

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

CITY VISTA ASSOCIATES, LLC,

Petitioner,

vs.

FHFC Case No.: 2014-049BP

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

and

WISDOM VILLAGE CROSSING, LP, and
HTG BROWARD 3, 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 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

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DATE: 6.13.14

pursuant to RFA 2013-003, to fund affordable housing projects in Broward County, Miami-Dade County, and Palm Beach Counties.

Petitioner 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 106.205(3), Florida Administrative Code. An informal hearing was conducted pursuant to Sections 120.569 and 120.57(2) and (3), *Florida Statutes*, before Florida Housing Hearing Officer Christopher D. McGuire on May 12, 2014. There are no disputed issues of material fact.

The issue for determination was whether Florida Housing properly interpreted and applied its rules and the requirements of RFA 2013-003 when it determined that Petitioner's site control contract was not in the name of the Applicant, resulted in a failure to meet a threshold requirement of the RFA.

Petitioner and Respondent timely filed Proposed Recommended Orders. Intervenors Wisdom Village and HTG Broward 3 joined in Florida Housing's Proposed Recommended Order.

The Hearing Officer issued a Recommended Order on May 30, 2014, which found that Petitioner failed to demonstrate that Florida Housing's proposed scoring of its Application was clearly erroneous, contrary to competition, arbitrary or capricious, and recommended that a Final Order be entered affirming Florida

Housing's scoring of the City Vista Application, No. 2014-185C, and denying all relief requested by Petitioner. 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.

2. 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 Petitioner's Application No. 2014-185C is rejected for failure to meet the threshold requirements regarding site control.

DONE and ORDERED this 13th day of June, 2014.



FLORIDA HOUSING FINANCE CORPORATION

By:  _____
Chair

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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.