

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

HOLY CHILD HOUSING, INC.,

Petitioner,

vs.

FHFC Case No.: 2023-031BP

RFA No. 2022-206

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

**FINAL ORDER**

This cause came before the Board of Directors of the Florida Housing Finance Corporation (the “Board”) for consideration and final agency action on June 9, 2023. On May 8, 2023, Holy Child Housing, Inc. (“Holy Child”) and Florida Housing Finance Corporation (“Florida Housing”) executed a Consent Agreement, attached as Exhibit “A.”

Based on the Consent Agreement, Holy Child is eligible and is selected for funding, subject to the requirements of credit underwriting. The Consent Agreement is adopted and incorporated by reference as though fully set forth in this Order.

**IT IS HEREBY ORDERED:**

Holy Child is an eligible application and is selected for funding, subject to the requirements of credit underwriting.

**DONE and ORDERED** this 9th day of June, 2023.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

Thomas M. Murnighan / DATE: 6/12/2023

FLORIDA HOUSING FINANCE  
CORPORATION



By:   
Chair

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**NOTICE OF RIGHT TO JUDICIAL REVIEW**

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.**

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

HOLY CHILD HOUSING, INC.,

Case No.: 2023-031BP  
RFA 2022-206

Petitioner,

vs.

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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**CONSENT AGREEMENT**

Petitioner Holy Child Housing Inc. (“Holy Child”) and Respondent Florida Housing Finance Corporation (“Florida Housing”) by and through undersigned counsel, hereby present the following Consent Agreement in accordance with Section 120.57(4), Florida Statutes.

**PRELIMINARY STATEMENT**

1. On December 15, 2022, Florida Housing issued RFA 2022-206 HOME Financing To Be Used For Rural Developments In Certain Hurricane Ian Impacted Counties (the “RFA”).
2. Holy Child submitted Application No. 2023-168H in response to the RFA. Holy Child requested an allocation of HOME Funding for its proposed twenty-five (25) unit affordable housing development in Hardee County, Florida.
3. Florida Housing received eight (8) Applications in response to the RFA.
4. The designated Review Committee recommended that Florida Housing’s Board of Directors (the “Board”) find six (6) applications eligible for funding and two (2) applications ineligible including the Holy Child Application.

5. The Review Committee recommended that the Board select five (5) applications for funding.

6. At the March 10, 2023 Board meeting, the Board approved the preliminarily funding recommendations from the Review Committee and funded the one remaining eligible Application with the remaining HOME funding in the RFA.

7. Holy Child timely filed its Notice of Intent to Protest followed by a Formal Written Protest and Petition for Administrative Hearing (the "Petition") challenging the eligibility determination of its own Application.

8. Florida Housing issued a Notice to All Bidders on the RFA, including those bidders who had been preliminarily selected for funding and the two remaining ineligible Applications including the Holy Child Application. The Notice informed all bidders that their substantial interests might be affected by the disposition of Holy Child's Petition and advised the bidders of their opportunity to intervene.

9. No other bidders sought to intervene.

#### STIPULATED FINDINGS OF FACT

10. Florida Housing is a public corporation that is organized to provide and promote the public welfare by administering the governmental function of financing and refinancing housing and related facilities in the State of Florida.

11. Chapter 67-60, Florida Administrative Code, establishes the procedures by which Florida Housing administers the competitive solicitation funding process for the allocation of HOME funding.

12. The RFA was issued pursuant to and in accordance with Rule 67-60.003, Florida Administrative Code, and is adopted and incorporated herein by reference.

13. As required in the RFA, applications must include General Proposed Development Information including the completion of a Unit Characteristic Chart.

14. Based on the Review Committee scorer's notes, the Holy Child Application was found ineligible because the Unit Characteristic Chart incorrectly indicated its proposed Development would include 25 Garden Apartments rather than 25 Single Family Units.

15. In its Petition Holy Child pointed out that within the four corners of its Application, information was provided that indicates its proposed Development would be 25 units in 25 separate buildings. This information supports the conclusion that 25 Single Family Units will be constructed and clarifies the incorrect disclosure in the Unit Characteristic Chart. Accordingly, the necessary information was submitted within the four corners of Holy Child's Application and Florida Housing can determine that Holy Child provided all required information.

16. In reviewing the Application, the Petition, and the requirements of the RFA, Florida Housing determined that the error within the Holy Child application is a waivable Minor Irregularity and Holy Child should be an eligible application.

17. Florida Housing agrees to recommend to the Board that additional HOME funding be added to fully fund the Holy Child Application and not displace any other applicants in the RFA.

STIPULATED CONCLUSIONS OF LAW

18. In light of the foregoing stipulated facts and in order to avoid the time, expense, and uncertainty of litigation, the parties agree that Holy Child is eligible for funding in RFA 2022-206.

19. The undersigned attorneys represent that they have the authority to execute this

Consent Agreement on behalf of their respective clients.

20. Pursuant to Sections 120.569 and 120.57(3), Florida Statutes, and Chapter 67-60, Florida Administrative Code, the Florida Housing Board has jurisdiction over the parties to this proceeding.

21. Upon issuance of a Final Order adopting the terms of this Consent Agreement, Holy Child will timely dismiss its Petition with prejudice.

22. The Holy Child Application is eligible and is selected for funding consistent with the terms and recommendations within this Consent Agreement.

23. The parties waive all rights to appeal this Consent Agreement and the Final Order to be issued in this case. Each party shall bear its own costs and attorney's fees.

24. This Consent Agreement is subject to approval of the Board. If the Board does not approve this Consent Agreement, no Final Order will be issued, and this Consent Agreement shall be null and void as if it were never executed.

25. Holy Child agrees that in a further spirit of cooperation and understanding of the need for the expeditious allocation of HOME funds in these hurricane impacted areas, it will not displace any other Applications from current tentative funding.


#### STIPULATED DISPOSITION

26. Holy Child is eligible and is selected for funding, subject to the requirements of credit underwriting.

27. The Board's decision on March 10, 2023, with respect to the other applications, remains unaffected.

Respectfully signed this 8th day of May 2023.

/s/



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