

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

WATER’S EDGE ASSOCIATES, LTD.,

Petitioner,

FHFC Case No. 2017-095BP

FHFC RFA No. 2017-108

Appl. No. 2018-025BS

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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

Petitioner, WATER’S EDGE ASSOCIATES, LTD. (“Water’s Edge” or “Petitioner”), by and through its undersigned counsel and pursuant to sections 120.57(1) and (3), Florida Statutes, and Florida Administrative Code Chapters 28-110, 67-48 and 67-60, as well as the terms of Florida Housing Finance Corporation’s (“FHFC” or “Respondent”) Request for Applications 2017-108 at Section Six, hereby files its Formal Written Protest and Petition for a Formal Administrative Hearing to contest both the proposed award of funding as well as the eligibility, scoring and ranking determinations of FHFC with regard to RFA 2017-108 as set forth herein. In support of this Formal Protest and Petition, Petitioner states as follows:

Parties

1. The agency affected by this Protest and Petition is Florida Housing Finance Corporation located at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

2. Petitioner, Water’s Edge Associates, Ltd., is a Florida limited partnership whose business address is 2100 Hollywood Boulevard, Hollywood, Florida 33020. For purposes of this proceeding the address of Petitioner is that of its undersigned counsel.

3. Petitioner submitted Application No. 2018-025BS in response to RFA 2017-108 seeking an award of funding pursuant to the State Apartment Incentive Loan (“SAIL”) Program to assist with the development and construction of a 128-unit apartment complex in Miami-Dade County, Florida that will be housing to primarily serve low-income families.

Notice

4. FHFC issued RFA 2017-108 on August 31, 2017. It was modified several times and the final RFA was issued October 3, 2017.

5. Applications in response to this RFA were due to be filed on or before October 12, 2017.

6. FHFC received thirty-eight applications in response to this RFA.

7. Petitioner timely filed its application number 2018-025BS requesting an allocation of \$3,600,000 in SAIL and Extremely Low Income (“ELI”) funding for its proposed 128-unit affordable housing complex. Petitioner’s application satisfied all of the required elements of the RFA and is eligible for a funding award.

8. Petitioner received notice of the FHFC preliminary determination of which applications were either eligible or ineligible for funding, see Exhibit A, as well as which applications were preliminarily selected for funding, see Exhibit B. These notices, published on two spreadsheets, were published on the FHFC website on December 8, 2017 at 3:40 p.m.

9. On December 13, 2017, Petitioner timely filed its Notice of Intent to Protest. See Exhibit C.

10. This Formal Written Protest and Petition are timely filed in accordance with section 120.57(3), Florida Statutes, and Florida Administrative Code Rules 28-110.004 and 67-60.009.

Background

11. FHFC is a public corporation created in section 420.504, Florida Statutes, organized to provide and promote the public welfare by administering the governmental function of financing or refinancing housing and related facilities in Florida. FHFC's statutory authority is set forth in Chapter 420, Part V, Florida Statutes.

12. One of the programs administered by FHFC is the SAIL program. Section 420.5087, Florida Statutes, provides, in pertinent part:

State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(1) Program funds shall be made available through a competitive solicitation process in a manner that meets the need and demand for very-low-income housing throughout the state.....

13. Pursuant to Florida Administrative Code Chapter 67-60 and, more specifically, Rule 67-60.001, FHFC has established procedures to administer the competitive solicitation process for the SAIL program.

RFA 2017-108

14. The SAIL funding offered under this RFA is for multifamily housing for families and elderly. As summarized in the RFA:

This Request for Applications (RFA) is open to Applicants proposing the development of affordable, multifamily housing for Families and the Elderly utilizing State Apartment Incentive Loan (SAIL) funding in conjunction with (i) Tax-Exempt Bond financing (i.e., Corporation-issued Multifamily Mortgage Revenue Bonds (MMRB) or Non-Corporation-issued Tax-Exempt Bonds obtained through a Public Housing Authority (established under Chapter 421, F.S.), a County Housing Finance Authority (established pursuant to Section 159.604, F.S.), or a Local

Government), (ii) Non-Competitive Housing Credits (HC), and, if applicable, (iii) National Housing Trust Fund (NHTF).

A. SAIL

Florida Housing Finance Corporation (the Corporation) expects to offer an estimated \$87,320,000, comprised of a part of the Family and Elderly Demographic portion of the SAIL funding appropriated by the 2016 Florida Legislature. The amounts listed in 1 below include ELI Loan funding to cover the units that must be set aside for Extremely Low Income (ELI) Households, including the commitment for a portion of ELI Set-Aside units as Link Units for Persons with Special Needs, as further outlined in Sections Four A.6.d. of the RFA.

1. Demographic Categories

a. \$24,570,000 of Elderly funding for proposed Developments with the Elderly Demographic Commitment (ALF and Non-ALF), and

b. \$62,750,000 of Family funding for proposed Developments with the Family Demographic Commitment.

2. County Geographic Categories

The following information is based on the most recent statewide low-income rental housing market study.

County Geographic Category	Amount of Funding Allocated to Each County Geographic Category
Large Counties	\$46,279,600
Medium Counties	\$32,308,400
Small Counties	\$8,732,000

RFA at p. 2.

15. This RFA provides that FHFC’s review committee members independently evaluate and score their assigned portions of the submitted applications based on various mandatory and scored items. Failure to meet a mandatory item renders an application ineligible.

16. The maximum total points that could be received for this RFA is 15 points.

Funding Goals

The Corporation has a goal to fund the following Applications:

- Two (2) Elderly, new construction Applications located in a Large County
- Three (3) Family, new construction Applications located in a Large County
- One (1) Elderly, new construction, Application located in a Medium County
- Two (2) Family, new construction, Application located in a Medium County

For purposes of the funding selection, Applications with the Development Category of New Construction, Redevelopment, with or without Acquisition, will qualify as New Construction Applications and Applications with the Demographic Commitment of Elderly (ALF or Non-ALF) will qualify as Elderly Applications.

RFA at p. 69

17. The RFA goes on to describe how the applications will be sorted as follows:

Funding Selection Process

a. Application Sorting Order

All eligible Applications will be ranked by sorting the Applications from the highest scoring Application to the lowest scoring Application, with any scores that are tied separated as follows:

- (1) First, by the Application's eligibility for the Proximity Funding Preference (which is outlined in Section Four A.5.e. of the RFA) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;
- (2) Next, by the Application's eligibility for the Per Unit Construction Funding Preference (which is outlined in Section Four A.11.d. of the RFA) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;
- (3) Next, by the Application's Leveraging Level number (which is outlined in Item 3. of Exhibit C) with Applications that have a lower Leveraging Level number listed above Applications that have a higher Leveraging Level number;

(4) Next, by the Application's eligibility for the Florida Job Creation Funding Preference (which is outlined in Item 4 of Exhibit C) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;

(5) Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

RFA at pp. 69-70.

18. The RFA then continues by defining the funding selection order. Due to the length of that section, a copy of pages 70-72 of this RFA is attached as Exhibit D.

19. On December 8, 2017, FHFC selected Petitioner's application, among others, for funding.

20. On December 13, 2017, 18 applicants filed notices of their intent to protest FHFC's preliminary funding selections.

Substantial Interests Affected

21. Petitioner's substantial interests are being determined in this proceeding because Petitioner's application was preliminarily selected for funding. However, competing applicants have filed notices indicating their intent to protest FHFC's proposed awards in connection with RFA 2017-108. These protests could raise issues that affect Petitioner's status as a funded applicant or even an eligible applicant. Petitioner cannot proceed with the proposed construction of its development without the award of the requested funding.

Disputed Issues Of Material Fact And Law

22. Petitioner has not at this time identified any disputed issues of material fact or law concerning FHFC's preliminary selection of Petitioner's application for funding.

Concise Statement Of Ultimate Fact And Law

23. Petitioner's application was properly selected for funding.

Statutes And Rules That Entitle Petitioner To Relief

24. The statutes and rules that entitle Petitioner to relief are found in sections 120.569, 120.57, Chapter 420, Part V, Florida Statutes, and Florida Administrative Code Chapters 28-110, 67-48 and 67-60.

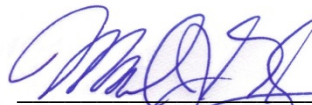
Reservation Of Right To Amend

25. Petitioner reserves the right to amend this Petition as this matter proceeds.

Demand For Relief

WHEREFORE, Petitioner, Water's Edge Associates, Ltd., respectfully requests that FHFC schedule the conference required by section 120.57, Florida Statutes, and that Water's Edge Associates, Ltd. be allowed to participate. Depending on the nature and scope of other protest petitions filed in connection with RFA 2017-108, Water's Edge Associates, Ltd. reserves the right to amend this Petition as may be appropriate.

Respectfully submitted this 22nd day of December, 2017.



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Water's Edge Associates, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Formal Written Protest and Petition for Formal Administrative Hearing has been filed by e-mail with the Corporation Clerk (CorporationClerk@floridahousing.org), Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, and a copy via Hand Delivery to the following this 22nd day of December, 2017:

Hugh R. Brown, General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329
Hugh.Brown@floridahousing.org



ATTORNEY

EXHIBIT

A

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EI Request	Total SAIL Request (SAIL + EI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-016BS	Liberty Square Phase Two	Miami-Dade	L	Alberto Milo, Jr.	Liberty Square Phase Two Developer, LLC	Redev	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	23.87%	1	Y	38
2018-017S	Venetian Walk II	Sarasota	M	Richard Higgins	Norstar Development USA, LP; Venetian Walk Developers, LLC	NC	F	2,290,000.00	464,200.00	2,754,200.00	Y	15	Y	Y	87.16%	4	Y	33
2018-019BS	Choctaw Village	Okaloosa	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	2,500,000.00	396,300.00	2,896,300.00	Y	15	Y	Y	169.16%	5	Y	22
2018-021S	Avery Commons	Escambia	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	Y	15	Y	Y	81.13%	4	Y	5
2018-023BS	Sierra Bay	Miami-Dade	L	Miara S. Mades	Cornerstone Group Partners, LLC	NC	E, Non-ALF	4,400,000.00	600,000.00	5,000,000.00	Y	15	Y	Y	31.50%	1	Y	37
2018-024S	Palmetto Pointe	Pinellas	L	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	5,400,000.00	463,900.00	5,863,900.00	Y	10	Y	Y	84.97%	4	Y	29
2018-025BS	Water's Edge Apartments	Miami-Dade	L	Miara S Mades	Cornerstone Group Partners, LLC	NC	F	3,000,000.00	600,000.00	3,600,000.00	Y	15	Y	Y	28.03%	1	Y	36
2018-026S	Springhill Apartments (currently known as Madison Heights Apartments)	Madison	S	James J. Kerr, Jr	AMCS Development, LLC; SCG Development Partners, LLC	A/R	F	3,064,400.00	251,600.00	3,316,000.00	Y	15	Y	Y	114.88%	5	Y	14
2018-027S	Grove Manor Phase I	Polk	M	Darren Smith	Pantheon Development Group, LLC; LWHA Development, LLC	NC	F	6,000,000.00	314,600.00	6,314,600.00	Y	15	Y	Y	71.50%	3	Y	8
2018-028BS	Hogan Creek	Duval	L	Joseph J Chambers	Jacksonville Redevelopment Partners, LLC; Jax Urban Initiatives Development, LLC	A/R	E, Non-ALF	4,778,736.00	600,000.00	5,378,736.00	Y	15	Y	Y	26.58%	1	Y	34
2018-029BS	Lofts on Lemon	Sarasota	M	Joseph J Chambers	Gardner Capital Development Florida, LLC; SHA Affordable Development, LLC; DB Development Florida, LLC	NC	F	2,700,000.00	423,400.00	3,123,400.00	Y	15	Y	Y	83.70%	4	Y	23
2018-030BS	Brisas del Rio Apartments	Miami-Dade	L	Alberto Milo, Jr.	Brisas del Rio Apartments Developer, LLC	NC	E, Non-ALF	4,346,770.00	600,000.00	4,946,770.00	Y	15	Y	Y	34.50%	2	Y	1
2018-032BS	Providence Reserve Seniors	Polk	M	Scott Zimmerman	; Judd Roth Real Estate Development, Inc.; BDG Providence Reserve Seniors Developer, LLC	NC	E, Non-ALF	6,000,000.00	429,800.00	6,429,800.00	Y	15	Y	Y	52.46%	2	Y	27
2018-033BS**	Citadelle Village	Miami-Dade	L	Samuel F. Diller	Little Haiti Housing Association, Inc.; Stone Soup Development, Inc.	NC	F	3,600,000.00	600,000.00	4,200,000.00	Y	15	Y	Y	78.77%	4	Y	3
2018-035BS	Hibiscus Apartments	Lee	M	Scott Zimmerman	; Judd Roth Real Estate Development, Inc.; BDG Hibiscus Apartments Developer, LLC	NC	F	5,125,000.00	510,800.00	5,635,800.00	Y	15	Y	Y	75.83%	4	Y	17
2018-036BS	Lake Gibson Commons	Polk	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	3,400,000.00	245,600.00	3,645,600.00	Y	15	Y	Y	111.41%	5	Y	12

EXHIBIT A

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EI Request	Total SAIL Request (SAIL + EI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-038BS	Royal Arms Garden Apartments	Bay	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	4,600,000.00	433,200.00	5,033,200.00	Y	15	Y	Y	96.46%	5	Y	25
2018-039S	The Waves	Duval	L	Fred McKinnies	Jax Urban Initiatives Development, LLC; TVC Development, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	38.67%	2	Y	16
2018-040BS	Pembroke Tower Apartments	Broward	L	Scott C Seckinger	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	E, Non-ALF	3,200,000.00	600,000.00	3,800,000.00	Y	15	Y	Y	53.51%	3	Y	32
2018-041BS	Parrish Oaks	Manatee	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	6,000,000.00	600,000.00	6,600,000.00	Y	15	Y	Y	48.83%	2	Y	11
2018-042BS	Luna Lake	Pasco	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	E, Non-ALF	5,800,000.00	465,000.00	6,265,000.00	Y	15	Y	Y	58.73%	3	Y	13
2018-043BS	The Villages Apartments, Phase II	Miami-Dade	L	Talmadge W Fair	New Urban Development, LLC; Cornerstone Group Partners, LLC	NC	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	Y	15	Y	Y	59.30%	3	Y	18
2018-044BS	Woodland Grove	Miami-Dade	L	Lewis Swezy	Lewis Swezy, RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	22.79%	1	Y	31
2018-046BS*	Manatee Commons	Manatee	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	4,200,000.00	541,000.00	4,741,000.00	Y	15	Y	Y	95.71%	5	Y	15
2018-047BS	Northside Transit Village II	Miami-Dade	L	Kenneth Naylor	APC Northside Property II Development, LLC	NC	E, Non-ALF	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	46.62%	2	Y	19
2018-048BS	Harbour Springs	Miami-Dade	L	Lewis Swezy	Lewis Swezy, RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	22.79%	1	Y	7
2018-050BS	Osprey Pointe	Pasco	M	Matthew A Rieger	HTG Osprey Pointe Developer, LLC	NC	F	6,000,000.00	556,900.00	6,556,900.00	Y	15	Y	Y	57.88%	3	Y	24
2018-051BS	Northside Transit Village III	Miami-Dade	L	Kenneth Naylor	APC Northside Property III Development, LLC	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	46.32%	2	Y	30

Ineligible Applications

2018-015BS	WRDG T4	Hillsborough	L	Jerome Ryans	WRDG T4 Developer, LLC	NC	F	6,197,332.00	600,000.00	6,797,332.00	N	15	Y	Y	34.50%		Y	20
2018-018S	Oasis at Renaissance Preserve	Lee	M	Egbert L.J. Perry	Integral Development, LLC; Housing for Urban Communities, LLC	NC	ALF	6,000,000.00	546,700.00	6,546,700.00	N	15	Y	Y	41.28%		Y	35
2018-020S	Weldon Street MF	Bradford	S	Louie A Lange III	Commonwealth Development Corporation	NC	F	3,933,333.00	479,500.00	4,412,833.00	N	15	Y	Y	76.34%		Y	4
2018-022BS	Cathedral Townhouse	Duval	L	Shawn Wilson	Cathedral Townhouse Redevelopment Associates, LLC	A/R	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	N	15	Y	Y	36.11%		Y	21
2018-031BS	Brisas del Este Apartments	Miami-Dade	L	Alberto Milo, Jr.	Brisas del Este Apartments Developer, LLC	NC	F	4,639,425.00	600,000.00	5,239,425.00	N	15	Y	Y	34.50%		Y	9
2018-034BS	Courtside Apartments, Phase II	Miami-Dade	L	Matthew A. Rieger	AMC HTG 2 Developer, LLC	NC	E, Non-ALF	3,700,000.00	600,000.00	4,300,000.00	N	15	Y	Y	43.67%		Y	2
2018-037BS	Mary Bethune Highrise	Hillsborough	L	Jerome Ryans	WRDG Mary Bethune Developer, LLC	A/R	E, Non-ALF	750,000.00	600,000.00	1,350,000.00	N	15	Y	Y	5.83%		Y	6

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-0458S	Anderson Terrace Apartments	Orange	L	Matthew A Rieger	HTG Anderson Terrace Developer, LLC	NC	F	6,800,000.00	600,000.00	7,400,000.00	N	15	Y	Y	39.87%		Y	10
2018-049BS	Rosemary Cove	Miami-Dade	L	Aaron M. Gornstein	Preservation of Affordable Housing LLC	NC	E, Non-ALF	3,500,000.00	600,000.00	4,100,000.00	N	15	Y	Y	73.13%		Y	28
2018-052S	Pine Grove Apartments	Duval	L	Kristin M Miller	The Richman Group of Florida, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	N	15	Y	Y	35.05%		Y	26

*ELI Amount was reduced during scoring.

**TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion to adopt the scoring results above.

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

RFA 2017-108 – Recommendations

SAIL Funding Balance Available **3,888,830.00**

NHTF Funding will be 100% allocated in accordance with Exhibit H

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EI Request	Total SAIL Request (SAIL + EI)	County Award Tally	Total Points	Proximity Funding Preference	Leveraging Level	Florida Job Creation Preference	Lottery Number
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Two Elderly Large County New Construction Applications

2018-023BS	Sierra Bay	Miami-Dade	L	Miara S. Mades	Cornerstone Group Partners, LLC	NC	E, Non-ALF	4,400,000.00	600,000.00	5,000,000.00	1	15	Y	1	Y	37
2018-030BS	Brisas del Rio Apartments	Miami-Dade	L	Alberto Millo, Jr.	Brisas del Rio Apartments Developer, LLC	NC	E, Non-ALF	4,346,770.00	600,000.00	4,946,770.00	3	15	Y	2	Y	1

Three Family Large County New Construction Applications

2018-048BS	Harbour Springs	Miami-Dade	L	Lewis Swezy	Lewis Swezy; RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	1	15	Y	1	Y	7
2018-039S	The Waves	Duval	L	Fred McKinnies	Jax Urban Initiatives Development, LLC; TVC Development, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	1	15	Y	2	Y	16
2018-024S	Palmetto Pointe	Pinellas	L	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	5,400,000.00	463,900.00	5,863,900.00	1	10	Y	4	Y	29

One Elderly Medium County New Construction Application

2018-032BS	Providence Reserve Seniors	Polk	M	Scott Zimmerman	;Judd Roth Real Estate Development, Inc.; BDG Providence Reserve Seniors Developer, LLC	NC	E, Non-ALF	6,000,000.00	429,800.00	6,429,800.00	1	15	Y	2	Y	27
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Two Family Medium County New Construction Applications

2018-041BS	Parrish Oaks	Manatee	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	6,000,000.00	600,000.00	6,600,000.00	1	15	Y	2	Y	11
2018-042BS	Luna Lake	Pasco	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	E, Non-ALF	5,800,000.00	465,000.00	6,265,000.00	1	15	Y	3	Y	13

RFA 2017-108 – Recommendations

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	County Award Tally	Total Points	Proximity Funding Preference	Leveraging Level	Florida Job Creation Preference	Lottery Number
Small County Application(s)																
2018-026S	Springhill Apartments (currently known as Madison Heights Apartments)	Madison	S	James J. Kerr, Jr	AMVCS Development, LLC; SCG Development Partners, LLC	A/R	F	3,064,400.00	251,600.00	3,316,000.00	1	15	Y	5	Y	14
Medium County Application(s)																
2018-035BS	Hibiscus Apartments	Lee	M	Scott Zimmerman	; Judd Roth Real Estate Development, Inc.; BDG Hibiscus Apartments Developer, LLC	NC	F	5,125,000.00	510,800.00	5,635,800.00	1	15	Y	4	Y	17
2018-029BS	Lofts on Lemon	Sarasota	M	Joseph J Chambers	Gardner Capital Development Florida, LLC; SHA Affordable Development, LLC; DB Development Florida, LLC	NC	F	2,700,000.00	423,400.00	3,123,400.00	1	15	Y	4	Y	23
2018-019BS	Choctaw Village	Okaloosa	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	2,500,000.00	396,300.00	2,896,300.00	1	15	Y	5	Y	22
2018-017S	Venetian Walk II	Sarasota	M	Richard Higgins	Norstar Development USA, LP; Venetian Walk Developers, LLC	NC	F	2,290,000.00	464,200.00	2,754,200.00	2	15	Y	4	Y	33
Large County Application(s)																
2018-044BS	Woodland Grove	Miami-Dade	L	Lewis Swezy	Lewis Swezy; RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	4	15	Y	1	Y	31
2018-025BS	Water's Edge Apartments	Miami-Dade	L	Mara S Mades	Cornerstone Group Partners, LLC	NC	F	3,000,000.00	600,000.00	3,600,000.00	5	15	Y	1	Y	36
2018-033BS*	Citadelle Village	Miami-Dade	L	Samuel F. Diller	Little Haiti Housing Association, Inc.; Stone Soup Development, Inc.	NC	F	3,600,000.00	600,000.00	4,200,000.00	6	15	Y	4	Y	3

*TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, 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., and 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

C

AUSLEY MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850)224-9115 FAX (850)222-7560
Direct Dial for Michael Glazer- (850)425-5474
mglazer@ausley.com

December 13, 2017

VIA HAND DELIVERY AND EMAIL TO:
CorporationClerk@floridahousing.org

Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

RE: RFA 2017-108 SAIL Financing of Affordable Multifamily Housing
Developments to be Used In Conjunction With Tax-Exempt Bond Financing And
Non-Competitive Housing Credits
Notice of Protest by Water's Edge Associates, Ltd.
Applicant for Application No. 2018-025BS

Dear Corporation Clerk:

This law firm represents Water's Edge Associates, Ltd. Pursuant to section 120.57(3), Florida Statutes and Florida Administrative Code Rules 28-110.003 and 67-60.009(2), Water's Edge Associates, Ltd., the applicant for Application No. 2018-025BS in RFA 2017-108, hereby gives notice of its intent to protest the determinations contained on the attached spreadsheets reflecting the proposed awards of funding (Att. A) and proposed scoring, eligibility and ineligibility determinations (Att. B) in RFA 2017-108 as approved by the Board of Florida Housing Finance Corporation on Friday, December 8, 2017. These spreadsheets were posted on the Corporation's website on Friday, December 8, 2017 at 3:40 p.m. This Notice of Protest is timely filed within 72 hours of said posting (excluding Saturdays and Sundays).

Water's Edge Associates, Ltd. will file its formal written protest within the time required by Section 120.57(3), Florida Statutes.

Sincerely,


Michael J. Glazer

EXHIBIT C

RFA 2017-108 – Recommendations

SAIL Funding Balance Available	3,888,830.00
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NHTF Funding will be 100% allocated in accordance with Exhibit H

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EI Request	Total SAIL Request (SAIL + EI)	County Award Tally	Total Points	Proximity Funding Preference	Leveraging Level	Florida Job Creation Preference	Lottery Number
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Two Elderly Large County New Construction Applications

2018-023BS	Sierra Bay	Miami-Dade	L	Miara S. Mades	Cornerstone Group Partners, LLC	NC	E, Non-ALF	4,400,000.00	600,000.00	5,000,000.00	1	15	Y	1	Y	37
2018-030BS	Brisas del Rio Apartments	Miami-Dade	L	Alberto Millo, Jr.	Brisas del Rio Apartments Developer, LLC	NC	E, Non-ALF	4,346,770.00	600,000.00	4,946,770.00	3	15	Y	2	Y	1

Three Family Large County New Construction Applications

2018-048BS	Harbour Springs	Miami-Dade	L	Lewis Swezy	Lewis Swezy; RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	1	15	Y	1	Y	7
2018-039S	The Waves	Duval	L	Fred McKinnies	Jax Urban Initiatives Development, LLC; TVC Development, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	1	15	Y	2	Y	16
2018-024S	Palmetto Pointe	Pinellas	L	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	5,400,000.00	463,900.00	5,863,900.00	1	10	Y	4	Y	29

One Elderly Medium County New Construction Application

2018-032BS	Providence Reserve Seniors	Polk	M	Scott Zimmerman	; Judd Roth Real Estate Development, Inc.; BDG Providence Reserve Seniors Developer, LLC	NC	E, Non-ALF	6,000,000.00	429,800.00	6,429,800.00	1	15	Y	2	Y	27
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Two Family Medium County New Construction Applications

2018-041BS	Parrish Oaks	Manatee	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	6,000,000.00	600,000.00	6,600,000.00	1	15	Y	2	Y	11
2018-042BS	Luna Lake	Pasco	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	E, Non-ALF	5,800,000.00	465,000.00	6,265,000.00	1	15	Y	3	Y	13

RFA 2017-108 – Recommendations

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	County Award Tally	Total Points	Proximity Funding Preference	Leveraging Level	Florida Job Creation Preference	Lottery Number
Small County Application(s)																
2018-026S	Springhill Apartments (currently known as Madison Heights Apartments)	Madison	S	James J. Kerr, Jr	AMVC Development, LLC; SCG Development Partners, LLC	A/R	F	3,064,400.00	251,600.00	3,316,000.00	1	15	Y	5	Y	14
Medium County Application(s)																
2018-035BS	Hibiscus Apartments	Lee	M	Scott Zimmerman	; Judd Roth Real Estate Development, Inc.; BDG Hibiscus Apartments Developer, LLC	NC	F	5,125,000.00	510,800.00	5,635,800.00	1	15	Y	4	Y	17
2018-029BS	Lofts on Lemon	Sarasota	M	Joseph J Chambers	Gardner Capital Development Florida, LLC; SHA Affordable Development, LLC; DB Development Florida, LLC	NC	F	2,700,000.00	423,400.00	3,123,400.00	1	15	Y	4	Y	23
2018-019BS	Choctaw Village	Okaloosa	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	2,500,000.00	396,300.00	2,896,300.00	1	15	Y	5	Y	22
2018-017S	Venetian Walk II	Sarasota	M	Richard Higgins	Norstar Development USA, LP; Venetian Walk Developers, LLC	NC	F	2,290,000.00	464,200.00	2,754,200.00	2	15	Y	4	Y	33
Large County Application(s)																
2018-044BS	Woodland Grove	Miami-Dade	L	Lewis Swezy	Lewis Swezy; RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	4	15	Y	1	Y	31
2018-025BS	Water's Edge Apartments	Miami-Dade	L	Mara S Mades	Cornerstone Group Partners, LLC	NC	F	3,000,000.00	600,000.00	3,600,000.00	5	15	Y	1	Y	36
2018-033BS*	Citadelle Village	Miami-Dade	L	Samuel F. Diller	Little Haiti Housing Association, Inc.; Stone Soup Development, Inc.	NC	F	3,600,000.00	600,000.00	4,200,000.00	6	15	Y	4	Y	3

*TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, 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., and Rule 67-60.009, F.A.C., and Rule Chapter 28-110, F.A.C., and Rule Chapter 28-110, 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.

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EI Request	Total SAIL Request (SAIL + EI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number	
Eligible Applications																			
2018-016BS	Liberty Square Phase Two	Miami-Dade	L	Alberto Milo, Jr.	Liberty Square Phase Two Developer, LLC	Redev	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	23.87%	1	Y	38	
2018-017S	Venetian Walk II	Sarasota	M	Richard Higgins	Norstar Development USA, LP; Venetian Walk Developers, LLC	NC	F	2,290,000.00	464,200.00	2,754,200.00	Y	15	Y	Y	87.16%	4	Y	33	
2018-019BS	Choctaw Village	Okaloosa	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	2,500,000.00	396,300.00	2,896,300.00	Y	15	Y	Y	169.16%	5	Y	22	
2018-021S	Avery Commons	Escambia	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	Y	15	Y	Y	81.13%	4	Y	5	
2018-023BS	Sierra Bay	Miami-Dade	L	Miara S. Mades	Cornerstone Group Partners, LLC	NC	E, Non-ALF	4,400,000.00	600,000.00	5,000,000.00	Y	15	Y	Y	31.50%	1	Y	37	
2018-024S	Palmetto Pointe	Pinellas	L	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	5,400,000.00	463,900.00	5,863,900.00	Y	10	Y	Y	84.97%	4	Y	29	
2018-025BS	Water's Edge Apartments	Miami-Dade	L	Miara S Mades	Cornerstone Group Partners, LLC	NC	F	3,000,000.00	600,000.00	3,600,000.00	Y	15	Y	Y	28.03%	1	Y	36	
2018-026S	Springhill Apartments (currently known as Madison Heights Apartments)	Madison	S	James J. Kerr, Jr	AMCS Development, LLC; SCG Development Partners, LLC	A/R	F	3,064,400.00	251,600.00	3,316,000.00	Y	15	Y	Y	114.88%	5	Y	14	
2018-027S	Grove Manor Phase I	Polk	M	Darren Smith	Pantheon Development Group, LLC; LWHA Development, LLC	NC	F	6,000,000.00	314,600.00	6,314,600.00	Y	15	Y	Y	71.50%	3	Y	8	
2018-028BS	Hogan Creek	Duval	L	Joseph J Chambers	Jacksonville Redevelopment Partners, LLC; Jax Urban Initiatives Development, LLC	A/R	E, Non-ALF	4,778,736.00	600,000.00	5,378,736.00	Y	15	Y	Y	26.58%	1	Y	34	
2018-029BS	Lofts on Lemon	Sarasota	M	Joseph J Chambers	Gardner Capital Development Florida, LLC; SHA Affordable Development, LLC; DB Development Florida, LLC	NC	F	2,700,000.00	423,400.00	3,123,400.00	Y	15	Y	Y	83.70%	4	Y	23	
2018-030BS	Brisas del Rio Apartments	Miami-Dade	L	Alberto Milo, Jr.	Brisas del Rio Apartments Developer, LLC	NC	E, Non-ALF	4,346,770.00	600,000.00	4,946,770.00	Y	15	Y	Y	34.50%	2	Y	1	
2018-032BS	Providence Reserve Seniors	Polk	M	Scott Zimmerman	; Judd Roth Real Estate Development, Inc.; BDG Providence Reserve Seniors Developer, LLC	NC	E, Non-ALF	6,000,000.00	429,800.00	6,429,800.00	Y	15	Y	Y	52.46%	2	Y	27	
2018-033BS**	Citadelle Village	Miami-Dade	L	Samuel F. Diller	Little Haiti Housing Association, Inc.; Stone Soup Development, Inc.	NC	F	3,600,000.00	600,000.00	4,200,000.00	Y	15	Y	Y	78.77%	4	Y	3	
2018-035BS	Hibiscus Apartments	Lee	M	Scott Zimmerman	; Judd Roth Real Estate Development, Inc.; BDG Hibiscus Apartments Developer, LLC	NC	F	5,125,000.00	510,800.00	5,635,800.00	Y	15	Y	Y	75.83%	4	Y	17	
2018-036BS	Lake Gibson Commons	Polk	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	3,400,000.00	245,600.00	3,645,600.00	Y	15	Y	Y	111.41%	5	Y	12	

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	EI Request	Total SAIL Request (SAIL + EI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-038BS	Royal Arms Garden Apartments	Bay	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	F	4,600,000.00	433,200.00	5,033,200.00	Y	15	Y	Y	96.46%	5	Y	25
2018-039S	The Waves	Duval	L	Fred McKinnies	Jax Urban Initiatives Development, LLC; TVC Development, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	38.67%	2	Y	16
2018-040BS	Pembroke Tower Apartments	Broward	L	Scott C Seckinger	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	A/R	E, Non-ALF	3,200,000.00	600,000.00	3,800,000.00	Y	15	Y	Y	53.51%	3	Y	32
2018-041BS	Parrish Oaks	Manatee	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	F	6,000,000.00	600,000.00	6,600,000.00	Y	15	Y	Y	48.83%	2	Y	11
2018-042BS	Luna Lake	Pasco	M	John D Page	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	NC	E, Non-ALF	5,800,000.00	465,000.00	6,265,000.00	Y	15	Y	Y	58.73%	3	Y	13
2018-043BS	The Villages Apartments, Phase II	Miami-Dade	L	Talmadge W Fair	New Urban Development, LLC; Cornerstone Group Partners, LLC	NC	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	Y	15	Y	Y	59.30%	3	Y	18
2018-044BS	Woodland Grove	Miami-Dade	L	Lewis Swezy	Lewis Swezy, RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	22.79%	1	Y	31
2018-046BS*	Manatee Commons	Manatee	M	Shawn Wilson	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	NC	E, Non-ALF	4,200,000.00	541,000.00	4,741,000.00	Y	15	Y	Y	95.71%	5	Y	15
2018-047BS	Northside Transit Village II	Miami-Dade	L	Kenneth Naylor	APC Northside Property II Development, LLC	NC	E, Non-ALF	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	46.62%	2	Y	19
2018-048BS	Harbour Springs	Miami-Dade	L	Lewis Swezy	Lewis Swezy, RS Development Corp	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	22.79%	1	Y	7
2018-050BS	Osprey Pointe	Pasco	M	Matthew A Rieger	HTG Osprey Pointe Developer, LLC	NC	F	6,000,000.00	556,900.00	6,556,900.00	Y	15	Y	Y	57.88%	3	Y	24
2018-051BS	Northside Transit Village III	Miami-Dade	L	Kenneth Naylor	APC Northside Property III Development, LLC	NC	F	7,000,000.00	600,000.00	7,600,000.00	Y	15	Y	Y	46.32%	2	Y	30

Ineligible Applications

2018-015BS	WRDG T4	Hillsborough	L	Jerome Ryans	WRDG T4 Developer, LLC	NC	F	6,197,332.00	600,000.00	6,797,332.00	N	15	Y	Y	34.50%		Y	20
2018-018S	Oasis at Renaissance Preserve	Lee	M	Egbert L.J. Perry	Integral Development, LLC; Housing for Urban Communities, LLC	NC	ALF	6,000,000.00	546,700.00	6,546,700.00	N	15	Y	Y	41.28%		Y	35
2018-020S	Weldon Street MF	Bradford	S	Louie A Lange III	Commonwealth Development Corporation	NC	F	3,933,333.00	479,500.00	4,412,833.00	N	15	Y	Y	76.34%		Y	4
2018-022BS	Cathedral Townhouse	Duval	L	Shawn Wilson	Cathedral Townhouse Redevelopment Associates, LLC	A/R	E, Non-ALF	5,000,000.00	600,000.00	5,600,000.00	N	15	Y	Y	36.11%		Y	21
2018-031BS	Brisas del Este Apartments	Miami-Dade	L	Alberto Milo, Jr.	Brisas del Este Apartments Developer, LLC	NC	F	4,639,425.00	600,000.00	5,239,425.00	N	15	Y	Y	34.50%		Y	9
2018-034BS	Courtside Apartments, Phase II	Miami-Dade	L	Matthew A. Rieger	AMC HTG 2 Developer, LLC	NC	E, Non-ALF	3,700,000.00	600,000.00	4,300,000.00	N	15	Y	Y	43.67%		Y	2
2018-037BS	Mary Bethune Highrise	Hillsborough	L	Jerome Ryans	WRDG Mary Bethune Developer, LLC	A/R	E, Non-ALF	750,000.00	600,000.00	1,350,000.00	N	15	Y	Y	5.83%		Y	6

RFA 2017-108 – All Applications

Application Number	Name of Development	County	County Size	Name of Contact Person	Name of Developers	Dev Category	Demo. Commitment	SAIL Request	ELI Request	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Leveraging Percentage	Leveraging Level	Florida Job Creation Preference	Lottery Number
2018-0458S	Anderson Terrace Apartments	Orange	L	Matthew A Rieger	HTG Anderson Terrace Developer, LLC	NC	F	6,800,000.00	600,000.00	7,400,000.00	N	15	Y	Y	39.87%		Y	10
2018-049BS	Rosemary Cove	Miami-Dade	L	Aaron M. Gornstein	Preservation of Affordable Housing LLC	NC	E, Non-ALF	3,500,000.00	600,000.00	4,100,000.00	N	15	Y	Y	73.13%		Y	28
2018-052S	Pine Grove Apartments	Duval	L	Kristin M Miller	The Richman Group of Florida, Inc.	NC	F	7,000,000.00	600,000.00	7,600,000.00	N	15	Y	Y	35.05%		Y	26

*ELI Amount was reduced during scoring.

**TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion to adopt the scoring results above.

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

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- (5) Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

b. Funding Tests

Applications will only be selected for funding if there is enough SAIL funding available in both the applicable SAIL Geographic Category (SAIL Geographic Funding Test) and the SAIL Demographic Category (SAIL Demographic Funding Test) to fund the Applicant's Total SAIL Request Amount (i.e., the Applicant's Eligible SAIL Request Amount plus the Applicant's Eligible ELI Loan Request Amount).

For purposes of the Funding Tests, SAIL Geographic Funding Test refers to the availability of SAIL funding for Large County, Medium County, and Small County Applications to fully fund the Applicant's Total SAIL Request Amount and SAIL Demographic Funding Test refers to the funding available for Elderly Applications (i.e., Applications with the Demographic of Elderly (ALF or Non-ALF) and Family Applications (i.e., Applications with the Demographic of Family) to fully fund the Applicant's Total SAIL Request Amount. The funding available in each SAIL Geographic Category and SAIL Demographic Category is outlined in 1. above. SAIL funds tentatively awarded to an Application will be deducted from the funds available within the applicable SAIL Geographic Category and the applicable SAIL Demographic Category. An Application will only be selected for funding if both the SAIL Geographic Funding Test and the SAIL Demographic Funding Test (the Funding Tests) are met.

c. County Award Tally

As each Application is selected for tentative funding, the county where the proposed Development is located will have one (1) Application credited toward the County's Award Tally. The Corporation will prioritize eligible unfunded Applications that meet the applicable Funding Tests 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 Tests, even if the Applications with a higher County Award Tally are higher ranked.

d. Funding Selection Order

- (1) Goals to fund eight (8) Medium and Large County, New Construction Applications

- (a) Goal to fund one (1) New Construction Application located in Miami-Dade County and one (1) New Construction Application located in Broward County

The first two (2) Applications selected for funding will be (i) the highest ranking eligible New Construction Application that is located in Miami-Dade County, regardless of the Demographic Commitment selected; and (ii) the highest ranking eligible New Construction Application that is located in Broward County, regardless of the Demographic Commitment selected.

(b) Goal to fund two (2) Elderly, Large County, New Construction Applications

This goal will be met under the following circumstances:

- (i) If neither of the Applications selected to meet the goal described in (a) above are Elderly Applications, the two (2) highest ranking eligible Elderly, Large County, New Construction Applications will be selected for funding, subject to the County Award Tally and both Funding Tests.
- (ii) If only one (1) of the two (2) Applications selected to meet the goal described in (a) above is an Elderly Application, that Application will count towards this goal, and only one (1) additional Elderly, Large County, New Construction Application will be selected in order for this goal to be met, subject to the County Award Tally and both Funding Tests.
- (iii) If both of the Applications selected to meet the goal described in (a) above are Elderly Applications, this goal will be considered to be met without selecting any additional Applications.

(c) Goal to Fund three (3) Family, Large County, New Construction Applications

This goal will be met under the following circumstances:

- (i) If neither of the Applications selected to meet the goal described in (a) above are Family Applications, the three (3) highest ranking eligible Family, Large County, New Construction Applications will be selected for funding, subject to the County Award Tally and both Funding Tests.
- (ii) If only one (1) of the two (2) Applications selected to meet the goal described in (a) above is a Family Application, that Application will count towards this goal, and only two (2) additional Family, Large County, New Construction Applications will be selected in order for this goal to be met, subject to the County Award Tally and both Funding Tests.
- (iii) If both of the Applications selected to meet the goal described in (a) above are Family Applications, both Applications will count towards this goal, and only one (1) additional Family, Large County, New Construction Application will be selected in order for this goal to be met, subject to the County Award Tally and both Funding Tests.

(d) Goal to Fund one (1) Elderly, Medium County, New Construction Application

The Application selected for funding will be the highest ranking eligible Elderly, Medium County, New Construction Application subject to the Funding Tests.

- (e) Goal to Fund two (2) Family, Medium County, New Construction Applications

The Applications selected for funding will be the highest ranking eligible Family, Medium County, New Construction Applications, subject to the County Award Tally and Funding Tests.

- (2) Family or Elderly (ALF or Non-ALF) Small County Applications

The highest ranking eligible unfunded Family or Elderly (ALF or Non-ALF) Small County Applications, regardless of the Development Category, will be selected for funding, subject to the Geographic and Demographic Funding Tests and the County Award Tally.

If funding remains and none of the eligible unfunded Small County Applications can meet both of the Funding Tests, the remaining Small County Geographic funding will be allocated to the Medium County Geographic Category and to the Large County Geographic Category on a pro-rata basis based on the geographic distribution adjusted to meet the requirements of Section 420.5087, F.S.

- (3) Family or Elderly (ALF or Non-ALF) Medium County Applications

The highest ranking eligible unfunded Family or Elderly (ALF or Non-ALF) Medium County Applications, regardless of the Development Category, will be selected for funding, subject to the Geographic and Demographic Funding Tests and the County Award Tally.

If funding remains and none of the eligible unfunded Medium County Applications can meet both of the Funding Tests, the remaining Medium County Geographic funding will be allocated to the Large County Geographic Category.

- (4) Family or Elderly (ALF or Non-ALF) Large County Applications

- (a) The highest ranking eligible unfunded Family or Elderly (ALF or Non-ALF) Large County Applications, regardless of Development Category, will be selected for funding, subject to the Geographic and Demographic Funding Tests and County Award Tally.

- (b) If funding remains and no eligible unfunded Large County Applications can meet the Funding Tests, then no further Applications will be selected for funding and the remaining funding will be distributed as approved by the Board.

5. Returned Funding