

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

**SP TRAIL, LLC
and SOUTHPORT DEVELOPMENT,
INC. d/b/a SOUTHPORT
DEVELOPMENT SERVICES, INC.,**

Petitioners,

**FHFC CASE NO.: 2016-060BP
RFA 2016-109
Application No. 2016-385S**

vs.

**FLORIDA HOUSING FINANCE
CORPORATION,**

Respondent.

_____ /

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on March 24, 2017. On March 1, 2017, the parties executed the attached Consent Agreement in the above-captioned case. The Consent Agreement is adopted and incorporated by reference as though fully set forth in this Order.

IT IS HEREBY ORDERED that based on Woodlawn Trail’s eligibility, after applying the ranking and selection process in RFA 2016-109, Woodlawn Trail, Application No. 2016-386S, and Regatta Place, Application No. 2016-390BS, are selected for funding, subject to credit underwriting. Based on the foregoing, The

BY _____ THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Kate O'Neil

/PATL: 3-24-17

Boulevard at West River, Application No. 2016-371S, is not selected for funding under RFA 2016-109.

DONE and ORDERED this 24th day of March, 2017.

FLORIDA HOUSING FINANCE
CORPORATION

By: 
Chair

Copies to:

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 300 MARTIN LUTHER KING, JR., BLVD., TALLAHASSEE, FLORIDA 32399-1850, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

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**FHFC CASE NO.: 2016-060BP
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**FLORIDA HOUSING FINANCE
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Respondent.

CONSENT AGREEMENT

Petitioners, SP Trail, LLC and Southport Development, Inc., d/b/a Southport Development Services, Inc. (collectively "Petitioners") and Respondent Florida Housing Finance Corporation ("Florida Housing"), by and through undersigned counsel, hereby present the following Consent Agreement in accordance with Section 120.57(4), Florida Statutes:

PRELIMINARY STATEMENT

On or before October 20, 2016, Petitioners submitted Application No. 2016-385S ("the Application") to Florida Housing in response to Florida Housing's Request for Applications 2016-109, State Apartment Incentive Loan ("SAIL") Financing of Affordable Multifamily Housing Developments to be used in conjunctions with Tax-Exempt Bonds and Non-Competitive Housing Credits ("the RFA"), to fund Petitioners' proposed Woodlawn Trail Development to be located in Pinellas County, Florida. Florida Housing's Review Committee for the RFA met on November

30, 2016 and reviewed all responsive applications to the RFA. The Review Committee determined that the proposed Woodlawn Trail Development did not meet the Mandatory Distance Requirement set forth in Section Four A.6.d. of the RFA, rendering Petitioners' Application ineligible for funding. The Review Committee developed a chart listing its funding recommendations for the RFA that, among other things, included a list of eligible and ineligible applications, reflecting Woodlawn Trail Development's ineligibility for funding. The Florida Housing Board of Directors ("Board") adopted the Review Committee's RFA funding recommendations on December 9, 2016. Florida Housing notified Petitioners of their ineligible RFA Application on December 9, 2016, and provided Petitioners with a Notice of Rights pursuant to Sections 120.569 and 120.57, Florida Statutes.

Petitioners timely filed a Formal Written Protest and Petition for Informal Administrative Hearing ("Petition") challenging the Board's finding that the Woodlawn Trail Development did not meet the Mandatory Distance Requirements in the RFA. On December 29, 2016, Florida Housing sent a Notice to All Bidders on RFA 2016-109 ("Notice"), including those bidders who had been preliminarily selected for funding. The Notice informed all bidders that their substantial interests might be affected by the disposition of Petitioners' Petition and advised the bidders of their opportunity to intervene. No bidders sought to intervene.

Florida Housing has reviewed the Board's preliminary RFA funding decision, the Application, and the Petition, and has determined that Petitioners' proposed Woodlawn Trail Development meets the Mandatory Distance Requirement in the RFA, Section Four A.6.d. Therefore, Petitioners' Application met all requirements, is eligible, and should be funded accordingly.

Upon issuance of a Final Order adopting the terms of this Consent Agreement, Petitioners agree to dismiss their Petition with prejudice. The parties waive all right to appeal this Consent Agreement or the Final Order to be issued in this case, and each party shall bear its own costs and attorney's fees. This Consent Agreement is subject to the approval of the Florida Housing Board. If the Board does not approve this Consent Agreement, no Final Order will be issued and this Consent Agreement shall be null and void as if it were never executed.

STIPULATED FINDINGS OF FACT

1. Petitioner SP Trail LLC is a Florida limited liability company. Petitioner Southport Development, Inc. is a Washington corporation authorized to transact business in Florida.

2. Florida Housing is a public corporation that is organized to provide and promote the public welfare by administering the governmental function of financing and refinancing housing and related facilities in the State of Florida. § 420.504, Fla. Stat.; Chapter 67-60, Fla. Admin. Code.

3. Florida Housing administers the SAIL Program set forth in Section 420.5087, Florida Statutes. Chapter 67-60, Florida Administrative Code, establishes the procedures by which Florida Housing administers the competitive solicitation funding process for the SAIL Program.

4. Florida Housing issued RFA 2016-109 seeking applications for development of affordable multifamily housing for families and the elderly utilizing SAIL funding in conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits.

5. The RFA was issued pursuant to and in accordance with Rules 67-60.001 and 67-60.003, Florida Administrative Code, and is adopted and incorporated herein by reference, including all modifications to the RFA issued pursuant to Rule 67.60.005, Florida Administrative Code.

6. On or about October 20, 2016, Petitioners and others submitted applications for financing for RFA 2016-109. Petitioners (Application #2016-385S) applied for funding to help finance the construction of a Family Demographic Development in Pinellas County, Florida, called Woodlawn Trail.

7. Section Four A.6.d. of the RFA set forth that applications must meet the Mandatory Distance Requirement to be eligible for funding.

8. Pursuant to the RFA, the Petitioners' Application would meet the qualifications of the Mandatory Distance Requirement if the distance of the proposed Woodlawn Trail Development was greater than 2.0 miles from certain established properties servicing the same family demographic group in Pinellas County.

9. During the Review Committee Meeting for Petitioners' Application, Florida Housing determined that Woodlawn Trail Development did not meet the Mandatory Distance Requirement, and recommended that Petitioners' application was ineligible. The Board adopted Florida Housing's recommendation on December 9, 2016.

10. On December 22, 2016, Petitioners submitted a Formal Written Protest and Petition for Informal Administrative Hearing Review pursuant to Section 120.57(3), Florida Statutes.

11. The issue raised in the Petition was whether Florida Housing incorrectly determined that the Woodlawn Trail Development Application was ineligible due to its failure to meet the RFA Mandatory Distance Requirement.

12. Upon review of the Petition, as well as the Application and RFA documents, Florida Housing has determined that the Woodlawn Trail Development met the Mandatory Distance Requirement because its Development Location Point was greater than 2.0 miles from the closest

established property serving the same demographic. Accordingly, Petitioners' Application was eligible for funding.

13. Because the Woodlawn Trail Development Application is eligible for funding, it should be selected for funding because it is the highest-ranking Large County Family Demographic application to meet the RFA's County Award Tally for Pinellas County.

STIPULATED CONCLUSIONS OF LAW

14. Pursuant to Sections 120.569 and 120.57(3), Florida Statutes, and Chapter 67-60, Florida Administrative Code, the Florida Housing Board of Directors has jurisdiction over the parties to this proceeding.

15. Florida Housing is statutorily authorized to institute a competitive application process for SAIL Program Funding, Section 420.5087, Florida Statutes, and has done so through Rules 67-60.001 and 67-60.003, Florida Administrative Code.

16. The Woodlawn Trail Development met the Mandatory Distance Requirement in RFA Section Four A.6.d., and Petitioners' Application is eligible for funding.

STIPULATED DISPOSITION

Petitioners have met all eligibility requirements and the Woodlawn Trail Application is entitled to funding under RFA 2016-109.

Respectfully submitted this 1st day of March, 2017.

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