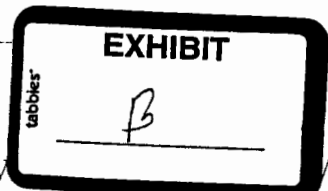
Name & Address
B&C CORPORATE SERVICES OF CENTRAL FL INC 390 N ORANGE AVE, STE 1100 ORLANDO FL 32801

Manager/Member Detail

Name & Address	Title
NONE	

Annual Reports

Report Year	Filed Date



LO5000031210

Florida Department of State  
Division of Corporations  
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Division of Corporations  
Fax Number : (850) 205-0393

From:  
Account Name : BROAD AND CASSEI, (ORLANDO)  
Account Number : I19980000090  
Phone : (407) 839-4200  
Fax Number : (407) 839-4264

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TALLAHASSEE, FLORIDA

LIMITED LIABILITY COMPANY

RLI Beneficial Development 5 LLC

Certificate of Status	1
Certified Copy	1
Page Count	04
Estimated Charge	\$160.00

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**ARTICLES OF ORGANIZATION  
OF  
RLI BENEFICIAL DEVELOPMENT 5 LLC**

The undersigned acting as the organizer of RLI BENEFICIAL DEVELOPMENT 5 LLC under the Florida Limited Liability Company Act, Chapter 608, Fla. Stat., adopt the following Articles of Organization:

**ARTICLE I - Name:**

The name of the limited liability company is RLI BENEFICIAL DEVELOPMENT 5 LLC (the "Company").

**ARTICLE II - Address:**

The mailing address and street address of the principal office of the limited liability company is 3131 Clark Road, Suite 203, Sarasota, Florida 34231.

**ARTICLE III - Duration:**

The period of duration for the Company shall be perpetual, unless dissolved in accordance with the terms of the Operating Agreement of the Company.

**ARTICLE IV - Management:**

The Company is to be managed by its Members, unless and until one or more managers are elected in accordance with the Operating Agreement of the Company, in which case the Company shall be managed by one or more managers. The managers shall be elected as described in the Operating Agreement.

**ARTICLE V - Admission of Additional Members:**

The Company shall admit new Members only upon the unanimous written consent of all then existing Members of the Company.

**ARTICLE VI - Adoption of Operating Agreement:**

The Company shall adopt an Operating Agreement for the Company, which Operating Agreement may contain any provisions for the regulation and management of the affairs of the Company not inconsistent with these Articles of Organization, or Chapter 608, Fla. Stat.

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TALLAHASSEE, FLORIDA  
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**ARTICLE VII - Initial Registered Agent and Office:**

The initial registered agent for the Company shall be B&C Corporate Services of Central Florida, Inc., and the street address of the Company's initial registered office is 390 N. Orange Avenue, Suite 1100, Orlando, Florida 32801.

**ARTICLE VIII - Amendments:**

The Company reserves the right to amend any provision of these Articles of Organization, which amendment shall only be effectuated in accordance with the terms of the Operating Agreement of the Company.

**ARTICLE IX - Indemnification:**

Each individual or entity who is or was a member or manager of the Company (and the heirs, executor, personal representatives, administrators, successors or assigns of such individual or entity) who was or is made a party to, or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that such person is or was a member or manager of the Company ("Indemnitee"), shall be indemnified and held harmless by the Company to the fullest extent permitted by applicable law, as the same exists or may hereafter be amended. In addition to the indemnification conferred in this Article, the Indemnitee shall also be entitled to have paid directly by the Company the expenses reasonably incurred in defending any such proceeding against such Indemnitee in advance of its final disposition, to the fullest extent authorized by applicable law, as the same exists or may hereafter be amended. The rights and authority conferred in this Article shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, provision of the Articles of Organization or the Operating Agreement of the Company, agreement, vote of Members or otherwise. Any repeal or amendment of this Article by the Members of the Company shall not adversely affect any right or protection of a member, manager or officer existing at the time of such repeal or amendment.

**ARTICLE X - Continuation of Business:**

Unless dissolved in accordance with the Company's Operating Agreement, the remaining members shall continue the business of the Company, which shall not be dissolved, upon the death, retirement, resignation, expulsion, bankruptcy, or dissolution of a member or the occurrence of any other event which terminates the continued membership of a member.

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05 MAR 30 AM 8:49  
ALM - REGISTRAR  
FLORIDA

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Fax Audit No.: H050007693

IN WITNESS WHEREOF, the undersigned Member representative has executed these Articles of Organization as of this 29<sup>th</sup> day of March, 2005.

Paxton Family Holdings, LLC, a Florida limited liability company

By:   
Donald W. Paxton, Member

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05 MAR 30 AM 9:49  
TALLAHASSEE, FLORIDA

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**CERTIFICATE OF DESIGNATION OF  
REGISTERED AGENT/REGISTERED OFFICE**

PURSUANT TO THE PROVISIONS OF SECTION 608.415, FLORIDA STATUTES, THE UNDERSIGNED LIMITED LIABILITY COMPANY SUBMITS THE FOLLOWING STATEMENT IN DESIGNATING THE REGISTERED OFFICE/REGISTERED AGENT, IN THE STATE OF FLORIDA.

1. The name of the limited liability company is RLI BENEFICIAL DEVELOPMENT 5 LLC.

2. The name and address of the registered agent and office is:

B&C Corporate Services of Central Florida, Inc.  
390 N. Orange Avenue, Suite 1100  
Orlando, Florida 32801

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

B&C Corporate Services of Central Florida, Inc.

By:   
Name: Kristi L. Sullivan  
Its: Vice President

FILED  
05 MAR 30 AM 8:49  
TALLAHASSEE, FLORIDA  
STATE DEPARTMENT OF STATE


Dated this 29th day of March, 2005.



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**MEMORANDUM**

TO: Applicants for the 2005 Universal Application Cycle

FROM: Stephen P. Auger, Deputy Development Officer 

DATE: August 25, 2005

SUBJECT: Final Ranking and Notice of Rights

Enclosed is a 2005 Universal Scoring Summary reflecting the final ranking scores. Also enclosed is the final ranking for the 2005 Universal Application Cycle. The program spreadsheets and the final ranking scoring summaries for all Applicants are now available on Florida Housing's Website at [www.floridahousing.org](http://www.floridahousing.org).

Sections 67-48.005(5) and 67-21.0035(5), F.A.C., provide in relevant parts:

Applicants who wish to contest the final ranking or score of another Applicant may do so only if:

- (a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and 67-52.002(3), F.A.C., and specify in detail each issue, score, or ranking sought to be challenged.
- (b) 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 67-21.003(14) or 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, it is presumed that a contested issue would have been cured, unless a petitioner can prove by competent substantial evidence that the contested issue was not feasibly curable within a reasonable time.
- (c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.
- (d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

Petitions must be received by 5:00 p.m. Eastern Time, on Friday, September 16, 2005, and must be filed with:

Corporation Clerk  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301-1329

SPA:gw

Enclosures: 2005 Universal Scoring Summary  
2005 Final Ranking Spreadsheet  
Fla. Admin. Code R. 28-106.201, 28-106.301.



As of: 09/24/2005

## 2005 MMRB, SAIL & HC Scoring Summary

File # 2005-064C

Development Name: Flagler Crossing Apartments

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
08 - 24 - 2005	66	Y	7.5	\$61,810.71	%	N
Preliminary	66	Y	7.5	\$61,810.71	%	N
NOPSE	66	Y	7.5	\$61,810.71	%	N
Final	66	Y	7.5	\$61,810.71	%	N
Final-Ranking	66	Y	7.5	\$61,810.71	%	N

Scores:

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

As of: 08/24/2005

File # 2005-064C

### 2005 MMRB, SAIL & HC Scoring Summary

Development Name: Flagler Crossing Apartments

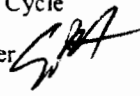
**Proximity Tie-Breaker Points:**

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	1.25	1.25	1.25		1.25
2P	III	A	10.a.(2)(b)	Public School	1.25	1.25	1.25	1.25		1.25
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	1.25	1.25	1.25		1.25
6P	III	A	10.h.	Proximity to Developments on FHFC Development Proximity List	3.75	3.75	3.75	3.75		3.75

we make housing affordable

**MEMORANDUM**

TO: Applicants for the 2005 Universal Application Cycle

FROM: Stephen P. Auger, Deputy Development Officer 

DATE: August 25, 2005

SUBJECT: Final Ranking and Notice of Rights

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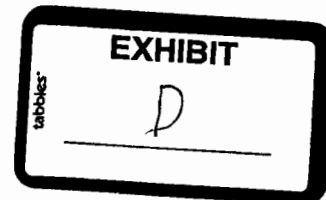
- (a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and 67-52.002(3), F.A.C., and specify in detail each issue, score, or ranking sought to be challenged.
- (b) 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 67-21.003(14) or 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, it is presumed that a contested issue would have been cured, unless a petitioner can prove by competent substantial evidence that the contested issue was not feasibly curable within a reasonable time.
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- (d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

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Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301-1329

SPA:gw

Enclosures: 2005 Universal Scoring Summary  
2005 Final Ranking Spreadsheet  
Fla. Admin. Code R. 28-106.201, 28-106.301.



As of: 08/24/2005

### 2005 MMRB, SAIL & HC Scoring Summary

File # 2005-126C

Development Name: Royal Palms Senior Apartments

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
08 - 24 - 2005	66	Y	7.5	\$59,501.65	%	N
Preliminary	66	N	7.5	\$59,501.65	%	N
NOPSE	66	N	7.5	\$59,501.65	%	N
Final	66	Y	7.5	\$59,501.65	%	N
Final-Ranking	66	Y	7.5	\$59,501.65	%	N

**Scores:**

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
<b>Optional Features &amp; Amenities</b>									
1S	III	B	2.a.	New Construction	9	9	9	9	9
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	12	12	12	12
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	9	9	9
<b>Set-Aside Commitments</b>									
4S	III	E	1.b.	Total Set-Aside Percentage	3	3	3	3	3
5S	III	E	1.c.	Set-Aside Breakdown Chart	5	5	5	5	5
6S	III	E	3	Affordability Period	5	5	5	5	5
<b>Resident Programs</b>									
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	6	6	6	6
8S	III	F	4	Programs for All Applicants	8	8	8	8	8
<b>Local Government Support</b>									
9S	IV		a.	Contributions	5	5	5	5	5
10S	IV		b.	Incentives	4	4	4	4	4

## 2005 MMRB, SAIL & HC Scoring Summary

As of: 08/24/2005

File # 2005-126C

Development Name: Royal Palms Senior Apartments

Threshold(s) Failed:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	II	B	1.c. Development Team	Applicant failed to provide the Developer's Prior Experience Chart	Preliminary	Final
2T	III	C	2 Site Control	The Applicant provided a Contract for Purchase and Sale of Real Property, effective November 22, 2004, between Albert Marchesano (Seller) and Beneficial Investments, LLC (Buyer). There is a provision at item 8(p) of the Contract stating that the property is subject to a Vacant Land Contract, effective October 1, 2003, between the Seller and Heartsprings International Ministries, Inc. (the Heartsprings Contract) and that the Heartsprings Contract shall be terminated on December 31, 2004. However, the Applicant has provided neither the Heartsprings Contract nor the termination agreement or other written evidence signed by the Seller and the Buyer (Heartsprings International Ministries, Inc.) to demonstrate that the Heartsprings Contract has in fact terminated.	NOPSE	Final
3T	III	C	2 Site Control	The February 11, 2005 Assignment and Assumption Agreement provided in the Application is not valid. The Assignee signature block identifies Beneficial Oaks at Shannon's Crossing LLC as the general partner of the Applicant, signing on behalf of the Applicant. However, the general partner of the Applicant is Beneficial Royal Palms Senior Apartments LLC.	NOPSE	Final

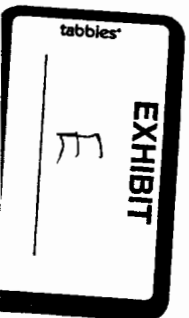
Proximity Tie-Breaker Points:

Item #	Part Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a) Grocery Store	1.25	1.25	1.25	1.25	1.25
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	1.25	1.25	1.25	1.25
4P	III	A	10.a.(2)(d) Pharmacy	1.25	1.25	1.25	1.25	1.25
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 Developments on FHFC Development Proximity List	3.75	3.75	3.75	3.75	3.75

Ranked Order  
2005 Universal Application Cycle Ranking

Application File Number	Development	County	County Size	County below \$43,200	Urban In-Fill or Dev	FP or NP	Set-Aside Units	SAIL Tentative Funding Amount	MMRB Tentative Funding Amount	Competitive HC Tentative Funding Amount	Demographic Commitment	Designation Selection	Threshold Met	Total Scoring Points	Score Group	Leveraging Group	Total Proximity Points	SAIL as % of Dev Cost	Lottery Number
<b>Competitive HC Florida Keys Area Special Set-Aside</b>																			
2005-045CS	Falcon Pass	Monroe	S			FP	84	3,000,000.00		882,000.00	F	FK	Y	60	2	B	7.25	24.59%	109
<b>SAIL Homeless Special Set-Aside</b>																			
2005-020CS	Villa Aurora	Miami-Dade	L			NP	76	3,000,000.00		2,338,500.00	H	H	Y	66	1	B	7.50	13.82%	76
2005-106CS	McCurdy Center	Palm Beach	L			NP	92	1,750,000.00		1,363,350.00	H	H	Y	66	1	B	7.50	16.44%	15
<b>SAIL Farmworker/Commercial Fishing Worker Special Set-Aside</b>																			
None																			
<b>SAIL Elderly Special Set-Aside</b>																			
2005-115BS	Columbian Apartments	Pinehills	L			FP	188	3,920,000.00			E	E	Y	66	1	A	7.50	51.98%	119
2005-043BS	Christine Cove Apartments	Duval	L			NP	96	4,000,000.00	7,500,000.00		E	E	Y	66	1	A	7.00	29.71%	36
<b>Competitive HC Front Porch Florida Community Special Set-Aside</b>																			
2005-113C	Laurel Park Apartments Phase II	Mannon	M	Y		FP	68			575,000.00	F	FPE	Y	66	1	A	7.50	0.00%	58
2005-015C	The Villages at Halifax	Volusia	M			FP	71			772,196.00	F	FPE	Y	66	1	A	7.50	0.00%	79
2005-128C	Tiger Bay Court	Alachua	M		Y	FP	96			906,500.00	F	FPE	Y	66	1	A	7.50	0.00%	95
2005-099C	Goodbread Hills	Leon	M			FP	93			746,304.00	F	FPE	Y	66	1	A	7.50	0.00%	116
<b>Competitive HC RD Development Special Set-Aside</b>																			
2005-088C	Wakulla Trade Apartments	Wakulla	S			FP	34			227,999.00	E	R	Y	66	1	A	7.50	0.00%	39
2005-004C	Sunny Hill Apartments	Lake	M			FP	33			68,500.00	F	R	Y	61	2	A	7.50	0.00%	26
<b>MMRB HOPE VI Special Set-Aside</b>																			
None																			
<b>Geographic Set-Asides</b>																			
<b>Competitive HC Goals</b>																			
<b>Two Farmworker/Commercial Fishing Worker Developments</b>																			
2005-105C	DESOTO LANDING	De Soto	S	Y		NP	48			431,873.00	FF		Y	66	1	A	7.50	0.00%	51
2005-049C	Somriva Villas II	Indian River	M			NP	80			900,000.00	FF		Y	61	2	A	7.50	0.00%	42
<b>Two Urban In-Fill Developments</b>																			
Funded above																			
<b>One Elderly Development</b>																			
Funded above																			
<b>One Brevard County Development</b>																			
2005-126C	Royal Palms Senior Apartments	Brevard	M			FP	96			990,147.00	E		Y	66	1	A	7.50	0.00%	62
<b>One Charlotte County Development</b>																			
2005-084C	Charleston Cay	Charlotte	M			FP	128			882,500.00	F		Y	66	1	A	7.00	0.00%	53
<b>One De Soto County Development</b>																			
4-036C/S-002C	Jacaranda Trail II																		
<b>One Escambia County Development</b>																			
2005-127C	Pines at Warrington	Escambia	M			FP	144			1,364,924.00	F		Y	66	1	A	7.50	0.00%	103

NP = Non-Profit, FP = For Profit, FK = Florida Keys, E = Elderly, FF = Farmworker/Fishing Worker, H = Homeless, VI = HOPE VI, R = RD-515, RF = RD-514/516, U = Urban In-Fill, FPE = Front Porch Florida, F = Family, \* = End of the Line SAIL



Ranked Order  
2005 Universal Application Cycle Ranking

Application File Number	Development	County	County Size	County below \$43,200	Urban In-Fill or Dev.	FP or NP	Set-Aside Units	SAIL Tentative Funding Amount	MMRB Tentative Funding Amount	Competitive HC Tentative Funding Amount	Demographic Commitment	Designation Selection	Threshold Met	Total Scoring Points	Score Group	Leveraging Group	Total Proximity Points	SAIL as % of Dev. Cost	Lottery Number
<b>One Hardee County Development</b>																			
2005-046C	Valencia Garden	Hardee	S	Y		FP	104			975,000.00	F		Y	66	1	A	7.50	0.00%	30
<b>One Indian River County Development</b>																			
Funded above																			
<b>One Martin County Development</b>																			
None																			
<b>One Okeechobee County Development</b>																			
2005-124C	Oaks at Sherman's Crossing	Okeechobee	S	Y		FP	100			974,898.00	F		Y	66	1	A	7.25	0.00%	94
<b>One Polk County Development</b>																			
4-1400/5-003C Residences at Lake May																			
<b>One St. Lucie County Development</b>																			
None																			
<b>One Santa Rosa County Development</b>																			
2005-047C	Bell Ridge	Santa Rosa	M			FP	122			892,500.00	F		Y	61	2	A	7.50	0.00%	74
<b>12% to Non-Profit Applicants</b>																			
2005-116C	Flagler Point	Broward	L			NP	167			2,368,500.00	E		Y	66	1	A	7.50	0.00%	8
<b>Small County Geographic Set-Aside</b>																			
2005-016C	Arbours at Madison	Madison	S	Y		FP	72			637,385.00	F		Y	66	1	A	7.50	0.00%	24
<b>Medium County Geographic Set-Aside</b>																			
2005-093C	Meetinghouse at Zephyritis	Pasco	M			FP	160			1,365,000.00	E		Y	66	1	A	7.50	0.00%	83
2005-031C	Lakeside Village	Volusia	M			FP	103			1,080,000.00	F	FPF	Y	66	1	A	7.50	0.00%	29
2005-034BS	Spring Haven II Apartments	Hernando	M			FP	88	2,000,000.00	5,010,000.00		F		Y	66	1	A	7.50	25.77%	87
2005-082S	Overdoo Town Center Apartments	Seminole	M			FP	84	3,000,000.00			F		Y	66	1	A	7.50	27.90%	14
2005-005S	Summer Lakes II Apartments	Collier	M			FP	276	3,000,000.00			F		Y	66	1	A	7.25	13.28%	113
2005-077S	Lake Harris Cove Apartments	Lake	M			FP	107	3,000,000.00			F		Y	66	1	A	7.25	22.78%	32
2005-074BS	Stratford Downs Apartments	Lee	M			FP	25	3,000,000.00	13,000,000.00	368,348.00	F	FPF	Y	66	1	A	7.00	18.14%	96
2005-109C	Village Central	Manatee	M			FP	146				F		Y	66	1	B	7.50	0.00%	64
2005-006S	Manatee Cove Apartments	Brevard	M			FP	192	3,000,000.00			F		Y	66	1	A	7.50	19.60%	45
2005-071S	Nantucket Cove Apartments	Hernando	M			FP	90	2,298,443.60	14,100,000.00		F		Y	66	1	A	7.00	25.90%	23
2005-066BS	Anderson Terrace Apartments	Hernando	M			FP	275			500,000.00	E		Y	66	1	A	5.75	0.00%	70
2005-023C	Island Horizons Housing	Brevard	M			NP	72				F		Y	66	1	A	7.00	22.11%	92
2005-027BS	Brook Haven Apartments	Hernando	M			FP	160		8,520,000.00		F		Y	66	1	A	7.00	22.11%	92
2005-110C	Hibiscus Isle	Lee	M			FP	160			1,355,420.00	F		Y	61	2	A	7.50	0.00%	120
<b>Large County Geographic Set-Aside</b>																			
2005-085C	Madison Manor	Duval	L			FP	160			1,180,000.00	E		Y	66	1	A	7.50	0.00%	4
2005-060C	Park Terrace Apartments	Hillsborough	L			FP	216			1,911,000.00	F		Y	66	1	A	7.50	0.00%	7
2005-063C	Lafayette Square Apartments	Miami-Dade	L			NP	160			2,320,500.00	F		Y	66	1	A	7.50	0.00%	10
2005-038C	Summerlin Oaks	Polk	L			FP	144			928,333.00	F		Y	66	1	A	7.50	0.00%	11
2005-099C	Golfview Apartments	Brevard	L			FP	158			2,320,500.00	F		Y	66	1	A	7.50	0.00%	12
2005-081C	Coral Place	Miami-Dade	L			FP	100			1,568,262.00	F		Y	66	1	A	7.50	0.00%	16
2005-035C	Evergreen Apartments	Hillsborough	L			FP	40			388,282.00	F		Y	66	1	A	7.50	0.00%	28
2005-054C	Postmaster Apartments	Miami-Dade	L			FP	55			454,666.00	E		Y	66	1	A	7.50	0.00%	33
2005-100C	Plinmalee Park	Miami-Dade	L			FP	128			2,320,500.00	F		Y	66	1	A	7.50	0.00%	40

NP = Non-Profit, FP = For Profit, FK = Florida Keys, E = Elderly, FF = Farmworker/Fishing Worker, H = Homeless, VI = HOPE VI, R = RD-515, RF = RD-514/516, U = Urban In-Fill, FPF = Front Porch Florida, F = Family, - = End of the Line SAIL



Ranked Order  
2005 Universal Application Cycle Ranking

Application File Number	Development	County	County Size	County below \$43,200	Urban In-Fill or Dev	FP or NP	Set-Aside Units	Tentative Funding Amount	MMRB Tentative Funding Amount	Competitive HC Tentative Funding Amount	Demographic Commitment	Designation Selection	Threshold Met	Total Scoring Points	Score Group	Leveraging Group	Total Proximity Points	SAIL as % of Dev Cost	Lottery Number
2005-033C	Villa Patricia	Miami-Dade	L		Y	FP	160			2,368,500.00	E		Y	66	1	A	7.50	0.00%	50
2005-036C	Merry Place	Palm Beach	L		Y	FP	128			1,309,044.00	F		Y	66	1	A	7.50	0.00%	87
2005-080S	Brookwood Forest Apartments	Duval	L		Y	FP	118	3,000,000.00			F		Y	66	1	A	7.50	21.85%	17
2005-039S	Talman Pines Apartments	Broward	L		Y	FP	88	3,000,000.00			F		Y	66	1	A	7.50	24.10%	34
2005-032S	Merridan Pointe Apartments	Hillsborough	L		Y	FP	360	3,000,000.00			F		Y	66	1	A	7.50	11.82%	55
2005-032S	Claymore Crossings Apartments	Hillsborough	L		Y	FP	260	3,000,000.00			F		Y	66	1	A	7.50	15.09%	110
2005-0198S	Spanish Trace Apartments	Hillsborough	L		Y	FP	120	3,000,000.00	6,740,000.00		F		Y	66	1	A	7.50	27.90%	121
2005-029S	Lake Kathy Apartments	Hillsborough	L		Y	FP	360	3,000,000.00			F		Y	66	1	A	7.25	12.03%	127
<b>Housing Credit Redefinition</b>																			
2005-059C	Goodbread Hills	Leon	M			FP	93			243,696.00	F	FPF	Y	66	1	A	7.50	0.00%	116
2005-123C	Pebble Hill Estates	Jackson	S		Y	FP	80			133,828.00	F		Y	66	1	A	7.50	0.00%	89
<b>SAIL Redefinition</b>																			
2005-071S	Nantuckel Cove Apartments	Hernando	M			FP	90	701,566.40			F		Y	66	1	A	7.50	25.90%	23
2005-068BS	Anderson Terrace Apartments	Hernando	M			FP	275	3,000,000.00	0.00		F		Y	66	1	A	7.00	13.32%	72
2005-027BS	Brook Haven Apartments	Hernando	M			FP	160	2,900,000.00	0.00		F		Y	66	1	A	7.00	22.11%	92
2005-067S	Enterprise Cove Apartments - Phase II	Volusia	M			FP	73	3,000,000.00			F		Y	66	1	A	4.25	31.58%	105
2005-119S	Portofino Apartments	Palm Beach	L			FP	270	496,488.00			F		Y	66	1	A	7.50	13.43%	91
<b>Eligible Unfunded Applications</b>																			
2005-014C	Arbor Manor	Polk	L		Y	FP	160			1,203,000.00	E		Y	66	1	A	7.50	0.00%	78
2005-037C	Dixie Court Apartments	Broward	L		Y	FP	122			1,251,220.00	F		Y	66	1	A	7.50	0.00%	102
2005-040C	Sunny Brooke	Hillsborough	L		Y	FP	186			1,807,544.00	F		Y	66	1	A	7.50	0.00%	107
2005-041C	Amber Garden	Miami-Dade	L		Y	FP	110			1,694,617.00	E		Y	66	1	A	7.50	0.00%	71
2005-042C	St. Amalia	Miami-Dade	L		Y	FP	150			2,311,992.00	E		Y	66	1	A	7.50	0.00%	80
2005-044C	St. Luke's Life Center	Polk	L		Y	NP	180			1,511,082.00	E		Y	66	1	A	7.50	0.00%	68
2005-050C	Le Jardin Apartments	Miami-Dade	L		Y	FP	100			1,568,317.00	E		Y	66	1	A	7.50	0.00%	82
2005-057C	Orange Park Apartments	Hardee	S		Y	FP	96			975,000.00	E		Y	66	1	A	7.50	0.00%	66
2005-062C	Estilake Village	Broward	L		Y	FP	184			1,678,266.00	F		Y	66	2	A	6.00	0.00%	85
2005-064C	Flagler Crossing Apartments	Palm Beach	L		Y	FP	154			1,650,000.00	F		Y	66	1	A	7.50	0.00%	118
2005-095C	Riverside Place	Miami-Dade	L		Y	FP	110			2,320,500.00	F		Y	62	1	B	3.75	0.00%	48
2005-097C	Pinnacle Oaks	Broward	L		Y	FP	138			2,320,500.00	F		Y	66	1	B	6.75	0.00%	21
2005-123C	Pebble Hill Estates	Jackson	S		Y	FP	80			941,011.00	F		Y	66	1	A	7.50	0.00%	89
2005-129C	Oaks at Stone Fountain	Hillsborough	L		Y	FP	80			876,458.00	F		Y	66	1	A	7.50	0.00%	96
<b>End of the Line SAIL applications</b>																			
2005-026S	Charona Groves Apartments	Orange	L			FP	264	1,000,000.00			F		Y	66	1	A	7.25	15.38%	93
2005-048S	Raydon	Miami-Dade	L		Y	NP	100	1,000,000.00			H		Y	66	1	B	7.50	34.26%	128
2005-092S	Heron Pond II	Lee	M			FP	155	1,000,000.00			E		Y	66	1	A	7.50	29.23%	115
2005-098S	The Outrigger Apartments	Orange	L			FP	184	1,000,000.00			E		Y	66	1	A	7.50	32.04%	67
2005-066S	Enterprise Cove Apartments	Volusia	M			FP	112	1,300,000.00			F		Y	66	1	A	4.25	31.40%	114
2005-068S	The Cove at Land Lake Apartments	Lake	M			FP	176	1,500,000.00			F		Y	66	1	A	6.25	19.76%	31
2005-070S	Nassau Club Apartments	Nassau	S			FP	135	1,000,000.00			F		Y	66	1	A	6.25	19.43%	75
2005-073S	See Addenda for Name	Lake	M			FP	128	1,500,000.00			F		Y	66	1	A	5.75	26.93%	19

NP = Non-Profit, FP = For Profit, FK = Florida Keys, E = Elderly, FF = Farmworker/Fishing Worker, H = Homeless, VI, R = RD-515, RF = RD-514/516 U = Urban In-Fill, FPF = Front Porch Florida, F = Family, \* = End of the Line SAIL

Ranked Order  
2005 Universal Application Cycle Ranking

Application File Number	Development	County	County Size	County below \$43,200	Urban In-Fill or Dev.	FP or NP	Set-Aside Units	SAIL Tentative Funding Amount	MMRB Tentative Funding Amount	Competitive HC Tentative Funding Amount	Demographic Commitment	Designation Selection	Threshold Met	Total Scoring Points	Score Group	Leveraging Group	Total Proximity Points	SAIL as % of Dev Cost	Lottery Number
2005-078S	Rivercrest Apartments	Hillsborough	L			FP	168	1,000,000.00			F		Y	66	*1	A	6.00	20.79%	104
2005-083S	Nautilus Cove Apartments	Bay	M			FP	94	1,500,000.00			F		Y	66	*1	A	5.00	30.84%	52
2005-094S	Grande Oaks Apartments	Hillsborough	L		Y	FP	168	1,000,000.00			F		Y	66	*1	A	7.50	25.97%	6
2005-118S	Alhambra Cove Apartments	Miami-Dade	L		Y	FP	240	1,000,000.00			F		Y	66	*1	A	7.50	14.80%	57
2005-119S	Portofino Apartments	Palm Beach	L			FP	270	1,000,000.00			F		Y	66	*1	A	7.50	13.43%	91
2005-120S	Bristol Bay Apartments	Hillsborough	L			FP	300	1,000,000.00			F		Y	66	*1	A	6.00	15.43%	100
<b>Withdrawn Applications</b>																			
2005-012B	Cutter Vista Apartments	Miami-Dade	L			FP	152		8,250,000.00		F		W	60		A	7.00	0.00%	41
2005-076S	Garnett Cove Apartments	Highlands	S			FP	73	3,000,000.00			F		W	66		A	4.25	28.98%	61
2005-121C	Gardenbrook Apartments	Polk	L			FP	136		1,011,853.00		F		W	66		A	7.50	0.00%	18
<b>Ineligible Applications</b>																			
2005-007BS	Clear Harbor Apartments	Pinellas	L			FP	84	2,500,000.00	4,445,000.00		F		N	64		A	6.00	31.34%	101
2005-009CS	Sabilla Place	Jackson	S	Y		FP	120	245,000.00		967,102.00	F		N	61		A	0.00	2.79%	59
2005-010C	Summit Pointe Apartments	Herndon	M			FP	182			1,160,250.00	F		N	61		A	0.00	0.00%	35
2005-011C	Scott-Carver Homes	Miami-Dade	L		Y	FP	160		2,037,000.00		F	VI	N	66		A	7.25	0.00%	63
2005-017C	Stadium Tower Apartments	Miami-Dade	L		Y	FP	70		716,200.00		F		N	66		A	6.25	0.00%	88
2005-018C	Artour's at Oakcrest	Escambia	M			FP	108		955,200.00		F		N	66		A	0.00%	9	
2005-021BS	Harbor Pointe Apartments	Hillsborough	L			FP	168	2,400,000.00	9,500,000.00		F		N	66		A	5.00	19.56%	27
2005-028S	Brownsville Manor Apartments	Miami-Dade	L		Y	FP	178	2,000,000.00		1,568,565.00	F		N	57		A	6.25	14.60%	20
2005-033CS	VOA Little Havana Project	Miami-Dade	L			NP	54	3,000,000.00		2,362,500.00	H	H	N	66		B	7.50	19.51%	117
2005-051C	Marsel	Miami-Dade	L			FP	155		420,000.00		F		N	66		B	4.50	0.00%	106
2005-055BS	Gran Via Apartments	Miami-Dade	L			FP	54				F		N	66		A	0.00	0.00%	125
2005-059S	Woods at Casselberry Apartments	Seminole	M			FP	148	3,000,000.00	6,300,000.00		F		N	62		A	0.00	26.70%	49
2005-072C	Covington Club Apartments	Seminole	M			FP	96	3,000,000.00		1,050,000.00	F		N	57		A	7.50	26.34%	84
2005-075S	Longview Cove Apartments	Escambia	M			FP	144				F		N	66		A	5.25		44
2005-079S	Wickham Club Apartments	Bayard	M			FP	132	1,500,000.00			F		N	66	*	A	3.50	27.31%	5
2005-081S	Rolling Green South Apartments	Sarasota	M			FP	136	1,500,000.00			F		N	57		A	5.00	25.70%	126
2005-086C	Club at Via Loma Apartments	Seminole	M			FP	84	3,000,000.00			F		N	66		A	4.25	23.08%	47
2005-089S	Madison Heights	Escambia	L			FP	96			990,000.00	E		N	66		B	7.50	0.00%	46
2005-090CS	Villa Maria Apartments	Miami-Dade	L		Y	NP	34	900,000.00		1,911,000.00	E	E	N	66		A	7.50	0.00%	65
2005-091BS	Meetinghouse at Okeechobee	Okeechobee	S	Y		FP	96	312,000.00		865,550.00	F		N	66		A	7.25	42.45%	13
2005-092C	Meetinghouse at Fort Pierce	St. Lucie	M			FP	160		8,590,000.00		F		N	56		A	3.75	4.18%	37
2005-096C	Prinnacle Plaza	Miami-Dade	L			FP	100			897,109.00	F		N	56		A	0.00	0.00%	90
2005-098C	Howard C. Forman Senior Village	Howard	L		Y	FP	132			2,320,500.00	F		N	61		A	6.25	0.00%	25
2005-103C	Wanchula Landing	Hardee	S	Y		NP	80			683,972.00	F		N	66		A	3.75	0.00%	122
2005-111C	Orchid Isle	Lee	M		Y	FP	112			531,672.00	E		N	61		A	7.25	0.00%	81
2005-112BS	Karapana Villas	Alachua	M			FP	174	3,000,000.00		1,075,000.00	F		N	66		A	7.50	20.01%	77
2005-114C	Holly Pointe Apartments	Miami-Dade	L		Y	FP	126				F		N	57		A	7.50	0.00%	22
2005-1178S	Alamnia Apartments	Highlands	S			FP	152	3,000,000.00	8,870,000.00		F		N	66		A	7.50	18.32%	86
2005-122S	The Palms at Lake Tulane	Highlands	S			FP	80	1,000,000.00			F		N	49		A	0.00	0.00%	123

NP = Non-Profit, FP = For Profit, FK = Florida Keys, E = Elderly, FF = Farmworker/Fishing Worker, H = Homeless, VI = HOPE VI, R = RD-515, RF = RD-514/516, U = Urban In-Fill, FPF = Front Porch Florida, F = Family, \* = End of the Line SAIL

**Florida Housing Finance Corporation  
2005 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.

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:

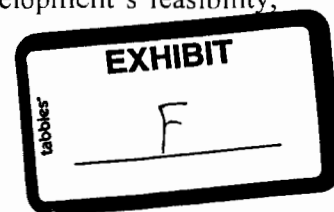
- (B) QUALIFIED ALLOCATION PLAN.--For purposes of this paragraph, the term 'qualified allocation plan' means any plan--
  - (i) which sets forth selection criteria to be used to determine housing priorities of the housing credit agency which are appropriate to local conditions,
  - (ii) which also gives 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 subsection (d)(5)(C)], and the development of which contributes to a concerted community revitalization plan, and
  - (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.
- (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 involves the use of existing housing as 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

The Qualified Allocation Plan was developed based on IRC requirements and rental housing needs assessment studies conducted by independent vendors for FHFC.

The FHFC Board of Directors and the Governor of the State must approve the plan before its implementation.

All Developments will be reviewed if eligible pursuant to Chapter 67-48, Florida Administrative Code, and evaluated pursuant to FHFC threshold, scoring and ranking criteria.

Prior to the issuance of a Housing Credit Allocation, a Development must be underwritten in accordance with Rule 67-48.0072, F.A.C., in order to determine the Development's feasibility,



ability to proceed and the appropriate housing credit amount, if any. FHFC shall issue Housing Credits in an amount no greater than the amount needed for the financial feasibility and viability of a Development throughout the credit period. The issuance of Housing Credits or the determination of any allocation amount in no way represents or purports to warrant the feasibility or viability of the Development by FHFC.

All capitalized terms not otherwise defined herein have the meanings set forth in Chapter 67-48, Florida Administrative Code.

The 2005 Housing Credit Allocation Authority will be awarded in accordance with the Universal Application Package and as follows:

1. FHFC will allocate Housing Credits to the highest ranked, unfunded, eligible 2004 Competitive Housing Credit Universal Application that is proposing a Development in De Soto County that accepts an invitation to enter credit underwriting and that, by June 30, 2005 receives a positive recommendation from its assigned Credit Underwriter that is approved by FHFC. In addition, FHFC will allocate Housing Credits to the highest ranked, unfunded, eligible 2004 Competitive Housing Credit Universal Application that is proposing a Development in Polk County that accepts an invitation to enter credit underwriting and that, by June 30, 2005 receives a positive recommendation from its assigned Credit Underwriter that is approved by FHFC.

2. Three hundred thousand dollars (\$300,000) in Housing Credits will be set aside for those Applicants that meet all of the following criteria: (1) select and qualify for the Rural Development designation; (2) meet the Application's threshold requirements; (3) receive a score of not less than 60 points for the proposed Development's Application and; (4) provide evidence to Florida Housing by October 1, 2005 of funding from United States Department of Agriculture Rural Development (USDA RD) programs RD 515, RD 514 and/or RD 516.

a. Applicants that choose to compete within the RD Development Special Set-Aside will, to the extent not fully or partially funded in such Set-Aside, also be eligible to compete within the Geographic Set-Aside within which the Development is located (in the event of competition within the Geographic Set-Aside, a RD 514/516 Applicant shall be counted as a Farmworker/Commercial Fishing Worker Development).

b. Any Applicant partially funded under the RD Development Special Set-Aside shall receive a Binding Commitment to fund the balance of the amount of credits determined as needed, subject to the provisions of Section 14 hereof.

c. Any remaining credits not designated for Developments within this Special Set-Aside will be distributed in accordance with Section 6 hereof.

3. FHFC will endeavor to allocate credits to not less than 180 set-aside units and if more than one Florida Keys Area Applicant is chosen for tentative funding, not more than 270 set-aside units to those Applicants that meet the following criteria: (1) select and qualify for the Florida Keys Area designation; (2) meet the Application's threshold requirements; and (3) receive a score of not less than 60 points for the proposed Development's Application.

Applicants that are only applying for Competitive Housing Credits and choose to compete as a Development in the Florida Keys Area will, to the extent not fully funded as a Development in the Florida Keys Area, also be able to compete within the Small County Geographic Set-Aside.

4. Three million dollars (\$3,000,000) in Housing Credits will be set-aside for those Applicants that meet all of the following criteria: (1) select and qualify for the Front Porch Florida Community designation; (2) meet the Application's threshold requirements; and (3) receive a score of not less than 60 points for the proposed Development's Application.

a. Applicants that meet the above criteria and choose to compete as a Front Porch Florida Community Applicant will first compete within this Front Porch Florida Community Special Set-Aside and, to the extent not fully or partially funded, may also compete within the Geographic Set-Aside within which such Development is located.

b. Any Applicant partially funded under this Special Set-Aside shall receive a Binding Commitment to fund the balance of the amount of credits determined as needed, subject to the provisions of Section 14 hereof.

c. Any remaining credits not designated for Developments in this Special Set-Aside, in accordance with the preceding established procedure, will be distributed in accordance with Section 6 hereof .

d. Applications that have met the criteria to compete within the Front Porch Florida Community Special Set-Aside will have their Developments counted as Urban In-Fill Developments and if selected for a tentative allocation, will count toward the goal of allocating Housing Credits to two Urban In-Fill Developments.

5. The Geographic Set-Aside distributions are based on the most recent statewide market study:

Large County Allocation Authority:	60%
Medium County Allocation Authority:	30%
Small County Allocation Authority:	10%

6. As of the date the FHFC Board approves final ranking, any returned Housing Credits (with the exception of those deemed returned under Section 11 hereof) plus the Housing Credit Allocation Authority received based on the per capita calculation plus any Housing Credits received from the National Pool, less any amount obligated to be allocated pursuant to existing commitments, less the amount of Housing Credits tentatively allocated or allocated pursuant to Section 1 above, less the amount of Housing Credits tentatively allocated to those Applicants in the Competitive HC Florida Keys Area Special Set-Aside, less the amount of Housing Credits tentatively allocated to those Applicants in the RD Development Special Set-Aside, less the amount of Housing Credits tentatively allocated to those Applicants in the Front Porch Florida Community Special Set-Aside and less the amount of Housing Credits tentatively allocated to those Applicants in the SAIL Homeless Special Set-Aside, will be allocated pursuant to the set-asides described in Section 5 above and subject to Sections 7 and 8 below.

7. FHFC will endeavor to allocate not less than 12% of the 2005 Allocation Authority amount (per capita allocation plus returned Housing Credits plus any National Pool Housing Credits received) as of the date the Board approves final ranking for Developments with Applicants qualified as Non-Profit pursuant to Rule Chapter 67-48, F.A.C., whose Applications have met threshold requirements. FHFC is required by Section 42, IRC, to allocate not less than 10% of its Allocation Authority to qualified Non-Profits. FHFC has determined that an initial allocation of 12% to qualified Non-Profits will help ensure that the 10% requirement will be met in the event that all Developments included in the initial 12% do not receive an allocation. FHFC will endeavor to accomplish this goal by following the procedures stated in the Ranking and Selection Criteria section of the Universal Application Instructions.

a. When a Non-Profit Applicant is to receive a Binding Commitment for credits from future Allocation Authority, FHFC shall only include the 2005 credits actually allocated, and not the amount of the Binding Commitment, to determine compliance with the 12% goal. FHFC shall include in such 12% calculation any 2005 credits allocated or to be allocated pursuant to a commitment or pursuant to the provisions of Section 1 above.

b. No more than 90 percent of the Allocation Authority as of October 1, 2005, including any Housing Credits received from the 2005 National Pool before or after this date and including any returned credits after this date, will be allocated to Applicants which do not qualify as Non-Profit Applicants.

c. In the event it is determined that the 10% minimum for Non-Profit Applicants will not be met because a Non-Profit Applicant selected for tentative funding will not be funded (determined before or after October 1, 2005), the 2005 credits that were to be allocated to that Non-Profit Applicant will be tentatively allocated, subject to eligible Non-Profit Applicant availability, to (a) Non-Profit Applicants receiving a partial allocation in the following order of Set-Asides: (i) Large County, (ii) Medium County, (iii) Small County, (iv) Front Porch Florida Community, and (v) RD Development, and then (b) to fund the next highest scoring, eligible Non-Profit Application regardless of Set-Aside until all available Housing Credits are allocated. If the remaining Allocation Authority after application of the foregoing is not sufficient to fully fund the next highest scoring, eligible Non-Profit Application not previously funded, such Applicant shall be entitled to a Binding Commitment for the unfunded balance, without regard to the limitations imposed by Section 14 hereof. If there is an insufficient number of eligible Non-Profit Applicants, either partially funded or unfunded, to tentatively allocate all of the Housing Credits made available by a decision not to fund a Non-Profit Applicant that was previously selected for tentative funding, those credits that could not be tentatively allocated to Non-Profit Applicants will be tentatively allocated, subject to Section 7.b. hereof, in accordance with Section 10 hereof.

If additional Allocation Authority becomes available after the Board approves final ranking, either through the National Pool or by prior years' credits returned before October 1, 2005 or by both, or by National Pool credits received after October 1, 2005, and this causes the percentage of credits to be allocated to Non-Profits to drop below 10% of the new total Allocation Authority, then the amount needed to bring the percentage back up to the 10% minimum will be computed. The additional credit amount minus the amount needed to meet the 10% minimum

will be allocated in accordance with Section 9 or Section 10, as applicable. The amount needed to meet the 10% minimum will be tentatively allocated, subject to eligible Non-Profit Applicant availability, to (a) Non-Profit Applicants receiving a partial allocation in the following order of Set-Asides: (i) Large County, (ii) Medium County, (iii) Small County, (iv) Front Porch Florida Community, and (v) RD Development, and then (b) to fund the next highest scoring, eligible Non-Profit Application regardless of Set-Aside until all available Housing Credits are allocated. If the last remaining Allocation Authority after application of the foregoing is not sufficient to fully fund the next highest scoring, eligible Non-Profit Application not previously funded, such Applicant shall be entitled to a Binding Commitment for the unfunded balance, without regard to the limitations imposed by Section 14 hereof. If there is an insufficient number of eligible Non-Profit Applicants, either partially funded or unfunded, to tentatively allocate all the credits to, the unallocated credits will be carried forward to the following year.

d. After the 12% Non-Profit goal has been realized, remaining Applications from Non-Profit Applicants shall compete with all other Applications in the HC Program for remaining Allocation Authority, if eligible under the Universal Application Package.

8. FHFC's goal is to have a diversified rental housing portfolio. Therefore, its targeting goal is to allocate credits, regardless of Geographic Set-Aside and to the extent such targeting goals can be met in accordance with these procedures, to a minimum of: one Elderly Development, which may consist of an Assisted Living Facility licensed pursuant to Florida Statutes 400.401 through 400.454, two Farmworker/Commercial Fishing Worker Developments in addition to any USDA RD 514/516 Developments funded under the RD Development Special Set-Aside, two Urban In-Fill Developments, and one Development in each of the following counties: Brevard, Charlotte, De Soto, Escambia, Hardee, Indian River, Martin, Okeechobee, Polk, St. Lucie and Santa Rosa. Developments will be classified as Elderly, Farmworker/Fishing Worker, and/or Urban In-Fill only to the extent so selected and qualified within the Universal Application Package. Developments funded within the Front Porch Florida Community Special Set-Aside, as stated in Section 4 above, will count toward meeting the goal of funding Urban In-Fill Developments. A USDA RD 514/516 Development moved to compete within its respective Geographic Set-Aside will be designated a Farmworker/Commercial Fishing Worker Development.

The targeting goals will be achieved in accordance with the procedures outlined in the Universal Application Instructions. The goal of allocating Housing Credits to a minimum of one Development in De Soto County and to a minimum of one Development in Polk County can be met by an allocation of Housing Credits that has been made or will be made in accordance with the provisions of Section 1 above.

In the event there is an insufficient number of Housing Credits within a Geographic Set-Aside to fully fund an Application that would have been selected for tentative funding to meet the above goal of funding at least one Development in each of the eleven specified counties if it were not for the lack of Housing Credits, the Application(s) will receive a Binding Commitment for 2006 Housing Credits in an amount approved by the Corporation regardless of the limitation stated in Section 14 hereof.



*QAP re returned credits*

9. Any unused Allocation Authority within a Set-Aside as provided in Section 6 herein will be tentatively allocated in accordance with the Universal Application Instructions. In the event the Board approves final ranking before September 30, 2005, any additional Allocation Authority received by FHFC from the National Pool or returned Housing Credits between the date the Board approved final ranking and October 1, 2005, will be used subject to Section 7.c hereof, (a) to fund any Development that has been partially funded (excluding Applicants not funded because their total Allocation request exceeds the permissible Binding Commitment limit set forth in Section 14 hereof) in the following order of Set-Asides: (i) Large County, (ii) Medium County, (iii) Small County, (iv) Front Porch Florida Community, and (v) RD Development, and then (b) to fund the next highest scoring, eligible Application regardless of which of the above stated Set-Asides it is in until all available Housing Credits are 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 limitation imposed by Section 14 hereof.

10. Any Allocation Authority received on or after October 1, 2005, or such later date as the Board approves final ranking, including any received due to a tentatively funded Applicant withdrawing or otherwise failing to proceed, will be used, subject to the provisions of Section 7.c. hereof, (i) to fully fund any Application that has been partially funded by the method described in Section 9 above and then (ii) applied to the 2006 Housing Credits Funding Cycle; provided that any such Allocation Authority received which, if after application of (ii) above would cause FHFC to be above the de minimis requirements for use of allocation necessary to participate in the National Pool, shall instead be applied as provided in Section 9 above. Subject to Section 7.c. above no further effort will be made to achieve the 2005 targeting goals with any such additional Allocation Authority. If the 10% Non-Profit requirement has been met at the time such additional Allocation Authority is received, no further effort will be made to achieve the Non-Profit goal or revise any previous adjustment of Applicant rankings necessary to achieve such goal. If any post-September Allocation Authority remains, it shall be treated in accordance with IRS Regulation 1.42-14.

11. Notwithstanding any other provision of this QAP, where a Development has not been placed in service by the date required or it is apparent that a Development will not be placed in service by the date required, such failure is due to circumstances beyond the Applicant's control, and the Applicant has returned its Housing Credit Allocation in the last calendar quarter of the year in which it was otherwise required to be placed in service, the Corporation may reserve allocation in an amount not to exceed the amount of Housing Credits returned, and may allocate such Housing Credits to the Applicant for the year after the year in which the Development was otherwise required to be placed in service, provided the following conditions have been met: (i) the sponsor must have provided written notice to the Corporation via Certified Mail, describing the circumstances, all remedial measures attempted by the Applicant to mitigate the delay, and any other pertinent information, prior to returning the allocation; and (ii) the Executive Director must find and determine that the delay was caused by circumstances beyond the Applicant's control, that the sponsor exercised due diligence in seeking to resolve the circumstances causing delay, that the Development in all respects, except time placed in service, still meets the conditions upon which the Housing Credits were originally allocated, and that the Development



is still desirable in terms of meeting affordable housing needs.

12. Any Application receiving a partial Housing Credit Allocation will receive a Binding Commitment for the remaining amount as determined by FHFC's Credit Underwriter and approved by FHFC, subject to the provisions of Section 14 hereof.

13. In the event of a disaster declared by the federal or state government, any Allocation Authority not preliminarily allocated, as well as any authority remaining after November 1, 2005, may be diverted to one or more federally or state declared disaster areas.

14. Except as otherwise set forth herein and except for commitments awarded pursuant to Chapter 67-48.005, F.A.C., no Binding Commitment shall be awarded for an amount in excess of 40% of the Applicant's total allocation request.

15. No adjustments will be made to achieve the Special Set-Asides and, with the exception of the provisions stated in Section 7.c, Competitive HC Goals stated in the Universal Application Package, if the Executive Director or the Board of Directors determines, based on a negative recommendation from the Credit Underwriter, that an Application chosen for tentative funding should not receive a Housing Credit Allocation.

16. Housing credits will be allocated in accordance with the 2004 Qualified Allocation Plan until the 2005 Qualified Allocation Plan becomes effective.

#### **I. Selection Criteria**

Upon receipt of a completed Universal Application Package for Housing Credits pursuant to FHFC rule requirements and notification of an open credit allocation cycle, FHFC shall score and rank the Universal Application according to the following required selection criteria and the priorities set forth in Part II below.

##### **A. Location**

- \* Developments which are located in qualified Urban In-Fill areas will be targeted.
- \* Developments located in the Florida Keys Area will be targeted.
- \* Developments located in Front Porch Florida Communities will be targeted.
- \* Developments located in each of the following counties: Brevard, Charlotte, Escambia, Hardee, Indian River, Martin, Okeechobee, St. Lucie and Santa Rosa will be targeted.
- \* If the objective of allocating Housing Credits to one Development in De Soto County and one Development in Polk County is not achieved through the provisions of Section 1 above, Developments located in the county or counties where the objective was not met will be targeted.

- \* Counties within the state are divided into 3 groups according to population and housing needs. The geographic distribution plan will be in accordance with Section 5 herein.
- \* Specific criteria for the Geographic Set-Aside categories, the Florida Keys Area, Front Porch Florida Communities, and the Urban In-Fill area qualifications are addressed in the Universal Application Package which is incorporated by reference in the FHFC rules.

B. Housing Needs Characteristics:

- \* Developments which meet state, regional and local housing needs will be targeted.
- \* Developments which are designed to attract and serve the Elderly will be targeted.
- \* Developments which are designed to attract and serve Farmworker/Commercial Fishing Worker families will be targeted.
- \* Developments which are designed to attract and serve the Homeless will be targeted.
- \* Developments which are 50 units or less will be targeted.

These categories are specifically addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

C. Development Characteristics:

- \* Developments which offer the most efficiency in development and thereby the best and most efficient use of the Housing Credits will be targeted in the following categories:
  - Experience of Development Team
  - Development Funding, Feasibility and Economic Viability
  - Ability to Proceed
  - Construction Features and Amenities
  - Leveraging
  - Equity Realized from Sale of Credits
  - Energy Conservation
- \* Developments which offer resident services and programs will be targeted.
- \* Developments which address family housing will be targeted.

- \* Developments which address Elderly housing will be targeted.
- \* Developments which address housing for the Homeless will be targeted.

These criteria are specifically addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

D. Sponsor Characteristics:

- \* Both Non-Profit and for-profit Sponsors/Developers may participate in the program, other than the IRC requirement for a 10% Non-Profit goal.
- \* Applications will be rejected if the Applicant, an Affiliate of the Applicant, or a partner of a limited investment partnership have existing Developments that fail to comply with Chapter 67-48, F.A.C., Section 42 of the Internal Revenue Code, the recorded Extended Use Agreement, or other FHFC programs.
- \* If any Applicant, an Affiliate of an Applicant, or a partner of a limited investment partnership is determined by FHFC to have engaged in fraudulent actions or to have deliberately misrepresented information within the current Application or in any previous Applications for financing or Housing Credits administered by FHFC, the Applicant and any of the Applicant's Affiliates will be ineligible to apply for any program administered by the FHFC for a period of two years, which will begin from the date the Board approves the disqualification of the Applicant's Application.
- \* Developments which are located in Urban In-Fill areas and Developments in the Front Porch Florida Community Program, involving the use of existing housing as part of a community revitalization plan, will be targeted.

These criteria are addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

E. Tenant Populations With Special Housing Needs:

- \* Developments which will serve the Elderly will be targeted.
- \* Developments which will serve Farmworker/Commercial Fishing Worker families will be targeted.
- \* Developments which will serve the Homeless will be targeted.

These criteria are specifically addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

F. Tenant Populations of Individuals with Children:

- \* Developments that have amenities and resident programs that service families with children are specifically targeted.

This criterion is specifically addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

G. Public Housing Waiting Lists:

- \* Developments are required to actively seek persons on public housing waiting lists.

This criterion is specifically addressed in the Universal Application Package as a threshold requirement and is incorporated in FHFC rules by reference.

H. Developments Intended for Eventual Resident Ownership:

- \* Developments which provide specific programs for enabling residents to purchase a unit in the Development will be targeted.

This criterion is specifically addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

**II. Priorities**

- A. Developments which will serve the Elderly, the Homeless, families, Farmworkers/ Commercial Fishing Workers, Developments financed with USDA RD 514 and/or RD 516 or with USDA RD 515, Developments located in each of the following counties: Brevard, Charlotte, De Soto, Escambia, Hardee, Indian River, Martin, Okeechobee, Polk, St. Lucie and Santa Rosa, Developments located in the Florida Keys Area or Developments which are located in an Urban In-Fill area, including those which meet the criteria to be classified as a Front Porch Florida Community Development, will be targeted.

These criteria are addressed in the Universal Application Package which is incorporated in FHFC rules by reference and in Sections 1, 2, 3, 4 and 8 above.

- B. Developments which will serve the lowest income families will be targeted.

This criterion is addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

- C. Developments which will waive the option to convert the set-aside units to market after year 14 and extend the set-aside period beyond the required 30-year period will be targeted.

- \* A commitment to waive the option to convert after year 14 and to set-aside units beyond the required 30-year period is awarded points on a pro-rata basis. The minimum additional set-aside period is 1 year and the maximum additional set-aside period is 20 years, for a maximum total length of 50 years.

This criterion is addressed in the Universal Application Package and is incorporated in FHFC rules by reference.

- D. Developments located in qualified census tracts, the development of which contributes to a concerted community revitalization plan will be targeted.

This criterion is addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

- E. Developments which require the least amount of Housing Credits to produce an affordable unit will be targeted.

This criterion is specifically addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

- F. The FHFC will initially allocate not less than 12% (as described in Section 7 of this QAP) of the state's Allocation Authority to Developments involving qualified, Non-Profit Applicants, provided they are Non-Profits organized under Chapter 617, Florida Statutes, or similar state statute if incorporated outside Florida, and as set forth in Section 42(h)(5) of the Internal Revenue Code, as amended, and Rule Chapter 67-48, Florida Administrative Code.

- G. The order of funding is: one Development in De Soto County and one Development in Polk County (eligible, unfunded Developments from the 2004 Universal Application Cycle), Florida Keys Area Developments, Developments selected for SAIL tentative funding within the SAIL Homeless Special Set-Aside, Front Porch Florida Community Developments, RD Developments, two Farmworker/Commercial Fishing Worker Developments, two Urban In-Fill Developments, one Elderly Development which may consist of an Assisted Living Facility, one Development in each of the following counties (funded in ranked order and only selected for funding if a Development from the county has not received or is not scheduled to receive a Housing Credit allocation in accordance with the provisions of Section 1 above): Brevard, Charlotte, De Soto, Escambia, Hardee, Indian River, Martin, Okeechobee, Polk, St. Lucie and Santa Rosa, meeting the 12% Non-Profit goal, Small County Geographic Set-Aside Developments, Medium County Geographic Set-Aside Developments, and then, Large County Geographic Developments. The goal of allocating Housing Credits to two Farmworker/Commercial Fishing Worker Developments, two Urban In-Fill Developments, one Elderly Development, one Development in each of the following counties: Brevard, Charlotte, De Soto, Escambia, Hardee, Indian River, Martin, Okeechobee, Polk, St. Lucie and Santa Rosa, and 12% of the Allocation Authority to Non-Profit Applicants can be met or

partially met when allocating credits to Applications within the SAIL Homeless Special Set-Aside, the HC Florida Keys Area Special Set-Aside, the HC RD Special Set-Aside, or the HC Front Porch Florida Community Special Set-Aside.

- H. Provided they are consistent with the QAP, the decisions of the Board of Directors of FHFC regarding Binding Commitments or the allocation of Housing Credits are solely within the discretion of the Board and shall be considered final.

### **III. Application of the Plan to Tax-Exempt Bond-Financed and Non-cycle Developments**

#### **A. Bond Financed Developments:**

- \* Developments financed with tax-exempt bonds subject to volume cap are required to meet FHFC minimum Housing Credit guidelines to qualify and be eligible for a Housing Credit analysis. If 50% or more of the aggregate basis of a Development's building(s) and the land on which such building(s) are located is financed with volume cap tax-exempt bonds, the Housing Credits are issued at the federal level rather than as part of the State's allocation authority and these Developments are not subject to the FHFC ranking and scoring process as set forth in Sections I and II above; however, they must meet the minimum threshold criteria, as follows:

Developments that receive tax-exempt bonds issued by the Florida Housing Finance Corporation will be deemed to have met the minimum threshold criteria by successfully completing a request for Housing Credits in their bond Application.

All other bond-financed Developments must meet minimum threshold requirements, must submit a complete Universal Application by the date specified in Chapter 67-48, Florida Administrative Code, and must achieve an Application score of at least 45 points.

These bond-financed Developments are subject to all other provisions of Chapter 67-48, Florida Administrative Code, including, but not limited to, the compliance monitoring requirements set forth in Part IV of this plan below.

#### **B. Non-cycle Developments:**

- \* If time constraints preclude the conduct of an additional open credit allocation cycle and Housing Credit Allocation Authority remains available to FHFC after the allocation of credits to all Developments which (i) apply in an open credit allocation cycle, (ii) meet the minimum threshold requirements, and (iii) are evaluated in accordance with the criteria set forth in Parts I and II above, FHFC may allocate credit to any Development which meets the minimum threshold requirements stated in the QAP.

#### IV. Compliance

- A. All Housing Credit Developments will be monitored by FHFC or its appointee. Detailed compliance requirements are set forth in the Compliance rules of 67-53, Florida Administrative Code, and in 26 CFR Part 1 Section 1.42-5.
- \* FHFC, or its legal representative, shall conduct on-site Development inspections periodically.
  - \* FHFC will monitor USDA-RD (formerly FmHA) Developments in conjunction with USDA-RD (formerly FmHA) headquarters.
  - \* FHFC, or its legal representative, may conduct additional on-site Development inspections at any time during the Compliance Period without prior notice to the affected Housing Credit recipient(s).
- B. All Housing Credit recipients shall submit a certified Annual Report to include the number of set-aside units and the rents assessed for these units. Occupancy reports must be submitted and shall include an accounting of the set-aside units. Ten percent of the income certifications and recertifications completed since the last report must be attached.
- \* All Housing Credit recipients shall maintain, as part of the official Development records, income certification and verification information of the low and very-low income residents.
- C. FHFC shall have access to all official Development records at any reasonable time.
- \* All official resident records or complete copies of all official resident records must be maintained within 50 miles of the Development.
- D. FHFC shall promptly notify the Internal Revenue Service of any Development non-compliance in relation to Section 42 of the Code and all other related applicable federal regulations.

New: 4-30-90; Amended: 3-25-91; 3-12-92; 3-4-93; 12-16-93, 2-9-95; 1-5-96; 10-21-96, 12-8-97, 9-25-98, 12-16-99, 1-4-01, 2-22-02, 2-28-03, 3-1-04, 1-11-05.

**UNIVERSAL APPLICATION PACKAGE  
NOTICE OF POSSIBLE SCORING ERRORS  
REQUEST FOR REVIEW FORM**

Notice of Possible Scoring Error(s) regarding Application No. 2005- 126C  
(one Application number per notice)

Part/Section/Subsection			Number of Issues For Review
<u>II</u>	<u>B</u>	<u>1</u>	<u>1</u>
<u>III</u>	<u>C</u>	<u>2</u>	<u>2</u>
<u>IV</u>	<u>B</u>		<u>1</u>
<u>V</u>			<u>1</u>
Total Number of Issues For Review			<u>5</u>

TRACKING NO:  
69

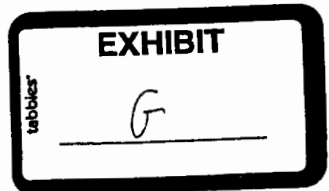
Submitted by Authorized Representative for Application Number 2005- 031C

Signature of Authorized Representative for above-designated Application.

Signature: *Gary J. Cohen*

Print Name: Gary J. Cohen

All notices must be submitted in accordance with Rule Chapters 67-48.004(4) and 67-21.003(4) and should contain enough information for staff to evaluate them. This will include, but may not be limited to, a detailed description of the issue being identified and action requested by submitting Applicant, such as reduction of score or rejection of the Application. Attach additional pages if necessary. All notices should be submitted in typewritten form.





SHUTTS  
&  
BOWEN  
LLP

ATTORNEYS AND COUNSELLORS AT LAW

March 25, 2005

Stephen P. Auger  
Deputy Development Officer  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301-1329

**Re: Royal Palms Senior Apartments ("Applicant"); Application No. 2005-126C;  
Notice of Potential Scoring Error ("NOPSE")**

Dear Mr. Auger:

In the memorandum dated March 18, 2005 from you, such memorandum indicated that if an applicant wishes to notify the Corporation of possible scoring errors relative to another applicant's application, a written request for a review of the other applicant's score must be filed by March 28, 2005. I am writing on behalf of Lakeside Village, 2005-031C. We believe that the following errors occurred in the scoring of the Applicant's application.

1. Part II.B.1. Developer. Applicant has listed an incorrect entity as Developer. Under Rule 67-48.004(14)(b), the identity of a developer is one of the 15 "non-curable" items a deficiency in which must result in rejection of an application. Applicant has identified the Developer on page 3 of its application as "RLI Beneficial Development 5 LLC". Applicant has identified the same Developer on Exhibits 9, 11 and 54 of the application. A search of the Florida Department of State website does not turn up any entity with that name. (See attached documents.) An entity with a similar name ("RLI Beneficial Development 2005, LLC") does turn up on the website; however, this entity was not formed until March 2, 2005, after the Application Deadline.

Failure to correctly provide the identity of the Developer should result in rejection of the application without an opportunity to cure, under Rule 67-48.004(14).

2. Part III.C.2. Site Control. The real estate purchase contract between Albert Marchesano and Beneficial Investments, LLC dated November 22, 2005 fails for the following reasons:

a. In Section 8(p) (page 6 of the contract), it appears that the property is already subject to another contract for purchase and sale (the "Heartsprings Contract"). Applicant has not provided a copy of the Heartsprings Contract; therefore, it cannot be determined whether Heartsprings International Ministries, Inc. (the purchaser thereunder) has a right to proceed in the purchase of the real estate notwithstanding that it apparently failed to win

Stephen P. Auger  
Deputy Development Officer  
Florida Housing Finance Corporation  
March 25, 2005  
Page 2

tax credits. In many contracts such as this, the award of tax credits is a contingency to closing which may be waived by the purchaser if the purchaser determines to purchase the property anyway. Further, Applicant has not provided any evidence of actual termination of the Heartsprings Contract. As such, the contract with Beneficial Development must fail, since the property is already subject to another real estate purchase contract which has not been shown to have been terminated.

b. In the "Assignment and Assumption Agreement" dated February 11, 2005 by and between Beneficial Investments, LLC and the Applicant, the signature block for the Applicant identifies "Beneficial Oaks at Shannon's Crossing LLC" as the general partner of the Applicant, signing on behalf of the Applicant. This entity is not the general partner of the Applicant. As such, the Assignment and Assumption Agreement has been invalidly executed and should be disregarded.

For the foregoing reasons, the threshold requirement of site control should be found to have been failed.

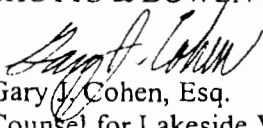
3. Part V.B. Commitment to Defer Developer Fee. In Exhibit 54, Applicant has provided for RLI Beneficial Development 5 LLC to defer the developer fee. As discussed above, this entity is not in existence and is not the developer of the property. As such, this commitment to defer the developer fee should be disregarded, resulting in a construction and permanent financing shortfall. As a result, the Applicant should be found to have failed to meet threshold.

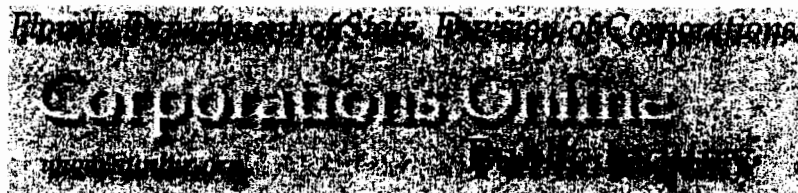
4. Part V. Development Cost Proforma. In its development cost proforma, Applicant provides for an FHFC compliance fee of \$33,435.00. The correct compliance fee is \$68,684.00. Applicant does not provide any soft costs contingency line item to absorb this excess cost of approximately \$35,000.00. As a result, there is a shortfall in construction financing of approximately \$35,000.00. As such, this application should be found to have failed threshold due to such shortfall.

Thank you for consideration of this NOPSE. We reserve our right to cross-appeal this application in any Department of Administrative Hearing or any other appropriate legal forum.

Sincerely,

SHUTTS & BOWEN LLP

  
Gary J. Cohen, Esq.  
Counsel for Lakeside Village,  
2005-031C



## Corporate Name List

Corporate Name	Document Number	Status
<u>RLI BENEFICIAL DEVELOPMENT 2005, LLC</u>	L05000021348	ACT
<u>RLI BENEFICIAL DEVELOPMENT, LLC</u>	L04000020221	ACT
<u>RLI BENEFICIAL HOLDINGS 2005 LLC</u>	L05000006974	ACT
<u>RLI BENEFICIAL HOLDINGS 2005 LLC</u>	L05000006975	ACT
<u>RLI BENEFICIAL PENNSYLVANIA HOLDINGS, LLC</u>	L05000005224	ACT
<u>RLI BENEFICIAL WILLOWS, LLC</u>	L04000009743	ACT
<u>R. LICEA CONSTRUCTION, INC.</u>	426558	INACT
<u>R. LICURSI &amp; ASSOCIATES, INC.</u>	S22754	INACT
<u>RLI FINANCIAL SERVICES OF THE EAST COAST, INC.</u>	K42342	INACT
<u>RLI FORTUNE PARTNERS LLC</u>	L04000068668	ACT
<u>R. LIFT, LLC</u>	L04000065358	ACT
<u>R. LIGHTLE CONSTRUCTION INCORPORATED</u>	P03000102133	ACT
<u>R.L. IHRIG RESEARCH, INC.</u>	677204	INACT
<u>RLI INDEMNITY COMPANY</u>	F96000004118	ACT
<u>RLI INSURANCE COMPANY</u>	827926	ACT
<u>RLI INTERNATIONAL CORPORATION</u>	P02000015678	INACT
<u>RLI INVESTIGATIVE AGENCY, INC.</u>	P99000111120	ACT
<u>R L I (LETTERS IN BLOCK FORM)</u>	919298	ACT
<u>R &amp; L OF ILLINOIS, INC.</u>	P27846	INACT
<u>R &amp; L ILLUSIONS, INC.</u>	K23804	INACT
<u>R. LIL ORBITS, INC.</u>	P96000056135	INACT
<u>R LIL ORBITS MINI DONUTS, INC.</u>	P04000125381	ACT
<u>RL IMAGE PRODUCTIONS, INC.</u>	P03000051063	INACT/UA
<u>RLI MORTGAGE SERVICES, LLC</u>	M99000000029	INACT

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### Florida Limited Liability

### RLI BENEFICIAL DEVELOPMENT 2005, LLC

**PRINCIPAL ADDRESS**  
 3131 CLARK ROAD, SUITE 203  
 SARASOTA FL 34231

**MAILING ADDRESS**  
 3131 CLARK ROAD, SUITE 203  
 SARASOTA FL 34231

**Document Number**  
 L05000021348

**FEI Number**  
 NONE

**Date Filed**  
 03/02/2005

**State**  
 FL

**Status**  
 ACTIVE

**Effective Date**  
 NONE

**Total Contribution**  
 0.00

### Registered Agent

Name & Address
B&C CORPORATE SERVICES OF CENTRAL FL, INC 390 N. ORANGE AVENUE, SUITE 1100 ORLANDO FL 32801

### Manager/Member Detail

Name & Address	Title
NONE	

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Report Year	Filed Date

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