

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

CATHEDRAL TOWNHOUSE, LTD.,
Petitioner,

v.

FHFC Case No.: 2018-013BP
DOAH Case No.: 18-2021BID

FLORIDA HOUSING FINANCE
CORPORATION,
Respondent,

and

HOGAN CREEK REDEVELOPMENT
PARTNERS, LLC. AND SP TOWER, LLC,
Intervenors.

ST. ANDREW TOWERS I, LTD.,
Petitioner,

v.

FHFC Case No.: 2018-028BP
DOAH Case No.: 18-2023BID

FLORIDA HOUSING FINANCE
CORPORATION,
Respondent,

and

SP TOWER, LLC,
Intervenor.

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on July 27, 2018.

On May 2, 2018, SP Tower, LLC (“SP Tower”), Cathedral Townhouse, Ltd,

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Wm. Blamery /DATE: 7/27/18

("Cathedral"), St. Andrews Towers I, Ltd., ("St. Andrews"), and Florida Housing Finance Corporation ("Florida Housing") executed a Consent Agreement, attached as Exhibit "A." Based on the Consent Agreement, St. Andrews withdrew its petition on May 14, 2018.

On July 5, 2018, Cathedral and Florida Housing executed a Consent Agreement, attached as Exhibit "B." Based on the Consent Agreement, Cathedral voluntarily dismissed its petition on July 17, 2018.

Both Consent Agreements are adopted and incorporated by reference as though fully set forth in this Order.

IT IS HEREBY ORDERED that SP Tower is ineligible for funding under Request for Applications 2017-114 (the "RFA"). Further, St. Andrews and Cathedral are selected for funding under the RFA, subject to credit underwriting.

DONE and ORDERED this 27th day of July, 2018.



FLORIDA HOUSING FINANCE CORPORATION

By:

Ray DeLuca
Chair

Copies to:

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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, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, 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.

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CATHEDRAL TOWNHOUSE, LTD.,

Petitioner,

vs.

CASE NO. 18-2021BID
FHFC CASE NO. 2018-013BP
RFA 2017-114

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

and

SP TOWER LLC,

Intervenor.

HOGAN CREEK REDEVELOPMENT
PARTNERS, LLC

CASE NO. 18-2022BID
RFA 2017-114

Petitioner,

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

and

ST. ANDREW TOWERS I, LTD.,

Intervenor.

ST. ANDREW TOWERS I, LTD.,

Petitioner,

vs.

CASE NO. 18-2023BID
FHFC CASE NO. 2018-028BP
RFA 2017-114

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

and

SP TOWER LLC.

Intervenor.

CONSENT AGREEMENT

Petitioner Cathedral Townhouse, Ltd. (“Cathedral Townhouse”), Petitioner St. Andrew Towers I, Ltd. (“St. Andrew Towers”), Respondent, Florida Housing Finance Corporation (“Florida Housing”), and Intervenor, SP Tower LLC (“SP Tower”), by and through undersigned counsel, hereby enter the following Consent Agreement in accordance with section 120.57(4), Florida Statutes.

BACKGROUND

1. On March 16, 2018, Florida Housing’s Board of Directors issued its notice of intent to award housing credits under RFA 2017-114 Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments (“RFA 2017-114”). SP Tower (applicant for the development, Pembroke Tower Apartments or “Pembroke Tower”) was recommended for funding. Cathedral Townhouse and St. Andrew Towers were not.

2. Pembroke Tower is now projected to receive funding in response to another request for application, RFA 2017-108, SAIL Financing of Affordable Multifamily Housing Developments to Be Used in Conjunction with Tax-Exempt Bonds and Non-Competitive Housing

Credits (“RFA 2017-108”). Pembroke Tower was not originally recommended for funding under RFA 2017-108 and had not been recommended for funding as of the date SP Tower submitted the Pembroke Tower application in response to RFA 2017-114.

3. As a consequence of bid protests, RFA 2017-108 is the subject of a pending administrative proceeding. The final hearing in that matter has been held, and the assigned Administrative Law Judge has issued a Recommended Order.¹ Consistent with the joint pre-hearing stipulation² signed by all parties, the Recommended Order recommends that Florida Housing enter a final order determining that Pembroke Tower is to be selected for funding under RFA 2017-108.

4. As Pembroke Tower’s funding in RFA 2017-108 is not in dispute, Florida Housing invited Pembroke Tower to enter at risk credit underwriting by letter dated April 30, 2018. Pembroke Tower has accepted this preliminary commitment of funding based on the stipulations that are now memorialized in this Consent Agreement.

5. Under Rule 67-48.023(1)(b), Florida Administrative Code, an applicant is not eligible to apply for competitive housing credits if it has accepted a preliminary commitment of funding for the proposed development through the SAIL program. As such, Pembroke Tower is now ineligible for funding under RFA 2017-114.

STIPULATIONS

6. All parties agree that, since Pembroke Tower has accepted preliminary funding under RFA 2017-108, it is ineligible to apply for competitive housing credits under RFA 2017-114.

¹ *HTG Osprey Pointe, LLC v. Fla. Hous. Fin. Corp.*, DOAH Case No. 18-000479 (filed Apr. 19, 2018).

² See Joint Pre-hearing Stipulation, *HTG Osprey Pointe, LLC v. Fla. Hous. Fin. Corp.*, DOAH Case No. 18-000479, ¶¶ 24-25 (filed Feb. 26, 2018).

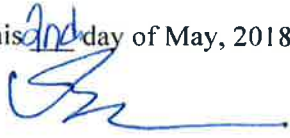
7. Florida Housing and all parties agree that this Consent Agreement and any acceptance of funding under RFA 2017-108 by Pembroke Tower will not constitute a withdrawal of the Pembroke Tower Application No. 2018-072C, or any form of false statement or misrepresentation, and will not affect the ability of SP Tower, its developers or co-developers, or any principal of the applicant or developer entities involved in the Pembroke Tower application, to participate in future Florida Housing funding programs.

8. All parties agree that, because the Pembroke Tower application is now ineligible for funding under RFA 2017-114 by virtue of the acceptance of a preliminary commitment of funding under RFA 2017-108, the eligibility of the Pembroke Tower application will not otherwise be determined by this proceeding. Accordingly, Cathedral Townhouse and St. Andrew Towers agree to withdraw any other protest grounds regarding Pembroke Tower's eligibility for funding under RFA 2017-114.

9. The provisions of this Consent Agreement shall be incorporated into any joint pre-hearing stipulation submitted in connection with any proceeding regarding RFA 2017-114.

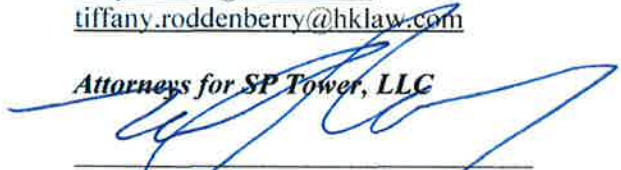
10. Florida Housing agrees that the determination of ineligibility of Pembroke Tower for RFA 2017-114 shall be treated as an initial, unchallenged determination of ineligibility pursuant to Exhibit C to RFA 2017-114, Section 7.a.(4), and Florida Housing shall promptly refund Pembroke Tower's Application Withdrawal Cash Deposit.

Executed this 2nd day of May, 2018.



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Executed this ___ day of May, 2018.

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

CATHEDRAL TOWNHOUSE, LTD.,

Petitioner,

**FHFC Case No. 2018-013BP
DOAH Case No. 18-2021BID**

v.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

and

**HOGAN CREEK REDEVELOPMENT PARTNERS,
LLC.**

Intervenor.

CONSENT AGREEMENT

Petitioner CATHEDRAL TOWNHOUSE, LTD. (“Cathedral”), and Respondent FLORIDA HOUSING FINANCE CORPORATION (“Florida Housing”), by and through undersigned counsel, hereby enter into the following Consent Agreement in accordance with Section 120.57(4), Florida Statutes.

BACKGROUND

1. Cathedral is an Applicant (Number 2018-071C) for competitive low-income housing tax credits (“housing credits”) in Request for Applications 2017-114 Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments (the “RFA”). A total of eight applicants applied for funding in RFA 2017-114; all eight were deemed eligible for consideration for funding, but only six were selected for funding, due to the amount of funding available for award. Cathedral’s application was deemed eligible for consideration but was not selected for funding under the RFA.

2. Hogan Creek Redevelopment Partners, LLC (“Hogan Creek”) is an Applicant (Number 2018-074C) for competitive housing credits in the RFA. Hogan Creek’s application was deemed eligible for consideration and was preliminarily selected for funding under the RFA.

3. SP Tower, LLC (“SP Tower”) and St. Andrew Towers I, Ltd (“St. Andrew”) were also Applicants (Numbers 2018-072C and 2018-069C, respectively) for housing credits in RFA 2017-114. Both SP Tower and St. Andrew were eligible for consideration. SP Tower, not St. Andrew, was preliminarily selected for funding under the RFA.

4. Cathedral, Hogan Creek, and St. Andrew timely filed protests to the notice of intended decision issued by Florida Housing on March 16, 2018.

5. The parties entered into a Consent Agreement on May 2, 2018 agreeing that because SP Tower accepted funding under RFA 2017-108, that it was ineligible to receive funding under RFA 2017-114.

6. If SP Tower is ineligible for funding, then pursuant to the ranking and selection process outlined in the RFA, St. Andrew will be selected for funding, subject to credit underwriting.

7. A hearing was held on May 14, 2018 at the Division of Administrative Hearings (“DOAH”). At hearing, Hogan Creek and St. Andrew voluntarily dismissed their petitions, and Hogan Creek was granted status as a named intervenor in Cathedral’s proceeding.

8. After SP Tower’s ineligibility and subsequent selection of St. Andrew for funding and the preliminary selection of six other applicants (including Hogan Creek) for funding, Cathedral is the only eligible, un-funded applicant in RFA 2017-114.

9. At the request of the parties, DOAH relinquished jurisdiction back to Florida Housing to take final agency action.

STIPULATIONS

10. In order to avoid the time, expense, and uncertainty of further litigation, the parties agree that on July 27, 2018, Florida Housing staff will recommend to the Florida Housing Board of Directors (the "Board"), to fully fund the Cathedral application in RFA 2017-114, subject to credit underwriting. The funding of the Cathedral application will not rescind or otherwise affect the funding awarded to any other application in RFA 2017-114. If the Board is unable to meet on July 27, 2018, Florida Housing staff agrees to make the same recommendation at the next scheduled Board meeting.

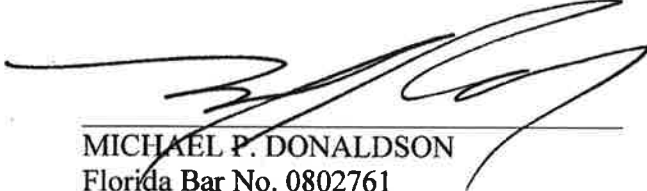
11. Cathedral agrees to voluntarily dismiss its petition with prejudice after execution of this agreement and prior to July 27, 2018.

12. Cathedral understands and agrees that this Consent Agreement is subject to approval by the Board. If the Board does not approve this Consent Agreement, this Agreement shall be null and void as if it were never executed. However, Cathedral's voluntary dismissal with prejudice of its petition will stand even if the Board does not approve this Agreement.

13. The undersigned attorneys represent that they have the authority to execute this Consent Agreement on behalf of their respective clients.

14. If this Consent Agreement is approved by the Board, a Final Order will be entered adopting the terms of this Agreement, and each party will bear its own costs and attorney's fees incurred in this matter.

Executed this 5th day of July, 2018.



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