

Dated this 27th day of July, 2026

STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS

ANGEL HOUSE ASSISTED LIVING, INC.,

Petitioner,

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

PETITION CHALLENGING AN UNADOPTED ADMINISTRATIVE RULE PURSUANT TO SECTION 120.56(4), FLORIDA STATUTES

Petitioner, ANGEL HOUSE ASSISTED LIVING, INC., pursuant to Sections 120.56(1), 120.56(4), and 120.57(1), Florida Statutes, and Florida Administrative Code Rule 28-106.201, hereby files this Petition challenging an unadopted administrative rule enforced by the Respondent, FLORIDA HOUSING FINANCE CORPORATION (FHFC). In support thereof, Petitioner states:

I. THE PARTIES AND STANDING

1. Petitioner: Angel House Assisted Living, Inc., is a Florida small business corporation located at 10810 NW 20th Street, 33026. Petitioner is an active, licensed provider of residential community care, holding a valid standard license from the Florida Agency for Health Care Administration (AHCA) to operate a home-scale, un-bifurcated 6-bed Assisted Living Facility.
2. Respondent: The Florida Housing Finance Corporation (FHFC) is a public corporation established within the Florida Department of Commerce pursuant to Chapter 420, Florida Statutes, with its principal office located at 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301. Respondent is the agency responsible for administering state-backed housing funds, tax credits, and residential financing programs (including SHIP and SAIL) within the State of Florida.
3. Substantial Interest Affected: Pursuant to Section 120.52(14), Petitioner is a "substantially affected person." Petitioner owns the underlying residential real estate deed and operates the care facility within a single, unified, un-bifurcated domestic Florida corporate identity. Respondent's enforcement of an unadopted underwriting rule automatically disqualifies Petitioner's corporate deed from standard residential financing pools, locking up Petitioner's land equity, imposing predatory commercial lending terms, and threatening the operational survival of a 16-year compliant care footprint.
4. Petitioner became aware of the unadopted administrative rule on or about September 2025, and through subsequent processing cycles ending in July 2026, upon receiving a series of automated underwriting mortgage blocks and direct lender rejections. These financial blocks were consistent across Conventional, Investor, SBA, DSCR and state-sponsored lending applications. Each application process resulted in summary denial to healthcare homes or

commercial reclassification, explicitly citing the presence of an active corporate deed and an active AHCA health license on a 1-to-4 family residential folio as an automatic disqualifier for residential financing tracks.

III. STATEMENT OF FACTS AND AGENCY HYPOCRISY

5. Physical and Zoning Conformity: Petitioner's property is a standard single-family residential house that completely conforms visually, physically, and structurally to its surrounding neighborhood grid. A formal appraisal executed in September 2025 legally certified that the property's Highest and Best Use (HBU) is strictly a Single-Family Residence (SFR). The layout utilizes non-structural interior furniture configurations only, completely preserving the existing residential footprint, yard space, and patio lifestyle, providing a fully homelike environment.

6. The Statutory Homelike Mandate: Pursuant to Florida Statute § 429.01(2), the Florida Legislature has established an explicit public policy mandate requiring that assisted living facilities be developed and maintained to provide a safe, sanitary, and "homelike environment" that protects the dignity and independence of vulnerable elders. Concurrently, under Florida Statute § 419.001(2), the Legislature has decreed that a licensed community residential care home housing 6 or fewer residents is legally deemed a non-commercial, single-family residential use by right under local zoning codes. The state's health regulatory hand (AHCA) actively sanctions and licenses this footprint to deliver a mandatory weekly floor labor configuration with 212 hours for 5 to 15 residents as the primary schedule for 6-bed licenses with census matching, within this mandated, residential setting.

7. The Unadopted Rule Exposed: Respondent, FHFC, through its certified direct lending channels, correspondent networks, and state-backed portfolio portals, is actively enforcing an unwritten, unadopted policy that states: Any 1-to-4 family residential property that holds an active state health care license or whose deed is titled directly to an operating LLC, S-Corp or Non-Profit care entity must be summarily reclassified as a commercial property risk.

8. The Practical and Ethical Nightmare: Respondent's unadopted policy directly subverts the state's "homelike environment" mandate. It forces an artificial, highly impractical commercial configuration onto the smallest, most labor-intensive form of elder care. To clear Respondent's automated data screens, a transparent provider would be forced to split their fully-accountable un-bifurcated operation into a fake, multi-entity lease-back structure. This artificial setup forces an honest provider to look as if they are "gaming the system" through shell companies, while simultaneously triggering an invasive, business-destroying AHCA Change of Ownership (CHOW) audit and stripping away non-profit ad valorem property tax shields.

IV. LEGAL CONTEXT AND REGULATORY SILO PREEMPTION

9. Respondent routinely defends these automated blocks by claiming adherence to federal secondary mortgage market standards. However, the official Fannie Mae Selling Guide (Section B2-1.1-01) explicitly states: "Investment properties that are or will be leased to business entities for use as a group home are eligible for purchase by Fannie Mae (provided all borrowers are individuals)."

10. By blindly allowing automated processing software to use federal "individual borrower" and lease structure limitations as a blanket exclusion against corporate deeds, Respondent is

permitting an unadopted, uncodified rule to dictate state housing finance policy.

11. Respondent's unadopted policy directly violates Florida Statute § 120.54(1)(f), which explicitly prohibits state agencies from enforcing policies that create duplicative, conflicting, or contradictory requirements with other state mandates. Respondent cannot use financing criteria to penalize an operator for complying with Chapter 429's homelike mandate.

12. Furthermore, under Florida Statute § 120.541 (The Small Business Regulatory Relief Act) and Section 120.542, state agencies are prohibited from enforcing uncodified policies that impose excessive administrative barriers, regulatory hardships, or aggregate small-business compliance costs exceeding \$1 million over 5 years without explicit legislative ratification. Because Respondent controls its own sovereign state funds (SHIP/SAIL), it has an absolute statutory duty to align its financial underwriting matrices with Chapter 419's residential definitions, the state's own § 429.01(2) homelike environment mandate, and Chapter 120's small business protection mandates to ensure true residential and financial parity.

V. PRAYER FOR RELIEF

WHEREFORE, Petitioner, ANGEL HOUSE ASSISTED LIVING, INC., respectfully requests that the Division of Administrative Hearings assign an Administrative Law Judge to conduct a hearing, and subsequently enter a Final Order:

1. Declaring Respondent's automated corporate-deed and health-license lending exclusions as an invalid, unadopted administrative rule;
2. Ordering Respondent to immediately cease and desist from enforcing this unadopted rule against compliant, home-scale care footprints under 15 beds; and
3. Compelling Respondent to build and implement a dedicated Residential Portfolio Lending path that evaluates un-bifurcated S-Corp, LLC and Non-Profit deeds using standard residential 1-to-4 family valuation and financing metrics.

Respectfully submitted this 27th day of July, 2026.

Doreen Campbell Founder & Director

On behalf of Angel House Assisted Living, Inc.

10810 NW 20th Street, Pembroke Pines, FL 33026

Phone: (954) 483-7300

Email: AngelHouse2@Live.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition has been furnished via Certified U.S. Mail (Return Receipt Requested) to the Agency Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, and a concurrent courtesy copy to the Office of General Counsel, Florida Housing Finance Corporation, at the same address, on this 27th day of July, 2026.

Doreen Campbell, Founder & Director

your financing inquiry

From Jim Walker <jwalker@fclf.org>

Date Mon 6/22/2026 3:07 PM

To angelhouse2@live.com <angelhouse2@live.com>

Good afternoon Ms. Campbell,

Thank you for reaching out regarding a possible financing opportunity. Unfortunately, we do not have the capacity to provide funding for assisted living facilities. I am not sure who might be able to assist, but there are a few other entities that might work. One is called BBIF (bbif.com) which provides small business loans and Ten North Group (tennorthgrup.com). We provided a few loans to this industry many years ago but have not had the ability to underwrite these for many years now.

If you have any general questions, please let me know and I will be happy to discuss.

Thanks

Jim Walker

Senior Community Development Loan Officer

Florida Community Loan Fund



615 North Andrews Avenue | Fort Lauderdale, FL 33311

p 407.246.0846 | direct 954.306.9852

jwalker@fclf.org | www.fclf.org

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RE: Conventional Commercial Mortgage Terms & Structuring - Angel House

From Chaim Gordon <cgordon@optimumbank.com>

Date Tue 7/14/2026 5:00 PM

To Doreen Campbell <angelhouse2@live.com>

Hi Doreen,

It was a pleasure meeting you over the phone last week. I discussed the deal internally and unfortunately this isn't for us. I left you a voicemail earlier today and would be happy to discuss over the phone if you would like.

Wishing you all the best.



Chaim Gordon
AVP – Commercial Lender
2929 East Commercial Boulevard
Fort Lauderdale, FL 33308
Direct: (954) 476 1554
cgordon@optimumbank.com
NMLS #: 2807530

From: Doreen Campbell <angelhouse2@live.com>

Sent: Friday, July 10, 2026 2:15 PM

To: Chaim Gordon <cgordon@optimumbank.com>

Subject: Conventional Commercial Mortgage Terms & Structuring - Angel House

External Email

Dear Chaim,

Thank you for taking the time to detail Optimum Bank's conventional commercial mortgage proposal on our call this afternoon.

To ensure our respective underwriting and processing timelines remain perfectly aligned, I am confirming the baseline terms we discussed for the \$225,000 conventional vehicle on the Pembroke Pines property:

- **Note Pricing:** 7.65% to 7.70% fixed note rate.
- **Amortization / Maturity:** Amortized over 25 years with a 10-year balloon maturity.
- **Prepayment Shield:** A standard 3-2-1 percentage sliding scale across the initial 36-month period, dropping to 0% in Year 4.
- **The Industry Standard 10 to 20% "Curtailment Allowance: Typically does not preclude me paying say another \$500 to \$1,000 monthly to principal, provided it stays below 10% to 20% annual principal reduction to be determined.**

- **Corporate Structure:** Full underwriting validation of our active Florida Non-Profit corporate status.
- **Target Closing Timeline:** 60 to 90 days, inclusive of the 30-day commercial appraisal and internal review window.

Stephanie has our foundational 2025 financial packet and TD Bank statements on file, and has forwarded to you.

Please let me know what specific supplemental document checklists your processing desk requires next so we can initiate the file.

Respectfully yours,

Doreen Campbell

Angel House, Inc.

Doreen Campbell for Angel House

Adult Daycare & Assisted Living for Over 16 years

Email: AngelHouse2@Live.com

<http://AngelHouseSeniors.org>

Office: (954) 476-5085 - Fax: (954) 476-5079

Angel House is a non-profit human service agency, providing housing and healthcare education and assistance, social services (including benefits assistance) adult daycare and recreational activities, to improve the quality of life for seniors and their caregivers.

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RE: Angel House Cash Flow Underwriting

From Stephanie Leyva <sleyva@optimumbank.com>

Date Thu 7/2/2026 10:04 AM

To Doreen Campbell <angelhouse2@live.com>

Cc Jeni Chokron <jchokron@optimumbank.com>

Hi Doreen,

I hope you are doing well.

First, could you please confirm that you are receiving my emails? I have been receiving notifications that my messages were undeliverable and have opened a ticket with our IT support team to investigate.

I also want to thank you again for your interest in working with us.

As we discussed on our call, after reviewing both SBA and conventional financing options, the numbers do not cash flow at this time. Our Chief Lending Officer, Jeni Chokron cc'd here, requested that we explore every possible avenue. The bank tried all available avenues to make this work, including both SBA and conventional structures; however, we were ultimately unable to find a viable financing solution at this time. That said, we would be happy to revisit the opportunity once your 2025 tax returns are available, as updated financial information may provide additional options for consideration.

Additionally, Phil Fitzpatrick is no longer with OptimumBank.

To help you explore alternative funding options, OptimumBank partners with Approved Funding, a trusted third-party referral source. For full transparency, our Bank Chairman holds a minority ownership interest in the company. If you are interested, I would be happy to make an introduction to our contact, Shmuel, to discuss potential financing solutions that may better fit your needs.

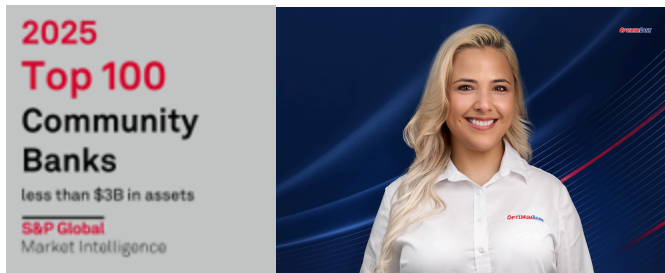
Thank you again for the opportunity, and please let me know if you would like me to facilitate the introduction.

Kind Regards,

OPTIMUMBANK

Stephanie Leyva, AVP
Strategic Relationship Manager
2929 E. Commercial Blvd Ste 303
Fort Lauderdale, FL 33308
Phone (954)947-2705

sleyva@optimumbank.com
www.optimumbank.com
 NMLS 1185408



From: Doreen Campbell <angelhouse2@live.com>
Sent: Monday, June 29, 2026 3:06 PM
To: Stephanie Leyva <sleyva@optimumbank.com>
Subject: Re: Angel House Cash Flow Underwriting

External Email

Hi Stephanie,

I was not aware you were trying SBA at all... I thought we'd discussed that it would not work. I've tried many things, not just FNMA & SBA, including DSCR and more. We are a Very Underserved niche and we're very necessary to aging Floridians.

So, I've also reached out to Moishe Gubin and Phil Fitzpatrick on a whole other 'channel' as I've decided I need to Create financing for our ALF homes out of whole cloth if I must. I hope to be making headway with that soon.

OTOH, I still must solve my own refinancing issues now.

You'd originally said 'even if we are just paying the bills, it can work' and unfortunately, though we are more than doing that at both homes, it's still not enough. That's the nature of most lending processes, unfortunately to move the goal posts repeatedly. It's not at all intentional on the part of any person, but the hold the screens have over all of life's essential processes today and since 2020 when things profoundly changed.

Thank you,

*Doreen Campbell for Angel House
 Adult Daycare & Assisted Living for Over 16 years*

Email: AngelHouse2@Live.com

<http://AngelHouseSeniors.org>

Office: (954) 476-5085 - Fax: (954) 476-5079

Angel House is a non-profit human service agency, providing housing and healthcare education and assistance, social services (including benefits assistance) adult daycare and recreational activities, to improve the quality of life for seniors and their caregivers.

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From: Stephanie Leyva <sleyva@optimumbank.com>
Sent: Monday, June 29, 2026 11:35 AM
To: Doreen Campbell <angelhouse2@live.com>
Subject: RE: Angel House Cash Flow Underwriting

Good Morning Doreen,

I hope you had a nice weekend and thank you for taking the time to share this information in such detail.

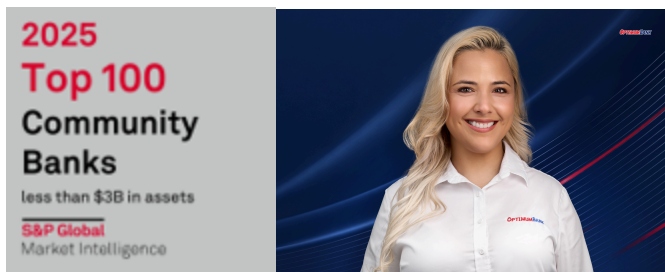
I confirmed that at this time, nonprofits do not qualify for SBA financing. However, I will review this with Jeni, our Chief Lending Officer, to explore any alternative options such as a conventional loan that may be available. I will follow up with you as soon as possible.

Thank you again, and I appreciate your patience.

Kind Regards,

OPTIMUMBANK

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NMLS 1185408



From: Doreen Campbell <angelhouse2@live.com>
Sent: Sunday, June 28, 2026 8:50 PM

To: Stephanie Leyva <sleyva@optimumbank.com>

Subject: Angel House Cash Flow Underwriting

External Email

Stephanie,

Small world, today I've sent an email to Moishe Gubin about our Ms Campbell Goes to Tallahassee movement and some of our programs.

Between \$16,000+ in 2024-25 and \$12,000+ in 2025-26, Simply makes me look bad to the tune of over \$40k counting the first batch of \$1,700+ interest I never got any of. But my point is we are still here, still paying all bills, regular and extraordinary, with an Extremely Low LTV, regardless of the SBA loan even adding it, we are Still Well Below 50% LTV.

The only reason we couldn't get the DSCR loan is the non-profit status.

Thank you,

Doreen Campbell for Angel House

Adult Daycare & Assisted Living for Over 13 years

Email: AngelHouse2@Live.com

<http://AngelHouseSeniors.org>

Office: (954) 476-5085 - Fax: (954) 476-5079

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SMALL BUSINESS REGULATORY OVERREACH TRANSMITTAL & AMICUS REVIEW REQUEST

TO: Legal Review Desk, NFIB Florida (Small Business Legal Shield Advocacy) [1.34]

DATE: July 27, 2026

RE: Section 120.56(4) Unadopted Rule Challenge / Small Business Regulatory Relief Act Compliance

This brief submits a formal request for legal intake review and *Amicus Curiae* backing regarding an active administrative challenge filed against the Florida Housing Finance Corporation (FHFC) (*Angel House Assisted Living, Inc. v. FHFC*).

THE REGULATORY OVERREACH FACT MATRIX:

The Respondent (FHFC), through its state-certified direct lending channels and portfolio tracking portals, is actively enforcing an unwritten, unadopted administrative policy in direct violation of **Florida Statute § 120.54(1)(f)**. Upon submission of mortgage applications matching standard residential parameters, the agency's automated underwriting software screens files for active state health registries. The presence of an active health license or an un-bifurcated corporate name triggers an uncoded "Commercial Use" **boolean switch flag**, summarily reclassifying standard single-family residential collateral as an ineligible commercial risk.

This unadopted filter directly contradicts preexisting state statutory rights. Pursuant to **Florida Statute § 419.001(2)**, a state-licensed care footprint housing 6 or fewer residents is legally deemed a non-commercial, single-family residential use by right under local zoning codes. Furthermore, a certified September 2025 appraisal legally locks the property's Highest and Best Use (HBU) as a standard Single-Family Residence (SFR).

THE IMPACT ON SMALL BUSINESS (F.S. § 120.541):

To clear this unwritten software screen, a transparent provider is forced to transfer their corporate deed into an individual name. This structural alteration automatically triggers an invasive, business-destroying AHCA Change of Ownership (CHOW) audit and an immediate **\$13,550 annual ad valorem property tax penalty for this property held in non-profit domestic Florida Corporation name**.

Other small healthcare group homes are held variously in the names of LLC, Sub-S Corp or non-profit names. This uncoded agency policy violates the **Small Business Regulatory Relief Act (F.S. § 120.541)** by imposing an aggregate compliance cost and administrative burden exceeding \$1 million over 5 years on independent small businesses without explicit legislative ratification.

ACTION REQUESTED:

We have initiated the non-discretionary 10-day summary transfer clock to DOAH via the enclosed Agency Clerk petition. We request that the NFIB Florida legal leadership review the attached 3-page petition to coordinate formal **Amicus Curiae backing** to protect independent neighborhood infrastructure from predatory administrative redlining.

FAIR LENDING COMPLIANCE TRANSMITTAL & INTRA-AGENCY AUDIT REQUEST

TO: Intake Directors, HOPE Fair Housing Center (South Florida Enforcement Office) [1.34]

DATE: July 27, 2026

RE: Systemic Disparate Impact and Secondary Market Redlining / Active DOAH Case Context

This brief submits a formal request for a fair housing lending investigation regarding an uncodified credit overlay that is systematically redlining state-licensed, un-bifurcated residential care properties across the South Florida market.

THE FACTUAL MATRICES:

The Federal Housing Finance Agency (FHFA) mandate under **Duty to Serve (DTS)** explicitly requires secondary market entities (Fannie Mae and Freddie Mac) to purchase and support residential mortgages for community group homes serving the frail elderly and individuals with disabilities. Official Fannie Mae Selling Guidelines validate that a 1-to-4 family residential property operating with an active state-licensed care registry remains eligible residential collateral. Furthermore, the native software architecture inside automated underwriting systems (AUS) contains an internal "**Group Home Indicator**" **boolean switch** engineered to automatically clear these files as standard housing.

However, local retail lenders routinely override this federal definition. The moment an active health registry or corporate S-Corp, LLC or non-profit deed is detected on a standard residential folio, risk-averse retail underwriters manually toggle an arbitrary "**Commercial Use**" **flag**. This unwritten credit overlay summarily reclassifies a standard single-family residential structure as an ineligible commercial risk, triggering an automatic denial for conventional residential portfolio financing.

By using the active state healthcare license to block traditional residential capital, these arbitrary banking filters create an illegal **Disparate Impact** under the **Federal Fair Housing Act Amendments (FHAA)**. This practice artificially reduces the supply of safe, community-integrated care beds, effectively redlining our aging Silent Generation and forcing independent neighborhood providers into artificial default.

ACTION REQUESTED:

We request an immediate intake review to coordinate an independent federal fair lending audit against these local underwriting software overrides. This file is transmitted concurrently with an active Section 120.56(4) Administrative Challenge filed against the state housing finance hand (*Angel House v. FHFC*).
