

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

MHP JORDAN BAYOU, LLC,

Petitioner,

v.

FHFC Case No.: 2019-050BP

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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SPRINGFIELD CROSSINGS, LLC,

Petitioner,

v.

FHFC Case No.: 2019-051BP

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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MARIANNA CROSSINGS, LLC,

Petitioner,

v.

FHFC Case No.: 2019-052BP

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

*W. M. Slamon* DATE: 6/24/19

## FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on June 21, 2019. On June 12, 2019, MHP Jordan Bayou, LLC (“Jordan Bayou”) and Florida Housing Finance Corporation (“Florida Housing”) executed a Consent Agreement, attached as Exhibit “A.” Based on the Consent Agreement, Jordan Bayou met all eligibility criteria in Request for Applications 2019-109 HOME Financing to be Used for Rental developments in Hurricane Michael Impacted Counties and in Rural Areas (the “RFA”) and is selected for funding. The Consent Agreement is adopted and incorporated by reference as though fully set forth in this Order.


Additionally, all remaining eligible, Tier 1 applications in RFA 2019-109 including Springfield Crossings (Application Number 2019-405HB) and Marianna Crossings (Application Number 2019-406H) shall be funded with available HOME funds, subject to credit underwriting.

**IT IS HEREBY ORDERED** that Jordan Bayou met all eligibility criteria for funding in RFA 2019-109 and is selected for funding, subject to credit underwriting. Further, in addition to the applications preliminarily selected for funding, Springfield Crossings and Marianna Crossings are selected for funding in RFA 2019-109, subject to credit underwriting.

**DONE and ORDERED** this 21st day of June, 2019.

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.**

STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION

MHP JORDAN BAYOU, LLC

Petitioner,

FHFC Case No. 2019-050BP

RFA No. 2019-109

App. No. 2019-413H

vs.

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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CONSENT AGREEMENT

Petitioner, MHP Jordan Bayou, LLC, (“Jordan Bayou”) and Florida Housing Finance Corporation (“Florida Housing”), by and through counsel, hereby present the following Consent Agreement in accordance with Section 120.57(4), Florida Statutes.

PRELIMINARY STATEMENT

1. On February 21, 2019, Florida Housing issued RFA 2019-109 HOME Financing to be Used for Rental Developments in Hurricane Michael Impacted Counties and in Rural Areas (the “RFA”).
2. Jordan Bayou submitted Application No. 2019-413H (the “Application”) in response to the RFA. Jordan Bayou requested an allocation of \$4,998,000.00 in HOME funding for its proposed fifty (50) unit affordable housing development in Franklin County, Florida.
3. Florida Housing received twenty (20) applications in response to the RFA. Eleven applications were deemed eligible by the Review Committee. Nine applications, including Jordan Bayou, were deemed ineligible by the Review Committee.

4. The Review Committee recommended that Florida Housing's Board of Directors (the "Board") fund six applications:

- a. Tupelo Park Apartments, App. No. 2019-401HB
- b. Barry's Bungalows, App. No. 2019-407H
- c. Tranquility at Hope School, App. No. 2019-404H
- d. Greyes Place, App. No. 2019-408H
- e. Matthew Commons, App. No. 2019-417HB
- f. Gateway Manor, App. No. 2019-400H

5. In addition to selecting the six applications recommended by the Review Committee, the Board also approved the selection of Hilltop Pointe, App. No. 2019-411HB, for a preliminary award of funding.

6. Jordan Bayou timely filed a Notice of Intent to Protest followed by a Formal Written Protest and Petition for Administrative Hearing (the "Petition") challenging its ineligibility.

7. On June 3, 2019, a Notice to Bidders was issued by Florida Housing informing all bidders that their substantial interest may be affected by the disposition of the Petition and advised applicants of the opportunity to intervene. SP Commons ("Matthew Commons"), Tupelo Park, Paces Gateway ("Gateway Manor"), and Hilltop Pointe filed Notices of Appearance/Motions to Intervene.

8. Florida Housing has reviewed the Board's preliminary RFA funding decision, the Application, and the Petition, and has determined that the Jordan Bayou proposed Development meets the eligibility criteria in the RFA. Therefore, Petitioner's Application met all requirements, is eligible, and should be selected for funding.

9. Upon issuance of a Final Order adopting the terms of this Consent Agreement, Jordan Bayou agrees to timely dismiss its Petition with prejudice. 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.

10. This Consent Agreement is subject to approval of Florida Housing's 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.

#### **STIPULATED FINDINGS OF FACT**

11. 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.

12. Florida Housing administers the HOME program set forth in Section 420.5089, Florida Statutes, and is responsible for establishing procedures for allocating the HOME funding.

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

14. The RFA was issued pursuant to and in accordance with Rules 67-60.001 and 67-60.003, Florida Administrative Code, and is adopted and incorporated herein by reference, including all modifications to the RFA.

15. Section Four A.6.c of the RFA required each applicant to complete a Unit Mix Chart listing:

the total number of bedrooms per unit, the total number of bathrooms per unit (including half-baths, if applicable), the total number of units per bedroom type, and the number of units that are Low HOME Rent Units and High HOME Rent Units. All units in the proposed Development must be listed, including all manager/employee units and all market rate units, if applicable.

If additional space is required, enter the information in the Addenda. Note: During credit underwriting, the credit underwriter will verify that the Low HOME Rent Units are distributed across the unit mix on a pro-rata basis.

16. Jordan Bayou did not complete the Unit Mix Chart and was preliminarily found ineligible.

17. However, all material information requested in the Unit Mix Chart can be found elsewhere in Jordan Bayou's Application. No additional information provided in the Unit Mix Chart was necessary to score or rank the Jordan Bayou Application according to the terms of RFA 2019-109.

18. In reviewing the Application, the Petition, and the requirements of the RFA, Florida Housing determined that Jordan Bayou should be an eligible application and selected for funding.

#### **STIPULATED CONCLUSIONS OF LAW**

19. In order to avoid the time, expense, and uncertainty of litigation, the parties agree that Jordan Bayou is eligible for funding in RFA 2019-109.

20. The funding of Jordan Bayou will not rescind or otherwise negatively impact the funding awarded to any other application in RFA 2019-109.

21. The undersigned attorneys represent that they have the authority to execute this Consent Agreement on behalf of their respective clients.

22. 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.

23. The Jordan Bayou Application is eligible and is selected for funding.



**STIPULATED DISPOSITON**

24. Jordan Bayou met all eligibility criteria in the RFA and is selected for funding under RFA 2019-109.

Respectfully signed this 12<sup>th</sup> day of June 2019.



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