

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

ABILITY PINE HILLS, LLC

Petitioner,

DOAH Case No. 24-001524BID

FHFC Case No. 2024-016BP

v.

FLORIDA HOUSING  
FINANCE CORPORATION

Respondent,

and

BLUE CASL MANATEE, LLC

Intervenor.

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**FINAL ORDER**

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on May 10, 2024. Petitioner Ability Pine Hills, LLC (“Ability” or “Petitioner”) and Intervenor Blue CASL Manatee, LLC (“CASL” or “Intervenor”) were applicants for RFA 2024-103, Housing Credit and SAIL Funding for Homeless Housing Developments Located in Medium and Large Counties (the “RFA”).

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

Amc. Klamory DATE: 5/13/2024

1. At the March 26, 2024, Board meeting, one applicant, CASL, was preliminarily selected for funding. The Application submitted by Ability was deemed ineligible for funding at that time.

2. Ability timely filed a Formal Written Protest and Petition for Administrative Hearing (the “Petition”) challenging Florida Housing’s determination that its application was ineligible for funding.

3. A Notice to Bidders was issued by Florida Housing informing all bidders that their substantial interests might be affected by the Petition. The intervenor timely filed its Notice of Appearance and intervened in the matter. The Petition was referred to the Division of Administrative Hearings (“DOAH”).

4. Based upon the evidence provided during the litigation process, on April 24, 2024, Ability, Florida Housing Finance Corporation, and CASL entered a Consent Agreement whereby all parties to the proceedings agreed that Ability was eligible for funding under the terms of the RFA. A copy of the Consent Agreement is attached as **Exhibit A**.

### **ORDER**

In accordance with the foregoing, it is hereby **ORDERED**:

Application number 2024-293CSN, submitted by Ability Pine Hills LLC is eligible for funding.

**DONE and ORDERED** this 10th day of May, 2024.



FLORIDA HOUSING FINANCE  
CORPORATION

By: Ryan Benson  
Chairperson

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, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, 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.

**STATE OF FLORIDA**  
**DIVISION OF ADMINISTRATIVE HEARINGS**

**ABILITY PINE HILLS, LLC**

**Petitioner,**

**v.**

**DOAH Case No. 24-001524BID**

**FLORIDA HOUSING**  
**FINANCE CORPORATION**

**Respondent.**

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**CONSENT AGREEMENT**

Petitioner, Ability Pine Hills, LLC (“Ability”), Movant for Intervention Blue CASL Manatee, LLC (“Blue CASL”), 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**

1. On November 7, 2023, Florida Housing issued *RFA 2024-103 Housing Credit and SAIL Financing to Develop Housing for Homeless Persons* (the “RFA”). The RFA was subsequently modified on January 24, 2024.
2. Four applications were received in response to the RFA, including Ability’s Village of Pine Hills’ Application No. 2024-293CSN and Blue CASL’s Cedar Cove Application No. 2024-291CSN.
3. The designated Review Committee recommended that Florida Housing’s Board of Directors (the “Board”) find three of the Applications, including Ability’s Village of Pine Hills application, ineligible for consideration for funding; and find Blue CASL’s Cedar Cove application eligible for consideration for funding and select Cedar Cove for funding.

4. At its Tuesday, March 26, 2024, meeting, Florida Housing's Board of Directors approved the preliminary eligibility determinations and funding recommendations from the Review Committee, including ineligibility of Ability's application (and two other applications), and the selection of Blue CASL's application for funding, subject to the satisfactory completion of credit underwriting. Notice of the Board's action was posted to Florida Housing's website on Wednesday, April 27.

5. Ability timely filed its Notice of Intent to Protest on Monday, April 1, followed by a Formal Written Protest and Petition for Administrative Hearing (the "Petition") on Friday, April 5. Ability's Petition challenged the determination of ineligibility of its own application, but expressly did not challenge the funding of Blue CASL's Cedar Cove application. A settlement conference was held on April 19. The matter was referred to the Division of Administrative Hearings ("DOAH") on April 22, 2024, but it has not yet been set for hearing.

6. On April 15, 2024, Florida Housing issued a Notice to All Bidders on the RFA. The Notice informed all bidders that their substantial interests might be affected by the disposition of Ability's Petition and advised bidders of their opportunity to intervene. Blue CASL had already filed a Notice of Appearance/Motion to Intervene in the proceeding on April 10. No other applicants sought to intervene.

#### **STIPULATED FINDINGS**

7. Florida Housing is a public corporation that is organized to provide welfare by administering the governmental function of financing and refinancing housing and related facilities in the State of Florida.

8. Chapter 67-60, Florida Administrative Code, establishes the procedures by which Florida Housing administers the competitive solicitation funding process for the allocation of

funding.

9. The RFA was issued pursuant to and in accordance with Rule 67-60.003, Florida Administrative Code, and is adopted and incorporated by reference.

10. In reviewing the Applications, the requirements of the RFA, issues raised in the Petition, discovery conducted to date and these stipulated facts, Ability, Florida Housing, and Blue CASL agree that the Ability's application should be deemed eligible for consideration for funding, and should be selected for funding to satisfy the Central Florida and Large County funding goals in the RFA. Ability, Florida Housing, and Blue CASL further agree that Blue CASL's application continues to be funded to satisfy the Tampa Bay Region and Medium County funding goals.

**STIPULATED CONCLUSIONS OF LAW**

11. Considering the foregoing stipulated facts and to avoid the time, expense, and uncertainty of litigation, the parties agree that Ability's Village of Pine Hills Application No. 2024-293CSN should be deemed eligible for consideration for funding. The Parties further agree that pursuant to the funding and selection process outlined in the RFA, both Ability's Application No. 2024-293CSN and Blue CASL's Cedar Cove Application No. 2024-291CSN should be selected for funding subject to Credit Underwriting requirements.

12. The undersigned attorneys represent that they have the authority to execute this Consent Agreement on behalf of their respective clients.


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

14. With the execution of this Agreement the Parties will file a Joint Motion to Relinquish jurisdiction of this proceeding at DOAH to allow the Board to take final agency action.


15. This Consent Agreement is subject to approval of the Board. If the Board approves the Consent Agreement, Ability will immediately file a voluntary dismissal of its Formal Written Protest. 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. The Parties agree that in the event the Board does not approve this Agreement, Ability shall be entitled to demand referral of its Formal Protest to the Division of Administrative Hearings.

16. Further, if the Board approves this Consent Agreement, the parties waive all rights to appeal this Consent Agreement and the Final Order to be issued in this case. Each party shall bear its own costs and attorney's fees.

SIGNED this 24 day of April, 2024.

  
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