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**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

WOODLAND PARK II, LLC,

FHFC Case No. 2023-005BP

Petitioner,

RFA No. 2022-201

Application No. 2023-071C

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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**FORMAL WRITTEN PROTEST AND  
PETITION FOR FORMAL ADMINISTRATIVE HEARING**

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Petitioner, Woodland Park II, LLC (“Woodland Park”), files this Formal Written Protest and requests a formal administrative hearing to review the preliminary review, ranking, scoring and eligibility determinations of Respondent, Florida Housing Finance Corporation (“Florida Housing” or the “Corporation”) in awarding funding pursuant to Request for Applications 2022-201 Housing Credit (the “RFA”). Woodland Park filed an application which was wholly responsive to the material requirements of the RFA, but Florida Housing found Woodland Park’s Application to be ineligible due to a failure to submit an application fee. Woodland Park submitted payment in accordance with the RFA, and the preliminary determination of ineligibility should be reversed, resulting in funding of Woodland Park’s Application. Support for this petition follows:

1. This Petition is filed pursuant to section 120.57(3), Florida Statutes, and Florida Administrative Code Chapters 28-110 and 67-60.

## **The Parties**

2. Woodland Park is a Florida limited liability company in the business of providing affordable housing. Woodland Park's address is 3629 Madaca Lane, Tampa, Florida 33618, telephone number (813) 933-0629. Woodland Park may be contacted through its undersigned counsel.

3. Florida Housing was created by the Florida legislature to assist in providing a range of affordable housing opportunities. *See* § 420.504(1), Fla. Stat. (2021).

4. Among other programs, Florida Housing issues tax credits for the development of affordable housing. On November 14, 2022, Florida Housing issued Request for Applications No. 2022-201, "Housing Credit Financing for Affordable Housing Development Located in Medium and Small Counties" (the "RFA"). The RFA solicited applications for the development of affordable, multi-family housing. Competing applications would be comparatively reviewed pursuant to the terms of the RFA.

## **Woodland Park's Application and Submission of Application Fee**

5. Woodland Park is a responsible applicant that prepared and timely submitted an Application that was wholly responsive to the material terms and conditions of the RFA.<sup>1</sup> However, Florida Housing preliminarily and incorrectly found that Woodland Park's Application was ineligible for funding,

6. This Petition is filed to seek formal administrative proceedings to reverse Florida Housing's preliminary decision, determine that Woodland Park's Application was eligible for funding, and to issue funding for the project described in Woodland Park's Application. Florida Housing's preliminary decision is attached as Exhibit "A".

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<sup>1</sup> Woodland Park's co-developers for the proposal are Norstar Development USA, LP, GHA Development, LLC and Newstar Development, LLC.

7. At Section 5, the RFA specifies items required in order for an Application to be eligible for funding. *See* RFA, pp. 75-79 of 155.

8. One of the Eligibility Items identified in the RFA was “Submission Requirement Met.” The RFA explained this item as follows: “To be eligible for funding, the following submission requirements must have been met: (i) the Application must be submitted online by the Application Deadline; and (ii) the required Application fee must be submitted as of the Application Deadline.” RFA, p. 76 of 155.

9. The RFA included detailed instructions as to how and where to submit the Application Fee:

4. Submitting the Application Fee

- a. Application Fee By the Application Deadline, provide to the Corporation the required nonrefundable \$3,000 Application fee, payable to Florida Housing Finance Corporation via check, money order, ACH, or wire transfer.

To ensure that the Application Fee is processed for the correct online Application, the following is **strongly recommended**: (i) provide the Application Fee at least 48 hours prior to the Application Deadline; (ii) whether paying by check, money order, ACH or wire transfer, include the Development Name, RFA number with the payment; and (iii) if paying by wire, include the Federal Reference Number, or if paying by ACH, include the Trace Number at question B.1 of Exhibit A.

Note: In the event that the online submission is not received, the payment will be refunded.

ACH Instructions:

BANK NAME: Wells Fargo  
One Independent Drive, 8th Floor  
Jacksonville, Florida 32202

ABA #: 121000248

ACCOUNT NAME: FHFC ACCOUNT #: 4967822909

Wire Transfer Instructions:

BANK NAME: WELLS FARGO BANK, N.A.  
420 MONTGOMERY STREET  
SAN FRANCISCO 94104  
United States of America (US)

ABA #: 121000248

ACCOUNT NAME: FHFC

ACCOUNT #: 4967822909

RFA, § 3.A.4.a., p. 4-5 of 155 (emphasis added).

10. By its express terms, the RFA encouraged applicants to submit the application fee “at least 48 hours prior to the Application Deadline” “[t]o ensure the Application Fee is processed for the correct online application.” The Application Deadline was December 28, 2022.

11. The RFA also included a Section, titled “Verifying Application Fee Payment.” RFA, § 4.B.1, p. 75 of 155. This Section reiterated the “strong” recommendation to provide the Application Fee at least 48 hours prior to the Application Deadline and included the following additional instruction:

1. Verifying Application Fee Payment

To ensure that the Application Fee is process for the correct online Application, the following is ***strongly recommended***: (i) provide the Application Fee at least 48 hours prior to the Application Deadline; and (ii) whether paying by check, money order, ACH or wire transfer, include the Development Name, RFA number with the payment.

Additionally, include the following at question B.1. of Exhibit A:

- If submitting a check or money order, provide the check or money order number.
- If submitting an ACH, provide the trace number.
- **If submitting a wire transfer, provide the wire service reference number (i.e. Fed/CHIPS/SWIFT Reference Number) and the Fed Wire Transfer Number.**

*Id.* (first emphasis in original, second emphasis added).

12. The ability to pay the application by wire transfer was a recent addition to FHFC's procedures. Prior to the pandemic, wire transfers were not accepted for application fees. The RFA sections quoted above were the only instruction provided by the FHFC as to how a wire transfer may be submitted for application fee payment.

13. Additionally, the RFA instructed that the only means by which an applicant might contact Florida Housing and ask questions related to the RFA was through written inquiries that were required to be submitted no later than November 29, 2022.

Any interested party may submit any inquiry regarding this RFA in writing via e-mail at [RFA\\_2022-205\\_Questions@floridahousing.org](mailto:RFA_2022-205_Questions@floridahousing.org) (also accessible by clicking here) with "Questions regarding RFA 2022-205" as the subject of the email. **All inquiries are due by 5:00 p.m., Eastern Time, on November 29, 2022.** Phone calls or written inquiries other than at the above e-mail address will not be accepted. The Corporation expects to respond to all inquiries by 5:00 p.m., Eastern Time, on December 6, 2022, and will post a copy of all inquiries received, and their answers, on the RFA Webpage. The Corporation will also send a copy of those inquiries and answers in writing to any interested party that requests a copy. The Corporation will determine the method of sending its answers, which may include regular United States mail, overnight delivery, fax, e-mail, or any combination of the above. **No other means of communication, whether oral or written, shall be construed as an official response or statement from the Corporation.**

*See RFA § 3.F.*

14. The Application Deadline was December 28, 2022, nearly one month after the deadline to make inquiries with the Department.

15. On December 22, 2022, Woodland Park submitted a \$3,000.00 Application Fee to Florida Housing, six (6) days prior to the Application Deadline, for its Application No. 2023-071C. The submission of the application fee in advance of the Application Deadline satisfied the mandatory requirement to submit an application fee.

16. Woodland Park's wire transfer also attempted to provide information described as "strongly recommended" with the wire transfer, including the account name and number.

Additionally, consistent with the instruction at Section 4.B.1 of the RFA, Woodland Park included with its Application the FEDR and Fed Wire Transfer Number associated with the wire transfer of the Application Fee. Woodland Park Appl., p. 28 of 31 (attached as Exhibit “B”). Woodland Park’s wire transfer also specifically identified Florida Housing as the beneficiary of the wire transfer, identified Norstar Development USA LP—the developer associated with Woodland Park and indicated in Woodland Park’s application as such—as the “Company,” and identified Woodland Park II as the sender.

17. Simultaneous to Woodland Park’s payment, the developer supporting Woodland Parks’ Application, Norstar, made payments for two other application fees for applications to other Requests for Applications issued by Florida Housing. Those application fees were acknowledged, and their attendant Applications were deemed eligible.

18. Woodland Park’s Application Fee for the RFA at issue here was submitted by wire transfer from a Bank of America account on December 22, 2022. The recipient of that wire was Wells Fargo, identified in the RFA as the bank to whom Florida Housing’s Application Fee was to be paid. Woodland Park’s wiring instructions also identified Florida Housing as the beneficiary and Woodland Park II as the sender, thus linking the payment clearly to the Florida Housing account and identifying the payment as the application fee for Woodland Park’s application.

19. Woodland Park never received any notice from Bank of America that its \$3,000 Application Fee had not been submitted to Florida Housing’s Wells Fargo Account prior to that Application Deadline. Instead, Woodland Park received confirmation from Bank of America that payment had been submitted to Wells Fargo.

20. In fact, Woodland Park’s Application Fee *was* submitted to Wells Fargo on December 22, 2022.

21. Woodland Park never received notice from either Florida Housing or Wells Fargo that the Application Fee Woodland Park submitted to Wells Fargo might be returned. It is unclear what, if any, efforts were made by Florida Housing to ensure the Application fee was *processed* for the correct online application.

22. The wire transfer received by Wells Fargo clearly identified Florida Housing as the recipient and identified Woodland Park as the sender. For its part, Woodland Park also confirmed through Bank of America that the \$3,000 had been *submitted* to Wells Fargo, in compliance with RFA requirements. With the RFA prohibiting inquiries of Florida Housing officials after November 29, 2022, there was no other means by which Woodland Park could have discovered that there were any problems with the transfer.

23. Had any notice of a problem with the funds submitted to Wells Fargo been provided to Woodland Park in advance of the Application Deadline, the issue would have been addressed and, if necessary, corrected, as the RFA contemplates by “strongly recommending” to applicants to submit payment in advance of the application deadline to ensure that the fee is appropriately processed.

24. Instead, after receiving confirmation that its Application Fee had been submitted prior to the Application Deadline, on December 29, 2022, Woodland Park learned for the first time that Florida Housing did not consider the Application Fee to have been submitted prior to the December 28<sup>th</sup> Application Deadline.

25. In an email from professional staff at Florida Housing dated December 29, 2022, it was explained:

Good morning. The Application Deadline for RFA 2022-201 was yesterday at 3:00 p.m. We received an online Application submission for Woodlawn Park Phase II but do not have a record of an Application fee payment having been submitted prior to the Application Deadline. Because of this, Woodlawn Park Phase II is not currently

considered to have met submission requirements and will not be processed. If you feel this is an error, please reach out to me at 850-488-4197, ext. 1192 as soon as possible. We need to complete the processing of all Applications on January 3, and, if there is no error, we would also appreciate a response to confirm that we may proceed without Woodlawn Park Phase II. Thank you.

A copy of the email exchange between Woodland Park and Florida Housing is attached as Exhibit “C.”

26. On the same day, officials at Woodland Park sent Florida Housing staff the confirmation of wire transfer from Bank of America, establishing that the funds had been submitted to Wells Fargo. Woodland Park also confirmed the Federal Wire Transfer Number and Wire Service Reference Number, and confirmed that it was submitted and received by Wells Fargo on December 22, 2022. *See Exs. “C” and “D.”*

27. On December 29, 2022, upon receiving this information from Woodland Park, an official from Florida Housing indicated that the submission of the Application Fee “seem[s] to be complete.” Ex. “C.”

28. The Florida Housing official reported being unable to find the \$3,000 payment, and was unsuccessful in attempts to contact Wells Fargo officials. The official then noted that the Account Number of the Beneficiary Information in the wire confirmation reflected a number ending in “2209” rather than the Florida Housing Application Number which ended in “2909.” In other words, Florida Housing discovered a typographical error in the wire transfer. Ex. “C.”

29. As noted above, the RFA required only that payment be *submitted* and “strongly encouraged” that wire transfers include a federal reference number, ABA number, RFA number, and account number, but did not make the inclusion of any of these numbers a mandatory requirement of the RFA. The mandatory requirement was that the Application Fee be submitted to Wells Fargo. In Woodland Park’s case, it was.



30. On December 30, 2022, Woodland Park wrote to Florida Housing confirming that the \$3,000 Application Fee had been submitted to Wells Fargo, and that Wells Fargo kept a portion of the funds, before initiating their own, independent wire transfer back to Bank of America:

Our accounting department has uncovered some more information regarding this wire. BOA, our bank, received confirmation that Wells Fargo received the funds, and that is why we were not alerted the existence of any issue with the wire transfer. Apparently, after receiving the funds, Wells Fargo did not reject the wire, but instead sent their own wire to BOA and subtracted \$50 from the \$3,000 to cover their own wire fee. Consequently, BOA saw no \$3,000 transaction in their system when we asked them to investigate this.

Neither Newstar nor Norstar (who initiated the wire transfer) received notice that the wire had not gone through to the appropriate account. Had we been aware of an issue we would have had ample time to send a replacement wire because we sent the original wire on 12/22/22, a full week before the application deadline. As you can likely see from your records, we also sent two other \$3,000 wires to FHFC for other applications (Vesta Esperanza Village in RFA 2022-201 and Grand Oaks in RFA 2022-202) simultaneously with this wire for Woodland Park II, and we were unaware of any issues with any of them. The first time we were made aware of any issue was yesterday, 12/29/22, which was after the deadline.

In summary, we initiated the wire transfer well before the application deadline, we received confirmation the funds were received by Wells Fargo, and we were unaware of any issue with the wire.

We respectfully request that FHFC allow us to send a replacement wire today to allow this application to be eligible/scored.

Ex. "C."

31. Finally, on December 29, 2022, Florida Housing staff indicated that they would discuss the matter the following Tuesday, January 3, 2023.

32. On December 30, 2022, Woodland Park submitted an additional \$3,000 payment to Florida Housing's Wells Fargo account. This was three days before January 3, the date by which the Florida Housing official stated that the processing of all Applications needed to be complete.

33. On January 3, 2023, Florida Housing staff informed Woodland Park that the application was to be deemed ineligible, and indicated that the December 30, 2022 payment of

\$3,000 would be refunded. Finally, staff indicated that any future communications should be through Florida Housing's legal counsel.

**Florida Housing's Preliminary Decision and Woodland Park's Reservation of Rights**

34. Later an internal Florida Housing Review Committee met and recommended that Woodland Park's Application be deemed ineligible.

35. On January 27, 2023, the Board of Florida Housing met and adopted the staff recommendations for the RFA, including the recommendation that Woodland Park's Application be deemed ineligible.

36. On January 27, 2023, Florida Housing published notice of intended decision and provided a Notice of Rights, inviting petitions for formal hearings for any disappointed applicants seeking to change Florida Housing's preliminary determination. *See* Ex. A.

37. On January 31, 2023, Woodland Park timely filed a Notice of Protest. *See* Ex. E.

38. This Formal Written Petition and Petition for Formal Administrative Proceedings was filed within ten (10) days of the filing of Woodland Park's Notice of Protest, in accordance with the requirements of section 120.57(3), Florida Statutes, and Florida Administrative Code chapter 67-60, and is timely filed.

**But for Florida Housing's Incorrect Ineligibility Determination, Woodland Park's Application would have been Funded.**

39. The RFA included a method for determining how eligible Applications would be funded. Based upon its scoring and ranking, had Woodland Parks' Application been deemed eligible by Florida Housing, the Application would have been funded.

40. If deemed eligible, Woodland Park's Application would have been ranked higher than Application No. 2023-045C, filed by The Enclave at Northshore, LP, which Florida Housing has recommended for funding. If Woodland Park is determined to be eligible, then Woodland

Park's Application would be funded pursuant to the term of the RFA, but The Enclave at Northshore, LP's Application would not be funded.<sup>2</sup>

**Woodland Park's Submission of an Application Fee Met the Material Requirements of the RFA.**

41. The RFA contained no requirement that the application fee be received or processed in any particular way by Florida Housing, and instead only required that payment be submitted. The facts recited above demonstrate that Woodland Park's Application complied with the material requirements of the RFA, including submitting a \$3,000 application fee as required by the RFA.

42. Thus, Woodland Park met the material requirements of the RFA and Florida Housing was incorrect to conclude otherwise.

**Alternatively, Woodland Park's Wiring Instruction Contained a Minor Irregularity that Should have Been Waived.**

43. Because the wire instructions included with Woodland Park's submission of the Application Fee contained a mere typographical error, Florida Housing is now taking the position that Woodland Park's Application should be deemed ineligible. At worst, Woodland Park's typographical error was a minor irregularity that should have been waived by Florida Housing.

44. The RFA reserved Florida Housing's right to waive minor irregularities contained in submitted applications. *See* RFA § 3.C., p. 6 of 155.

45. Florida Housing's rules define what is meant by a minor irregularity. Florida Administrative Code Rule 67-60.008 provides:

**67-60.008 Right to Waive Minor Irregularities.**

Minor irregularities are those irregularities in an Application, such as computation, *typographical*, or other errors, that do not result in the omission of any material information; do not create any uncertainty that the terms and requirements of the competitive solicitation have been met; do not provide a competitive advantage or

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<sup>2</sup> Additionally, Woodland Park qualified for a specific funding goal in the RFA. The Enclave at Northshore did not.

benefit not enjoyed by other Applicants; and do not adversely impact the interests of the Corporation or the public. Minor irregularities may be waived or corrected by the Corporation.

*Id.* (emphasis added).

46. Some of the errors that Florida Housing has waived as minor irregularities include typographical errors in site control documents, missing pages in equity commitment letters, and a missing negative sign in longitude coordinates. *See Rosedale Holdings, LLC, et. al. v. Fla. Housing Fin. Corp.*, FHFC Case No. 2013-038BP (Final Order entered June 13, 2014); *Heritage at Pompano Housing Partners, Ltd. v. Fla. Housing Fin. Corp.*, DOAH Case No. 14-1361BID (Final Order entered June 13, 2014); *Liberty Square Phase Two, LLC et. al v. Fla. Housing Fin. Corp.*, DOAH Case No. 18-0485 (Final Order entered May 4, 2018). Florida Housing waived these deviations or errors as minor irregularities because they did not provide a competitive advantage or adversely impact the interests of Florida Housing or the public.

47. In *HTG Osprey Point, LLC v. Florida Housing Finance Corporation*, DOAH Case No. 18-0479BID (Fla. DOAH Apr. 19, 2018, *adopted in toto*, FHFC May 4, 2018), Florida Housing waived as a minor irregularity an applicant's failure to place a "--" before its longitude coordinate, which resulted in the development location being in India, instead of Miami-Dade County. According to Florida Housing's witness, the lack of a negative sign in front of the longitude coordinates were "clearly typos or unintentional mistakes." *Id.* ¶ 48. Thus, Florida Housing exercised its discretion to waive these "clear typos" as minor irregularities. *Id.*

48. Woodland Park's wire transfer resulted in the submission of the Application Fee to Wells Fargo, Florida Housing's bank. The wire instruction to Wells Fargo included a typographical error in the account number. However, Woodland Park's Application also provided the FEDR number and Fed Wire Transfer Number associated with the wire transfer, linking the submitted payment to Woodland Park's Application. Pursuant to Florida Housing's own rule and precedent,

such typographical errors constitute a minor irregularity so long as they do not result in the omission of material information, do not create any uncertainty that the terms of the RFA have been met, do not confer a competitive advantage, and do not impact the interests of the Corporation or the public.

49. The typographical error in Woodland Park’s wiring instructions did not result in the omission of any information needed to evaluate, score, and rank Woodland Park’s Application. In fact, Florida Housing did evaluate, score, and rank Woodland Park’s Application before deeming it ineligible.

50. Similarly, the typographical error in Woodland Park’s wiring instruction did not create any uncertainty that the terms and requirements of the RFA were met by Woodland Park’s Application. The wiring instructions were not part of any substantive requirement of the RFA that would be evaluated or scored. The wiring instructions provided no information regarding the proposed affordable housing or its sponsors. Instead, the wiring instructions simply travelled with the Application Fee submitted to Wells Fargo.

51. Additionally, no competitive advantage was sought or conferred by the submission of wiring instructions that contained a scrivener’s typographical error. Woodland Park did not retain funds that competitors would have to pay and use the funds for other purposes, as Woodland Park directed that payment be made to Florida Housing’s Wells Fargo account and received confirmation that the wire transfer had been accomplished. No alternative use was made of the \$3,000 Application Fee.

52. Finally, acceptance of the Application Fee submitted by Woodland Park would not adversely impact the interests of the Corporation or the public. The opposite is true. Elevating hyper-technical compliance with “strongly recommended” data would serve only to undermine the

credibility of Florida Housing and lead the public to believe its decisions are clearly erroneous, contrary to competition, or arbitrary and capricious.

53. Even if it is found that the inclusion of the Florida Housing's precise account number was expressly required by the RFA, the typographical error meets Florida Housing's definition of minor irregularity and should have been waived.

#### **Ultimate Statement of Facts**

54. Woodland Park asserts that its Application met all material requirements of the RFA, as it submitted a \$3,000 Application Fee that was received by Florida Housing's designated recipient, Wells Fargo, 6 days in advance of the deadline. Inclusion of perfect recitation of all reference to account number, federal reserve numbers, ABA numbers, and RFA numbers was strongly suggested but not mandatory. Thus, Florida's Housing's decision to deem Woodland Park's Application ineligible violated RFA specifications in a manner that is clearly erroneous, contrary to competition, and arbitrary and capricious.

55. Even if the typographical error in Woodland Park's wiring instruction constituted a minor irregularity, Florida Housing has the discretion to waive such minor errors. If Florida Housing determined that the typographical error in Woodland Park's wiring instruction was not a minor irregularity, then that decision violates Florida Housing's Rule 67-60.008 and the RFA specifications in a manner that is clearly erroneous, contrary to competition, and arbitrary and capricious.

56. As the owner and developer of a project seeking funding through the RFA, Woodland Park is substantially affected by Florida Housing's determination that Woodland Park's Application was ineligible, as well as the review, scoring, and ranking of responses of over applications that should have been ranked lower than Woodland Park's Application. Without the

funding made available in the RFA, Woodland Park will be unable to provide the needed affordable housing described in its Application.

57. Moreover, by deeming Woodland Park's Application ineligible and selecting The Enclave for funding instead, Florida Housing fails to meet a funding goal of the RFA. Woodland Park's Application meets the funding goal for developments that demonstrate multiple years of continuous local government area opportunity support, but the Enclave at North Shores does not. Accordingly, Woodland Park's substantial interests are affected by the preliminary decision made by the Corporation. The City of Gainesville would also be impacted as the City has provided local government area of opportunity support in this the current RFA 2022-201, as well as RFA 2021-201 and 2020-201.

58. Florida Housing's preliminary decision that Woodland Park's Application was ineligible was contrary to RFA specifications in a manner that was clearly erroneous, contrary to competition, arbitrary and capricious.

59. As a matter of ultimate fact, Woodland Park submitted the required Application Fee to Florida Housing's bank within the time required by the RFA and met all other application requirements. Based upon its superior scoring and ranking, Woodland Park's Application should be funded and The Enclaves at Northshore should not.

60. Finally, no protest bond is required to accompany this Formal Written Protest, pursuant to Florida Administrative Code Rule 67-60.009(5).

**Statutes and Rules that Require Reversal**

61. Woodland Park is entitled to relief pursuant to sections 120.569, 120.57(1), and 120.57(3), Florida Statutes, and Florida Administrative Code Chapter 28-106, 28-110, and 67-60.

**Disputes Issues of Material Fact**

62. Disputed issues of material facts include:
- (a) Whether Woodland Park submitted the Application Fee before the Application Deadline;
  - (b) Whether Woodland Park's Application met the material requirements of the RFA;
  - (c) Whether Woodland Park's submitted application fee contained typographical error that constituted a minor irregularity; and
  - (d) Whether any competitive advantage was conferred upon Woodland Park by Wells Fargo's treatment of Woodland Park's Application Fee.

**Request for Relief**

ACCORDINGLY, Woodland Park requests:

- (a) That a settlement conference be conducted; and if no settlement is reached;
- (b) That this Formal Written Protest be referred to the Division of Administrative Hearings and assigned to an Administrative Law Judge; and
- (c) That recommended and final order be entered determining that Woodland Park's Application was eligible and should be funded, and the Enclave at Northshore not be funded.

Dated on this 9th day of February, 2023.

[Signature on next page]



Respectfully submitted,

/s/ Seann M. Frazier

Seann M. Frazier

Florida Bar No. 971200

Kristen Bond Dobson

Florida Bar No. 118579

Parker Hudson Rainer & Dobbs, LLP

215 South Monroe Street, Suite 750

Tallahassee, Florida 32301

Telephone (850) 681-0191

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing Formal Written Protest and Petition for Administrative Hearing was filed by e-mail with Ana McGlamory, Corporation Clerk, at (corporationclerk@floridahousing.org), and a copy via email to Hugh Brown, General Counsel, at (Hugh.brown@floridahousing.org), both with the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, this 9th day of February, 2023.

/s/ Seann M. Frazier \_\_\_\_\_  
Seann M. Frazier  
Florida Bar No. 971200

# **Exhibit A**

RFA 2022-201 - Board Approved Preliminary Awards

Total HC for Medium Counties in RFA	14,534,550
Total HC Allocated to Medium Counties	14,198,897.00
Plus Unallocated Small County funding	96,250.00
Total HC for Medium Counties Remaining	431,903

Total HC for Small Counties in RFA	1,146,250
Total HC Allocated to Small Counties	1,050,000.00
Total HC for Small Counties Remaining	-

Application Number	Name of Development	County	County Size	Name of Authorized Principal Representative	Name of Developers	Demo	Total Units	Competitive HC Request Amount	Eligible For Funding?	Priority Level	PHA Area of Opportunity	Qualifies for LGAO Goal?	LGAO/ Revitalization Plan?	LGAO/ multiple years of continuous support?	LGAO - lower preference?	Family Dev in Medium County that qualifies for the Geographic Area of Opportunity / SADDAs Funding Goal?	Qualifies for the SunRail Goal?	SunRail - lower preference?	Total Points	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Proximity Preference	Florida Job Creation Preference	Lottery Number
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Goal to fund three Applications that qualify for the Local Government Area of Opportunity Goal

2023-066C	New Trail Plaza	Sarasota	M	Shawn Wilson	Blue NT Developer, LLC; CASL Developer, LLC	F	96	\$2,040,000	Y	1	N	Y	Y	N	N/A	N	N	N	10	Y	Y	A	Y	Y	1
2023-040C	Hermosa North Fort Myers	Lee	M	Michael R. Allan	Revital Development Group, LLC; LCHA Developer, LLC	E, Non-ALF	72	\$2,040,000	Y	1	N	Y	N	Y	N/A	N	N	N	10	Y	Y	A	Y	Y	3
2023-026C	The Fountains at Hidden Lake	Citrus	M	Matthew A. Rieger	HTG Hidden Lake Developer, LLC	E, Non-ALF	81	\$2,039,900	Y	1	N	Y	N	Y	N/A	N	N	N	10	Y	Y	A	N	Y	13

Goal to fund one Application that qualifies for the SunRail Goal

2023-042C	Poinciana Parc	Osceola	M	Oscar Sol	Poinciana Parc Dev, LLC	E, Non-ALF	86	\$2,040,000	Y	1	N	N	N	N	N/A	N	Y	N	10	Y	Y	A	Y	Y	9
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Goal to fund two Family Demographic Applications that qualify for the Geographic Area of Opportunity / HUD-designated SADDAs Funding Goal

2023-044C	The Pointe at Piney-Z	Leon	M	Joseph Chapman	Royal American Properties, LLC	F	80	\$2,019,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	8
2023-057C	Minnesota Ave Apartments	Volusia	M	C. Hunter Nelson	ECG Toledo Blade Developer, LLC	F	68	\$2,019,998	Y	1	N	Y	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	26

Small County Applications

2023-058C	Parc West	Okeechobee	S	Steven Kirk	Rural Neighborhoods, Incorporated; Odyssey Development Group 1, LLC	E, Non-ALF	36	\$1,050,000	Y	1	N	N	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	10
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Remaining Medium County Applications

2023-045C	The Enclave at Northshore	Bay	M	Joseph Chapman	Royal American Properties, LLC	E, Non-ALF	86	\$1,999,999	Y	1	N	Y	N	Y	N/A	N	N	N	10	Y	Y	A	Y	Y	17
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On January 27, 2023, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee’s motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit underwriting.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

RFA 2022-201 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Name of Authorized Principal Representative	Name of Developers	Demo	Total Units	Competitive HC Request Amount	Eligible For Funding?	Priority Level	PHA Area of Opportunity	Qualifies for LGAO Goal?	LGAO/ Revitalization Plan?	LGAO/ multiple years of continuous support?	LGAO - lower preference?	Family Dev in Medium County that qualifies for the Geographic Area of Opportunity / SADDA Funding Goal?	Qualifies for the SunRail Goal?	SunRail - lower preference?	Total Points	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number	
<b>Eligible Applications</b>																										
2023-020C	Cedar Cove	Manatee	M	Shawn Wilson	Blue CC Developer, LLC	F	72	\$2,040,000	Y	1	N	Y	Y	N	N/A	N	N	N	10	Y	Y	A	Y	Y	36	
2023-021C	Cypress Point Estates	Marion	M	Clifton E Phillips	Roundstone Development, LLC	F	72	\$1,765,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	29	
2023-022C	Vero Village	Indian River	M	Matthew A. Rieger	HTG Vero Village Developer, LLC	E, Non-ALF	79	\$2,039,900	Y	1	N	Y	Y	N	N/A	N	N	N	10	Y	Y	A	Y	Y	38	
2023-023C	Avon Park Apartments	Highlands	M	Timothy M. Morgan	JIC Florida Development, LLC	F	80	\$2,038,900	Y	1	N	Y	Y	N	N/A	N	N	N	10	Y	Y	A	Y	Y	51	
2023-024C	Palatka Apartments	Putnam	S	Timothy M. Morgan	JIC Florida Development, LLC	F	40	\$1,060,360	Y	1	N	N	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	16	
2023-025C	Arendelle Oak on Pullen	Leon	M	Vaughn C. Zimmerman	Zimmerman Properties SE, LLC	F	72	\$1,650,000	Y	1	N	N	N	N	N/A	Y	N	N	5	Y	Y	A	Y	Y	15	
2023-026C	The Fountains at Hidden Lake	Citrus	M	Matthew A. Rieger	HTG Hidden Lake Developer, LLC	E, Non-ALF	81	\$2,039,900	Y	1	N	Y	N	Y	N/A	N	N	N	10	Y	Y	A	N	Y	13	
2023-027C	Forest Glen	Brevard	M	Matthew A. Rieger	HTG Forest Glen Developer, LLC; HFH Forest Glen Developer, LLC	E, Non-ALF	72	\$2,039,900	Y	1	N	Y	N	N	N/A	N	N	N	10	Y	Y	B	Y	Y	44	
2023-028C	Kupfrian Manor	Escambia	M	Renée Sandell	Paces Preservation Partners, LLC	E, Non-ALF	102	\$2,040,000	Y	1	N	Y	Y	N	N/A	N	N	N	10	Y	Y	A	Y	Y	20	
2023-029C	Azalea Pointe	Putnam	S	Steven Kirk	Rural Neighborhoods, Incorporated; Odyssey Development Group 1, LLC	F	30	\$1,035,000	Y	1	N	N	N	N	N/A	N	N	N	10	Y	Y	B	Y	Y	46	
2023-030C	Parc East	Okeechobee	S	Steven Kirk	Rural Neighborhoods, Incorporated; Odyssey Development Group 1, LLC	F	34	\$1,050,000	Y	1	N	N	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	22	
2023-031C	Centerville Pointe	Leon	M	Michael Ruane	CORE FL Developer VII LLC	F	52	\$1,564,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	B	Y	Y	42	
2023-032C	Titusville Apartments	Brevard	M	Timothy M. Morgan	JIC Florida Development, LLC	F	80	\$2,038,900	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	41	
2023-033C	Twin Lakes Estates - Phase III	Polk	M	Matthew A. Rieger	HTG Twin Lakes III Developer, LLC; Polk County Housing Developers, Inc.	F	86	\$2,039,900	Y	2	N	N	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	21	
2023-034C	Ava at Princeton	Lee	M	Michael R. Allan	Revital Development Group, LLC; LCHA Developer, LLC	F	60	\$2,040,000	Y	1	N	N	N	N	N/A	Y	N	N	5	Y	Y	B	Y	Y	32	
2023-035C	Pine Island Apartments	Hernando	M	Donald W Paxton	BCP Development 22 LLC	F	74	\$2,040,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	50	
2023-037C	Flagler Pointe Apartments	Flagler	M	Donald W Paxton	BCP Development 22 LLC	F	70	\$2,040,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	28	
2023-038C	Oak Hill Townhomes	Hernando	M	Donald W Paxton	BCP Development 22 LLC	F	74	\$2,040,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	52	
2023-040C	Hermosa North Fort Myers	Lee	M	Michael R. Allan	Revital Development Group, LLC; LCHA Developer, LLC	E, Non-ALF	72	\$2,040,000	Y	1	N	Y	N	Y	N/A	N	N	N	10	Y	Y	A	Y	Y	3	
2023-041C	Bayonet Gardens	Pasco	M	Christopher L Shear	MHP Bayonet Gardens Developer, LLC	E, Non-ALF	114	\$2,040,000	Y	1	N	Y	Y	Y	N/A	N	N	N	10	Y	Y	A	Y	Y	24	
2023-042C	Poinciana Parc	Osceola	M	Oscar Sol	Poinciana Parc Dev, LLC	E, Non-ALF	86	\$2,040,000	Y	1	N	N	N	N	N/A	N	Y	N	10	Y	Y	A	Y	Y	9	
2023-043C	Autumn Palms at Bayshore II	Lee	M	Michael R. Allan	Revital Development Group, LLC; LCHA Developer, LLC	F	45	\$1,675,000	Y	1	N	N	N	N	N/A	N	N	N	10	Y	Y	B	Y	Y	4	
2023-044C	The Pointe at Piney-Z	Leon	M	Joseph Chapman	Royal American Properties, LLC	F	80	\$2,019,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	8	
2023-045C	The Enclave at Northshore	Bay	M	Joseph Chapman	Royal American Properties, LLC	E, Non-ALF	86	\$1,999,999	Y	1	N	Y	N	Y	N/A	N	N	N	10	Y	Y	A	Y	Y	17	
2023-046C	Pine Meadows	Escambia	M	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc	F	96	\$2,000,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	47	
2023-047C	Crystal Coast	Citrus	M	J. David Page	Southport Development, Inc., a WA corporation doing business in FL as Southport Development Services, Inc	F	96	\$2,040,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	18	
2023-048C	Residences at Dade City	Pasco	M	Robert Hoskins	NuRock Development Partners, Inc.; R Howell Development, LLC; R Block Development, LLC	F	106	\$2,040,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	37	

RFA 2022-201 - Board Approved Scoring Results

Application Number	Name of Development	County	County Size	Name of Authorized Principal Representative	Name of Developers	Demo	Total Units	Competitive HC Request Amount	Eligible For Funding?	Priority Level	PHA Area of Opportunity	Qualifies for LGAO Goal?	LGAO/ Revitalization Plan?	LGAO/ multiple years of continuous support?	LGAO - lower preference?	Family Dev in Medium County that qualifies for the Geographic Area of Opportunity / SADDA Funding Goal?	Qualifies for the SunRail Goal?	SunRail - lower preference?	Total Points	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Proximity Funding Preference	Florida Job Creation Preference	Lottery Number
2023-049C	Parkside Village	Leon	M	Michael Ruane	CORE Parkside Village Developer LLC	F	60	\$1,740,000	Y	1	N	N	N	N	N/A	Y	N	N	10	Y	Y	B	Y	Y	7
2023-050C	Villas at Academy Place	Seminole	M	Joseph Chambers	Calston Academy Developer, LLC; SCHA Developer, LLC	F	60	\$1,950,000	Y	1	N	Y	N	Y	N/A	Y	N	N	10	Y	Y	B	N	Y	33
2023-051C	Bayside Breeze	Okaloosa	M	Carol Gardner	TEDC Affordable Communities, Inc.; Bayside Development of Fort Walton, LLC; 42 Partners, LLC	E, Non-ALF	72	\$2,040,000	Y	1	N	Y	N	N	N/A	N	N	N	10	Y	Y	B	Y	Y	2
2023-052C	Bayside Gardens	Okaloosa	M	Carol Gardner	TEDC Affordable Communities, Inc.; Bayside Development of Fort Walton, LLC; 42 Partners, LLC	F	72	\$2,000,000	Y	1	N	Y	N	Y	N/A	N	N	N	10	Y	Y	A	Y	Y	43
2023-053C	Longwood Gardens	Citrus	M	Oscar Sol	Longwood Gardens Dev, LLC	E, Non-ALF	80	\$2,037,000	Y	1	N	Y	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	35
2023-054C	Trinity Village	Polk	M	Charles E Anderson	Trinity Village Dev, LLC; GM Trinity Village Dev, LLC	E, Non-ALF	80	\$2,039,000	Y	1	N	Y	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	25
2023-055C	Lakeside Flats	Leon	M	Brett Green	Citrus Gardens Developer, LLC	F	72	\$2,040,000	Y	1	N	Y	N	N	N/A	Y	N	N	10	Y	Y	B	Y	Y	30
2023-056C	Cardinal Oaks	Citrus	M	Paula McDonald Rhodes	Invictus Development, LLC; Urban Affordable Development, LLC; ADC Communities II, LLC	F	80	\$2,040,000	Y	1	N	Y	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	12
2023-057C	Minnesota Ave Apartments	Volusia	M	C. Hunter Nelson	ECG Toledo Blade Developer, LLC	F	68	\$2,019,998	Y	1	N	Y	N	N	N/A	Y	N	N	10	Y	Y	A	Y	Y	26
2023-058C	Parc West	Okeechobee	S	Steven Kirk	Rural Neighborhoods, Incorporated; Odyssey Development Group 1, LLC	E, Non-ALF	36	\$1,050,000	Y	1	N	N	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	10
2023-059C	Madison Oaks East	Marion	M	Patrick E Law	American Residential Communities, LLC; New South Residential, LLC	E, Non-ALF	88	\$2,040,000	Y	2	N	Y	N	Y	N/A	N	N	N	10	Y	Y	A	N	Y	5
2023-060C	Vesta Esperanza Village	Charlotte	M	Kory Geans	Middleburg Development, LLC; Newstar Development, LLC; Norstar Development USA, L.P.	F	72	\$2,040,000	Y	1	N	Y	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	39
2023-061C	Grove Manor Phase II	Polk	M	Darren Smith	LWHA Development, LLC; SHAG Grove Manor Phase I Developer, LLC	F	74	\$2,040,000	Y	1	N	Y	Y	Y	N/A	N	N	N	10	Y	Y	A	Y	Y	48
2023-062C	Westside Phase II	Volusia	M	Darren Smith	NSBHDC Developer, LLC; Westside Phase II Fortis Developer, LLC	F	64	\$2,040,000	Y	1	N	Y	Y	N	N/A	N	N	N	10	Y	Y	A	Y	Y	6
2023-063C	Lofts on Lemon Phase II	Sarasota	M	Darren Smith	Lofts II Fortis Developer, LLC; SHA Affordable Development, LLC	F	56	\$2,040,000	Y	1	N	Y	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	27
2023-064C	Summit Villas	Hernando	M	Darren Smith	BHA Development, LLC; Summit Fortis Development Developer, LLC	E, Non-ALF	60	\$2,040,000	Y	2	N	Y	N	N	N/A	N	N	N	10	Y	Y	B	Y	Y	45
2023-065C	Sunrise Village	St. Lucie	M	Shawn Wilson	Blue SV Developer, LLC	F	68	\$2,040,000	Y	1	N	Y	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	34
2023-066C	New Trail Plaza	Sarasota	M	Shawn Wilson	Blue NT Developer, LLC; CASL Developer, LLC	F	96	\$2,040,000	Y	1	N	Y	Y	N	N/A	N	N	N	10	Y	Y	A	Y	Y	1
2023-067C	Falcon Trace	Osceola	M	Deion R. Lowery	DDER Development, LLC	F	88	\$2,040,000	Y	1	N	Y	N	Y	N/A	Y	Y	N	10	Y	Y	A	Y	Y	40
2023-070C	Clermont Ridge Senior Villas II	Lake	M	Susan Wiemer	Turnstone Development Corporation; Provident Housing Solutions, Incorporated	E, Non-ALF	73	\$2,040,000	Y	1	N	Y	N	Y	N/A	N	N	N	10	Y	Y	A	Y	Y	19

Ineligible Applications

2023-036C	Cross Creek Gardens II	Gadsden	S	Daniel F. Acosta	ACD-NRI Developers, LLC	E, Non-ALF	40	\$1,146,250	N	1	N	N	N	N	N/A	N	N	N	10	Y	Y	A	Y	Y	31
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RFA 2022-201 - Board Approved Scoring Results

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2023-039C	Southward Village CNI Phase 2	Lee	M	Vincent R Bennett	Fort Myers Developer, LLC; Southwest Florida Affordable Development, LLC	F	105	\$2,040,000	N	1	N	Y	Y	N	N/A	N	N	N	10	Y	Y	A	N	Y	23
2023-068C	Summit at Punta Gorda	Charlotte	M	Paul Capps	Summit Punta Gorda Development LLC	F	106	\$2,040,000	N	2	N	N	N	N	N/A	N	N	N	5	Y	Y	A	Y	Y	49
2023-069C	Summit at Rotonda	Charlotte	M	Paul Capps	Summit Rotonda Development LLC	F	42	\$1,042,055	N	2	N	N	N	N	N/A	Y	N	N	5	Y	Y	A	N	Y	11
2023-071C*	Woodland Park Phase II	Alachua	M	Brian Evjen	Norstar Development USA, L.P.; GHA Development, LLC; Newstar Development, LLC	F	96	\$2,040,000	N	1	Y	Y	N	Y	N/A	N	N	N	10	Y	Y	A	Y	Y	14

On January, 27, 2023, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee’s motion to adopt the scoring results above.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

# **Exhibit B**



**Exhibit A to RFA 2022-201 Housing Credit Financing For Affordable Housing Developments Located In Medium And Small Counties**

**Section 4.B.1.  
Verifying Application Fee Payment**

To ensure that the Application Fee is processed for the correct online Application, the following is strongly recommended: (i) provide the Application Fee at least 48 hours prior to the Application Deadline; and (ii) whether paying by check, money order, ACH or wire transfer, include the Development Name, RFA number with the payment. Additionally, include the following:

- If submitting a check or money order, provide the check or money order number.
- If submitting an ACH, provide the trace number.
- If submitting a wire transfer, provide the wire service reference number (i.e. Fed/CHIPS/SWIFT Reference Number) and the Fed Wire Transfer Number.

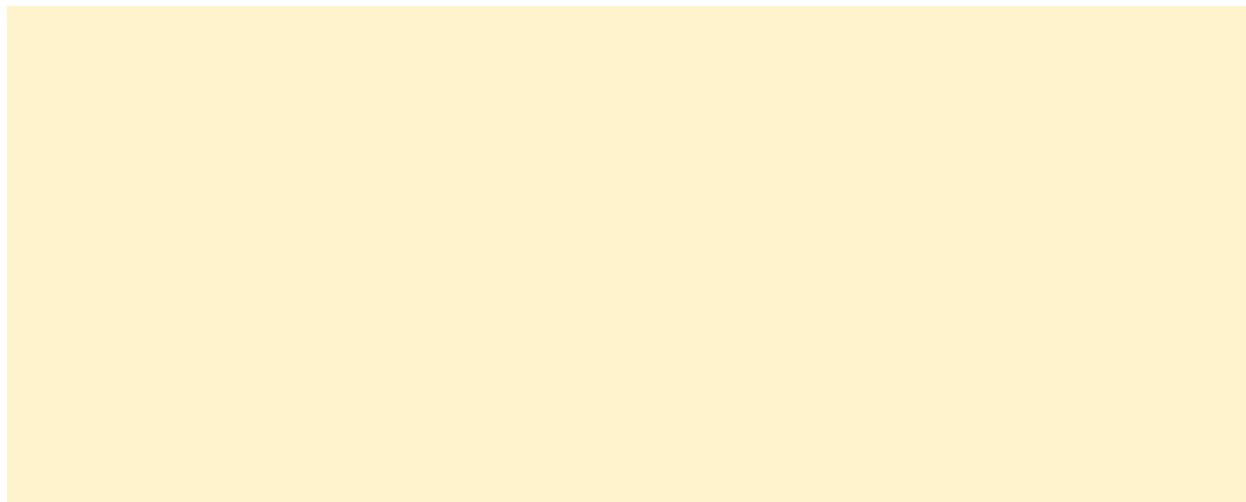
FEDR:20221222B6B7HU3R008112  
Fed Wire Transfer Number: 021000322

**Section 4.B.2.  
Bookmarking the all Attachments Document before uploading (5 points)**

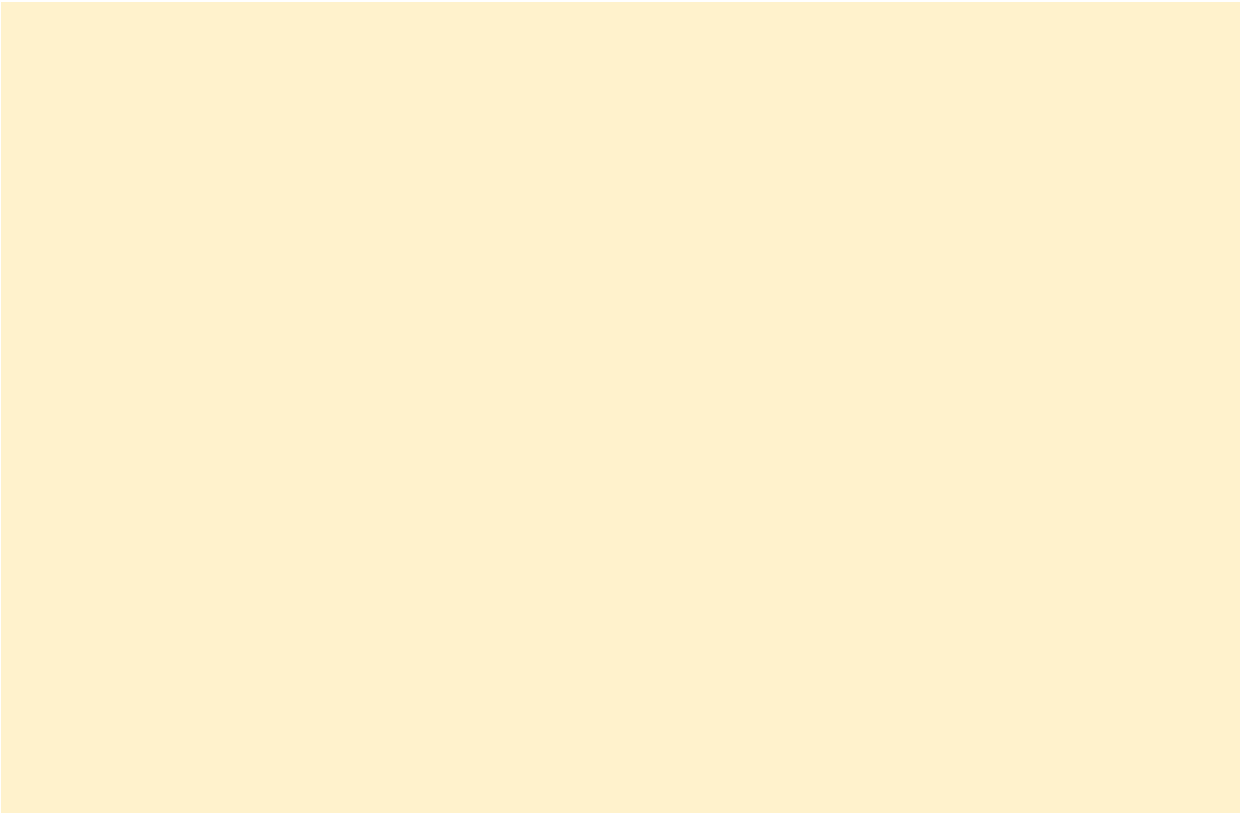
To be awarded 5 points, bookmark the pdf of the All Attachments Document before uploading.

**Section 4.B.3.  
Addenda**

Use the space below to provide any additional information or explanatory addendum for items in the Application. Please specify the particular item to which the additional information or explanatory addendum applies.



**Exhibit A to RFA 2022-201 Housing Credit Financing For Affordable Housing Developments Located In Medium  
And Small Counties**



## Exhibit A to RFA 2022-201 Housing Credit Financing For Affordable Housing Developments Located In Medium And Small Counties

### Section 4.C. Applicant Certification and Acknowledgement Form

The Authorized Principal Representative must review and execute this section.

1. The Applicant and all Financial Beneficiaries have read all applicable Corporation rules governing this RFA and have read the instructions for completing this RFA and will abide by the applicable Florida Statutes and the credit underwriting and program provisions outlined in Rule Chapter 67-48, F.A.C. The Applicant and all Financial Beneficiaries have read, understand and will comply with Section 42 of the Internal Revenue Code, as amended, and all related federal regulations.
2. The Applicant has reviewed section 67-48.004, F.A.C. and subsection 67-48.023(1), F.A.C., and certifies to its eligibility to apply for the funding offered in this RFA.
3. The Applicant certifies that the proposed Development can be completed and operating within the development schedule and budget submitted to the Corporation.
4. The Applicant acknowledges and certifies that it will abide by all commitments, requirements, and due dates outlined in the RFA, inclusive of all exhibits. Failure to provide the required information by any stated deadlines may result in the withdrawal of the invitation to enter credit underwriting, unless an extension is approved by the Corporation.
5. By submitting the Application, the Applicant acknowledges and certifies that the proposed Development will meet all state building codes, including the Florida Accessibility Code for Building Construction, adopted pursuant to Section 553.503, F.S., the Fair Housing Act as implemented by 24 CFR Part 100, including the Affirmative Fair Housing Marketing Plan; Violence Against Women Act Reauthorization Act of 2013; Section 504 of the Rehabilitation Act of 1973 as outlined in Section Four, A.8. of the RFA; and the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, incorporating the most recent amendments, regulations and rules.
6. The Applicant acknowledges that any funding preliminarily secured by the Applicant is expressly conditioned upon any independent review, analysis and verification of all information contained in this Application that may be conducted by the Corporation, the successful completion of credit underwriting, and all necessary approvals by the Board of Directors, Corporation or other legal counsel, the Credit Underwriter, and Corporation staff.
7. If preliminary funding is approved, the Applicant will promptly furnish such other supporting information, documents, and fees as may be requested or required. The Applicant understands and agrees that the Corporation is not responsible for actions taken by the undersigned in reliance on a preliminary commitment by the Corporation. The Applicant commits that no qualified residents will be refused occupancy because they have Section 8 vouchers or certificates. The Applicant further commits to actively seek tenants from public housing authority waiting lists and tenants who are participating in and/or have successfully completed the training provided by welfare to work or self-sufficiency type programs.
8. The success of an Applicant in being selected for funding is not an indication that the Applicant will receive a positive recommendation from the Credit Underwriter or that the Development Team's experience, past performance or financial capacity is satisfactory. The past performance record, financial capacity, and any and all other matters relating to the Development Team (which consists of Developer, Management Company, General Contractor, Architect, Attorney, and Accountant) will be reviewed during credit underwriting. The Credit Underwriter may require additional information from any member of the Development Team including, without limitation, documentation on other past projects and financials. Development Teams with an unsatisfactory past performance record, inadequate financial capacity or any other unsatisfactory matters relating to their suitability may result in a negative recommendation from the Credit Underwriter.
9. The Applicant's commitments will be included in an Extended Use Agreement for the Housing Credits, and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.
10. The Applicant certifies that there are no agreements, other than the letter of intent provided with this Application, the Limited Partnership Agreement, or Operating Agreement, between the Applicant and the Housing Credit Syndicator/equity provider.
11. The Applicant certifies that the complete Limited Partnership Agreement or Operating Agreement, including any amendments thereto, will be divulged to the Corporation and the credit underwriter.
12. The Applicant understands and agrees that it will ensure that (i) none of the General Contractor duties to manage and control the construction of the Development are subcontracted; (ii) none of the construction or inspection work that is normally performed by subcontractors is performed by the General Contractor; (iii) no construction cost is subcontracted to any entity that has common ownership or is an Affiliate of the General Contractor or the Developer, as further described in subsection 67-48.0072(17), F.A.C.; and (iv) a provision is provided in the contract with General Contractor that it will comply with subsection 67-48.0072(17)F.A.C.
13. The Applicant, the Developer and all Principals are in good standing among all other states' housing agencies and have not been prohibited from applying for funding.

## Exhibit A to RFA 2022-201 Housing Credit Financing For Affordable Housing Developments Located In Medium And Small Counties

### Section 4.C. Applicant Certification and Acknowledgement Form

- 14. In eliciting information from third parties required by and/or included in this Application, the Applicant has provided such parties information that accurately describes the Development as proposed in this Application. The Applicant has reviewed the third-party information included in this Application and/or provided during the credit underwriting process and the information provided by any such party is based upon, and accurate with respect to, the Development as proposed in this Application.
- 15. During the credit underwriting process, demonstrate that the Development meets the requirements of this RFA and Section 42 of the IRC.
- 16. The invitation to enter credit underwriting will be rescinded if it is determined that the proposed Development was placed in-service prior to the year in which it received its allocation.
- 17. The Applicant understands and is in compliance with any Priority I/II Applicant Designation requirements outlined in the RFA and, if applicable, the 2022 CHIRP ITP, and will continue to comply throughout the Compliance Period. The Applicant agrees to notify the Corporation of any changes. The Corporation will determine whether the changes cause a violation of the Priority I/II Applicant Designation requirement.
- 18. The Applicant understands and agrees to cooperate with any audits conducted in accordance with the provisions set forth in Section 20.055(5), F.S.
- 19. The Applicant has read, understands, and will comply with the Capital Needs Assessment requirements outlined in Exhibit F.
- 20. The Applicant has read, understands and will comply with the tenant selection requirements outlined in Exhibit G.
- 21. The undersigned is authorized to bind the Applicant entity to this certification and warranty of truthfulness and completeness of the Application.
- 22. The Applicant understands and acknowledges that Florida Housing may make all Applications in this RFA public sooner than 30 days after the Application Deadline.
- 23. The Corporation has included several warning messages throughout the Excel-based application to help alert an Applicant that there may be an issue with the data. This is a helpful guide but is not intended to be an all-inclusive list. Eligibility, points awarded, qualifications for goals, preferences, etc., are all solely determined by the criteria outlined in the RFA. If there are any inconsistencies between the Exhibit A and the RFA itself, such as formulas used in calculations or the warning messages, Applicants are instructed to rely solely on the RFA.

Under the penalties of perjury, I declare and certify that the Application for the proposed Development meets all applicable requirements of the RFA. I have read the foregoing and the information is true, correct and complete.

Signature of Authorized Principal Representative\*

Brian Evjen

Title President of the Manager of the Applicant

\*The Authorized Principal Representative must type their name indicating the acknowledgement and certification of these requirements.

# **Exhibit C**

From: [Kristen Bond Dobson](#)  
To: [Kristen Bond Dobson](#)  
Subject: RE: Woodlawn Park Phase II  
Date: Thursday, February 9, 2023 1:33:38 PM  
Attachments: [image215458.png](#)  
[image093075.png](#)  
[image853366.png](#)

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**Kristen Bond Dobson**, Associate

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215 South Monroe Street, Suite 750, Tallahassee, FL 32301

d: 850 391 5197 t: 850 681 0191

e: [kdobson@phrd.com](mailto:kdobson@phrd.com)



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**From:** Jean Salmonsens <[Jean.Salmonsens@floridahousing.org](mailto:Jean.Salmonsens@floridahousing.org)>  
**Sent:** Friday, December 30, 2022 10:37 AM  
**To:** Brian Evjen <[bevjen@norstarus.com](mailto:bevjen@norstarus.com)>; Justin Corder <[jcorder@norstarus.com](mailto:jcorder@norstarus.com)>  
**Cc:** Elizabeth Thorp <[Elizabeth.Thorp@floridahousing.org](mailto:Elizabeth.Thorp@floridahousing.org)>; Marisa Button <[Marisa.Button@floridahousing.org](mailto:Marisa.Button@floridahousing.org)>; Betty Zachem <[Betty.Zachem@floridahousing.org](mailto:Betty.Zachem@floridahousing.org)>; Ethan Katz <[Ethan.Katz@floridahousing.org](mailto:Ethan.Katz@floridahousing.org)>; Hugh Brown <[Hugh.Brown@floridahousing.org](mailto:Hugh.Brown@floridahousing.org)>; Denise Monzingo <[Denise.Monzingo@floridahousing.org](mailto:Denise.Monzingo@floridahousing.org)>  
**Subject:** Re: Woodlawn Park Phase II

Thank you for this detailed information. I will have to discuss with Marisa and our legal department on Tuesday when our office opens again.

Get [Outlook for iOS](#)

---

**From:** Brian Evjen <[bevjen@norstarus.com](mailto:bevjen@norstarus.com)>  
**Sent:** Friday, December 30, 2022 10:33 AM  
**To:** Jean Salmonsens <[Jean.Salmonsens@floridahousing.org](mailto:Jean.Salmonsens@floridahousing.org)>; Justin Corder <[jcorder@norstarus.com](mailto:jcorder@norstarus.com)>  
**Cc:** Elizabeth Thorp <[Elizabeth.Thorp@floridahousing.org](mailto:Elizabeth.Thorp@floridahousing.org)>; Marisa Button <[Marisa.Button@floridahousing.org](mailto:Marisa.Button@floridahousing.org)>; Betty Zachem <[Betty.Zachem@floridahousing.org](mailto:Betty.Zachem@floridahousing.org)>; Ethan Katz <[Ethan.Katz@floridahousing.org](mailto:Ethan.Katz@floridahousing.org)>; Hugh Brown <[Hugh.Brown@floridahousing.org](mailto:Hugh.Brown@floridahousing.org)>; Denise Monzingo <[Denise.Monzingo@floridahousing.org](mailto:Denise.Monzingo@floridahousing.org)>  
**Subject:** RE: Woodlawn Park Phase II

Jean,

Our accounting department has uncovered some more information regarding this wire. BOA, our bank, received confirmation that Wells Fargo received the funds, and that is why we were not alerted the existence of any issue with the wire transfer. Apparently, after receiving the funds, Wells Fargo did not reject the wire, but instead sent their own wire to BOA and subtracted \$50 from the \$3,000 to cover their own wire fee. Consequently, BOA saw no \$3,000 transaction in their system when we asked them to investigate this.

Neither Newstar nor Norstar (who initiated the wire transfer) received notice that the wire had not

gone through to the appropriate account. Had we been aware of an issue we would have had ample time to send a replacement wire because we sent the original wire on 12/21/22, a full week before the application deadline. As you can likely see from your records, we also sent two other \$3,000 wires to FHFC for other applications (Vesta Esperanza Village in RFA 2022-201 and Grand Oaks in RFA 2022-202) simultaneously with this wire for Woodland Park II, and we were unaware of any issues with any of them. The first time we were made aware of any issue was yesterday, 12/29/22, which was after the deadline.

In summary, we initiated the wire transfer well before the application deadline, we received confirmation the funds were received by Wells Fargo, and we were unaware of any issue with the wire.

We respectfully request that FHFC allow us to send a replacement wire today to allow this application to be eligible/scored.

Thank you,

**Brian Evjen | President**

Newstar Development, LLC  
Norstar Development USA, LP  
3629 Madaca Lane | Tampa, FL 33618  
O: (813) 933-0629 Ext: 212 | C: (813) 240-5757  
[Bevjen@norstarus.com](mailto:Bevjen@norstarus.com)

---

**From:** Jean Salmonsensen <[Jean.Salmonsens@floridahousing.org](mailto:Jean.Salmonsens@floridahousing.org)>

**Sent:** Thursday, December 29, 2022 4:24 PM

**To:** Justin Corder <[jcorder@norstarus.com](mailto:jcorder@norstarus.com)>; Brian Evjen <[bevjen@norstarus.com](mailto:bevjen@norstarus.com)>

**Cc:** Elizabeth Thorp <[Elizabeth.Thorp@floridahousing.org](mailto:Elizabeth.Thorp@floridahousing.org)>; Marisa Button <[Marisa.Button@floridahousing.org](mailto:Marisa.Button@floridahousing.org)>; Betty Zachem <[Betty.Zachem@floridahousing.org](mailto:Betty.Zachem@floridahousing.org)>; Ethan Katz <[Ethan.Katz@floridahousing.org](mailto:Ethan.Katz@floridahousing.org)>; Hugh Brown <[Hugh.Brown@floridahousing.org](mailto:Hugh.Brown@floridahousing.org)>; Denise Monzingo <[Denise.Monzingo@floridahousing.org](mailto:Denise.Monzingo@floridahousing.org)>

**Subject:** RE: Woodlawn Park Phase II

We cannot accept a new payment now that the Application Deadline has passed. The submission requirements must have been met as of the Application Deadline which was 3:00 p.m. yesterday, December 28 which is why I will do my best to investigate what occurred with the original payment. I will send a new email with any further information as soon as I hear something. Our accounting department suggested that you may want to initiate a trace on the wire payment. Thank you and I will keep you posted.

---

**From:** Justin Corder <[jcorder@norstarus.com](mailto:jcorder@norstarus.com)>

**Sent:** Thursday, December 29, 2022 3:49 PM

**To:** Jean Salmonsensen <[Jean.Salmonsens@floridahousing.org](mailto:Jean.Salmonsens@floridahousing.org)>; Brian Evjen <[bevjen@norstarus.com](mailto:bevjen@norstarus.com)>

**Cc:** Elizabeth Thorp <[Elizabeth.Thorp@floridahousing.org](mailto:Elizabeth.Thorp@floridahousing.org)>; Marisa Button <[Marisa.Button@floridahousing.org](mailto:Marisa.Button@floridahousing.org)>

**Subject:** RE: Woodlawn Park Phase II

Okay please let us know what you find out. Our accounting team is out this week and cannot confirm until Tuesday as well.

Should we send another wire out tomorrow? We obviously want to make this right if you cannot locate the original wire.

**Justin Corder**

Norstar Development USA, L.P. | **Director of Development**

Newstar Development, LLC | **Vice President**

3629 Madaca Lane | Tampa, FL 33618

O: (813) 933-0629 Ext: 213 | C: (727) 776-9033

[jcorder@norstarus.com](mailto:jcorder@norstarus.com)

---

**From:** Jean Salmonsens <[Jean.Salmonsens@floridahousing.org](mailto:Jean.Salmonsens@floridahousing.org)>

**Sent:** Thursday, December 29, 2022 3:17 PM

**To:** Justin Corder <[jcorder@norstarus.com](mailto:jcorder@norstarus.com)>; Brian Evjen <[bevjen@norstarus.com](mailto:bevjen@norstarus.com)>

**Cc:** Elizabeth Thorp <[Elizabeth.Thorp@floridahousing.org](mailto:Elizabeth.Thorp@floridahousing.org)>; Marisa Button <[Marisa.Button@floridahousing.org](mailto:Marisa.Button@floridahousing.org)>

**Subject:** RE: Woodlawn Park Phase II

We have yet to locate this payment. We are trying to contact someone at Wells Fargo to further review but have not been successful today and it may go into next week due to the holiday. I do see that the Account number of the Beneficiary information of the confirmation you provided us reflects a number ending in "2209" and our actual Application number ends in "2909". I am not sure if this is part of the issue but I wanted to bring that to your attention. If I hear of any further updates, I will pass them on immediately, even if the update occurs over the holiday weekend.

---

**From:** Jean Salmonsens

**Sent:** Thursday, December 29, 2022 11:43 AM

**To:** Justin Corder <[jcorder@norstarus.com](mailto:jcorder@norstarus.com)>; Brian Evjen <[bevjen@norstarus.com](mailto:bevjen@norstarus.com)>

**Cc:** Elizabeth Thorp <[Elizabeth.Thorp@floridahousing.org](mailto:Elizabeth.Thorp@floridahousing.org)>; Marisa Button <[Marisa.Button@floridahousing.org](mailto:Marisa.Button@floridahousing.org)>

**Subject:** RE: Woodlawn Park Phase II

Thank you for supplying this so quickly. I'll look into it. I'll review with our Accounting staff and let you know the result, but this seems to be complete.

---

**From:** Justin Corder <[jcorder@norstarus.com](mailto:jcorder@norstarus.com)>

**Sent:** Thursday, December 29, 2022 11:39 AM

**To:** Jean Salmonsens <[Jean.Salmonsens@floridahousing.org](mailto:Jean.Salmonsens@floridahousing.org)>; Brian Evjen <[bevjen@norstarus.com](mailto:bevjen@norstarus.com)>

**Cc:** Elizabeth Thorp <[Elizabeth.Thorp@floridahousing.org](mailto:Elizabeth.Thorp@floridahousing.org)>; Marisa Button <[Marisa.Button@floridahousing.org](mailto:Marisa.Button@floridahousing.org)>

**Subject:** RE: Woodlawn Park Phase II



Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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Good Morning Jean – attached is the wire confirmation for Woodland Park Phase II.

We included the Wire Service Reference Number and Fed Wire Transfer Number on the application. I've listed both below:

FEDR:20221222B6B7HU3R008112

Fed Wire Transfer Number: 021000322

The wire should have been received 12/22/22. Can you please check to see if received?

**Justin Corder**

Norstar Development USA, L.P. | **Director of Development**

Newstar Development, LLC | **Vice President**

3629 Madaca Lane | Tampa, FL 33618

O: (813) 933-0629 Ext: 213 | C: (727) 776-9033

[jcorder@norstarus.com](mailto:jcorder@norstarus.com)

---

**From:** Jean Salmonsens <[Jean.Salmonsens@floridahousing.org](mailto:Jean.Salmonsens@floridahousing.org)>

**Sent:** Thursday, December 29, 2022 11:26 AM

**To:** Brian Evjen <[bevjen@norstarus.com](mailto:bevjen@norstarus.com)>; Justin Corder <[jcorder@norstarus.com](mailto:jcorder@norstarus.com)>

**Cc:** Elizabeth Thorp <[Elizabeth.Thorp@floridahousing.org](mailto:Elizabeth.Thorp@floridahousing.org)>; Marisa Button <[Marisa.Button@floridahousing.org](mailto:Marisa.Button@floridahousing.org)>

**Subject:** Woodlawn Park Phase II

Good morning. The Application Deadline for RFA 2022-201 was yesterday at 3:00 p.m. We received an online Application submission for Woodlawn Park Phase II but do not have a record of an Application fee payment having been submitted prior to the Application Deadline. Because of this, Woodlawn Park Phase II is not currently considered to have met submission requirements and will not be processed. If you feel this is an error, please reach out to me at 850-488-4197, ext. 1192 as soon as possible. We need to complete the processing of all Applications on January 3, and, if there is no error, we would also appreciate a response to confirm that we may proceed without Woodlawn Park Phase II. Thank you.

**\*FHFC offices will be closed December 23 & 26 as well as December 30 and January 2. Happy Holidays!**

Jean Salmonsens | **Multifamily Allocations Director**

227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301 | p. 850.488.4197 | f. 850.488.9809

[Jean.Salmonsens@floridahousing.org](mailto:Jean.Salmonsens@floridahousing.org) | Visit our website at [www.floridahousing.org](http://www.floridahousing.org).



*Florida has a broad and inclusive public records law. This e-mail and any responses to it should be considered a matter of public record.*

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# **Exhibit D**

## Payment Details Report



**Company:** Norstar Development USA LP

**Requester:** DCRUZ, CHRIS

**Run Date:** 12/22/2022 10:12:13 AM EST

### Domestic High Value (Wire)

**Payment Category:** Urgent/Wire

**Status:** Confirmed By Bank  
**Transaction Number:** T0ME5L5HAMPRAP94

#### Debit Account Information

**Debit Bank:** 021000322  
**Debit Account:** xxxxxxxx8799  
**Debit Account Name:** Norstar Dev/New Star  
**Debit Currency:** USD

#### Beneficiary Details

**Beneficiary Name:** Florida Housing Finance Corporation  
**Beneficiary Address:** 227 North Bronough St, Ste 5000  
**Beneficiary City:** Tallahassee  
**Beneficiary Postal Code:** 32301  
**Beneficiary Country:** US - United States of America

**Beneficiary Account:** xxxxx2209  
**Beneficiary Bank ID:** 121000248  
WELLS FARGO BANK, NA  
420 MONTGOMERY ST, 7TH FL  
SAN FRANCISCO  
US - United States of America  
**Beneficiary Email:**  
**Beneficiary Mobile Number:**

#### Payment Details

**Credit Currency:** USD  
**Credit Amount:** 3,000.00

**Value Date:** 12/22/2022

#### Optional Information

**Sender's Reference Number:** Woodland Park II

**Beneficiary Information:**

#### Additional Routing

**Intermediary Bank ID:**

**Receiver Information:**

#### Control Information

**Input:** cdc82773  
**Approved:** cdc82773  
**Initial Confirmation:** WTX:2022122200337768  
**Confirmation #:** FEDR:20221222B6B7HU3R008112

**Input Time:** 12/22/2022 10:07:21 AM EST  
**Time:** 12/22/2022 10:11:24 AM EST

# **Exhibit E**



Seann M. Frazier  
d: (850) 629-0575  
sfrazier@phrd.com

January 31, 2023

Via Email

RECEIVED

Ms. Ana McGlamory (Ana.McGlamory@Floridahousing.org)  
Corporation Clerk (CorporationClerk@floridahousing.org)  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301

JAN 31 2023 3:58 PM

FLORIDA HOUSING  
FINANCE CORPORATION

Re: Notice of Intent to Protest: RFA 2022-201 – Housing Credit Financing for  
Affordable Housing Developments Located in Medium and Small Counties

Dear Corporation Clerk:

On behalf of Woodland Park II, LLC (“Woodland Park”), Application No. 2023-071C, this letter constitutes a Notice of Intent to Protest (“Notice”) the Award Notice and Scoring and Ranking of RFA 2022-201, posted by the Florida Housing Finance Corporation on January 27, 2023, at 10:47 a.m. This Notice is filed pursuant to sections 120.569 and 120.57(3), Florida Statutes, and Florida Administrative Code Rules 28-110.003 and 67-60.009.

This Notice is being filed within 72 hours (not including weekends and holidays) of the posting of the RFA scoring and initial awards on the Florida Housing Finance Corporation website on January 27, 2023 at 10:47 a.m. Woodland Park reserves the right to file a formal written protest within ten (10) days of the filing of this Notice pursuant to section 120.57(3), Florida Statutes, challenging the approval for funding, scoring and ranking of applications filed in response to RFA 2022-201.

Sincerely,

Seann M. Frazier

cc: Hugh Brown, General Counsel