

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

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FLORIDA HOUSING
FINANCE CORPORATION

HERITAGE VILLAGE COMMONS, LTD.,

Petitioner,

vs.

Case No: 2012-013UC

FHFC Applic. #2011-055C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____ /

**PETITION FOR
INFORMAL ADMINISTRATIVE PROCEEDING**

Petitioner, HERITAGE VILLAGE COMMONS, LTD. (“Heritage Village”), pursuant to Sections 120.569 and 120.57(2), Florida Statutes, and Rules 28-106.301 and 67-48.005(2), Florida Administrative Code (“F.A.C.”), hereby requests an informal administrative proceeding to challenge the incorrect scoring of its application for tax credit funding in the 2011 Universal Cycle by Respondent, the FLORIDA HOUSING FINANCE CORPORATION (“FHFC”). Specifically, FHFC erred in rejecting the Heritage Village Application due to an alleged “threshold failure” involving the project’s Developer, thereby removing the Application from further funding consideration and materially and adversely affecting the substantial interests of Heritage Village. In support of its Petition, Heritage Village states as follows:

1. The name and address of the agency affected by this action are:

Florida Housing Finance Corporation
City Center Building, Suite 5000
227 N. Bronough Street
Tallahassee, Florida 32301-1329

2. The address and telephone number of the Petitioner are:

Heritage Village Commons, Ltd.
1275 Lake Heathrow Lane, Suite 115
Heathrow, FL 32746
Telephone No. (407) 333-3233

3. The name, address, telephone number, and fax number of the Petitioner's attorney, which shall be the Petitioner's address for service purposes during the course of this proceeding, are:

Warren Husband
Metz, Husband & Daughton, P.A.
P.O. Box 10909
Tallahassee, Florida 32302-2909
Telephone No. (850) 205-9000
Facsimile No. (850) 205-9001

The Low-Income Housing Tax Credit Program

4. 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 help facilitate private development of 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.

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 construct and operate specific multi-family housing projects. The applicant entity then sells 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 below-market-rate rents that are affordable to low-income and very-low-income tenants.

6. Pursuant to section 420.5099, Florida Statutes, FHFC is the designated “housing credit agency” for the State of Florida and administers Florida’s low-income housing tax credit program. Through this program, FHFC allocates Florida’s annual fixed pool of federal tax credits to developers of affordable housing.¹

¹ FHFC is a public corporation created by law in section 420.504, Florida Statutes, to provide and promote the financing of affordable housing and related facilities in Florida. FHFC is an “agency” as defined in section 120.52(1), Florida Statutes, and is therefore subject to the provisions of Chapter 120, Florida Statutes.

The 2011 Universal Application Cycle

7. Because FHFC's available pool of funding each year is limited, proposed affordable housing projects must compete for this financing. To assess the relative merits of proposed developments, FHFC has established a competitive application process pursuant to Chapter 67-48, F.A.C. As set forth in Rules 67-48.002-.005, F.A.C., FHFC's application process for 2011 consisted of the following:

- a. the publication and adoption by rule of a "Universal Application Package," which applicants use to apply for a variety of FHFC-administered funding programs, including federal tax credits and SAIL loans;
- b. the completion and submission of applications by developers;
- c. FHFC's preliminary scoring of applications;
- d. an initial round of administrative challenges in which an applicant may take issue with FHFC's scoring of another application by filing a Notice of Possible Scoring Error ("NOPSE");
- e. FHFC's consideration of the NOPSE's submitted, with notice to applicants of any resulting change in their scores;
- f. an opportunity for the applicant to submit additional materials to FHFC 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. FHFC's consideration of the NOAD's submitted, with notice to applicants of any resulting change in their scores;
- i. an opportunity for an applicant to challenge, via informal or formal administrative proceedings, FHFC's evaluation of any item in their own application for which the applicant received less than the maximum score;
- j. final scores, ranking, and allocation of tax credit funding to applicants, adopted through final orders; and
- k. an opportunity for applicants to challenge, via informal or formal administrative proceedings, FHFC's final scoring and ranking of competing applications where such scoring and ranking resulted in a denial of FHFC funding to the challenger.

8. On or about December 6, 2011, numerous applications were submitted to FHFC seeking tax credit funding. Heritage Village (FHFC Applic. #2011-055C) applied for \$1,510,000 in annual tax credits to help finance the development of its project, a 120-unit apartment complex for seniors in Longwood, Seminole County, Florida. Heritage Village committed 90% of its project to serving elderly residents earning 60% or less of the area median income ("AMI"), with the remaining 10% dedicated to elderly residents earning 33% or less of AMI.

9. In its preliminary scoring, FHFC awarded Heritage Village the maximum score of 79 points, but determined that the Application failed a threshold requirement regarding disclosure of the Principals of its Applicant and Developer, stating as follows:

The Applicant failed to identify the manager(s) or member manager(s) of Heritage Village Commons, LLC, the general partner of the Applicant entity.

The Applicant failed to identify the officers and directors of the Developer entity Heritage Village Developer, Inc.

See Appendix A (FHFC Scoring Summary, Items 1T and 2T (respectively)).

10. The relevant Application Instructions cited by FHFC in its Scoring Summary for these two items – Part II.A.3 (p. 6) – states as follows:

3. Principals for the Applicant and for each Developer.

c. . . . [P]rovide a list, as of Application Deadline, of the following: (i) the Principals of the Applicant, including percentage of ownership interest of each, and (ii) the Principals for each Developer. Provide this information behind a tab labeled “Exhibit 9”.²

11. In response to FHFC’s preliminary scoring, Heritage Village included in its cure materials a revised Exhibit 9, identifying the requested Principals of the Applicant (Heritage Village) and its Developer as of the Application Deadline – December 6, 2011. *See Appendix B.*

² “Principal” is defined by FHFC to mean “(i) any general partner of an Applicant or Developer, any limited partner of an Applicant or Developer, any manager or member of an Applicant or Developer, any officer, director or shareholder of an Applicant or Developer, (ii) any officer, director, shareholder, manager, member, general partner or limited partner of any general partner or limited partner of an Applicant or Developer, (iii) any officer, director, shareholder, manager, member, general partner or limited partner of any manager or member of an Applicant or Developer, and (iv) any officer, director, shareholder, manager, member, general partner or limited partner of any shareholder of an Applicant or Developer.” *Rule 67-48.002(91), F.A.C.*

12. In this revised Exhibit 9, Heritage Village made clear that its Developer (Heritage Village Developer, Inc.) was not formally incorporated until February 8, 2012. On the Application Deadline (December 6, 2011), the Developer had an agreed-upon name and ownership structure, but no officers or directors had been designated. *See Appendix B.* Notably, while FHFC expressly directs in Part II.A.2.c. of its Application Instructions (p. 4) that every “Applicant must be a legally formed entity . . . qualified to do business in the state of Florida as of the Application Deadline,” FHFC imposes no such express requirement for Developers.

13. Nevertheless, while FHFC accepted the revised Exhibit 9 and removed the threshold failure regarding the Applicant, FHFC rejected this cure as to the Developer, stating as follows:

Based on information provided in the Applicant’s cure for item 2T and in NOADs, the Developer entity listed in the Application and on revised Exhibit 9 was not incorporated until February 8, 2012, and therefore did not exist as of Application Deadline. As a result, the Applicant failed to include and correctly identify the Developer as of Application Deadline as required by the applicable instructions and subsection 67-48.004(14), FAC, which lists the identity of the Developer among the non-curable “items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline.” Because the Applicant’s failure to include and correctly identify the Developer as of Application Deadline is not curable, revised Exhibit 9 must be rejected as it relates to the Developer entity.

*See Appendix A (Scoring Summary, Item 4T).*³

14. In doing so, FHFC continues to cross-reference in its Scoring Summary the same portion of the Application Instructions – Part II.A.3 – that it initially cited as grounds for the threshold failure. Again, Part II.A.3. simply requires “a list, as of Application Deadline, of the following: (i) the Principals of the Applicant, including percentage of ownership interest of each, and (ii) the Principals for each Developer.”

15. In its Scoring Summary, FHFC also determined that these same circumstances constitute a threshold failure under Part II.B.1.a. of the Application Instructions (p. 7), which requires the Applicant to “[p]rovide name of each Developer, including all co-Developers (Threshold).” In explaining this alleged failure, FHFC offers the following additional rationale:

Because the Developer entity listed in the initial Application and on revised Exhibit 9 did not exist at the time, the Applicant failed to correctly identify the Developer as of Application Deadline as required by subsection 67-48.004(14), FAC.

See Appendix A (Scoring Summary, Item 5T).

16. Thus, while making reference to Rule 67-48.004(14) in its narrative, FHFC actually cites in its Scoring Summary to the substantive portions of the

³ Heritage Village received notice of this scoring decision on or about March 28, 2012. This Petition is timely filed in response to that notice.

Application Instructions that require an Applicant to disclose the name of its Developer and to list the Developer's Principals as of the Application Deadline. With regard to those substantive requirements, Heritage Village did disclose the name of its Developer (Heritage Village Developer, Inc.) in the original Application, and this name was not changed in the cure materials. Further, Heritage Village did disclose the Developer's Principals as of the Application Deadline, pursuant to the agreed-upon ownership structure, and these Principals were not changed in the cure materials. *Compare Appendix B (Revised Exh. 9) to Appendix C (Original Exh. 9).*

17. Rule 67-48.004(14), as referenced by FHFC in its Scoring Summary, states in relevant part:

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(b) Identity of each Developer, including all co-Developers; notwithstanding the foregoing, the identity of the Developer(s) may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting;

18. Notably, the other items listed as “non-curables” in Rule 67-48.004(14) refer to particular entries in the Application, typically using capitalized terms that are defined by FHFC, for example:

- “Name of Applicant entity”
- “Program(s) applied for”
- “Applicant applying as a Non-Profit or for-profit organization”
- “Development Category”
- “Development Type”
- “Development Commitment”
- “Total number of units”
- “Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart”

19. By contrast, the rather unusual term “Identity” is not defined in FHFC’s governing statutes or in the rules adopted by FHFC, and the term is not used in any other context in FHFC’s Application or Application Instructions. As compared to the other non-curable items listed in Rule 67-48.004(14) – like the “Name of Applicant Entity” – the “Identity of each Developer” is, at best, an ambiguous term, the precise meaning of which Applicants are left to guess at.

20. Certainly, from this ambiguous term, no Applicant should reasonably be expected to imply a requirement that the Developer must be a legally formed entity as of the Application Deadline, especially when FHFC has singled out the Applicant alone for this express requirement. *FHFC 2011 Applic. Instructions*, Part II.A.2.c. (p.4) (“Applicant must be a legally formed entity . . . qualified to do business in the state of Florida as of the Application Deadline”).

21. While Heritage Village, like all applicants, must strictly comply with the clear and unambiguous instructions stated in FHFC's rules and Application, "any ambiguity in the instructions should be decided in favor of the applicants." *Ybor III, Ltd. v. FHFC*, FHFC Case No. 2001-091, Rec. Order at 10-11 (Final Order Sept. 20, 2001); *CEC Timber Trace, LLC v. FHFC*, FHFC Case No. 2007-030UC, Rec. Order at 11 (Final Order July 28, 2006); *Cypress Senior Village, LLC v. FHFC*, FHFC Case No. 2006-027UC, Rec. Order at ¶32 (Final Order July 28, 2006). Applicants must comply with the clear requirements of FHFC's rules, but not the "ambiguous implications" of those rules. *City View Apt's at Hughes Sq. v. FHFC*, FHFC Case No. 2004-028-UC, Rec. Order at 12-14 (Final Order Oct. 14, 2004).

22. Because there is no clear delineation of what FHFC means by its use of the term "Identity" in the Rule, any doubt as to whether the Rule requires the Developer to have been legally formed on the Application Deadline should be decided in favor of the Applicant. This must particularly be the case here where the construction apparently adopted by FHFC would result in the harshest of consequences – rejection of the Heritage Village Application. *See Arbor Health Care Co. v. AHCA*, 654 So. 2d 1020, 1021 (Fla. 1st DCA 1995) (rejection of "certificate of need" application for nursing home); *Woodley v. HRS*, 505 So. 2d 676, 678 (Fla. 1st DCA 1987) (rejection of application for government benefits).

23. Rejection of an Application is tantamount to a penal measure. “Penal and highly regulatory” schemes such as FHFC’s must be strictly construed in favor of the Applicant so that Applicants have clear notice of what conduct is proscribed, as well as the consequences of that conduct. *See Equity Corp. Holdings, Inc. v. Dep’t of Banking & Finance*, 772 So. 2d 588, 590 (Fla. 1st DCA 2000).

24. No Applicant, upon the penalty of automatic rejection of its Application, could or should be required to read into the ambiguous term “Identity” a separate requirement that each Developer must be a legally formed entity as of the Application Deadline – a requirement that FHFC makes expressly clear only with respect to the Applicant:

Applicant must be a legally formed entity . . . qualified to do business in the state of Florida as of the Application Deadline.

FHFC 2011 Applic. Instructions, Part II.A.2.c. (p.4).

25. While FHFC has sometimes tried to “interpret” its application and rules to create new requirements that are not expressed therein, such an effort is contrary to law. If FHFC wanted to require the Developer to be a legally formed entity as of the Application Deadline, then FHFC knew precisely how to do so, having already expressly stated this requirement for the Applicant. Under the circumstances, FHFC cannot impose such a requirement on the Developer entity unless it is expressly stated in FHFC’s application and rules. *CEC Timber Trace*,

LLC, FHFC Case No. 2007-030UC, Rec. Order at 9, 11; *Cypress Senior Village*, FHFC Case No. 2006-027UC, Rec. Order at ¶29) (same); *Pines-Cypress, Ltd. v. FHFC*, FHFC Case No. 2002-0072, Rec. Order at 10-12 (Final Order Oct. 24, 2002) (applicants are entitled to rely upon adopted FHFC rules and FHFC cannot enlarge upon the express requirements of those rules post-application); *City View Apt's*, FHFC Case No. 2004-028-UC, Rec. Order at 12-14.⁴

26. If FHFC wants to require each Developer to be a legally formed as of the Application Deadline, it must do so by amending the Application and applying it to next-year's applications. FHFC cannot "imply" such a requirement as part of the "Identity" of the Developer. *Cleveland Clinic Fla. Hosp. v. AHCA*, 679 So. 2d 1237, 1242 (Fla. 1st DCA 1996) (while AHCA might like to subject certain pending hospital projects to comparative review, it cannot do so by simply reading a new requirement into the rule – AHCA must amend its rule and apply it to all future projects of this type), *review denied*, 695 So. 2d 701 (Fla. 1997); *accord Boca Raton Artificial Kidney Center v. HRS*, 493 So. 2d 1055, 1057 (Fla. 1st DCA 1986); *see Gar-Con Development, Inc. v. DER*, 468 So. 2d 413, 415 (Fla. 1st DCA), *review denied*, 479 So. 2d 117 (Fla. 1985).

⁴ *See also The Landings on Millennia Blvd. v. FHFC*, Case No. 2002-0057, Rec. Order at pp. 7-8 (Final Order Oct. 10, 2002) (Florida Housing cannot "enlarge, modify, or change" the express requirements of its application"); *Newport Sound Partners, Ltd. v. FHFC*, Case No. 2002-0058, Rec. Order at 5-9 (Final Order Oct. 10, 2002) (same).

27. While not cited by FHFC in its Scoring Summary, the only prior case that appears to touch on a related issue is *Savannah Springs Apartments II, Ltd. v. FHFC*, FHFC Case No. 2007-048UC (Final Order Aug, 11, 2008), in which FHFC held that a threshold failure should have been assessed where an applicant's Exhibit 9 clearly misidentified the Developer's general partner. In that case, a group of related applicants in the 2007 Cycle identified a common Developer for their projects. In each application, the Exhibit 9 submitted to show the Developer's Principals as of the Application Deadline listed the Developer's general partner as Atlantic Housing Partners Managers, LLC. On the Application Deadline, however, it was clear that the Developer's general partner was actually Atlantic Housing Partners Group, LLC. Nonetheless, at the conclusion of the scoring process, despite a number of NOPSE's and NOAD's, FHFC determined that the Exhibit 9 provided by the applicants was sufficient and passed threshold.

28. After the ranking and funding process was concluded, competing applicants that had been displaced from funding by FHFC's scoring decision challenged it, seeking funding from a future tax credit cycle if successful. After an informal hearing, the hearing officer recommended that the challenged applications "should have been rejected because each failed to correctly identify the general partner of the developer." *Rec. Order* at 13. In its Final Order, FHFC followed suit, specifically holding that the Exhibit 9 provided in the challenged applications

“failed to satisfy the requirement” of Part II.A.2.a. “in that they did not correctly identify the general partner of the Developer.” *Final Order*, ¶3.⁵

29. By contrast, FHFC is arguing here that Heritage Village deserves a threshold failure because its Developer was not incorporated until after the Application Deadline.

30. Further, while there is some mention of the “Identity” provision in *Savannah Springs* and the implication that an Applicant must correctly identify the Developer and its Principals in the original Application, without any opportunity to cure, it is also abundantly clear in the aftermath of *Savannah Springs* that FHFC does allow any such misidentification of the Developer or its Principals in the original Application to be cured. For example, in the last FHFC Cycle (2009), an Applicant originally identified a different co-Developer at Part II.B.1.a. of the Application than was identified in Exhibit 9. FHFC accepted a cure from the Applicant that changed the identity of the co-Developer as listed at Part II.B.1.a. (from Punta Gorda Developers, LLC, to Gulf Breeze Apartments Developers, LLC). *See Appendix D* (FHFC Scoring Summary for #2009-154C; Excerpts from Original Applic. and Cure).

⁵ While FHFC referred here to Part II.A.2.a., this portion of the Application actually pertained to the Applicant rather than the Developer. When read in context, the intended reference was clearly to Part II.A.3.a., which required disclosure of the Developer’s Principals in Exhibit 9.

31. In another instance in the same 2009 Cycle, an Applicant identified a co-Developer in the original Exhibit 9 but not at Part II.B.1.a. of the Application itself, and FHFC accepted as a cure the submission of a new Exhibit 9 removing the co-Developer. *See Appendix E* (FHFC Scoring Summary for #2009-098C; Excerpts from Original Applic. and Cure).

32. In other situations, it is also clear that where a Principal of the Developer is omitted from an original Exhibit 9, FHFC freely accepts cures that supply the omitted information. *See Appendix F* (FHFC Scoring Summary for #2009-250C; Excerpts from Cure); *Appendix G* (FHFC Scoring Summary for #2011-129C; Excerpts from Cure).

33. Whatever conclusions can be drawn from these FHFC scoring decisions in the aftermath of *Savannah Springs*, they are a far cry from reading into the “Identity” provision a requirement that each Developer must be a legally formed entity as of the Application Deadline, particularly where FHFC has singled out the Applicant alone for this express requirement. *FHFC 2011 Applic. Instructions*, Part II.A.2.c. (p.4) (“Applicant must be a legally formed entity . . . qualified to do business in the state of Florida as of the Application Deadline”).

34. Thus, for all the above reasons, the threshold failures alleged by FHFC should be reversed, and the Heritage Village Application should be reinstated for funding consideration.

WHEREFORE, Petitioner, Heritage Village Commons, Ltd., requests that:

- a. FHFC revise its scoring and determine that Heritage Village meets all threshold requirements;
- b. FHFC conduct an informal hearing on the matters presented in this Petition if there are no disputed issues of material fact to be resolved;
- c. FHFC forward this Petition to DOAH for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes, if there are disputed issues of material fact to be resolved, or if non-rule policy forms the basis of any FHFC actions complained of herein;
- d. FHFC's designated hearing officer or an Administrative Law Judge, as appropriate, enter a Recommended Order directing FHFC to revise its scoring and determine that Heritage Village meets all threshold requirements;
- e. FHFC enter a Final Order revising its scoring and determining that Heritage Village meets all threshold requirements; and
- f. Heritage Village be granted such other and further relief as may be deemed just and proper.

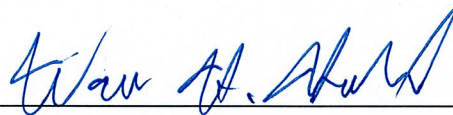
Respectfully submitted on this 19th day of April, 2012.



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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a true and correct copy of the foregoing document were served via hand delivery to the **CORPORATION CLERK**, Florida Housing Finance Corporation, 227 N. Bronough Street, City Center Building, Suite 5000, Tallahassee, Florida, 32301-1329, on this 19th day of April, 2012.



Attorney

Scoring Summary Report

File #: 2011-055C Development Name: Heritage Village Commons

As of: 03/28/2012

	Maximum Points/Eligibility	Preliminary	NOPSE	Final	Final Ranking
Met Threshold	Y/N	N	N	N	
Total Points	79	79.00	79.00	79.00	
Ability to Proceed Tie-Breaker Points	6	6.00	6.00	6.00	
Proximity Tie-Breaker Points	37	29.50	29.50	29.75	
Eligible for 1/8th Mile Ranking Preference	Y/N	N	N	N	
Eligible for Age of Development Tie-Breaker Ranking Preference	Y/N	N	N	N	
Eligible for Concrete Construction Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
Eligible for Florida General Contractor Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
RA Level Classification (preference given to the lowest RA Level Classification)	1 - 6	6	6	6	

Scores:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Developer									
1S	II.	B.	1.c.	Housing Credit Development Experience	3.00	3.00	3.00	3.00	
Construction Features and Amenities									
2S	III.	B.	3.a.	Optional - NC & Rehab. Units	9.00	9.00	9.00	9.00	
3S	III.	B.	3.b.	Optional - All Developments Except SRO	12.00	12.00	12.00	12.00	
3S	III.	B.	3.c.	Optional - SRO Developments	12.00	0.00	0.00	0.00	
4S	III.	B.	3.d.	Optional - Universal Design & Visitability	10.00	10.00	10.00	10.00	
5S	III.	B.	5.a.(1)	Green Building Features (NC & Redev.)	7.00	0.00	0.00	0.00	
5S	III.	B.	5.a.(2)	Green Building Certification (NC & Redev.)	10.00	10.00	10.00	10.00	
5S	III.	B.	5.b.	Green Building Features (Rehab. & Preserv.)	10.00	0.00	0.00	0.00	
Set-Aside Commitments									
6S	III.	E.	1.b.(2)	Special Needs Households	4.00	4.00	4.00	4.00	
7S	III.	E.	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	
8S	III.	E.	3.	Affordability Period	5.00	5.00	5.00	5.00	
Resident Programs									
9S	III.	F.	1.	Programs for Non-Elderly & Non-Homeless	6.00	0.00	0.00	0.00	
9S	III.	F.	2.	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00	0.00	
9S	III.	F.	3.	Programs for Elderly	6.00	6.00	6.00	6.00	
10S	III.	F.	4.	Programs for All Applicants	8.00	8.00	8.00	8.00	
Local Government Contributions									
11S	IV.	A.		Contributions	5.00	5.00	5.00	5.00	
Local Government Incentives									
12S	IV.	B.		Incentives	4.00	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.	3.	Principals	The Applicant failed to identify the manager(s) or member manager(s) of Heritage Village Commons, LLC, the general partner of the Applicant entity.	Preliminary	Final
2T	II.	A.	3.	Principals	The Applicant failed to identify the officers and directors of the Developer entity Heritage Village Developer, Inc.	Preliminary	Final
3T	III.	C.	2.	Site Control	Based on a surveyor's affidavit provided in a NOPSE, the Purchase and Sale Agreement appears to be conveying property that the seller does not own. In cases where there are intermediate contracts, the Application Instructions require that all such documentation be provided.	NOPSE	Final
4T	II.	A.	3.	Principals	Based on information provided in the Applicant's cure for item 2T and in NOADs, the Developer entity listed in the Application and on revised Exhibit 9 was not incorporated until February 8, 2012, and therefore did not exist as of Application Deadline. As a result, the Applicant failed to include and correctly identify the Developer as of Application Deadline as required by the applicable instructions and subsection 67-48.004(14), FAC, which lists the identity of the Developer among the non-curable "items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline." Because the Applicant's failure to include and correctly identify the Developer as of Application Deadline is not curable, revised Exhibit 9 must be rejected as it relates to the Developer entity.	Final	
5T	II.	B.	1.a.	Name of Developer	Based on information provided in the Applicant's cure for item 2T and in NOADs, the Developer entity listed in the Application and on revised Exhibit 9 was not incorporated until February 8, 2012, and therefore did not exist as of Application Deadline. Under subsection 67-48.004(14), FAC, the identity of the Developer is among the non-curable "items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline." Because the Developer entity listed in the initial Application and on revised Exhibit 9 did not exist at the time, the Applicant failed to correctly identify the Developer as of Application Deadline as required by subsection 67-48.004(14), FAC.	Final	

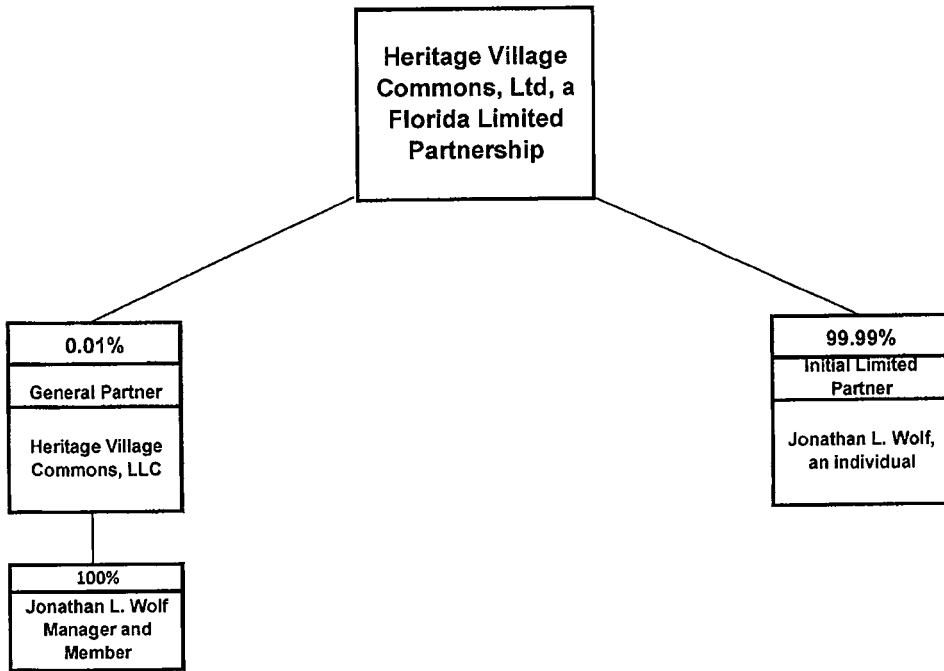
Ability To Proceed Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum 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	1.00	1.00	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Transit Services									
1P	III.	A.	10.a	Public Bus Stop	2.00	0.00	0.00	0.00	
1P	III.	A.	10.a	Public Bus Transfer Stop or Public Bus Transit Stop	6.00	0.00	0.00	0.00	
1P	III.	A.	10.a	Public Rail Station	7.00	7.00	7.00	6.50	
Tier 1 Services									
2P	III.	A.	10.a	Grocery Store	4.00	2.00	2.00	2.50	
3P	III.	A.	10.a	Public School	4.00	0.00	0.00	0.00	
3P	III.	A.	10.a	Senior Center	4.00	2.00	2.00	2.00	
4P	III.	A.	10.a	Medical Facility	4.00	3.50	3.50	3.50	
Eligible for Tier 1 Service Score Boost (Yes/No)						N	N	N	
Total Tier 1 Service Score					12.00	7.50	7.50	8.00	
Tier 2 Services									
5P	III.	A.	10.a	Public Park	2.00	1.50	1.50	1.75	
6P	III.	A.	10.a	Community Center	2.00	1.75	1.75	1.75	
7P	III.	A.	10.a	Pharmacy	2.00	1.75	1.75	1.75	
8P	III.	A.	10.a	Public Library	2.00	0.00	0.00	0.00	
FHFC Proximity List									
9P	III.	A.	10.b	Proximity to Developments on FHFC Development Proximity List	10.00	10.00	10.00	10.00	

APPLICANT ENTITY

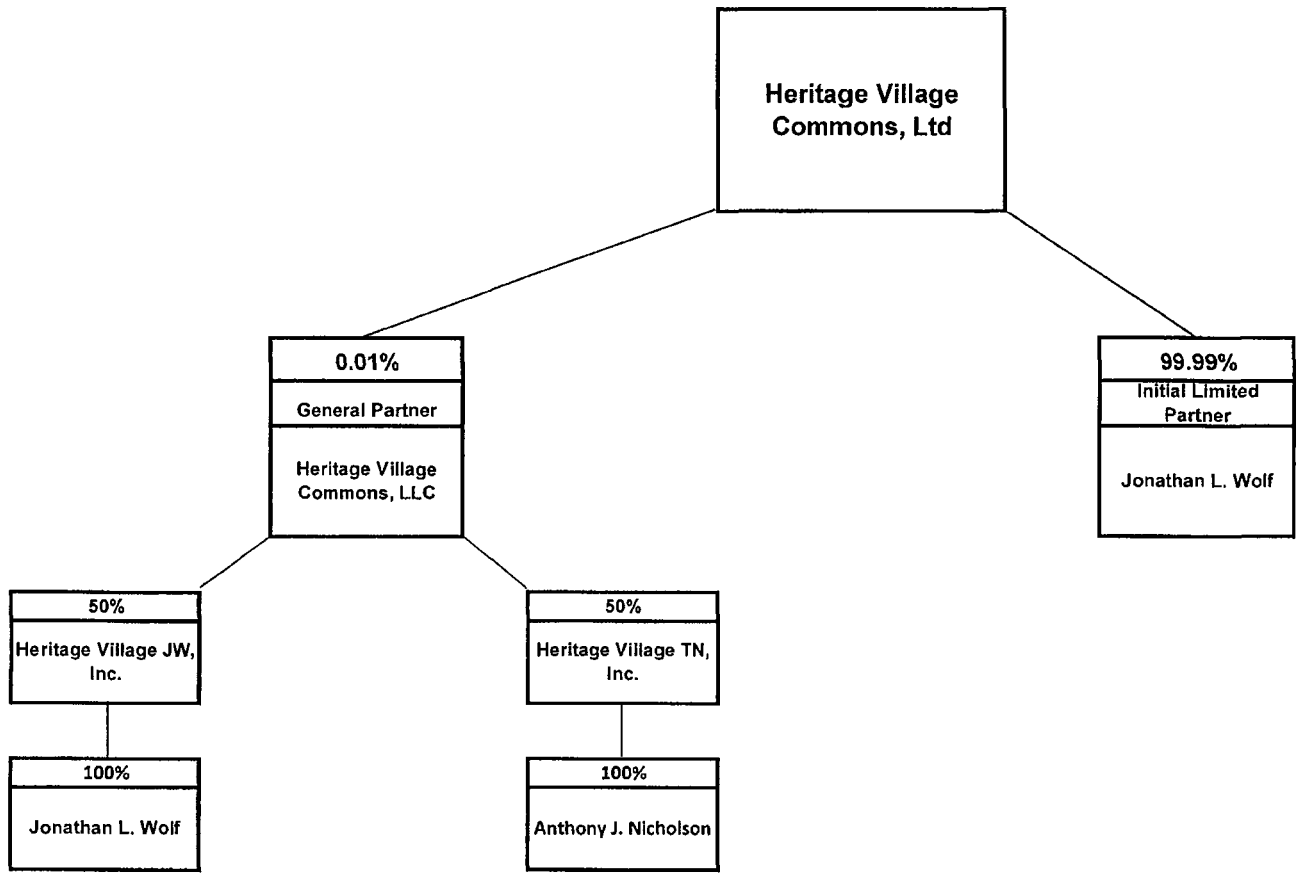


DEVELOPER ENTITY *



* The structure as of the date of incorporation (2/8/12). The Developer had no principals as of the Application Deadline other than an agreed-upon ownership structure - Jonathan L. Wolf (50%) and Anthony J. Nicholson (50%).

APPLICANT ENTITY



DEVELOPER ENTITY



Scoring Summary Report

File #: 2009-154C Development Name: The Verandas of Punta Gorda, LLLP

As Of:	Total Points	Met Threshold?	Ability to Proceed Tie-Breaker Points	Proximity Tie-Breaker Points
02/26/2010	70.00	Y	6.00	7.50
Preliminary	70.00	N	6.00	7.50
NOPSE	70.00	N	6.00	7.50
Final	70.00	Y	6.00	7.50
Final-Ranking	70.00	Y	6.00	7.50

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	9.00
1S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9.00	0.00	0.00	0.00	0.00
2S	III	B	2.c	All Developments Except SRO	12.00	12.00	12.00	12.00	12.00
2S	III	B	2.d	SRO Developments	12.00	0.00	0.00	0.00	0.00
3S	III	B	2.e	Energy Conservation Features	9.00	9.00	9.00	9.00	9.00
4S	III	B	3	Green Building	5.00	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	4.00
6S	III	E	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	3.00
7S	III	E	3	Affordability Period	5.00	5.00	5.00	5.00	5.00
Resident Programs									
8S	III	F	1	Programs for Non-Elderly & Non-Homeless	6.00	0.00	0.00	0.00	0.00
8S	III	F	2	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00	0.00	0.00
8S	III	F	3	Programs for Elderly	6.00	6.00	6.00	6.00	6.00
9S	III	F	4	Programs for All Applicants	8.00	8.00	8.00	8.00	8.00
Local Government Contributions									
10S	IV	A		Contributions	5.00	5.00	5.00	5.00	5.00
Local Government Incentives									
11S	IV	B		Incentives	4.00	4.00	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	3	Principals	The Co-Developer's name provided at Part II.B.1(a) of the Application (Punta Gorda Developers, LLC) is inconsistent with the name of the Co-Developer listed at Exhibit 9 (Gulf Breeze Apartments Developers, LLC).	Preliminary	Final
2T	II	B	1	Developer	The name of the Co-Developer provided at Part II.B.1.(a) of the Application (Punta Gorda Developers, LLC) is inconsistent with the name of the inexperienced Co-Developer listed at Exhibit 11 (Gulf Breeze Apartments Developers, LLC).	Preliminary	Final
3T	II	B	3	General Contractor	The name of the General Contractor on the General Contractor or Qualifying Agent of General Contractor Certification form (Brooks and Freund, LLC) is inconsistent with the name on the General Contractor or qualifying agent of General Contractor Prior Experience Chart (Brooks and Freund, Inc.).	Preliminary	Final
4T	V	D	2	HC Equity	The Applicant provided an equity commitment letter from RBC Tax Credit Equity, L.L.C. The commitment does not contain the language "paid prior to or simultaneous with the closing of construction financing" as required by pages 73 of the 2009 Universal Application Instructions. Therefore, the equity commitment cannot be counted as a source of financing.	Preliminary	Final
5T	V	D	1	Non-Corporation Funding	Per page 70 of the 2009 Universal Application Instructions, a financing commitment must contain all attachments. The first mortgage financing from JPMorgan Chase Bank, N.A. (Exhibit 56) does not include the due diligence materials attachment. Therefore, it cannot be considered a source of financing.	Preliminary	Final
6T	V	B		Construction/Rehab. Analysis	The Applicant has a construction financing shortfall of \$5,505,445.	Preliminary	Final
7T	V	B		Permanent Analysis	The Applicant has a permanent financing shortfall of \$5,817,976.	Preliminary	Final
8T	V	B		Developer Fee	At Part II.B.1.a. of the Application and on Exhibit 9, the Developer is listed as Punta Gorda Developers, LLC. However, on the Commitment to Defer Developer Fee form (Exhibit 53) the Developer is listed as Gulf Breeze Apartments Developers, LLC. Because of this inconsistency, the Deferred Developer fee for this Developer cannot be counted as a source of financing.	Preliminary	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	1.00
2A	III	C	3.a	Availability of Electricity	1.00	1.00	1.00	1.00	1.00
3A	III	C	3.b	Availability of Water	1.00	1.00	1.00	1.00	1.00
4A	III	C	3.c	Availability of Sewer	1.00	1.00	1.00	1.00	1.00
5A	III	C	3.d	Availability of Roads	1.00	1.00	1.00	1.00	1.00
6A	III	C	4	Appropriately Zoned	1.00	1.00	1.00	1.00	1.00

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	0.00	0.00	0.00	0.00
2P	III	A	10.b.(2) (b)	Public School	1.25	0.00	0.00	0.00	0.00
3P	III	A	10.b.(2) (c)	Medical Facility	1.25	0.00	0.00	0.00	0.00
4P	III	A	10.b.(2) (d)	Pharmacy	1.25	0.00	0.00	0.00	0.00
5P	III	A	10.b.(2) (e)	Public Bus Stop or Metro-Rail Stop	1.25	0.00	0.00	0.00	0.00
6P	III	A	10.c	Proximity to Development on FHFC Development Proximity List	3.75	0.00	0.00	0.00	0.00
7P	III	A	10.a	Involvement of a PHA	7.50	7.50	7.50	7.50	7.50

2009-154C
Orig.

Yes No

If "Yes", state name of the for-profit entity:

3. Provide the required information for the Applicant and for each Developer behind a tab labeled "Exhibit 9".

4. Contact Person for this Application:

First Name: Paula MI: M Last Name: Rhodes

Street Address: c/o Primerica Group One
3629 Madaca Lane

City: Tampa State: FL Zip: 33618

Telephone: (813) 933-0629 x212 Facsimile: (813) 935-3420

E-Mail Address: prhodes@primericagroupone.com
(optional)

Relationship to Applicant: Employee of Developer, an Affiliate of Applicant

5. If applying for HOME: Is the Applicant applying under the Community Housing Development Organization (CHDO) Set-Aside?

Yes No

If "Yes", state CHDO Name: _____

and provide the required information behind a tab labeled "Exhibit 10".

B. Development Team

1. Developer or Principal of Developer:

a. Name of each Developer (include all co-Developers):

Norstar Development USA, LP
Punta Gorda Developers, L.L.C.

b. For each experienced Developer, provide an executed Developer or Principal of Developer Certification form behind a tab labeled "Exhibit 11". For each co-Developer without the required experience, provide the requested information behind a tab labeled "Exhibit 11".

c. Provide the Developer's or Principal of Developer's Prior Experience Chart behind a tab labeled "Exhibit 11".

2. Management Agent or principal of Management Agent:

a. Provide the executed Management Agent or Principal of Management Agent Certification form behind a tab labeled "Exhibit 12".

b. Provide the Management Agent's or principal of Management Agent's Prior Experience Chart behind a tab labeled "Exhibit 12".

3. General Contractor or qualifying agent of General Contractor:

a. Provide the executed General Contractor or Qualifying Agent of General Contractor Certification form behind a tab labeled "Exhibit 13".

b. Provide the General Contractor's or qualifying agent's Prior Experience Chart behind a tab labeled "Exhibit 13".

4. Architect or Engineer:

Provide the executed Architect or Engineer Certification form behind a tab labeled "Exhibit 14".

2009 FHFC EXHIBIT 9
Principals of Applicant and Each Developer

APPLICANT

The Verandas of Punta Gorda, LLLP, a Florida limited liability limited partnership

• **Managing General Partner**

Norstar Verandahs, Inc., a Florida corporation (.0051%)

Officers

Gary Silver, President
Richard L. Higgins, Vice President
Neil Brown, Secretary

Directors

Neil Brown, Chairman
Gary Silver
Richard L. Higgins

Shareholders

Norstar Investment USA, Inc.
Black Locust, LLC

• **General Partner**

The Verandas GP, Inc., a Florida corporation (.0049%)

Officers

Jean Farino, President

Directors

Dr. Harry Agabedis
Brenda Bala
Melody Washington
Stephen Fabian, Jr.

• **Initial Limited Partner**

Punta Gorda Housing Authority, a public body corporate and politic organized under the laws of the State of Florida (99.99%)

Officers

Jean Farino, Executive Director

Directors

Harry Agabedis, Chairman
Brenda Bala, Vice Chair
Melody Washington
Stephen Fabian
Eunice Wiley
John Murdock
Mary Kleiss

LEAD DEVELOPER

Norstar Development USA, LP, a Texas limited partnership

- **Managing General Partner**

Nordev, Inc., a Delaware corporation (1%)

Officers

Richard L. Higgins, President
Neil Brown, Treasurer

Directors

Neil Brown, Chairman
Gary B. Silver

Sole Shareholder

Norstar USA, Ltd.

- **Limited Partner**

Black Locust, LLC (20%)

Sole Member

Richard L. Higgins

- **Limited Partner**

Raphael Corporation (79%)

Officers

Gary Silver, President

Directors

Neil Brown, Chairman

Shareholders

Gary B. Silver
Neil Brown

CO-DEVELOPER

Gulf Breeze Apartments Developers, LLC, a Florida limited liability company

- **Sole Managing Member**

Punta Gorda Developers, L.L.C., a Florida limited liability company

Sole Managing Member

Punta Gorda Housing Authority, a public body corporate and politic organized under the laws of the State of Florida

Officers

Jean Farino, Executive Director

Directors

Harry Agabedis, Chairman

Eunice Wiley, Vice Chair

James Stevens

Brenda Bala

Paula Wilman

Melody Washington

Mary Kleiss

Brief Statement of Explanation regarding
Application 2009 – 154C

Provide a separate brief statement for each Cure

ITEM #1T: The Co-Developer's name provided at Part II.B.1(a) of the Application was incorrectly stated as Punta Gorda Developers, LLC. As eorrectly provided in Exhibit 9, the Co-Developer's name is Gulf Breeze Apartments Developers, LLC. The Application has been revised and the page containing the correct name of the Co-Developer in Part II.B.1(a) is provided with this cure.

Yes No

If "Yes", state name of the for-profit entity:

3. Provide the required information for the Applicant and for each Developer behind a tab labeled "Exhibit 9".

4. Contact Person for this Application:

First Name: Paula MI: M Last Name: Rhodes
 Street Address: c/o Primerica Group One
 3629 Madaca Lane
 City: Tampa State: FL Zip: 33618
 Telephone: (813) 933-0629 x212 Facsimile: (813) 935-3420
 E-Mail Address: prhodes@primericagroupone.com (optional)
 Relationship to Applicant: Employee of Developer, an Affiliate of Applicant

5. If applying for HOME: Is the Applicant applying under the Community Housing Development Organization (CHDO) Set-Aside?

Yes No

If "Yes", state CHDO Name:
 and provide the required information behind a tab labeled "Exhibit 10".

B. Development Team

1. Developer or Principal of Developer:

- a. Name of each Developer (include all co-Developers):
 - Norstar Development USA, LP
 - Gulf Breeze Apartments Developers, L.L.C.
- b. For each experienced Developer, provide an executed Developer or Principal of Developer Certification form behind a tab labeled "Exhibit 11". For each co-Developer without the required experience, provide the requested information behind a tab labeled "Exhibit 11"
- c. Provide the Developer's or Principal of Developer's Prior Experience Chart behind a tab labeled "Exhibit 11".

2. Management Agent or principal of Management Agent:

- a. Provide the executed Management Agent or Principal of Management Agent Certification form behind a tab labeled "Exhibit 12".
- b. Provide the Management Agent's or principal of Management Agent's Prior Experience Chart behind a tab labeled "Exhibit 12".

3. General Contractor or qualifying agent of General Contractor:

- a. Provide the executed General Contractor or Qualifying Agent of General Contractor Certification form behind a tab labeled "Exhibit 13".
- b. Provide the General Contractor's or qualifying agent's Prior Experience Chart behind a tab labeled "Exhibit 13".

4. Architect or Engineer:

Provide the executed Architect or Engineer Certification form behind a tab labeled "Exhibit 14".

Scoring Summary Report

File #: 2009-098C Development Name: Las Palmas

As Of:	Total Points	Met Threshold?	Ability to Proceed Tie-Breaker Points	Proximity Tie-Breaker Points
02/26/2010	70.00	Y	6.00	7.50
Preliminary	66.00	N	6.00	7.50
NOPSE	66.00	N	6.00	7.50
Final	70.00	Y	6.00	7.50
Final-Ranking	70.00	Y	6.00	7.50

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	9.00
1S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9.00	0.00	0.00	0.00	0.00
2S	III	B	2.c	All Developments Except SRO	12.00	12.00	12.00	12.00	12.00
2S	III	B	2.d	SRO Developments	12.00	0.00	0.00	0.00	0.00
3S	III	B	2.e	Energy Conservation Features	9.00	9.00	9.00	9.00	9.00
4S	III	B	3	Green Building	5.00	5.00	5.00	5.00	5.00
Set-Aside Commitment									
5S	III	E	1.b.(2)	Special Needs Households	4.00	0.00	0.00	4.00	4.00
6S	III	E	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	3.00
7S	III	E	3	Affordability Period	5.00	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	6.00
8S	III	F	2	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00	0.00	0.00
8S	III	F	3	Programs for Elderly	6.00	0.00	0.00	0.00	0.00
9S	III	F	4	Programs for All Applicants	8.00	8.00	8.00	8.00	8.00
Local Government Contributions									
10S	IV	A		Contributions	5.00	5.00	5.00	5.00	5.00
Local Government Incentives									
11S	IV	B		Incentives	4.00	4.00	4.00	4.00	4.00

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded As Result
5S	All of the participating Special Needs Household Referral Agencies for the county are not listed on the Applicant Notification to Special Needs Household Referral Agency form. Because the form is incomplete, the Applicant is not eligible for Special Needs points.	Preliminary	Final

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	V	D	1	Non-Corporation Funding	The Applicant submitted a loan commitment from Raymond James Multifamily Finance, Inc. Page 71 of the 2009 Universal Application Instructions states "If the commitment is not from a regulated Financial Institution in the business of making loans or a governmental entity, evidence of ability to fund must be provided." The loan does not appear to be from a regulated Financial Institution and no evidence of ability to fund was provided with the loan commitment. Therefore, neither the construction nor the permanent loan commitments were considered a source of financing.	Preliminary	Final
2T	V	B		Construction/Rehab. Analysis	The Applicant has a construction financing shortfall of \$15,119,014.	Preliminary	Final
3T	V	B		Permanent Analysis	The Applicant has a permanent financing shortfall of \$1,598,286.	Preliminary	Final
4T	II	A	3	Principals	On Exhibit 9, Michael A. Hartman is listed as "Co-Developer." This is inconsistent with the statement at Part II.B.1.a. and in the Developer information provided at Exhibit 11, which reflects a sole Developer (Las Palmas Ventures, LP).	Preliminary	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	1.00
2A	III	C	3.a	Availability of Electricity	1.00	1.00	1.00	1.00	1.00
3A	III	C	3.b	Availability of Water	1.00	1.00	1.00	1.00	1.00
4A	III	C	3.c	Availability of Sewer	1.00	1.00	1.00	1.00	1.00
5A	III	C	3.d	Availability of Roads	1.00	1.00	1.00	1.00	1.00
6A	III	C	4	Appropriately Zoned	1.00	1.00	1.00	1.00	1.00

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	1.25
2P	III	A	10.b.(2)(b)	Public School	1.25	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	0.00
4P	III	A	10.b.(2)(d)	Pharmacy	1.25	0.00	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	1.25
6P	III	A	10.c	Proximity to Development on FHFC Development Proximity List	3.75	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	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	

2009-098C
Orig.

Yes No

If "Yes", state name of the for-profit entity:

3. Provide the required information for the Applicant and for each Developer behind a tab labeled "Exhibit 9".

4. Contact Person for this Application:

First Name: Clifton MI: E Last Name: Phillips

Street Address: 1750 Valley View Lane Suite 420

City: Dallas State: TX Zip: 75234

Telephone: 972-243-4205 Facsimile: 972-243-4267

E-Mail Address: cep@rstdev.com
(optional)

Relationship to Applicant: President of Sole Member of GP of GP of Applicant

5. If applying for HOME: Is the Applicant applying under the Community Housing Development Organization (CHDO) Set-Aside?

Yes No

If "Yes", state CHDO Name: _____

and provide the required information behind a tab labeled "Exhibit 10".

B. Development Team

1. Developer or Principal of Developer:

a. Name of each Developer (include all co-Developers):

Las Palmas Ventures, LP

b. For each experienced Developer, provide an executed Developer or Principal of Developer Certification form behind a tab labeled "Exhibit 11". For each co-Developer without the required experience, provide the requested information behind a tab labeled "Exhibit 11".

c. Provide the Developer's or Principal of Developer's Prior Experience Chart behind a tab labeled "Exhibit 11".

2. Management Agent or principal of Management Agent:

a. Provide the executed Management Agent or Principal of Management Agent Certification form behind a tab labeled "Exhibit 12".

b. Provide the Management Agent's or principal of Management Agent's Prior Experience Chart behind a tab labeled "Exhibit 12".

3. General Contractor or qualifying agent of General Contractor:

a. Provide the executed General Contractor or Qualifying Agent of General Contractor Certification form behind a tab labeled "Exhibit 13".

b. Provide the General Contractor's or qualifying agent's Prior Experience Chart behind a tab labeled "Exhibit 13".

4. Architect or Engineer:

Provide the executed Architect or Engineer Certification form behind a tab labeled "Exhibit 14".

**OFFICERS, MANAGERS, MEMBERS AND GENERAL & LIMITED PARTNERS
FOR THE APPLICANT AND DEVELOPER ENTITIES**

		<u>Ownership %</u>
Applicant:	Lauderdale Palmas Housing, L.P.	
General Partner:	Las Palmas Ventures, L.P.	0.01%
<u>Officers/Managers/Partners:</u>		
RST Florida, LLC	General Partner	65.00%
DNC Housing, LLC	Limited Partner	35.00%
Directors	N/A	
Initial Withdrawing Limited Partner:	Clifton E. Phillips	99.99%

Developer:	Las Palmas Ventures, L.P.	
RST Florida, LLC	General Partner	65.00%
<u>Officers/Managers/Members:</u>		
Roundstone Development, LLC	Sole Member	100.00%
Directors	N/A	
Clifton E. Phillips	President of Sole Member	
DNC Housing, LLC	Limited Partner	35.00%
<u>Officers/Managers/Members:</u>		
Daniel D. Merida	Member	50.00%
Charles Klewin	Member	50.00%
Directors	N/A	
Co-Developer:	Michael A. Hartman	

**OFFICERS, MANAGERS, MEMBERS AND GENERAL & LIMITED PARTNERS
FOR THE APPLICANT AND DEVELOPER ENTITIES**

		<u>Ownership %</u>
Applicant:	Lauderdale Palmas Housing, L.P.	
General Partner:	Las Palmas Ventures, L.P.	0.01%
<u>Officers/Managers/Partners:</u>		
RST Florida, LLC	General Partner	65.00%
DNC Housing, LLC	Limited Partner	35.00%
Directors	N/A	
Initial Withdrawing Limited Partner:	Clifton E. Phillips	99.99%

Developer:	Las Palmas Ventures, L.P.	
RST Florida, LLC	General Partner	65.00%
<u>Officers/Managers/Members:</u>		
Roundstone Development, LLC	Sole Member	100.00%
Directors	N/A	
Clifton E. Phillips	President of Sole Member	
DNC Housing, LLC	Limited Partner	35.00%
<u>Officers/Managers/Members:</u>		
Daniel D. Merida	Member	50.00%
Charles Klewin	Member	50.00%
Directors	N/A	

Scoring Summary Report

File #: 2009-250C Development Name: Oakland Preserve

As Of:	Total Points	Met Threshold?	Ability to Proceed Tie-Breaker Points	Proximity Tie-Breaker Points
02/26/2010	70.00	Y	6.00	7.50
Preliminary	70.00	N	6.00	7.50
NOPSE	70.00	N	6.00	7.50
Final	70.00	Y	6.00	7.50
Final-Ranking	70.00	Y	6.00	7.50

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	9.00
1S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9.00	0.00	0.00	0.00	0.00
2S	III	B	2.c	All Developments Except SRO	12.00	12.00	12.00	12.00	12.00
2S	III	B	2.d	SRO Developments	12.00	0.00	0.00	0.00	0.00
3S	III	B	2.e	Energy Conservation Features	9.00	9.00	9.00	9.00	9.00
4S	III	B	3	Green Building	5.00	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	4.00
6S	III	E	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	3.00
7S	III	E	3	Affordability Period	5.00	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	6.00
8S	III	F	2	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00	0.00	0.00
8S	III	F	3	Programs for Elderly	6.00	0.00	0.00	0.00	0.00
9S	III	F	4	Programs for All Applicants	8.00	8.00	8.00	8.00	8.00
Local Government Contributions									
10S	IV	A		Contributions	5.00	5.00	5.00	5.00	5.00
Local Government Incentives									
11S	IV	B		Incentives	4.00	4.00	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	3	Principals	Although the Applicant provided the General Partner and Limited Partner of the Applicant limited partnership and percentage of ownership of each at Exhibit 9, the Applicant failed to disclose the Officers, Directors, and Shareholders of the Limited Partner.	Preliminary	Final
2T	II	A	3	Principals	Although the Applicant provided the name of the Developer at Exhibit 9, the Applicant failed to disclose the Members and Managers of the managing member LLC.	Preliminary	Final
3T	V	D	2	HC Equity	Per page 73 of the 2009 Universal Application Instructions, at least 15% of the proposed equity to be provided must be paid prior to or simultaneous with the closing of construction financing. The Applicant provided an equity commitment from RBC Capital Markets that does not meet the 15% requirement. Therefore, the commitment cannot be considered a source of financing.	Preliminary	Final
4T	V	B		Construction/Rehab. Analysis	The Applicant has a construction financing shortfall of \$1,699,373.	Preliminary	Final
5T	V	B		Permanent Analysis	The Applicant has a permanent financing shortfall of \$6,949,373.	Preliminary	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	1.00
2A	III	C	3.a	Availability of Electricity	1.00	1.00	1.00	1.00	1.00
3A	III	C	3.b	Availability of Water	1.00	1.00	1.00	1.00	1.00
4A	III	C	3.c	Availability of Sewer	1.00	1.00	1.00	1.00	1.00
5A	III	C	3.d	Availability of Roads	1.00	1.00	1.00	1.00	1.00
6A	III	C	4	Appropriately Zoned	1.00	1.00	1.00	1.00	1.00

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	1.25
2P	III	A	10.b.(2)(b)	Public School	1.25	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	0.00
4P	III	A	10.b.(2)(d)	Pharmacy	1.25	0.00	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	1.25
6P	III	A	10.c	Proximity to Development on FHFC Development Proximity List	3.75	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	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	

**OFFICERS, MANAGERS, MEMBERS AND GENERAL & LIMITED PARTNERS FOR THE APPLICANT
AND DEVELOPER ENTITIES**

Applicant: Oakland Preserve, Ltd.

General Partner: Oakland Preserve Corp. 00 .01%

Officers/ Directors

Joseph M. Cobo	President/Director
Juan S. Selaya	Secretary/Director
Mercedes Nunez	Treasurer/Director
John E. Aurelius	Director
Sharon Day	Director
Building Better Communities, Inc. ¹	Sole Shareholder

Initial Retiring Limited Partner: McCan Communities, Inc² 99.99%

Officers/ Directors

Joseph M. Cobo	Director/President
Mercedes Nunez	Director/Treasurer
Juan S. Selaya	Director/Secretary
John E. Aurelius	Director
Sharon Day	Director

Developer: OP - Better Communities Development, LLC.³

Sole Member / Managing Member

Building Better Communities, Inc. ¹ Sole Shareholder

Officers/ Directors

Joseph M. Cobo	President/Director
Juan S. Selaya	Secretary/Director
Mercedes Nunez	Treasurer/Director
John E. Aurelius	Director
Sharon Day	Director

¹ Building Better Communities, Inc. is a Florida non-profit 501(c)(3) tax exempt corporation. As such they have no shareholders. Building Better Communities, Inc. is an affiliate or instrumentality of the Broward County Housing Authority⁴.

² McCan Communities, Inc. is an affiliate or instrumentality of the Broward County Housing Authority⁴.

³ OP – Better Communities Development, LLC has no current specific officers or directors and is an affiliate or instrumentality of the Broward County Housing Authority⁴. It's Sole Member / Managing Member is Building Better Communities, Inc. ¹ of which the officers / directors are listed above.

⁴ Broward County Housing Authority is a public agency, it has no shareholders.

Scoring Summary Report

File #: 2011-129C Development Name: Gardenia Garden Apartments

As of: 03/27/2012

	Maximum Points/Eligibility	Preliminary	NOPSE	Final	Final Ranking
Met Threshold	Y/N	N	N	Y	
Total Points	79	79.00	79.00	79.00	
Ability to Proceed Tie-Breaker Points	6	6.00	6.00	6.00	
Proximity Tie-Breaker Points	37	29.25	29.25	29.25	
Eligible for 1/8th Mile Ranking Preference	Y/N	N	N	N	
Eligible for Age of Development Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
Eligible for Concrete Construction Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
Eligible for Florida General Contractor Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
RA Level Classification (preference given to the lowest RA Level Classification)	1 - 6	1	1	1	

Scores:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Developer									
1S	II.	B.	1.c.	Housing Credit Development Experience	3.00	3.00	3.00	3.00	3.00
Construction Features and Amenities									
2S	III.	B.	3.a.	Optional - NC & Rehab. Units	9.00	9.00	9.00	9.00	9.00
3S	III.	B.	3.b.	Optional - All Developments Except SRO	12.00	12.00	12.00	12.00	12.00
3S	III.	B.	3.c.	Optional - SRO Developments	12.00	0.00	0.00	0.00	0.00
4S	III.	B.	3.d.	Optional - Universal Design & Visitability	10.00	10.00	10.00	10.00	10.00
5S	III.	B.	5.a.(1)	Green Building Features (NC & Redev.)	7.00	0.00	0.00	0.00	0.00
5S	III.	B.	5.a.(2)	Green Building Certification (NC & Redev.)	10.00	10.00	10.00	10.00	10.00
5S	III.	B.	5.b.	Green Building Features (Rehab. & Preserv.)	10.00	0.00	0.00	0.00	0.00
Set-Aside Commitments									
6S	III.	E.	1.b.(2)	Special Needs Households	4.00	4.00	4.00	4.00	4.00
7S	III.	E.	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	3.00
8S	III.	E.	3.	Affordability Period	5.00	5.00	5.00	5.00	5.00
Resident Programs									
9S	III.	F.	1.	Programs for Non-Elderly & Non-Homeless	6.00	6.00	6.00	6.00	6.00
9S	III.	F.	2.	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00	0.00	0.00
9S	III.	F.	3.	Programs for Elderly	6.00	0.00	0.00	0.00	0.00
10S	III.	F.	4.	Programs for All Applicants	8.00	8.00	8.00	8.00	8.00
Local Government Contributions									
11S	IV.	A.		Contributions	5.00	5.00	5.00	5.00	5.00
Local Government Incentives									
12S	IV.	B.		Incentives	4.00	4.00	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.	3.	Principals	The Applicant failed to identify the officers, directors and shareholders of Lomas Holding Corp., the member of the Developer entity.	Preliminary	Final
2T	V.	D.	2.	HC Equity	The total amount of equity listed on the first page of the equity commitment letter does not equal the sum of the stated equity payments in the commitment letter. Therefore, the HC equity cannot be considered a source of financing.	Preliminary	Final
3T	V.	B.		Construction/Rehab. Analysis	The Applicant has a construction financing shortfall of \$4,031,628.	Preliminary	NOPSE
4T	V.	B.		Permanent Analysis	The Applicant has a permanent financing shortfall of \$11,831,085.	Preliminary	NOPSE
5T	II.	A.	3.	Principals	The Applicant failed to identify the member(s) and manager(s) of AHG-RLI, LLC, the member of the Developer entity.	Preliminary	Final
6T	V.	D.	1.	Non-Corporation Funding	The Applicant provide an equity letter from RBC Capital Markets which states on page one that the tax equity contribution will be \$12,559,434. The Applicant provided a loan commitment letter from Chase Bank which states on page 2 "Tax Credit Equity: Approximately \$1,395,632 annually". Due to this inconsistency the loan commitment letter could not be used as a source of financing.	NOPSE	Final
7T	V.	B.		Construction/Rehab. Analysis	The Applicant has a construction financing shortfall of \$14,810,649.	NOPSE	Final
8T	V.	B.		Permanent Analysis	The Applicant has a permanent financing shortfall of \$14,810,649.	NOPSE	Final

Ability To Proceed Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum 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	1.00	1.00	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Transit Services									
1P	III.	A.	10.a	Public Bus Stop	2.00	0.00	0.00	0.00	
1P	III.	A.	10.a	Public Bus Transfer Stop or Public Bus Transit Stop	6.00	3.50	3.50	3.50	
1P	III.	A.	10.a	Public Rail Station	7.00	0.00	0.00	0.00	
Tier 1 Services									
2P	III.	A.	10.a	Grocery Store	4.00	3.50	3.50	3.50	
3P	III.	A.	10.a	Public School	4.00	3.50	3.50	3.50	
3P	III.	A.	10.a	Senior Center	4.00	0.00	0.00	0.00	
4P	III.	A.	10.a	Medical Facility	4.00	2.50	2.50	2.50	
Eligible for Tier 1 Service Score Boost (Yes/No)						N	N	N	
Total Tier 1 Service Score					12.00	9.50	9.50	9.50	
Tier 2 Services									
5P	III.	A.	10.a	Public Park	2.00	1.75	1.75	1.75	
6P	III.	A.	10.a	Community Center	2.00	2.00	2.00	2.00	
7P	III.	A.	10.a	Pharmacy	2.00	1.75	1.75	1.75	
8P	III.	A.	10.a	Public Library	2.00	0.75	0.75	0.75	
FHFC Proximity List									
9P	III.	A.	10.b	Proximity to Developments on FHFC Proximity List	10.00	10.00	10.00	10.00	

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	V.	B.		Developer Fee	The Applicant provided a Commitment to Defer Developer Fee form from both co-Developers, with each Developer committing to defer \$2,193,135 during construction and permanent financing. The total maximum combined amount of deferred Developer fee allowed is \$2,193,135, which is the amount utilized by Florida Housing as a source of construction and permanent financing.	Preliminary	
2C	III.	A.	10.b.	Proximity to Developments on FHFC Development Proximity List	The Application qualifies for 10 automatic proximity points at Part III.A.10.b.(6) of the Application.	Preliminary	
3C	V.	B.		Pro Forma	The loan commitment provided states a loan commitment fee of 1% of both the construction and permanent loan amounts. However, the amounts listed on the proforma for loan origination fees exceed these amounts. Therefore, the Total Development Cost was reduced by \$298.	NOPSE	

Gardenia Garden Apartments Limited Partnership Ownership Structure

.01% General Partner:

Gardenia Garden Associates, LLC

Sole Member
and Manager:

Gardenia Garden, Inc., a Florida nonprofit corporation

Directors:

Linda Holliman
Joe Jacobs

T. Harper

President:

Andrew Mickle

Treasurer:

Joe Richardson

Member:

Eddie Cummings

99.99% - Limited Partner:

Beneficial Equity Group LLC (to be replaced at syndication closing)

Sole Member and Manager: Donald W. Paxton, individually

There are no warrant holders or option holders in the proposed development.

Project Developer:

RLI Beneficial Development 11 LLC

Member (52.5%): Beneficial Development III LLC

Members: Paxton Family Development LLC (90%)

O'Grady Family Development LLC (10%)

Manager: Donald W. Paxton

Member (46.5%): AHG-RLI, LLC

Sole Member: The Robert K. Lomas 2004 Irrevocable Trust

Manager: Robert Lomas

Member (1%): Lomas Holdings Corp., an Ohio corporation

Sole Director and Shareholder: Robert Lomas

President, Secretary, Treasurer: Robert Lomas

Managers: Donald W. Paxton; Robert Lomas

Co-Developer

Name: Gardenia Garden, Inc., a Florida nonprofit corporation

Directors:

Linda Holliman

Joe Jacobs

T. Harper

Andrew Mickle

Joe Richardson

Eddie Cummings

President:

Treasurer:

Member: