

# LEGAL

## *Action Supplement*

### I. LEGAL

#### A. Request for Applications 2014-111 - Distribution of Returned Allocation

SP BP Apartments, LLC – FHFC Case No. 2014-083BP

Landings at Port Richey Senior Housing, LP – FHFC Case No. 2014-084BP

MCP Senior Apartments, LLC – FHFC Case No. 2014-085BP

##### 1. Background

- a) On October 30, 2014 the Board voted to adopt the scoring, ranking and funding recommendations of the staff Review Committee regarding Request for Applications 2014-111 – SAIL Financing of Affordable Multifamily Housing Developments to be used in conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits (the ‘RFA’).
- b) Among those Applications selected for funding was Application #2014-436S, Anderson Terrace Apartments (the ‘Anderson Terrace Application’), who was preliminary selected to receive \$5,000,000 in State Apartment Incentive Loan (SAIL) funding and \$383,600 in Extremely Low Income (ELI) funding.
- c) Subsequently, three Petitions for Administrative Hearing were filed by the above-captioned Applicants challenging the Board’s preliminary agency action were filed, including one from SP BP Apartments, LLC, et al., challenging the scoring of the Anderson Terrace Application. All three Petitions have since been voluntarily dismissed, leaving no pending litigation involving this RFA. Copies of these voluntary dismissals are attached as Exhibits A, B and C, respectively.

##### 2. Present Situation

- a) On December 9, 2014, the Anderson Terrace Applicant advised staff of the withdrawal of its Application for funding.
- b) The RFA provides:

##### Returned Allocation –

Funding that becomes available after the Board takes action on the Committee’s recommendations, due to an Applicant withdrawing its Application, an Applicant withdrawing its Application ... will be distributed as approved by the Board.

- c) The Anderson Terrace Application was to serve the Family demographic and the Development was located in a Large County, but was not located in Miami-Dade County. Application #2014-416S, Lake Worth Commons (submitted by SP BP Apartments, LLC) is the highest ranked eligible unfunded Application

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also serving the Family demographic and which is located in a Large County, but is not located in Miami-Dade County.

#### 3. **Recommendation**

Staff recommends that the Board distribute the returned allocation of the Anderson Terrace Application to Application #2014-416S, Lake Worth Commons, with any remaining allocation to be returned to the Corporation for funding of future RFAs.

**BEFORE THE FLORIDA HOUSING FINANCE CORPORATION**

SP BP APARTMENTS LLC and  
SOUTHPORT DEVELOPMENT, INC.  
d/b/a SOUTHPORT DEVELOPMENT  
SERVICES, INC.,

Petitioners,

vs.

RFA 2014-111  
FHFC Case No.2014-083BP

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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**NOTICE OF VOLUNTARY DISMISSAL  
OF FORMAL WRITTEN PROTEST  
AND PETITION FOR FORMAL ADMINISTRATIVE HEARING**

Petitioners, SP BP Apartments LLC and Southport Development, Inc., have been advised that the application that is the subject of their Formal Written Protest and Formal Petition for Administrative Hearing, Application No. 2014-436S, Anderson Terrace Apartments, has been withdrawn. (See attached letter dated December 8, 2014). In addition, FHFC staff has recommended that the Board approve the funding of Petitioners' Application No. 2014-416S, Lake Worth Commons. Accordingly, it appears Petitioners will receive the relief they requested.

WHEREFORE, Petitioners hereby give notice of the voluntary dismissal of their Formal Written Protest and Petition for Formal Administrative hearing.

Respectfully submitted this 10th day of December, 2014.



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Lawrence E. Sellers, Jr.  
Florida Bar No. 300241  
Karen D. Walker  
Florida Bar No. 0982921  
**HOLLAND & KNIGHT LLP**  
315 S. Calhoun St., Suite 600  
Tallahassee, Florida 32301  
(850) 224-7000  
[larry.sellers@hklaw.com](mailto:larry.sellers@hklaw.com)  
[karen.walker@hklaw.com](mailto:karen.walker@hklaw.com)

*Attorneys for Petitioners*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Notice of Voluntary Dismissal of Formal Written Protest and Petition for Formal Administrative Hearing was filed by electronic mail with Ashley Black, Agency Clerk, and that a true and correct copy was provided by electronic mail to Wellington Meffert, General Counsel, Florida Housing Finance Corporation 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, all on this 10th day of December, 2014.



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Lawrence E. Sellers, Jr.

ANDERSON TERRACE APARTMENTS

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3225 Aviation Avenue • Suite 602 • Coconut Grove, FL 33133 • Tel: 305.860.8188 • Fax: 305.860.8308 • www.HousingTrustGroup.com

December 8, 2014

Mr. Ken Reecy  
Director of Multifamily Programs  
Florida Housing Finance Corporation  
227 N. Bronough Street, Ste. 5000  
Tallahassee, FL 32301

**VIA ELECTRONIC MAIL AND U.S. MAIL**

Re: RFA 2014-111  
Application No. 2014-436S, Anderson Terrace Apartments

Dear Mr. Reecy:

Please accept this letter as our formal withdrawal of the above referenced application from RFA 2014-111.

Sincerely,



Matthew Rieger

MAR/gb

**BEFORE THE FLORIDA HOUSING FINANCE CORPORATION**

LANDINGS PORT RICHEY SENIOR HOUSING  
LIMITED PARTNERSHIP and NATIONAL CHURCH  
RESIDENCES,

Petitioners

FHFC Case No. 2014-084BP

vs.

RFA 2014-111  
DOAH Case No.: N/A

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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**NOTICE OF VOLUNTARY WITHDRAWAL AND DISMISSAL OF  
FORMAL WRITTEN PROTEST AND  
PETITION FOR ADMINISTRATIVE HEARING**

Petitioners herein, Landings Port Richey Senior Housing Limited Partnership and National Church Residences (“Petitioners”), hereby jointly voluntarily withdraw and dismiss their Formal Written Protest and Petition for Administrative Hearing (“Petition”) filed on November 3, 2014. Florida Housing Finance Corporation (“FHFC”) assigned the Petition its Case number 2014-084BP. Petitioners note that this Notice is filed before (a) their Petition was referred to the Division of Administrative Hearings or other relief it requested was granted, (b) any formal proceedings were conducted or other filing was made in this matter aside from FHFC’s routine Notice to All Applicants on RFA 2014-11, dated November 18, 2014, and (c) any motion to intervene was filed.

Respectfully submitted this 10th day of December, 2014.

SQUIRE PATTON BOGGS (US) LLP  
200 S. Biscayne Blvd., Suite 4100  
Miami, Florida 33131  
Telephone: 305.577.7000  
Facsimile: 305.577.7001

By: /s/ Gary P. Timin  
Orlando J. Cabrera (FBN 894151)  
Orlando.Cabrera@squirepb.com  
Gary P. Timin (FBN 439071)  
Gary.Timin@squirepb.com

*Counsel for Petitioners*

**CERTIFICATE OF FILING AND SERVICE**

The undersigned certifies that the foregoing document was filed with the Florida Housing Finance Corporation's Corporation Clerk by mailing the original and one copy and by e-mailing a complete copy on December 10, 2014 to:

Ashley Black, Corporation Clerk  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301  
Ashley.Black@floridahousing.org

and on the same day was served on counsel for Respondent by emailing a copy to Wellington Meffert, General Counsel, at Wellington.Meffert@floridahousing.org and to Hugh R. Brown, Deputy General Counsel, at Hugh.Brown@floridahousing.org .

/s/ Gary P. Timin  
Attorney for Petitioners

**BEFORE THE  
FLORIDA HOUSING FINANCE CORPORATION**

**MCG SENIOR APARTMENTS, LLC,**

**Petitioner,**

**vs.**

**FLORIDA HOUSING FINANCE  
CORPORATION,**

**Respondent.**

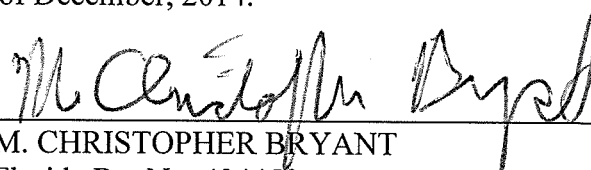
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**FHFC Case No. 2014-085BP  
FHFC RFA No. 2014-111  
Petitioner's Application No. 2014-423S**

**MCG's NOTICE OF VOLUNTARY DISMISSAL**

In express reliance on the "Notice of Voluntary Withdrawal and Dismissal of Formal Written Protest and Petition for Administrative Hearing" filed with the Florida Housing Finance Corporation by Petitioners Landings Port Richey Senior Housing Limited Partnership and National Church Residences in FHFC Case Number 2014-084BP on December 10, 2014, Petitioner MCG Senior Apartments, LLC hereby voluntarily dismisses its Formal Written Protest and Petition for Formal Administrative Proceedings filed November 14, 2014.

**FILED AND SERVED** this 10<sup>th</sup> day of December, 2014.



**M. CHRISTOPHER BRYANT**

Florida Bar No. 434450

OERTEL, FERNANDEZ, BRYANT  
& ATKINSON, P.A.

P.O. Box 1110

Tallahassee, Florida 32302-1110

Telephone: 850-521-0700

Telecopier: 850-521-0720

ATTORNEYS FOR MCG SENIOR APARTMENTS,  
LLC

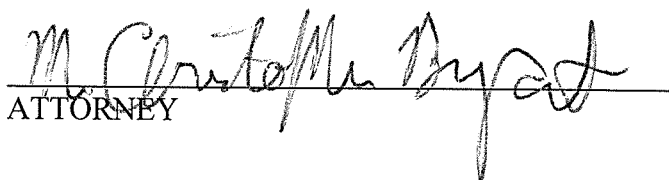
Exhibit C



**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that the original of the foregoing Notice of Voluntary Dismissal has been filed by e-mail and hand delivery with the Agency Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, and copies via e-mail and Hand Delivery to the following this 10<sup>th</sup> day of December, 2014:

Wellington Meffert, General Counsel  
Hugh R. Brown, Deputy General Counsel  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301-1329  
[wellington.meffert@floridahousing.org](mailto:wellington.meffert@floridahousing.org)  
[hugh.brown@floridahousing.org](mailto:hugh.brown@floridahousing.org)

  
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ATTORNEY