

**BEFORE THE FLORIDA HOUSING FINANCE CORPORATION**

**HTG HAMMOCK RIDGE, LLC**

**FHFC Case No. 2016-007**

FHFC Case No. 2016-066C

Petitioner,

vs.

**FLORIDA HOUSING FINANCE CORPORATION**

Respondent.

**FORMAL WRITTEN PROTEST AND PETITION**  
**FOR ADMINISTRATIVE HEARING**

HTG Hammock Ridge, LLC, (the “Petitioner”) files this Formal Written Protest and Petition for Administrative Hearing (the “Petition”) pursuant to section 120.57 (3), Florida Statutes and rules 67-60.009 and 28-110.004, Florida Administrative Code. This Petition challenges the Notice of Intended Decision by Respondent, Florida Housing Finance Corporation (the “Corporation” or “Florida Housing” ) to award funding to Grove Manor Phase I, Ltd., (Application No. 2016-076C) in connection with the *Request for Applications 2015-106, Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties* (the “RFA”).

**Parties**

1. Petitioner is a legally formed Florida limited liability company that applied for funding pursuant to the RFA. Petitioner seeks funding from the Corporation in conjunction with a proposed 104-unit new construction apartment complex intended to serve the family demographic in Hernando County, Florida.
2. Petitioner’s address, telephone number and email address are those of its undersigned counsel for purposes of this proceeding.

3. The affected agency is Florida Housing Finance Corporation (“Florida Housing” or “Respondent” or the “Corporation”). Florida Housing’s address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

#### **Notice**

4. Petitioner received notice of the preliminary RFA scoring and rankings through electronic posting on January 29, 2016. A copy of the notice posted on the Corporation’s website is attached hereto as Exhibit “A”. Petitioner was not among those initially recommended for funding.

5. On February 3, 2016, Petitioner timely submitted their Notice of Intent to Protest. A copy of that Notice is attached hereto as Exhibit “B”.

6. This Petition is timely filed in accordance with the provisions of section 120. 57(3) (b), Florida Statutes, and rules 28-110.004 and 67-60.009, Fla. Admin. Code.

#### **Background**

7. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of awarding various types of funding for affordable housing in Florida. Florida Housing’s statutory authority and mandates are set forth in Part V of Chapter 420, Florida Statutes. See, sections 420.501-420.55, Florida Statutes.

8. One of the programs through which Florida Housing allocates resources to fund affordable housing is the State Housing Tax Credit Program which is established in Florida under the authority of section 420.5093, Florida Statutes. Florida Housing is the designated entity in Florida responsible for allocating Federal Tax Credits to assist in financing the construction or substantial rehabilitation of affordable housing.

9. Chapter 67-60, Fla. Admin. Code, establishes “the procedures by which the Corporation shall...administer the competitive solicitation process to implement the provisions of the Housing Credit (HC) Program authorized by section 42 of the IRC and section 420.5099, F.S.” See rules, 67-60.001 & 60.001(2), Florida Administrative Code.

**RFA 2015-106**

10. On September 3, 2015, Florida Housing issued the RFA, which seeks applications from developers of affordable multifamily housing located in Medium and Small Counties.<sup>1</sup> Florida Housing anticipates awarding up to an estimated \$10,763,426 of housing tax credits to proposed developments with a Demographic of Family or Elderly that are located in Medium Counties and an estimated \$1,438,031 to proposed developments with a Demographic of Family located in Small Counties. RFA at p. 2.

11. Each application can potentially receive a maximum of 28 points, the majority of which are given for *Proximity to Transit and Community Services*. The total amount of points that can be awarded for *Proximity to Transit and Community Services* is 18 points. RFA at p. 54.

12. Only Eligible applicants, those having met the mandatory requirements and achieving a Minimum Total Proximity Score, are considered for funding.<sup>2</sup> RFA at p. 49.

13. The Eligible applications are then grouped by Small and Medium Counties. Within each list the highest scoring applications will be determined by highest to lowest score, with certain tie breakers applied to differentiate between applications that have the same score. One of these tie breakers is the assigning of a lottery number to each applicant. Lower lottery numbers receive preference over higher lottery numbers. RFA at p. 50-51.

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<sup>1</sup> The RFA designate certain counties as either “Medium” or “Small”. See RFA at p. 12

<sup>2</sup> The required Minimum Total Proximity Score that must be achieved for Small County is 4, for Medium County is 7. RFA at p.21.

14. The selection process is also guided by the application of the County Award Tally. As set forth in the RFA,

As each Small County and Medium County Application is selected for tentative funding, the County where the proposed Development is located will have one (1) Application credited toward County's Award Tally.

The Corporation will prioritize eligible unfunded Applications that meet the applicable Funding Test and are located in counties that have the lowest County Award Tally above other eligible unfunded Applications with a higher County Award Tally that also meet the applicable Funding Test, even if the Applications with a higher County Award Tally are higher ranked.

RFA at p.50.

**Application Number 2016-076C- Grove Manor**

15. Florida Housing erred in its preliminary selection of Grove Manor Phase I, Ltd. ("Grove Manor"), which is proposing a development in Polk County, Florida for funding, because it is not an Eligible applicant.<sup>3</sup>

16. In order for an applicant to be eligible for proximity points, the applicant must provide an acceptable Surveyor Certification Form. RFA at p. 19. On the Surveyor Certification Form the Applicant must provide a Development Location Point and information regarding the Bus or Rail Transit Service and Community Services for which the applicant is seeking points.<sup>4</sup>

17. The applicant earns proximity points based on the distance between the Development Location Point and the Bus or Rail Transit Service and the Community Services selected. RFA at p. 20.

18. Applicants may select one of five (5) Transit Services on which to base their Transit Score. Applicants are limited to select one (1) of each applicable *type* of Community Service,

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<sup>3</sup> Polk County is a Medium County pursuant to the RFA. RFA at p. 12.

<sup>4</sup> The Development Location Point is a single point on the proposed Development site selected by the applicant. It is expressed by latitude and longitude coordinates. RFA at p. 84-86.

including Grocery Store, Public School, Medical Facility and Pharmacy. The maximum number Community Services that may be selected is 3. RFA at p. 23.

19. The required Minimum Total Proximity Score that must be achieved in order for an application in a Medium County to be eligible to be considered for funding is 7 points. The required Minimum Total Proximity Score that must be achieved in order for an Application in a Medium County to be eligible to receive the Maximum Amount of 18 Proximity Points, and therefore be “competitive” with many other applications which received the Maximum Amount of Proximity Points, is 9 points. RFA at p. 21.

20. Grove Manor, on its Surveyor Certification Form, selected Public Bus Stop for Transit Services and Grocery Store, Medical Facility and Public School for its Community Services. A copy of Grove Manor’s Surveyor Certification Form is attached as Exhibit “C”. Grove Manor received a Minimum Total Proximity Score of 9.5. In addition they received a 3 point PHA Point Boost resulting in a Minimum Total Proximity Score of 12.5 points.<sup>5</sup>

21. The RFA defines Public Bus Stop, as follows,

(b) Public Bus Stop (Maximum 2 Points)

This service may be selected by all Applicants, regardless of whether the Applicant selected the Family or Elderly (ALF or Non-ALF) Demographic Commitment at question 2 of Exhibit A. For purposes of proximity points, **a Public Bus Stop means a fixed location** at which passengers may access one or two routes of public transportation via buses. **The Public Bus Stop must service at least one bus route with scheduled stops at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday**, excluding holidays, on a year-round basis. Bus routes must be established or approved by a Local Government department that manages public transportation. Buses that travel between states will not be considered.

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<sup>5</sup> An application that involves a site(s) with an existing Declaration of Trust between a Public Housing Authority (PHA) and HUD will qualify to receive a 3 point boost toward its proximity score if the Applicant provides a letter from the PHA dated within 12 months of the Application deadline certifying that the site(s) where all of the units in the proposed Development will be located has an existing Declaration of Trust between the PHA and HUD. RFA at p. 20.

RFA at p. 22 (Emphasis Supplied).

22. Upon information and belief, the location identified by the coordinates provided by Grove Manor do not meet the definition of a Public Bus Stop since the location does not service at least one bus route with scheduled stops at least hourly during the times of 7am to 9am and also during the times of 4pm to 6pm Monday through Friday. Thus, the two points that Grove Manor received for Public Bus Stop should be deducted from its score (12.5 to 10.5).

23. The RFA defines Public School as follows,

(b) Public School- This service may be selected only if the Applicant selected the Family Demographic Commitment at question 2.a. of Exhibit A. For purposes of proximity points, a Public School means **a public elementary, middle, junior and/or high school, where the principal admission criterion is the geographic proximity to the school.** This may include a charter school, if the charter school is open to appropriately aged children in the radius area who apply, without additional requirements for admissions such as passing an entrance exam or audition, payment of fees or tuition, or demographic diversity considerations.

RFA at p. 23 (Emphasis Supplied).

24. Grove Manor identified Roosevelt Academy as its selected Public School. Upon information and belief, Roosevelt Academy does not meet the definition of Public School as set forth in the RFA. Roosevelt Academy is *an educational choice specifically designed to teach and train students in grades 6-12 with learning disabilities to adapt and excel in society.*<sup>6</sup> The student population as described on the Roosevelt Academy website, is *comprised of ESE students who choose to come to us because they have not been successful in the traditional school because the focus is primarily academic.*<sup>7</sup> The principal admission criteria for Roosevelt

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<sup>6</sup> See <http://schools.polk-fl.net/rooseveltacademy/default.htm>

<sup>7</sup> The acronym ESE stands for Exceptional Student Education. The Student Application provides that Roosevelt Academy accepts ESE students (EBD, EMH, SLD, & OHI) 6<sup>th</sup> -12<sup>th</sup>. The acronyms stand for the following according to the *Center for Parent Information and Resources*, EBD- Emotional and Behavior Disorder, EMH- Educable Mentally Handicapped, SLD- Specific Learning Disability and OHI- Other Health Impairment.

Academy does not appear to be the geographic proximity to the school. Thus, the 4 points that Grove Manor was awarded for Public School should be deducted. (10.5 to 6.5)

25. The Total Proximity Score for Grove Manor should have been 6.5 based on the above, as opposed to the 12.5 they were initially scored. Pursuant to the RFA, Grove Manor is not Eligible to be considered for funding since they did not reach the Required Minimum Total Proximity Score of 7 that must be achieved for an applicant to be Eligible for funding consideration. Even without the deduction for failing to meet the Public Bus Stop definition, Grove Manor with the four point deduction for failing to meet the Public School definition (12.5 to 8.5), while Eligible for funding is no longer “competitive” since they would no longer receive the Maximum Award of 18 Proximity Points. RFA at p. 21. Accordingly, with a lower Total Proximity Score than 85 other Eligible Medium County applicants who received the Maximum Award of 18 Proximity Points, Grove Manor would not be funded.

#### **Substantial Interests Affected**

26. If Grove Manor had been properly deemed ineligible for funding, that would have resulted in Petitioner, with a proposed development in Hernando County and a lottery number of 14, being selected for funding in a Medium County as Petitioner is the highest ranked applicant that meets the County Award Test. Thus, Petitioner should have been selected for funding.

27. Petitioner is substantially affected by the evaluation and scoring of the responses to the RFA. The results of the scoring has affected Petitioner’s ability to obtain funding through the RFA. Consequently, Petitioners have standing to initiate and participate in this and related proceedings.

28. Petitioner is entitled to a Formal Administrative Hearing pursuant to Sections 120.57(1) and 120.57(3), Florida statutes, to resolve the issues set forth in this Petition.

**Disputed Issues of Material Fact and Law**

29. Disputed issues of material fact and law exist and entitle Petitioners to a Formal Administrative Hearing pursuant to Section 120.57(1), Florida Statutes. The disputed issues of material fact and law include, but are not limited to, the following:

- a. Whether the proposed award of funding to Grove Manor is consistent with the RFA;
- b. Whether the proposed award to Grove Manor is consistent with fair and open competition for the allocation of housing tax credits;
- c. Whether the proposed award to Grove Manor is clearly erroneous;
- d. Whether Grove Manor is an Eligible applicant;
- e. Whether the proposed award to Grove Manor is arbitrary and capricious;
- f. Whether the location selected by Grove Manor for its Transit Score is a Public Bus Stop as defined by the RFA;
- g. Whether Roosevelt Academy is a Public School as defined by the RFA;
- h. Such other issues as may be revealed during the protest process.

**Statutes and Rules that Entitle Petitioner to Relief**

30. The statutes and rules which are applicable in this case and that require modification of the proposed allocations include, but are not limited to, sections 120.569 and 120.57(3), Florida Statutes; chapter 420, Part V, Florida Statutes, and rules 28-106, 28-110 and 67-60, Florida Administrative Code.

**Concise Statement of Ultimate Fact and Law, Including the  
Specific Facts Warranting Reversal of the Agency's Intended Award**

31. Petitioner participated in the RFA process in order to compete for an award of housing tax credits based upon the delineated scoring and ranking criteria. Grove Manor's Application, which



proposed development in Polk County, a designated Medium County, should have been deemed ineligible for funding under the terms of the RFA for not achieving the Minimum Total Proximity Score.

32. Unless the scores and ranking is corrected and the preliminary allocation revised, Petitioner will be excluded from funding and Grove Manor's application may be awarded housing tax credits contrary to the provisions of the RFA and Florida Housing's governing statutes and rules.

33. A correct application of the eligibility, scoring and ranking criteria will result in funding for the Petitioner.

#### **Right to Amend the Petition**

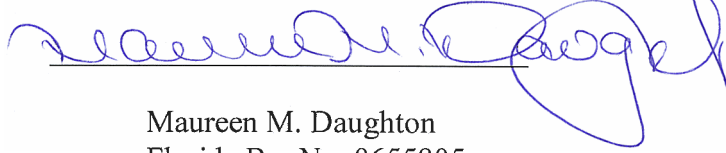
34. Petitioner reserves the right to amend this Petition if additional disputed issues of material fact are identified during the discovery process in this case.

WHEREFORE, Petitioner respectfully request:

- a) An opportunity to resolve this protest by mutual agreement within seven days of the filing of this Petition as provided by Section 120.57(3) Florida Statutes;
- b) If this protest cannot be resolved within seven days, that the matter be referred to the Division of Administrative Hearings for a formal hearing to be conducted before an Administrative Law Judge ("ALJ") pursuant to sections 120.57(1) and (3), Florida Statutes;
- c) The ALJ enter a Recommended Order determining that the Corporation should have deemed Grove Manor ineligible for funding pursuant to the terms of the RFA and award the funding to Petitioner.

d) That the Corporation adopt the Recommended Order of the ALJ.

Respectfully submitted this 15<sup>th</sup> day of February, 2016



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(850)-345-8251

Counsel for HTG Hammock Ridge, LLC

**2015-106 Review Committee Recommendations**

Total HC Available for RFA	12,201,457.00
Total HC Allocated	11,791,028.00
Total HC Remaining	410,429.00
<b>Total SAIL Allocated</b>	<b>10,560,000.00</b>

Application Number	Name of Development	County	Name of Contact Person	Name of Developers	HC Funding Amount	SAIL Funding Amount	Total Points	Development Category Preference	Per Unit Construction Funding Preference	Leveraging Classification	Florida Job Creation Preference	Letter Number
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**Application selected to meet the Florida Keys Area Goal**

2016-088CS	Vaca Bay Senior Apartments	Monroe	Donald W Paxson	WOB Beneficial Development 16 LLC	1,000,000.00	3,500,000	28	Y	Y	A	Y	91
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Application selected to meet goal to fund a second small county Application in a county other than Monroe

There were no eligible Small County Applications in a county other than Monroe

**Medium County Non-DDA/Non-QCT Family Demographic Funding Goal, PHA Application**

2016-008CS	Woodland Park Phase I	Alachua	David O. Deutch	Pinnacle Housing Group, LLC; GHA Development, LLC	1,155,000.00	3,840,000	28	Y	Y	A	Y	5
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**Medium County Non-DDA/Non-QCT Family Demographic Funding Goal, Non-PHA Application**

2016-006CS	Pinnacle at Hammock Crossings	Bay	David O. Deutch	Pinnacle Housing Group, LLC	1,114,000.00	3,220,000	28	Y	Y	A	Y	21
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**Other Medium County Applications selected**

2016-020C	Madison Vale	Osceola	Patrick E Law	American Residential Development, LLC	1,510,000.00		28	Y	Y	A	Y	3
2016-076C	Grove Manor	Polk	Lori Harris	Norstar Development USA, LP; LWH Development, LLC	1,503,740.00		28	Y	Y	A	Y	4
2016-067C	Grand Palms	Manatee	Timothy M. Morgan	JIC Florida Development, LLC	1,323,535.00		28	Y	Y	A	Y	6
2016-055C	Madison Palms	Brevard	James R. Hoover	TVC Development, Inc.	1,255,481.00		28	Y	Y	A	Y	7
2016-043C	Abigail Court	Pasco	James R. Hoover	TVC Development, Inc.	1,419,272.00		28	Y	Y	A	Y	9
2016-019C	The Pines	Volusia	Clifton E. Phillips	Roundstone Development, LLC	1,510,000.00		28	Y	Y	A	Y	12

On January 29, 2016, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

- Exhibit A -

# Maureen McCarthy Daughton, LLC

MMD LAW

Maureen McCarthy Daughton, LLC  
1725 Capital Circle NE, Suite 304  
Tallahassee, Florida 32308

T: (850) 345-8251  
[Mdaughton@mmd-lawfirm.com](mailto:Mdaughton@mmd-lawfirm.com)  
[www.mmd-lawfirm.com](http://www.mmd-lawfirm.com)

Via Electronic Mail  
February 3, 2016

Ms. Kate Flemming ([Kate.Flemming@Floridahousing.org](mailto:Kate.Flemming@Floridahousing.org))  
Corporation Clerk  
Florida Housing Finance Corporation  
227 North Bronough, Suite 5000  
Tallahassee, Florida 32301

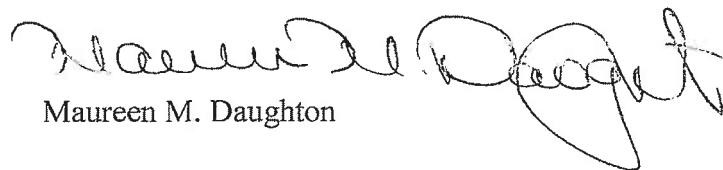
RE: Notice of Intent to Protest, Request for Applications (RFA) 2015-106 Proposed  
Funding Selections

Dear Corporation Clerk:

On behalf of HTG Hammock Ridge, LLC (Hammock Ridge), Application No. 2016-066C, this letter serves as timely Notice of Intent to Protest, pursuant to Section 120.57(3), Florida Statutes and Rule 67-60, Florida Administrative Code, the Corporation's selection of applications for funding, scoring and ranking in the above referenced RFA, as approved by the Corporations Board and posted on the Corporations website on January 29, 2016.

A formal written petition will be submitted within ten (10) days of this Notice as required by law.

Respectfully Submitted,

  
Maureen M. Daughton

Cc: Hugh Brown, General Counsel (via email)

- Exhibit B -

**SURVEYOR CERTIFICATION FORM**

Name of Development: Grove Manor  
 Development Location: West Sessoms Avenue, northeast of the intersection of West Sessoms Avenue and Dr. Martin Luther King Jr. Blvd., Lake Wales

(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site<sup>1</sup> where the Development Location Point is located.)

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 51-17, F.A.C., formerly 61G17-6, F.A.C.:

*\*All calculations shall be based on "WGS 84" and be grid distances. The horizontal positions shall be collected to meet sub-meter accuracy (no autonomous hand-held GPS units shall be used).*

State the Development Location Point. <sup>2</sup>	N <u>27</u> Degrees	<u>54</u> Minutes	<u>20.60</u> Seconds (represented to 2 decimal places)	W <u>81</u> Degrees	<u>35</u> Minutes	<u>37.04</u> Seconds (represented to 2 decimal places)
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To be eligible for proximity points, Degrees and Minutes must be stated as whole numbers and Seconds must be represented to 2 decimal places.

Transit Service - State the latitude and longitude coordinates for one (1) Transit Service on the chart below.<sup>3</sup>

	Latitude			Longitude		
Public Bus Stop	N <u>27</u> Degrees	<u>54</u> Minutes	<u>21.26</u> Seconds (represented to 2 decimal places)	W <u>81</u> Degrees	<u>35</u> Minutes	<u>37.56</u> Seconds (represented to 2 decimal places)
Public Bus Transfer Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Public Bus Rapid Transit Stop	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
SunRail Station, MetroRail Station, or TriRail Station	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Transit Service is:						<u>0.01</u> Miles

Community Services - State the Name, Address and latitude and longitude coordinates of the closest service(s) on the chart below.<sup>3</sup>

Grocery Store:	Latitude			Longitude		
Name - <u>SAVE-A-LOT</u> Address - <u>630 STATE ROAD 60 W</u> <u>LAKE WALES, FL 33853</u>	N <u>27</u> Degrees	<u>53</u> Minutes	<u>59.24</u> Seconds (represented to 2 decimal places)	W <u>81</u> Degrees	<u>36</u> Minutes	<u>13.43</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Grocery Store is:						<u>0.74</u> Miles

Initials of Surveyor J H N.

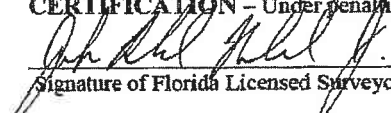
- Exhibit C -

## SURVEYOR CERTIFICATION FORM

Medical Facility:	Latitude			Longitude		
Name - <u>Lake Wales Medical Center</u> Address - <u>410 South 11th Street</u> <u>LAKE WALES, FL 33853</u>	N <u>27</u> Degrees	<u>53</u> Minutes	<u>45.30</u> Seconds (represented to 2 decimal places)	W <u>81</u> Degrees	<u>33</u> Minutes	<u>54.90</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Medical Facility is:					<u>1.86</u> Miles	
Pharmacy:	Latitude			Longitude		
Name - _____ Address - _____ _____ _____	N _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)	W _____ Degrees	_____ Minutes	_____ Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Pharmacy is:					_____ Miles	
Public School:	Latitude			Longitude		
Name - <u>ROOSEVELT ACADEMY</u> Address - <u>115 "E" STREET</u> <u>LAKE WALES, FL 33853</u>	N <u>27</u> Degrees	<u>54</u> Minutes	<u>39.48</u> Seconds (represented to 2 decimal places)	W <u>81</u> Degrees	<u>35</u> Minutes	<u>42.04</u> Seconds (represented to 2 decimal places)
Using the method described above*, the distance (rounded up to the nearest hundredth of a mile) between the coordinates of the Development Location Point and the coordinates of the Public School is:					<u>0.37</u> Miles	

If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

**CERTIFICATION** - Under penalties of perjury, I declare that the foregoing statement is true and correct.

  
\_\_\_\_\_  
Signature of Florida Licensed Surveyor

John Richard Noland, Jr.  
Print or Type Name of Signatory

LS 5923  
\_\_\_\_\_  
Florida License Number of Signatory

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

This certification consists of 3 pages. This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not be eligible to receive proximity points. If this certification contains corrections or 'white-out', or if it is altered or retyped, the form will not be considered. The certification may be photocopied. To be considered for scoring purposes, at least pages 1 and 2 of this 3 page certification form must be provided by the Applicant.

**SURVEYOR CERTIFICATION FORM**

<sup>1</sup>“Scattered Sites,” as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site within a Scattered Site Development, a “Scattered Site”). For purposes of this definition “contiguous” means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement provided the easement is not a roadway or street.

<sup>2</sup>“Development Location Point” means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on the site with the most units that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

<sup>3</sup>The latitude and longitude coordinates for all Proximity Services must represent a point as outlined on the Coordinates Location Chart set out below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds represented to 2 decimal places. If the degrees and minutes are not stated as whole numbers and the seconds are not represented to 2 decimal places, the Applicant will not be eligible for proximity points for that service.

Coordinates Location Chart																									
Service	Location where latitude and longitude coordinates must be obtained																								
Community Services	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.																								
Transit Services	<p>For Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop, TriRail Rail Stations and MetroRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the bus or train.</p> <p>For the following Phase 1 SunRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the train:</p> <p style="text-align: center;"><u>Phase 1 SunRail Station Name</u></p> <table border="0"> <tr> <td>Altamonte Springs Station</td> <td>Church Street Station</td> </tr> <tr> <td>DeBary Station</td> <td>Florida Hospital Station</td> </tr> <tr> <td>Lake Mary Station</td> <td>LYNX Central Station</td> </tr> <tr> <td>Longwood Station</td> <td>Maitland Station</td> </tr> <tr> <td>Orlando Amtrak/ORMC Station</td> <td>Sand Lake Road Station</td> </tr> <tr> <td>Sanford/SR46 Station</td> <td>Winter Park/Park Ave Station</td> </tr> </table> <p>For the following Phase 2 SunRail Rail Stations, coordinates must represent coordinates listed below:</p> <table border="0"> <thead> <tr> <th><u>Phase 2 SunRail Station Name</u></th> <th><u>Coordinates</u></th> </tr> </thead> <tbody> <tr> <td>Deland Amtrak Station</td> <td>N 29 01 02.25, W 81 21 09.24</td> </tr> <tr> <td>Meadow Woods Station</td> <td>N 28 23 12 19, W 81 22 26.59</td> </tr> <tr> <td>Osceola Parkway Station</td> <td>N 28 20 35.55, W 81 23 24.07</td> </tr> <tr> <td>Kissimmee Amtrak Station</td> <td>N 28 17 34.93, W 81 24 17.37</td> </tr> <tr> <td>Poinciana Industrial Park Station</td> <td>N 28 15 32.04, W 81 29 08 17</td> </tr> </tbody> </table>	Altamonte Springs Station	Church Street Station	DeBary Station	Florida Hospital Station	Lake Mary Station	LYNX Central Station	Longwood Station	Maitland Station	Orlando Amtrak/ORMC Station	Sand Lake Road Station	Sanford/SR46 Station	Winter Park/Park Ave Station	<u>Phase 2 SunRail Station Name</u>	<u>Coordinates</u>	Deland Amtrak Station	N 29 01 02.25, W 81 21 09.24	Meadow Woods Station	N 28 23 12 19, W 81 22 26.59	Osceola Parkway Station	N 28 20 35.55, W 81 23 24.07	Kissimmee Amtrak Station	N 28 17 34.93, W 81 24 17.37	Poinciana Industrial Park Station	N 28 15 32.04, W 81 29 08 17
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If there is no exterior public entrance to the Community Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For example, for a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the latitude and longitude coordinates at the doorway threshold of the exterior public entrance to the enclosed shopping mall that provide the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

Applicants may use the same latitude and longitude coordinates for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.