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FLORIDA HOUSING
FINANCE CORPORATION

MHP FL IX LLLP,

Petitioner,

FHFC Case No. 2023-071BP

RFA No. 2023-205

App. No. 2024-036S

v.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

**MHP FL IX LLLP'S WRITTEN PROTEST AND
PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS**

MHP FL IX LLLP ("MHP"), petitions to protest a procurement decision made by the Florida Housing Finance Corporation ("FHFC" or "Florida Housing") in connection with Request for Applications 2023-205 (the "RFA"). The RFA solicited proposals for financing of affordable multifamily housing developments. MHP submitted an application to establish affordable housing in Miami-Dade County, but the application was not selected for funding. Another applicant, Ambar Station, Ltd. ("Ambar Station"), proposed an affordable housing project in Miami-Dade County and was selected for funding. However, Ambar Station's Application should have been deemed ineligible due to a funding shortfall. If Ambar Station's Application is found ineligible, then MHP FL's application would be funded. MHP now seeks formal administrative proceedings in order to contest the eligibility of Ambar Station, resulting in the funding of MHP's Application.

Support for this Petition follows:

The Parties and the RFA

1. The agency affected by this protest is the Florida Housing Finance Corporation. Florida Housing's address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

2. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of financing or refinancing affordable housing. Florida Housing's statutory authority and mandates are found in Part V, Chapter 420, Florida Statutes. See §§ 420.501–420.55, Fla. Stat.

3. Florida Housing administers competitive solicitations to make and service mortgage loans for new construction or rehabilitation of affordable housing through several programs, including the State Apartment Incentive Loan (SAIL) Program. See ch. 67-60, Fla. Admin. Code.

4. Florida Housing published Request for Applications No. 2023-205 (the "RFA") to solicit proposals for the development of affordable housing for Families and for the Elderly using SAIL Program funding as gap funding in conjunction with Tax-Exempt Bond Financing, Non-Competitive Housing Credits, and National Housing Trust Funds.

5. Through the RFA, Florida Housing announced that it expected to offer an estimated \$108,344,702 comprised of a part of the Family and Elderly Demographic portion of SAIL funding approved by the 2023 Florida Legislature.

6. MHP is a Florida limited partnership in the business of providing affordable housing. MHP maintains offices located at 777 Brickell Avenue, Suite 1300, Miami, FL 33131. For purposes of this proceeding, MHP's address, telephone number and email address are those of its undersigned counsel.

7. MHP submitted a proposal in response to the RFA, assigned Application No. 2024-036S as did several other applicants.

8. MHP's Application was fully responsive to the requirements of the RFA but was not selected for funding.

9. The Applications filed by Ambar Station Ltd. ("Ambar Station"), Application No. 2024-035S, Pine Island Park LLC ("Pine Island") Application No. 2024-033BSN, ECG Lake Bradford, LP ("ECG") Application No. 2024-028S, and Riverbend Landings Partners, Ltd. ("Riverbend") Application No. 2024-019S were selected for funding. Additionally, there were other applications filed in response to the RFA.

10. As set forth below, the Applications filed by Ambar Station, Pine Island, ECG, and Riverbend should not have been selected for funding because they failed to satisfy material requirements of the RFA.

Notice and Authority for Petition

11. Florida Housing issued the RFA on May 31, 2023.

12. Florida Housing modified the RFA on June 6, 2023, and June 26, 2023.

13. Applications in response to the RFA were due August 3, 2023, at 3:00 p.m., Eastern Time.

14. Florida Housing received sixty-three (63) applications in response to the RFA.

15. MHP is a responsible applicant that filed an application that was fully responsive to the material requirements of the RFA. MHP was deemed eligible for funding by Florida Housing, but was not selected for funding.

16. MHP received notice of Florida Housing’s preliminary RFA scoring and ranking through electronic posting on September 8, 2023, at 1:55 p.m. A copy of the Notice posted on Florida Housing’s website is attached as Exhibit “A”.

17. On September 12, 2023, MHP FL timely filed its Notice of Intent to Protest, attached as Exhibit “B”.

18. This Protest and Petition is timely filed on September 22, 2023, pursuant to Sections 120.569, 120.57(1) and 120.57(3), Florida Statutes, and Florida Administrative Code Chapters 28-110, 67-48, and 67-60.

19. Pursuant to Florida Administrative Code Rule 67-60.009(5), no bond is required for this protest.

RFA 2023-205 Goals and Criteria

20. The RFA sought proposals for affordable housing that would serve Families or the Elderly. The RFA also announced certain preferences, including preferences for proposals that met the needs of Veterans and Applicants that were “Self-Sourced.”

21. The RFA provided the following funding goals:

- Two Elderly, New Construction Applications located in a Large County, with a preference for at least one Application that qualifies for the Veteran’s Preference.
- Three Family, New Construction Applications located in a Large County, with a preference that at least two Applications are from Self-Sourced Applicants.
- One Elderly, New Construction Application located in a Medium County, with a preference for Applications that qualify for the Veteran’s Preference.
- Two Family, New Construction Applications located in a Medium County, with a preference that at least one Application is from a Self-Sourced Applicant.

- One Application that qualifies for the HUD Choice Neighborhoods Implementation Grant Goal.

See RFA § 5, B.3.

Requirement to Submit Responsive Applications

22. The RFA contained instructions regarding what must be provided in each responsive application. In order to be selected for funding, Applications were required to meet Eligibility Requirements. *See* RFA § 5, A.1.

23. Eligibility items included the selection of a demographic category (Family or Elderly).

24. Each applicant was also required to identify the location of its proposed development, and identify whether the location was in a small, a medium, or a large county, and provide evidence of site control, meaning a demonstration that the applicant controlled the land on which it proposed to construct affordable housing. Applicants were also required to demonstrate adequate funding to complete their proposals.

25. Each type of application had certain portions eligible for scoring and portions eligible for funding preferences. For example, an application was eligible to earn “proximity points” based on the distance between the development and points of interest to consumers, including community services such as medical facilities and pharmacies.

26. Once deemed eligible, Applications were then scored by a committee of Florida Housing, using scoring guidelines contained within the RFA.

Application Sorting Order

27. The RFA then provided a sorting order to select applicants for funding. The RFA provided that the highest scoring Applications would be determined by first sorting all eligible

Priority 1 Applications from highest score to lowest score, with any scores that are tied separated in the following order:

a. First, by the Application's Leveraging Classification, applying the multipliers outlined in Item 3 of Exhibit C of the RFA (with Applications having the Leveraging Level of 1 receiving the highest preference);

b. 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;

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

d. By lottery number, resulting in the lowest lottery number receiving preference.

See RFA § 5, B.4.a.-d.

Funding Selection Process

28. The RFA mandated a Funding Selection process for the selection of eight Medium and Large County, New Construction Applications. *See* RFA, § 5, B.5.

29. The first application was to be awarded to the highest-ranking Application located in Miami-Dade or Broward County, regardless of the Demographic Commitment, the Application's qualifications for the Veterans Preference, or the Applicants' status as a Self-Sourced Applicant or Non-Self-Sourced Applicant.

30. The second application was dependent on the first application. If the first award was for Miami-Dade County or Broward County, then the funding selection process continued. If the Application selected for funding in paragraph (a) was an Elderly Application located in Miami-

Dade County, the second Application will be the highest-ranking Family Priority I Application located in Broward County, with a preference that it be a Self-Sourced Application located in Broward County.

31. If the Application selected for funding in paragraph (a) was an Elderly Application located in Broward County, the second Application will be the highest-ranking Family Priority I Application located in Miami-Dade County, with a preference that it be a Self-Sourced Application located in Miami-Dade County.

32. If the Application selected for funding in paragraph (a) was a Family Application located in Miami-Dade County, the second Application will be the highest-ranking Priority I Application located in Broward County that either (i) is an Elderly Application that qualifies for the Veterans Preference; or (ii) is a Family Application that qualifies as a Self-Sourced Application. If there are no eligible Elderly Priority I Applications that qualifies for the Veterans Preference or Family Application that qualifies as a Self-Sourced Applications located in Broward County, then the second Applications selected for funding will be the highest-ranking Priority I Application located in Broward County, regardless of the Demographic Commitment, the Application's qualifications for the Veterans Preference, or the Applicants' status as a Self-Sourced Applicant or Non-Self-Sourced Applicant.

33. If the Application selected for funding in paragraph (a) was a Family Application located in Broward County, the second Application will be the highest-ranking Priority I Application located in Miami-Dade County that either (i) is an Elderly Application that qualifies for the Veterans Preference; or (ii) is a Family Application that qualifies as a Self-Sourced Application. If there are no eligible Elderly Applications that qualifies for the Veterans Preference or Family Application that qualifies as a Self-Sourced Applications located in Miami-Dade

County, then the second Applications selected for funding will be the highest-ranking Priority I Application located in Miami-Dade County, regardless of the Demographic Commitment, the Application’s qualifications for the Veterans Preference, or the Applicants’ status as a Self-Sourced Applicant or Non-Self-Sourced Applicant.

34. The RFA’s Selection process goes on to describe which applications should be selected for funding for other goals, including two Elderly and three Family Applications for new construction in large counties, and one Elderly and two-Family Applications in medium counties. The complete Funding Selection Process from the RFA is set forth in Exhibit “C” to this Petition.

Review Committee Scoring and Selections

35. Appointed committee members from Florida Housing independently evaluated and scored their assigned portions of the submitted applications based on mandatory and scored items. The Selection Process was carried out by the members of the Review Committee at a public meeting held January 18, 2023, at 2:00 p.m.

36. Ambar Station’s Application was selected for funding. MHP’s Application was not selected for funding.

Ambar Station Ltd., Application No. 2024-035S is Ineligible due to a Funding Shortfall

37. Ambar Station’s Application did not meet the eligibility requirements of the RFA and should not have been selected for funding. If, as a result of this proceeding, Ambar Station’s Application is determined to be ineligible, then MHP’s Application would be selected for funding pursuant to the sorting and preferences contained within the RFA.

38. Ambar Station is ineligible for funding because it failed to clearly establish an amount of equity funding sufficient to cover the anticipated development costs that would be available prior to the completion of construction.

39. The RFA required all applicants to submit a Development Cost Pro Forma detailing the anticipated costs of the proposed development, as well as the anticipated sources of funds that would be used to pay those costs. RFA, p. 79 of 182. In order to demonstrate adequate funding, the Total Construction Sources (including equity proceeds/capital contributions and loans), as shown on the applicant's pro forma, must equal or exceed the Total Development Costs identified on the Pro Forma. RFA, Ex. A, § 4.A.10, p. 4 of 7. During the scoring process, if a funding source is not considered or is adjusted downward, then the Total Development Costs might exceed the Total Construction Source, causing a funding shortfall or deficit. RFA, p. 79 of 182. Under the RFA, if an applicant has a funding shortfall, it is ineligible for funding. *Id.*

40. The Development Cost Pro Forma does not allow applicants to include in the Total Construction Sources any equity proceeds that are expected to be paid after construction completion. Instead, the applicant must state only the amount of "Equity Proceeds Paid Prior to Completion of Construction" as "Prior to Receipt of a Final Certificate of Occupancy."

41. The RFA also requires that an equity proposal letter be included as an attachment to each application. For a housing credit equity proposal to be counted as a source of financing, it must meet the following criteria:

- Be executed by the equity provider; include specific reference to the Applicant as the beneficiary of the equity proceeds;
 - **State the proposed amount of equity to be paid prior to construction completion**
 - State the anticipated Eligible Housing Credit Request Amount;
 - State the anticipated dollar amount of Housing Credit Allocation to be purchased;
- and

- State the anticipated total amount of equity to be provided.

RFA, p. 71 of 182. (emphasis added).

42. As Attachment 7 to its Application, Ambar Station submitted an equity proposal letter from Truist Bank, executed by Lesli Carroll (the “Equity Proposal”). In relevant part, Ambar Station’s Equity Credit Letter described the pay-in schedule for these funds as follows:

Investor Member Pay

In Schedule:

Capital Contribution #1: (20%) \$14,964,991 to be provided prior to or simultaneous with the closing of the Truist Construction Loan.

Capital Contribution #2: (25%) \$18,706,239 upon receipt of 1) Certification by Investor Member Construction Inspector that the Project is 95% complete in accordance with the plans and specifications.

Capital Contribution #3: (55%) \$41,153,727 upon receipt of 1) certification by Investor Member Construction Inspector that the Project was completed in accordance with the plans and specifications, 2) radon testing results, and 3) acknowledgment by Lender of completion of the Project in accordance with Project documents, 4) final Accountant’s Cost Certification certifying the amount of the Annual Credits, and all costs, 5) all permanent loans have closed on the property and 6) achievement of debt service coverage of all contemplated payments of principal and interest of 1.20x on first mortgage must pay debt for a period of three (3) consecutive calendar months, 7) receipt of properly executed Forms 8609 representing all LIHTC units, 8) stabilized physical occupancy of 93% of the units by Section 42 compliant tenants at pro forma rents and compliant leases for 90 consecutive days, and 9) recording of an “extended low-income housing commitment”.

43. The Pay-In Schedule in the Equity Proposal indicates that the first capital contribution will be dependent on the timing of the closing of a “Truist Construction Loan.” However, the proposal does not describe, define, or discuss what is meant by a “Truist Construction Loan.” The Ambar Station Equity Credit Letter creates a question as to whether the Truist Construction Loan will close before construction has been completed, or is instead a loan intended to be paid out after construction is completed.

44. Ambar Station's Application fails to provide any clarity on what is meant by the "Truist Construction Loan," nor when such a loan might occur. The pro forma's listed sources of funds do not include any funding resulting from a construction loan, and do not reflect any costs of taking out a construction loan.¹

45. The second Capital Contribution is dependent upon a certification of a "Investor Member Construction Inspector" that the project is 95% complete "in accordance with plans and specifications." The Pay-In Schedule within Ambar Station's Equity Credit Letter creates another question as to whether the second installment of capital will be made after the completion of construction, because there is no definition of the required Inspector, nor any promise that the inspection will not occur until after construction is 100% complete.

46. Ambar Station relies on both the Capital Contribution #1 and Capital Contribution #2, for a total of \$33,671,230, as funding needed to complete its proposed construction of 576 units. Ambar Station may argue that it is possible that a Truist Construction Loan will be closed and an Investor Member Inspection may be satisfied, prior to the completion of construction, but the Equity Credit Letter creates an ambiguity, rendering Ambar Station's Application ineligible under recent Florida Housing precedent.

47. An agreement is ambiguous if as a whole or by its terms and conditions it can reasonably be interpreted in more than one way. *Nationstar Mortg. Co. v. Leavine*, 216 So. 3d 711, 715 (Fla. 4th DCA 2017). Ambar Station's Equity Credit Letter is internally inconsistent and ambiguous. It promises a certain level of funding will be paid prior to completion of construction,

¹ Ambar Station's Pro Forma identified total Development Costs of \$172,388,112. Ambar Station anticipated paying those costs through the issuance of local bonds for \$95,000,00 and providing self-sourced bond financing of \$11,000,000. The remaining \$33,671,230 of funds were identified by Ambar Station equity proceeds paid prior to the completion of construction. None of these funding sources make any reference to a "Truist Construction Loan."

but then provides caveats within its Pay-In Schedule that suggest that some capital contributions might not be paid until after construction is completed. The ambiguity causes uncertainty as to Capital Contribution #1 and #2 will be available prior to the completion of construction.

48. Because uncertainty makes a response non-conforming, Florida Housing erred when it determined that Ambar Station's Application was responsive to the material requirements of the RFA's specifications. Florida Housing should have excluded Capital Contributions #1 and #2, resulting in a funding shortfall and a determination that Ambar Station's Application was ineligible for funding.

49. Ambiguity within equity credit letters has been raised as a disqualifying issue in several recent Florida Housing cases. *See MJHS South Parcel, LTD. V. Fla. Housing Fin. Corp. et al.*, Case No. 23-0903BID (May 31, 2023; FHFC July 21, 2023); *Vistas at Fountainhead LP v. Fla. Housing Fin. Corp.*, Case No. 19-2328BID (Fla. DOAH July 16, 2019), *adopted in pertinent part*, FHFC No. 2019-030BP (FHFC Aug. 2, 2019); *HTG Oak Valley, LLC v. Fla. Housing Fin. Corp.*, Case No. 19-2275BID, (Fla. DOAH July 16, 2019), *adopted in relevant part* (FHFC Aug. 5, 2019); *Rosedale Holding v. Fla. Housing Fin. Corp.*, FHFC Case No 2013-038BP (DOAH May 12, 2014; FHFC June 13, 2014).

50. For example, in *Vistas at Fountainhead* and *HTG Oak Valley*, Vistas submitted an equity credit letter that identified an amount to be paid prior to construction completion but went on provide a Pay-In Schedule like the one provided by Ambar Station. The ALJ determined that the Pay-In Schedule created an internal inconsistency within the equity proposal that could not be ignored, explicitly rejecting Vistas' argument that the Pay-In Schedule could be ignored as mere surplusage. The ALJ explained: "[W]hether required or not, the Pay-In Schedule contains language bearing on the timing of certain capital contributions, which is specifically relevant because of the

instruction to ‘[s]tate the proposed amount of equity to be paid prior to construction completion,’ and is generally relevant, in any event, as part of the application. FHFC cannot pick and choose which language of the application to consider and which to overlook; that would be arbitrary and contrary to competition.” *Vistas at Fountainhead*, Case No. 19-2328BID ¶48. The ALJ thus concluded that the ambiguity created uncertainty as to the amount that would be available for funding and the uncertainty made the response nonconforming. *Id.*, ¶64. Accordingly, FHFC’s evaluator was “justified in excluding this portion of the total equity proceeds from the applicant’s construction funding and deeming Vistas’ application ineligible as a result.” *Id.*

51. More recently, in *MJHS South Parcel*, an application contained an equity credit letter that, like Ambar Station’s equity credit letter here, made certain payment installments dependent upon certain terms. One installment would be made only after the satisfaction of certain conditions. Relying on *Vistas at Fountainhead*, Florida Housing argued, and the Administrative Law Judge agreed, that there was an ambiguity in the equity proposal and, as such, the funding should be excluded, resulting in a funding shortfall and a determination of ineligibility. Indeed, in its Proposed Recommended Order in *MJHS South Parcel*, Florida Housing specifically argued that “[a]n equity proposal is responsive only to the extent that the amount of equity to be paid prior to construction completion is clearly stated.” *MJHS South Parcel*, FHFC’s PRO at ¶83. “If material ambiguity exists, the funds may not be considered as equity to be paid before construction completion.” *Id.*

52. In response to exceptions from the disappointed applicant in *MJHS South Parcel*, counsel for Florida Housing suggested that a clear line of decisional authority had been established in *Vistas at Fountainhead* and other cases, holding that an equity proposal letter is responsive only if the amount paid before construction completion is clearly and unambiguously stated. If the

amount is at all unclear, counsel argued, the equity proposal must be considered non-responsive. *See* MJHS South Parcel, FHFC's Response to Exceptions to Recommended Order (citing testimony from the final hearing suggesting that a condition included in the equity credit letter could occur after construction completion, thus, creating ambiguity as to the amount to be paid prior to construction completion).

53. The standard announced by the ALJ in *Vistas at Fountainhead* and advanced by Florida Housing just this year must be applied consistently. Like in *Vistas at Fountainhead* and *MJHS South Parcel*, the Equity Credit Letter within Ambar Station's Application contains ambiguities and raises doubts about whether Capital Contribution #1 and #2 will occur before or after the completion of construction. When commissioners questioned the staff recommendation of ineligibility in *MJHS South Parcel*, Florida Housing Board Chair Facella clarified that the letter was ambiguous and rendered the application ineligible because certain capital contributions had contingencies wrapped around it. The same holds true for Ambar Station in this case.

Disputed Issues of Material Fact and Law

54. Disputed issues of material fact and law entitle MHP to formal administrative proceedings pursuant to section 120.57(1), Florida Statutes. Disputed facts include, but are not limited to:

- a. Whether Ambar Station's Equity Credit Letter clearly identified funds that would be provided prior to the completion of construction;
- b. Whether Ambar Station's Equity Credit Letter contained an ambiguity;
- c. Whether \$33,761,230 should be excluded from Ambar Station's source of funds paid prior to construction; Whether the exclusion of Capital Contribution #1 and #2 from Ambar Station's Pro Forma would result in a shortfall and render Ambar Stations' Application ineligible.

d. Whether Florida Housing's actions in determining that Ambar Station's proposed development in Application No. 2024-035S was eligible for funding violated specification terms;

e. Whether Florida Housing's actions in determining that Ambar Station's proposed development in Application No. 2024-035S was eligible for funding violated specification terms in a manner that was contrary to competition;

f. Whether Florida Housing's actions in determining that Ambar Station's proposed development in Application No. 2024-035S was eligible for funding violated specification terms in a manner that was clearly erroneous;

g. Whether Florida Housing's actions in determining that Ambar Station's proposed development in Application No. 2024-035S was eligible for funding violated specification terms in a manner that was arbitrary and capricious; and

h. Such other disputed issues as are raised in this proceeding or identified during discovery.

Statutes and Rules Entitling Relief

55. MHP FL is entitled to relief pursuant to sections 120.569, 120.57(1), and 120.57(3), Florida Statutes, and Florida Administrative Code Chapters 28-106, 28-110 and 67-60.

Ultimate Statement of Facts and Law and MHP's Substantial Interests

56. Ambar Station Ltd.'s Application No. 2024-035S is ineligible for funding because it fails to demonstrate an adequate amount of funding for the proposed development.

57. A determination that Ambar Station's Application was ineligible will result in the funding of MHP's eligible Application. Thus, a correct application of the RFA's specifications would have resulted in funding of MHP's Application. Accordingly, MHP is substantially affected by the preliminary decision to fund Ambar Station's Application.

58. MHP reserves the right to amend this Petition if additional disputed issues of material fact arise during discovery.

Request for Relief

59. MHP FL requests the following relief:

A. That the Application funding process be halted until this protest is resolved by final agency action;

B. That Florida Housing provide an opportunity to resolve this Protest by mutual agreement within seven days of the filing of this Petition, as provided in section 120.57(3)(d)1., Florida Statutes;

C. That, if this protest cannot be resolved by agreement, the matter be referred to the Division of Administrative Hearings for formal administrative proceedings involving disputed issues of material fact pursuant to section 120.57(1) and (3), Florida Statutes;

D. That the assigned administrative law judge determine as a matter of fact and law, that Ambar Station Ltd.'s Application No. 2024-035S, is ineligible for funding, and that MHP's eligible Application should be funded;

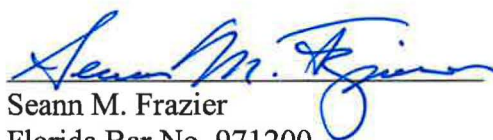
E. That Florida Housing adopt the administrative law judge's recommendation to fund MHP's Application by final order; and

F. Such other relief as is just and equitable.

Dated on this 22nd day of September 2023.

Respectfully Submitted,

PARKER, HUDSON, RAINER & DOBBS, LLP



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CERTIFICATE OF SERVICE

This original Petition was filed electronically with the Clerk of Florida Housing Finance Corporation at CorporationClerk@floridahousing.org

Additionally, I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 22nd day of September 2023 to:

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Seann M. Frazier

EXHIBIT "A"

RFA 2023-205 Board Approved Preliminary Awards

SAIL Funding Balance Available	1,190,523
Family Demographic Funding Balance Available	1,016,978
Elderly Demographic Funding Balance Available	173,545

Application Number	Name of Development	County	County Size	Name of Authorized Principal	Name of Developers	Dev Category	Demo. Commitment	Total SAIL Request (SAIL + EI)	Eligible For Funding?	Veterans Preference?	Self-Sourced Applicant?	HUD CNI Goal?	Total Number of Units	Priority Level?	Total Points	Leveraging Level	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
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Two Elderly Large County New Construction Applications

2024-047BSN	Mariposa Grove	Orange	L	Scott Zimmerman	BDG Mariposa Grove Developer, LLC	NC	E, Non-ALF	11,750,000	Y	Y	N	N	138	1	20	3	Y	Y	45
2024-054SN	Flats on 4th	Pinellas	L	Brett Green	Flats on 4th Developer, LLC; Pinellas County Housing and Economic Development Corporation	NC	E, Non-ALF	6,019,800	Y	Y	N	N	80	1	20	3	Y	Y	62

Three Family Large County New Construction Applications

2024-035S	Ambar Station	Miami-Dade	L	Elena M. Adames	Ambar3, LLC	NC	F	11,000,000	Y	N	Y	N	576	1	26	1	Y	Y	3
2024-033BSN	Pine Island Park	Broward	L	Lewis V Swezy	RS Development Corp	NC	F	6,509,880	Y	N	N	N	120	1	20	2	Y	Y	14
2024-006S	Garden House	Miami-Dade	L	Christopher L. Shear	MHP FL South Parcel Developer, LLC ; MJHS South Parcel Developer, LLC	NC	F	6,665,000	Y	N	Y	N	145	1	26	4	Y	Y	11

One Elderly Medium County New Construction Application

2024-032BSN	Hermosa North Fort Myers II	Lee	M	Marcus D. Goodson	Revital Development Group, LLC; DDER Development, LLC; LCHA Developer, LLC	NC	E, Non-ALF	6,080,500	Y	Y	N	N	88	1	20	2	Y	Y	23
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Two Family Medium County New Construction Applications

2024-019S	Riverbend Landings	Seminole	M	Jay P. Brock	Atlantic Housing Partners, L.L.L.P.	NC	F	4,099,700	Y	N	Y	N	89	1	26	2	Y	Y	46
2024-028S	Lake Bradford Apartments	Leon	M	C. Hunter Nelson	ECG Lake Bradford Developer, LLC	NC	F	7,146,000	Y	N	Y	N	156	1	24	4	Y	Y	41

RFA 2023-205 Board Approved Preliminary Awards

Application Number	Name of Development	County	County Size	Name of Authorized Principal	Name of Developers	Dev Category	Demo. Commitment	Total SAIL Request (SAIL + ELI)	Eligible For Funding?	Veterans Preference?	Self-Sourced Applicant?	HUD CNI Goal?	Total Number of Units	Priority Level?	Total Points	Leveraging Level	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
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One HUD Choice Neighborhoods Implementation Grant Application

2024-018SN	3611/3621 Cleveland Avenue	Lee	M	Vincent R Bennett	Fort Myers Developer, LLC; Southwest Florida Affordable Development, LLC	NC	F	9,402,500	Y	N	N	Y	92	1	20	5	Y	Y	55
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Small County Application(s)

2024-020BSN	Arbours at Emerald Springs	Walton	S	Sam Johnston	Arbour Valley Development, LLC	NC	F	8,609,400	Y	N	N	N	84	1	20	5	Y	Y	22
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Medium County Application(s)

2024-001BSN	Hawthorne Heights	Alachua	M	Michael Ruane	CORE Hawthorne Heights Developer LLC	NC	E, Non-ALF	7,794,600	Y	Y	N	N	86	1	20	4	Y	Y	29
2024-055BSN	Casa San Juan Diego	Collier	M	Eric C. Miller	NDA Developer, LLC; CSJD Developer, Inc.; CCHA Developer, LLC	NC	F	7,000,000	Y	N	N	N	80	1	20	4	Y	Y	49

Large County Application(s)

2024-060SN	Egret Landing	Duval	L	Deion R. Lowery	DDER Development, LLC	NC	E, Non-ALF	8,984,300	Y	Y	N	N	88	1	20	5	Y	Y	10
2024-058SN	Tampa 47th Street Apartments	Hillsborough	L	Alberto Milo, Jr.	Tampa 47th Street Apartments Developer, LLC	NC	F	7,750,000	Y	N	N	N	175	1	20	2	Y	Y	34
2024-012SN	Yaeger Plaza	Miami-Dade	L	Kareem T. Brantley	Integral Florida, LLC	NC	F	3,750,000	Y	N	N	N	135	1	15	1	Y	Y	27

On September 8, 2023, 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"



Seann M. Frazier
d: (850) 629-0575
sfrazier@phrd.com

September 12, 2023

RECEIVED

SEP 12 2023 3:16 PM

FLORIDA HOUSING
FINANCE CORPORATION

Via E-Mail

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

Re: Notice of Intent to Protest by MHP FL IX LLLP;
RFA 2023-205 "SAIL Financing of Affordable Multifamily Housing
Developments To Be Used In Conjunction With Tax-Exempt Bonds And Non-
Competitive Housing Credits"

Ms. McGlamory,

Please accept this correspondence as a Notice of Intent to Protest filed by MHP FL IX LLLP ("MIIP FL IX"), to challenge Florida Housing Finance Corporation's ("Florida Housing") preliminary procurement decisions in connection with RFA 2023-205 "SAIL Financing Of Affordable Multifamily Housing Developments To Be Used In Conjunction With Tax-Exempt Bonds And Non-Competitive Housing Credits" (the "RFA"). This Notice is filed pursuant to sections 120.569 and 120.57(3), Florida Statutes, Florida Administrative Code Rules 28-110.003 and 67-60.009, and the RFA.

This Notice is filed within seventy-two (72) hours (not including weekends and holidays) of the posting of preliminary awards made on Florida Housing's website on September 8, 2023, 1:55 p.m. MHP FL IX reserves the right to file a formal written protest within ten days of this Notice, pursuant to section 120.57(3), Florida Statutes.

Sincerely,

Seann M. Frazier

EXHIBIT "C"

Days prior to the Application Deadline AND stamped "Approved" prior to the Application Deadline	
Bookmarking Attachments prior to submission	5
Developer Experience with Corporation funded Developments	5
Compliance Period Points (Self-Sourced Applicants only)	4
Higher Self-Sourced Applicant Contribution Points	2
Local Government Contribution Points	5
Total Possible Points	26

B. Selection Process

1. Funding Available

a. SAIL Funding Available: An estimated \$108,344,702

(1) Demographic Funding

(a) Family Funding Available: \$67,541,958

Up to a maximum of \$33,770,979 of the Family funding shall be reserved for Applicants that select the Family Demographic Commitment that qualify as Self-Sourced Applicants

\$33,770,979 of the Family funding shall be reserved for Applicants that select the Family Demographic Commitment but do not qualify as Self-Sourced Applicants

(b) Elderly Funding Available: \$40,802,744

(2) Geographic Funding

(a) Small County Funding Available: \$10,834,470

(b) Medium County Funding Available: \$40,845,953

(c) Large County Funding Available: \$56,664,279

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 Request Amount).

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.

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.

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 not be selected unless both the SAIL Geographic Funding Test and the SAIL Demographic Funding Test are met.

(1) Additional criteria considered for Family Developments to meet the SAIL Demographic Funding Test

(a) Non-Self-Sourced Family Applications

\$33,770,979 of the Family Funding will be reserved for Applicants that select the Family Demographic Commitment but do not qualify as Self-Sourced Applicants ("Non-Self-Sourced Applicant Family Funding").

In addition to the SAIL Geographic Funding Test and SAIL Demographic Funding Test criteria stated above, in order for a Non-Self-Sourced Family Application to be selected for funding, there must be enough SAIL funding available in the Non-Self-Sourced Applicant Family Funding to fund the Applicant's Total SAIL Request Amount (i.e., the Applicant's Eligible SAIL Request Amount plus the Applicant's Eligible ELI Request Amount).

(b) Self-Sourced Family Applications

Up to a maximum of \$33,770,979 of the Family Funding will be reserved for Applicants that qualify as Self-Sourced Applicants ("Self-Sourced Applicant Family Funding").

In addition to the SAIL Geographic Funding Test and SAIL Demographic Funding Test criteria stated above, in order for a Self-Sourced Application to be selected for funding, there must be enough SAIL funding available in the Self-Sourced Applicant Family Funding to fund the Applicant's Total SAIL Request Amount (i.e., the Applicant's Eligible SAIL Request Amount plus the Applicant's Eligible ELI Request Amount).

The Self-Sourced Applicant Family Funding and Non-Self-Sourced Applicant Family Funding will remain part of the SAIL Demographic Funding Test until the Family Funding Merge described below.

(2) Family Funding Merge

At any time during the selection process, it is determined that either (i) none of the remaining eligible unfunded Non-Self Sourced Family Applications can meet the Demographic Funding Test; or (ii) none of the remaining eligible unfunded Self-Sourced Applications can meet the Demographic Funding Test, all remaining Self-Sourced Applicant Family Funding and Non-Self-Sourced Applicant Family Funding will be merged (“Family Funding Merge”).

After the Family Funding Merge, no further Self-Sourced Applications will be funded. Non-Self-Sourced Family Applications will be considered to meet the Demographic Funding Test if there is enough SAIL funding available in 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 Request Amount).

2. County Award Tally

As each Application is selected for tentative funding, the county where the proposed Development is located will have one Application credited towards the County Award Tally.

Throughout the selection process, the Corporation will prioritize eligible unfunded Priority 1 Applications that meet the Funding Test and are located within counties that have the lowest County Award Tally above other eligible unfunded Priority 1 Applications with a higher County Award Tally that also meet the Funding Test, even if the Priority 1 Applications with a higher County Award Tally are higher ranked, and above all Priority 2 Applications.

The Corporation will prioritize eligible unfunded Priority 2 Applications that meet the Funding Test and are located within counties that have the lowest County Award Tally above other eligible unfunded Priority 2 Applications with a higher County Award Tally that also meet the Funding Test, even if the Priority 1 Applications with a higher County Award Tally are higher ranked.

3. Goals

- Two Elderly, New Construction Applications located in a Large County, with a preference for at least one Application that qualifies for the Veterans Preference
- Three Family, New Construction Applications located in a Large County, with a preference that at least two Applications are from Self-Sourced Applicants.
- One Elderly, New Construction, Application located in a Medium County, with a preference for Applications that qualify for the Veterans Preference
- Two Family, New Construction, Application located in a Medium County, with a preference that at least one Application is from a Self-Sourced Applicant.
- One Application that qualifies for the HUD Choice Neighborhoods Implementation Grant Goal.

For purposes of the funding selection, Applications with the Development Category of New Construction will qualify as New Construction Applications; and Applications with the Demographic Commitment of Elderly (ALF or Non-ALF) will qualify as Elderly Applications.

During the Funding Selection Process outlined below, an Application that is selected for funding may meet more than one goal. For instance, if an Application that was selected to meet the goal to fund two Family, New Construction, Applications located in a Large County and also qualifies for the HUD Choice Neighborhoods Implementation Grant Goal, the HUD Choice Neighborhoods Implementation Grant Goal will be considered met.

4. Application Sorting Order

The highest scoring Applications will be determined by first sorting together all eligible Priority 1 Applications from highest score to lowest score, with any scores that are tied separated in the following order. This will then be repeated for Priority 2 Applications:

- a. First, by the Application's Leveraging Classification, applying the multipliers outlined in Item 3 of Exhibit C of the RFA (with Applications having the Leveraging Level of 1 receiving the highest preference);
- b. 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;
- c. By the Application's eligibility for the Florida Job Creation Funding Preference which is outlined in Item 4 of Exhibit C of the RFA (with Applications that qualify for the preference listed above Applications that do not qualify for the preference); and
- d. By lottery number, resulting in the lowest lottery number receiving preference.

5. The Funding Selection Process

- a. Goals to fund eight Medium and Large County, New Construction Applications
 - (1) Goal to fund one New Construction Application located in Miami-Dade County and one New Construction Application located in Broward County
 - (a) First Application selected to meet the goal to fund eight Medium and Large County, New Construction Applications

The first Application selected to meet the goal to fund eight Medium and Large County, New Construction Applications will be the highest ranking eligible New Construction Priority 1 Application that is located in Miami-Dade County or Broward County, regardless of the Demographic Commitment, the Application's qualifications for the Veterans Preference, or the Applicants' status as a Self-Sourced Applicant or Non-Self-Sourced Applicant.

If there are no Priority 1 Applications located in Miami-Dade County or Broward County, then the funding selection process will continue with (2) below.

(b) **Second Application selected to meet the goal to fund eight Medium and Large County, New Construction Applications**

- If the Application selected for funding in paragraph (a) was an Elderly Application located in Miami-Dade County, the second Application will be the highest-ranking Family Priority 1 Application located in Broward County, with a preference that it be a Self-Sourced Application located in Broward County.
- If the Application selected for funding in paragraph (a) was an Elderly Application located in Broward County, the second Application will be the highest-ranking Family Priority 1 Application located in Miami-Dade County, with a preference that it be a Self-Sourced Application located in Miami-Dade County.
- If the Application selected for funding in paragraph (a) was a Family Application located in Miami-Dade County, the second Application will be the highest-ranking Priority 1 Application located in Broward County that either (i) is an Elderly Application that qualifies for the Veterans Preference; or (ii) is a Family Application that qualifies as a Self-Sourced Application. If there are no eligible Elderly Priority 1 Applications that qualifies for the Veterans Preference or Family Application that qualifies as a Self-Sourced Applications located in Broward County, then the second Applications selected for funding will be the highest-ranking Priority 1 Application located in Broward County, regardless of the Demographic Commitment, the Application's qualifications for the Veterans Preference, or the Applicants' status as a Self-Sourced Applicant or Non-Self-Sourced Applicant.
- If the Application selected for funding in paragraph (a) was a Family Application located in Broward County, the second Application will be the highest-ranking Priority 1 Application located in Miami-Dade County that either (i) is an Elderly Application that qualifies for the Veterans Preference; or (ii) is a Family Application that qualifies as a Self-Sourced Application. If there are no eligible Elderly Applications that qualifies for the Veterans Preference or Family Application that qualifies as a Self-Sourced Applications located in Miami-Dade County, then the second Applications selected for funding will be the highest-ranking Priority 1 Application located in Miami-Dade County, regardless of the Demographic Commitment, , the Application's qualifications for the Veterans Preference, or the Applicants' status as a Self-Sourced Applicant or Non-Self-Sourced Applicant.

If there are no eligible unfunded Priority 1 Applications located in Miami-Dade County or Broward County that can meet any of these scenarios, then the funding selection process will continue with (2) below.

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

This goal will be met under the following circumstances:

- (a) If neither of the Applications selected to meet the goal described in (1) above are Elderly Applications, then the two highest-ranking eligible Elderly, Large County, New Construction Priority 1 Applications that meets the Veterans Preference will be selected for funding, subject to the County Award Tally and both Funding Tests.

If the goal is still not met because there were not enough eligible Priority 1 Applications that meets the Veterans Preference and this goal, then the highest-ranking eligible Elderly, Large County, New Construction Priority 2 Applications that meets the Veterans Preference will be selected for funding, subject to the County Award Tally and both Funding Tests, until this goal is met.

If the goal is still not met because there were not enough eligible Applications that meets the Veterans Preference and this goal, the highest-ranking eligible Elderly, Large County, New Construction Priority 1 Applications will be selected for funding, subject to the County Award Tally and both Funding Tests, until this goal is met.

If the goal is still not met because there were not enough eligible Elderly, Large County, New Construction Priority 1 Applications to meet this goal, the highest-ranking eligible Elderly, Large County, New Construction Priority 2 Applications will be selected for funding, subject to the County Award Tally and both Funding Tests, until this goal is met.

- (b) If one of the Applications selected to meet the goal described in (1) above is an Elderly Application, the highest-ranking eligible Elderly, Large County, New Construction Priority 1 Application that meets the Veterans Preference will be selected for funding, subject to the County Award Tally and both Funding Tests.

If the goal could not be met because there were no eligible unfunded Elderly, Large County, New Construction Priority 1 Applications that meet the Veterans Preference, the highest-ranking eligible Elderly, Large County, New Construction Priority 2 Application that meets the Veterans Preference will be selected for funding, subject to the County Award Tally and both Funding Tests.

If the goal could not be met because there were no eligible unfunded Elderly, Large County, New Construction Applications that meet the

Veterans Preference, the highest-ranking eligible Elderly, Large County, New Construction Priority 1 Application will be selected for funding, subject to the County Award Tally and both Funding Tests.

If the goal could not be met because there were no eligible unfunded Elderly, Large County, New Construction Priority 1 Applications that meet the goal, the highest-ranking eligible Elderly, Large County, New Construction Priority 2 Application will be selected for funding, subject to the County Award Tally and both Funding Tests.

If the goal could not be met because there were no eligible unfunded Elderly, Large County, New Construction Applications that meet the goal, then the funding selection process will continue with (3) below.

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

This goal will be met under the following circumstances:

- (a) If one or both of the Applications selected to meet the goal described in (1) above is a Family Application, that Application(s) will count towards this goal. To meet this goal, the highest-ranking Family, Large County, New Construction Self-Sourced Priority 1 Application(s) will be selected, subject to the County Award Tally and both Funding Tests, until this goal is met.

If the goal could not be met because there were not enough eligible unfunded Self-Sourced Priority 1 Applications that could meet this goal, then the highest-ranking Family, Large County, New Construction Non-Self-Sourced Priority 1 Application(s) will be selected, subject to the County Award Tally and both Funding Tests, until this goal is met.

If the goal could not be met because there were not enough eligible unfunded Family, Large County, New Construction Non-Self-Sourced Priority 1 Application(s) that could meet this goal, then the highest-ranking Family, Large County, New Construction Non-Self-Sourced Priority 2 Application(s) will be selected, subject to the County Award Tally and both Funding Tests, until this goal is met.

If the goal could not be met because there were not enough eligible unfunded Family, Large County, New Construction Non-Self-Sourced Application(s) that could meet this goal and both Funding Tests, then the funding selection process will continue with (4) below.

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

The Application selected for funding will be the highest-ranking eligible Elderly, Medium County, New Construction Priority 1 Application that meets the Veterans Preference, subject to the Funding Tests.

If the goal could not be met because there were no eligible unfunded Elderly, Medium County, New Construction Priority 1 Applications that meet the Veterans Preference, the highest-ranking eligible Elderly, Medium County, New Construction Priority 2 Application that meets the Veterans Preference will be selected for funding, subject to the Funding Tests.

If the goal could not be met because there were no eligible unfunded Elderly, Medium County, New Construction Application that meets the Veterans Preference, the highest-ranking eligible Elderly, Medium County, New Construction Priority 1 Application will be selected for funding, subject to the Funding Tests.

If the goal could not be met because there were no eligible unfunded Elderly, Medium County, New Construction Priority 1 Applications, the highest-ranking eligible Elderly, Medium County, New Construction Priority 2 Application will be selected for funding, subject to the Funding Tests.

If the goal could not be met because there were no eligible unfunded Elderly, Medium County, New Construction Applications that could meet this goal and both Funding Tests, then the funding selection process will continue with (5) below.

(5) Goal to Fund two Family, Medium County, New Construction Applications

The first Application selected for funding to meet this goal will be the highest-ranking eligible Family, Medium County, New Construction Priority 1 Application from a Self-Sourced Applicant, subject to the County Award Tally and Funding Tests.

After the selection of the Application from a Self-Sourced Applicant or if there are no Priority 1 Applications from a Self-Sourced Applicant that can meet this goal, the additional Application(s) selected to meet this goal will be the highest-ranking Family, Medium County, New Construction Priority 1 Application(s), regardless of whether the Application(s) is from a Self-Sourced Applicant, subject to the County Award Tally and both Funding Tests until this goal is met.

If the goal could not be met because there were not enough eligible unfunded Family, Medium County, New Construction Priority 1 Applications to meet this goal, then additional Application(s) selected to meet this goal will be the highest-ranking Family, Medium County, New Construction Priority 2 Application(s), regardless of whether the Application(s) is from a Self-Sourced Applicant, subject to the County Award Tally and both Funding Tests until this goal is met.

If the goal could not be met because there were not enough eligible unfunded Family, Medium County, New Construction Applications that could meet this goal and both Funding Tests, then the funding selection process will continue with b. below.

(6) Goal to fund one Application that qualifies for the HUD Choice Neighborhoods Implementation Grant Goal

If an Application that was selected to meet one of the goals above also qualifies for the HUD Choice Neighborhoods Implementation Grant Goal, the HUD Choice Neighborhoods Implementation Grant Goal will be considered met without selecting an additional Application.

If none of the Applications selected for funding also qualify for the HUD Choice Neighborhoods Implementation Grant Goal, the next Application selected for funding will be the highest ranking eligible unfunded Priority 1 Application that qualifies for the Goal, subject to the Funding Test and the County Award Tally.

If the goal is not met and there are no eligible unfunded Priority 1 Applications that qualify for the HUD Choice Neighborhoods Implementation Grant Goal, then the highest ranking eligible unfunded Priority 2 Application that qualifies for the HUD Choice Neighborhoods Implementation Grant Goal will be selected, subject to the Funding Test and the County Award Tally.

b. Family or Elderly (ALF or Non-ALF) Small County Applications

The highest ranking eligible unfunded Family or Elderly (ALF or Non-ALF) Small County Priority 1 Applications, regardless of the Development Category, the Application's qualifications for the Veterans Preference, or the Applicants' status as a Self-Sourced Applicant or Non-Self-Sourced Applicant, will be selected for funding, subject to both Funding Tests and the County Award Tally.

If funding remains and none of the eligible unfunded Small County Priority 1 Applications can meet both of the Funding Tests, or if there are no eligible unfunded Small County Priority 1 Applications, then the highest ranking eligible unfunded Family or Elderly (ALF or Non-ALF) Small County Priority 2 Applications, regardless of the Development Category, the Application's qualifications for the Veterans Preference, or the Applicants' status as a Self-Sourced Applicant or Non-Self-Sourced Applicant, will be selected for funding, subject to both 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, or if there are no eligible unfunded Small County Applications, then 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.

c. Family or Elderly (ALF or Non-ALF) Medium County Applications

(1) Self-Sourced Applications

First, the highest ranking eligible unfunded Family Medium County Self-Sourced Priority 1 Applications 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 Family Medium County Self-Sourced Priority 1 Applications can meet both of the Funding Tests or if there are no eligible unfunded Family Medium County Self-Sourced Priority 1 Applications, then no further Family Medium County Self-Sourced Applications will be selected for funding and the funding selection process will continue with (2) below.

(2) One Application that meet the Veterans Preference

Next, the highest ranking eligible unfunded Elderly Medium County Priority 1 Application that meet the Veterans Preference will be selected for funding, subject to the Geographic and Demographic Funding Tests and the County Award Tally.

If the goal could not be met because there were no eligible unfunded Elderly Medium County Priority 1 Application that meet the Veterans Preference and the Funding Tests, the highest ranking eligible unfunded Elderly Medium County Priority 2 Application that meet the Veterans Preference will be selected for funding, subject to the Geographic and Demographic Funding Tests and the County Award Tally.

If the goal could not be met because there were no eligible unfunded Elderly Medium County Application that meet the Veterans Preference and the Funding Tests, then the funding selection process will continue with (3) below.

(3) Remaining Medium County Funding

If funding remains, the highest ranking eligible unfunded Family or Elderly (ALF or Non-ALF) Medium County Priority 1 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 none of the eligible unfunded Medium County Priority 1 Applications can meet both of the Funding Tests, or if there are no eligible unfunded Medium County Priority 1 Applications, the highest ranking eligible unfunded Family or Elderly (ALF or Non-ALF) Medium County Priority 2 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 none of the eligible unfunded Medium County Applications can meet both of the Funding Tests, or if there are no eligible unfunded Medium County Applications, the remaining Medium County Geographic funding will be allocated to the Large County Geographic Category and the funding selection process will continue with d. below.

d. Family or Elderly (ALF or Non-ALF) Large County Applications

(1) Self-Sourced Applications

First, the highest ranking eligible unfunded Family Large County Self-Sourced Priority 1 Applications will be selected for funding, subject to the Geographic and Demographic Funding Tests and County Award Tally.

If funding remains and none of the eligible unfunded Family Large County Self-Sourced Priority 1 Applications can meet both of the Funding Tests or if there are no eligible unfunded Family Large County Self-Sourced Priority 1 Applications, then no further Family Large County Self-Sourced Applications will be selected for funding and the funding selection process will continue with (2) below.

(2) One Application that meet the Veterans Preference

Next, the highest ranking eligible unfunded Elderly Large County Priority 1 Application that meet the Veterans Preference will be selected for funding, subject to the Geographic and Demographic Funding Tests and the County Award Tally.

If the goal could not be met because there were no eligible unfunded Elderly Large County Priority 1 Application that meet the Veterans Preference and the Funding Tests, the highest ranking eligible unfunded Elderly Large County Priority 2 Application that meet the Veterans Preference will be selected for funding, subject to the Geographic and Demographic Funding Tests and the County Award Tally.

If the goal could not be met because there were no eligible unfunded Elderly Large County Application that meet the Veterans Preference and the Funding Tests, then the funding selection process will continue with (3) below.

(3) Remaining Large County Funding

If funding remains, the highest ranking eligible unfunded Family or Elderly (ALF or Non-ALF) Large County Priority 1 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 none of the eligible unfunded Large County Priority 1 Applications can meet both of the Funding Tests, or if there are no eligible unfunded Large County Priority 1 Applications, the highest ranking eligible unfunded Family or Elderly (ALF or Non-ALF) Large County Priority 2 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 none of the eligible unfunded Large County Applications can meet both of the Funding Tests, or if there are no eligible unfunded Large County Applications, then no further Applications will be selected for funding and the remaining funding will be distributed as approved by the Board.

6. Returned Funding

Funding that becomes available after the Board takes action on the Committee's recommendation(s), due to an Applicant withdrawing, an Applicant declining its invitation to enter credit underwriting or the Applicant's inability to satisfy a requirement outlined in this RFA, and/or provisions outlined in Rule Chapter 67-48, F.A.C., will be distributed as approved by the Board.

SECTION SIX AWARD PROCESS

Committee members shall independently evaluate and score their assigned portions of the submitted Applications, consulting with non-committee Corporation staff and legal counsel as necessary and appropriate.

The Committee shall conduct at least one public meeting during which the Committee members may discuss their evaluations, select Applicants to be considered for award, and make any adjustments deemed necessary to best serve the interests of the Corporation's mission. The Committee will list the Applications deemed eligible for funding in order applying the funding selection criteria outlined in Section Five above and develop a recommendation or series of recommendations to the Board.

The Board may use the Applications, the Committee's scoring, any other information or recommendation provided by the Committee or staff, and any other information the Board deems relevant in its selection of Applicants to whom to award funding. Notwithstanding an award by the Board pursuant to this RFA, funding will be subject to a positive recommendation from the Credit Underwriter based on criteria outlined in the credit underwriting provisions in Exhibits H and I of the RFA, and Rule Chapter 67-21, F.A.C., and Rule Chapter 67-48, F.A.C.

The Corporation shall provide notice of its decision, or intended decision, for this RFA on the Corporation's Website the day of the applicable Board vote. After posting, an unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., et. al. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., et. al. shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

After the Board's decision to select Applicants for funding in this RFA has become final action, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Development.