

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

HERITAGE AT POMPANO HOUSING PARTNERS, LTD,

Petitioner,  
vs.

DOAH Case No. 14-1361BID

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,  
and

FHFC Case No. 2014-050BP

WISDOM VILLAGE CROSSING, LP, and  
OAKLAND PRESERVE, LLC,

Intervenors

\_\_\_\_\_ /

HTG BROWARD 3, LLC,

Petitioner,  
vs.

DOAH Case No. 14-1362BID

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,  
and

FHFC Case No. 2014-055BP

WISDOM VILLAGE CROSSING, LP, and  
OAKLAND PRESERVE, LLC

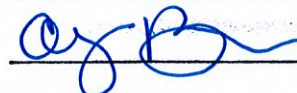
Intervenors.

\_\_\_\_\_ /

**FINAL ORDER**

This cause came before the Board of Directors of the Florida Housing Finance Corporation ("Board") for consideration and final agency action on June

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

 /DATE: 6.13.14

13, 2014. The matter for consideration before this Board is a recommended order pursuant to Section 120.57(2) and (3), *Florida Statutes*, and Rule 67-60.009, *Florida Administrative Code*. After a review of the record and being otherwise fully advised in these proceedings, this Board finds:

On or before November 12, 2013, Petitioner and Intervenors submitted applications to Florida Housing seeking allocations for low-income tax credits pursuant to RFA 2013-003, to fund affordable housing projects in Broward County, Miami-Dade County, and Palm Beach Counties.

Petitioners Heritage at Pompano Housing Partners, LP (“Heritage”) and HTG Broward 3, LLC, (“HTG”), timely filed a challenge to proposed funding awards pursuant to Section 120.57(3), *Florida Statutes* and Rule 67-60.009, *Florida Administrative Code*. Each Intervenor entered the case in accordance with Rule 28-106.205(3), *Florida Administrative Code*. A formal hearing was conducted pursuant to Sections 120.569 and 120.57(3), *Florida Statutes*, before Elizabeth W. McArthur, Administrative Law Judge, at the Division of administrative Hearings in Tallahassee, Florida, on May 6-7, 2014.

The issue for determination was whether Respondent's intended decision to award low-income housing tax credits to Wisdom Village Crossing, LP (“Wisdom Village”), and Oakland Preserve, LLC (“Oakland Preserve”), was contrary to governing statutes, Respondent's rules, or the solicitation specifications. Petitioners

Heritage and HTG, Respondent Florida Housing, and Intervenors Wisdom Village and Oakland Preserve each timely filed Proposed Recommended Orders.

The Administrative Law Judge issued a Recommended Order on June 10, 2014, which found that Petitioners failed to demonstrate that Florida Housing's proposed scoring of its Application was clearly erroneous, contrary to competition, arbitrary or capricious, and recommended that Florida Housing Finance Corporation enter a final order consistent with its initial decisions: (1) to award funding for the Oakland Preserve and Wisdom Village proposed developments; (2) to award the maximum 27 points to Heritage's application, maintaining that application's priority position based on its lottery number of 26, over HTG's application, with the maximum 27 points and a lottery number of 48; and (3) dismissing the formal written protests of Heritage at Pompano Housing Partners, Ltd., and HTG Broward 3, LLC. A true and correct copy of the Recommended Order is attached hereto as "Exhibit A." No exceptions were filed.

### **RULING ON THE RECOMMENDED ORDER**

1. The Findings of Fact set out in the Recommended Order are supported by competent substantial evidence.

3. The Conclusions of Law of the Recommended Order are supported by competent substantial evidence.

## ORDER

In accordance with the foregoing, it is hereby **ORDERED**:

1. The findings of fact of the Recommended Order are adopted as Florida Housing's findings of fact and incorporated by reference as though fully set forth in this Order.

2. The Conclusions of Law of the Recommended Order are adopted as Florida Housing's conclusions of law and incorporated by reference as though fully set forth in this Order.

3. The Recommendation of the Recommended Order is adopted.

**IT IS HEREBY ORDERED** that Oakland Preserve, Application No. 2014-241C, and Wisdom Village, Application No. 2014-242C, are granted requested funding, subject to credit underwriting; that Heritage's Application No. 2014-217C, is awarded the maximum score of 27 points, maintaining that application's priority position based on its lottery number of 26, over HTG's Application No. 2014-194C, with the maximum 27 points and a lottery number of 48; and the formal written protests of Heritage at Pompano Housing Partners, Ltd., and HTG Broward 3, LLC, are hereby **DISMISSED**.



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**NOTICE OF RIGHT TO JUDICIAL REVIEW**

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 300 MARTIN LUTHER KING, JR., BLVD., TALLAHASSEE, FLORIDA 32399-1850, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.**