

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

AMBAR RIVERVIEW, LTD.,

Petitioner,

FHFC Case No.: 2019-014BP
Appellate Case No.: 1D19-2668
DOAH Case No.: 19-1261BID

v.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

LAS BRISAS TRACE, LP,

Intervenor.

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 April 17, 2020. On March 26, 2020, Ambar Riverview, Ltd. (“Ambar Riverview”) and Florida Housing Finance Corporation (“Florida Housing”) executed a Settlement Agreement, attached as Exhibit “A.” Based on the Settlement Agreement, the Ambar Riverview application is selected for funding in RFA 2018-111 (the “RFA”).

The Settlement Agreement is adopted and incorporated by reference as though fully set forth in this Order.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Tom McElamney DATE: 4/22/2020

IT IS HEREBY ORDERED that Ambar Riverview is selected for funding in the RFA, subject to credit underwriting.

DONE and ORDERED this 17th day of April, 2020.



FLORIDA HOUSING FINANCE CORPORATION

By: 
Chair

Copies to:

Hugh R. Brown, General Counsel
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Marisa Button, Director of Multifamily Programs
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Betty Zachem, Esq.
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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.

AMBAR RIVERVIEW, LTD

Petitioner,

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FHFC Case No.: 2019-014BP
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FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

SETTLEMENT AGREEMENT

Petitioner Ambar Riverview, Ltd. ("Ambar") and Respondent Florida Housing Finance Corporation ("Florida Housing") jointly stipulate to the matters set forth in this Agreement and further agree to a resolution of the matters set forth herein.

Preliminary Statement

Florida Housing issued RFA 2018-111 in September 2018. Ambar submitted an application for funding under this RFA for a proposed development in Miami Dade County, Florida. On February 1, 2019, Florida Housing's Board of Directors found that while Ambar's Application was eligible, the Application submitted by Las Brisas Trace would be selected for funding based on the criteria in the RFA. Ambar timely challenged Florida Housing's selection of Las Brisas Trace for funding by filing a Notice of Intent to Protest and a Formal Written Protest and Petition for Formal Administrative Hearing. The Petition was referred to the Division of Administrative Hearings ("DOAH"), and assigned to an Administrative Law Judge ("ALJ"). Las Brisas Trace intervened in the proceeding.

Ambar alleged that the Application of Las Brisas Trace should have been found ineligible or lost 5 points because the Principal Disclosure Form submitted by Las Brisas Trace was not consistent

with the requirements of the RFA and RFA Guidance and Instructions.

The ALJ conducted an evidentiary hearing on April 10, 2019. In his Recommended Order, issued on May 21, 2019, the ALJ found that the Principal Disclosure Form submitted by Las Brisas Trace was acceptable and recommended that Florida Housing issue a Final Order dismissing Ambar's challenge and award funding to Las Brisas Trace. Florida Housing's Board of Directors adopted the Recommended Order as its Final Order on June 24, 2019.

Ambar appealed this Final Order to the First District Court of Appeal. To date, that case remains pending.

Agreement

In order to avoid the time, expense, and uncertainty of litigation, and with neither party confessing error, the parties agree to the following:

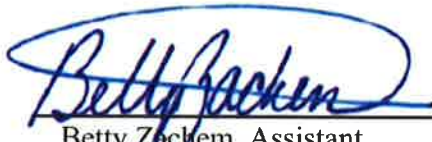
1. Ambar will be awarded funding under RFA 2018-111, subject to all applicable rules and provisions of the RFA.
2. The funding of Ambar will not rescind or otherwise negatively impact the funding awarded to any other application in RFA 2018-111.
3. The parties understand and agree that this Settlement Agreement is solely applicable to the specific facts and circumstances in the instant case.
4. The parties understand and agree that each side shall be responsible for the payment of its own attorney's fees and costs and, subject to the terms of this agreement, additionally agree to waive any right to further action on the matters addressed herein, unless necessary to enforce the terms of a Final Order adopting the terms of this Settlement Agreement.
5. Upon issuance of a Final Order adopting the terms of this Settlement Agreement,

Ambar agrees to timely dismiss with prejudice its appeal of Florida Housing's Final Order to the First District Court of Appeal in Case No. 1D19-2668.

6. This Settlement Agreement is subject to approval of Florida Housing's Board of Directors. If the Board does not approve this Settlement Agreement, no Final Order will be issued, and this Settlement Agreement shall be null and void as if it were never executed.

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

Executed this 26th day of March, 2020.



Betty Zachem, Assistant
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