STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

MADISON HIGHLANDS, LLC and
AMERICAN RESIDENTIAL
DEVELOPMENT, LLC,

Petitioners,

CASE NO.: 2016-006BP

vs.

APPLICATION NO: 2016-109C
REQUEST FOR APPLICATIONS: 2015-107

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.
_____/

FORMAL WRITTEN PROTEST OF AWARD
AND PETITION FOR ADMINISTRATIVE HEARING

Pursuant to Sections 120.569 and 120.57(3), Florida Statutes, and Chapter 28-110 and Rule 28-106.201, Florida Administrative Code, Petitioner, Madison Highlands, LLC and Petitioner American Residential Development, LLC (collectively, the "Petitioners"), file this Formal Written Protest of Award and Petition for Administrative Hearing and state:

Affected Agency

1. The agency affected is the Florida Housing Finance Corporation ("Florida Housing" or the "Corporation"), 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The telephone number is 850-488-4197.

Petitioners

2. Petitioners' address is 558 West New England Avenue, Suite 250, Winter Park, Florida 32789. Petitioners' telephone number is 407-408-3572. For purposes of this proceeding, Petitioners' address is that of its undersigned counsel.

3. Petitioners are the owners and developers of a proposed affordable housing development to be located in Hillsborough County, Application #2016-109C. American

Residential Development, LLC is a "Developer" as defined by Florida Housing Finance Corporation in Rule 67-48.002(28), Fla. Admin Code. Petitioners and its affiliated entities have successfully completed the construction of several affordable housing developments from funding sources allocated by Florida Housing Finance Corporation.

Petitioners' Counsel

4. Counsel for Petitioners and Petitioners' Counsel's address for this proceeding is: J. Timothy Schulte, Esq. Zimmerman, Kiser & Sutcliffe, P.A., 315 East Robinson Street, Suite 600, Orlando, Florida 32801. Petitioners' Counsel's telephone number is 407-425-7010.

Background

5. Florida Housing administers various affordable housing programs including the Housing Credit (HC) Program pursuant to Section 42 of the Internal Revenue Code and Section 420.5099, Florida Statutes, under which Florida Housing is designated as the Housing Credit agency for the State of Florida within the meaning of Section 42(h)(7)(A) of the Internal Revenue Code, and Chapters 67-48 and 67-60, Florida Administrative Code.

6. Florida Housing administers competitive solicitation processes to implement the provisions of the housing credit program under which developers apply for funding. Chapter 67-60, Florida Administrative Code.

7. The failure of an application to be completed in accordance with the competitive solicitation shall be grounds for a determination of non-responsiveness and the application will not be considered for funding. Rule 67-60.006, Florida Administrative Code.

8. Furthermore, by submitting an application, each applicant certifies that:

> Proposed Developments funded with Housing Credits under this RFA will be subject to the requirements of the RFA, the Application requirements outlined in Rule Chapter 67-60, F.A.C., the credit underwriting and HC Program requirements outlined in Rule Chapter 67-

48, F.A.C. and the Compliance requirements of Rule Chapter 67-53, F.A.C. See, RFA 2015-107, Pg. 8

9. Because the demand for HC funding exceeds that which is available under the HC Program, qualified affordable housing developments must compete for this funding. To assess the relative merits of proposed developments, Florida Housing has established a competitive solicitation process known as the Request for Applications pursuant to Chapters 67-48 and 67-60, Florida Administrative Code.

10. On or about September 21, 2015, Florida Housing issued RFA 2015-107 Housing Credit Financing for Affordable Housing Development Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas. ("RFA"). The application deadline for the RFA was November 5, 2015 ("Application Deadline").

11. The RFA sets forth the information required to be provided by an applicant, provides a general description of the type of projects that will be considered eligible for funding and delineates the submission requirements. See, RFA, pgs. 2-50. Page 51 of the RFA sets forth a list of Mandatory Items that must be included in a response. Among other things, the RFA requires the applicant demonstrate certain Ability to Proceed elements as of the Application Deadline including the Status of Site Plan/Plat Approval and appropriate Zoning, both evidenced by providing properly completed and executed verification forms. See, RFA, pg. 16 The RFA also sets forth the funding selection criteria beginning on page 48. The RFA expressly provides that "Only Applications that are eligible for funding will be considered for funding selection." See, RFA pg. 48.

12. Specifically, Florida Housing's solicitation process for RFA 2015-107, as set forth in Rules 67-60.001 - .009, Florida Administrative Code, involves the following:

a) Florida Housing publishes its competitive solicitation (RFA) in the Florida Administrative Register;

b) applicants prepare and submit their response to the competitive solicitation;

c) Florida Housing appoints a scoring committee to evaluate the applications;

d) the scoring committee makes recommendations to Florida Housing's Board, which are then voted on by the Board; and

e) applicants not selected for funding may protest the results of the competitive solicitation process.

Notice of Agency Action

13. Petitioners received notice of Florida Housing's Final Agency Action entitled "RFA 2015-107 Recommendations" dated January 29, 2016 ("Corporation's Notice"), on or about January 29, 2016 (See attached Exhibit "A").

Notice of Protest

14. On February 2, 2016, Petitioners timely filed its Notice of Protest in which it challenged the selection of the applications in the Corporation's Notice (See attached Exhibit "B").

Substantial Interests

15. Petitioners timely submitted an application in response to RFA 2015-107. Pursuant to Application #2016-109C ("Application"), Petitioners applied for an allocation of $2,040,000 in annual federal tax credits[1] to help finance the development of its project, a 102-

[1] The United States Congress has created a program, governed by Section 42 of the IRC, by which federal income tax credits are allotted annually to each state on a per capita basis to help facilitate private development of affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder's federal tax liability, which can be taken for up to ten years if the project continues to satisfy IRC requirements. The tax credits allocated annually to each state are awarded by state "housing credit agencies" to single-purpose applicant entities created by real estate developers to construct and operate specific multi-family housing projects.

unit mid-rise apartment complex. As reflected in Florida Housing's RFA 2015-107 Applications Submitted Report, Petitioners were assigned lottery number 2. Petitioners were scored as having satisfied all mandatory and eligibility requirements for funding and scored 23 out of 28 Total Points (See 2015-107 6 County Large Geo RFA Scoring Sheets, attached as Exhibit "C").

16. SP Gardens, LLC ("Laburnum Gardens") timely submitted an application in response to RFA 2015-107. Pursuant to Application #2016-137C, Laburnum Gardens applied for an allocation of $1,420,000 in annual federal tax credits to help finance the development of its project, an 81-unit garden apartments complex. As reflected in Florida Housing's RFA 2015-107 Applications Submitted Report, Laburnum Gardens was assigned lottery number 9. Laburnum Gardens was scored as having satisfied all mandatory and eligibility requirements for funding and scored 28 out of 28 Total Points (See RFA 2015-107 Scoring Sheets, attached as Exhibit "C"). On January 29, 2016, Florida Housing's Board of Directors adopted the scoring committee's recommendations and tentatively authorized the selection of Laburnum Gardens for funding.

17. West River Phase 2, LP ("The Boulevard") timely submitted an application in response to RFA 2015-107. Pursuant to Application #2016-119C, The Boulevard applied for an allocation of $2,110,000 in annual federal tax credits to help finance the development of its project, a 250-unit mid-rise apartment complex. As reflected in Florida Housing's RFA 2015-107 Applications Submitted Report, The Boulevard was assigned lottery number 23. The

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The applicant entity then sells this ten-year stream of tax credits, typically to a syndicator, with the sale proceeds generating much of the funding necessary for development and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to operate the project at below-market-rate rents that are affordable to low-income and very-low-income tenants. Pursuant to section 420.5099, F.S., Florida Housing is the designated "housing credit agency" for the State of Florida and administers Florida's tax credit program under its Housing Credit (HC) Program. Through the HC Program, Florida Housing allocates Florida's annual fixed pool of federal tax credits to developers of affordable housing.

Boulevard was scored as having satisfied all mandatory and eligibility requirements for funding and scored 28 out of 28 Total Points (See RFA 2015-107 Scoring Sheets, attached as Exhibit "C").

18. West River Phase 1A, LP ("Bethune") timely submitted an application in response to RFA 2015-107. Pursuant to Application #2016-138C, Bethune applied for an allocation of $2,110,000 in annual federal tax credits to help finance the development of its project, a 160-unit mid-rise apartment complex. As reflected in Florida Housing's RFA 2015-107 Applications Submitted Report, Bethune was assigned lottery number 22. Bethune was scored as having satisfied all mandatory and eligibility requirements for funding and scored 28 out of 28 Total Points (See RFA 2015-107 Scoring Sheets, attached as Exhibit "C").

19. City Edge Senior Apartments, Ltd. ("City Edge") timely submitted an application in response to RFA 2015-107. Pursuant to Application #2016-120C, City Edge applied for an allocation of $1,848,370, in annual federal tax credits to help finance the development of its project, a 120-unit garden apartments complex. As reflected in Florida Housing's RFA 2015-107 Applications Submitted Report, City Edge was assigned lottery number 37. City Edge was scored as having satisfied all mandatory and eligibility requirements for funding and scored 28 out of 28 Total Points (See RFA 2015-107 Scoring Sheets, attached as Exhibit "C").

20. As set forth herein, the eligibility determinations, scoring and preliminary ranking of the applications did not recognize or take into account the failure of Laburnum Gardens, The Boulevard, Bethune and City Edge to respond to mandatory or Total Points items required by the RFA. As a result, the preliminarily approved allocations are not based on a correct determination of the developments eligible for funding under the RFA. Because of errors in the eligibility determinations, scoring and ranking process, Laburnum Gardens, The Boulevard, Bethune and

City Edge have been included in the rankings that should have been disqualified or scored equal to or lower than Petitioners' Application. As discussed below, Florida Housing improperly determined that Laburnum Gardens, The Boulevard, Bethune and City Edge satisfied RFA mandatory, eligibility and Total Points requirements and improperly selected Laburnum Gardens for funding.

21. Through this proceeding Petitioners challenge and are seeking a determination that Florida Housing erred in the scoring, eligibility and award decision of Laburnum Gardens. Petitioners further challenge and are seeking a determination that Florida Housing erred in the scoring and eligibility decision of The Boulevard, Bethune and City Edge applications. But for Florida Housing's error in its scoring, eligibility and award decision, Petitioners would have been ranked in the funded range and would have been entitled to an allocation of housing credits from the 2015-107 RFA.

Defects in Zoning and Improperly Executed Zoning Certification Form

Zoning Defects

22. The RFA specifically provides that an Applicant must demonstrate certain Ability to Proceed elements as of the Application Deadline by providing, *inter alia*, properly executed Florida Housing Ability to Proceed Verification forms for Appropriate Zoning. Section 4.A.5.f. of RFA 2015-107, lists the requirements for Appropriate Zoning. The instructions provide, in relevant part: Appropriate Zoning. "The Applicant must demonstrate that as of the Application Deadline, the proposed Development is appropriately zoned and consistent with local land use regulations regarding density and intended use by providing, as Attachment 9 to Exhibit A, the applicable **properly completed and executed** verification form." See, RFA pg. 16. (Emphasis Added).

23. Two of the Applications with higher scores than Madison Highlands should be deemed ineligible for failure to meet mandatory zoning requirements: The Boulevard and Bethune.

24. The Boulevard application committed to provide 250 units which exceeds the zoning density permitted for its site. Therefore, The Boulevard does not have the ability to proceed and it should be deemed to be an ineligible Application.

25. Bethune's application committed to provide 160 units which exceeds the zoning density permitted for its site. Therefore, Bethune does not have the ability to proceed and it should be deemed to be an ineligible application.

Improperly Executed Zoning Certification Form

26. In addition to satisfying the substantive aspect of zoning, the RFA further prescribes the individuals who can attest to the zoning designation of a development site. As previously noted, the RFA specifically requires that an applicant include within the applications "as Attachment 9 to Exhibit A, the applicable **properly completed and executed** verification form." See, RFA pg. 16. (Emphasis Added).

27. Attachment 9 refers to the Local Government Verification that Development is Consistent with Zoning and Land Use Regulation ("Zoning Form"). The Zoning Form provides that:

> 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 comprehensive planning and zoning, 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 certification will not be accepted.

28. If the Zoning Form is not signed by an authorized local government official who meets the requirements of the RFA, then the certification is invalid and a Mandatory Item is missing in the Application. As a result of such defect, the Application should be deemed to be an ineligible.

29. The Zoning Certification form for the Bethune's Application is not signed by an authorized local government official who meets the requirements of the RFA. Therefore, the Certification is invalid and a Mandatory Item is missing in the Application. As a result of such defect, the Bethune's Application should be deemed to be ineligible.

30. The Zoning Certification form for The Boulevard's Application is not signed by an authorized local government official who meets the requirements of the RFA. Therefore, the certification is invalid and a Mandatory Item is missing in the Application. As a result of such defect, The Boulevard's Application should be deemed to be ineligible.

Improperly Executed Site Plan Certification Form

31. The RFA specifically provides that an Applicant must demonstrate certain Ability to Proceed elements as of the Application Deadline by providing, *inter alia*, properly executed Florida Housing Ability to Proceed Verification forms for the Status of Site Plan/Plat Approval. Section 4.A.5.f. of RFA 2015-107, lists the requirements for Ability to Proceed. The instructions provide, in relevant part: "Status of Site Plan/Plat Approval. The Applicant must demonstrate the status of the site plan or plat approval as of the Application Deadline by providing, as Attachment 8 to Exhibit A, the applicable **properly completed and executed** verification form." See, RFA pg. 16. (Emphasis Added).

32. Attachment 8 refers to the Local Government Verification of Status of Site Plan Approval for Multifamily Developments ("Site Plan Form"), which provides that:

> The 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 certification will not be accepted."

33. If the Site Plan Form is not signed by an authorized local government official who meets the requirements of the RFA, then the certification is invalid and a Mandatory Item is missing in the Application.

34. The Site Plan Form for Bethune's Application is not signed by an authorized local government official who meets the requirements of the RFA. Therefore, the certification is invalid and a Mandatory Item is missing in the Application. As a result of such defect, Bethune's Application should be deemed to be ineligible.

35. The Site Plan Form for The Boulevard's application is not signed by an authorized local government official who meets the requirements of the RFA. Therefore, the certification is invalid and a Mandatory Item is missing in the Application. As a result of such defect, the Boulevard's Application should be deemed to be ineligible.

Site Control

36. Section 4. A.8. of RFA 2015-107, lists the requirements for Site Control. The instructions provide, in relevant part:

> Site Control:
>
> The Applicant must demonstrate site control by providing, as Attachment 15 to Exhibit A, the documentation required in Items a., b., and/or c., as indicated below. If the proposed Development consists of Scattered Sites, site control must be demonstrated for all of the Scattered Sites
>
> Eligible Contract - For purposes of this RFA, an eligible contract is one that has a term that does not expire before May 31, 2016 or that contains extension options exercisable by the purchaser and conditioned solely upon payment of additional

> monies which, if exercised, would extend the term to a date that is not earlier than May 31, 2016; specifically states that the buyer's remedy for default on the part of the seller includes or is specific performance; and the **buyer MUST be the Applicant unless an assignment of the eligible contract which assigns all of the buyer's rights, title and interests in the eligible contract to the Applicant, is provided**. Any assignment must be signed by the assignor and the assignee. If the owner of the subject property is not a party to the eligible contract, all documents evidencing intermediate contracts, agreements, assignments, options, or conveyances of any kind between or among the owner, the Applicant, or other parties, must be provided, and, if a contract, must contain the following elements of an eligible contract: (i) have a term that does not expire before May 31, 2016 or contain extension options exercisable by the purchaser and conditioned solely upon payment of additional monies which, if exercised, would extend the term to a date that is not earlier than May 31, 2016, and (ii) **specifically state that the buyer's remedy for default on the part of the seller includes or is specific performance.** (Emphasis Added) (RFA Pg. 32)

37. Laburnum Gardens' Application does not demonstrate Site Control pursuant to the requirements of the RFA. In an attempt to demonstrate Site Control, Laburnum Gardens included in its application a Purchase and Sale Agreement between Southport Financial Real Estate, LLC (Purchaser) and GF Financial, LLC (Seller) ("Laburnum Contract"). Thereafter, the Laburnum Contract was assigned to Laburnum Gardens. The Laburnum Contract describes the parcel to be sold as "consisting of approximately 2 acres, as depicted on Exhibit A attached hereto." (A copy of Exhibit A to the Laburnum Contract is attached hereto as Petitioners' Exhibit "D".) In order to be scored as satisfying Site Control requirements, an applicant must be able to seek specific performance to enforce the terms of the real estate contract. Exhibit A to the Laburnum Contract is a sketch which fails to adequately describe the property to be purchased. There is no lot and block, nor meets and bounds description. The drawing does not indicate which "2 acres" are to be purchased. In the absence of a specific legal description, the Laburnum Contract is not enforceable. Laburnum Gardens cannot seek specific performance on a real estate contract that fails to adequately describe the parcel to be purchased. Therefore, as

this Mandatory Item is missing in Laburnum Gardens' Application, Site Control is not demonstrated, and the its Application should be deemed to be ineligible.

38. City Edge's Application fails to demonstrate Site Control pursuant to the requirements of the RFA. In an attempt to demonstrate Site Control, City Edge included in its application a Purchase and Sale Agreement between 301 And Bloomingdale, LLC (Seller) and The Richman Group of Florida (Purchaser) ("Original Contract"). The Original Contract encompasses approximately 23.46 acres, with a purchase price of $3,840,000.00. Thereafter, The Richman Group of Florida (RCF) and City Edge (Buyer) ("City Edge Contract") executed Purchase and Sale Agreement, with a purchase price of $2,160,000, which is substantiality less than the purchase price on the Original Contract. The City Edge Contract encompasses less than 9 acres of property, which is substantially less than the property described in the Original Contract. The RFA requires that the purchaser "MUST be the Applicant unless an assignment of the eligible contract which assigns all of the buyer's rights, title and interests in the eligible contract to the Applicant, is provided." See, RFA Pg. 32. In this case, City Edge is not the purchaser under the Original Contract. There is no assignment of contract which assigns the Original Contract to City Edge. As a result, City Edge cannot pursue specific performance of the City Edge Contract and cannot pursue specific performance against the Seller. A Mandatory Item is missing in the City Edge Application and the Application should be deemed to be ineligible.

39. Given the forgoing, Laburnum Gardens, The Boulevard, Bethune and City Edge failed to satisfy RFA mandatory, eligibility or point total requirements and were not entitled to be scored as eligible for funding.

40. There may be additional mandatory, eligibility or point total requirements the above described applicants failed to provide which further render their applications ineligible for funding. Petitioners reserve the right to amend their Petition to include any additional failures to respond to these requirements.

Disputed Issues of Material Fact and Law

Disputed issues of material fact and law include those matters pled in this petition, and include but are not limited to the following:

a) Whether the provisions of the RFA have been followed in the preliminary allocation of the tax credits under the RFA and/or correct eligibility and Total Points determinations have been made based on the provisions of the RFA;

b) Whether the proposed allocations are consistent with the RFA, the requirements of a competitive procurement process and Florida Housing's rules and governing statutes;

c) Whether the criteria and procedures followed in reaching the proposed allocations are arbitrary, capricious, contrary to competition, contrary to the RFA requirements, and/or contrary to prior Florida Housing interpretations of the applicable statutes and administrative rules;

d) Whether the RFA's criteria for determining eligibility, ranking and evaluation of proposals were properly followed;

e) Whether the preliminary rankings properly determine the eligibility of potential applicants for funding in accordance with the standards and provisions of the RFA;

f) Whether Bethune's Application should be deemed ineligible under the RFA as a result of Bethune's failure to satisfy RFA zoning requirements as of the Application Deadline;

g) Whether The Boulevard's Application should be deemed ineligible under the RFA as a result of The Boulevard's failure to satisfy RFA zoning requirements as of the Application Deadline

h) Whether Bethune's Application should be deemed ineligible under the RFA because no authorized official as defined in the RFA signed the zoning certification;

i) Whether Bethune's Application should be deemed ineligible under the RFA because no authorized official as defined in the RFA signed the site plan certification;

j) Whether The Boulevard's Application should be deemed ineligible under the RFA because no authorized official as defined in the RFA signed the zoning certification;

k) Whether The Boulevard's Application should be deemed ineligible under the RFA because no authorized official as defined in the RFA signed the site plan certification;

l) Whether Laburnum Gardens' Application should be deemed ineligible under the RFA because Laburnum Gardens has failed to demonstrate site control in accordance with and as required by the RFA;

m) Whether City Edge's Application should be deemed ineligible under the RFA because Cite Edge failed to demonstrate site control in accordance with and as required by the RFA;

n) Whether the rankings and proposed awards are consistent with the RFA and the disclosed bases or grounds upon which tax credits are to be allocated;

o) Whether the rankings and proposed awards are based on a correct determination of the eligibility of the applicants and/or correct scoring and ranking criteria in the RFA;

p) Whether the rankings and proposed awards are consistent with fair and open competition for the allocation of tax credits;

q) Whether the rankings and proposed awards are based on clearly erroneous and/or capricious eligibility determinations, scoring or ranking;

r) Whether the proposed awards improperly incorporate new policies and interpretations that impermissibly deviate from the RFA specifications, existing rules and/or prior Florida Housing interpretations and precedents;

s) Such other issues as may be revealed during the protest process.

41. Petitioners reserve the right to seek leave to amend this petition to include additional disputed issues of material fact and law that may become known through discovery.

Statement of Ultimate Facts and Law

42. As a matter of ultimate fact and law Laburnum Gardens, The Boulevard, Bethune and City Edge failed to complete their applications in accordance with the competitive solicitation; their application were not responsive to and failed to comply with RFA 2015-107;

and, therefore, their applications should not have been considered for funding or scored as being eligible applications.

43. As a matter of ultimate fact and law Florida Housing improperly determined that Laburnum Gardens, The Boulevard, Bethune and City Edge applications were completed in accordance with the competitive solicitation; were responsive to RFA 2015-107; and, Laburnum Gardens was eligible for funding under RFA 2015-107.

44. As a matter of ultimate fact and law Florida Housing improperly scored Laburnum Gardens, The Boulevard, Bethune and City Edge Applications as having satisfied mandatory requirements as of the Application Deadline.

45. As a matter of ultimate fact and law, Florida Housing improperly determined that Laburnum Gardens, was eligible for funding and further improperly determined that The Boulevard, Bethune and City Edge were scored as eligible applications. But for these errors, Petitioners would have been entitled to an allocation of its requested tax credit funding.

Statutes and Rules

Statutes and rules governing this proceeding are Sections 120.569 and 120.57(3), and Chapter 420, Florida Statutes, and Chapters 28-106, 67-48 and 67-40, Florida Administrative Code.

WHEREFORE, Petitioners request that:

A. Florida Housing refer this Petition to the Division of Administrative Hearings for a formal administrative hearing and the assignment of an Administrative Law Judge pursuant to Section 120.57(3), Florida Statutes,

B. The Administrative Law Judge enter a Recommended Order determining that:

a) Laburnum Gardens, The Boulevard, Bethune and City Edge failed to complete their applications in accordance

with the competitive solicitation; that their applications were non-responsive to and failed to comply with RFA 2015-107; and that their applications should not have been considered for funding or scored as having satisfied mandatory or total point requirements as prescribed by RFA 2015-107;

b) Florida Housing improperly determined that the applications submitted by Laburnum Gardens, The Boulevard, Bethune and City Edge were completed in accordance with the competitive solicitation;

c) Florida Housing improperly determined that the applications submitted by Laburnum Gardens, The Boulevard, Bethune and City Edge were responsive to RFA 2015-107;

d) Florida Housing improperly determined that Laburnum Gardens' application was eligible for funding under RFA 2015-107;

C. The Administrative Law Judge enter a Recommended Order recommending Florida Housing award Petitioners their requested tax credit funding;

D. Florida Housing enter a Final Order awarding Petitioners their requested tax credit funding; and,

E. Petitioners be granted such other relief as may be deemed appropriate.

Respectfully submitted this 12th day of February, 2016.

J. Timothy Schulte
Fla. Bar No. 769169
Attorney for Petitioners

CERTIFICATE OF SERVICE

I certify that the original of the foregoing has been filed by Hand Delivery with the Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301 and a copy furnished to Hugh Brown, Esq., General Counsel, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301 this 12th day of February, 2016.

Attorney

EXHIBIT "A"
RFA 2015-107 Recommendations

Total HC Available for RFA	12,700,863.00
Total HC Allocated	12,897,002.00
Binding Commitment (2016-148C)	(196,139.00)

Application Number	Name of Development	Name of Contact Person	Name of Developer	Total Set Aside Units	HC Funding Amount	Eligible For Funding?	Total Points	Development Category Funding Preference	Per Unit Construction Funding Preference	Leveraging Classification	Duval County Qualifying Financial Assistance Preference	75 or More Total Unit Funding Preference	Florida Job Creation Preference	Lottery Number
Duval County														
2016-155C	Lofts at LaVilla	James R. Hoover	TVC Development, Inc.	120	1,660,000.00	Y	28	Y	Y	A	Y	Y	Y	51
Broward County														
2016-161C	Arbor View	Matthew Rieger	HTG Arbor View Developer, LLC	100	1,967,002.00	Y	28	Y	Y	A	N	Y	Y	32
Hillsborough County														
2016-137C	Laburnum Gardens	Brianne E Heffner	Southport Development, Inc. a Washington corporation doing business in Florida as Southport Development Services, Inc.	81	1,420,000.00	Y	28	Y	Y	A	N	Y	Y	9
Orange County														
2016-144C	Wellington Park	Jonathan L. Wolf	Wellington Park Developer, LLC	120	2,060,000.00	Y	28	Y	Y	A	N	Y	Y	3
Palm Beach County														
2016-130C	Residences at Haverhill	Robert G Hoskins	NuRock Development Partners, Inc.	117	2,110,000.00	Y	28	Y	Y	A	N	Y	Y	1
Pinellas County														
2016-126C	Burlington Post	Oscar A Sol	Burlington Post Dev, LLC	86	1,660,000.00	Y	28	Y	Y	A	N	Y	Y	4
New Construction Belle Glade Development														
2016-148C	Yew Court	Brianne E Heffner	Southport Development, Inc. a Washington corporation doing business in Florida as Southport Development Services, Inc.	110	2,020,000.00	Y	28	Y	Y	A	N	Y	Y	14

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 underwriting.

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 "B"

Madison Highlands, LLC
American Residential Development, LLC
558 W. New England Ave., Suite 250
Winter Park, FL 32789

February 2, 2016

Ms. Kate Flemming
Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

Re: Request For Applications ("RFA") 2015-107 Housing Credit Financing for Affordable Housing Developments Located in Large Counties

Dear Ms. Flemming:

On behalf of American Residential Development, LLC ("ARD") and Madison Highlands, LLC ("Madison Highlands") (#2016-109C), this letter serves as ARD's and Madison Highlands' timely notice of protest pursuant to section 120.57(3), Florida Statutes, and advises the Florida Housing Finance Corporation that ARD and Madison Highlands intend to protest the Corporation's notice of intended decision regarding the above-referenced procurement as published on the Corporation's website on January 29, 2016 at 2:41 p.m. ARD and Madison Highlands, among other things, specifically challenge the eligibility and scoring determinations of the Applicants listed below:

	Development	Applicant	Developer
119C	The Boulevard at West River	West River Phase 2, LP	WRDG Boulevard, LLC
120C	City Edge	City Edge Senior Apartments, Ltd.	The Richman Group of Florida, Inc.
129C	Mango Blossom	Blue Lemon, LLC	Blue Sky Communities LLC
137C	Laburnum Gardens	SP Gardens, LLC	Southport Development, Inc., a Washington corporation doing business in Florida as Southport Development Services, Inc.
138C	Bethune Residences I at West River	West River Phase 1A, LP	WRDG Bethune I, LLC

Sincerely,

Madison Highlands, LLC

By: Patrick E. Law, Manager

American Residential Development, LLC

By: Patrick E. Law, Manager

Copy: Hugh Brown, Esq., Florida Housing Finance Corporation
Michael G. Maida, Esq.
J. Timothy Schulte, Esq., Zimmerman, Kiser, Sutcliffe, LLC
James W. Middleton, Esq., Smith, Gambrell and Russell, LLP

EXHIBIT "C"

2015-107 6 County Large Geo RFA Scoring Sheets

Scoring Items	Mandatory, Eligibility Requirement, Point Item, or Tie-Breaker?	Contributor/ Reporter	2016-109C	2016-110C	2016-111C	2016-112C
Development Name			Madison Highlands	Madison Hollow South	Reserve at Princeton	Stratford Apartments
Submission Requirements Met (Sections Three A and Five)	Ellgibility	Liz	Y	Y	Y	Y
Points Items						
4.a.(3) General Development Experience (5 points)	Point item	Libby	5	5	5	5
6. Proximity to Transit and Community Services (up to 18 points)	Point item	Jean	18	18	18	18
10. Local Government Contributions (up to 5 points)	Point item	Tim K	0	5	5	5
Total Points	**28**		**23**	**28**	**28**	**28**
Mandatory and Eligibility Requirements						
$25,000 Letter of Credit requirements met, if applicable (Section Three, A.4. and Item 14 of Exhibit C)	Eligibility	Liz	Y	Y	Y	Y
2. Demographic Commitment selected	Mandatory	Bill C	Y	Y	Y	Y
3.a. Applicant Name provided	Mandatory	Libby	Y	Y	Y	Y
3.b. Evidence that Applicant is a legally formed entity provided	Mandatory		Y	Y	Y	Y
3.d. Applicant & Developer Principals provided	Mandatory		Y	Y	Y	Y
3.e. Contact person information provided	Mandatory		Y	Y	Y	Y
4.a.(1) Developer Name(s) provided	Mandatory		Y	Y	Y	Y
4.a.(2) Evidence that Developer is a legally formed entity provided	Mandatory		Y	Y	Y	Y
4.b.(1) Name of Management Company provided	Mandatory		Y	Y	Y	Y
4.b.(2) Prior general Management Company experience chart provided	Mandatory		Y	Y	Y	Y
5.a. Development Name provided	Mandatory	Bill C	Y	Y	Y	Y
5.b.(1) Development County provided	Mandatory		Y	Y	Y	Y
5.b.(2) Development address provided	Mandatory		Y	Y	Y	Y
5.c.(1) Development category selected and applicable qualifications met	Mandatory	Jean	Y	Y	Y	Y
5.c.(2)(a) If Rehabilitation, estimated qualified basis in Rehab expenses at least $25,000 per set-aside unit? (Yes/No)	Mandatory		Y	Y	Y	Y
5.d. Development Type selected	Mandatory	Bill C	Y	Y	Y	Y
5.e.(1) Total number of units provided and within limits	Mandatory		Y	Y	Y	Y
5.e.(2) New Construction Units and/or Rehab Units breakdown provided	Mandatory		Y	Y	Y	Y
5.e.(3) Occupancy status of existing units provided	Mandatory		Y	Y	Y	Y
5.f.(1) Status of site plan/plat approval demonstrated	Mandatory		Y	Y	Y	Y
5.f.(2) Confirmation of appropriate zoning demonstrated	Mandatory		Y	Y	Y	Y
5.f.(3) Availability of electricity demonstrated	Mandatory		Y	Y	Y	Y
5.f.(4) Availability of water demonstrated	Mandatory		Y	Y	Y	Y
5.f.(5) Availablity of sewer demonstrated	Mandatory		Y	Y	Y	Y
5.f.(6) Availability of roads demonstrated	Mandatory		Y	Y	Y	Y
Surveyor Certification form completed and executed with Development Location Point provided (Section Four, A.6.a.)	Mandatory	Jean	Y	Y	Y	Y
Minimum Total Proximity Score met (Section Four, A.6.b.(2))	Eligibility		Y	Y	Y	Y
Minimum Transit Score met (Section Four, A.6.b.(2))	Eligibility		Y	Y	Y	Y
Mandatory Distance Requirement met (Section Four, A.6.d.)	Eligibility		Y	Y	Y	Y
LDA Development Conditions met, if applicable (Section Four, A.7.c.)	Eligibility		Y	Y	Y	Y
7.a. Minimum Set-Aside selected (Y/N)	Mandatory		Y	Y	Y	Y

Scoring Items	Mandatory, Eligibility Requirement, Point Item, or Tie-Breaker?	Contributor/ Reporter	2016-109C	2016-110C	2016-111C	2016-112C
Development Name			**Madison Highlands**	**Madison Hollow South**	**Reserve at Princeton**	**Stratford Apartments**
7.b. Total set-aside breakdown chart acceptable	Mandatory		Y	Y	Y	Y
8. Evidence of site control provided	Mandatory	Liz	Y	Y	Y	Y
9.a.(1) If Rehabilitation, minimum additional Green Building Features selected	Mandatory	Bill C	Y	Y	Y	Y
9.a.(2) If New Construction or Redevelopment, commitment to achieve a Green Building Certification program provided	Mandatory		Y	Y	Y	Y
9.b. Minimum Resident programs selected, if applicable	Mandatory		Y	Y	Y	Y
11.a. HC Request Amount provided	Mandatory	Tim K	Y	Y	Y	Y
11.c. Development Cost Pro Forma free from shortfalls	Mandatory		Y	Y	Y	Y
TDC less than or equal to TDC Limitation (Item 8 of Exhibit C.)	Eligibility		Y	Y	Y	Y
Financial Arrears Met (Section Five)	Eligibility	Kenny	Y	Y	Y	Y
All Mandatory Elements Met?		**Yes or No**	**Y**	**Y**	**Y**	**Y**
All Eligibility Requirements Met?		**Yes or No**	**Y**	**Y**	**Y**	**Y**
Tie-Breakers						
5.c.(1)(a)(ii)(B) Qualifies for the Development Category Funding Preference	Tie-Breaker	Jean	Y	Y	Y	Y
11.e. Qualifies for the Per Unit Construction Funding Preference	Tie-Breaker	Tim K	Y	Y	Y	Y
10.c. Qualifies for the Duval County Local Government Qualifying Financial Assistance Funding Preference	Tie-Breaker		N	N	N	N
Qualifies for the 75 or More Total Unit Funding Preference (Section Four, A.5.e.(1)	Tie-Breaker	Bill C	Y	Y	Y	Y
Qualifies for the Florida Job Creation Preference (Item 10, of Exhibit C)	Tie-Breaker	Tim K	Y	Y	Y	Y
Lottery Number	Tie-Breaker	Inspector General	2	16	29	42

Scoring Items	2016-113C	2016-114C	2016-115C	2016-116C	2016-117C	2016-118C	2016-119C
Development Name	**The Residences at Equality Park**	**Anderson Terrace Apartments**	**Arbours at Ambassador Place**	**Heron Estates Family**	**Waterview Pointe**	**ETHANS WALK APARTMENTS**	**The Boulevard at West River**
Submission Requirements Met (Sections Three A and Five)	Y	Y	Y	Y	Y	Y	Y
Points Items							
4.a.(3) General Development Experience (5 points)	5	5	5	5	5	5	5
6. Proximity to Transit and Community Services (up to 18 points)	18	18	18	18	18	18	18
10. Local Government Contributions (up to 5 points)	5	5	5	5	5	5	5
Total Points	**28**	**28**	**28**	**28**	**28**	**28**	**28**
Mandatory and Eligibility Requirements							
$25,000 Letter of Credit requirements met, if applicable (Section Three, A.4. and Item 14 of Exhibit C)	Y	Y	Y	Y	Y	Y	Y
2. Demographic Commitment selected	Y	Y	Y	Y	Y	Y	Y
3.a. Applicant Name provided	Y	Y	Y	Y	Y	Y	Y
3.b. Evidence that Applicant is a legally formed entity provided	Y	Y	Y	Y	Y	Y	Y
3.d. Applicant & Developer Principals provided	Y	Y	Y	Y	Y	Y	Y
3.e. Contact person information provided	Y	Y	Y	Y	Y	Y	Y
4.a.(1) Developer Name(s) provided	Y	Y	Y	Y	Y	Y	Y
4.a.(2) Evidence that Developer is a legally formed entity provided	Y	Y	Y	Y	Y	Y	Y
4.b.(1) Name of Management Company provided	Y	Y	Y	Y	Y	Y	Y
4.b.(2) Prior general Management Company experience chart provided	Y	Y	Y	Y	Y	Y	Y
5.a. Development Name provided	Y	Y	Y	Y	Y	Y	Y
5.b.(1) Development County provided	Y	Y	Y	Y	Y	Y	Y
5.b.(2) Development address provided	Y	Y	Y	Y	Y	Y	Y
5.c.(1) Development category selected and applicable qualifications met	Y	Y	Y	Y	Y	Y	Y
5.c.(2)(a) If Rehabilitation, estimated qualified basis in Rehab expenses at least $25,000 per set-aside unit? (Yes/No)	Y	Y	Y	Y	Y	Y	Y
5.d. Development Type selected	Y	Y	Y	Y	Y	Y	Y
5.e.(1) Total number of units provided and within limits	Y	Y	Y	Y	Y	Y	Y
5.e.(2) New Construction Units and/or Rehab Units breakdown provided	Y	Y	Y	Y	Y	Y	Y
5.e.(3) Occupancy status of existing units provided	Y	Y	Y	Y	Y	Y	Y
5.f.(1) Status of site plan/plat approval demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(2) Confirmation of appropriate zoning demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(3) Availability of electricity demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(4) Availability of water demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(5) Availability of sewer demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(6) Availability of roads demonstrated	Y	Y	Y	Y	Y	Y	Y
Surveyor Certification form completed and executed with Development Location Point provided (Section Four, A.6.a.)	Y	Y	Y	Y	Y	Y	Y
Minimum Total Proximity Score met (Section Four, A.6.b.(2))	Y	Y	Y	Y	Y	Y	Y
Minimum Transit Score met (Section Four, A.6.b.(2))	Y	Y	Y	Y	Y	Y	Y
Mandatory Distance Requirement met (Section Four, A.6.d.)	Y	Y	Y	Y	Y	Y	Y
LDA Development Conditions met, if applicable (Section Four, A.7.c.)	Y	Y	Y	Y	Y	Y	Y
7.a. Minimum Set-Aside selected (Y/N)	Y	Y	Y	Y	Y	Y	Y

Scoring Items	2016-113C	2016-114C	2016-115C	2016-116C	2016-117C	2016-118C	2016-119C
Development Name	**The Residences at Equality Park**	**Anderson Terrace Apartments**	**Arbours at Ambassador Place**	**Heron Estates Family**	**Waterview Pointe**	**ETHANS WALK APARTMENTS**	**The Boulevard at West River**
7.b. Total set-aside breakdown chart acceptable	Y	Y	Y	Y	Y	Y	Y
8. Evidence of site control provided	Y	Y	Y	Y	Y	Y	Y
9.a.(1) If Rehabilitation, minimum additional Green Building Features selected	Y	Y	Y	Y	Y	Y	Y
9.a.(2) If New Construction or Redevelopment, commitment to achieve a Green Building Certification program provided	Y	Y	Y	Y	Y	Y	Y
9.b. Minimum Resident programs selected, if applicable	Y	Y	Y	Y	Y	Y	Y
11.a. HC Request Amount provided	Y	Y	Y	Y	Y	Y	Y
11.c. Development Cost Pro Forma free from shortfalls	Y	Y	Y	Y	Y	Y	Y
TDC less than or equal to TDC Limitation (Item 8 of Exhibit C.)	Y	Y	Y	Y	Y	Y	Y
Financial Arrears Met (Section Five)	Y	Y	Y	Y	Y	Y	Y
All Mandatory Elements Met?	**Y**	**Y**	**Y**	**Y**	**Y**	**Y**	**Y**
All Eligibility Requirements Met?	**Y**	**Y**	**Y**	**Y**	**Y**	**Y**	**Y**
Tie-Breakers							
5.c.(1)(a)(ii)(B) Qualifies for the Development Category Funding Preference	Y	Y	Y	Y	Y	Y	Y
11.e. Qualifies for the Per Unit Construction Funding Preference	Y	Y	Y	Y	Y	Y	Y
10.c. Qualifies for the Duval County Local Government Qualifying Financial Assistance Funding Preference	N	N	N	N	N	N	N
Qualifies for the 75 or More Total Unit Funding Preference (Section Four, A.5.e.(1)	Y	Y	N	Y	Y	Y	Y
Qualifies for the Florida Job Creation Preference (Item 10, of Exhibit C)	Y	Y	Y	Y	Y	Y	Y
Lottery Number	55	13	26	39	53	10	23

Scoring Items	2016-120C	2016-121C	2016-122C	2016-123C	2016-124C	2016-125C	2016-126C
Development Name	**City Edge**	**Venetian Isles**	**10K**	**Heritage Oaks**	**Georgian Gardens**	**SEMINOLE PARC**	**Burlington Post**
Submission Requirements Met (Sections Three A and Five)	Y	Y	Y	Y	Y	Y	Y
Points Items							
4.a.(3) General Development Experience (5 points)	5	5	5	5	5	5	5
6. Proximity to Transit and Community Services (up to 18 points)	18	18	18	18	18	0	18
10. Local Government Contributions (up to 5 points)	5	5	5	5	5	5	5
Total Points	**28**	**28**	**28**	**28**	**28**	**10**	**28**
Mandatory and Eligibility Requirements							
$25,000 Letter of Credit requirements met, if applicable (Section Three, A.4. and Item 14 of Exhibit C)	Y	Y	Y	Y	Y	Y	Y
2. Demographic Commitment selected	Y	Y	Y	Y	Y	Y	Y
3.a. Applicant Name provided	Y	Y	Y	Y	Y	Y	Y
3.b. Evidence that Applicant is a legally formed entity provided	Y	Y	Y	Y	Y	Y	Y
3.d. Applicant & Developer Principals provided	Y	Y	Y	Y	Y	Y	Y
3.e. Contact person information provided	Y	Y	Y	Y	Y	Y	Y
4.a.(1) Developer Name(s) provided	Y	Y	Y	Y	Y	Y	Y
4.a.(2) Evidence that Developer is a legally formed entity provided	Y	Y	Y	Y	Y	Y	Y
4.b.(1) Name of Management Company provided	Y	Y	Y	Y	Y	Y	Y
4.b.(2) Prior general Management Company experience chart provided	Y	Y	Y	Y	Y	Y	Y
5.a. Development Name provided	Y	Y	Y	Y	Y	Y	Y
5.b.(1) Development County provided	Y	Y	Y	Y	Y	Y	Y
5.b.(2) Development address provided	Y	Y	Y	Y	Y	Y	Y
5.c.(1) Development category selected and applicable qualifications met	Y	Y	Y	Y	Y	Y	Y
5.c.(2)(a) If Rehabilitation, estimated qualified basis in Rehab expenses at least $25,000 per set-aside unit? (Yes/No)	Y	Y	Y	Y	Y	Y	Y
5.d. Development Type selected	Y	Y	Y	Y	Y	Y	Y
5.e.(1) Total number of units provided and within limits	Y	Y	Y	Y	Y	Y	Y
5.e.(2) New Construction Units and/or Rehab Units breakdown provided	Y	Y	Y	Y	Y	Y	Y
5.e.(3) Occupancy status of existing units provided	Y	Y	Y	Y	Y	Y	Y
5.f.(1) Status of site plan/plat approval demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(2) Confirmation of appropriate zoning demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(3) Availability of electricity demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(4) Availability of water demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(5) Availability of sewer demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(6) Availability of roads demonstrated	Y	Y	Y	Y	Y	Y	Y
Surveyor Certification form completed and executed with Development Location Point provided (Section Four, A.6.a.)	Y	Y	Y	Y	Y	N	Y
Minimum Total Proximity Score met (Section Four, A.6.b.(2))	Y	Y	Y	Y	Y	N	Y
Minimum Transit Score met (Section Four, A.6.b.(2))	Y	Y	Y	Y	Y	N	Y
Mandatory Distance Requirement met (Section Four, A.6.d.)	Y	Y	Y	Y	Y	N	Y
LDA Development Conditions met, if applicable (Section Four, A.7.c.)	Y	Y	Y	Y	Y	Y	Y
7.a. Minimum Set-Aside selected (Y/N)	Y	Y	Y	Y	Y	Y	Y

Scoring Items	2016-120C	2016-121C	2016-122C	2016-123C	2016-124C	2016-125C	2016-126C
Development Name	**City Edge**	**Venetian Isles**	**10K**	**Heritage Oaks**	**Georgian Gardens**	**SEMINOLE PARC**	**Burlington Post**
7.b. Total set-aside breakdown chart acceptable	Y	Y	Y	Y	Y	Y	Y
8. Evidence of site control provided	Y	Y	Y	Y	Y	Y	Y
9.a.(1) If Rehabilitation, minimum additional Green Building Features selected	Y	Y	Y	Y	Y	Y	Y
9.a.(2) If New Construction or Redevelopment, commitment to achieve a Green Building Certification program provided	Y	Y	Y	Y	Y	Y	Y
9.b. Minimum Resident programs selected, if applicable	Y	Y	Y	Y	Y	Y	Y
11.a. HC Request Amount provided	Y	Y	Y	Y	Y	Y	Y
11.c. Development Cost Pro Forma free from shortfalls	Y	Y	Y	Y	Y	Y	Y
TDC less than or equal to TDC Limitation (Item 8 of Exhibit C.)	Y	Y	Y	Y	Y	Y	Y
Financial Arrears Met (Section Five)	Y	Y	Y	Y	Y	Y	Y
All Mandatory Elements Met?	**Y**	**Y**	**Y**	**Y**	**Y**	**N**	**Y**
All Eligibility Requirements Met?	**Y**	**Y**	**Y**	**Y**	**Y**	**N**	**Y**
Tie-Breakers							
5.c.(1)(a)(ii)(B) Qualifies for the Development Category Funding Preference	Y	Y	Y	Y	Y	Y	Y
11.e. Qualifies for the Per Unit Construction Funding Preference	Y	Y	Y	Y	Y	Y	Y
10.c. Qualifies for the Duval County Local Government Qualifying Financial Assistance Funding Preference	N	N	N	N	N	N	N
Qualifies for the 75 or More Total Unit Funding Preference (Section Four, A.5.e.(1)	Y	Y	Y	Y	Y	Y	Y
Qualifies for the Florida Job Creation Preference (Item 10, of Exhibit C)	Y	Y	Y	Y	Y	Y	Y
Lottery Number	37	50	7	20	34	47	4

Scoring Items	2016-127C	2016-128C	2016-129C	2016-130C	2016-131C	2016-132C	2016-133C
Development Name	**Suncrest Court**	**Emerald Villas Phase Two**	**Mango Blossom**	**Residences at Haverhill**	**Berkshire Square**	**Ocean Breeze East**	**Hidden Forest Apartments**
Submission Requirements Met (Sections Three A and Five)	Y	Y	Y	Y	Y	Y	Y
Points Items							
4.a.(3) General Development Experience (5 points)	5	5	5	5	5	5	5
6. Proximity to Transit and Community Services (up to 18 points)	18	18	18	18	18	18	18
10. Local Government Contributions (up to 5 points)	5	5	5	5	5	5	5
Total Points	**28**	**28**	**28**	**28**	**28**	**28**	**28**
Mandatory and Eligibility Requirements							
$25,000 Letter of Credit requirements met, if applicable (Section Three, A.4. and Item 14 of Exhibit C)	Y	Y	Y	Y	Y	Y	Y
2. Demographic Commitment selected	Y	Y	Y	Y	Y	Y	Y
3.a. Applicant Name provided	Y	Y	Y	Y	Y	Y	Y
3.b. Evidence that Applicant is a legally formed entity provided	Y	Y	Y	Y	Y	Y	Y
3.d. Applicant & Developer Principals provided	Y	Y	Y	Y	Y	Y	Y
3.e. Contact person information provided	Y	Y	Y	Y	Y	Y	Y
4.a.(1) Developer Name(s) provided	Y	Y	Y	Y	Y	Y	Y
4.a.(2) Evidence that Developer is a legally formed entity provided	Y	Y	Y	Y	Y	Y	Y
4.b.(1) Name of Management Company provided	Y	Y	Y	Y	Y	Y	Y
4.b.(2) Prior general Management Company experience chart provided	Y	Y	Y	Y	Y	Y	Y
5.a. Development Name provided	Y	Y	Y	Y	Y	Y	Y
5.b.(1) Development County provided	Y	Y	Y	Y	Y	Y	Y
5.b.(2) Development address provided	Y	Y	Y	Y	Y	Y	Y
5.c.(1) Development category selected and applicable qualifications met	Y	Y	Y	Y	Y	Y	Y
5.c.(2)(a) If Rehabilitation, estimated qualified basis in Rehab expenses at least $25,000 per set-aside unit? (Yes/No)	Y	Y	Y	Y	Y	Y	Y
5.d. Development Type selected	Y	Y	Y	Y	Y	Y	Y
5.e.(1) Total number of units provided and within limits	Y	Y	Y	Y	Y	Y	Y
5.e.(2) New Construction Units and/or Rehab Units breakdown provided	Y	Y	Y	Y	Y	Y	Y
5.e.(3) Occupancy status of existing units provided	Y	Y	Y	Y	Y	Y	Y
5.f.(1) Status of site plan/plat approval demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(2) Confirmation of appropriate zoning demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(3) Availability of electricity demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(4) Availability of water demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(5) Availability of sewer demonstrated	Y	Y	Y	Y	Y	Y	Y
5.f.(6) Availability of roads demonstrated	Y	Y	Y	Y	Y	Y	Y
Surveyor Certification form completed and executed with Development Location Point provided (Section Four, A.6.a.)	Y	Y	Y	Y	Y	Y	Y
Minimum Total Proximity Score met (Section Four, A.6.b.(2))	Y	Y	Y	Y	Y	Y	Y
Minimum Transit Score met (Section Four, A.6.b.(2))	Y	Y	Y	Y	Y	Y	Y
Mandatory Distance Requirement met (Section Four, A.6.d.)	Y	Y	Y	Y	Y	Y	Y
LDA Development Conditions met, if applicable (Section Four, A.7.c.)	Y	Y	Y	Y	Y	Y	Y
7.a. Minimum Set-Aside selected (Y/N)	Y	Y	Y	Y	Y	Y	Y

Scoring Items	2016-127C	2016-128C	2016-129C	2016-130C	2016-131C	2016-132C	2016-133C
Development Name	**Suncrest Court**	**Emerald Villas Phase Two**	**Mango Blossom**	**Residences at Haverhill**	**Berkshire Square**	**Ocean Breeze East**	**Hidden Forest Apartments**
7.b. Total set-aside breakdown chart acceptable	Y	Y	Y	Y	Y	Y	Y
8. Evidence of site control provided	Y	Y	N	Y	Y	Y	Y
9.a.(1) If Rehabilitation, minimum additional Green Building Features selected	Y	Y	Y	Y	Y	Y	Y
9.a.(2) If New Construction or Redevelopment, commitment to achieve a Green Building Certification program provided	Y	Y	Y	Y	Y	Y	Y
9.b. Minimum Resident programs selected, if applicable	Y	Y	Y	Y	Y	Y	Y
11.a. HC Request Amount provided	Y	Y	Y	Y	Y	Y	Y
11.c. Development Cost Pro Forma free from shortfalls	Y	Y	Y	Y	Y	Y	Y
TDC less than or equal to TDC Limitation (Item 8 of Exhibit C.)	Y	Y	Y	Y	Y	Y	Y
Financial Arrears Met (Section Five)	Y	Y	Y	Y	Y	Y	Y
All Mandatory Elements Met?	**Y**	**Y**	**N**	**Y**	**Y**	**Y**	**Y**
All Eligibility Requirements Met?	**Y**	**Y**	**N**	**Y**	**Y**	**Y**	**Y**
Tie-Breakers							
5.c.(1)(a)(ii)(B) Qualifies for the Development Category Funding Preference	Y	Y	Y	Y	Y	Y	Y
11.e. Qualifies for the Per Unit Construction Funding Preference	Y	Y	Y	Y	Y	Y	Y
10.c. Qualifies for the Duval County Local Government Qualifying Financial Assistance Funding Preference	N	N	N	N	N	N	N
Qualifies for the 75 or More Total Unit Funding Preference (Section Four, A.5.e.(1)	Y	Y	Y	Y	Y	Y	Y
Qualifies for the Florida Job Creation Preference (Item 10, of Exhibit C)	Y	Y	Y	Y	Y	Y	Y
Lottery Number	18	31	44	1	15	28	41

Scoring Items	2016-134C	2016-135C	2016-136C	2016-137C	2016-138C	2016-139C
Development Name	**Pinnacle at Bella Vista**	**Chestnut Trail**	**Southwick Commons**	**Laburnum Gardens**	**Bethune Residences I at West River**	**Goldenrod Pointe Apartments**
Submission Requirements Met (Sections Three A and Five)	Y	Y	Y	Y	Y	Y
Points Items						
4.a.(3) General Development Experience (5 points)	5	5	5	5	5	5
6. Proximity to Transit and Community Services (up to 18 points)	18	18	18	18	18	18
10. Local Government Contributions (up to 5 points)	5	5	5	5	5	5
Total Points	**28**	**28**	**28**	**28**	**28**	**28**
Mandatory and Eligibility Requirements						
$25,000 Letter of Credit requirements met, if applicable (Section Three, A.4. and Item 14 of Exhibit C)	Y	Y	Y	Y	Y	Y
2. Demographic Commitment selected	Y	Y	Y	Y	Y	Y
3.a. Applicant Name provided	Y	Y	Y	Y	Y	Y
3.b. Evidence that Applicant is a legally formed entity provided	Y	Y	Y	Y	Y	Y
3.d. Applicant & Developer Principals provided	Y	Y	Y	Y	Y	Y
3.e. Contact person information provided	Y	Y	Y	Y	Y	Y
4.a.(1) Developer Name(s) provided	Y	Y	Y	Y	Y	Y
4.a.(2) Evidence that Developer is a legally formed entity provided	Y	Y	Y	Y	Y	Y
4.b.(1) Name of Management Company provided	Y	Y	Y	Y	Y	Y
4.b.(2) Prior general Management Company experience chart provided	Y	Y	Y	Y	Y	Y
5.a. Development Name provided	Y	Y	Y	Y	Y	Y
5.b.(1) Development County provided	Y	Y	Y	Y	Y	Y
5.b.(2) Development address provided	Y	Y	Y	Y	Y	Y
5.c.(1) Development category selected and applicable qualifications met	Y	Y	Y	Y	Y	Y
5.c.(2)(a) If Rehabilitation, estimated qualified basis in Rehab expenses at least $25,000 per set-aside unit? (Yes/No)	Y	Y	Y	Y	Y	Y
5.d. Development Type selected	Y	Y	Y	Y	Y	Y
5.e.(1) Total number of units provided and within limits	Y	Y	Y	Y	Y	Y
5.e.(2) New Construction Units and/or Rehab Units breakdown provided	Y	Y	Y	Y	Y	Y
5.e.(3) Occupancy status of existing units provided	Y	Y	Y	Y	Y	Y
5.f.(1) Status of site plan/plat approval demonstrated	Y	Y	Y	Y	Y	Y
5.f.(2) Confirmation of appropriate zoning demonstrated	Y	Y	Y	Y	Y	Y
5.f.(3) Availability of electricity demonstrated	Y	Y	Y	Y	Y	Y
5.f.(4) Availability of water demonstrated	Y	Y	Y	Y	Y	Y
5.f.(5) Availability of sewer demonstrated	Y	Y	Y	Y	Y	Y
5.f.(6) Availability of roads demonstrated	Y	Y	Y	Y	Y	Y
Surveyor Certification form completed and executed with Development Location Point provided (Section Four, A.6.a.)	Y	Y	Y	Y	Y	Y
Minimum Total Proximity Score met (Section Four, A.6.b.(2))	Y	Y	Y	Y	Y	Y
Minimum Transit Score met (Section Four, A.6.b.(2))	Y	Y	Y	Y	Y	Y
Mandatory Distance Requirement met (Section Four, A.6.d.)	Y	Y	Y	Y	Y	Y
LDA Development Conditions met, if applicable (Section Four, A.7.c.)	Y	Y	Y	Y	Y	Y
7.a. Minimum Set-Aside selected (Y/N)	Y	Y	Y	Y	Y	Y

Scoring Items	2016-134C	2016-135C	2016-136C	2016-137C	2016-138C	2016-139C
Development Name	**Pinnacle at Bella Vista**	**Chestnut Trail**	**Southwick Commons**	**Laburnum Gardens**	**Bethune Residences I at West River**	**Goldenrod Pointe Apartments**
7.b. Total set-aside breakdown chart acceptable	Y	Y	Y	Y	Y	Y
8. Evidence of site control provided	Y	Y	Y	Y	Y	Y
9.a.(1) If Rehabilitation, minimum additional Green Building Features selected	Y	Y	Y	Y	Y	Y
9.a.(2) If New Construction or Redevelopment, commitment to achieve a Green Building Certification program provided	Y	Y	Y	Y	Y	Y
9.b. Minimum Resident programs selected, if applicable	Y	Y	Y	Y	Y	Y
11.a. HC Request Amount provided	Y	Y	Y	Y	Y	Y
11.c. Development Cost Pro Forma free from shortfalls	Y	Y	Y	Y	Y	Y
TDC less than or equal to TDC Limitation (Item 8 of Exhibit C.)	Y	Y	Y	Y	Y	Y
Financial Arrears Met (Section Five)	Y	Y	Y	Y	Y	Y
All Mandatory Elements Met?	**Y**	**Y**	**Y**	**Y**	**Y**	**Y**
All Eligibility Requirements Met?	**Y**	**Y**	**Y**	**Y**	**Y**	**Y**
Tie-Breakers						
5.c.(1)(a)(ii)(B) Qualifies for the Development Category Funding Preference	Y	Y	Y	Y	Y	Y
11.e. Qualifies for the Per Unit Construction Funding Preference	Y	Y	Y	Y	Y	Y
10.c. Qualifies for the Duval County Local Government Qualifying Financial Assistance Funding Preference	N	N	N	N	N	N
Qualifies for the 75 or More Total Unit Funding Preference (Section Four, A.5.e.(1)	Y	Y	Y	Y	Y	Y
Qualifies for the Florida Job Creation Preference (Item 10, of Exhibit C)	Y	Y	Y	Y	Y	Y
Lottery Number	12	25	52	9	22	36

EXHIBIT "D"

Exhibit A