

BEFORE THE STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION

**THE WRIGHT FOUNDATION, INC.,**  
**Petitioner,**

**FHFC Case No. 2017-009BP**  
**FHFC Case No. 2016-018BP**  
**RFA No. 2016-106**  
**Application No. 2016-402D**

vs.

**FLORIDA HOUSING FINANCE CORPORATION,**  
**Respondent.**

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**PETITIONER'S FORMAL WRITTEN PROTEST AND**  
**PETITION FOR ADMINISTRATIVE HEARING**

**COMES NOW** Petitioner, **THE WRIGHT FOUNDATION, INC.** (hereinafter "TWF"), pursuant to sections 120.57(3), Florida Statutes ("F.S."), and Rule 28-110 and 67-60, Florida Administrative Code ("FAO") hereby files this Formal Written Protest and Petition for Administrative Hearing regarding the scoring decision of Respondent, FLORIDA HOUSING FINANCE CORPORATION (hereinafter "Florida Housing") to award funding to responsive bidders pursuant to Request for Application 2016-106 Homeless Housing Assistance Loan Demonstration Program ("RFA"); and in support TWF provides as follows:

1. TWF is a Florida Corporation in the business of providing housing assistance to homeless individuals and families. TWF is located at 2985 Guyton Street, Marianna, Florida 32446. For the purposes of this proceeding, TWF's phone number is that of its undersigned attorney.
2. Florida Housing is the allocating agency for the State of Florida that was granted the authority to issue RFA 2016-106 for the purpose of providing much needed housing for homeless individuals and families. Florida Housing's address is 227 North Bronough Street, Suite 500, Tallahassee, Florida 32301.
3. On September 30, 2016, Florida Housing issued the RFA to award an estimated \$ 5,000,000 in available funding, for forgivable loans.

4. Through the issuance of the RFA Florida Housing sought to solicit proposals from qualified Applicants that would provide housing consistent with the terms and conditions of the RFA, applicable laws, rules, and regulations.

5. On October 31, 2016, TWF submitted an Application in Response to the RFA – Form Key 3427- which included information concerning a 10 unit scattered site proposal in Jackson County, Florida, named The Vine. Florida Housing received 7 applications in response to the RFA. Through the Application, TWF requested \$750,000.00 in funding assistance for its proposed project. TWF believed that it had satisfied all requirements of the RFA.

6. As the owner and developer of a project seeking funding, TWF is substantially affected by the evaluation and scoring of the responses to the RFA. The results of this and related proceedings may affect TWF's ability to obtain funding through the RFA.

7. Consistent with the primary mission and goal of the RFA, TWF's Development will provide much needed housing and services. Without the funds provided by the RFA TWF will be unable to provide this much needed housing. Accordingly, TWFs substantial interests are affected by the decisions made by Florida Housing.

8. At Section Four, the RFA lists Information to be included in the Application - Section F specifically address Continuum of Care Requirements:

1. “The Applicant must be an active member and current provider of publicly-funded services or housing for Homeless households in the county of the proposed Development. (For purposes of this RFA, publicly-funded means funded by federal, state or local governments.) Eligible counties (listed below) are those that meet the population requirements and are part of a Local Homeless Assistance Continuum of Care planning and service area. The Applicant should indicate the Continuum of Care at question F.1. of Exhibit A. Note: The Corporation will select no more than one Application per eligible Continuum of Care for funding, as stated in the Funding Selection Process outlined in Section Five, B.”

2. Applicants must demonstrate that the proposed Development is intended for a priority Homeless population in the Local Homeless Assistance Continuum of Care plan, that they are active members of the eligible Continuum of Care selected and current providers of publicly-funded services or housing for Homeless households in the county of the proposed Development. (For purposes of this RFA, publicly-funded means funded by federal, state or local governments.) The Applicant must demonstrate that the proposed Development is intended for a priority Homeless population according to the Continuum of Care plan by providing the Applicant Membership and Priority Population Verification by the Governing Board of the Local Homeless Assistance Continuum of Care Jurisdiction form (Form Rev. 07-16) as Attachment 4.
9. In response to these RFA requirements, TWF did actively seek to secure a signed Attachment 4 from the Governing Board of the Local Homeless Assistance Continuum of Care which extenuating circumstances outside of TWF's controls prevented such.
10. In response to these RFA requirements, TWF, in lieu of the Local Homeless Assistance Continuum of Care Jurisdiction form; submitted with its Application reasonable, verifiable, and legitimate documentation to prove: 1) The proposed Development is intended for a priority Homeless population in the Local Homeless Assistance Continuum of Care plan, 2) TWF is an active member of the eligible Continuum of Care selected and current provider of publicly-funded services or housing for Homeless households in the county of the proposed Development; and 3) The proposed Development is intended for a priority Homeless population according to the Continuum of Care plan; thereby gaining compliance with Section 4, F, 2.
11. Upon reviewing the RFA, verification by the Governing Board of the Local Homeless Assistance Continuum of Care Jurisdiction form (Form Rev. 07-16) as Attachment 4 is not deemed cause for ineligibility.

12. TWF reserves the right to amend this petition as additional documents and facts are discovered.

13. Material issues to be resolved:

- a. Whether the review of TWF's Application was inconsistent with the RFA requirements, or Florida Housing policies,
- b. Whether Florida Housing's review and actions taken concerning TWF's Application were contrary to the competition.
- c. Whether other mitigating factors exist which TWF may cure.

**WHEREFORE** Petitioner, The Wright Foundation, respectfully requests that a settlement meeting be scheduled and, if a settlement is not reached, a hearing and entry of an order determining that Florida Housing's review and scoring of TWF's Application was contrary to the RFA specifications and to Florida Housing's governing statutes, rules and policies to such an extent as to be arbitrary, contrary to competition, and erroneous be set and convened.

Dated: February 16, 2017.

Respectfully submitted,

/s/ Cydnee Brown

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Attorney for The Wright Foundation

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the original and a copy of the foregoing has been filed by Postal delivery to Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, and electronic mail respectively, on this 16<sup>th</sup> day of February 2017.

/s/ Cydnee Brown

Cydnee Brown, Esq.