

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

MIAMI BEACH HOUSING INITIATIVES, INC.,

Petitioner,

vs.

FHFC Case No. 2020-038BP
RFA No. 2020-102
Petitioner's Application No. 2020-483S

**FLORIDA HOUSING FINANCE
CORPORATION,**

Respondent.

**MIAMI BEACH HOUSING INITIATIVES, INC.'S FORMAL WRITTEN
PROTEST AND PETITION FOR FORMAL ADMINISTRATIVE PROCEEDING**

MIAMI BEACH HOUSING INITIATIVES, INC. ("MBHI"), pursuant to Section 120.57(1) and (3), Fla. Stat., FHFC Rule 67-60.009(3)(a), and Uniform Rules of Procedure 28-106.201 and 28-110.004, Fla. Admin. Code, hereby files its Formal Written Protest and Petition for Formal Administrative Proceedings to support the proposed funding awards and eligibility determinations in RFA 2020-102, SAIL Financing for Smaller Developments for Persons with Special Needs. In support of this Protest and Petition, MBHI states as follows:

Parties

1. Miami Beach Housing Initiatives, Inc., ("Petitioner" or "MBHI") is a Florida not-for-profit corporation that applied for funding in Request for Application ("RFA") 2020-102 for a development to be known as The Heron. Petitioner's application for funding in RFA 2020-102 was assigned Application No. 2020-483S. Petitioner's application was deemed eligible for funding by Florida Housing and was preliminarily selected for funding. For purposes of this proceeding, Petitioner's address is that of its undersigned attorneys, M. Christopher Bryant, Oertel, Fernandez, Bryant & Atkinson, P.A., PO Box 1110, Tallahassee, Florida 32302, and Alexander L.

Palenzuela, Law Office of Alexander L. Palenzuela, P.A., 1200 Brickell Avenue, Suite 1950, Miami, Florida 33131-3298.

2. Respondent is Florida Housing Finance Corporation (“FHFC” or “Florida Housing”), whose address is 227 N Bronough St # 5000, Tallahassee, FL 32301. As explained more fully in this petition, FHFC is the state agency whose action is the subject of this protest. The file number for this funding effort is RFA 2020-102.

Substantial Interest Affected

3. Petitioner is an applicant for State Apartment Incentive Loan (“SAIL”) financing from Florida Housing in Request for Applications (RFA) 2020-102. Petitioner proposes to develop a 20-unit development in Miami-Dade County, Florida. Without the award of SAIL financing, MBHI would not be able to construct the development for affordable housing for persons with special needs. Petitioner was preliminarily selected for funding. Notices of protest have been filed by two ineligible and unfunded applicants in RFA 2020-102. The resulting proceedings could result in Petitioner not receiving funding, if its eligibility, scoring, or funding selection is challenged or impacted by these other applicants. MBHI is thus substantially affected by proceedings regarding RFA 2020-102.

Notice

4. MBHI received formal notice of FHFC’s proposed action when Respondent posted notices of intended funding awards, and of determinations of eligibility and scores, on its website, www.floridahousing.org, on Thursday, June 11, 2020, at 4:28 p.m. The notice of intended awards of funding is attached hereto as Exhibit B; and the determinations of eligibility and ineligibility are attached as Exhibit A. MBHI timely filed a Notice of Protest at 9:28 a.m. on Tuesday, June 16, 2020, copy attached hereto as Exhibit C (without attachments).

Factual Background

5. Through RFA 2020-102, FHFC sought to award an estimated total of \$9,340,730 in SAIL Financing to assist in financing the development of Permanent Supportive Housing for Persons with Special Needs.

6. Four applications were received in response to the RFA, and were assigned application numbers by FHFC. The received applications in application number order, with proposed development name and total SAIL request amount, were:

2020-481S, The Marshall, Miami-Dade County; \$5,173,100

2020-482S, Whispering Pines, Pinellas County; \$4,715,418

2020-483S, The Heron, Miami-Dade County; \$4,389,180

2020-484S, Phoenix Crossing, Flagler County; \$5,057,600

7. Florida Housing appointed a review committee of its staff to evaluate and score the applications, and the committee met on May 13, 2020. The applications were assigned numerical scores in five areas, one of which was objective and the other four subjective. The total scores assigned were:

The Marshall, 103 points

Whispering Pines, 108 points

The Heron, 105 points

Phoenix Crossing, 75 points

8. Three of the applications were deemed ineligible: The Marshall, Whispering Pines, and Phoenix Crossing. The Marshall and Whispering Pines were deemed ineligible for reasons related to the documentation of their other sources of financing (non-FHFC financing). Phoenix Crossing was deemed ineligible for multiple reasons, including the failure to achieve a score of at

least 80 points.

9. The review committee recommended selection of The Heron for funding, and recommended finding the other three applicants ineligible. At a meeting held Thursday, June 11, 2020, the FHFC Board of Directors adopted all recommendations.

10. Staff also recommended issuance of a second RFA to fund an additional development from among the applicants in RFA 2020-102. The agenda item read:

If no notices of protest or formal written protest are filed, Staff also recommends authorizing the issuance of a new RFA with the remaining unallocated balance, plus an additional \$250,000 in SAIL financing. Applicants eligible to compete in the new RFA would be limited to the Applications that met the minimum point threshold requirement in this RFA. Those Applications are 2020-481S and 2020-482S. The RFA would be limited to allow those Applications to submit new finance scoring information. No other aspects of the Applications would be re-scored. Application 2020-484S would not be eligible to compete in the new RFA because it did not meet the minimum point threshold requirement in this RFA. The Applicant with the highest scoring eligible Application would be recommended for funding.

The Board approved this staff recommendation.

11. In order to protect its status as a funded applicant, MBHI filed a Notice of Protest on June 16, 2020. This formal written protest follows.

Issues for Determination

12. MBHI does not contest the selection of its own application for funding. MBHI also does not contest Florida Housing's determination of ineligibility of the other applicants in this RFA, other than the additional ground for ineligibility of The Marshall set forth below. MBHI reserves the right to raise issues regarding the determination of its numeric scores, if necessary to preserve its status as a funded applicant. MBHI also reserves the right to raise additional grounds of ineligibility of the other applicants beyond those noted by the review committee; and reserves

the right to contest the numeric scores of other applicants.

13. MBHI has initially identified one additional eligibility issue for one of the applicants: The Marshall 4400, LLC. The Marshall should also have been deemed ineligible because the Articles of Incorporation provided in the application did not demonstrate that one of the purposes of the Non-Profit entity is to foster low-income housing. In its Application, the applicant for The Marshall, The Marshall 4400, LLC, provided the Amended and Restated Articles of Incorporation as of March 6, 2014, for its Manager and Non-Investor Member REVA Development Corporation; see Exhibit D to this Petition. Those Articles do not mention affordable housing.

14. The RFA expressly requires applicants to provide several documents at Attachment 3 to their applications. These documents include:

The articles of incorporation or the IRS Form 990 most recently filed with the IRS, but no earlier than 2018, demonstrating that, as of the Application Deadline, one of the purposes of the Non-Profit entity is to foster low-income housing.

RFA at page 9 of 98, copy attached as Exhibit E to this Petition. This is a clear and unambiguous requirement of the RFA.

15. Based on documents produced by Florida Housing pursuant to a public records request, in scoring the applications, the review committee member responsible for evaluating whether the Applicant applied as a Non-Profit answers a series of questions. One of the questions is, “Do the articles of incorporation or IRS form 990 demonstrate that one of the purposes of the Non-Profit entity is to foster low-income housing?” The assigned review committee member, Ryan McKinless, answered yes to this question for each of the four applicants. A copy of the scoring sheet is attached to this Petition as Exhibit F; the yellow highlighting that appears was in the copy of this document as produced by Florida Housing.

16. There was clearly no information in the Articles of Incorporation for REVA Development indicating a corporate purpose of fostering affordable housing. It was thus arbitrary and capricious to not declare The Marshall ineligible on this basis.

Disputed Issues

17. MBHI does not at this time dispute any issues of material fact, with the exception of the issue raised below. MBHI reserves the right to supplement the disputed issues of fact as additional facts become known to it.

- (a) Whether the Articles of Incorporation provided by The Marshall 4400, LLC, for REVA Development Corporation, identified fostering affordable housing as a corporate purpose. Petitioner contends that they did not, and that it is contrary to the RFA in a manner which is arbitrary, capricious, and clearly erroneous to not find The Marshall's application ineligible on that basis.

Concise Statement of Ultimate Facts, Relief Sought, and Entitlement to Relief

18. MBHI asserts that it was properly selected for funding in this RFA; and that the other three applicants were properly deemed ineligible.

19. If any other formal written protests are filed, MBHI requests that it be afforded the opportunity to resolve this matter by mutual agreement within seven working days of filing this Petition. If the matter cannot be resolved, MBHI requests that all Petitions arising out of this RFA, to the extent they adequately demonstrate standing and otherwise conform to the requirements for formal written protests, be forwarded to the Division of Administrative Hearings for assignment of an Administrative Law Judge to conduct a formal evidentiary proceedings and that recommended and final orders be entered determining that MBHI be entitled to funding. MBHI is

entitled to this relief by Chapters 120 and 420, Fla. Stat., including but not limited to Sections 120.569, 120.57(2), and 420.5089; and Rule Chapters 28-106, 28-110, 67-48, and 67-60, Fla. Admin. Code; and Florida Housing RFA 2019-105.

FILED AND SERVED this 26th day of June, 2020.

/s/ M. Christopher Bryant

M. CHRISTOPHER BRYANT
Florida Bar No. 434450
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and

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Primary: alp@alp-law.com

Attorneys for Miami Beach Housing Initiatives, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Formal Written Protest and Petition for Administrative Proceedings has been filed by e-mail with the Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 (CorporationClerk@floridahousing.org), and a copy via e-mail to the following this 26th day of June, 2020:

Hugh Brown, General Counsel
Betty Zachem, Assistant General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329
Hugh.brown@floridahousing.org
Betty.zachem@floridahousing.org

/s/ M. Christopher Bryant

ATTORNEY

Exhibits to Miami Beach Housing Initiatives, Inc.'s Petition

- A. Board-adopted spreadsheet of Eligibility and Scoring, posted Thursday, June 11, 2020, at 4:28 p.m.
- B. Board-adopted spreadsheet of funding selections, posted Thursday, June 11, 2020, at 4:28 p.m.
- C. MBHI's Notice of Protest submitted Tuesday, June 16, 2020, date stamped 9:28 a.m. (without attachments)
- D. Excerpt of Attachment 3 to The Marshall 4400, LLC, Application No. 2020-481S (Amended and Restated Articles of Incorporation for REVA Development Corporation, dated March 6, 2014)
- E. Page 9 of 98 of RFA 2020-102
- F. Scoring sheet from review committee member for RFA 2020-102 scoring Applicant Information

RFA 2020-102 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	SAIL Request Amount	ELI Request Amount	Total Request Amount (SAIL plus ELI)	Eligible For Funding?	Tier level	Total Points	Qualifying Financial Assistance Preference	Per Unit Construction Funding Preference	SAIL Request Per Unit (exclusive of ELI)	SAIL Request as % of TDC Preference	Florida Job Creation Preference	Lottery Number
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Eligible Application

2020-483S	The Heron	Miami-Dade	L	Miguell Del Campillo	Housing Authority of the City of Miami Beach; Miami Beach Housing Initiatives, Inc.	NC	MR 4	PSN - 80%	20	3,999,980.00	389,200.00	4,389,180.00	Y	1	105	Y	Y	\$199,999.00	Y	Y	2
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Ineligible Applications

2020-481S	The Marshall	Miami-Dade	L	Don D. Patterson	MFK/REVA Development, LLC; Lynda V. Harris; Charles F. Sims	NC	MR 4	PSN - 80%	24	4,670,000.00	503,100.00	5,173,100.00	N	1	103	Y	Y	\$194,583.33	Y	Y	3
2020-482S	Whispering Pines	Pinellas	L	Jack Humburg, Executive Director	Pinellas Affordable Living, Inc.; Boley Centers, Inc.	NC	G	PSN - 80%	20	4,424,118.00	291,300.00	4,715,418.00	N	1	108	Y	Y	\$221,205.90	Y	Y	1
2020-484S	Phoenix Crossing	Flagler	M	Sandra Shank	Abundant Life Ministries-Hope House, Inc; ALM-ABM PHOENIX CROSSINGS, LLC	NC	G	PSN - 80%	30	4,670,000.00	387,600.00	5,057,600.00	N	1	75	N	Y	\$155,666.67	Y	Y	4

On June 11, 2020, 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 2020-102 – Board Approved Preliminary Awards

Total SAIL Funding	9,340,730
Total SAIL Allocated	4,389,180
Total SAIL Remaining	4,951,550

Application Number	Name of Development	County	County Size	Name of Authorized Principal Representative	Name of Developer	Dev Category	Development Type	Demo	Units	SAIL Request Amount	ELI Request Amount	Total Request Amount (SAIL plus ELI)	Eligible For Funding?	Tier level	Total Points	Qualifying Financial Assistance Preference	Per Unit Construction Funding Preference	SAIL Request Per Unit (exclusive of ELI)	SAIL Request as % of TDC Preference	Florida Job Creation Preference	Lottery Number
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Small or Medium County Application, with a preference for a Tier 1 Application

none

Large County Application, with a preference for a Tier 1 Application

2020-483S	The Heron	Miami-Dade	L	Miguell Del Campillo	Housing Authority of the City of Miami Beach; Miami Beach Housing Initiatives, Inc.	NC	MR 4	PSN - 80%	20	3,999,980	389,200	4,389,180	Y	1	105	Y	Y	\$199,999	Y	Y	2
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Additional PSN Applications

none

On June 11, 2020, 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.

**BEFORE THE
FLORIDA HOUSING FINANCE CORPORATION**

RE: RFA 2020-102, SAIL Financing for Smaller Developments for Persons with Special Needs

Notice of Protest by Miami Beach Housing Initiatives, Inc., Applicant for The Heron, Application No. 2020-483S

NOTICE OF PROTEST

Pursuant to Section 120.57(3), Fla. Stat.; Rule 67-60.009(2), Fla. Admin. Code; and RFA 2020-102 at Section Six, Miami Beach Housing Initiatives, Inc. (MBHI), the Applicant for The Heron, Application No. 2020-483S, hereby gives notice of its intent to protest the proposed scoring, eligibility, and preference determinations contained on the RFA 2020-102 Board Approved Scoring Results, copy attached as Exhibit A. MBHI does not contest the proposed selection for funding of its own application for The Heron, as reflected on Exhibit B, Board Approved Preliminary Awards. Exhibits A and B were approved by the Florida Housing Finance Corporation Board of Directors on Thursday, June 11, 2020, and were posted on the Corporation's website at 4:28 p.m. on that date.

If no other notices of protest are received by the Corporation regarding RFA 2020-102, MBHI intends to withdraw this Notice of Protest.

FILED this 16th day of June, 2020.

/s/ M. Christopher Bryant

M. Christopher Bryant

Florida Bar No. 434450

Oertel, Fernandez, Bryant & Atkinson, P.A.

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and

Alexander L. Palenzuela
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Attorneys for Miami Beach Housing Initiatives, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been filed via electronic filing with the Agency Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, CorporationClerk@floridahousing.org, with copies to Hugh Brown, General Counsel, and Betty Zachem, Assistant General Counsel, Florida Housing Finance Corporation 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Hugh.brown@floridahousing.org, Betty.zachem@floridahousing.org, this 16th day of June, 2020.

/s/ M. Christopher Bryant

Attorney

Amended and Restated
ARTICLES OF INCORPORATION
OF
Reva Development Corporation
A Florida "Not for Profit" Corporation

Upon the execution of this document and its filing with the Florida Department of State the Articles of Incorporation of this corporation are amended and restated pursuant to the provisions of sections 617.1007 Florida Statute. There are no members entitled to vote on the amendments. These Amended and Restated Articles of Incorporation were adopted by the board of directors on March 2014.

- A. **NAME OF CORPORATION:** The name of the corporation is Reva Development Corporation.
- B. **PRINCIPAL OFFICE:** The principal office of the corporation is located at 4664 Waycross Drive, Pompano Beach, FL 33073.
- C. **MAILING ADDRESS:** The mailing address of the corporation is 4664 Waycross Drive, Pompano Beach, FL 33073.
- D. **REGISTERED AGENT:** The name of the registered agent of the corporation is Don Patterson. The address of this registered agent is 4664 Waycross Drive, Pompano Beach, FL 33073.
- E. **DURATION/MEMBERSHIP:** The period of duration is perpetual. The qualification for members, if any, and the manner of their admission shall be regulated by the bylaws.
- F. **BOARD OF DIRECTORS:** The method of selection of the board of directors and number of directors shall be stated in the bylaws.
- G. **INCORPORATOR:** The name and address of the incorporator is Anthony L. Davis, 81 N. Deerfield Ave., Suite #3, Deerfield Beach, FL 33441.
- H. **CORPORATE PURPOSES:** The purposes for which this corporation is formed are exclusively charitable, educational and scientific and consist of the following:
 1. This corporation is formed exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law."
 2. To aid, support, and assist by gifts, contributions, or otherwise, other corporations, community chests, funds and foundations organized and operated exclusively for charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

3. To do any and all lawful activities which may be necessary, useful, or desirable for the furtherance, accomplishment, fostering, or attaining of the foregoing purposes, either directly or indirectly, and either alone or in conjunction or cooperation with others, whether such others be persons or organizations of any kind or nature, such as corporations, firms, association, trusts, institution, foundations, or governmental bureaus, departments or agencies.

4. All of the foregoing purposes shall be exercised exclusively charitable and educational purposes in such a manner that the Corporation will qualify as an exempt organization under section 501 (c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

I. 501(c)(3) LIMITATIONS

1. **CORPORATE PURPOSES:** Notwithstanding any other provision of these7 articles, this organization shall not carry on any other activities not permitted to be carried on by an organization exempt from Federal and state income tax under section 501 (c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

2. **EXCLUSIVITY:** The Corporation is organized exclusively for charitable and educational purposes.

3. **NO PRIVATE INUREMENT:** The Corporation is not organized nor shall it be operated for the primary purpose of generating pecuniary gain or profit. The Corporation shall not distribute any gains, profits or dividends to the Directors, Officers, or Members thereof, or to any individual, except as reasonable compensation for services actually performed in carrying out the Corporation's charitable and educational purposes. The property, assets, profits and net income of the Corporation are irrevocably dedicated to charitable and educational purposes no part of which shall inure to the benefit of any individual.

4. **LOBBYING AND POLITICAL CAMPAIGNS:** No substantial part of the activities of the corporation shall consist of the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in, any political campaign on behalf of any candidate for public office.

5. **DISSOLUTION:** Upon winding up and dissolution of the Corporation, the assets of the Corporation remaining after payment of all debts and liabilities shall be distributed to an organization recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986 to be used exclusively for charitable and educational purposes. If the Corporation holds any assets in trust, such assets shall be disposed of in such a manner as may be directed by decree of the Circuit Court of the district in which the Corporation's principal office is located, upon petition thereof by the Attorney General or by any person concerned in the liquidation.

6. **"PRIVATE FOUNDATION" PROVISIONS:** In the event this Corporation is considered to be a "Private Foundation" by the U.S. Internal Revenue Service under provisions of the United States Code the following provisions apply:

- a.) The Corporation will distribute its income for each tax year at a time and in a manner as not to become subject to the tax on undistributed income imposed by section 4942 of the Internal Revenue Code, or the corresponding section of any future federal tax code.
- b.) The Corporation will not engage in any act of self-dealing as defined in section 4941(d) of the Internal Revenue Code, or the corresponding section of any future federal tax code.
- c.) The Corporation will not retain any excess business holdings as defined in section 4943(c) of the Internal Revenue Code, or the corresponding section of any future federal tax code.
- d.) The Corporation will not make any investments in a manner as to subject it to tax under section 4944 of the Internal Revenue Code, or the corresponding section of any future federal tax code.
- e.) The Corporation will not make any taxable expenditures as defined in section 4945(d) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

J. INDEMNIFICATION - Any person (and the heirs, executors and administrators of such person) made or threatened to be made a party to any action, suit or proceeding by reason of the fact that he is or was a Director or Officer of the Corporation shall be indemnified by the Corporation against any and all liability and the reasonable expenses, including attorney's fees and disbursements, incurred by him (or by his heirs, executors or administrators) in connection with the defense or settlement of such action, suit or proceeding, or in connection with any appearance therein, except in relation to matters as to which it shall be adjudged in such action, suit or proceeding that such Director or Officer is liable for negligence or misconduct in the performance of his duties. Such right of indemnification shall not be deemed exclusive of any other rights to which such Director or Officer (or such heirs, executors of administrators) may be entitled apart from this Article.

EXECUTION

These Articles of Incorporation are hereby executed by the incorporator on this 6 day of March, 2014.

Reva Development Corporation.

By:

[Handwritten Signature]
Signature

George Gadson, Chairman For Reva
Print name and title

for more than two pages, any portion of the description that is beyond two pages will not be considered.

3. Applicant/Developer/Management Company/Contact Person

a. Applicant Information

- (1) State the name of the Applicant.
- (2) The Applicant must be a legally formed entity [i.e., limited partnership, limited liability company, etc.] qualified to do business in the state of Florida as of the Application Deadline. Include, as **Attachment 2** to Exhibit A, evidence from the Florida Department of State, Division of Corporations, that the Applicant satisfies the foregoing requirements. Such evidence may be in the form of a certificate of status or other reasonably reliable information or documentation issued, published or made available by the Florida Department of State, Division of Corporations.

The Corporation is aware of the May 1st deadline for filing the annual report with the Division of Corporations and will accept a Certificate of Good Standing for the Applicant that reflects an expiration date of December 31 of either the current year or previous year.

- (3) **Only Non-Profit Applicants are eligible for funding.** To qualify as a Non-Profit Applicant for purposes of this RFA, (i) answer the question demonstrating that it meets the definition of Non-Profit as set out in Rule Chapter 67-48, F.A.C.; and (ii) provide the required information stated below.

The Applicant's Non-Profit status will be verified during credit underwriting. If this cannot be verified, the Applicant will no longer be considered a Non-Profit Applicant and funding awarded under this RFA will be rescinded.

Provide the following information for the Non-Profit entity that meets the definition stated in Rule Chapter 67-48, F.A.C. as **Attachment 3**:

- (a) The IRS determination letter;
- (b) A description/explanation of how the Non-Profit entity is substantially and materially participating in the management and operation of the Development (i.e., the role of the Non-Profit);
- (c) The names and addresses of the members of the governing board of the Non-Profit entity;
- (d) The articles of incorporation or the IRS Form 990 most recently filed with the IRS, but no earlier than 2018, demonstrating that, as of the Application Deadline, one of the purposes of the Non-Profit entity is to foster low-income housing.

Application Deadline for RFA 2020-102: 4/1/20				
App #	2020-4815	2020-4825	2020-4835	2020-4845
Development Name	The Marshall	Whispering Pines	The Heron	Phoenix Crossing
6.a. Total number of units in the Proposed Development	24	20	20	30
3.a. Applicant Information				
(1) Name of Applicant as stated in the Application (Eligibility Item)	The Marshall 4440, LLC	Pinellas Affordable Living, Inc.	Miami Beach Housing Initiatives, Inc.	Abundant Life Ministries-Hope House, Inc.
(2) Did the Applicant provide documentation that the Applicant is a legally formed entity qualified to do business in the State of Florida as of the Application Deadline (Attachment 2)? (Eligibility Item)	Y	Y	Y	Y
(3) Did the Applicant indicate that it is applying as Non-Profit? <u>Only Non-Profits are eligible for funding.</u>	Y	Y	Y	Y
Was the IRS determination letter provided (Attachment 3)?	Y	Y	Y	Y
Was the role of the Non-Profit provided (Attachment 3)?	Y	Y	Y	Y
Were the names and addresses of the members of the board of the Non-Profit entity provided (Attachment 3)?	Y	Y	Y	Y
Were the articles of incorporation, OR IRS form 990 filed with the IRS no earlier than 2018, provided (Attachment 3)?	Y	Y	Y	Y
Do the articles of incorporation or IRS form 990 demonstrate that one of the purposes of the Non-Profit entity is to foster low-income housing?	Y	Y	Y	Y
Is the Non-Profit entity the same on the information provided above?	Y	Y	Y	Y
Is the Non-Profit entity disclosed on the Principal Disclosure Form as a Principal of the Applicant?	Y	Y	Y	Y
(3)(b) Did the Applicant provide the percentage of Developer's Fee that will go to the Non-Profit entity?	Y	Y	Y	Y
If "Yes" to (3)(b), was the percentage provided at least 25%?	Y	Y	Y	Y
Percentage of the Developer Fee to be provided to the Non-Profit entity	100	100	100	100
Tier 1 or Tier 2? If 100% = Tier 1; if at least 25% but less than 100% = Tier 2.	Tier 1	Tier 1	Tier 1	Tier 1
Does the Applicant qualify as a Non-Profit Applicant? <i>If "No", the Applicant does not meet eligibility requirements.</i>	Y	Y	Y	Y