

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

**DDC INVESTMENTS, LTD.
d/b/a DENISON DEVELOPMENT
FLORIDA, LTD.,**

Petitioner,

v.

**CASE NO: 2012-015UC
FHFC Application Nos. 2011- 136C**

**FLORIDA HOUSING FINANCE
CORPORATION,**

Respondent.

PETITION FOR INFORMAL ADMINISTRATIVE PROCEEDING

Pursuant to sections 120.569 and 120.57, Florida Statutes, and Rules 28-106.301, 67-48.005, and 67-52.002(3), Fla. Admin. Code, Petitioner, DDC Investments, Ltd. d/b/a Denison Development Florida, Ltd., (“Petitioner,” “DDC” or “Merritt Grand”) hereby requests an informal administrative proceeding regarding Florida Housing Finance Corporation’s decision to deny low income rental housing tax credits for an application submitted by DDC for the 2011 Universal Cycle. The application at issue was filed by Petitioner for a proposed development known as Merritt Grand.

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FLORIDA HOUSING
FINANCE CORPORATION**

Parties

1. The agency affected is the Florida Housing Finance Corporation (“FHFC”). Its address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida, 32301-1329. Pursuant to Section 420.5099, FHFC is the agency designated by the State of Florida to allocate and distribute low income rental housing tax credits. The FHFC file number assigned to the application at issue is 2011-136C.

2. Petitioner is DDC Investments, Ltd. d/b/a Denison Development Florida, Ltd., which is authorized by the Florida Department of State to conduct business in the State of Florida as a foreign limited partnership. Its business address is 2520 Longfellow Street, Suite 310, Austin Texas, 78705. For purposes of this proceeding, DDC’s address is that of its undersigned counsel, Linda Loomis Shelley, Esquire, Fowler White Boggs, PA, 101 North Monroe Street, Suite 1090, Tallahassee, Florida, 32301; telephone number (850) 681-4260, facsimile number (850) 681-3381.

DDC’s Standing

3. The Merritt Grand application submitted by DDC proposes a multifamily affordable housing development to be located in Saint Petersburg, Pinellas County, Florida, and seeks low income rental housing tax credits through the competitive 2011 Universal Cycle.

4. DDC's substantial interests are affected by FHFC's final scoring. As a result of the final scoring of the application, Merritt Grand will not qualify for low income rental housing tax credits.

Agency Notice

5. DDC received notice of the disputed FHFC scoring decisions by reviewing the FHFC website after FHFC posted several documents, including a scoring summary and a memorandum dated March 28, 2012. The March 28, 2012 memorandum includes the Notice of Rights, which advises all applicants for the 2011 Universal Cycle that the deadline to file a petition is 5 p.m. on April 19, 2012.

Concise Statement of Ultimate Facts

6. FHFC prepared the application package for the competitive 2011 Universal Cycle. The application package is adopted by reference in FHFC Rule 67-48.004(1)(a), Fla. Admin. Code, and includes the application form, application exhibit forms, and application instructions ("Instructions"). One of the programs that is administered through the 2011 Universal Cycle is the Housing Credit Program that allocates low income rental housing tax credits.

7. During the 2011 Universal Cycle, DDC submitted an application for Merritt Grand to qualify for low income rental housing tax credits ("Application").

Part IV, Section A- Local Government Support Contributions

8. Part IV of the 2011 Universal Application is entitled “Local Government Support.” Section A of Part IV is entitled “Contributions.”

9. With respect to Part IV, Section A, the Merritt Grand Application responded in the affirmative that “a local government committed to provide a contribution to the proposed Development.” The applicable type of local government contribution is a loan. Form 38 is entitled and described in the application form as “Local Government Verification of Contribution-Loan Form.” As required by the Application, Form 38 was completed and included behind a tab attached as “Exhibit 38.” A copy of Merritt Grand’s Exhibit 38 is attached and is incorporated herein as Exhibit 1.

10. The Instructions for Part IV, Section A of the 2011 Universal Application state that an applicant is entitled to five points for that section if: 1) the dollar amount has a value equal to or greater than the amounts on the County Contribution List; 2) such contribution is demonstrated by providing the properly completed applicable form; and 3) there is an attachment that either shows, as applicable, the payment stream for all present value calculations or the calculations by which the total amount of each waiver is determined. Instructions, at 92-93.

11. The Instructions provide that an “intermediary” source of a contribution that is not a county or municipality may qualify for points under Part

IV, Section A. The Instructions further advise that the only intermediary contributions that cannot qualify for points are those provided from an applicant; developer; principal, affiliate or financial beneficiary of an applicant or development; or HOPE VI funds:

State, federal or Local Government funds initially obtained by or derived from a Local Government qualify as a Local Governmental contribution **even though the funds are directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization**, provided that they otherwise meet the requirements set forth in this Application, including those relating to the executed verification form. Local Government contributions that have not received final approval will not qualify as a Local Government contribution for purposes of this Application. **The following will not qualify as a Local Government Contribution: (i) a contribution from an Applicant or Developer or Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer and (ii) HOPE VI funds.**

Instructions, at 92-93 (emphasis added).

12. The loan verification form reiterates that an entity other than a county or municipality may provide the local government contribution:

This certificate must be signed by the chief appointed chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager, Administrator Coordinator, Chairperson of the City Council Commission or Chairperson of the Board of County Commissioners... One of the authorized persons named may sign this form for certification of state, federal or Local Government funds initially obtained by

or derived from a Local Government that is **directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO).**

Form 38 (emphasis added).

13. The completed loan verification form submitted as Exhibit 38 states that the “Government Contact” is the Saint Petersburg Housing Authority and is executed by the Chairman of the Saint Petersburg Housing Authority, Joseph Lettelleir.

14. In the preliminary scoring, Merritt Grand was awarded the maximum five points for Part IV, Section A and a total score of 79 points.

15. After the preliminary scoring, applicants were provided the opportunity to submit Notices Of Proposed Scoring Errors (“NOPSEs”) to FHFC challenging specific section scores awarded to other applications. NOPSEs filed by certain other applicants disputed the maximum five points awarded preliminarily for Part IV, Section A to Merritt Grand.

16. The Application also received NOPSEs raising objections that the signature of the Chairman of the Saint Petersburg Housing Authority is not eligible to sign Form 38 and that the Saint Petersburg Housing Authority is ineligible to provide a local contribution loan for purposes of Form 38 because it is not a county or municipality.

17. After review of the NOPSEs, DDC submitted Cures pursuant to Rule 67-48.004(6), Fla. Admin. Code. A copy of the Cures are attached as Exhibit 2 and are incorporated herein.

18. As to the issue of whether the appropriate signature was obtained for Form 38, DDC's Cures argued that: 1) Execution of Form 38 is not limited to county or municipal officials. FHFC senior management and senior legal counsel previously advised Merritt Grand counsel and representatives verbally and in writing that "the signature of the local HFA executive director or other officer as authorized in the first sentence is acceptable"; and 2) the Chairman of the Saint Petersburg Housing Authority is eligible to sign Form 38 because he was appointed by the Mayor and is "the chief appointed official responsible for such approval." Additionally, in the event that FHFC might ultimately reject the signature of the Chairman of the Saint Petersburg Housing Authority, the Cures included a Substitute Exhibit 38 that was signed by Darrell Irions, the Chief Executive Officer of the Saint Petersburg Housing Authority, as the "chief appointed [staff] responsible for such approvals."

19. With respect to the issue of whether the Saint Petersburg Housing Authority may provide the loan contribution commitment, the Cure notes that Form 38 clearly references potential signatories other than a county or

municipality, including, but not limited to, a Land Authority organized under Section 380.0663, Florida Statutes.

20. Also, as stated in the Cures, any ambiguity should be resolved in favor of Merritt Grand because the intent of the Local Contribution requirement has been fully met. The loan contribution demonstrates local community participation in the development and will provide additional leveraging for development that will provide affordable housing in the City of Saint Petersburg.

21. None of the NOPSEs disputed the adequacy of the dollar amount of the loans, which is required to be at least equal to the amount listed in the County Contribution List, nor the Proposed Repayment Schedule included in Exhibit 38.

22. In the March 2012 Scoring Summary Reports, FHFC did not award Merritt Grand any points for Part IV, Section A. The scoring sheet attributes the revised scoring to have been created as a result of NOPSE. The stated basis for the scoring of zero points for Item 11S of the application was as follows:

The Local Government Verification of Contribution – Loan form must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Counsel/Commission or Chairperson of the Board of County Commissioners. Therefore, zero points were awarded and the Applicant was not eligible for automatic points.

The Applicant received zero points for the Local Government Verification of Contribution – Loan form because the funding committed was not from the

City/County, but from the Saint Petersburg Housing Authority. The Applicant was not eligible for automatic points.

March 2012 Scoring Summary Reports, Merritt Grand, at 2.

23. The March 2012 Scoring Summary Report provides the following additional comment regarding the final scoring of the Application:

The Applicant attempted to cure Item 11S. However, the Local Government Contribution – Loan form does not indicate if the funding commitment is from the city or county and it is still signed by the St. Petersburg Housing Authority. Therefore, zero points were awarded. The Applicant does not qualify for automatic points.

24. Form 38 does not inquire about the origin of a loan contribution that is provided by an intermediary. DDC fully and accurately completed Form 38 in accordance with the Form and with the Instructions.

25. In the March 2012 Scoring Summary Report, FHFC does not dispute the adequacy of the dollar amount of the loans or the adequacy of the Proposed Repayment Schedule included in Exhibit 38. FHFC also does not dispute whether the Chairman or the Chief Executive Officer of the Saint Petersburg Housing Authority is the appropriate signatory of the Saint Petersburg Housing Authority. FHFC bases the score on the incorrect assumption that the Saint Petersburg Housing Authority is not eligible to execute Form 38 because it is an intermediary and erroneously requires additional information to be provided on Form 38 in the event that a loan is provided by an intermediary. The form is adopted by reference

by Rule 67-48.004(1)(a), Fla. Admin. Code and cannot be modified in effect by a scorer.

26. FHFC erred in denying Merritt Grand five points each for Part IV, Section A. As stated in the attached Cures and summarized above, intermediary sources are acceptable for purposes of Form 38; a loan administered by the Saint Petersburg Housing Authority may qualify as an intermediary source of a local government contribution for purposes of Part IV, Section A; the appropriate chief appointed official for the Saint Petersburg Housing Authority, either its Chairman or its Chief Executive Officer, executed Exhibit 38; Form 38 does not require details as to the origin of a contribution provided by an intermediary; and Exhibit 38 was properly executed and conforms with the Instructions; and FHFC officials, including its General Counsel, advised DDC that a signatory other than a county or municipality was eligible to sign Form 38 as an intermediary and confirmed this advice in writing.

27. In the March 2012 Scoring Summary Report, FHFC awarded Merritt Grand a total score of 74 points. As a consequence of the revised score, Merritt Grand would not rank in a qualifying position for low income rental housing tax credits. DDC seeks reinstatement of Merritt Grand's preliminary score of the maximum five points.

Ability to Proceed Tie Breaker Points

28. Part III, Section A, Subsection 10, of the 2011 Universal Application addresses tie breaker points and applies only to the competitive Housing Credit Program.

29. Subsection 1. provides a maximum of six tie breaker points for the “Ability to Proceed” if the applicant meets the threshold requirements for all of the following elements: site plan/plat approval, availability of electricity, availability of water, availability of sewer, availability of roads, and appropriate zoning. Instructions, at 55. A maximum of one point may be awarded for each of those elements. Instructions, at 56.

30. In order to receive the full point for site plan/plat approval, Form 26 must be fully and correctly completed as Exhibit 26 to an application. Instructions, at 56. The Instructions also provide that if an application does not receive the full one point for site plan approval during the preliminary scoring, but later successfully cures the site plan failure, only a maximum of one half point (0.5) may be awarded. Instructions, at 55-56.

31. The Application for Merritt Grand received a preliminary score of zero for site plan/plat approval. Exhibit 26 includes the signature of Dave Goodwin, Planning and Economic Development Director as attesting that the site plan has been reviewed. A copy of the relevant portions of Exhibit 26 are attached as Exhibit 3 and are incorporated herein. Underneath the signature block, the form

states “(“Legally Authorized Body *)”. The asterisk refers to the following statement on Form 26:

* “ Legally Authorized Body” is not an individual. Applicant must state the name of the City Council, County Commission, Board, Department, Division, etc, with authority over such matters.”

32. Underneath Mr. Goodwin’s signature and title is a section entitled “Certification.” The Certification section includes the signature of Mr. Goodwin, his title, and identifies the “City of St. Petersburg” in the space where the form requests the “Name of City of County.”

33. In the preliminary scoring, Merritt Grand received no points for site plan/plat approval and was determined to have failed threshold. According to the January 2012 Scoring Summary Report: “The required Local Government Verification of Status of Site Plan Approval for Multifamily Developments form is incomplete. The form reflects a person rather than an [sic] a legally authorized body.”

34. DDC submitted a Cure contending that Exhibit 26 was properly executed and FHCA erred in not awarding the point. DDC also submitted a Cure that includes a corrected exhibit that names “City of Saint Petersburg” as the “Legally Authorized Body.” A copy of the Cures are attached as Exhibit 4 and are incorporated herein.

35. In the March 2012 Summary Scoring Report, Merritt Grand was awarded a final score of one half point (0.5) for site plan/plat approval. The Summary Scoring Report also notes that Merritt Grand failed threshold because: “The required Local Government Verification of Status of Site Plan Approval for Multifamily Developments form is incomplete. The form reflects a person rather than an [sic] a legally authorized body.”

36. A “Legally Authorized Body” can only sign Exhibit 28 through an authorized individual on that body’s behalf. According to the form’s definition of “Legally Authorized Body,” a department or division may be a legally authorized body. Mr. Goodwin signed on behalf of the Planning and Economic Development Department of the City of Saint Petersburg in his capacity as its Director. Mr. Goodwin was not claiming that he personally is a “legally authorized body,” but that the Planning and Economic Development Department is so qualified and that he is authorized to sign on its behalf. The name of the department that reviewed the site plan was originally included in the space provided for the “Legally Authorized Body,” along with additional information about Mr. Goodwin’s title with that department. The provision of additional information should not penalize an applicant. The original Exhibit 26 includes all of the requested information and was properly completed. Accordingly, FHFC erred in its preliminary scoring and

Merritt Grand should have been scored preliminarily and finally as having scored one full point and having passed threshold.

Statutes, Rules and Other Legal Authority Entitling Relief

37. The Application is entitled to an award of five points for Part IV, Section A based on consistency with Section 420.5099, Florida Statutes; the application form, Form 38, and the Instructions adopted by reference in Rule 67-48.004(1)(a), Fla. Admin. Code; and Rule 67-48.023, Fla. Admin. Code. As demonstrated above, DDC is entitled to rely on a loan contribution provided by an intermediary source, including a public housing authority such as the Saint Petersburg Housing Authority, and the loan contribution for Merritt Grand was adequately verified by the proper official. Form 38 was fully and correctly completed by an intermediary contribution source and qualifies for the maximum five points.

38. DDC also is entitled to relief based on the doctrine of equitable estoppel. The Instructions and Form 38 clearly authorize an award of points if the loan contribution is provided by an intermediary source that is neither a county or municipality. The eligibility of an intermediary source also was confirmed to DDC representatives by FHFC senior management and General Counsel. It was reasonable for DDC to rely on the wording of the Instructions and Form 38, and the interpretations and assurances of FHFC senior management and General

Counsel as to the eligibility of a intermediary source such as the Saint Petersburg Housing Authority. DDC's reasonable reliance affected how it prepared its application and its subsequent Cures to its substantial detriment, as demonstrated by FHFC's revised final scoring.

39. The Application of Merritt Grand is entitled to an award of the maximum one point for site plan/plat approval based on consistency with Section 420.5099, Florida Statutes; the application form, Form 26, and the Instructions adopted by reference in Rule 67-48.004(1)(a), Fla. Admin. Code; and Rule 67-48.023, Fla. Admin. Code. As demonstrated above, Exhibit 26 meets those requirements and their intent.

40. DDC is not aware of any material facts in dispute. If any disputed issue of material fact arises, DDC reserves the right for the matter to be forwarded to the Division of Administrative Hearings for the assignment of an administrative law judge to conduct a formal hearing.

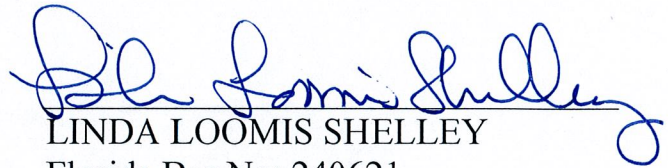
WHEREFORE, based on the foregoing, DDC respectfully requests that:

- 1) FHFC assign this matter to a hearing officer to conduct an informal hearing;
- 2) the hearing officer issue a Recommended Order that recommends awarding Merritt Grand a maximum five points

for Part IV, Section A and one full point for site plan/plat approval, and finding that Merritt Grand passed threshold;

- 3) FHFC issue a Final Order awarding Merritt Grand a maximum five points for Part IV, Section A, and one full point site for plan/plat approval, and finding that Merritt Grand passed threshold;
- 4) FHFC allocate Merritt Grand low income rental housing tax credits.

DATED this 19th day of April, 2012.



LINDA LOOMIS SHELLEY

Florida Bar No: 240621

KAREN A. BRODEEN

Florida Bar No: 512771

FOWLER WHITE BOGGS, PA

101 North Monroe Street, Suite 1090

Tallahassee, FL 32301

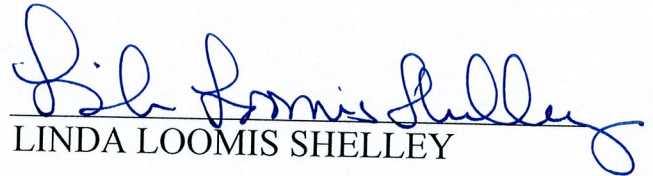
(850) 681-4260

Fax: (850) 681-6036

Attorneys for DDC Development,
Ltd.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been furnished by hand delivery to the Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301 and a copy to Wellington H. Meffert, II, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, on this 19th day of April, 2012.


LINDA LOOMIS SHELLEY

**2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION
OF CONTRIBUTION - LOAN**

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

Name of Development: Merritt Grand
(Part III A 1 of the 2011 Universal Cycle Application)

Development Location: 800, 810, 818 2nd Ave N, Saint Petersburg, FL 33701
(At a minimum, provide the address assigned by the United States Postal Service including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

On or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/State/Alone/FHFC_FCM/ContentPage.aspx?PAGE=0238) the City/County of Saint Petersburg Housing Authority committed \$ 120,000.00 in the form of a reduced interest rate loan
(Name of City or County) (loan amount)

to the Applicant for its use solely for assisting the proposed Development referenced above. The loan will bear interest at a rate of 0.000 % per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

Payment period is one payment of \$120,000 at the end of the 30 year term.

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

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

Name of Government Contact: St. Petersburg Housing Authority
Address (street address and city): P.O. Box 12849
Saint Petersburg, FL 33733
Telephone Number: 727-323-3171

CERTIFICATION

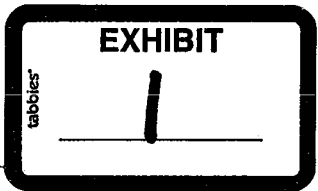
I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2012

Signature: [Handwritten Signature] Date (mm dd/yyyy): _____
Print or Type Name: Joseph T. Lettelain
Telephone Number: 727-323-3171 Print or Type Title: Chairman

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

This contribution will not be considered if the certification contains corrections or "white-out" or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.
The Application may still be eligible for automatic points.

Provide Behind a Tab Labeled "Exhibit 3S"



2011 CURE FORM

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

This Cure Form is being submitted with regard to **Application No. 2011-136C** and pertains to:

Part IV Section A Subsection _____ Exhibit No. 38 (if applicable)

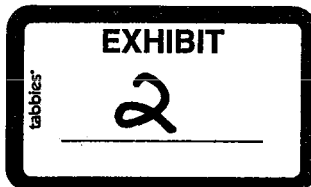
The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

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

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input checked="" type="checkbox"/> Reason Score Not Maxed	Item No. 11S	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

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

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



Brief Statement of Explanation regarding

Application 2011 – 136C

Provide a separate brief statement for each Cure

The applicant received zero points for local government Verification of Contribution – Loan form because the form was not signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners, as indicated in the Scoring Summary Report.

Prior to filing the Application, the Applicant's representatives discussed Exhibit 38 with FHFC senior management and senior counsel and it was confirmed in writing that "the signature of the local HFA executive director or other officer as authorized in the first sentence is acceptable." Joe Lettelleir, having been appointed Chairman of the Board by the Mayor of St. Petersburg, is the "chief appointed official responsible for such approval" as directed in writing by FHFC and as is clearly stated on the form.

In the event that FHFC believes the form should be signed by the staff of the housing authority, attached hereto is an executed Exhibit 38 for the Merritt Grand Project, signed by Darrell Irions, the Chief Executive Officer of the St. Petersburg Housing Authority (SPHA). In this case, the Chief Executive Officer of the Housing Authority is the "chief appointed [staff] responsible for such approvals."

Because we have followed the instructions provided by senior staff and counsel and followed the instruction of the form that clearly state that the "chief appointed official (staff)" sign the form, we request that scorer reinstate the five (5) points for Local Contribution.

Substitute Exhibit 38

****Should FHFC reject signature by Chief Appointed Official Joe Lettelleir**

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - LOAN

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

Name of Development: Merritt Grand
(Part III.A.1. of the 2011 Universal Cycle Application)

Development Location: 800, 810, 818 2nd Ave N, Saint Petersburg, FL 33701
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

On or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website <http://apps.flhfi.com/housing.org/StandAlone-FHFC-FORM-LocalGovts.aspx?FormID=0033>) the City/County of Saint Petersburg Housing Authority committed \$ 120,000.00 in the form of a reduced interest rate loan
(Name of City or County) (loan amount)

to the Applicant for its use solely for assisting the proposed Development referenced above. The loan will bear interest at a rate of 0.000 % per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

Payment period is one payment of \$120,000 at the end of the 30 year term.

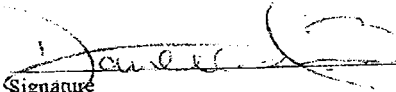
No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

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

Name of Government Contact: Darrell Irions
Address (street address and city): P.O. Box 12849
Saint Petersburg, FL 33733
Telephone Number: 727-323-3171

CERTIFICATION

I certify that the foregoing information and the payment stream stated on the sheet attached to this form are true and correct and that this commitment is effective through 12/31/2012
Date (mm/dd/yyyy)

 Darrell Irions
Signature Print or Type Name
727-323-3171 Chief Executive Officer
Telephone Number Print or Type Title

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

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

The Application may still be eligible for automatic points.

Provide Behind a Tab Labeled "Exhibit 35"

2011 CURE FORM

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

This Cure Form is being submitted with regard to **Application No. 2011-136C** and pertains to:

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

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

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

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input checked="" type="checkbox"/> Reason Score Not Maxed	Item No. 11S	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Brief Statement of Explanation regarding
Application 2011 – 136C

Provide a separate brief statement for each Cure

The applicant received zero points because the local funding commitment did not come from a city or county but instead came from the St. Petersburg Housing Authority (SPHA). Due to this issue, raised by NOPSEs provided to FHFC, the applicant's points were deducted from the application and was not eligible for automatic points.

Prior to filing the application, the Applicant's representatives discussed Exhibit 38 with FHFC senior management and senior counsel and it was confirmed in writing that "the signature of the local HFA executive director or other officer as authorized in the first sentence is acceptable." This advice from the Agency's senior officials clearly indicates that the Agency itself agrees that another local entity, other than a City or County official, may execute Exhibit 38.

It is noted that in the responses to 2011 Universal Application Questions and Answers, the Agency indicated as follows:

2. Q: Who is an acceptable signatory for the verification and certification forms?

A. Each verification and certification form states the acceptable and/or unacceptable signatories at the bottom of the form.

Applicants are entitled to rely on the Agency instructions. The relevant form,

Exhibit 38, provides the following instructions at the bottom of the form:

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

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

"The Application may still be eligible for automatic points."

The fact that the Local Contribution form clearly references other potential signatories, including, but not limited to, a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, undercuts the argument that only a city or county appointed or elected official may sign the form. If there is any ambiguity in the form, it should be resolved in favor of the Applicant because the intent of the Local Contribution requirement has been fully met in this application.

The instructions for the 2011 Universal Cycle provide that to be eligible to receive five points, all applicants must obtain a local government contribution with a value equal to or greater than the amounts listed on the County contribution list and demonstrate such contribution by providing the properly completed and executed local government verification of contribution forms. To qualify for the points, the amount of the contribution stated on the applicable form must be a precise dollar amount and cannot include words such as estimated up to maximum of not to exceed. The form must reflect the following dates: The effective date of the local government commitment must be on or before the application deadline; and the term of the commitment and/or fee waiver must be effective at least through June 30 2012. In order to be eligible for points for a local government contribution, the contribution must provide a tangible economic benefit that results in a quantifiable

cost reduction and must be given specifically to the proposed development because the development will provide affordable housing.

This applicant clearly demonstrated that it has a local commitment for a loan for \$120,000, which is equal to or greater than the amount listed in the county contribution list; and it provided the properly executed local government verification of the contribution forms. The contribution was stated on the applicable form in the precise dollar amount and reflected the effective date of the local commitment, which was prior to the application deadline.

The Local Contribution serves two purposes within the application process. It was originally included to demonstrate local community participation and to provide additional leveraging. In addition, this requirement often lead to more meaningful and focused housing policies within the Comprehensive Plan. Originating from the 1987 Affordable Housing Study Commission Report, local contributions have been a consistent element in both the LITC and SAIL applications.

In the past, Sadowski Act funding provided a source of identifiable local funds that could be used for the Local Contribution through the SHIP program. As the Sadowski funds have been continually swept and the statewide downturn in revenue has continued, there has been a dramatic reduction in available resources. The needs have not diminished but the funding sources have dwindled.

The contribution from SPHA meets the intent of the Local Contribution requirement by demonstrating participation at a local level and leveraging the state funds. The mission of the SPHA is to manage and maintain public housing units within the City of St. Petersburg. Although SPHA is an independent legal entity, the City appoints all of the Board members, thereby exercising direct control over the entity.

Therefore, we request that scorer reinstate the five (5) points for Local Contribution.

Such an action would be consistent with the confirmation received from Agency senior officials prior to the filing of the application, with the demonstrated local commitment of funds, and with the intent of the local contribution requirement.

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF STATUS OF SITE PLAN APPROVAL FOR MULTIFAMILY DEVELOPMENTS

Name of Development: Merritt Grand
(Part III A.1. of the 2011 Universal Cycle Application)

Development Location: 800, 810, 818 2nd Ave N, Saint Petersburg, FL 33701
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

Zoning Designation: Downtown Center -2(DC-2)

Mark the applicable statement:

- 1. The above-referenced Development is new construction or rehabilitation with new construction and the final site plan, in the zoning designation stated above, was approved on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) by action of the _____ (Legally Authorized Body*).
- 2. The above-referenced Development is new construction or rehabilitation with new construction and (i) this jurisdiction provides either preliminary site plan approval or conceptual site plan approval which has been issued, or (ii) site plan approval is required for the new construction work; however, this jurisdiction provides neither preliminary site plan approval nor conceptual site plan approval, nor is any other similar process provided prior to issuing final site plan approval. Although there is no preliminary or conceptual site plan approval process and the final site plan approval has not yet been issued, the site plan, in the zoning designation stated above, has been reviewed.

The necessary approval/review was performed on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) by

DAVE GOODWIN
(Legally Authorized Body*) PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

- 3. The above-referenced Development, in the zoning designation stated above, is rehabilitation without any new construction and does not require additional site plan approval or similar process.

* "Legally Authorized Body" is not an individual. Applicant must state the name of the City Council, County Commission, Board, Department, Division, etc., with authority over such matters.

CERTIFICATION

I certify that the City/County of CITY OF ST PETERSBURG has vested in me the authority to verify status of site plan approval as specified above and I further certify that the information stated above is true and correct.
(Name of City or County)

DAVE GOODWIN
Signature

DAVE GOODWIN PLMG & ECO. DEV. DIRECTOR
Print or Type Name and Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to site plan approval, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed, the Application will fail to meet threshold. If this certification contains corrections or "white-out", or if it is scanned, imaged, altered, or retyped, the form will not be considered and the Application will fail to meet threshold. The certification may be photocopied.

Provide Behind a Tab Labeled "Exhibit 26"



2011 CURE FORM

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

This Cure Form is being submitted with regard to **Application No. 2011-136C** and pertains to:

Part III Section C Subsection 1 Exhibit No. 26 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

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

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Failed Threshold	Item No. 1T	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

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

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



Brief Statement of Explanation regarding
Application 2011 – 136C

Provide a separate brief statement for each Cure

Comments provided in FHFC's application preliminary scoring calls into question whether Merritt Grand's Exhibit 26 (Local Government Verification of Status of Site Plan Approval for Multifamily Developments) was properly executed. As a result the applicant failed Threshold and received zero points under Ability to Proceed according to the Scoring Summary Report Item 1A, Part III.C.1.

In the section of Exhibit 26 of Merritt Grand's Application, "Legally Authorized Body," the City of Saint Peterburg's Director of Planning and Economic Development, Dave Goodwin signed as an individual. A corrected Exhibit 26 is found behind this tab (See Exhibit) to reflect the City of Saint Petersburg as the "Legally Authorized Body." The application now passes Threshold and should receive 1 point under Ability to Proceed Item 1A, Part III.C.1.

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF STATUS OF SITE PLAN APPROVAL FOR MULTIFAMILY DEVELOPMENTS

Name of Development: Merritt Grand
(Part III.A.1 of the 2011 Universal Cycle Application)

Development Location: 800, 810, 818, 2nd Ave N, Saint Petersburg, FL 33701
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

Zoning Designation: Downtown Center -2(DC-2)

Mark the applicable statement:

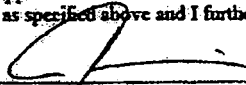
1. The above-referenced Development is new construction or rehabilitation with new construction and the final site plan, in the zoning designation stated above, was approved on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) by action of the _____ (Legally Authorized Body*).
2. The above-referenced Development is new construction or rehabilitation with new construction and (i) this jurisdiction provides either preliminary site plan approval or conceptual site plan approval which has been issued, or (ii) site plan approval is required for the new construction work; however, this jurisdiction provides neither preliminary site plan approval nor conceptual site plan approval, nor is any other similar process provided prior to issuing final site plan approval. Although there is no preliminary or conceptual site plan approval process and the final site plan approval has not yet been issued, the site plan, in the zoning designation stated above, has been reviewed.
The necessary approval/review was performed on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) by _____ City of Saint Petersburg (Legally Authorized Body*).

3. The above-referenced Development, in the zoning designation stated above, is rehabilitation without any new construction and does not require additional site plan approval or similar process.

* "Legally Authorized Body" is not an individual. Applicant must state the name of the City Council, County Commission, Board, Department, Division, etc., with authority over such matters.

CERTIFICATION

I certify that the City/County of City of Saint Petersburg has vested in me the authority to verify status of site plan approval _____ as specified above and I further certify that the information stated above is true and correct.
(Name of City or County)



Signature

Dave Goodwin, Planning & Economic Dev., Director
Print or Type Name and Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to site plan approval, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed, the Application will fail to meet threshold. If this certification contains corrections or "white-out", or if it is scanned, imaged, altered, or retyped, the form will not be considered and the Application will fail to meet threshold. The certification may be photocopied.

Provide Behind a Tab Labeled "Exhibit 26"

2011 CURE FORM

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

This Cure Form is being submitted with regard to **Application No. 2011-136C** and pertains to:

Part III Section C Subsection 1 Exhibit No. 26 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

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

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____S	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. 1A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Brief Statement of Explanation regarding
Application 2011 – 136C

Provide a separate brief statement for each Cure

Comments provided in FHFC's application preliminary scoring calls into question whether Merritt Grand's Exhibit 26 (Local Government Verification of Status of Site Plan Approval for Multifamily Developments) was properly executed. As a result the applicant failed Threshold and received zero points under Ability to Proceed according to the Scoring Summary Report Item 1A, Part III.C.1.

In the section of Exhibit 26 of Merritt Grand's Application, "Legally Authorized Body," the City of Saint Peterburg's Director of Planning and Economic Development, Dave Goodwin signed as an individual. A corrected Exhibit 26 is found behind this tab (See Exhibit) to reflect the City of Saint Petersburg as the, "Legally Authorized Body." The application now passes Threshold and should receive 1 point under Ability to Proceed Item 1A, Part III.C.1.

Ability to Proceed

III.C.1

Exhibit –

Corrected Exhibit 26 to Application

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION OF STATUS
OF SITE PLAN APPROVAL FOR MULTIFAMILY DEVELOPMENTS

Name of Development: Merritt Grand

(Part III.A) of the 2011 Universal Cycle Application

Development Location: 800, 810, 818, 2nd Ave N, Saint Petersburg, FL 33701

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the country.)

Zoning Designation: Downtown Center -2(DC-2)

Mark the applicable statement:

1. The above-referenced Development is new construction or rehabilitation with new construction and the final site plan, in the zoning designation stated above, was approved on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) by action of the _____ (Legally Authorized Body*).
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- The necessary approval/review was performed on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238) by _____ City of Saint Petersburg (Legally Authorized Body*).
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CERTIFICATION

I certify that the City/County of City of Saint Petersburg has vested in me the authority to verify status of site plan approval _____ as specified above and I further certify that the information stated above is true and correct. (Name of City or County)

Signature

Dave Goodwin, Planning & Economic Dev., Director
Print or Type Name and Title

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UA1016 (Rev. 2-11)
67-48.004(1)(a); 67-21 003(1)(a), F.A.C.

Provide Behind a Tab Labeled "Exhibit 26"