

BEFORE THE STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION

HTG MIAMI 4, LLC,

Petitioner,

Application No. 2011-094C  
FHFC FILE NO.: 2012-023UC

vs.

FLORIDA HOUSING FINANCE

CORPORATION,

Respondent.

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**PETITION FOR REVIEW**

Pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.) and Rule 67-48.005, Florida Administrative Code (F.A.C.), Petitioner, HTG Miami 4, LLC, (“HTG”) requests an informal proceeding to challenge FLORIDA HOUSING FINANCE CORPORATIONS’s (“Florida Housing”) scoring actions concerning Universal Cycle Application No. 2011-094C (the “Application”). In support of this Petition, HTG provides as follows:

1. HTG is a Florida limited liability company with its address at 3225 Aviation Ave., Suite 602, 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 Rule 67-48, F.A.C.

**Nature of the Controversy**

3. On December 6, 2011 HTG 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 100-unit affordable housing apartment complex in Miami, Florida, named La Margarita.

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 the State of Florida’s annual 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. Due to the fact that 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 2011, 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 NOPSE's 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 any NOAD 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 based on the Ranking and Selection Criteria for Applications Requesting Competitive HC in the 2011 Universal Application Instructions. 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.

9. Based on a review of Florida Housing's Final Scoring Summary dated March 28, 2012, HTG failed threshold for failure to include a completed Local Government Verification that Development is consistent with Zoning and Land Use Regulations form.

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 ineligible for funding in the Large County Geographic Set-Aside. Since the purpose of the program in general is to provide funding to developers of apartment projects for low income residents, HTG's interests are adversely and substantially affected by the loss of eligibility for 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 III.C.4.a asks the applicant to "Provide a properly completed and executed Local Government Verification that Development is Consistent with Zoning and Land Use Regulations form" (the "Zoning Form").

14. In the Application submitted on December 6, 2011 HTG provided a properly completed Zoning Form which specified:

- a. The correct Name of Development: La Margarita;
- b. The correct Development Location: 3535, 3521, 3517, 3505 NW 17 Avenue, Miami, FL;
- c. The correct Number of Units for the Development Site: 100;
- d. The correct Zoning Designation: T-6-8-O; and
- e. The correct Zoning Administrator: Mr. Barnaby L. Min

(See Exhibit A)

15. After conducting its preliminary review of the Application, Florida Housing found that the Zoning Form submitted by HTG failed threshold due to the fact that “The space for “city or county” is blank”. (See Exhibit B)

16. In response to Florida Housing’s preliminary scoring decision, HTG provided cure documentation to Florida Housing explaining in detail that HTG complied with Florida Housing’s requirements by submitting a properly completed Zoning Form, executed by the correct local official. (See Exhibit C)

17. Further, in HTG’s cure documentation provided to Florida Housing, HTG advised Florida Housing of an inconsistency between how Florida Housing was treating HTG’s Application and how Florida Housing was treating Application No. 2011-182C (“Sapodilla Place”).

18. Sapodilla Place received one (1) full Ability to Proceed Tie-Breaker Point for their Zoning Form following preliminary scoring in spite of the fact that Sapodilla

Place's Zoning Form failed to indicate the number of units allowed per Zoning Designation. (See Exhibit D)

19. Additionally, two (2) NOPSEs were submitted against Sapodilla Place which advised Florida Housing of Sapodilla Place's failure to indicate the number of units on their Zoning Form (See Exhibit E).

20. Neither of the two (2) NOPSEs was accepted and Sapodilla Place received one (1) full Ability to Proceed Tie-Breaker Point for their Zoning Form following NOPSE Scores (See Exhibit F) and Final Scores (See Exhibit G).

21. It is apparent, from Florida Housing's decision on Sapodilla Place, that Florida Housing has determined that a failure to fill in certain information on the Zoning Form does NOT necessitate Threshold Failure.

22. HTG correctly indicated on its Zoning Form that the "Development Location" is: 3535, 3521, 3517, 3505 NW 17 Avenue, Miami, FL. Accordingly, Florida Housing can clearly see that the Zoning Administrator is signing the Zoning Form indicating appropriate zoning for the correct site in "Miami".

23. The duplication and reiteration of the city "Miami" cannot be considered either an integral or material part of the Zoning Form and the failure to duplicate and/or reiterate does not justify treating HTG and Sapodilla Place in an inconsistent manner.

24. Confirming zoning and consistency with land use regulations regarding density and intended use is the entire purpose of the Zoning Form. HTG's zoning and consistency with land use regulations regarding density and intended use are correct and this fact is undisputed and has been verified by the proper authority. Nevertheless,

Florida Housing's Final Scores for HTG indicate that HTG has failed threshold. (See Exhibit H)

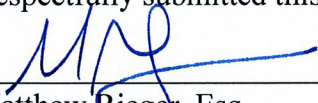
25. In fact, Mr. Barnaby L. Min was accepted as the proper authority on the majority of applications in Miami which were submitted to Florida Housing.

26. Between the alleged errors on the respective HTG and Sapodilla Place applications, it is clear that Sapodilla Place's omission of the number of units on their Zoning Form is the far more material and grievous error. Nevertheless, Florida Housing has demonstrated in its scoring of Sapodilla Place, that their omission was not significant enough to cause a failure to meet threshold.

27. Based on the foregoing, HTG respectfully requests that an informal administrative proceeding be held and that the Hearing Officer enter a Recommended Order finding that HTG has met all threshold requirements and has earned six ability to proceed tie-breaker points.

28. At the time of filing this petition, HTG does not believe that any material facts are in dispute. HTG reserves the right to seek a hearing at the Division of Administrative Hearings if, during the course of proceedings on this petition, disputed issues of material fact become known to the parties.

Respectfully submitted this 18th day of April, 2012.

  
\_\_\_\_\_  
Matthew Rieger, Esq.  
Florida Bar No. 0520251

Matthew Rieger, P.A.  
Counsel for Petitioner  
HTG Miami 4, LLC  
3225 Aviation Ave., Suite 602  
Coconut Grove, FL 33133  
Tel: (305) 537-4684

**EXHIBIT A**



**2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS  
CONSISTENT WITH ZONING AND LAND USE REGULATIONS**

Name of Development: La Margarita

(Part III.A.1. of the 2011 Universal Cycle Application)

Development Location: 3535, 3521, 3517, 3505 NW 17 Avenue, Miami, FL

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

The undersigned Local Government official confirms that on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website

[http://apps.floridahousing.org/StandAlone/FHFC\\_ECM/ContentPage.aspx?PAGE=0238](http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238)):

- (1) The number of units (not buildings) allowed for this development site (if restricted) is: 100 and/or if a PUD, the number of units (not buildings) allowed per development site is: \_\_\_\_\_  
or  
if not a PUD and development site is subject to existing special use or similar permit, number of units allowed for this development site is: \_\_\_\_\_; and
- (2) The zoning designation for the referenced Development site is T6-8-0; and
- (3) The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

**CERTIFICATION**

I certify that the City/County of \_\_\_\_\_ has vested in me the authority  
(Name of City/County)

to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 67-48, F.A.C. I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Signature \_\_\_\_\_

BARNABY L. MIN  
\_\_\_\_\_  
Print or Type Name

ZONING ADMINISTRATOR.  
\_\_\_\_\_  
Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail to meet threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the form will not be considered and the Application will fail to meet threshold. The certification may be photocopied.

Provide Behind a Tab Labeled "Exhibit 32"

**EXHIBIT B**

# Scoring Summary Report

**File #: 2011-094C    Development Name: La Margarita**

**As of: 01/19/2012**

	Maximum Points/Eligibility	Preliminary	NOPSE	Final	Final Ranking
Met Threshold	Y/N	N			
Total Points	79	79.00			
Ability to Proceed Tie-Breaker Points	6	5.00			
Proximity Tie-Breaker Points	37	36.00			
Eligible for 1/8th Mile Ranking Preference	Y/N	N			
Eligible for Age of Development Tie-Breaker Ranking Preference	Y/N	N			
Eligible for Concrete Construction Tie-Breaker Ranking Preference	Y/N	Y			
Eligible for Florida General Contractor Tie-Breaker Ranking Preference	Y/N	Y			
RA Level Classification (preference given to the lowest RA Level Classification)	1 - 6	6			

**Scores:**

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
1S	II.	B.	1.c.	Developer Housing Credit Development Experience	3.00	3.00			
<b>Construction Features and Amenities</b>									
2S	III.	B.	3.a.	Optional - NC & Rehab. Units	9.00	9.00			
3S	III.	B.	3.b.	Optional - All Developments Except SRO	12.00	12.00			
3S	III.	B.	3.c.	Optional - SRO Developments	12.00	0.00			
4S	III.	B.	3.d.	Optional - Universal Design & Visitability	10.00	10.00			
5S	III.	B.	5.a.(1)	Green Building Features (NC & Redev.)	7.00	0.00			
5S	III.	B.	5.a.(2)	Green Building Certification (NC & Redev.)	10.00	10.00			
5S	III.	B.	5.b.	Green Building Features (Rehab. & Preserv.)	10.00	0.00			
<b>Set-Aside Commitments</b>									
6S	III.	E.	1.b.(2)	Special Needs Households	4.00	4.00			
7S	III.	E.	1.b.(3)	Total Set-Aside Commitment	3.00	3.00			
8S	III.	E.	3.	Affordability Period	5.00	5.00			
<b>Resident Programs</b>									
9S	III.	F.	1.	Programs for Non-Elderly & Non-Homeless	6.00	6.00			
9S	III.	F.	2.	Programs for Homeless (SRO & Non-SRO)	6.00	0.00			
9S	III.	F.	3.	Programs for Elderly	6.00	0.00			
10S	III.	F.	4.	Programs for All Applicants	8.00	8.00			
<b>Local Government Contributions</b>									
11S	IV.	A.		Contributions	5.00	5.00			
<b>Local Government Incentives</b>									
12S	IV.	B.		Incentives	4.00	4.00			

**Threshold(s) Failed:**

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	III.	C.	4.	Zoning	The Certification portion of the Local Government Verification that Development is Consistent with Zoning and Land Use Regulations Form provided in the Application is not complete. The space for "city or county" is blank.	Preliminary	
2T	III.	C.	2.	Site Control	The July 18, 2011 Assignment of Agreement assigns the Assignors' "right, title and interest, as Buyer, under that certain Agreement for Purchase and Sale, as amended." The June 10, 2011 Agreement for Purchase and Sale was included in the Application; however, none of the amendments referenced in the Assignment were provided.	Preliminary	

**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			
2A	III.	C.	3.a.	Availability of Electricity	1.00	1.00			
3A	III.	C.	3.b.	Availability of Water	1.00	1.00			
4A	III.	C.	3.c.	Availability of Sewer	1.00	1.00			
5A	III.	C.	3.d.	Availability of Roads	1.00	1.00			
6A	III.	C.	4.	Appropriately Zoned	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 1T above.	Preliminary	

**Proximity Tie-Breaker Points:**

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

**Additional Application Comments:**

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	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.(1) of the Application.	Preliminary	

**EXHIBIT C**

## 2011 CURE FORM

(Submit a SEPARATE form for EACH reason relative to EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to **Application No. 2011-094C** and pertains to:

Part III Section C Subsection 4 Exhibit No. 32 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2011 Universal Scoring Summary Report	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Failed Threshold	Item No. <u>1</u> T	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Proximity Points Not Maxed	Item No. ____P	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a cure to Part \_\_\_\_ Section \_\_\_\_ Subsection \_\_\_\_ Exhibit \_\_\_\_ (if applicable).



Brief Statement of Explanation regarding  
Application 2001-094C

**Provide a separate brief statement for each cure**

1T – Zoning

As a result of Preliminary Scoring, Florida Housing Finance Corporation (“FHFC”) indicated that the “Certification portion of the Local Government Verification that Development is Consistent with Zoning and Land Use Regulations Form (“Zoning Form”) provided in Application No. 2011-094C (“La Margarita”) is not complete. The space for “city or county” is blank”.

The fact that “Miami” was not filled in on the original submission does not negate the fact that **all essential information on the form was correctly filled out when originally submitted and such form was signed by the appropriate local official.** The failure to indicate “Miami” does not negate those facts in any way.

Further, by correctly indicating that the “Development Location” is: 3535, 3521, 3517, 3505 NW 17 Avenue, Miami, FL on the form, FHFC can see that the Zoning Administrator is signing the form indicating appropriate zoning for the correct site in “Miami”. Confirming zoning and consistency with land use regulations regarding density and intended use is the entire purpose of the form. No one has argued that Mr. Barnaby L. Min is not the correct person to verify this information and sign the Zoning Form regarding La Margarita’s Development Location.

It is essential to note for the record that Application No. 2011-182C (“Sapodilla Place”) received one (1) full Ability to Proceed Tie-Breaker Point following Preliminary Scores for their Zoning Form in spite of the fact that Sapodilla Place’s Zoning Form was “not complete” as such form failed to indicate the number of units allowed per Zoning Designation (please see the Scoring Report attached as Exhibit A hereto). Later, two (2) NOPSEs were submitted against Sapodilla Place which advised FHFC of Sapodilla Place’s failure to indicate the number of units on their Zoning Form (please see the NOPSEs attached as Exhibit B hereto). Neither of the two (2) NOPSEs was accepted and Sapodilla Place received one (1) full Ability to Proceed Tie-Breaker Point for their Zoning Form following NOPSE Scores (please see Exhibit A). Clearly, FHFC has determined that a failure to fill in certain information on the Zoning Form does NOT necessitate Threshold Failure.

Therefore, in light of all of the above, La Margarita should receive a one (1) full Ability to Proceed Tie-Breaker Point for Appropriate Zoning.

## Exhibit A

# Scoring Summary Report

File #: 2011-182C    Development Name: Sapodilla Place Apartments

As of: 02/22/2012

	Maximum Points/Eligibility	Preliminary	NOPSE	Final	Final Ranking
<b>Met Threshold</b>	Y/N	N	N		
<b>Total Points</b>	79	70.00	70.00		
<b>Ability to Proceed Tie-Breaker Points</b>	6	6.00	6.00		
<b>Proximity Tie-Breaker Points</b>	37	30.75	30.75		
<b>Eligible for 1/8th Mile Ranking Preference</b>	Y/N	N	N		
<b>Eligible for Age of Development Tie-Breaker Ranking Preference</b>	Y/N	N	N		
<b>Eligible for Concrete Construction Tie-Breaker Ranking Preference</b>	Y/N	Y	Y		
<b>Eligible for Florida General Contractor Tie-Breaker Ranking Preference</b>	Y/N	Y	Y		
<b>RA Level Classification (preference given to the lowest RA Level Classification)</b>	1 - 6	6	6		

**Exhibit B**

**2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS  
CONSISTENT WITH ZONING AND LAND USE REGULATIONS**

Name of Development: Sapodilla Place Apartments  
(Part III.A.1. of the 2011 Universal Cycle Application)

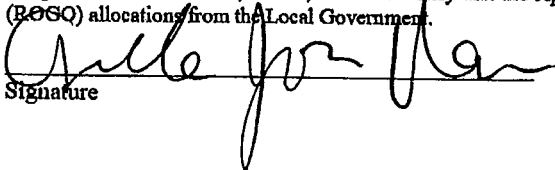
Development Location: The SW intersection of Datura Street and Sapodilla Avenue and the NW Intersection of Evernia Street and Sapodilla Avenue, West Palm Beach  
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

The undersigned Local Government official confirms that on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website [http://apps.floridahousing.org/StandAlone/FHFC\\_ECM/ContentPage.aspx?PAGE=0238](http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238)):

- (1) The number of units (not buildings) allowed for this development site (if restricted) is: \_\_\_\_\_ and/or if a PUD, the number of units (not buildings) allowed per development site is: \_\_\_\_\_  
or  
if not a PUD and development site is subject to existing special use or similar permit, number of units allowed for this development site is: \_\_\_\_\_; and
- (2) The zoning designation for the referenced Development site is TOD-8 and TOD-10; and
- (3) The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

**CERTIFICATION**

I certify that the City/County of West Palm Beach (Name of City/County) has vested in me the authority to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (RGO) allocations from the Local Government.

  
Signature

Angella Jones-Vann  
Print or Type Name  
Planning and Zoning Administrator  
Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail to meet threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the form will not be considered and the Application will fail to meet threshold. The certification may be photocopied.

Provide Behind a Tab Labeled "Exhibit 32"

**EXHIBIT D**

**2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS  
CONSISTENT WITH ZONING AND LAND USE REGULATIONS**

Name of Development: Sapodilla Place Apartments  
(Part III.A.1. of the 2011 Universal Cycle Application)

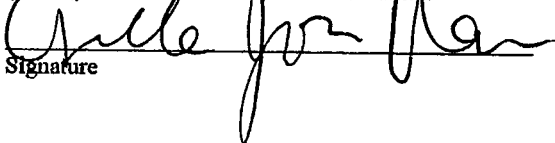
Development Location: The SW intersection of Datura Street and Sapodilla Avenue and the NW Intersection of Evermia Street and Sapodilla Avenue, West Palm Beach  
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

The undersigned Local Government official confirms that on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website [http://apps.floridahousing.org/StandAlone/FHFC\\_ECM/ContentPage.aspx?PAGE=0238](http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0238)):

- (1) The number of units (not buildings) allowed for this development site (if restricted) is: \_\_\_\_\_ and/or if a PUD, the number of units (not buildings) allowed per development site is: \_\_\_\_\_  
or  
if not a PUD and development site is subject to existing special use or similar permit, number of units allowed for this development site is: \_\_\_\_\_; and
- (2) The zoning designation for the referenced Development site is TOD-8 and TOD-10; and
- (3) The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

**CERTIFICATION**

I certify that the City/County of West Palm Beach has vested in me the authority  
(Name of City/County)  
to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROSO) allocations from the Local Government.

  
Signature

Angella Jones-Vann  
Print or Type Name

Planning and Zoning Administrator  
Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail to meet threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the form will not be considered and the Application will fail to meet threshold. The certification may be photocopied.

Provide Behind a Tab Labeled "Exhibit 32"

**EXHIBIT E**



Copy

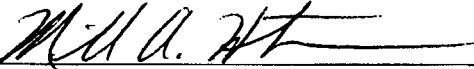
UNIVERSAL APPLICATION PACKAGE  
NOTICE OF POSSIBLE SCORING ERROR (NOPSE)  
REQUEST FOR REVIEW FORM

Notice of Possible Scoring Error(s) regarding Application No. 2011- 182C  
(one Application number per notice)

Part / <u>III</u>	Section / <u>C</u>	Subsection / <u>4</u>	Exhibit No. <u>32</u>	Number of Issues For Review <u>1</u>
_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Number of Issues For Review				<u>1</u>

Submitted by Authorized Representative for Application Number 2011- 061C

Signature of Authorized Representative for above-designated Application.

 Signature: _____	<u>Michael A. Hartman</u> Print Name: _____
---	--

All notices must be submitted in accordance with subsection 67-48.004(4), F.A.C., and should contain enough information for staff to evaluate them. This will include, but may not be limited to, a detailed description of the issue being identified and action requested by the submitting Applicant, such as reduction of score or threshold failure. Attach additional pages if necessary. All notices should be submitted in typewritten form.

NOPSE TRACKING NO.  
327

Copy

**Brief Statement of Explanation regarding  
Application No. 2011 - 182C**

**Provide a separate brief statement for each NOPSE**

At Exhibit 32, Applicant submitted an incomplete form. Under item (1), the Applicant is required to provide the number of units allowed for this development site. Since the site is zoned, as evidenced by Applicant's response to item (2), the number of units is restricted by the zoning of this development site. Exhibit 32 does require that the Applicant provide item (1) and item (2) and item (3). The Application Instructions state "To achieve threshold the Applicant must provide the applicable Local Government verification form, properly completed and executed, behind a tab labeled "Exhibit 32". The verification form must demonstrate that as of the date that signifies the Application Deadline for the 2011 Universal Cycle the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use...". The Exhibit fails threshold as it is not properly completed nor does it indicate that the Development site is consistent regarding density. The Exhibit fails to show that the Development site allows the 88 units contemplated by the Applicant can be built on the site.

Therefore, Exhibit 32 should be rejected, the Application should fail Threshold and should lose 1 Ability to Proceed Tie-Breaker Point.

Copy

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS

Name of Development: Sapodilla Place Apartments (Part III.A.1. of the 2011 Universal Cycle Application)

Development Location: The SW intersection of Datura Street and Sapodilla Avenue and the NW Intersection of Evernia Street and Sapodilla Avenue, West Palm Beach (At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.)

The undersigned Local Government official confirms that on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC\_ECM/ContentPage.aspx?PAGE=0238):

- (1) The number of units (not buildings) allowed for this development site (if restricted) is: \_\_\_\_\_ and/or if a PUD, the number of units (not buildings) allowed per development site is: \_\_\_\_\_ or if not a PUD and development site is subject to existing special use or similar permit, number of units allowed for this development site is: \_\_\_\_\_; and
(2) The zoning designation for the referenced Development site is TOD-8 and TOD-10; and
(3) The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

CERTIFICATION

I certify that the City/County of West Palm Beach has vested in me the authority (Name of City/County)

to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (RGO) allocations from the Local Government.

Signature [Handwritten Signature]

Angella Jones-Vann Print or Type Name

Planning and Zoning Administrator Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail to meet threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the form will not be considered and the Application will fail to meet threshold. The certification may be photocopied.

Provide Behind a Tab Labeled "Exhibit 32"

**UNIVERSAL APPLICATION PACKAGE  
NOTICE OF POSSIBLE SCORING ERROR (NOPSE)  
REQUEST FOR REVIEW FORM**

**COPY**

Notice of Possible Scoring Error(s) regarding Application No. 2011- 182C  
(one Application number per notice)

Part / Section / Subsection / Exhibit No.	Number of Issues For Review
<u>III</u> <u>C</u> <u>4a</u> <u>32</u>	<u>1</u>
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_____	_____
Total Number of Issues For Review	<u>1</u>

NOPSE TRACKING NO.  
**539**

Submitted by Authorized Representative for Application Number 2011- 165C

Signature of Authorized Representative for above-designated Application.  
John Weir     John Weir  
Signature:     Print Name:

All notices must be submitted in accordance with subsection 67-48.004(4), F.A.C., and should contain enough information for staff to evaluate them. This will include, but may not be limited to, a detailed description of the issue being identified and action requested by the submitting Applicant, such as reduction of score or threshold failure. Attach additional pages if necessary. All notices should be submitted in typewritten form.

COPY

Brief Statement of Explanation regarding  
Application No. 2011-182C

**Part III.C.4.a**

The Applicant submitted an improperly executed Exhibit 32 Local Government Verification that Development is Consistent with Zoning and Land Use Regulations – the Applicant did not indicate the number of units allowed per the Zoning Designation # (1) on Exhibit 32. The Applicant has failed to demonstrate Local Verification of Zoning and therefore should fail Threshold and not receive the Full Ability to Proceed Point.

We respectfully submit that based upon the above facts, Application 2011-182C should fail Threshold and not receive the Full Ability to Proceed Point.

2011 UNIVERSAL CYCLE - LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT WITH ZONING AND LAND USE REGULATIONS

Name of Development: Sapodilla Place Apartments (Part III.A.1. of the 2011 Universal Cycle Application)

Development Location: The SW intersection of Datura Street and Sapodilla Avenue and the NW Intersection of Evernia Street and Sapodilla Avenue, West Palm Beach

The undersigned Local Government official confirms that on or before the Application Deadline for the 2011 Universal Application Cycle (as stated on the FHFC Website http://apps.floridahousing.org/StandAlone/FHFC\_ECM/ContentPage.aspx?PAGE=0238):

- (1) The number of units (not buildings) allowed for this development site (if restricted) is: \_\_\_ and/or if a PUD, the number of units (not buildings) allowed per development site is: \_\_\_ or if not a PUD and development site is subject to existing special use or similar permit, number of units allowed for this development site is: \_\_\_; and
(2) The zoning designation for the referenced Development site is TOD-8 and TOD-10; and
(3) The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is allowed as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development on the proposed site.

CERTIFICATION

I certify that the City/County of West Palm Beach has vested in me the authority (Name of City/County)

to verify consistency with local land use regulations and the zoning designation specified above or, if the Development consists of rehabilitation, the intended use is allowed as a "legally non-conforming use" and I further certify that the foregoing information is true and correct. In addition, if the proposed Development site is in the Florida Keys Area as defined in Rule Chapters 67-21 and 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the Local Government.

Signature [Handwritten Signature]

Angella Jones-Vann Print or Type Name

Planning and Zoning Administrator Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail to meet threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the form will not be considered and the Application will fail to meet threshold. The certification may be photocopied.

**EXHIBIT F**

# Scoring Summary Report

File #: 2011-182C      Development Name: Sapodilla Place Apartments

As of: 02/22/2012

	Maximum Points/Eligibility	Preliminary	NOPSE	Final	Final Ranking
Met Threshold	Y/N	N	N		
Total Points	79	70.00	70.00		
Ability to Proceed Tie-Breaker Points	6	6.00	6.00		
Proximity Tie-Breaker Points	37	30.75	30.75		
Eligible for 1/8th Mile Ranking Preference	Y/N	N	N		
Eligible for Age of Development Tie-Breaker Ranking Preference	Y/N	N	N		
Eligible for Concrete Construction Tie-Breaker Ranking Preference	Y/N	Y	Y		
Eligible for Florida General Contractor Tie-Breaker Ranking Preference	Y/N	Y	Y		
RA Level Classification (preference given to the lowest RA Level Classification)	1 - 6	6	6		



Scores:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
<b>Developer</b>									
1S	II.	B.	1.c.	Housing Credit Development Experience	3.00	0.00	0.00		
<b>Construction Features and Amenities</b>									
2S	III.	B.	3.a.	Optional - NC & Rehab. Units	9.00	9.00	9.00		
3S	III.	B.	3.b.	Optional - All Developments Except SRO	12.00	12.00	12.00		
3S	III.	B.	3.c.	Optional - SRO Developments	12.00	0.00	0.00		
4S	III.	B.	3.d.	Optional - Universal Design & Visitability	10.00	10.00	10.00		
5S	III.	B.	5.a.(1)	Green Building Features (NC & Redev.)	7.00	0.00	0.00		
5S	III.	B.	5.a.(2)	Green Building Certification (NC & Redev.)	10.00	10.00	10.00		
5S	III.	B.	5.b.	Green Building Features (Rehab. & Preserv.)	10.00	0.00	0.00		
<b>Set-Aside Commitments</b>									
6S	III.	E.	1.b.(2)	Special Needs Households	4.00	4.00	4.00		
7S	III.	E.	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00		
8S	III.	E.	3.	Affordability Period	5.00	5.00	5.00		
<b>Resident Programs</b>									
9S	III.	F.	1.	Programs for Non-Elderly & Non-Homeless	6.00	0.00	0.00		
9S	III.	F.	2.	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00		
9S	III.	F.	3.	Programs for Elderly	6.00	0.00	0.00		
10S	III.	F.	4.	Programs for All Applicants	8.00	8.00	8.00		
<b>Local Government Contributions</b>									
11S	IV.	A.		Contributions	5.00	5.00	5.00		
<b>Local Government Incentives</b>									
12S	IV.	B.		Incentives	4.00	4.00	4.00		

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded As Result
1S	The Applicant indicated that a Principal of the Developer has completed at least 1,000 Housing Credit units in Florida. However, rather than listing the name of a Principal of the Developer on the Housing Credit Development Experience chart as required by the Application Instructions, the Applicant listed the name of the Developer (The Richman Group of Florida, Inc.).	Preliminary	
9S	The Applicant failed to qualify for the Elderly Demographic. Therefore, the Applicant is not eligible to select Qualified Resident Programs for Elderly Developments.	Preliminary	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	III.	D.		Demographic Commitment	The Applicant failed to qualify for the Elderly Demographic. Although a market analysis was provided, it failed to demonstrate a local need for the low-income Elderly housing that is the subject of this Application as required in the 2011 Universal Application Instructions.	Preliminary	

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		
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	1.00		

**Proximity Tie-Breaker Points:**

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
<b>Transit Services</b>									
1P	III.	A.	10.a	Public Bus Stop	2.00	0.00	0.00		
1P	III.	A.	10.a	Public Bus Transfer Stop or Public Bus Transit Stop	6.00	0.00	0.00		
1P	III.	A.	10.a	Public Rail Station	7.00	7.00	7.00		

<b>Tier 1 Services</b>									
2P	III.	A.	10.a	Grocery Store	4.00	4.00	4.00		
3P	III.	A.	10.a	Public School	4.00	0.00	0.00		
3P	III.	A.	10.a	Senior Center	4.00	0.00	0.00		
4P	III.	A.	10.a	Medical Facility	4.00	2.50	2.50		
<b>Eligible for Tier 1 Service Score Boost (Yes/No)</b>						N	N		
<b>Total Tier 1 Service Score</b>					12.00	6.50	6.50		

<b>Tier 2 Services</b>									
5P	III.	A.	10.a	Public Park	2.00	1.75	1.75		
6P	III.	A.	10.a	Community Center	2.00	1.75	1.75		
7P	III.	A.	10.a	Pharmacy	2.00	2.00	2.00		
8P	III.	A.	10.a	Public Library	2.00	1.75	1.75		

<b>FHFC Proximity List</b>									
9P	III.	A.	10.b	Proximity to Developments on FHFC Development Proximity List	10.00	10.00	10.00		

**Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:**

Item #	Reason(s)	Created As Result	Rescinded As Result
3P	Because the proposed Development does not qualify for the Elderly Demographic, it is not eligible for proximity points for Senior Center.	Preliminary	

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comments(s)	Created as Result of	Rescinded as Result of
1C	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.(1) of the Application.	Preliminary	
2C	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 \$22,488. This had no material impact on the Development's financing.	NOPSE	
3C	V.	B.		Pro Forma	The maximum Developer fee of 16% was exceeded by \$2,002. Therefore, the Developer fee and the Total Development Cost were reduced by this amount. This had no material impact on the Development's financing.	NOPSE	

**EXHIBIT G**

# Scoring Summary Report

File #: 2011-182C      Development Name: Sapodilla Place Apartments

As of: 03/27/2012

	Maximum Points/Eligibility	Preliminary	NOPSE	Final	Final Ranking
Met Threshold	Y/N	N	N	N	
Total Points	79	70.00	70.00	70.00	
Ability to Proceed Tie-Breaker Points	6	6.00	6.00	6.00	
Proximity Tie-Breaker Points	37	30.75	30.75	30.75	
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
<b>Developer</b>									
1S	II.	B.	1.c.	Housing Credit Development Experience	3.00	0.00	0.00	0.00	
<b>Construction Features and Amenities</b>									
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 & Visiblility	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	
<b>Set-Aside Commitments</b>									
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	
<b>Resident Programs</b>									
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	0.00	0.00	0.00	
10S	III.	F.	4.	Programs for All Applicants	8.00	8.00	8.00	8.00	
<b>Local Government Contributions</b>									
11S	IV.	A.		Contributions	5.00	5.00	5.00	5.00	
<b>Local Government Incentives</b>									
12S	IV.	B.		Incentives	4.00	4.00	4.00	4.00	

**Reason(s) Scores Not Maxed:**

Item #	Reason(s)	Created As Result	Rescinded As Result
1S	The Applicant indicated that a Principal of the Developer has completed at least 1,000 Housing Credit units in Florida. However, rather than listing the name of a Principal of the Developer on the Housing Credit Development Experience chart as required by the Application Instructions, the Applicant listed the name of the Developer (The Richman Group of Florida, Inc.).	Preliminary	
9S	The Applicant failed to qualify for the Elderly Demographic. Therefore, the Applicant is not eligible to select Qualified Resident Programs for Elderly Developments.	Preliminary	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	III.	D.		Demographic Commitment	The Applicant failed to qualify for the Elderly Demographic. Although a market analysis was provided, it failed to demonstrate a local need for the low-income Elderly housing that is the subject of this Application as required in the 2011 Universal Application Instructions.	Preliminary	

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
<b>Transit Services</b>									
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	7.00	

<b>Tier 1 Services</b>									
2P	III.	A.	10.a	Grocery Store	4.00	4.00	4.00	4.00	
3P	III.	A.	10.a	Public School	4.00	0.00	0.00	0.00	
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	
<b>Eligible for Tier 1 Service Score Boost (Yes/No)</b>						N	N	N	
<b>Total Tier 1 Service Score</b>					12.00	6.50	6.50	6.50	

<b>Tier 2 Services</b>									
5P	III.	A.	10.a	Public Park	2.00	1.75	1.75	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	2.00	2.00	2.00	
8P	III.	A.	10.a	Public Library	2.00	1.75	1.75	1.75	

<b>FHFC Proximity List</b>									
9P	III.	A.	10.b	Proximity to Developments on FHFC Development Proximity List	10.00	10.00	10.00	10.00	

**Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:**

Item #	Reason(s)	Created As Result	Rescinded As Result
3P	Because the proposed Development does not qualify for the Elderly Demographic, it is not eligible for proximity points for Senior Center.	Preliminary	

## Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	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.(1) of the Application.	Preliminary	
2C	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 \$22,488. This had no material impact on the Development's financing.	NOPSE	
3C	V.	B.		Pro Forma	The maximum Developer fee of 16% was exceeded by \$2,002. Therefore, the Developer fee and the Total Development Cost were reduced by this amount. This had no material impact on the Development's financing.	NOPSE	

**EXHIBIT H**

# Scoring Summary Report

File #: 2011-094C    Development Name: La Margarita

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	5.00	5.00	5.00	
Proximity Tie-Breaker Points	37	36.00	36.00	36.00	
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
<b>Developer</b>									
1S	II.	B.	1.c.	Housing Credit Development Experience	3.00	3.00	3.00	3.00	
<b>Construction Features and Amenities</b>									
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	
<b>Set-Aside Commitments</b>									
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	
<b>Resident Programs</b>									
9S	III.	F.	1.	Programs for Non-Elderly & Non-Homeless	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	
9S	III.	F.	3.	Programs for Elderly	6.00	0.00	0.00	0.00	
10S	III.	F.	4.	Programs for All Applicants	8.00	8.00	8.00	8.00	
<b>Local Government Contributions</b>									
11S	IV.	A.		Contributions	5.00	5.00	5.00	5.00	
<b>Local Government Incentives</b>									
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	III.	C.	4.	Zoning	The Certification portion of the Local Government Verification that Development is Consistent with Zoning and Land Use Regulations Form provided in the Application is not complete. The space for "city or county" is blank.	Preliminary	
2T	III.	C.	2.	Site Control	The July 18, 2011 Assignment of Agreement assigns the Assignors' "right, title and interest, as Buyer, under that certain Agreement for Purchase and Sale, as amended." The June 10, 2011 Agreement for Purchase and Sale was included in the Application; however, none of the amendments referenced in the Assignment were provided.	Preliminary	Final
3T	V.	D.	2.	HC Equity	The Applicant provided an equity commitment letter from PNC Real Estate (Exhibit 47). Exhibit 9 identifies the ownership of the Limited Liability Company as 99.99%. The letter identifies an Investor Member and a Special Investor Member. The equity letter indicated the Investor Member will purchase 99.98% of the HC allocation. The ownership interest cannot be determined for the Special Investor Member. Therefore, the equity commitment cannot count as a source of financing.	NOPSE	Final
4T	V.	B.		Construction/Rehab. Analysis	The Applicant has a construction financing shortfall of \$16,360,528.	NOPSE	Final
5T	V.	B.		Permanent Analysis	The Applicant has a permanent financing shortfall of \$21,860,528.	NOPSE	Final

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
6T				Financial Arrears	Pursuant to subsection 67-48.004(5), F.A.C., NOPSE scoring may include financial obligations for which an Applicant or Developer or Principal, Affiliate or Financial Beneficiary of an Applicant or the Developer is in arrears to the Corporation or an agent or assignee of the Corporation as of the due date for NOPSE filing (January 25, 2012). As provided in paragraph 67-48.004(13)(d), F.A.C., following the submission of the "Cures," the Corporation shall reject an Application if the Applicant fails to satisfy any arrearages described in subsection 67-48.004(5), F.A.C. The Applicant or Developer or Principal, Affiliate or Financial Beneficiary of the Applicant or the Developer is listed on the January 25, 2012 Past Due Report as being in arrears to the Corporation in connection with the following Development(s): Green Cay Village. The January 25, 2012 Past Due Report is posted to the FHFC Website at <a href="http://www.floridahousing.org/PropertyOwnersAndManagers/PastDueReports/">http://www.floridahousing.org/PropertyOwnersAndManagers/PastDueReports/</a> . Payments and questions should be addressed to the servicer.	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	0.00	0.00	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 1T above.	Preliminary	

**Proximity Tie-Breaker Points:**

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
<b>Transit Services</b>									
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	6.50	6.50	6.50	
<b>Tier 1 Services</b>									
2P	III.	A.	10.a	Grocery Store	4.00	4.00	4.00	4.00	
3P	III.	A.	10.a	Public School	4.00	4.00	4.00	4.00	
3P	III.	A.	10.a	Senior Center	4.00	0.00	0.00	0.00	
4P	III.	A.	10.a	Medical Facility	4.00	4.00	4.00	4.00	
<b>Eligible for Tier 1 Service Score Boost (Yes/No)</b>							N	N	
<b>Total Tier 1 Service Score</b>					12.00	12.00	12.00	12.00	
<b>Tier 2 Services</b>									
5P	III.	A.	10.a	Public Park	2.00	1.75	1.75	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	2.00	2.00	2.00	
8P	III.	A.	10.a	Public Library	2.00	2.00	2.00	2.00	
<b>FHFC Proximity List</b>									
9P	III.	A.	10.b	Proximity to Developments on FHFC Development 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	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.(1) of the Application.	Preliminary	
2C	III.	C.	4.	Zoning	The Applicant's Cure for Item 1T failed to include a completed Local Government Verification That Development is Consistent With Zoning and Land Use Regulations form. The City/County information on this form is required information for the form to be complete.	Final	