

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

RENAISSANCE POINTE APARTMENTS, LLC

Petitioner,
vs.

FHFC Case No: 2018-055BP
RFA No. 2018-102
Application No. 2018-312C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

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

Petitioner, RENAISSANCE POINTE APARTMENTS, LLC (“Renaissance”), pursuant to sections 120.57(3), Florida Statutes (“F.S.”), and Rules 28-110 and 67-60, Florida Administrative Code (“FAC”) hereby files this Formal Written Protest and Petition for Administrative Hearing regarding the review, ranking and scoring decisions of Respondent, FLORIDA HOUSING FINANCE CORPORATION (“Florida Housing”) to award funding to responsive bidders pursuant to Request for Application 2018-102 Housing Credit Financing to Provide Multifamily Rental Housing That is Part of Local Government Revitalization Initiatives (the RFA”). In support Renaissance provides as follows:

1. Renaissance is a Florida limited liability company in the business of providing affordable housing. Renaissance is located at 2100 Coral Way, Suite 405, Miami, FL 33145.
2. Florida Housing is the allocating agency for the State of Florida that was granted the authority to issue the RFA for the purpose of new construction, redevelopment, or rehabilitation of much needed affordable housing. Florida Housing's address is 227 North Bronough Street, Suite 500, Tallahassee, Florida 32301.

3. On January 23, 2018, Florida Housing issued the RFA which offered funding as follows:

Florida Housing Finance Corporation (the Corporation) is authorized by section 420.507(48), F.S., to use up to 5 percent of its annual allocation of low-income housing tax credits (Housing Credits) in a competitive solicitation to finance high-priority affordable housing developments, as determined by the Corporation. Under this Request for Applications (RFA), the Corporation expects to offer an estimated \$2,465,000 of Housing Credits for Family or Elderly Developments, for affordable, multifamily rental housing that is part of a broader neighborhood or local community revitalization effort. The Corporation is seeking applications for new construction, redevelopment or rehabilitation of Family or Elderly (non-Assisted Living Facility) properties in areas where a Local Government is implementing a planned initiative in partnership with private and other public stakeholders to invest funding and other resources to rejuvenate the area. This RFA includes an incentive for Applicants to commit to provide mixed-income units. The Corporation is soliciting applications from qualified Applicants that commit to provide housing in accordance with the terms and conditions of this RFA, inclusive of Exhibits A through F, Rule Chapters 67-48 and 67-60, F.A.C., applicable laws and regulations, and the Corporation's generally applicable construction and financial standards.

4. Through the issuance of the RFA, Florida Housing sought to solicit proposals from qualified Applicants that would provide housing consistent with the terms and conditions of the RFA, applicable laws, rules, and regulations.

5. On March 8, 2018, Renaissance submitted its Application in response to the RFA that included information concerning the development of a 60 unit apartment complex in Miami Dade County, Florida, named Renaissance Pointe. Through the Application, Renaissance was requesting \$1,632,887 in tax credit funding. Renaissance satisfied all requirements of the RFA and was awarded a score of 99 out of 118 possible points. Florida Housing received 16 applications in response to the RFA.

6. As the owner of a project seeking funding through the RFA, Renaissance is substantially affected by the review, scoring, and ranking of the responses to the RFA. The results of this and related proceedings may affect Renaissance's ability to obtain funding through the RFA.

7. Consistent with the primary mission and goal of the RFA, Renaissance will provide much needed affordable housing in Miami-Dade County. Without the funds provided by the RFA, Renaissance will be unable to provide this much needed housing. Accordingly, Renaissance's substantial interests are affected by the decisions made by Florida Housing.

8. On May 30, 2018, the designated Review Committee met and considered the Applications responding to the RFA. At the meeting the Review Committee orally listed and manually input the scores for each section of each RFA Response and ultimately made recommendations to the Board of Directors for their consideration. The Review Committee consisted of Florida Housing staff. During the meeting, the Review Committee determined that Renaissance Application was eligible however not selected for funding. Instead Application 2018-318C (Midtown Lofts, Ltd.) was recommended for tentative funding ahead of Renaissance.

9. On June 15, 2018, Florida Housing's Board of Directors accepted the Review Committee's ranking and funding recommendation.

10. On June 20, 2018, Renaissance timely filed its Notice of Intent to Protest. This Formal Written Protest is being timely filed and Florida Housing has waived the bid protest bond requirement for the RFA. (See Attachment A)

11. As a Developer of affordable housing in need of supplemental funding, Renaissance's substantial interests are affected by Florida Housing's decision not to award the necessary funding pursuant to the RFA. In this action Renaissance is challenging the eligibility of the Midtown Lofts Application. In that Midtown Lofts has provided incorrect information

concerning the occupancy status of its proposed Development site. If successful in its challenge Renaissance will move into the funding range.

12.

13. In this challenge Renaissance asserts that Midtown Lofts has provided inaccurate information concerning its proposed Development. The RFA at Section Four A(4) requests the provision of General Proposed Development Information.

14. Specifically at Section Four A(4) the RFA requires that applicants disclose the Development Category of a proposed Development. The applicant must select one of three possible Development Categories and provide additional required information concerning the occupancy status of its proposed Development. The possible Development Categories are:

- New Construction
- Rehabilitation
- Acquisition and Rehabilitation

Once a Development Category is selected, it cannot be changed. (*Rule 67-48.004(3)(f), F.A.C.*)

15. At page 5 of its Application, Midtown Lofts indicated that its proposed Development would be 100% New Construction. (See Attachment B)

16. The RFA also requires all applicants to disclose the Occupancy Status of the proposed Development site. The applicant is given the option of selecting whether there are any existing units on the Development site, and if so, whether those units are occupied.

17. With respect to its Application, Midtown Lofts selected that “[t]here are no existing units.” (See Attachment B)

18. The Application Instructions at page 19 provides the following guidance concerning the importance of Florida Housing wanting to know about any existing units on the Development site:

The Applicant must indicate whether there are any existing units on the Development site as of Application Deadline, and if so, the occupancy status of such units. If the Applicant indicates that there are existing occupied units and if the Development is funded, the Applicant will be required to provide to the Credit Underwriter a plan for relocation of existing tenants, as outlined in Exhibit D.

19. Upon information obtained from public records and after a visual confirmation of the Midtown Lofts Development site, contrary to what was represented in the Application, the Development site had at the time of Application Deadline, and continues to have, existing units. In fact, an existing structure with multiple units exists on the proposed Development site and it is believed that at least one of the units is currently occupied. (See Attachment C)

20. Providing incorrect occupancy status information is a material deviation which cannot be waived. The provision of incorrect occupancy status information renders the Midtown Lofts Application ineligible for funding. (See *Madison Point LLC v. Florida Housing*, DOAH Case No. 17-3270BID (Final Order entered 9-22-17))

21. Material issues to be resolved:

- a. Whether the review of the Midtown Lofts Application was consistent with the RFA requirements, or Florida Housing policies.
- b. Whether Florida Housing's review and actions taken concerning the Midtown Lofts Application was arbitrary or capricious, clearly erroneous or contrary to competition.
- c. Whether Florida Housing's review of all Applications submitted in response to the RFA was arbitrary, capricious, clearly erroneous or contrary to competition.

WHEREFORE, Renaissance requests that a settlement meeting be scheduled and if settlement is not reached, a hearing be scheduled and ultimately an order be entered determining that Florida Housing's review and scoring of the Midtown Lofts Application was not consistent with the RFA specifications and to Florida Housing's governing statutes, rules and policies to

such an extent as to be arbitrary, capricious, contrary to competition, and clearly erroneous and awarding funding to Renaissance.

Respectfully submitted,

CARLTON, FIELDS, JORDEN BURT, P.A.

/s/ Michael P. Donaldson

MICHAEL P. DONALDSON

Florida Bar No. 0802761

Post Office Drawer 190

215 S. Monroe St., Suite 500

Tallahassee, Florida 32302

Telephone: 850/224-1585

Facsimile: 850/222-0398

Email: mdonaldson@carltonfields.com

Attorneys for Renaissance Pointe Apartments, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a copy of the foregoing has been filed by E-Mail and Hand Delivery to Ana McGlamory Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, this 2nd day of July 2018.

/s/ Michael P. Donaldson

MICHAEL P. DONALDSON

**CARLTON
FIELDS**

Michael Donaldson
850 513-3613 Direct Dial
mdonaldson@carltonfields.com

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www.carltonfields.com

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FLORIDA HOUSING
FINANCE CORPORATION

June 20, 2018

Florida Housing Finance Corporation
Ana McGlamory, CP, FCP, FRP
Corporation Clerk
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

VIA HAND DELIVERY AND
ELECTRONIC TRANSMISSION

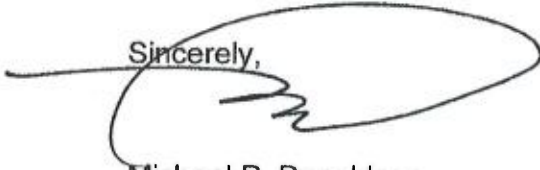
Re: RFA 2018-102 – Housing Credit Financing to Provide Affordable
Multifamily Rental Housing that is a Part of Local Revitalization Initiatives

Dear Ms. McGlamory:

On behalf of Renaissance Pointe Apartments, LLC (2018-312C), this letter constitutes a Notice of Intent to Protest ("Notice") filed pursuant to sections 120.569 and 120.57(3), Florida Statutes, Rules 28-110.003 and 67.60.009, Florida Administrative Code, and the RFA.

This Notice is being filed within 72 hours (not including weekends and holidays) of the posting of the RFA on the Florida Housing's website on June 15, 2018, at 9:45 a.m. Renaissance Pointe Apartments, LLC reserves the right to file a formal written protest within (10) days of the filing of this Notice pursuant to section 120.57(3), Florida Statutes.

Sincerely,



Michael P. Donaldson

MPD/rb

cc: Nikul A. Inamdar

Carlton Fields Jordan Burt, P.A.

115084429.1 Carlton Fields Jordan Burt, P.A. practices law in California through Carlton Fields Jordan Burt, LLP.

ATTACHMENT A



RFA 2018-102 Board Approved Scoring Results

Application Number	Name of Development	County	Authorized Principal Representative	Operational Contact Person	Name of Developers	Total Units	Demo	HC Funding Amount	Eligible For Funding?	Total Points	QCT Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Qualifying Financial Assistance Funding Preference	Florida Job Creation Preference	Lottery Number
Eligible Applications																	
2018-312C	Renaissance Pointe	Miami-Dade	Nikul A. Inamdar		Renaissance Pointe Developer, LLC	60	F	1,632,887	Y	99	Y	Y	Y	B	0.00	Y	2
2018-313C	Wisdom Village in Sun Garden Isles	Broward	William Schneider	Michael A Hartman	Turnstone Development Corporation	66	F	1,474,625	Y	87	Y	Y	Y	A	0.00	Y	9
2018-314C	Carisbrooke Terrace	Seminole	Jonathan L. Wolf	Jennie D. Lagmay	Carisbrooke Terrace Developer, LLC; SHA Development, LLC	80	F	1,464,800	Y	88	Y	Y	Y	A	0.00	Y	13
2018-315C	Liberty Square Phase Three	Miami-Dade	Alberto Milo, Jr.		Liberty Square Phase Three Developer, LLC	132	F	2,465,000	Y	76	Y	Y	Y	A	0.00	Y	14
2018-316C	WRDG T3B	Hillsborough	Jerome D Ryans	Alberto Milo, Jr.	WRDG T3B Developer LLC	118	F	2,110,000	Y	93	Y	Y	Y	A	0.00	Y	6
2018-317C	Courtside Apartments, Phase II	Miami-Dade	Matthew A. Rieger	Scott A. Osman	AMC HTG 2 Developer, LLC	160	F	2,465,000	Y	96	Y	Y	Y	A	0.00	Y	15
2018-318C	Midtown Lofts	Polk	Oscar A Sol	Diana M Mansur	Midtown Lofts Dev, LLC	80	F	1,510,000	Y	100	Y	Y	Y	A	0.00	Y	12
2018-319C	Grand Oaks	Pinellas	Richard Higgins	Brian Evjen	Norstar Development USA, LP; PCHA Development, LLC	85	F	1,660,000	Y	91	N	Y	Y	A	0.00	Y	4
2018-320C	Father Marquess-Barry Apartments	Miami-Dade	Matthew A Rieger	Scott A Osman	HTG Rainbow Developer, LLC	50	E, Non-ALF	955,000	Y	88	Y	Y	Y	A	0.00	Y	7
2018-321C	Carrington Park	Volusia	Timothy M. Morgan		JIC Florida Development LLC	72	F	1,377,330	Y	77	Y	Y	Y	A	0.00	Y	5
2018-322C	Amaryllis Park Place II	Sarasota	Joseph Chambers		Gardner Capital Development Florida, LLC; D8 Development Florida, LLC; SHA Affordable Development, LLC	70	F	1,510,000	Y	83	Y	Y	Y	A	0.00	Y	8
2018-323C	Parramore Oaks Phase Two	Orange	Paula McDonald Rhodes		InVictus Development, LLC; Royal American Properties, LLC; ADC Communities, LLC and Kiss & Company, Inc.	91	F	2,000,262	Y	85	Y	Y	Y	B	5,825.00	Y	3
2018-324C	Quail Roost Transit Village I	Miami-Dade	Kenneth Naylor	Elizabeth Wong	Quail Roost I Development, LLC	100	F	2,465,000	Y	94	Y	Y	Y	A	0.00	Y	11
2018-325C	Quail Roost Transit Village II	Miami-Dade	Kenneth Naylor	Elizabeth Wong	Quail Roost II Development, LLC	70	E, Non-ALF	955,000	Y	88	Y	Y	Y	A	0.00	Y	10
2018-326C	Lincoln Village	Manatee	Richard Higgins	Brian Evjen	Norstar Development USA, LP	50	F	1,146,946	Y	94	Y	Y	Y	B	0.00	Y	16
Ineligible Application																	
2018-327C	Platform 3750 at Frankie Shannon Rolle Center	Miami-Dade	Leon J. Wolfe	Mara S. Mades	Cornerstone Group Partners, LLC	96	F	1,900,000	N	56	Y	Y	Y		0.00	Y	1

On June 15, 2018, 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.

**RFA 2018-102
Board Approved Preliminary Awards**

Total HC Available for RFA	2,465,000
Total HC Allocated	2,465,000
Total HC Remaining	-

Application Number	Name of Development	County	Authorized Principal Representative	Operational Contact Person	Name of Developers	Total Units	Demo	HC Funding Amount	Total Points	QCT Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Qualifying Financial Assistance Funding Preference	Florida Job Creation Preference	Lottery Number
2018-318C	Midtown Lofts	Polk	Oscar A Sol	Diana M Mansur	Midtown Lofts Dev, LLC	80	F	1,510,000	100	Y	Y	Y	A	0.00	Y	12
2018-320C	Father Marquess-Barry Apartments	Miami-Dade	Matthew A Rieger	Scott A Osman	HTG Rainbow Developer, LLC	50	Non-ALC	955,000	88	Y	Y	Y	A	0.00	Y	7

On June 15, 2018, 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.

Midtown Lofts
Green Mills application

Latitude in decimal degrees, rounded to at least the sixth decimal place
28.051125

Longitude in decimal degrees, rounded to at least the sixth decimal place
-81.949578

- (2) If the proposed Development consists of Scattered Sites, identify the latitude and longitude coordinate for each site, rounded to at least the sixth decimal place:

[Click here to enter text](#)

- e. Limited Development Area (LDA)

The Corporation will determine whether the proposed Development qualifies as an LDA Development, and, if applicable, whether the LDA Requirements are met using the criteria described in Section Four.

6. Units

- a. Total number of units in the proposed Development: 80

- b. Select the applicable item below:

(1) Proposed Development consists of 100% rehabilitation units

(2) Proposed Development consists of 100% new construction units

(3) Proposed Development consists of a combination of new construction units and rehabilitation units. State the quantity of each type:

[Click here to enter text](#) new construction units

[Click here to enter text](#) rehabilitation units

- c. The Applicant must indicate which of the following applies to the Development site as of Application Deadline:

(1) Existing units are currently occupied

(2) Existing units are not currently occupied

(3) There are no existing units

- d. Set-Aside Commitments

Google Maps 707 N Stella Ave



Imagery ©2018 Google, Map data ©2018 Google 50 ft



707 N Stella Ave
Lakeland, FL 33801



ATTACHMENT C

Google Maps 707 N Stella Ave

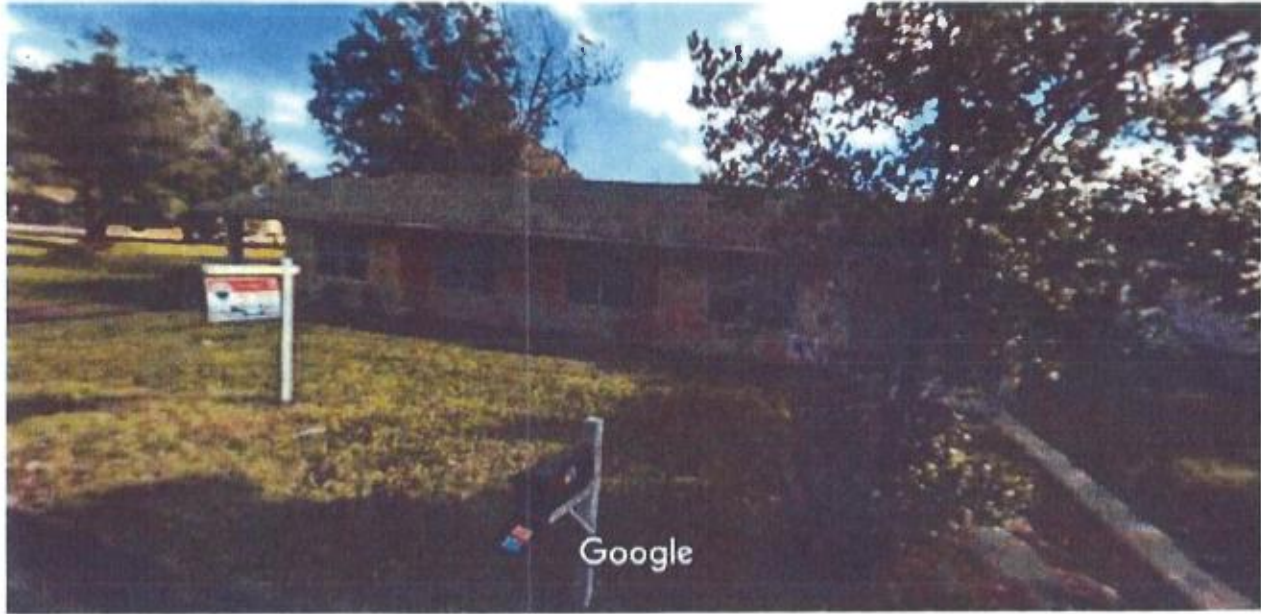


Image capture: Dec 2007 © 2018 Google

Lakeland, Florida

Google, Inc.

Street View - Dec 2007



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INSIDE Owner



Off Market

Est \$151,700

Track Your Home Value

Map 4 beds 2 baths 1,552 sq ft 0.32 acres lot

Commute Time 707 N Stella Ave, Lakeland, FL 33801

Share

Request a FREE Analysis

Property Overview - 707 N Stella Ave, Lakeland, FL 33801 is a multi family home built in 1954 This property was last sold for \$150,000 in 2008 and currently has an estimated value of \$151,700. The \$151,700 estimated value is 68.56% greater than the median listing price of \$90,000 for the Parker Street area.

According to the Lakeland public records, the property at 707 N Stella Ave, Lakeland, FL 33801 has approximately 1,552 square feet, 4 beds and 2 baths with a lot size of 0.32 acres. Nearby schools include Philip O'Brien Elementary School, Lawton Chiles Middle Academy School and Lakeland Senior High School. Comparable nearby home for sale include 1704 1706 Crystal Grove Dr

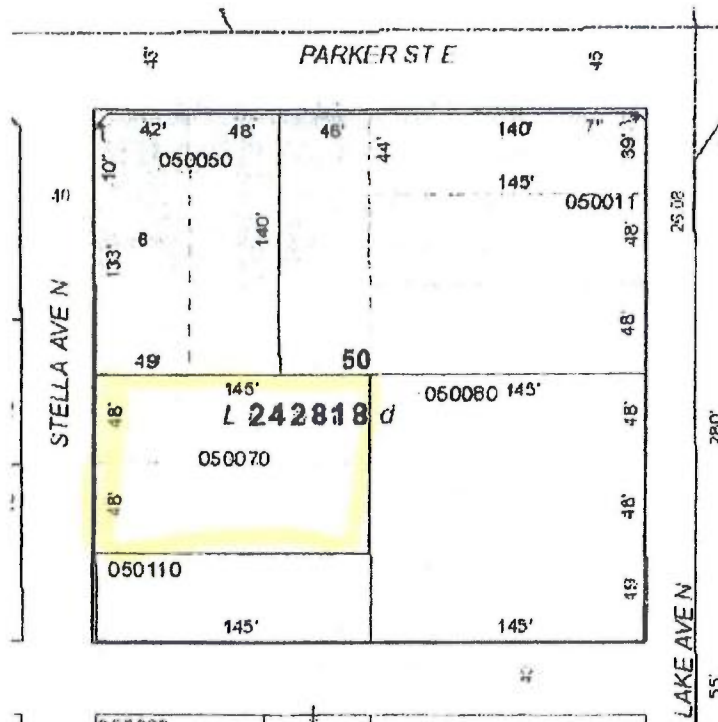
Midtown Lofts
Purchase & sale Agmt

EXHIBIT "A"

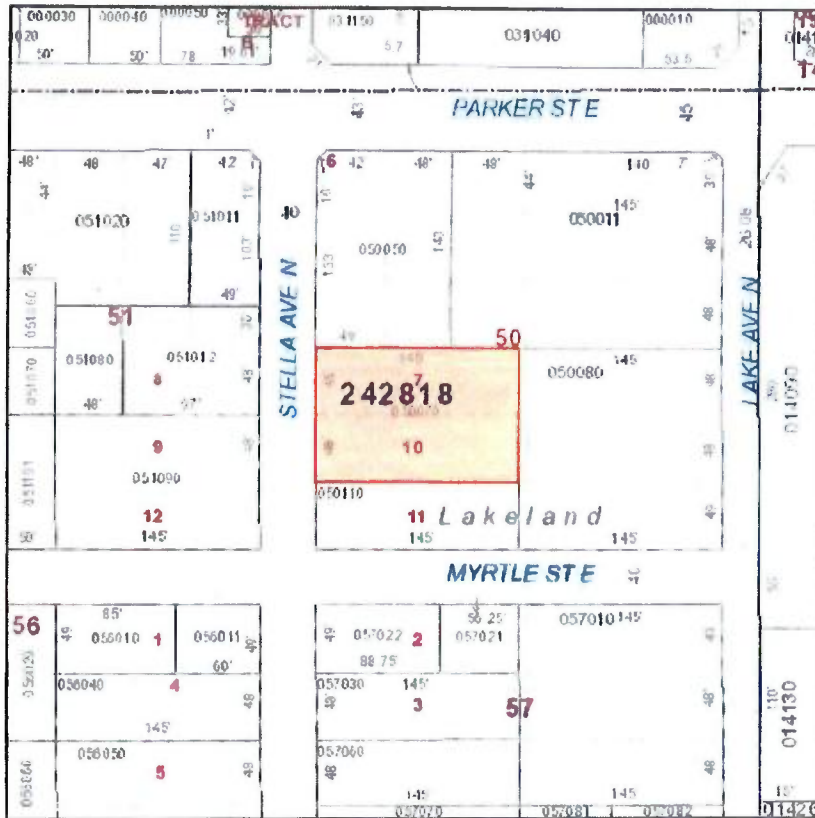
Legal Description of the Property

729 E. Parker Street, 741 E. Parker Street, 706 N. Lake Avenue, 734 E. Myrtle Street, and 707 N. Stella Avenue in the City of Lakeland, Florida. The parcel identification numbers and legal descriptions for the property are as follows:

- Parcel 24-28-18-200000-050050
 - BAKERS SUB PB 1 PG 53 BLK 50 LOT 5 & 6 LESS RD R/W
- Parcel 24-28-18-200000-050011
 - BAKERS SUB PB 1 PG 53 BLK 50 LOTS 1 2 3 & 4 LESS RD R/W
- Parcel 24-28-18-200000-050080
 - BAKERS SUB PB 1 PG 53 BLK 50 LOTS 8 9 & 12
- Parcel 24-28-18-200000-050110
 - BAKERS SUB PB 1 PG 53 BLK 50 LOT 11
- Parcel 24-28-18-200000-050070
 - BAKERS SUB PB 1 PG 53 BLK 50 LOTS 7 & 10



*Subject site
confirming existing duplex*



DISCLAIMER: All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is."

Parcel Info

Parcel ID: 242818200000050070
Owner1: LAKELAND COMMUNITY REDEVELOPMENT AGENCY
Address: 707 STELLA AVE, LAKELAND, 33801
City/St/Zip: LAKELAND, FL 33801
Legal Desc: BAKERS SUB PB 1 PG 53 BLK 50 LOTS 7 & 10
Property (DOR) Use Code: 0810 (Duplexes)
Acreeage: 0.32
Taxing District: 91510 (LAKELAND/SWFWMD/LKLD MASS)

Sales Information

Date of Sale	Q/U	Sales Price
04/04/2008	undefined	\$150,000
08/01/2005	undefined	\$163,000
08/16/2004	undefined	\$100
09/01/1997	undefined	\$40,000
02/01/1989	undefined	\$45,000
09/01/1983	undefined	\$51,000

All above information is current (as of 05/30/2018). All below information is 2017 Final.

Value Summary

Value Name	Price
Building Value	\$49,650
Extra Feature Value	\$0
Land Value (Market)	\$20,000
Just Market Value	\$69,650
Assessed Value	\$69,650
Exempt Value	\$0
Taxable Value	\$69,650

Polk County Property Record Card

6/1/2018 12:07:25 AM

<p>Parcel ID: 24281820000050070 Owner: LAKELAND COMMUNITY REDEVELOPMENT AGENCY Mailing Address: 228 S MASSACHUSETTS AVE LAKELAND FL 33801-5012 Site Address: 707 STELLA AVE LAKELAND FL 33801</p>	<p>Value Information</p> <p>Land Value: \$20,000.00 Building Value: \$49,650.00 Misc. Item(s) Value: \$0.00 Total Just Value (Market): \$69,650.00</p> <p>Exemption Information Add'l Homestead does not apply to all tax districts Homestead: 0 Add'l. Homestead: 0 Other: 0</p>	<p>Non Ad-Valorem Assessments</p> <p>Fire: Other:</p> <p>General Property Information</p> <p>Neighborhood #: 329030.08 Subdivision #: 200000 Subdivision Name: BAKERS SUB PB 1 PG 53 DOR Use Code (DOR): 0810 DOR Description: Duplexes Short Legal: BAKERS SUB PB 1 PG 53 BLK 50 LOTS 7 & 10</p>	<p>Sketch</p> <p>SR4 120, SR4 120, ST5 120, CP3 231, CP3 231, BAS 1552</p>																																																																
Taxable Value (Tax Dist: 91510)																																																																			
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Please Note: All Value Information is from 2017 Final tax roll. All taxes and tax rates are 2017. Historic and economic exceptions are not reflected in these totals. The information provided is believed to be correct but is subject to change and is not guaranteed. If multiple structures exist on a parcel, only the first is shown. **Additional lines of information pertaining to this record are not displayed due to field size limitation of this report. *** Count includes buildings designated as future year.

*Conversely site
to the North
shows it is vacant*



DISCLAIMER: All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is."

Parcel Info

Parcel ID: 242818200000050050
Owner1: LAKELAND COMMUNITY REDEVELOPMENT AGENCY
Address: 729 E PARKER ST, LAKELAND, 33801
City/St/Zip: LAKELAND, FL 33801
Legal Desc: BAKERS SUB PB 1 PG 53 BLK 50 LOT 5 & 6 LESS RD R/W
Property (DOR) Use Code: 8089 (Vacant Municipal - vac land or misc impr of some value)
Acreage: 0.31
Taxing District: 91510 (LAKELAND/SWFWM/D/LKLD MASS)

Sales Information

Date of Sale	Q/U	Sales Price
02/08/2007	undefined	\$100
02/07/2007	undefined	\$135,000
09/13/2004	undefined	\$100
07/15/2004	undefined	\$90,000
05/15/2003	undefined	\$100
05/15/2003	undefined	\$31,000
02/18/2003	undefined	\$100
07/01/1998	undefined	\$41,900
06/01/1995	undefined	\$0
04/01/1995	undefined	\$10,000

All above information is current (as of 05/30/2018). All below information is 2017 Final.

Value Summary

Value Name	Price
Building Value	\$0
Extra Feature Value	\$0
Land Value (Market)	\$12,877
Just Market Value	\$12,877
Assessed Value	\$12,877
Exempt Value	\$12,877
Taxable Value	\$0