

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

HTG LAKERIDGE GREENS, LTD.,

Petitioner,

vs.

FHFC No. 2009-07116
Application No. 2009-222C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____ /

PETITION FOR REVIEW

Pursuant to Section 120.569 and .57, Florida Statutes (F.S.) and Rule 67-48.005, Florida Administrative Code (F.A.C.), Petitioner, HTG LAKERIDGE GREENS, LTD., ("HTG") requests an administrative hearing to challenge FLORIDA HOUSING FINANCE CORPORATION's ("Florida Housing") scoring actions concerning Universal Cycle Application No. 2009-222C. In support of this Petition, HTG provides as follows:

1. HTG is a Florida limited partnership with its address at 3250 Mary Street, Suite 500, Miami, Florida, 33133. HTG is in the business of providing affordable rental housing units.

2. Florida Housing is the state agency delegated the authority and responsibility for administering and awarding funds pursuant to Chapter 420, F.S., and Rules 67-21 and 67-48, F.A.C.

Nature of the Controversy

3. On August 20, 2009 applied to Florida Housing for funding pursuant to the Low Income Housing Tax Credit Program (LIHTC). The purpose of the requested funds

was to supplement the construction of a 95-unit affordable housing apartment complex in West Palm Beach, Florida, named Banyan Station.

4. Pursuant to section 420.5099, Florida Statutes, Florida Housing is the designated "housing credit agency" for the State of Florida and administers Florida's low-income housing tax credit program. Through this program, Florida Housing allocates Florida's annual fixed pool of federal tax credits to developers of affordable housing.

5. The tax credits allocated annually to each state are awarded by state "housing credit agencies" to single-purpose applicant entities created by real estate developers to develop specific multi-family housing projects. An applicant entity will then sell this ten-year stream of tax credits, typically to a "syndicator," with the sale proceeds generating much of the funding necessary for development and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to operate the project at rents that are affordable to low-income and very-low-income tenants.

6. The United States Congress has created a program, governed by Section 42 of the Internal Revenue Code ("IRC"), by which federal income tax credits are allotted annually to each state on a per capita basis to encourage private developers to build and operate affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder's federal tax liability, which can be taken for up to ten years if the project continues to satisfy all IRC requirements.

7. Because Florida Housing's available pool of federal tax credits each year is limited, qualified projects must compete for this funding. To assess the relative merits of proposed projects, Florida Housing has established a competitive application process

pursuant to Chapter 67-48, F.A.C. Specifically, Florida Housing's application process for 2009, as set forth in Rules 67-48.002-.005, F.A.C., involves the following:

- (a) The publication and adoption by rule of an application package;
- (b) The completion and submission of applications by developers;
- (c) Florida Housing's preliminary scoring of applications;
- (d) An initial round of administrative challenges in which an applicant may take issue with Florida Housing's scoring of another application by filing a Notice of Possible Scoring Error ("NOPSE")
- (e) Florida Housing's consideration of the NOPSEs submitted, with notice to applicants of any resulting change in their preliminary scores;
- (f) An opportunity for the applicant to submit additional materials to Florida Housing to "cure" any items for which the applicant received less than the maximum score;
- (g) A second round of administrative challenges whereby an applicant may raise scoring issues arising from another applicant's cure materials by filing a Notice of Alleged Deficiency ("NOAD");
- (h) Florida Housing's consideration of the NOADs submitted, with notice to applicants of any resulting change in their scores;
- (i) An opportunity for applicants to challenge, via informal or formal administrative proceedings, Florida Housing's evaluation of any item for which the applicant received less than the maximum score; and
- (j) Final scores, ranking, and allocation of tax credit funding to applicants through the adoption of final orders.

8. At the completion of this process a Final Score is assigned to each Application. Based on these Final Scores, and a series of Tie Breakers, Applications are then ranked. Funds are awarded to applicants starting with applicable preferences

and set asides and the highest scoring applicants, until the available funds are exhausted. Applicants compete for funds, in large part, against other applicants in the same county size group, and against other applicants seeking to provide housing to the same demographic group. HTG is an applicant for Developments in the Large County Geographic Set-Aside. HTG also applied as a "Non-Profit". In order to be deemed as a "Non-Profit" Applicant, the Applicant must provide "the articles of incorporation demonstrating that one of the purposes of the Non-Profit entity is to foster low income housing".

9. Based on a review of Florida Housing's Final Scoring Summary dated December 2, 2009, HTG failed threshold for failure to demonstrate that one of the purposes of the Non-Profit entity is to foster low income housing.

10. This failure to achieve threshold score would not allow HTG to be eligible for funding.

11. As will be explained more fully below, Florida Housing's scoring action in the instant case is erroneous.

Substantial Interests Affected

12. As an applicant for funds allocated by Florida Housing, HTG's substantial interests are adversely affected by the scoring decisions here. The final scoring actions of Florida Housing resulted in HTG's application being rejected from the funding range for Large County Developments. Since the purpose of the program in general is to provide funding to developers of apartment projects for low income residents, then HTG's interests are adversely and substantially affected by the loss of funding. Indeed,

without the requested funding, HTG's ability to provide much needed affordable housing units will be severely jeopardized.

Scoring of HTG's Application

13. The Universal Application at Part II.A.2.d. asks an applicant to provide "the articles of incorporation demonstrating that one of the purposes of the Non-Profit entity is to foster low income housing".

14. In its original application, HTG provided the Articles of Incorporation demonstrating that one of the purposes of the Non-Profit entity was to in essence foster low income housing. (See Attachment A).

15. After conducting its preliminary review of the Application and all NOPSEs, Florida Housing found that the submitted Articles of Incorporation did not demonstrate that one of the purposes of the Non-Profit entity is to foster low income housing". (See Attachment B).

16. In response to Florida Housing's preliminary scoring decision, HTG provided cure documents, including a newly executed Articles of Amendment to the Articles of Incorporation (See Attachment C).

17. In response to the Cures and a NOAD which points out that the Articles of Amendment to Articles of Incorporation had not been filed with the Secretary of State by the Cure deadline, Florida Housing in its Scoring Summary Report as of December 2, 2009, found that "the Articles of Incorporation still do not demonstrate that one of the purposes of the Non-Profit entity is to foster low income housing". (See Attachment D.)

18. Florida Housing's scoring decision is erroneous for several reasons. Initially the original Application submitted by HTG on August 20, 2009, contained

Articles of Incorporation demonstrating that one of the purposes of the Non-Profit entity is to foster low income housing. The Articles of Amendment to Articles of Incorporation of Tab Development, Inc. dated February 23, 1998 (Attachment A) does "demonstrate that one of the purposes of the Non-Profit entity is to foster low income housing..." Indeed, Article II. Purposes Section A, as amended, reads as follows:

To act as catalyst for provision and development of services for the area with boundaries including Banyan Avenue, Palm Beach Lakes Boulevard and Tamarind and Rosemary Avenues; said services to include low income housing and social services.

In this passage, the phrase "development of services" includes "low income housing", specifically satisfying Florida Housing's requirements.

19. In order to properly interpret this paragraph, and in order to distill this sentence to its essence, simply strike the extraneous words and replace the word "services" with the phrase "low income housing". This does not change the meaning or intent of the paragraph.

To act as catalyst for provision and development of services** ~~for the area with boundaries including Banyan Avenue, Palm Beach Lakes Boulevard and Tamarind and Rosemary Avenues; said services to include~~ **low income housing and social services.

Accordingly, the sentence core is: *To act as catalyst for provision and development of low income housing.*

20. The essence of the phrase "act as a catalyst for provision and development of" is the same as the word "foster". All of these words are plain common

words being used in their normal manner. It should be clear that they do mean exactly and precisely the same thing. This language should have been properly interpreted by Florida Housing and deemed to constitute a demonstration "that one of the purposes of the Non-Profit entity is to foster low income housing". There is no requirement that only specific words must be used to satisfy this criteria.

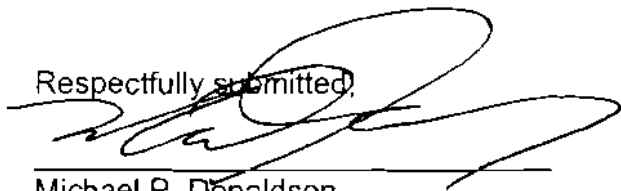
21. As additional background, it must be noted that Tab Development Inc. ("Tab") created the foregoing paragraph and amended its Articles on February 23, 1998, solely to qualify as a non-profit under Section 42 and under Florida Housing's existing rules. The paragraph at issue at Section 18, and submitted in the original application by HTG, was created in 1998 specifically and expressly to provide evidence to Florida Housing that the Non-Profit qualified as a Non-profit under Section 42 and under Florida Housing's own standards. At that time Tab undertook and successfully completed a LIHTC Development named The Rosemary. The requirement that a non-profit entity have as one of its purposes to "foster low income housing" is apparently the same in 2009 as it was 1998.

22. Additionally, as to the cure itself, Florida Housing indicates that because the cure, specifically the Amendment to the Articles of Incorporation, had not been filed with the Department of State there was no demonstration that one purpose of the non-profit entity was to foster low-income housing. However, as indicated by Articles of Amendment, the effective date of the revision is January 1, 2009. The amendment includes the specific language apparently required by Florida Housing. There is no requirement that in order to be effective for purposes of the Universal Cycle Application process the Amendment be filed with the Secretary of State Office by a date certain.

Indeed the application and rule requirement indicates that documentation must be provided. Verification and confirmation of this information is an underwriting issue pursuant to Rule 67-48.0072.

WHEREFORE, HTG requests that it be granted an administrative proceeding to contest Florida Housing's erroneous scoring decisions. To the extent there are disputed issues of fact, this matter should be forwarded to the Division of Administrative Hearings. Ultimately, HTG requests the entry of a Recommended and Final Order which finds that it has met threshold.

Respectfully submitted,

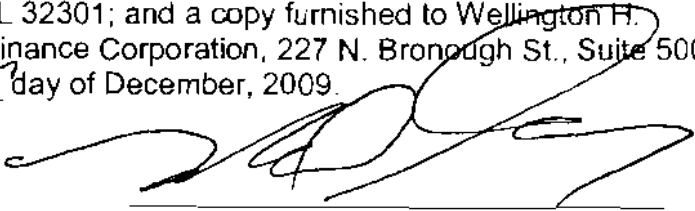


Michael P. Donaldson
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CARLTON FIELDS, P.A.
P.O. Drawer 190
215 S. Monroe St., Suite 500
Tallahassee, FL 32302
Telephone: (850) 224-1585
Facsimile: (850) 222-0398

Counsel for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed by Hand Delivery with the Agency Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301; and a copy furnished to Wellington H. Meffert, II, Esq., Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301, this 28th day of December, 2009.



MICHAEL P. DONALDSON

Exhibit 8

ATTACHMENT A

ARTICLES OF INCORPORATION
OF
TAB DEVELOPMENT, INC.

To form a corporation under and in accordance with the provisions of Chapter 617, Florida Statutes, for the formation of corporations not for profit, the undersigned does hereby organize and establish a corporation for the purposes, and with the powers hereinafter set forth, and to accomplish that objective, the undersigned does hereby make, adopt and subscribe these Articles of Incorporation, to wit:

ARTICLE I
NAME OF CORPORATION

The name of the corporation shall be:

TAB DEVELOPMENT, INC.

ARTICLE II
PURPOSES

The purposes for which the corporation is formed are:

(a) To act as a catalyst for the development of the area with boundaries including 8th and 10th Streets, Sapodilla Avenue and Douglass Avenue in West Palm Beach, Florida.

(b) The purposes of the corporation shall also include the performance of activities incidental to the furtherance of the corporation's stated purposes and permitted under the laws of the United States and the State of Florida.

(c) To conduct all activities permitted by a corporation under the laws of the State of Florida.

(d) No part of the revenues or income, if any, of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, directors or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office.

(e) The purposes for which the corporation is organized are exclusively religious, charitable, scientific, literary, and educational 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.

(f) Notwithstanding any other provision of these Articles, this corporation shall not carry on any activities not permitted to be carried on by an organization exempt from federal 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.

**ARTICLE III
ADDRESS**

The mailing address of the corporation is.

c/o Tabernacle Missionary Baptist Church
801 Eighth Street
West Palm Beach, Florida 33401

**ARTICLE IV
COMMENCEMENT OF EXISTENCE**

The existence of the corporation will commence upon the filing of these Articles of Incorporation.

**ARTICLE V
DURATION**

The period of duration of the corporation shall be perpetual.

**ARTICLE VI
TYPE OF CORPORATION**

The corporation shall be a corporation not for profit and shall have neither capital stock nor stockholders

**ARTICLE VII
MEETINGS**

The corporation shall be subject to the provisions of Section 617.0820, Florida Statutes.

ARTICLE VIII MEMBERSHIP

The authorized number and qualifications of members of the corporation, the different classes of membership, if any, the property, voting and other rights and privileges of members shall be set forth in the Bylaws.

ARTICLE IX BOARD OF DIRECTORS

(a) The affairs of the corporation shall be managed by a Board of Directors (the Board) consisting of eleven (11) members; provided that in no event shall the number of directors be less than three. If the number of directors determined as provided above shall ever be less than three, the remaining directors shall appoint temporary directors to act in that capacity until new members are elected to the Board. The Director to the corporation shall be determined by the Board of Trustees of Tabernacle Missionary Baptist Church.

(b) The name and address of each person who is to serve as an initial director of the corporation are set forth below:

<u>Name</u>	<u>Position</u>	<u>Address</u>
Ulysses Smith	Chair	801 Eighth Street West Palm Beach, Florida 33401
Delores K. Daniels	Secretary	801 Eighth Street West Palm Beach, Florida 33401
Annie Ruth Harrison	Treasurer	801 Eighth Street West Palm Beach, Florida 33401

The Board of Trustees for Tabernacle Missionary Baptist Church shall constitute the majority of members on the Board of Directors of the corporation.

ARTICLE X BYLAWS

The first Board of Directors of the corporation shall adopt bylaws consistent with these Articles of Incorporation. Thereafter, the bylaws may be altered or rescinded by the directors or the members in the manner provided by such bylaws.

ARTICLE XI
INITIAL REGISTERED AGENT

The street address of the initial registered agent of the corporation is c/o Mack, Williams, Haygood & McLean, P.A., 980 North Federal Highway, Suite 305, Boca Raton, Florida 33435, and the initial registered agent of the corporation at that address is Gerald A. Williams.

ARTICLE XII
INCORPORATOR

The name and street address of the incorporator is:

<u>Name</u>	<u>Address</u>
Gerald A. Williams	c/o Mack, Williams, Haygood & McLean, P.A. 980 North Federal Highway, Suite 305 Boca Raton, Florida 33435
Ulysses Smith	801 Eighth Street West Palm Beach, Florida 33401
Gerald D. Kisner	801 Eighth Street West Palm Beach, Florida 33401

ARTICLE XIII
DISTRIBUTION UPON DISSOLUTION

In the event of dissolution, the residual assets of the corporation will be turned over to one or more organizations which themselves are exempt as organizations described in Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or corresponding sections of any prior or future Internal Revenue Code, or to the federal, state or local government for exclusive public purpose

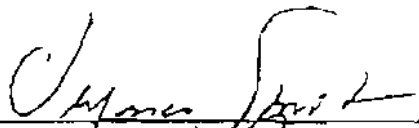
ARTICLE XIV
BYLAWS

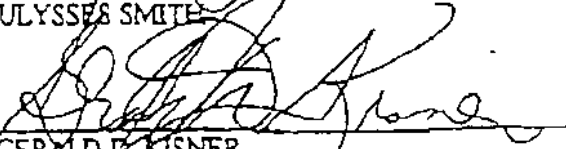
The power to adopt, alter, amend or repeal bylaws shall be vested in the Board of Directors and the members, provided that (a) notice of the proposed action relating to these Bylaws is included in the notice of the meeting, or is waived in writing by a majority of the directors or members as appropriate; (b) any such amendment that would adversely affect the rights of the owners of outstanding certificates or bonds issued in connection with a financing must be approved by the appropriate trustee; and (c) the Board of Directors may not amend or repeal any bylaw adopted by the members if the membership specifically provides that the bylaw is not subject to amendment or repeal by the directors.

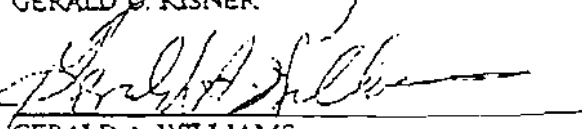
ARTICLE XV
AMENDMENT

The corporation reserves the right to alter, amend or repeal any provision contained in these Articles of Incorporation or any amendment thereto, by an affirmative vote of the majority of the total number of members of the Board of Directors at any regular or special meeting of the Board of Directors.

IN WITNESS WHEREOF, the undersigned incorporators have executed these Articles of Incorporation, this 31st day of May, 1996.



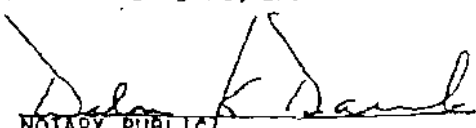
ULYSSES SMITH


GERALD D. KISNER


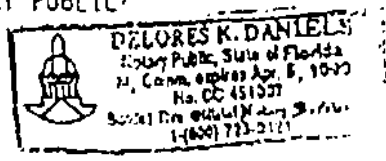
GERALD A. WILLIAMS

STATE OF FLORIDA
COUNTY OF PALM BEACH

PERSONALLY APPEARED before me, the undersigned authority, ULYSSES SMITH, GERALD D. KISNER, AND GERALD A. WILLIAMS, all personally by me, and who acknowledged that they executed the foregoing instrument.
DATED this 31st day of May, 1996.



NOTARY PUBLIC



ACKNOWLEDGMENT OF DESIGNATION AS AGENT
UPON WHOM MAY BE SERVED

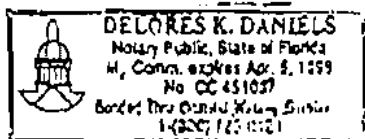
HAVING BEEN NAMED TO ACCEPT SERVICE OF PROCESS FOR ³TAB-
DEVELOPMENT, INC., AT THE PLACE DESIGNATED IN THESE ARTICLES OF
INCORPORATION, I HEREBY AGREE TO ACT IN THIS CAPACITY, AND I FURTHER
AGREE TO COMPLY WITH THE PROVISIONS OF ALL STATUTES RELATIVE TO THE
PROPER AND COMPLETE PERFORMANCE OF MY DUTIES, AND AM FAMILIAR WITH
AND ACCEPT THE OBLIGATIONS OF THAT POSITION.

By: *Gerald A. Williams*
GERALD A. WILLIAMS

Date: 5-31-96

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 31st day of May, 1996. Affiant
is personally known to me.

DeLores K. Daniels
NOTARY PUBLIC



ARTICLES OF AMENDMENT
to
ARTICLES OF INCORPORATION
of
TAB DEVELOPMENT, INC.

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Pursuant to the provisions of Section 617.1006, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following articles of amendment to its articles of incorporation.

FIRST: Amendments adopted:

(a) Amending Article II(f) as follows:

Notwithstanding any other provision of these Articles, this corporation shall not carry on any activities not permitted to be carried on by an organization exempt from federal income tax under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or the corresponding provision of any prior or future United States Internal Revenue law.

(b) Amending Article IX(a) as follows:

The affairs of the corporation shall be managed by a Board of Directors (the Board) consisting of not less than three (3) members and not more than twenty-one (21) members. ~~eleven (11) members, provided that in no event shall the number of directors be less than three.~~ If the number of directors determined as provided above shall ever be less than three, the remaining directors shall appoint temporary directors to act in that capacity until new members are elected to the Board. The Director to the corporation shall be determined by the Board of Trustees of Tabernacle Missionary Baptist Church.

(The underscored language is added; stricken language is deleted.)

SECOND: The date of adoption of the amendments was August 28, 1997.

THIRD: There are no members or members entitled to vote on the amendments. The amendments were adopted by the board of directors.

TAB DEVELOPMENT, INC.

By: [Signature]
Ulysses Smith, Chairman

Date: 8/28/97

ARTICLES OF AMENDMENT
to
ARTICLES OF INCORPORATION
of
TAB DEVELOPMENT, INC

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
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Pursuant to the provisions of Section 612.1006, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following articles of amendment to its articles of incorporation.

FIRST: Amendments adopted

(1) Amending Article II(a) as follows:

To act as catalyst for the provision and development of services for the area with boundaries including Bayview Avenue, Palm Beach Lakes Boulevard and Tamarind and Rosemary Avenues 8th and 10th Streets, Sapiedra Avenue and Douglas Avenue in West Palm Beach, Florida said services to include low-income housing and social services.

(The underscored language is added; strikethrough language is deleted.)

SECOND: The date of adoption of the amendments was February 24, 1998.

THIRD: There are no members or members entitled to vote on the amendments. The amendments were adopted by the board of directors.

TAB DEVELOPMENT, INC.

By: Ulysses Smith
Ulysses Smith, Chairman

Date: 2/23/98

Scoring Summary Report

File #: 2009-222C Development Name: Banyan Station

As Of:	Total Points	Met Threshold?	Ability to Proceed Tie-Breaker Points	Proximity Tie-Breaker Points
10/21/2009	70.00	N	5.00	7.50
Preliminary	70.00	N	6.00	7.50
NOPSE	70.00	N	5.00	7.50
Final				
Final-Ranking				

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Construction Features & Amenities									
1S	III	B	2.a	New Construction	9.00	9.00	9.00		
1S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9.00	0.00	0.00		
2S	III	B	2.c	All Developments Except SRO	12.00	12.00	12.00		
2S	III	B	2.d	SRO Developments	12.00	0.00	0.00		
3S	III	B	2.e	Energy Conservation Features	9.00	9.00	9.00		
4S	III	B	3	Green Building	5.00	5.00	5.00		
Set-Aside Commitment									
5S	III	E	1.b.(2)	Special Needs Households	4.00	4.00	4.00		
6S	III	E	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00		
7S	III	E	3	Affordability Period	5.00	5.00	5.00		
Resident Programs									
8S	III	F	1	Programs for Non-Elderly & Non-Homeless	6.00	6.00	6.00		
8S	III	F	2	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00		
8S	III	F	3	Programs for Elderly	6.00	0.00	0.00		
9S	III	F	4	Programs for All Applicants	8.00	8.00	8.00		
Local Government Contributions									
10S	IV	A		Contributions	5.00	5.00	5.00		
Local Government Incentives									
11S	IV	B		Incentives	4.00	4.00	4.00		

ATTACHMENT B

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	II	A	2.e	Non-Profit Applicant	The Applicant failed to qualify as a Non-Profit because the Articles of Incorporation provided in the Application do not demonstrate that one of the purposes of the non-profit entity is to foster low-income housing.	Preliminary	
2T	II	B	2	Management Agent	The Management Agent name listed on the Management Agent or Principal of Management Agent Certification form (Riverstone Residential Affordable, LLC) is inconsistent with the Management Agent's name on the Management Agent or principal of Management Agent Prior Experience Chart (Riverstone).	Preliminary	
3T	III	C	4	Zoning	The Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form states that the zoning designation for the proposed Development is QBD-3; however, evidence provided in a NOPSE suggests that the QBD-3 zoning designation does not allow developments with more than 3 stories. Because the proposed Development has a High-Rise Development Type, it is not clear that the Development meets zoning regulations.	NOPSE	

Ability To Proceed Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1A	III	C	1	Site Plan/Plat Approval	1.00	1.00	1.00		
2A	III	C	3.a	Availability of Electricity	1.00	1.00	1.00		
3A	III	C	3 b	Availability of Water	1.00	1.00	1.00		
4A	III	C	3.c	Availability of Sewer	1.00	1.00	1.00		
5A	III	C	3.d	Availability of Roads	1.00	1.00	1.00		
6A	III	C	4	Appropriately Zoned	1.00	1.00	0.00		

Reason(s) for Failure to Achieve Selected Ability To Proceed Tie-Breaker Points:

Item #	Reason(s)	Created As Result	Rescinded As Result
6A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for appropriate zoning and land use. See Item 3T above.	NOPSE	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.b.(2)(a)	Grocery Store	1.25	1.25	1.25		
2P	III	A	10.b.(2)(b)	Public School	1.25	1.25	1.25		
3P	III	A	10.b.(2)(c)	Medical Facility	1.25	0.00	0.00		
4P	III	A	10.b.(2)(d)	Pharmacy	1.25	0.00	0.00		
5P	III	A	10.b.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	1.25	1.25		
6P	III	A	10.c	Proximity to Development on FHFC Development Proximity List	3.75	3.75	3.75		
7P	III	A	10.a	Involvement of a PHA	7.50	0.00	0.00		

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	III	A	10	Proximity	The Applicant qualified for 3.75 automatic proximity points at 6P	Preliminary	

Brief Statement of Explanation regarding
Application 2009 – 222C

A new Exhibit 8 containing the Articles of Incorporation with the proper language is attached hereto.

ARTICLES OF AMENDMENT
to
ARTICLES OF INCORPORATION
of
TAB DEVELOPMENT, INC.

Pursuant to the provisions of Section 617.1006, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following articles of amendment to its articles of incorporation.

FIRST: Amendments adopted:

(a) Amending Article II: PURPOSES, by adding subsection (g) as follows:

(g) To foster low-income housing.

(The underscored language is added)

SECOND: This amendment shall be effective as of January 1, 2009.

THIRD: There are no members or members entitled to vote on the amendment. The amendment was adopted by the board of directors.

TAB DEVELOPMENT, INC

By: DGLORES K. DANIELS

Name: DGLORES K. DANIELS

Title: SECRETARY

Date: 11-01-09

ARTICLES OF INCORPORATION
OF
TAB DEVELOPMENT, INC.

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35 AUG -5
WEST PALM BEACH, FLA

To form a corporation under and in accordance with the provisions of Chapter 617, Florida Statutes, for the formation of corporations not for profit, the undersigned does hereby organize and establish a corporation for the purposes, and with the powers hereinafter set forth, and to accomplish that objective, the undersigned does hereby make, adopt and subscribe these Articles of Incorporation, to wit:

ARTICLE I
NAME OF CORPORATION

The name of the corporation shall be:

TAB DEVELOPMENT, INC.

ARTICLE II
PURPOSES

The purposes for which the corporation is formed are:

(a) To act as a catalyst for the development of the area with boundaries including 8th and 10th Streets, Sapodilla Avenue and Douglass Avenue in West Palm Beach, Florida

(b) The purposes of the corporation shall also include the performance of activities incidental to the furtherance of the corporation's stated purposes and permitted under the laws of the United States and the State of Florida.

(c) To conduct all activities permitted by a corporation under the laws of the State of Florida.

(d) No part of the revenues or income, if any, of the corporation shall inure to the benefit of, or be distributable to its, members, trustees, officers, directors or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office.

(e) The purposes for which the corporation is organized are exclusively religious, charitable, scientific, literary, and educational 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.

(f) Notwithstanding any other provision of these Articles, this corporation shall not carry on any activities not permitted to be carried on by an organization exempt from federal 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.

**ARTICLE III
ADDRESS**

The mailing address of the corporation is:

c/o Tabernacle Missionary Baptist Church
801 Eighth Street
West Palm Beach, Florida 33401

**ARTICLE IV
COMMENCEMENT OF EXISTENCE**

The existence of the corporation will commence upon the filing of these Articles of Incorporation.

**ARTICLE V
DURATION**

The period of duration of the corporation shall be perpetual.

**ARTICLE VI
TYPE OF CORPORATION**

The corporation shall be a corporation not for profit and shall have neither capital stock nor stockholders.

**ARTICLE VII
MEETINGS**

The corporation shall be subject to the provisions of Section 617.0820, Florida Statutes.

**ARTICLE VIII
MEMBERSHIP**

The authorized number and qualifications of members of the corporation, the different classes of membership, if any, the property, voting and other rights and privileges of members shall be set forth in the Bylaws.

**ARTICLE IX
BOARD OF DIRECTORS**

(a) The affairs of the corporation shall be managed by a Board of Directors (the Board) consisting of eleven (11) members; provided that in no event shall the number of directors be less than three. If the number of directors determined as provided above shall ever be less than three, the remaining directors shall appoint temporary directors to act in that capacity until new members are elected to the Board. The Director to the corporation shall be determined by the Board of Trustees of Tabernacle Missionary Baptist Church.

(b) The name and address of each person who is to serve as an initial director of the corporation are set forth below:

<u>Name</u>	<u>Position</u>	<u>Address</u>
Ulysses Smith	Chair	801 Eighth Street West Palm Beach, Florida 33401
Delores K. Daniels	Secretary	801 Eighth Street West Palm Beach, Florida 33401
Annie Ruth Harrison	Treasurer	801 Eighth Street West Palm Beach, Florida 33401

The Board of Trustees for Tabernacle Missionary Baptist Church shall constitute the majority of members on the Board of Directors of the corporation.

**ARTICLE X
BYLAWS**

The first Board of Directors of the corporation shall adopt bylaws consistent with these Articles of Incorporation. Thereafter, the bylaws may be altered or rescinded by the directors or the members in the manner provided by such bylaws.

**ARTICLE XI
INITIAL REGISTERED AGENT**

The street address of the initial registered agent of the corporation is c/o Mack, Williams, Haygood & McLean, P.A., 980 North Federal Highway, Suite 305, Boca Raton, Florida 33435, and the initial registered agent of the corporation at that address is Gerald A. Williams.

**ARTICLE XII
INCORPORATOR**

The name and street address of the incorporator is:

<u>Name</u>	<u>Address</u>
Gerald A. Williams	c/o Mack, Williams, Haygood & McLean, P.A. 980 North Federal Highway, Suite 305 Boca Raton, Florida 33435
Ulysses Smith	801 Eighth Street West Palm Beach, Florida 33401
Gerald D. Kisner	801 Eighth Street West Palm Beach, Florida 33401

**ARTICLE XIII
DISTRIBUTION UPON DISSOLUTION**

In the event of dissolution, the residual assets of the corporation will be turned over to one or more organizations which themselves are exempt as organizations described in Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or corresponding sections of any prior or future Internal Revenue Code, or to the federal, state or local government for exclusive public purpose.

ARTICLE XIV
BYLAWS

The power to adopt, alter, amend or repeal bylaws shall be vested in the Board of Directors and the members, provided that (a) notice of the proposed action relating to these Bylaws is included in the notice of the meeting, or is waived in writing by a majority of the directors or members as appropriate; (b) any such amendment that would adversely affect the rights of the owners of outstanding certificates or bonds issued in connection with a financing must be approved by the appropriate trustee; and (c) the Board of Directors may not amend or repeal any bylaw adopted by the members if the membership specifically provides that the bylaw is not subject to amendment or repeal by the directors.

ARTICLE XV
AMENDMENT

The corporation reserves the right to alter, amend or repeal any provision contained in these Articles of Incorporation or any amendment thereto, by an affirmative vote of the majority of the total number of members of the Board of Directors at any regular or special meeting of the Board of Directors.

IN WITNESS WHEREOF, the undersigned incorporators have executed these Articles of Incorporation, this 31st day of May, 1996.



ULYSSES SMITH



GERALD D. KISNER



GERALD A. WILLIAMS

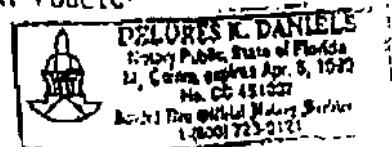
STATE OF FLORIDA

COUNTY OF PALM BEACH

PERSONALLY APPEARED before me, the undersigned authority, ULYSSES SMITH, GERALD D. KISNER, AND GERALD A. WILLIAMS, all personally by me, and who acknowledged that they executed the foregoing instrument.
DATED this 31st day of May, 1996.



5 NOTARY PUBLIC



ACKNOWLEDGMENT OF DESIGNATION AS AGENT
UPON WHOM MAY BE SERVED

HAVING BEEN NAMED TO ACCEPT SERVICE OF PROCESS FOR STAB.
DEVELOPMENT, INC., AT THE PLACE DESIGNATED IN THESE ARTICLES OF
INCORPORATION, I HEREBY AGREE TO ACT IN THIS CAPACITY, AND I FURTHER
AGREE TO COMPLY WITH THE PROVISIONS OF ALL STATUTES RELATIVE TO THE
PROPER AND COMPLETE PERFORMANCE OF MY DUTIES, AND AM FAMILIAR WITH
AND ACCEPT THE OBLIGATIONS OF THAT POSITION.

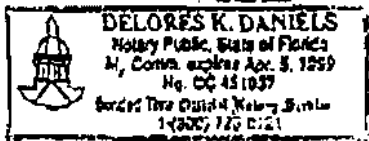
FILED
MAY 31 10 31
NOTARY PUBLIC
STATE OF FLORIDA

By: *Gerald A. Williams*
GERALD A. WILLIAMS

Date: 5-31-96

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 31st day of May, 1996. Affiant
is personally known to me.

DeLore K. Daniels
NOTARY PUBLIC



ARTICLES OF AMENDMENT
to
ARTICLES OF INCORPORATION
of
TAB DEVELOPMENT, INC.

FILED
97 NOV 17 AM 10:33
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Pursuant to the provisions of Section 617.1006, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following articles of amendment to its articles of incorporation.

FIRST: Amendments adopted:

(a) Amending Article II(f) as follows:

Notwithstanding any other provision of these Articles, this corporation shall not carry on any activities not permitted to be carried on by an organization exempt from federal income tax under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or the corresponding provision of any prior or future United States Internal Revenue law.

(b) Amending Article IX(a) as follows:

The affairs of the corporation shall be managed by a Board of Directors (the Board) consisting of not less than three (3) members and not more than twenty-one (21) members—~~eleven (11) members~~; ~~provided that in no event shall the number of directors be less than three.~~ If the number of directors determined as provided above shall ever be less than three, the remaining directors shall appoint temporary directors to act in that capacity until new members are elected to the Board. The Director to the corporation shall be determined by the Board of Trustees of Tabernacle Missionary Baptist Church.

(The underscored language is added; stricken language is deleted.)

SECOND: The date of adoption of the amendments was August 28, 1997.

THIRD: There are no members or members entitled to vote on the amendments. The amendments were adopted by the board of directors.

TAB DEVELOPMENT, INC.

By: [Signature]
Ulysses Smith, Chairman

Date: 8/28/97

ARTICLES OF AMENDMENT
to
ARTICLES OF INCORPORATION
of
TAB DEVELOPMENT, INC.

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
98 FEB 26 PM 6:30

Pursuant to the provisions of Section 817.1006, Florida Statute, the undersigned Florida nonprofit corporation adopts the following articles of amendment to its articles of incorporation.

FIRST: Amendments adopted:

(1) Amending Article II(a) as follows:

To act as catalyst for the provision and development of services for the area with boundaries including Bayman Avenue, Palm Beach Lakes Boulevard and Tamwood and Rosemary Avenues, 8th and 10th Streets, Sapida Avenue and Douglas Avenue in West Palm Beach, Florida; said services to include low-income housing and social services.

(The underlined language is added; stricken language is deleted.)

SECOND: The date of adoption of the amendments was February 24, 1998.

THIRD: There are no members or members entitled to vote on the amendments. The amendments were adopted by the board of directors.

TAB DEVELOPMENT, INC.

By: Ulysses Smith
Ulysses Smith, Chairman

Date: 2/23/98

ARTICLES OF AMENDMENT
to
ARTICLES OF INCORPORATION
of
TAB DEVELOPMENT, INC.

Pursuant to the provisions of Section 617.1006, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following articles of amendment to its articles of incorporation.

FIRST: Amendments adopted:

(a) Amending Article II: PURPOSES, by adding subsection (g) as follows:

(g) To foster low-income housing.

(The underscored language is added)

SECOND: This amendment shall be effective as of January 1, 2009.

THIRD: There are no members or members entitled to vote on the amendment. The amendment was adopted by the board of directors.

TAB DEVELOPMENT, INC

By: Delores K Daniels

Name: DELORES K DANIELS

Title: SECRETARY

Date: 11-01-09

ARTICLES OF INCORPORATION
OF
TAB DEVELOPMENT, INC.

RECORDED
25 AUG -5
FILED

To form a corporation under and in accordance with the provisions of Chapter 617, Florida Statutes, for the formation of corporations not for profit, the undersigned does hereby organize and establish a corporation for the purposes, and with the powers hereinafter set forth, and to accomplish that objective, the undersigned does hereby make, adopt and subscribe these Articles of Incorporation, to wit:

ARTICLE I
NAME OF CORPORATION

The name of the corporation shall be:

TAB DEVELOPMENT, INC.

ARTICLE II
PURPOSES

The purposes for which the corporation is formed are:

(a) To act as a catalyst for the development of the area with boundaries including 8th and 10th Streets, Sapodilla Avenue and Douglass Avenue in West Palm Beach, Florida.

(b) The purposes of the corporation shall also include the performance of activities incidental to the furtherance of the corporation's stated purposes and permitted under the laws of the United States and the State of Florida.

(c) To conduct all activities permitted by a corporation under the laws of the State of Florida.

(d) No part of the revenues or income, if any, of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, directors or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office.

(e) The purposes for which the corporation is organized are exclusively religious, charitable, scientific, literary, and educational 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.

(f) Notwithstanding any other provision of these Articles, this corporation shall not carry on any activities not permitted to be carried on by an organization exempt from federal 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.

**ARTICLE III
ADDRESS**

The mailing address of the corporation is:

c/o Tabernacle Missionary Baptist Church
801 Eighth Street
West Palm Beach, Florida 33401

**ARTICLE IV
COMMENCEMENT OF EXISTENCE**

The existence of the corporation will commence upon the filing of these Articles of Incorporation.

**ARTICLE V
DURATION**

The period of duration of the corporation shall be perpetual.

**ARTICLE VI
TYPE OF CORPORATION**

The corporation shall be a corporation not for profit and shall have neither capital stock nor stockholders.

**ARTICLE VII
MEETINGS**

The corporation shall be subject to the provisions of Section 617.0820, Florida Statutes.

**ARTICLE VII
MEMBERSHIP**

The authorized number and qualifications of members of the corporation, the different classes of membership, if any, the property, voting and other rights and privileges of members shall be set forth in the Bylaws.

**ARTICLE IX
BOARD OF DIRECTORS**

(a) The affairs of the corporation shall be managed by a Board of Directors (the Board) consisting of eleven (11) members; provided that in no event shall the number of directors be less than three. If the number of directors determined as provided above shall ever be less than three, the remaining directors shall appoint temporary directors to act in that capacity until new members are elected to the Board. The Director to the corporation shall be determined by the Board of Trustees of Tabernacle Missionary Baptist Church.

(b) The name and address of each person who is to serve as an initial director of the corporation are set forth below:

<u>Name</u>	<u>Position</u>	<u>Address</u>
Ulysses Smith	Chair	801 Eighth Street West Palm Beach, Florida 33401
Delores K. Daniels	Secretary	801 Eighth Street West Palm Beach, Florida 33401
Annie Ruth Harrison	Treasurer	801 Eighth Street West Palm Beach, Florida 33401

The Board of Trustees for Tabernacle Missionary Baptist Church shall constitute the majority of members on the Board of Directors of the corporation.

**ARTICLE X
BYLAWS**

The first Board of Directors of the corporation shall adopt bylaws consistent with these Articles of Incorporation. Thereafter, the bylaws may be altered or rescinded by the directors or the members in the manner provided by such bylaws.

**ARTICLE XI
INITIAL REGISTERED AGENT**

The street address of the initial registered agent of the corporation is c/o Mack, Williams, Haygood & McLean, P.A., 980 North Federal Highway, Suite 305, Boca Raton, Florida 33435, and the initial registered agent of the corporation at that address is Gerald A. Williams.

**ARTICLE XII
INCORPORATOR**

The name and street address of the incorporator is:

<u>Name</u>	<u>Address</u>
Gerald A. Williams	c/o Mack, Williams, Haygood & McLean, P.A. 980 North Federal Highway, Suite 305 Boca Raton, Florida 33435
Ulysses Smith	801 Eighth Street West Palm Beach, Florida 33401
Gerald D. Kjsner	801 Eighth Street West Palm Beach, Florida 33401

**ARTICLE XIII
DISTRIBUTION UPON DISSOLUTION**

In the event of dissolution, the residual assets of the corporation will be turned over to one or more organizations which themselves are exempt as organizations described in Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or corresponding sections of any prior or future Internal Revenue Code, or to the federal, state or local government for exclusive public purpose.

ARTICLE XIV
BYLAWS

The power to adopt, alter, amend or repeal bylaws shall be vested in the Board of Directors and the members, provided that (a) notice of the proposed action relating to these Bylaws is included in the notice of the meeting, or is waived in writing by a majority of the directors or members as appropriate; (b) any such amendment that would adversely affect the rights of the owners of outstanding certificates or bonds issued in connection with a financing must be approved by the appropriate trustee; and (c) the Board of Directors may not amend or repeal any bylaw adopted by the members if the membership specifically provides that the bylaw is not subject to amendment or repeal by the directors.


ARTICLE XV
AMENDMENT

The corporation reserves the right to alter, amend or repeal any provision contained in these Articles of Incorporation or any amendment thereto, by an affirmative vote of the majority of the total number of members of the Board of Directors at any regular or special meeting of the Board of Directors.

IN WITNESS WHEREOF, the undersigned incorporators have executed these Articles of Incorporation, this 31st day of May, 1996.



ULYSSES SMITH



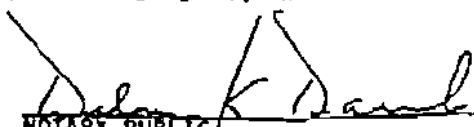
GERALD O. KISNER



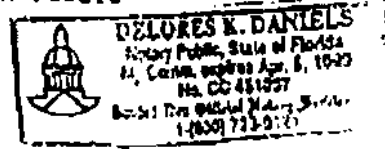
GERALD A. WILLIAMS

STATE OF FLORIDA
COUNTY OF PALM BEACH

PERSONALLY APPEARED before me, the undersigned authority, ULYSSES SMITH, GERALD O. KISNER, AND GERALD A. WILLIAMS, all personally by me, and who acknowledged that they executed the foregoing instrument.
DATED this 31st day of May, 1996.

5 

NOTARY PUBLIC



**ACKNOWLEDGMENT OF DESIGNATION AS AGENT
UPON WHOM MAY BE SERVED**

HAVING BEEN NAMED TO ACCEPT SERVICE OF PROCESS FOR TAB-
DEVELOPMENT, INC., AT THE PLACE DESIGNATED IN THESE ARTICLES OF
INCORPORATION, I HEREBY AGREE TO ACT IN THIS CAPACITY, AND I FURTHER
AGREE TO COMPLY WITH THE PROVISIONS OF ALL STATUTES RELATIVE TO THE
PROPER AND COMPLETE PERFORMANCE OF MY DUTIES, AND AM FAMILIAR WITH
AND ACCEPT THE OBLIGATIONS OF THAT POSITION.

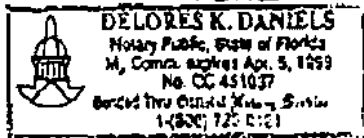
FILED
MAY 31 1996
TALLAHASSEE, FLORIDA

By: *Gerald A. Williams*
GERALD A. WILLIAMS

Date: 5-31-96

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 31st day of May, 1996. Affiant
is personally known to me.

DeLores K. Daniels
NOTARY PUBLIC



ARTICLES OF AMENDMENT
to
ARTICLES OF INCORPORATION
of
TAB DEVELOPMENT, INC.

FILED
07 NOV 17 AM 10:33
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Pursuant to the provisions of Section 617.1006, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following articles of amendment to its articles of incorporation.

FIRST: Amendments adopted:

(a) Amending Article II(f) as follows:

Notwithstanding any other provision of these Articles, this corporation shall not carry on any activities not permitted to be carried on by an organization exempt from federal income tax under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or the corresponding provision of any prior or future United States Internal Revenue law.

(b) Amending Article IX(a) as follows:

The affairs of the corporation shall be managed by a Board of Directors (the Board) consisting of not less than three (3) members and not more than twenty-one (21) members ~~eleven (11) members~~; ~~provided that in no event shall the number of directors be less than three.~~ If the number of directors determined as provided above shall ever be less than three, the remaining directors shall appoint temporary directors to act in that capacity until new members are elected to the Board. The Director to the corporation shall be determined by the Board of Trustees of Tabernacle Missionary Baptist Church.

(The underscored language is added, stricken language is deleted)

SECOND: The date of adoption of the amendments was August 28, 1997.

THIRD: There are no members or members entitled to vote on the amendments. The amendments were adopted by the board of directors.

TAB DEVELOPMENT, INC.

By:


Ulysses Smith, Chairman

Date:

8/28/97

ARTICLES OF AMENDMENT
to
ARTICLES OF INCORPORATION
of
TAB DEVELOPMENT, INC.

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
98 FEB 26 PM 4:28

Pursuant to the provisions of Section 612.1006, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following articles of amendment to its articles of incorporation.

FIRST: Amendments adopted:

(a) Amending Article II(a) as follows:

To act as catalyst for the provision and development of services for the area with boundaries including Barran Avenue, Palm Beach Lakes Boulevard and Tarrington and Rossmore Avenues, 9th and 10th Streets, Sappelle Avenue and Douglas Avenue in West Palm Beach, Florida; said services to include low-income housing and social services.

(The underscored language is added; stricken language is deleted.)

SECOND: The date of adoption of the amendments was February 24, 1998.

THIRD: There are no members or members entitled to vote on the amendments. The amendments were adopted by the board of directors.

TAB DEVELOPMENT, INC.

By: Ulysses Smith
Ulysses Smith, Chairman

Date: 2/23/98

Scoring Summary Report

File #: 2009-222C Development Name: Banyan Station

As Of:	Total Points	Met Threshold?	Ability to Proceed Tie-Breaker Points	Proximity Tie-Breaker Points
10/21/2009	70.00	N	5.00	7.50
Preliminary	70.00	N	6.00	7.50
NOPSE	70.00	N	5.00	7.50
Final				
Final-Ranking				

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Construction Features & Amenities									
1S	III	B	2.a	New Construction	9.00	9.00	9.00		
1S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9.00	0.00	0.00		
2S	III	B	2.c	All Developments Except SRO	12.00	12.00	12.00		
2S	III	B	2.d	SRO Developments	12.00	0.00	0.00		
3S	III	B	2.e	Energy Conservation Features	9.00	9.00	9.00		
4S	III	B	3	Green Building	5.00	5.00	5.00		
Set-Aside Commitment									
5S	III	E	1.h.(2)	Special Needs Households	4.00	4.00	4.00		
6S	III	E	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00		
7S	III	E	3	Affordability Period	5.00	5.00	5.00		
Resident Programs									
8S	III	F	1	Programs for Non-Elderly & Non-Homeless	6.00	6.00	6.00		
8S	III	F	2	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00		
8S	III	F	3	Programs for Elderly	6.00	0.00	0.00		
9S	III	F	4	Programs for All Applicants	8.00	8.00	8.00		
Local Government Contributions									
10S	IV	A		Contributions	5.00	5.00	5.00		
Local Government Incentives									
11S	IV	B		Incentives	4.00	4.00	4.00		

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	II	A	2.e	Non-Profit Applicant	The Applicant failed to qualify as a Non-Profit because the Articles of Incorporation provided in the Application do not demonstrate that one of the purposes of the non-profit entity is to foster low-income housing.	Preliminary	
2T	II	B	2	Management Agent	The Management Agent name listed on the Management Agent or Principal of Management Agent Certification form (Riverstone Residential Affordable, LLC) is inconsistent with the Management Agent's name on the Management Agent or principal of Management Agent Prior Experience Chart (Riverstone).	Preliminary	
3T	III	C	4	Zoning	The Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form states that the zoning designation for the proposed Development is QBD-3; however, evidence provided in a NOPSE suggests that the QBD-3 zoning designation does not allow developments with more than 3 stories. Because the proposed Development has a High-Rise Development Type, it is not clear that the Development meets zoning regulations.	NOPSE	

Ability To Proceed Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1A	III	C	1	Site Plan/Plat Approval	1.00	1.00	1.00		
2A	III	C	3.a	Availability of Electricity	1.00	1.00	1.00		
3A	III	C	3 b	Availability of Water	1.00	1.00	1.00		
4A	III	C	3.c	Availability of Sewer	1.00	1.00	1.00		
5A	III	C	3.d	Availability of Roads	1.00	1.00	1.00		
6A	III	C	4	Appropriately Zoned	1.00	1.00	0.00		

Reason(s) for Failure to Achieve Selected Ability To Proceed Tie-Breaker Points:

Item #	Reason(s)	Created As Result	Rescinded As Result
6A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for appropriate zoning and land use. See Item 3T above	NOPSE	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.b.(2) (a)	Grocery Store	1.25	1.25	1.25		
2P	III	A	10.b.(2) (b)	Public School	1.25	1.25	1.25		
3P	III	A	10.b.(2) (c)	Medical Facility	1.25	0.00	0.00		
4P	III	A	10.b.(2) (d)	Pharmacy	1.25	0.00	0.00		
5P	III	A	10.b.(2) (e)	Public Bus Stop or Metro-Rail Stop	1.25	1.25	1.25		
6P	III	A	10.c	Proximity to Development on FHFC Development Proximity List	3.75	3.75	3.75		
7P	III	A	10.a	Involvement of a PHA	7.50	0.00	0.00		

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	III	A	10	Proximity	The Applicant qualified for 3.75 automatic proximity points at 6P.	Preliminary	

Scoring Summary Report

File #: 2009-222C Development Name: Banyan Station

As Of:	Total Points	Met Threshold?	Ability to Proceed Tie-Breaker Points	Proximity Tie-Breaker Points
12/02/2009	70.00	N	6.00	7.50
Preliminary	70.00	N	6.00	7.50
NOPSE	70.00	N	5.00	7.50
Final	70.00	N	6.00	7.50
Final-Ranking				

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Construction Features & Amenities									
1S	III	B	2.a	New Construction	9.00	9.00	9.00	9.00	
1S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9.00	0.00	0.00	0.00	
2S	III	B	2.c	All Developments Except SRO	12.00	12.00	12.00	12.00	
2S	III	B	2.d	SRO Developments	12.00	0.00	0.00	0.00	
3S	III	B	2.e	Energy Conservation Features	9.00	9.00	9.00	9.00	
4S	III	B	3	Green Building	5.00	5.00	5.00	5.00	
Set-Aside Commitment									
5S	III	E	1.b.(2)	Special Needs Households	4.00	4.00	4.00	4.00	
6S	III	E	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	
7S	III	E	3	Affordability Period	5.00	5.00	5.00	5.00	
Resident Programs									
8S	III	F	1	Programs for Non-Elderly & Non-Homeless	6.00	6.00	6.00	6.00	
8S	III	F	2	Programs for Homeless (SRO & Non-SRO)	5.00	0.00	0.00	0.00	
8S	III	F	3	Programs for Elderly	6.00	0.00	0.00	0.00	
9S	III	F	4	Programs for All Applicants	8.00	8.00	8.00	8.00	
Local Government Contributions									
10S	IV	A		Contributions	5.00	5.00	5.00	5.00	
Local Government Incentives									
11S	IV	B		Incentives	4.00	4.00	4.00	4.00	

ATTACHMENT D

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	II	A	2.e	Non-Profit Applicant	The Applicant failed to qualify as a Non-Profit because the Articles of Incorporation provided in the Application do not demonstrate that one of the purposes of the non-profit entity is to foster low-income housing.	Preliminary	
2T	II	B	2	Management Agent	The Management Agent name listed on the Management Agent or Principal of Management Agent Certification form (Riverstone Residential Affordable, LLC) is inconsistent with the Management Agent's name on the Management Agent or principal of Management Agent Prior Experience Chart (Riverstone).	Preliminary	Final
3T	III	C	4	Zoning	The Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form states that the zoning designation for the proposed Development is QBD-3; however, evidence provided in a NOPSE suggests that the QBD-3 zoning designation does not allow developments with more than 3 stories. Because the proposed Development has a High-Rise Development Type, it is not clear that the Development meets zoning regulations.	NOPSE	Final

Ability To Proceed Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1A	III	C	1	Site Plan/Plat Approval	1.00	1.00	1.00	1.00	
2A	III	C	3.a	Availability of Electricity	1.00	1.00	1.00	1.00	
3A	III	C	3.b	Availability of Water	1.00	1.00	1.00	1.00	
4A	III	C	3.c	Availability of Sewer	1.00	1.00	1.00	1.00	
5A	III	C	3.d	Availability of Roads	1.00	1.00	1.00	1.00	
6A	III	C	4	Appropriately Zoned	1.00	1.00	0.00	1.00	

Reason(s) for Failure to Achieve Selected Ability To Proceed Tie-Breaker Points:

Item #	Reason(s)	Created As Result	Rescinded As Result
6A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for appropriate zoning and land use. See Item 3T above	NOPSE	Final

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.b.(2) (a)	Grocery Store	1.25	1.25	1.25	1.25	
2P	III	A	10.b.(2) (b)	Public School	1.25	1.25	1.25	1.25	
3P	III	A	10.b.(2) (c)	Medical Facility	1.25	0.00	0.00	0.00	
4P	III	A	10.b.(2) (d)	Pharmacy	1.25	0.00	0.00	0.00	
5P	III	A	10.b.(2) (e)	Public Bus Stop or Metro-Rail Stop	1.25	1.25	1.25	1.25	
6P	III	A	10.c	Proximity to Development on FHFC Development Proximity List	3.75	3.75	3.75	3.75	
7P	III	A	10.a	Involvement of a PHA	7.50	0.00	0.00	0.00	

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	III	A	10	Proximity	The Applicant qualified for 3.75 automatic proximity points at 6P.	Preliminary	
2C	II	A	2 e	Non-Profit Applicant	In an attempt to cure Item 1T, the Applicant submitted an Amendment to the Articles of Incorporation which added the following purpose, "(g) To foster low-income housing". The amendment is executed; however, a NOAD demonstrates that the amendment has not been filed with the Department of the State. Therefore, the Articles of Incorporation still do not demonstrate that one of the purposes of the non-profit entity is to foster low-income housing and the Applicant fails to qualify as a Non-Profit.	Final	

ELECTION OF RIGHTS

Application Number: 2009- 222C Development Name: Banyan Station

- 1. I do not desire a proceeding.
- 2. I elect an informal proceeding to be conducted in accordance with Sections 120.569 and 120.57(2), Florida Statutes. In this regard I desire to (Choose one):

submit a written statement and documentary evidence: or

attend an informal hearing to be held in Tallahassee.

Note: Rule 28-106.301, Florida Administrative Code, requires Applicant to submit a petition in a prescribed format. (attached)

- 3. I elect a formal proceeding at the Division of Administrative Hearings. This option is available only if there are disputed issues of material fact.

Note. Applicant must submit an appropriate petition in accordance with Rule 28-106.201, Florida Administrative Code. (attached)

Following are my top four preferences, in order from 1-4 (with 1 being my first choice, etc.) for scheduling my informal hearing. All formal hearings will be scheduled by the Division of Administrative Hearings.

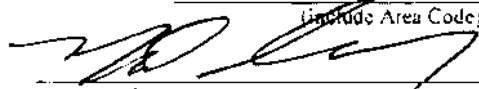
Hearing Dates:	A.M.	P.M.
January 12, 2010		
January 13, 2010		4

Hearing Dates:	A.M.	P.M.
January 14, 2010	2	3
January 15, 2010	1	

Matters heard after these dates will likely not be funded in the current Application Cycle.

Please fax a Hearing Schedule to me at this number: 850-222-0398
(include Area Code)

DATE: 12/26/09



Signature of Petitioner

Name: Michael Donald

Address: 215 S. Monroe Street

Suite 500, Tallahassee, FL

Phone: 850-224-1585
(include Area Code)

TO PRESERVE YOUR RIGHT TO A PROCEEDING, YOU MUST RETURN THIS FORM WITHIN TWENTY-ONE (21) CALENDAR DAYS OF RECEIPT OF THIS NOTICE. THE FORM MUST BE RETURNED TO THE FLORIDA HOUSING FINANCE CORPORATION AT THE ADDRESS INDICATED IN THE NOTICE OF RIGHTS. TO FACILITATE THE SCHEDULING OF HEARINGS, THIS FORM MAY BE SUBMITTED PRIOR TO FILING A PETITION.