

**BEFORE THE
FLORIDA HOUSING FINANCE CORPORATION**

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**AMELIA COURT AT CREATIVE VILLAGE –
PHASE II PARTNERS, LTD.,**

Petitioner,

vs.

**FHFC Case No. 2019-019BP
FHFC RFA No. **2018-112**
Petitioner's Application No. **2019-106C****

**FLORIDA HOUSING FINANCE
CORPORATION,**

Respondent.

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

Pursuant to Sections 120.569 and 120.57, Fla. Stat., and Florida Housing Finance Corporation Request for Application (“RFA”) No. 2018-112, at Section Six, and Rules 28-106.205 and 67-60.009, Fla. Admin. Code; Petitioner Amelia Court at Creative Village – Phase II Partners, Ltd., (“Petitioner” or “Amelia Court II Partners”), an applicant for funding in Florida Housing Finance Corporation Request for Applications (“RFA”) No. 2018-112 for Housing Credit Financing for Affordable Housing Developments located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties, hereby files its formal written protest to contest the proposed funding, eligibility and ineligibility decisions of Respondent Florida Housing Finance Corporation in RFA 2018-112.

Amelia Court II Partners’ Application No. 2019-106C for a development in Orange County was found eligible but was not preliminarily selected for funding. Petitioner contests the determination of eligibility made by Florida Housing as to Application 2019-123C for Hawthorne Park in Orange County. In support of this Protest and Petition, Petitioner states as follows:

Parties

1. The agency affected is the Florida Housing Finance Corporation (the “Corporation”, “Florida Housing,” or “FHFC”), whose address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The solicitation number assigned to this process for the award of Competitive federal low income housing tax credits (“tax credits” or “HC”) is Request for Applications (“RFA”) 2018-112. By notice posted on its website, FHFC has given notice of its intent to award funding to seven (7) applicants, not including Petitioner. FHFC also posted notice at the same time of its determination or which applicants were “eligible” for consideration for funding and which were not; Petitioner was identified as an eligible applicant.

2. Petitioner, Amelia Court at Creative Village – Phase II Partners, Ltd., is a Florida limited partnership, whose business address is 335 N. Knowles Avenue, Suite 101, Winter Park, Florida 32789. For purposes of this proceeding, Petitioner’s address is that of its undersigned counsel, M. Christopher Bryant, Oertel, Fernandez, Bryant & Atkinson, P.A., P.O. Box 1110, Tallahassee, Florida 32302-1110, telephone number 850-521-0700, facsimile number 850-521-0720, email cbryant@ohfc.com.

3. Petitioner submitted an application, assigned Application No. 2019-106C, in RFA 2018-112 seeking an award of competitive tax credits in the annual amount of \$2,375,000 (for a 10 year period). Petitioner proposes to construct a new 105-unit development for Family tenants in Orange County, with 84 of those units to be set-aside for low income tenants making at or below 60% of Area Median Income (“AMI”) (including 16 of these units for Extremely Low Income tenants making at or below 30% AMI). Twenty-one (21) of the units are proposed to be “market rate” units which are not limited to Low Income or Extremely Low Income tenants; this is in keeping with the character and design or the larger multi-use Creative Village revitalization project

currently under development in downtown Orlando, of which rental housing is just one component. (RFA 2018-112 expressly contemplated that developments funded through this RFA might include market rate units.) FHFC has announced its intention to award funding to seven (7) developments in this RFA, including one in Orange County, but not including Petitioner.

Notice

4. On Friday, February 1, 2019, at approximately 10:33 a.m., Petitioner and all other participants in RFA 2018-112 received notice that FHFC's Board of Directors had adopted FHFC staff's determinations of which applications were eligible or ineligible for consideration for funding, and to select certain eligible applicants for awards of tax credits, subject to satisfactory completion of the credit underwriting process. Such notice was provided by the posting of two spreadsheets on the Florida Housing website, www.floridahousing.org, with one spreadsheet listing the "eligible" and "ineligible" applications in RFA 2018-112 (copy attached as Exhibit "A") and one identifying the applications which FHFC proposed to fund (copy attached as Exhibit "B").

5. Petitioner timely filed a Notice of Protest, with attachments, on Wednesday, February 6, 2019, copy attached as Exhibit "C." Petitioner's Formal Written Protest and Petition for Formal Administrative Proceedings is being filed within 10 calendar days of that notice; the tenth day fell on Saturday, February 16, 2019, so by operation of Rule 28-106.103, Fla. Admin. Code, the filing deadline was extended to Monday, February 18, 2019.

6. To the best of Petitioner's knowledge, sometime after the February 1 posting of notice but before Wednesday, February 6, 2019 at 10:30 a.m., eight (8) applicants filed Notices of Protest in response to Florida Housing's proposed funding awards and eligibility, ineligibility, and scoring determinations for RFA 2018-112 as announced on the spreadsheets posted on the FHFC website. Those applicants include three applicants for Orange County developments: Amelia

Court Phase II, Hawthorne Park, and Durham Place. RFA 2018-112 awards funding on a county-by-county basis, so Petitioner is competing only against other applicants proposing a development in Orange County.

Substantial Interests Affected

7. Petitioner's substantial interests are being determined in the instant proceeding because Petitioner is an applicant for low income housing tax credit funding whose application was not preliminarily selected for funding. Petitioner cannot provide housing for low income tenants without the award of the requested funding. Further, Amelia Court Phase II is currently under construction along with a prior funded phase of the Amelia Court development. Construction is expected to be completed by early summer 2019. Under the United States Code provisions governing the federal low income housing tax credit program, an applicant cannot receive an award of tax credits for a new construction development that was "placed in service" in a prior calendar year. FHFC does not have another tax credit RFA scheduled for a new construction development in Orange County in 2019, so RFA 2018-112 is the last generally available tax credit funding opportunity for Amelia Court Phase II.

RFA 2018-112

RFA 2018-112 Ranking and Selection Process

8. Through the RFA 2018-112 process, FHFC seeks to award up to an estimated \$17,314,387 in housing credit funding for the construction of affordable housing developments in the Six Large Counties of Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas. The RFA specified that one applicant would be selected from each of the Six Large Counties. If sufficient funding remained, then a seventh applicant would be selected from Broward County.

9. Generally, applicants for either a Family or Elderly development must agree to set-

aside at least 80% of the units for persons making at or below 60% of Area Median Income (AMI); or, if an Elderly Assisted Living Facility (ALF), it must set aside at least 50% of the units for persons making at or below 60% of AMI. (No applicants in RFA 2018-112 proposed to construct an Elderly ALF.) Applicants who elect an “Income Averaging” approach to designating Set-Aside Units are subject to different percentage limits, but the weighted average of incomes in the Applicant’s Set-Aside Units is still limited to 60% AMI.

10. In this RFA, applicants were also required to set-aside a portion of those low income units for tenants who are considered “Extremely Low Income” (ELI), which is a lower percentage of AMI that varies by county. For Orange County, where Petitioner proposes to construct its development, applicants were required to set-aside ELI units for tenants making at or below 35% of AMI (or 30% of AMI for those Applicants, like Petitioner here, who elect the “Income Averaging” approach).

11. Applicants request in their applications a specific amount of competitive housing credits to be given to the Applicant each year for a period of 10 years. Applicants typically sell the rights to that future stream of housing credits (through the sale of almost all of the ownership interest in the Applicant entity) to an investor to generate a portion of the capital necessary to construct the development.

12. Applicants in this RFA are assigned numerical scores in two areas, for a total possible 10 points. Those areas are the prior submission to FHFC of a Principal Disclosure Form reviewed by FHFC and stamped “Pre-Approved” (5 points); and a Development Experience Withdrawal Disincentive, worth 5 points. The Withdrawal Disincentive points are awarded to Applications whose Developer, Co-developer, or any Principal of the Developer was not a Principal in an Application that was voluntarily withdrawn in any designated RFA’s from the prior

year.

13. In order to meet eligibility requirements, applicants were required to demonstrate local government financial support for their applications. The local financial assistance is in the form of either a Local Government Contributions (LGC) to the proposed Development of \$75,000 (\$100,000 if in Broward County); or a Local Government Area of Opportunity (LGAO) Contribution to the proposed Development ranging from \$472,000 to \$747,000 (\$495,250 to \$783,250 in Broward County) for New Construction developments, depending on the building type proposed. LGCs can be in the form of grants, loans, fee deferrals, or fee waivers; LGAO-level contributions can only be in the form of cash loans or cash grants.

Application Submission and Processing

14. Florida Housing received 24 Applications seeking funding in RFA 2018-112. The applications were received, processed, deemed eligible or ineligible, scored, and ranked, presumably pursuant to the terms of RFA 2018-112; FHFC Rule Chapters 67-48 and 67-60, Fla. Admin. Code; and applicable federal regulations. Applications are considered for funding only if they are deemed “eligible,” based on whether the Application complies with Florida Housing’s various application content requirements. Of the 24 Applications submitted to FHFC in RFA 2018-112, seventeen (17) (including Petitioner) were found “eligible,” and seven (7) were found ineligible. The spreadsheet created by Florida Housing and attached hereto as Exhibit “A” identifies all eligible and ineligible applications (and other relevant information).

15. The RFA specifies an “Application Sorting Order” to rank applicants for potential funding. The first consideration in sorting eligible applications for potential funding is Application scores. The maximum score an Applicant can achieve is 10 points. Of the 17 eligible applicants in RFA 2018-112, all seventeen of the Applicants, including Petitioner, received the maximum

score of 10 points.

16. As demonstrated in this RFA, many applicants achieve tie scores, and in anticipation of that occurrence FHFC designed the RFA and rules to incorporate a series of “tie-breakers.” The tie-breakers for applicants in this RFA, in order of applicability, are:

- (a) First, by a Proximity Funding Preference, which favors applicants who are within certain distances of services needed by tenants, such as public transportation, grocery stores, medical facilities, and public schools (for Family developments) or pharmacy (for Elderly developments). Petitioner satisfied this preference.
- (b) Second, by a Per Unit Construction Funding Preference. Petitioner satisfied this preference.
- (c) Third, by a Development Category Funding Preference, which favors applicants proposing New Construction, Redevelopment, or Rehabilitation that does not constitute Preservation, over Applications who propose the Preservation of existing Developments. All Applicants in RFA 2018-112, including Petitioner, proposed New Construction and thus satisfied this preference.
- (d) Fourth, by a Leveraging Level classification that favors applicants who request a lower amount of housing credit funding per unit than other applicants. To determine the Leveraging classification, each eligible Applicant’s housing credit request amount per affordable housing unit is calculated. Applicants are then listed in ascending order beginning with the Applicant with the lowest funding request per set-aside unit, and ending with the Applicant with the highest amount. The “least expensive” 80% of applicants are designated as Group A, and the most expensive are Group B. Group A applicants are favored over Group B applicants.

Petitioner qualifies as a Group A applicant.

(e) Fifth, by a Florida Job Creation Preference, which imputes a certain number of Florida jobs that will be created or supported by the development based on the number of housing units proposed relative to the projected equity generated by the housing credits awarded to the development. All Applicants, including Petitioner, satisfied this preference.

(f) Last, by lottery numbers randomly assigned to the applications when they are submitted to Florida Housing. Petitioner's lottery number was 24.

17. For Applicants from Duval, Hillsborough, Orange, or Palm Beach Counties, the RFA specified that the Application selected for funding from that County would be the highest ranking eligible Application that qualifies as a Local Government Area of Opportunity ("LGAO") applicant, if there was an eligible LGAO applicant from that county. For Orange County, where Petitioner proposes to construct its development, there were six applications submitted but only two claimed a Local Government Area of Opportunity level contribution: Petitioner's application, and Application, 2019-123C, Hawthorne Park.

18. Following eligibility determinations, scoring, applying the funding preferences and the selection process, Florida Housing selected seven applicants for funding, as follows:

- | | |
|-----------------------|---------------------------------|
| Pinellas County: | 2019-100C, The Shores |
| First Broward County: | 2019-111C, Fiori Village |
| Duval County: | 2019-121C, Lofts at Brooklyn |
| Hillsborough County: | 2019-116C, WRDG T 38 |
| Orange County: | 2019-123C, Hawthorne Park |
| Palm Beach County: | 2019-115C, Heron Estates Family |

Second Broward County: 2019-119C, Poinciana Crossing

Hawthorne Park was selected instead of Amelia Court Phase II solely because Hawthorne Park had a better randomly assigned lottery number (#1) than Amelia Court (#24).

19. Hawthorne Park 2019-123C, should not have been selected for funding. For the reasons set forth in this Petition, Hawthorne Park should either not have been deemed eligible due to an invalid Local Government Area of Opportunity funding commitment from Orange County; or should have been deemed to only receive a Local Government Contribution sufficient to deem it eligible for consideration for funding but not deem it to be an LGAO applicant. Under either scenario, Amelia Court Phase II would have been entitled to selection for funding as the only eligible LGAO applicant from Orange County.

Nature of the Controversy

20. In its Application, Hawthorne Park claimed two contributions from Orange County. It claimed a low-interest rate Loan from Orange County in the amount of \$317,500, and a Grant from Orange County in the amount of \$250,000. These claimed contributions were reported on two forms included in the Hawthorne Park application as Attachment 17, copy attached to this Petition as Exhibit D.

21. The \$250,000 Grant claimed by Hawthorne Park is specified on the form as being from SHIP (State Housing Initiatives Partnership) funds. The \$317,500 Loan from Orange County is not specified as to its source; the Loan form contains no line or space for designating the source of funds loaned to an applicant.

22. In fact, the source of both “contributions” to the Hawthorne Park application was Orange County SHIP funds. The award of funding to Hawthorne Park was pursuant to action taken by the Orange County Board of County Commissioners (BOCC) on October 16, 2018.

However, that contribution was not a valid contribution because Orange County violated its own ordinances in making that award. Specifically, Orange County's LHAP, adopted by County ordinance, requires the use of a Request for Proposals when awarding SHIP funding to developers of multi-family rental housing. Orange County did not use an RFP for this award of funding.

23. "SHIP" refers to the State Housing Initiative Partnership program, created by Part VII of Chapter 420, Florida Statutes. Under the SHIP program, local government (counties and municipalities) may receive an allocation of funds derived from documentary stamp tax revenues for local housing purposes, including to expand production of affordable housing. See Sections 420.9072 and 420.9079, Fla. Stat. In order to participate in the SHIP program, a local government must adopt a Local Housing Assistance Plan (LHAP) that contains certain elements and meets certain criteria as specified in the statutes. The LHAP must be submitted to Florida Housing for approval to verify compliance of the LHAP with Chapter 420, Part VII, Florida Statutes, and with FHFC Rule Chapter 67-37, Fla. Admin. Code, concerning the SHIP program. Once an LHAP has been adopted by the local government (by ordinance) and approved by FHFC, the local government can only award SHIP funding in accordance with LHAP.

24. Orange County amended its LHAP in February 2018 for the period beginning with the 2017-2018 state fiscal year. Orange County's LHAP states that the award of SHIP funds for multi-family rental housing will be done pursuant to a Request for Proposal (RFP) process. Orange County's 2018 LHAP is attached to this Petition as Exhibit E.

25. The Orange County LHAP identifies nine Housing Strategies. Strategy E is Multi-Family Construction. The LHAP states:

The availability of funding will be marketed to the multi-family affordable housing development community in accordance with SHIP requirements; the availability of SHIP funds, services and selection criteria will be advertised directly to not for profits or

through a request for proposals for private developers.

Orange County LHAP at p. 13 (emphasis added).

26. The LHAP also included several exhibits, including a three page Exhibit C that consisted of Housing Delivery Goals Charts for the three years covered by the LHAP (FY 2015-2016, 2016-2017, and 2017-2018). For Fiscal Year 2017-2018, Exhibit C showed total SHIP dollars available for Multi-family Construction of Rental Housing of \$75,000.

27. In addition, on February 22, 2018, Orange County published its SHIP Notice of Funding Availability (NOFA) in the Orlando Sentinel newspaper. A copy of the NOFA is attached hereto as Exhibit F. In the NOFA, Orange County announced the availability of \$4,300,495 total in SHIP funding for distribution; this is the same “Grand Total” shown on the third page of Exhibit C of the LHAP. It identified the amount of funding available for multi-family construction of \$75,000, which, again, is consistent with the third page of Exhibit C of the LHAP. The notice stated, in pertinent part, that “eligible sponsors such as developers . . . who provide affordable housing will need to respond to future requests for proposals (RFPs) which will be advertised at a later date.” No RFP was advertised or issued in 2018 for multifamily construction.

28. The NOFA also indicated that \$375,000 in impact fee subsidy was available. The NOFA stated that such funding was to “incentivize the construction of single family and multifamily properties.” The impact fee subsidy expressly excluded water and wastewater fees.

Orange County’s Award Decision

29. Throughout 2018, Atlantic Housing Partners, LLLP (“AHP”), the Developer of Amelia Court Phase II, had contacted the Orange County Housing and Community Development to ascertain whether Orange County contemplated awarding “LGAO” level funding (which ranged from roughly \$400,000 to \$750,000, depending on building type) for a competitive housing credit

applicant in 2018. Historically, Orange County had not typically provided local government contributions at these higher amounts. Orange County's practice in 2016 and 2017 had been to award only the minimum \$75,000 amount sufficient to qualify as a Local Government Contribution. AHP had available to it other potential development sites in Orange County that could have applied for LGAO funding from Orange County if Orange County elected to make such an award in 2018. Orange County's director of Housing and Community Development informed AHP that it was going to wait until 2019 to offer an LGAO award.

30. Instead of honoring its representation to AHP and in the NOFA, and instead of complying with the RFP requirement in its LHAP, Orange County made a non-competitive award of \$567,500 to Hawthorne Park at its October 16, 2018 Board meeting. The Board Agenda Item, entitled "Resolution to Approve Local Government Areas of Opportunity Funding," specifically identified Hawthorne Park as the intended recipient of such funding. A copy of the BOCC Agenda Item is attached to this Petition as Exhibit G. The agenda item did not indicate that any competitive process was used to select Hawthorne Park, or that any other potential developments or applicants were even considered. In fact, the agenda item stated:

Given the short turnaround time for FHFC's RFA, Orange County is not able to conduct its own RFA to select a preference project; however, the County may select a project it believes offers unique opportunities and is beneficial to the County.

Contrary to this last quoted statement, nothing in Orange County's LHAP excuses it from conducting an RFP process to award SHIP funding.

31. Further, the agenda item included a draft Resolution to be adopted for the LGAO funding award. The agenda item stated, in part:

The County must provide the minimum required local government financial contribution for Hawthorne Park, which is \$567,500. State Housing Initiative Partnership (SHIP) program funds will be set

aside for this contribution.

See Exh. G, at numbered page 463. (Emphasis added)

32. The Resolution adopted by Orange County confirmed the source of the funding Orange County was awarding to Hawthorne Park:

Section 1, Local Government Areas of Opportunity Funding Contribution. The Board of County Commissioners hereby awards the County's Local Government Areas of Opportunity funding to Hawthorne Park by Wendover Housing Partners, LLC and set aside and allocates five hundred sixty seven thousand, five hundred dollars (\$567,500) of State Housing Initiatives Partnership (SHIP) funds as the minimum required local contribution.

Exh. G, at numbered page 466.

33. Since no RFP had been advertised or conducted by Orange County for this LGAO award of SHIP funding, AHP was unaware that the Orange County BOCC was taking up this item until the day of the meeting. AHP's representative arrived at the October 16 BOCC meeting after the item had been considered and approved, but was denied the opportunity to speak about this matter even though the BOCC was still meeting.

34. In response to the County's action of awarding SHIP funding to Hawthorne Park without the RFP required by its LHAP, AHP submitted a letter to the members of the BOCC on November 5, 2018 urging them to reconsider their action. When the County failed to act, AHP filed suit against Orange County and the developer of Hawthorne Park in the circuit court in Orange County for declaratory and injunctive relief, including temporary injunctive relief.

35. The circuit court action was filed on November 9, 2018, before the November 13 Application Deadline for RFA 2018-112, and was assigned to Judge Chad K. Alvaro. In order to attempt to expedite the court's consideration of AHP's request for injunctive relief, a brief hearing was held on the morning of Monday, November 13. At that point summonses had not yet been

issued in the action, so Judge Alvaro denied the request for temporary injunction without prejudice, and set a status conference for the following Monday, November 19. Due to the amount of time needed to present evidence, and the availability of the assigned judge, the parties, and their counsel, an evidentiary hearing on the temporary injunction request could not be held until December 27, 2018.

36. The injunction hearing was held on December 27, with a full day of testimony, evidence, and argument. Hawthorne Park, Ltd. intervened in the case without objection at the final hearing. Upon conclusion of the hearing, Judge Alvaro granted the parties one week to submit proposed orders and written argument. The judge was aware of the relevance of the issues and the relief sought to Florida Housing's RFA 2018-112, and was aware of the schedule for scoring and ranking of the applications by Florida Housing's staff review committee on Tuesday, January 22, and Board action on the review committee recommendations on Friday, February 1.

37. On Monday, January 21, Judge Alvaro entered a Temporary Injunction. A copy of the Temporary Injunction is attached to this Petition as Exhibit H. The order stated, in part:

43. . . . [In] the fall of 2018, Orange County awarded \$567,500.00 in SHIP funds to Wendover for Hawthorne Park in support of its efforts to obtain 9% Tax Credits.

44. In doing so, Orange County did not issue an RFP, and instead proceeded through a process in which unnamed or unidentified participants decided that Wendover's Hawthorne Park project alone would be offered up to the Board of County Commissioners as the sole candidate to receive an award of the amount of SHIP funds necessary to qualify as an LGAO, and then awarded the funds to Hawthorne Park.

* * *

74. By the plain terms of its own LHAP, Orange County was required to conduct an RFP to award SHIP funds to Wendover for the Hawthorne Park project.

[T. I. at pp. 8-9, 14]

38. The order expressly temporarily enjoined the Defendants in that case “from awarding SHIP funds to Wendover as an LGAO for Orange County related to Hawthorne Park and [FHFC RFA 2018-112].” [T. I. at p. 17, para. 3]

39. The order noted that, inasmuch as FHFC was not a party to the circuit court action, the temporary injunction does not enjoin any activity of FHFC. [T. I. at p. 17, footnote 6] AHP intentionally did not include Florida Housing as a party defendant in that case, for several reasons.

40. First, whether Orange County’s specific award of SHIP funding to the Hawthorne Park development was invalid and must be reversed is not a matter that is within Florida Housing’s jurisdiction. It is properly a matter for a circuit court to determine. To the extent the SHIP statutes grant Florida Housing authority over the conduct of local government SHIP programs once an LHAP has been adopted, that authority is to review annual reports submitted by the local government. If Florida Housing determines that the local government has established a “pattern of violations” of the criteria for an LHAP, the distribution of further SHIP funds to that local government is suspended until the violations are corrected, with the goal of bringing a local government back into compliance. See, Section 420.9075(13)(a), Fla. Stat. The statutes do not give Florida Housing authority to rescind or revoke a particular SHIP award made by a local government.

41. Second, Florida Housing’s interests are not affected by a circuit court determination invalidating a local government award that a particular applicant claimed as an LGAO-level contribution. Stated another way, it is not Florida Housing’s role to defend one applicant’s documentation of a local government contribution when challenged in circuit court by another applicant or developer. Florida Housing’s role is to score, rank, and fund applications, pursuant

to Florida Housing's RFA's, governing statutes, and rules. If a judicial determination is made that documentation submitted by an applicant is invalid, Florida Housing must simply correct its eligibility determination, scoring, and ranking based upon the judicial determination, and select a different applicant in that County to fund.

42. Finally, AHP assumed that, whatever order was entered by the circuit court, Florida Housing would not ignore that order, and would not take action that is contrary to the substance of that order. In this case, that means if a circuit court determined that a claimed award of local SHIP funding was invalid, Florida Housing would not treat that award as if it were valid.

Florida Housing Action Post-Injunction

43. Judge Alvaro entered the Temporary Injunction on Monday, January 21, which was a state holiday (the observance of Martin Luther King Jr. Day). The review committee for RFA 2018-112 was scheduled to meet the next morning (Tuesday, January 22) at 10 a.m. to score and rank applications. Petitioner, through undersigned counsel, sent a copy of the Temporary Injunction to Corporation legal staff by e-mail on January 21, suggesting that legal staff should advise the review committee of the determination of the court that the Orange County SHIP award to Hawthorne Park was invalid.

44. Undersigned counsel for Amelia Court also asked for the opportunity to address the review committee during the "comment" section of the review committee meeting on January 22. Undersigned counsel was denied the opportunity to address the review committee on any issue; counsel for FHFC took the position that the comment period is only for review committee members to speak, not members of the public, applicants, or their representatives. At no time did Amelia Court's counsel present any substantive comment to the review committee; or even identify to the review committee the applications, developers, or County of location of any applications involved,

or the nature of the comments that would have been made. Counsel for FHFC was aware of the issue and of the injunction prior to the review committee meeting.

45. Also on January 22, 2019, both Orange County and Hawthorne Park (and its developer, Wendover Housing Partners, LLC), filed notices of appeal of the temporary injunction. Under Rule 9.310(b)(2), Fla. R. App. R., the notice of appeal filed by Orange County, a public body, acted as an automatic stay of the Temporary Injunction. At most, such a stay does not affect the validity of that order; it only impacts the enforcement of the order.

46. AHP promptly filed an Emergency Motion to Vacate Automatic Stay with the circuit court on January 22, 2019. The earliest date that counsel for Wendover and Hawthorne Park would agree to for a hearing on the motion was Thursday, January 31. Judge Alvaro heard argument on the Emergency Motion on January 31, and at 3:48 that afternoon entered an Order granting the Motion and vacating the automatic stay. A copy of that January 31 Order is attached to this Petition as Exhibit I.

47. Immediately upon Judge Alvaro's entry of the Order, on the afternoon of January 31, counsel for AHP and Amelia Court II provided the order to FHFC's counsel. Amelia Court II considered it critical for FHFC's counsel to know the status of the temporary injunction prior to the FHFC Board taking action on the scoring, ranking, and funding determinations in RFA 2018-112, the next day at its scheduled February 1 Board meeting, so that the Board could be advised accordingly.

48. At its meeting on Friday, February 1, the FHFC Board of Directors considered staff review committee recommendations in three different RFAs, including the Six Large County RFA 2018-112. Early in the meeting, the Board chair read a statement into the record concerning the Noninterference provision of the RFAs, which reads as follows:

Noninterference. At no time during the review and evaluation process, commencing with the Application Deadline and continuing until the Board renders a final decision on the RFA, may Applicants or their representatives contact Board members or Corporation staff, except Corporation legal staff, concerning their own or any other Applicant's Application. If an Applicant or its representative does contact a Board or staff member in violation of this section, the Board shall, upon a determination that such contact was made in an attempt to influence the selection process, disqualify the Application.

49. Even though the FHFC Board meeting includes two public comment periods, the chair indicated that any comments regarding the RFA's should be held until the second comment period, after the Board had taken action on the review committee recommendations; and that such comments would not be a violation of the Noninterference clause. To the best of the Petitioner's knowledge, FHFC's general counsel shared this view.

50. During the second comment period of the February 1 meeting, counsel for Petitioner addressed the Board. Counsel identified himself for the record by name and firm name, but did not identify the applicant or developer he was speaking on behalf of, or the applicant or developer associated with the competing application, or even the RFA involved. Counsel for Petitioner did explain to the Board that a temporary injunction had been entered prior to the review committee meeting for the RFA involved, enjoining the award of local government funding to an applicant. Undersigned counsel further explained that without all or part of that funding the competing applicant could not have been recommended for funding by the review committee.

51. Counsel for Petitioner requested that the Board seek the advice of its own counsel whether to reconsider its prior vote in light of this information. The Board chair asked the general counsel for a response, and the general counsel indicated that the administrative hearing process would provide Petitioner an opportunity to address the impact of the injunction.

Disputed Issues

52. Petitioner has initially identified the following disputed issues of fact which it reserves the right to supplement as additional facts become known to it.

a. Whether Florida Housing's assigning the LGAO preference to Hawthorne Park for its claimed Orange County SHIP contribution in light of the circuit court's Temporary Injunction rejecting that award as a violation of Orange County's LHAP, is contrary to the terms of the RFA, and is arbitrary, capricious, clearly erroneous, and contrary to competition. Amelia Court II contends that it is.

b. Whether the result of the circuit court's invalidation of the claimed Orange County SHIP contribution to Hawthorne Park is that Hawthorne Park, at a minimum, lacks the required amount of local government awards of cash grants and cash loans to qualify as a Local Government Area of Opportunity application, even if Hawthorne Park was otherwise deemed eligible. Amelia Court contends that Hawthorne Park lacks a valid LGAO funding commitment; and that any conclusion to the contrary was and is contrary to the RFA, and would be arbitrary, capricious, clearly erroneous, and contrary to competition.

c. Whether the result of the circuit court's invalidation of the claimed Orange County's SHIP contribution to Hawthorne Park is that Hawthorne Park has demonstrated no valid local government contribution at all, and that as a result Hawthorne Park should be deemed ineligible for consideration for funding. Amelia Court II contends that Hawthorne Park should be deemed ineligible for funding, and that any conclusion to the contrary was and is contrary to the RFA, arbitrary, capricious, clearly erroneous, and contrary to competition.

d. Whether Amelia Court II is entitled to selection for funding in RFA 2018-112 as the highest ranked LGAO applicant in Orange County and that any conclusion to the contrary is contrary to the RFA, arbitrary, capricious, clearly erroneous, and contrary to competition. Amelia Court II contends that it is entitled to selection for funding, and that any conclusion to the contrary would be contrary to the RFA, arbitrary, capricious, clearly erroneous, and contrary to competition.

Concise Statement of Ultimate Facts, Relief Sought, and Entitlement to Relief

53. As its concise statement of ultimate fact, Petitioner asserts that Hawthorne Park's claimed contribution of SHIP funding from Orange County has been invalidated by a Court of competent jurisdiction, and that determination is binding on Florida Housing. As a result, Hawthorne Park does not have a required valid contribution of \$567,500 to qualify as an LGAO applicant. Florida Housing was aware of this fact before its review committee meeting for RFA 2018-112, and the Board meeting approving selections in RFA 2018-112. Amelia Court II is the highest ranked and only LGAO applicant from Orange County, and is entitled to the award of funding.

54. Petitioner seeks entry of recommended and final orders finding Petitioner's application eligible for funding as the highest ranked Orange County applicant with LGAO funding, and awarding it tax credit funding. Petitioner is entitled to this relief by the terms and conditions of the FHFC's RFA; by FHFC Rule Chapters 67-48 and 67-60, Fla. Admin. Code; and by Chapters 120 and 420, Florida Statutes, including but not limited to Sections 120.569 and 120.57, Florida Statutes.

Request for Settlement Meeting

55. Pursuant to Section 120.57(3)(d), Fla. Stat., Petitioner requests an opportunity to

meet with Florida Housing to resolve this matter by mutual agreement within seven business days after filing. Petitioner reserves the right to agree to extend the time for such a settlement meeting.

FILED AND SERVED this 18th day of February, 2019.



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
Primary: cbryant@ohfc.com
Secondary: bpetty@ohfc.com
Attorney for Amelia Court at Creative Village –
Phase II Partners, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Formal Written Protest and Petition for Administrative Proceedings has been filed by hand delivery and e-mail with the Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 (CorporationClerk@floridahousing.org), and a copy via hand delivery and e-mail to the following this 18th day of February, 2019:

Hugh R. Brown, General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329
Hugh.Brown@floridahousing.org



ATTORNEY

Exhibits to Amelia Court Ph. II Petition

- A. Board Approved Eligible – Ineligible Applicants in RFA 2018-112
- B. Board Approved Proposed Funding Awards in RFA 2018-112
- C. Petitioner’s Notice of Protest, filed February 6, 2019
- D. Attachment 17 to Hawthorne Park Appl. No. 2019-123C
- E. Orange County Local Housing Assistance Plan (LHAP) for State Housing Initiative Partnership (SHIP) Program, as amended February 2018
- F. Orange County SHIP Notice of Funding Availability
- G. October 16, 2018 Orange County Board of County Commission Agenda, with Agenda Item and Draft Resolution for SHIP Funding to Hawthorne Park
- H. Temporary Injunction entered January 21, 2019, in *Atlantic Housing Partners, LLLP v. Orange County, Florida and Wendover Housing Partners, LLC*, Case No. 2018-CA-12227-O
- I. Order Granting Motion to Vacate Automatic Stay, entered January 31, 2019, in *Atlantic Housing Partners, LLLP v. Orange County, Florida and Wendover Housing Partners, LLC*, Case No. 2018-CA-12227-O

RFA 2018-112 Board Approved Scoring Results

Application Number	Name of Development	County	Name of Authorized Principal Representative	Name of Developers	Demo Commitment	Total Units	HC Funding Amount	Eligible For Funding?	Development is in Broward County or Pinellas County and serves the Family Demographic Commitment, and qualifies for the Geographic Area of Opportunity Funding Goal	Qualifies as a Local Government Area of Opportunity	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per Set-Aside	Leveraging Classification	Florida Job Creation Preference	Lottery Number	
Eligible Applications																			
2019-100C	The Shores	Pinellas	William Todd Fabiani	The Richman Group of Florida, Inc.	F	51	910,000.00	Y	Y	N	10	Y	Y	Y	130,984.85	A	Y	9	
2019-101C	Sebrington Court Apartments - Phase I	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	E, Non-ALF	80	1,824,538.00	Y	N	N	10	Y	Y	Y	196,967.17	A	Y	15	
2019-106C	Sebrington Court at Creative Village - Phase II	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	F	105	2,375,000.00	Y	N	Y	10	Y	Y	Y	195,346.32	A	Y	24	
2019-108C	Durham Place	Orange	Jonathan L. Wolf	Durham Place Developer, LLC	E, Non-ALF	112	2,375,000.00	Y	N	N	10	Y	Y	Y	155,666.60	A	Y	3	
2019-110C	Berkeley Landing	Palm Beach	Jonathan L. Wolf	Berkeley Landing Developer, LLC	E, Non-ALF	120	2,380,000.00	Y	N	Y	10	Y	Y	Y	139,477.27	A	Y	23	
2019-111C	Fort Village	Broward	Matthew A. Rieger	HTG Fort Developer, LLC	F	96	2,779,771.00	Y	Y	N	10	Y	Y	Y	148,794.09	A	Y	21	
2019-112C	Federal Apartments Phase I	Broward	Edward S. Taylor	SHAG Developments, LLC; Fairfield Federal Developer	F	106	2,600,000.00	Y	N	N	10	Y	Y	Y	153,051.03	A	Y	19	
2019-114C	Avery Commons	Pinellas	Shawn Wilson	Blue Sky Communities LLC	F	65	1,375,000.00	Y	Y	N	10	Y	Y	Y	146,158.85	A	Y	11	
2019-115C	Heron Estates Family	Palm Beach	Matthew A. Rieger	HTG Heron Estates Family Developer, LLC; Heron Estates	F	79	1,601,264.00	Y	N	Y	10	Y	Y	Y	148,794.09	A	Y	2	
2019-116C	WRDG T38	Hillsborough	Jerome Ryans	WRDG T38 Developer, LLC	F	130	2,375,000.00	Y	N	Y	10	Y	Y	Y	138,057.26	A	Y	10	
2019-117C	Banyan Station	Palm Beach	Matthew A. Rieger	HTG Banyan Developer, LLC	F	94	2,374,999.00	Y	N	N	10	Y	Y	Y	152,743.75	A	Y	8	
2019-118C	Brandon Preserve	Hillsborough	James R. Hoover	TVC Development, Inc.	F	163	2,375,000.00	Y	N	Y	10	Y	Y	Y	123,319.85	A	Y	18	
2019-119C	Poinciana Crossing	Broward	Kenneth Naylor	APC Poinciana Crossing Development, LLC; LEP	F	113	2,882,000.00	Y	N	N	10	Y	Y	Y	141,043.39	A	Y	4	
2019-120C	Molly Crossing	Duval	James R. Hoover	TVC Development, Inc.	E, Non-ALF	100	1,885,000.00	Y	N	N	10	Y	Y	Y	142,612.27	A	Y	12	
2019-121C	Lofts at Brooklyn	Duval	James R. Hoover	TVC Development, Inc.	F	133	1,668,000.00	Y	N	Y	10	Y	Y	Y	161,327.27	A	Y	14	
2019-122C	Casa Sant'Angelo Apartments	Broward	Kenneth Naylor	Casa Sant'Angelo Developments, LLC	E, Non-ALF	113	2,882,000.00	Y	N	N	10	Y	Y	Y	149,786.53	A	Y	22	
2019-123C	Hawthorne Park	Orange*	Jonathan L. Wolf	Hawthorne Park Developer, LLC	E, Non-ALF	120	2,300,000.00	Y	N	Y	10	Y	Y	Y	140,700.76	A	Y	1	
Ineligible Applications																			
2019-102C	Wentworth Landings Senior Living	Orange	W. Scott Culp	AHP Developers, Inc.	E, Non-ALF	30	651,575.00	N	N	N	10	N	Y	Y	219,227.84	B	Y	7	
2019-103C	Camden Crossing	Hillsborough	W. Scott Culp	AHP Developers, Inc.	F	40	866,123.00	N	N	N	10	N	Y	Y	196,651.57	B	Y	6	
2019-104C	Wetherbee Landings	Orange	W. Scott Culp	AHP Developers, Inc.	F	42	920,246.00	N	N	N	10	N	Y	Y	218,558.43	B	Y	5	
2019-105C	Lake Sherwood - Phase V	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	F	30	647,499.00	N	N	N	10	Y	Y	Y	198,049.47	A	Y	20	
2019-107C	Camden Crossing Senior Living	Hillsborough	W. Scott Culp	AHP Developers, Inc.	E, Non-ALF	30	650,404.00	N	N	N	10	N	Y	Y	198,939.86	B	Y	16	
2019-109C	Springfield Plaza	Hillsborough	Matthew A. Rieger	HTG Springfield Developer, LLC	E, Non-ALF	96	1,997,491.00	N	N	N	10	Y	Y	Y	152,743.75	A	Y	13	
2019-113C	Village of Valor	Palm Beach	Kathy Makino-Leipatz	KSM Holdings Florida, LLC	F	157	2,312,195.00	N	N	N	10	Y	Y	Y	123,965.71	A	Y	17	

*Corporation Funding Per Set-Aside amounts were adjusted during scoring. This did not affect the A/B Leveraging Classification.

On February 1, 2019, 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.

RFA 2018-112 Board Approved Preliminary Awards

Total HC Available for RFA	17,314,387.00
Total HC Allocated	14,716,035.00
Total HC Remaining	2,598,352.00

Application Number	Name of Development	County	Name of Authorized Principal Representative	Name of Developers	Demo. Commitment	Total Units	HC Funding Amount	Eligible For Funding?	Development is in Broward County or Pinellas County and serves the Family Demographic Commitment, and qualifies for the Geographic Area of Opportunity Funding Goal.	Qualifies as a Local Government Area of Opportunity	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Florida Job Creation Preference	Lottery Number	
Pinellas County that serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity Funding Goal																		
2019-100C	The Shores	Pinellas	William Todd Fabbri	The Richman Group of Florida, Inc.	F	51	910,000.00	Y	Y	N	10	Y	Y	Y	A	Y	9	
Broward County that serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity Funding Goal																		
2019-111C	Fiori Village	Broward	Matthew A. Rieger	HTG Fiori Developer, LLC	F	96	2,779,771.00	Y	Y	N	10	Y	Y	Y	A	Y	21	
Duval County Application [with a preference for Application that qualifies as a Local Government Area of Opportunity]																		
2019-121C	Lofts at Brooklyn	Duval	James R. Hoover	TVC Development, Inc.	F	133	1,868,000.00	Y	N	Y	10	Y	Y	Y	A	Y	14	
Hillsborough County Application [with a preference for Application that qualifies as a Local Government Area of Opportunity]																		
2019-116C	WRDS T3B	Millsborough	Jerome Ryans	WRDS T3B Developer, LLC	F	130	2,375,000.00	Y	N	Y	10	Y	Y	Y	A	Y	10	
Orange County Application [with a preference for Application that qualifies as a Local Government Area of Opportunity]																		
2019-123C	Hawthorne Park	Orange	Jonathan L. Wolf	Hawthorne Park Developer, LLC	E. Non-ALF	120	2,300,000.00	Y	N	Y	10	Y	Y	Y	A	Y	1	
Palm Beach County Application [with a preference for Application that qualifies as a Local Government Area of Opportunity]																		
2019-115C	Heron Estates Family	Palm Beach	Matthew A. Rieger	HTG Heron Estates Family Developer	F	79	1,601,264.00	Y	N	Y	10	Y	Y	Y	A	Y	2	
Broward County Application																		
2019-119C	Poinciana Crossing	Broward	Kenneth Naylor	APC Poinciana Crossing	F	113	2,882,000.00	Y	N	N	10	Y	Y	Y	A	Y	4	

On February 1, 2019, 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.



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

MAILING ADDRESS: POST OFFICE BOX 1110 | TALLAHASSEE, FLORIDA 32302-1110

OFFICES: 2060 DELTA WAY | TALLAHASSEE, FLORIDA 32303
PHONE: 850-521-0700 | FAX: 850-521-0720 | WWW.OHFC.COM

ATTORNEYS:

TIMOTHY P. ATKINSON
SIDNEY C. BIGHAM III
M. CHRISTOPHER BRYANT
ANGELA FARFORD
SEGUNDO J. FERNANDEZ
KENNETH G. OERTEL
TIMOTHY J. PERRY

OF COUNSEL:

C. ANTHONY CLEVELAND

February 6, 2019

Via E-mail and Hand Delivery

Corporation Clerk
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329
CorporationClerk@floridahousing.org

Re: RFA 2018-112 Housing Credit Financing for Affordable Housing Developments
in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties

Notice of Protest by Amelia Court at Creative Village – Phase II Partners, Ltd.
Applicant for Application No. 2019-106C, Amelia Court at Creative Village –
Phase II

Dear Corporation Clerk:

Pursuant to Section 120.57(3) Fla. Stat., and Rules 67-60.009(2) and 28-110.003, Fla. Admin. Code, Amelia Court at Creative Village – Phase II Partners, Ltd. (“Amelia Court II Partners”), Applicant for Application No. 2019-106C in RFA 2018-112, hereby gives notice of its intent to protest the determinations contained on the attached spreadsheets reflecting proposed awards of funding (Attachment A) and proposed scoring, eligibility, and ineligibility determinations (Attachment B) in RFA 2018-112, as approved by the Corporation’s Board of Directors on Friday, February 1, 2019. These spreadsheets were posted on the Corporation’s website on Friday, February 1, 2019, at 10:33 a.m.; this Notice of Protest is being filed within 72 hours of such posting (excluding Saturdays and Sundays).

Amelia Court II Partners will file its formal written protest within the time required by Section 120.57(3), Fla. Stat.

Sincerely,

M. Christopher Bryant
Counsel for Amelia Court at Creative Village –
Phase II Partners, Ltd.
Applicant for Application No. 2019-106C

cc: Hugh Brown, General Counsel (by e-mail only - Hugh.Brown@floridahousing.org)

Exhibit C

RFA 2018-112 Board Approved Preliminary Awards

Total HC Available for RFA	17,314,387.00
Total HC Allocated	14,716,035.00
Total HC Remaining	2,598,352.00

Application Number	Name of Development	County	Name of Authorized Principal Representative	Name of Developers	Dem. Commitment	Total Units	HC Funding Amount	Eligible For Funding?	Development is in Broward County or Pinellas County and serves the Family Demographic Commitment, and qualifies for the Geographic Area of Opportunity Funding Goal	Qualifies as a Local Government Area of Opportunity	Total Points	Proximity Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Leveraging Classification	Florida Job Creation Preference	Lottery Number	
Pinellas County that serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity Funding Goal																		
2019-100C	The Shores	Pinellas	William Todd Fabiani	The Richman Group of Florida, Inc.	F	51	910,000.00	Y	Y	N	10	Y	Y	Y	A	Y	9	
Broward County that serves the Family Demographic Commitment and qualifies for the Geographic Area of Opportunity Funding Goal																		
2019-111C	Fiori Village	Broward	Matthew A. Rieger	HTG Fiori Developer, LLC	F	96	2,779,771.00	Y	Y	N	10	Y	Y	Y	A	Y	21	
Deval County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-121C	Lofts at Brooklyn	Deval	James R. Hoover	TVC Development, Inc.	F	133	1,858,000.00	Y	N	Y	10	Y	Y	Y	A	Y	14	
Hillsborough County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-116C	WRDG T38	Hillsborough	Jerome Ayars	WRDG T38 Developer, LLC	F	130	2,375,000.00	Y	N	Y	10	Y	Y	Y	A	Y	10	
Orange County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-123C	Hawthorne Park	Orange	Jonathan L. Wolf	Hawthorne Park Developer, LLC	E, Non-A/LF	120	2,300,000.00	Y	N	Y	10	Y	Y	Y	A	Y	1	
Palm Beach County Application (with a preference for Application that qualifies as a Local Government Area of Opportunity)																		
2019-115C	Heron Estates Family	Palm Beach	Matthew A. Rieger	HTG Heron Estates Family Developer	F	79	1,601,264.00	Y	N	Y	10	Y	Y	Y	A	Y	2	
Broward County Application																		
2019-119C	Pinelands Crossing	Broward	Kenneth Naylor	ARC Pinelands Crossing	F	113	2,482,000.00	Y	N	N	10	Y	Y	Y	A	Y	4	

On February 1, 2019, 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 67-60.005, 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 2018-112 Board Approved Scoring Results

Application Number	Name of Development	County	Name of Authorized Principal Representative	Name of Developers	Dem. Commitment	Total Units	RIC Funding Amount	Eligible For Funding?	Development is in Broward County or Pinellas County and serves the Family Demographic Commitment, and qualifies for the Geographic Area of Opportunity Funding Goal	Qualifies as a Local Government Area of Opportunity	Total Points	Priority Funding Preference	Per Unit Construction Funding Preference	Development Category Funding Preference	Total Corp Funding Per-Ste-Aide	Leveraging Classification	Florida Job Creation Preference	Lottery Number
Eligible Applications																		
2019-100C	The Shores	Pinellas	William Todd Fabiri	The Richman Group of Florida, Inc.	F	51	910,000.00	Y	Y	N	30	Y	Y	Y	130,984.85	A	Y	9
2019-101C	Levington Court Apartments - Phase II	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	E, Non-ALF	80	1,234,238.00	Y	N	N	30	Y	Y	Y	196,967.17	A	Y	15
2019-106C	Arabella Court at Creative Village - Phase II	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	F	105	2,375,000.00	Y	N	Y	30	Y	Y	Y	195,346.32	A	Y	24
2019-108C	Durham Place	Orange	Jessika L. Wall	Durham Place Developer, LLC	E, Non-ALF	112	2,375,000.00	Y	N	N	30	Y	Y	Y	155,666.60	A	Y	3
2019-110C	Berkeley Landing	Palm Beach	Jonathan L. Wolf	Berkeley Landing Developer, LLC	E, Non-ALF	120	2,280,000.00	Y	N	N	30	Y	Y	Y	139,477.27	A	Y	23
2019-111C	Fort Village	Broward	Matthew A. Rieger	HTG Fort Developer, LLC	F	96	2,779,771.00	Y	Y	N	30	Y	Y	Y	148,794.09	A	Y	21
2019-112C	Federal Apartments Phase I	Broward	Edward S. Taylor	SPAC Development, LLC, Springfield Federal Developer,	F	106	2,600,000.00	Y	N	N	10	Y	Y	Y	153,051.03	A	Y	19
2019-114C	Avery Commons	Pinellas	Shawn Wilson	Blue Sky Communities LLC	F	65	1,375,000.00	Y	Y	N	10	Y	Y	Y	146,155.85	A	Y	11
2019-115C	Heron Estates Family	Palm Beach	Matthew A. Rieger	HTG Heron Estates Family Developer, LLC, Heron Estates	F	79	1,601,264.00	Y	N	N	10	Y	Y	Y	148,794.09	A	Y	2
2019-116C	WRDC T38	Hillsborough	Jerome Ryans	WRDC T38 Developer, LLC	F	130	3,375,000.00	Y	N	Y	10	Y	Y	Y	138,057.26	A	Y	10
2019-117C	Brynar Station	Palm Beach	Matthew A. Rieger	HTG Brynar Developer, LLC	F	94	2,374,993.00	Y	N	N	10	Y	Y	Y	151,743.75	A	Y	8
2019-118C	Brandon Preserve	Hillsborough	James R. Hoover	TVC Development, Inc.	F	163	2,375,000.00	Y	N	Y	10	Y	Y	Y	123,319.85	A	Y	18
2019-119C	Poinciana Crossing	Broward	Kenneth Taylor	AFC Poinciana Crossing Development, LLC, HFP	F	113	2,882,000.00	Y	N	N	10	Y	Y	Y	141,043.33	A	Y	4
2019-120C	Molly Crossing	Duval	James R. Hoover	TVC Development, Inc.	E, Non-ALF	100	1,685,000.00	Y	N	N	10	Y	Y	Y	145,612.27	A	Y	12
2019-121C	Lofts at Brooklyn	Duval	James R. Hoover	TVC Development, Inc.	F	133	1,868,000.00	Y	N	Y	10	Y	Y	Y	161,327.27	A	Y	14
2019-122C	Casa Sant'Angelo Apartments	Broward	Kenneth Taylor	Casa Sant'Angelo Developments, LLC	E, Non-ALF	113	2,882,000.00	Y	N	N	10	Y	Y	Y	149,780.53	A	Y	22
2019-123C	Healthome Park	Orange	Jessika L. Wall	Healthome Park Developer, LLC	E, Non-ALF	120	2,300,000.00	Y	N	Y	10	Y	Y	Y	140,700.76	A	Y	1
Ineligible Applications																		
2019-102C*	Weatherbee Landings Senior Living	Orange	W. Scott Culp	AHP Developers, Inc.	E, Non-ALF	30	653,575.00	N	N	N	10	N	Y	Y	219,227.64	B	Y	7
2019-103C	Camden Crossing	Hillsborough	W. Scott Culp	AHP Developers, Inc.	F	40	866,123.00	N	N	N	10	N	Y	Y	198,991.57	B	Y	6
2019-104C*	Weatherbee Landings	Orange	W. Scott Culp	AHP Developers, Inc.	F	42	920,246.00	N	N	N	10	N	Y	Y	219,358.43	B	Y	5
2019-105C	Lake Sherwood - Phase V	Orange	Jay P. Brock	Atlantic Housing Partners, L.L.P.	F	30	647,493.00	N	N	N	10	Y	Y	Y	198,048.47	A	Y	20
2019-107C	Camden Crossing Senior Living	Hillsborough	W. Scott Culp	AHP Developers, Inc.	E, Non-ALF	30	650,404.00	N	N	N	10	N	Y	Y	198,999.66	B	Y	16
2019-109C	Springfield Plaza	Hillsborough	Matthew A. Rieger	HTG Springfield Developer, LLC	E, Non-ALF	96	1,997,491.00	N	N	N	10	Y	Y	Y	152,743.75	A	Y	13
2019-113C	Village of Valor	Palm Beach	Kathy Malino-Leibitz	KSM Holdings Florida, LLC	F	157	2,212,193.00	N	N	N	10	Y	Y	Y	123,965.71	A	Y	17

*Corporation Funding Per Ste-Aide amounts were adjusted during scoring. This did not affect the A/B Leveraging Classification.

On February 1, 2019, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's opinion to adjust 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.

Attachment

17

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION - LOAN FORM**

Name of Development: Hawthorne Park
Silver Star Rd.; Approximately 1200 ft. Southwest of the intersection of Silver Star Rd. and N Pine Hills
Development Location: Rd. Unincorporated Orange County
(At a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated areas of the county). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located.)

The City/County of Orange, commits \$ 317,500.00 (which may be used as an FHFC Non-Corporation Funding Proposal in an Application for FHFC funding if it meets the required criteria) in the form of a reduced interest rate loan to the Applicant for its use solely for assisting the proposed Development referenced above.

The value of the contribution based on the difference between the face amount of the above-referenced loan and the net present value of its payment stream, inclusive of a reduced interest rate and the designated discount rate (as stated in the applicable RFA) is: \$317,500.00

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. The commitment for this loan must be effective as of the Application Deadline for the applicable RFA, and is provided specifically with respect to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct and that this commitment is effective at least through the date required in the applicable RFA.

Ajit Latchandani
Signature
Ajit Latchandani
Print or Type Name
County Administrator
Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager /Administrator, Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

If the Application is not eligible for automatic points, this contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is altered or retyped. The certification may be photocopied.

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

(Form Rev. 08-16)

**FLORIDA HOUSING FINANCE CORPORATION
LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION – GRANT FORM**


Name of Development: Hawthorne Park
Development Location: Silver Star Rd.; Approximately 1200 ft. Southwest of the intersection of Silver Star Rd. and N Pine Hills Rd., Unincorporated Orange County
(As a minimum, provide the address number, street name and city, and/or provide the street name, closest designated intersection and either the city (if located within a city) or county (if located in the unincorporated area of the county). If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Development Location Point is located.)

The City/County of Orange commits \$ 250,000.00 as a grant to the Applicant for its use solely for assisting the proposed Development referenced above. The City/County does not expect to be repaid or reimbursed by the Applicant, or any other entity, provided the funds are expended solely for the Development referenced above. No consideration or promise of consideration has been given with respect to the grant. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. The commitment for this grant must be effective as of the Application Deadline for the applicable RFA, and is provided specifically with respect to the proposed Development.

The source of the grant is: SHIP
(e.g. SHIP, HOME, CDBG)

CERTIFICATION

I certify that the foregoing information is true and correct and that this commitment is effective at least through the date required in the applicable RFA.

 Ajit Lalchandani
Signature Print or Type Name
County Administrator
Print or Type Title

This certification must be signed by the chief appointed official (staff) responsible for such approvals, Mayor, City Manager, County Manager, Administrator, Coordinator, Chairperson of the City Council, Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or local government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed. To be considered for points, the amount of the contribution stated on this form must be a precise dollar amount and cannot include words such as estimated, up to, maximum of, not to exceed, etc.

If the Application is not eligible for automatic points, this contribution will not be considered if the certification contains corrections or 'white-out' or if the certification is altered or retyped. The certification may be photocopied.

Please note: This form may be modified by Florida Housing Finance Corporation per Section 67-60.005, F.A.C.

(Form Rev. 08-16)

APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: February 6, 2018

**STATE HOUSING INITIATIVES PARTNERSHIP
LOCAL HOUSING ASSISTANCE PLAN AMENDMENT
2015-2016, 2016-2017, 2017-2018**

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I. PROGRAM DESCRIPTION

A. Name of the participating local government and Interlocal if Applicable:

Orange County

Interlocal: Yes _____ No X_____

B. Purpose of the program:

Orange County developed a Local Housing Assistance Plan for the purpose of developing and implementing policies and programs that meet the housing needs of the very low, low, and moderate-income households. The Plan facilitates the production and preservation of affordable housing and compliments the housing element of Orange County's comprehensive plan specific to affordable housing.

C. Fiscal years covered by the Plan:

- 2015/2016
- 2016/2017
- 2017/2018

D. Governance:

The State Housing Initiatives Partnership (SHIP) Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37 Florida Administrative Code. Orange County's SHIP Program compliments the housing initiatives identified in the comprehensive plan.

E. Local Housing Partnership:

The SHIP Program encourages building active partnerships between government, lenders, builders, developers, real estate professionals, advocates for low-income persons and community groups.

F. Leveraging:

The affordable housing activities identified in the Plan are intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs or to provide a local match to obtain federal housing grants.

G. Public Input:

Public input was solicited through face to face meetings with housing providers, social service providers, local lenders and neighborhood associations. Public input was also solicited through an advertisement in a local newspaper summarizing the Local Housing Assistance Plan strategies and the Notice of Funding Availability. Additional feedback was acquired through the County's Affordable Housing Advisory Board (AHAB) and non-profit agencies. Additionally, citizen input was obtained from neighborhood associations, workshops, housing fairs, and first time homebuyer seminars.

H. Advertising and Outreach:

Orange County shall advertise the notice of funding availability in a newspaper of general circulation, such as the Orlando Sentinel, and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If funding is not available due to a waiting list, a notice of funding availability will not be required.

The local media may be employed as a means of notifying the community about the availability of housing assistance programs through press releases, public service announcements and paid advertisements in area newspapers, radio and television stations. Forums such as the Central Florida Non-Profit Housing Round Table, realtors, financial and home builder organizations, neighborhood meetings, and housing fairs may be utilized in outreach efforts.

I. Waiting List Priorities

A waiting list will be established when there are eligible applicants for strategies that no longer have funding available. Those households on the waiting list will be notified of their status. Applicants will be maintained in an order that is consistent with the time applications were submitted as well as any established funding priorities as described in this plan.

J. Discrimination:

In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, religion, color, age, sex, marital status, familial status, national origin, or handicap during the application process.

K. Support Services and Counseling:

Support services are available from various sources. Available support services may include but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, and Tenant Counseling.

L. Purchase Price Limits:

Purchase Price Limits: The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the statistical area in which the eligible housing is located. The average area purchase price may be calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90 percent of the average area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

- U.S. Treasury Department
 Local HFA Numbers

M. Income Limits, Rent Limits and Affordability:

The Income and Rent Limits used in the SHIP Program are updated annually from the Department of Housing and Urban Development and distributed by Florida Housing Finance Corporation. Affordable means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Sections 420.9071, F.S. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender and the Housing and Community Development Division is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.

N. Welfare Transition Program:

Should an eligible sponsor be used, Orange County has developed a qualification system and selection criteria for applications for awards to eligible sponsors, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process.

O. Monitoring and First Right of Refusal:

In the case of rental housing, Orange County shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides the periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of

tenant eligibility. However, any loan or grant in the original amount of \$10,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for at least 15 years or the term of assistance whichever is longer unless as specified above. Loans or grants for eligible rental housing constructed, rehabilitated, or otherwise assisted from the Local Housing Assistance Trust Fund must be subject to recapture requirements as provided by the county in its Local Housing Assistance Plan. Eligible sponsors that offer rental housing for sale before 15 years or, that have remaining mortgages funded under this program must give a right of first refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

P. Administrative Budget:

A detailed listing including line-item budget of proposed Administrative Expenditures is attached as **Exhibit A**. These are presented on an annual basis for each State fiscal year submitted.

Orange County finds that the monies deposited in the Local Housing Assistance Trust Fund shall be used to administer and implement the Local Housing Assistance Plan. In accordance with Section 420.9075, Florida Statute and Chapter 67-37, Florida Administrative Code, provides:

A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan. The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund.

Orange County has adopted by resolution that the cost of administering its Local Housing Assistance Plan will not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund.

Q. Program Administration:

Administration of the Local Housing Assistance Plan is the responsibility of Orange County.

R. Project Delivery Costs:

Project delivery costs include work performed by an agency on a SHIP funded activity. The agency and the County may agree on a developer's fee based on the contract amount and type of work involved. The pre-determined fee will be included in the agreement with the agency.

S. Essential Service Personnel:

Essential Services Personnel in Orange County means persons whose household incomes do not exceed 120 percent of the area median income as determined annually by the Florida Housing Finance Corporation and adjusted for family size, including teachers and educators, other school district employees, community college and university employees, police and fire personnel, health care personnel, and skilled building trades personnel.

T. Section 420.9075(3)(d), F.S.: Describe initiatives that encourage or require innovative design, green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

Orange County encourages the use of low energy products and the use of green building principles in rehabilitation and new construction. Green building initiatives include but are not limited to **Healthy Living Environment** – use of efficient heating and cooling systems, insulation, windows and appliances; **Water Conservation Measures** – plumbing fixtures will employ water conserving fixtures, the site will be assessed to determine areas where re-landscaping will be beneficial through the use of Florida Friendly plant palettes; **Energy Efficiency** – efficiency improvements that will minimize resident utility costs such as energy star rated appliances, increased insulation, and dual pane windows; **Materials Beneficial to the Environment** – Low VOC interior paint should be utilized, dark roofing materials should be avoided to help reduce utility costs and reduce heat island effects.

U. Describe efforts to meet the 20 percent Special Needs Set-aside:

Orange County partners and provides funding to various non-profit special needs providers such as Quest and The Center for Independent Living. Funding can be used to acquire, construct, or rehabilitate homes or group homes that house persons with special needs. In addition, Orange County provides owner-occupied housing rehabilitation assistance to very low income applicants. However, assistance extends to low and moderate income applicants with special needs.

V. Describe efforts to reduce homelessness:

Orange County has made homelessness a top priority and has provided funding and support to various homeless agencies and providers. These agencies provide counseling, support services, and find permanent housing to veterans and chronically homeless individuals. Orange County also supports programs such as the Rapid Rehousing Program to provide temporary financial assistance and services to very low income persons or families that are homeless or at risk of being homeless.

II. LHAP HOUSING STRATEGIES:

**B.

Downpayment Assistance Program	Code 2
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a. Summary of the Strategy:

The purpose of Orange County's Downpayment Assistance program is to provide funds to qualified first time homebuyers for downpayment and closing costs associated with purchasing a new or existing home. The program will provide up to \$30,000 in assistance to qualified very low, low and moderate income persons in Orange County on a , first-qualified, first-served basis. Potential homebuyers are required to attend a Homebuyer's Education Program. The Homebuyer Education Program is a free service and provides education, counseling and technical services to assist eligible very low, low and moderate income families in the process and procedure connected with the purchase of an affordable fee simple housing unit. Homebuyer's education addresses such topics as choosing a realtor, qualifying for a mortgage, inspecting a house, contracts for sale, home maintenance and credit issues. Documentation of satisfactory completion of a HUD approved homebuyer education class must be included in the application packet submitted to the Housing and Community Development Division.

b. Fiscal Years Covered: 2015-2016, 2016-2017, 2017-2018

c. Income Categories to be served: Very Low, Low, Moderate

d. Maximum award as noted on the Housing Delivery Goals Charts:

Very Low	\$30,000
Low	\$20,000
Moderate	\$10,000

e. Terms, Recapture and Default.

The County's assistance will be in the form of a non-amortizing 10 year Deferred Payment Loan (DPL) secured by a recorded note and mortgage at 0 percent interest for the term of the loan. The full amount of the DPL shall become due and payable as a result of default on the first mortgage or if one of the events in this paragraph occurs during the 10 year loan period. There is no provision for forgiveness of the loan during the 10 year loan period. All repaid DPL funds are classified as program income. The loan is forgiven upon maturity of the mortgage note, which is 10 years, unless one of the following events occurs first: (a) the Homeowner sells, transfers or disposes of the property or home either voluntarily or

involuntarily; (b) the Homeowner fails or ceases to occupy the home as their principal residence; (c) the Homeowner, or if the Homeowner is married, the survivor of the Homeowner or the Homeowner's spouse, dies; or (d) the Homeowner refinances the first mortgage loan at which time the principal balance is due unless the Mortgagee agrees to subordination of its second mortgage loan to the new first mortgage loan.

f. Recipient Selection Criteria:

- Eligible applicants will be assisted on a first qualified, first-served basis.
- Applicants must meet the income criteria for the program.
- Applicants must be U. S. citizens, or provide proof of lawful permanent residency. Applicants who have been granted refugee or asylum status or are in a temporary protected status may also be eligible.
- Applicant must be a first time homebuyer (except for displaced homeowner). A first time home buyer is defined as one who has not owned a home as a primary residence within the past three years.
- Applicant must complete a homebuyer's workshop.
- Applicant must meet income and credit eligibility guidelines.
- Applicant must be able to obtain first mortgage financing.
- Applicant must contribute the greater of 1.75 percent of the sales price or \$1,000 towards the home purchase prior to closing of the county loan.
- Eligible properties include single-family homes, condominiums, and town homes located in Orange County. Mobile Homes are not eligible.

g. Sponsor Selection Criteria: N/A

h. Additional Information:

Orange County may subordinate its lien position if the homeowner is refinancing the first mortgage in order to receive a lower interest rate and if no cash equity is taken out of the property for personal use.

B.

Owner-Occupied Housing Rehabilitation
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Code 3

a. Summary of the Strategy:

Housing rehabilitation assistance will be available to qualified very low income applicants. Low and moderate income applicants are qualified for assistance if they meet the special needs definition as defined under 420.0004(13) F.S. or have a developmental disability as defined under

393.063 F.S. Funding will be awarded on a, first qualified, first-served basis with an emphasis on providing assistance to persons with special needs.

This strategy provides for rehabilitation of owner occupied single family houses as follows:

To qualify, the renovations to homes may include, but are not limited to, correcting housing and building code violations, providing cost effective energy conservation features such as insulation, weatherization, installing energy efficient appliances, and other technological enhancements and devices making the dwelling accessible to persons with special needs and elderly occupants as necessary and correcting health and or safety violations.

Rehabilitation repair assistance is provided as a grant if the total repairs are less than \$10,000. For moderate repairs, substantial rehabilitation or total reconstruction repairs in excess of \$10,000 a mortgage and note will be placed on the property for the loan period listed in the following chart:

Rehabilitation Type	Rehabilitation Investment	Loan Period (years)
Emergency Repair	\$0 - \$10,000	0
moderate repair	\$10,001 - \$19,999	5
Substantial Repair	Over \$20,000	15

The loan term begins upon the completion date of the rehabilitation which is when the final inspection is signed off by the homeowner, contractor and inspector. Since funding is limited under this program, applicants applying for assistance must be very low income (exceptions to income allowed if the homeowner meets the special needs definition described in the summary section above). SHIP funds may be leveraged with HOME Investment Partnership and Community Development Block Grant (CDBG) funds.

- b. Fiscal Years Covered: 2015-2016, 2016-2017, 2017-2018
- c. Income Categories to be served: Very Low, Low, Moderate
- d. Maximum award is noted on the Housing Delivery Goals Charts: \$75,000
- e. Terms, Recapture and Default:

The County's assistance will be in the form of a grant for amounts \$10,000 or less. For amounts between \$10,001 and \$19,999, the deferred loan is amortized annually at the anniversary of the loan and is forgiven at a rate of 1/5 per year. For amounts of \$20,000 or more, the loan is amortized

annually at the anniversary of the loan and is forgiven at a rate of 1/15 per year. The loans have an interest rate of 0 percent. Notes are due and payable upon the occurrence of the following events: (a) the Homeowner sells, transfers or disposes of the property or home either voluntarily or involuntarily; (b) the Homeowner fails or ceases to occupy the home as their principal residence; (c) the Homeowner, or if the Homeowner is married, the survivor of the Homeowner or the Homeowner's spouse, dies; or (d) the Homeowner refinances the first mortgage loan at which time the principal balance is due unless the Mortgagee agrees to subordination of its second mortgage loan to the new first mortgage loan.

f. Recipient Selection Criteria:

- The homeowner must meet the income criteria of the program.
- The homeowner, if seeking to qualify as a low or moderate income household, must supply sufficient documentation that supports the special needs definition.
- The homeowner must own and reside in the property to be rehabilitated at least one year prior to applying for assistance.
- Real estate taxes and mortgage payments must be current.
- Property must be a single-family dwelling located in Orange County outside the city limits of Orlando.

g. Sponsor Selection Criteria:

This strategy will be administered by Orange County Housing and Community Development staff.

h. Additional Information:

Mobile Homes are not eligible for assistance under this program.

C.	Post Disaster / Mitigation /Recovery	Code 5
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a. Summary of the Strategy:

In the event of a state or federal disaster declared by executive order affecting part or all of Orange County, the Board of County Commissioners reserves the right to transfer unencumbered SHIP funds to this contingency strategy.

The purpose of this strategy is to provide assistance to qualified very low, low and moderate-income homeowners to cover a portion of their hurricane deductible insurance costs associated with repairing property losses. Qualified very low, low and moderate-income homeowners are

eligible for up to \$3,000. Property damage must be a result of the disaster and be verified by insurance estimates and contractor's estimates.

Residential property must be owner occupied and located in unincorporated Orange County or any Orange County municipality excluding the City of Orlando. The tax-assessed value of the property cannot exceed the maximum sales price limit listed on the housing delivery goals charts.

Funding under this program is limited and assistance will be provided on a first qualified, first-served basis.

b. Fiscal Years Covered: 2015-2016, 2016-2017, 2017-2018

c. Income Categories to be served: Very low, Low and Moderate

d. Maximum award as noted on the Housing Delivery Goals Charts:

Very Low	\$3,000
Low	\$2,000
Moderate	\$1,000

e. Terms, Recapture and Default:

Assistance to disaster victims shall be in the form of a grant.

f. Recipient Selection Criteria:

- All applicants must meet the income criteria of the SHIP program.
- Hurricane damage must have occurred to the home and must be verified through insurance documentation.
- Property assisted must be located in Orange County outside the city limits of Orlando and be the primary residence of the applicant.
- Assessed value of the property cannot exceed the maximum sales price as listed on the housing delivery goals chart.
- Mobile homes and rental properties are not eligible for assistance.

g. Sponsor Selection Criteria:

This strategy will be administered by the Orange County Housing and Community Development staff.

h. Additional Information: N/A

D. New Construction	Code 10
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a. Summary of the Strategy:

This construction strategy is designed to increase the stock of affordable housing by creating a Capital Loan Fund (CLF) to be used for land acquisition, pre-development cost, and vertical construction of single family affordable homes. The loan funds will be for non-profit affordable housing developers. Orange County will use the services of a non-profit lender with experience in administering a loan fund for affordable housing.

Eligible expenses are hard and soft cost such as the cost of land, cost to acquire structure and land, demolition cost, professional service fees such as environmental phase one, engineering, survey, appraisal, and architectural drawings. Also allowed are infrastructure directly related to the project, including streets, roadways, parking, sidewalks, pathways, storm drainage, water, sewer and sanitary systems, sewer connections, hydrants, meters, utilities and utility easements for telephone, cable, electric lines, and right-of-ways and other acceptable fees. Eligible soft cost are plat reviews, recording fees, permits, environmental reviews and impact studies, land use amendment reviews and other acceptable fees.

Upon the completion and sale of the homes to income eligible buyers, the proceeds from the sales will be used to satisfy the loans provided to the developer. The developer will sell the properties at or below the appraised value. The buyers must qualify and obtain a first mortgage.

This strategy will be used in conjunction with the Downpayment Assistance Program (see Strategy A). The County will provide a subordinate mortgage under the Downpayment Assistance Program Strategy to each eligible buyer. Eligible downpayment costs to the buyer include the following: down payment, closing costs, and other costs associated with purchasing a home.

b. Fiscal Years Covered: 2015-2016, 2016-2017, 2017-2018

c. Income Categories to be served: Very Low, Low, Moderate

d. Maximum award as noted on the Housing Delivery Goals Chart: \$200,000

e. Terms, Recapture and Default:

Developers will be required to enter into an agreement with our non-profit

lender administrating the CLF. Orange County will specify the terms and conditions under which SHIP funds will be provided which will include a loan secured with a mortgage and note requiring repayments at a minimal interest rate. Developer will be required to pay a loan application fee (\$1,000 minimum), origination fee (1 percent of the loan amount), and a 1 percent interest rate on the loan itself. Other expenses related to the loan such as appraisal, title insurance and Doc stamps will be paid by the developer.

The terms to the developer will be as follows:

Interest rate: 1 percent interest will be paid monthly

Loan term: Up to 24 months

Security: First lien mortgage will have "due on demand" maturity language.

Repayment/Release: Once the developer has completed and sold the house to an income eligible buyer, the proceeds from the sale of the property will be used to pay off 100 percent of the developer's loan for that property. A reasonable profit/fee to the nonprofit developer will be determined by the county. If all conditions are met, the county/lender will release property or satisfy our mortgage.

Default/Recapture: A default will occur if developer fails to meet program requirements, loan terms, and sell the house to income eligible buyer. Orange County and its lender will not release or satisfy our mortgage interest unless the buyer is eligible and documentation has been verified. If Developer remains in default, Orange County through its lender will foreclose on the property, take ownership and handle any remaining construction and sale through another nonprofit or realtor to an income qualified buyer.

f. Selection Criteria:

Each developer must be 501(c)(3) nonprofit with experience building affordable housing for low to moderate income households. Each developer will be evaluated and selected to participate based on criteria to include but not limited to:

- Experience in construction/development
- Organization capacity to carry out project
- Operating and management performance of similar projects
- Credit history and financial capacity
- Organizational documents, board members, and resumes

Developers will be selected on a first come, first qualified basis.

Buyers must meet all of the program requirements including the income criteria. The homeownership units will be provided on a first qualified, first served basis.

g. Additional Information: Orange County will partner with a non-profit lender and Community Development Financial Institution (CDFI) organization to administer the loans. The lender selected to participate in the program will be evaluated based on criteria to include:

- Financial and organizational capacity
- Experience in implementing similar programs
- Financial audits verifying control system are in place
- Organizational documents, board members, and resumes

E.

Multi-Family Construction

Code 14, 21

a. Summary of the Strategy:

Funding may be provided to address affordable housing for very low and low income households and encourage construction of multi-family housing. SHIP funds may be used for site acquisition, site development, and infrastructure improvements, **construction costs**, financial restructuring of long term debt obligations to ensure long term affordability. Tax credit projects seeking a local government contribution under the Florida Housing Finance Corporation's funding are eligible for assistance under this strategy. The County may provide a local government contribution in the form of a loan in an amount that meets the current tax credit minimum amount which is required to allow a developer to compete for funding at the State level.

This strategy may also provide funding for acquisition and/or rehabilitation or new construction of multi-family rental developments serving very-low and low income households. The availability of funding will be marketed to the multi-family affordable housing development community and in accordance with SHIP requirements; the availability of SHIP funds, services and selection criteria will be advertised directly to not for profits or through a request for proposals for private developers.

All assisted developments must commit to HUD published rent limits for a minimum period of up to twenty (20) years and will comply with the very low and low income set aside requirements. If SHIP funds are combined with other state or federal programs, the set-asides from the program that is most restrictive will be used. Orange County will be responsible for

monitoring affordability and regular tenant monitoring reports required under the SHIP statute.

- b. Fiscal Years Covered: 2015-2016, 2016-2017, 2017-2018
- c. Income Categories to be served: Very Low and Low
- d. Maximum award as noted on the Housing Delivery Goals Charts: \$75,000 per unit
- e. Terms, Recapture and Default.

For tax credit projects: Funds will be provided to the developer as a non-amortizing 10 year Deferred Payment Loan (DPL) at 0 percent interest. The DPL is forgiven upon maturity. Developers will be required to enter into a Developer's Agreement with the county that specifies the terms and conditions under which the funds will be provided.

For non-tax credit projects: Developers will be required to enter into a Developer's Agreement with the county that specifies the terms and conditions under which the SHIP funds will be provided. The County's financial assistance is a loan secured with a mortgage and note that may require repayment at a minimal interest rate of up to one and a half percent (1.5%). The terms of the SHIP Loan will be at a minimum 10 years based on the financial capability of the project. Developers will be required to submit a complete five year operating pro-forma, line item construction cost estimates and sources and uses statement. Proceeds from repayment will be utilized to assist future multi-family developments or other activities that qualify under the County's affordable housing strategies.

If a SHIP assisted development is offered for sale prior to the end of its affordability period, affordability requirements will apply without regard to the term of any loan or mortgage or the transfer of ownership and will be imposed by deed restrictions.

- f. Recipient Selection Criteria:

Each development must be certified as an affordable housing development by the Housing and Community Development Division. All renters of units assisted using SHIP funds must meet the income requirements described in this plan.

- g. Sponsor Selection Criteria:

County staff will administer activities under this strategy. Developers

seeking a local government contribution for a project for Florida Housing Finance Corporation's funding must be certified as an affordable housing development by the Housing and Community Development Division. The developer must submit the appropriate forms that they want certified by the county administrator to the Housing and Community Development Division for processing. Proposals from sponsors of non-tax credit projects will be evaluated on factors such as economic feasibility, developer experience and financial strength, location of project, special needs priority as identified in the County's Comprehensive Plan and Consolidated Plan. Special needs or local priorities will be included in a Request For Proposals advertised to all applicants.

F.	Special Needs Housing	Code 11
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a. Summary of the Strategy:

To assist local non-profits with the acquisition, construction or rehabilitation of homes or group home settings that house persons with special needs as defined under 420.0004(13) F.S. or have a developmental disability as defined under 393.063 F.S. or survivors of domestic violence as defined in s. 741.28. Operational costs after initial funding shall be the responsibility of the sponsoring agency.

b. Fiscal Years Covered: 2015-2016, 2016-2017, 2017-2018

c. Income Categories to be served: Very low, Low, Moderate

d. Maximum award as noted on the Housing Delivery Goals Charts:

Very Low	\$200,000 per project
Low	\$200,000 per project
Moderate	\$75,000 per project

e. Terms, Recapture and Default.

SHIP loans will be provided to local non-profits organizations. The SHIP loans will be in the form of a non-amortizing 10 year deferred payment loan at 0 percent interest. The loan is forgiven upon maturity. Where applicable, a project administration agreement will contain specific terms and conditions that address acquisition and or rehabilitation criteria, which may be extended annually. Recapture or repayment of loan funds will apply if the sponsor or disability support organization receiving the funds fails to comply with the terms and conditions as set forth in the development agreement.

f. Recipient Selection Criteria:

Persons or families that have special needs as defined under 420.0004(13) F.S. or have a developmental disability as defined under 393.063 F.S. or survivors of domestic violence as defined in s. 741.28 and meet the program income guidelines are eligible for assistance.

g. Sponsor Selection Criteria:

IRS 501 (C) (3) approved non-profit housing providers licensed to serve the designated populations or are eligible to apply for assistance. The selection criteria for the non-profit organization will include the following, but limited to:

- Does the organization have the proven capacity to do this type of work?
- Does the organization have proven financial controls and administrative systems in place to implement a successful program?
- Experience in completing, operating and managing similar projects.
- Demonstrated performance in providing housing for special needs populations and long term commitment to assist individuals or families with special needs.
- Each agency must be an approved 501 (c) (e) organization with experience serving the special need population.

h. Additional information:

SHIP funds may be leveraged with HOME, CDBG, and other federal, state, and local funds.

G.

Rental Assistance	Code 13
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a. Summary of the Strategy:

Implement a Rapid Rehousing Program by provide temporary financial assistance and services to very low income persons or families that are homeless or at risk of being homeless. The County will partner with the Homeless Services Network and or other agencies serving the homeless population to provide up to six months of rent assistance and deposits. Deposits may be for the first and last month's rent, damages incurred to the rental units, and utilities. If a household has at least one adult with special needs as defined by FS 420.0004, or a person who is homeless as defined by FS 420.621, the household may qualify for up to 12 months of rent assistance.

Renters receiving housing assistance through this program will also receive tenant assistance counseling provided by a partnering agency. Regardless of household income, the rent cannot exceed 120 percent of the SHIP Rent Limit adjusted for bedroom size.

- b. Fiscal Years Covered: 2015-2016, 2016-2017, 2017-2018
- c. Income Categories to be served: Very low
- d. Maximum award as noted on the Housing Delivery Goals Chart: \$10,000
- e. Terms, Recapture and Default.

The assistance is a grant. There are no lien or repayment.

- f. Recipient Selection Criteria:

- Eligible applicants will be assisted on a first qualified, first served basis.
- Applicants must meet income criteria for the program.
- Individuals or families that are homeless or at risk of being homeless as defined in FS 420.621.

- g. Sponsor Selection Criteria:

Orange County will partner with nonprofit homeless providers or agencies to administer the program. The selection criteria for the non-profit organization will include the following but limited to:

- Does the organization have the proven capacity to do this type of work?
- Does the organization have proven financial controls and administrative systems in place to implement a successful program?
- Experience in completing, operating and managing similar projects?
- Demonstrated performance in providing housing services for homeless populations.

The non-profit partner agency will be responsible for applicant intake, income verification, referral and placement of applicants. Orange County will assist with housing quality standards inspections. Orange County will provide training in income verification process as well as follow up monitoring.

H.

Impact Fee Subsidy Program

Code 8

- a. **Summary of the Strategy for Single Family Owner Occupied Units:**

To address affordable housing needs of very low and low income households and encourage production for single family and townhouses an impact fee subsidy program will be used. Depending on funding availability up to 100 percent of the total-impact fees, excluding water capital charges and wastewater capital charges assessed, paid by the developer will be reimbursed from SHIP funds. The total impact fee reimbursement cannot exceed \$15,000 per unit.

This incentive will be made available to developers building for sale affordable workforce housing units for qualified very low, low and moderate income persons. For sale homes, under this strategy are designed to be used in conjunction with the Down Payment Assistance program and as such, all buyers must meet the eligibility requirements under that strategy. Funding for this program will be made available on a first-qualified, first-served basis. The Impact Fee Subsidy program will provide a countywide subsidy in proportion to the following:

Impact Fee Subsidies

Income Category	Subsidy
Very Low	100%
Low	75%
Moderate	0%

- b. **Fiscal Years Covered:** 2015-2016, 2016-2017, 2017-2018
- c. **Income Categories to be served:** Very Low, and Low
- d. **Maximum award per unit is:** \$15,000 for single family unit.
- e. **Terms, Recapture and Default.**

For single family owner occupied homes, the developer's impact fee rebate will be a grant.

- f. **Recipient Selection Criteria:**

The incentive is available to developers building affordable housing for qualified very low and low income persons. The impact fee subsidy is reimbursed to the developer after documentation is reviewed for program compliance including income eligibility of the household.

g. Sponsor Selection Criteria:

Orange County Housing staff administer this program.

h. Additional Information:

This incentive goes to the developer/builder after the home is sold and after documents are verified.

I. Impact Fee Subsidy Program	Code 19
--------------------------------------	----------------

a. Summary of the Strategy for Multi-family units

To address affordable housing needs of very low and low income households and encourage production for multi-family affordable units, an impact fee subsidy program will be used. Depending on funding availability up to 25 percent of the total-impact fees, excluding water capital charges and wastewater capital charges assessed, paid by the developer will be reimbursed from SHIP funds. The total impact fee reimbursement cannot exceed \$5,000 per unit.

This incentive will be made available to developers building multi-family affordable workforce housing units for qualified very low and low income persons at or below 60 percent of the area median income. Funding for this program will be made available on a first-qualified, first-served basis. The Impact Fee Subsidy program will be countywide.

b. Fiscal Years Covered: 2015-2016, 2016-2017, 2017-2018

c. Income Categories to be served: Very Low, and Low

d. Maximum award per unit is: \$5,000 for single family unit.

e. Terms, Recapture and Default.

f. Developer will be required to enter into a developer's agreement which specify the terms and conditions under which funds will be provided. The terms for this funding are:

- A non-amortizing ten (10) year deferred loan with 0 percent interest, forgiven upon maturity.

g. Recipient Selection Criteria: The incentive is available to developers building affordable rental housing for qualified very low and low income persons.

- h. Sponsor Selection Criteria: Orange County Housing staff administer this program.
- i. Additional Information: This incentive goes to the developer/builder after the rental units are constructed and occupied by an income eligible tenant.

III. LHAP INCENTIVE STRATEGIES:

A. Name of the Strategy: The affordable housing definition in the appointing resolution adopting the Local Housing Assistance Plan.

The definition of affordable housing is cited in the appointing Resolution adopting the first Local Housing Assistance Plan (Resolution No. 93-M21). The definition has since been modified as follows; a housing unit is defined as "affordable" if monthly rents or mortgage payments, including taxes and insurance, do not exceed 30 percent of an amount representing the percentage of the area's median annual gross income for very low, low and moderate income households. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing. Housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first mortgage lender and Housing and Community Development Division is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size established by the Corporation. The County has added to its definition of affordable housing to better focus resources used in its various programs. The county defines workforce housing (aka affordable housing) as the attainment of rental or for sale housing to an individual or family whose annual household income, as adjusted for household size, does not exceed 120 percent of the area median income, with an emphasis on households with an annual income between 50 percent to 120 percent of the Area Median Income (AMI).

The levels of affordability used by Orange County and as adopted in the County's Threshold Criteria for Affordable Housing are as follows:

1. Moderate income means total household income between eighty-one percent (81%) and one hundred twenty percent (120%) of the Orlando Metropolitan Statistical Area (MSA) median income.
2. Low income means total household income between fifty-one percent (51%) and eighty percent (80%) of the Orlando Metropolitan Statistical Area median income.
3. Very low income means total household income at fifty percent (50%) and below the Orlando Metropolitan Statistical Area.

4. Extremely low income means total household income at thirty percent (30%) and below the Orlando Metropolitan Statistical Area.

To qualify as an affordable for sale housing development, a proposed single-family development shall designate a minimum of 20 percent of the total number of units to be sold to a workforce household consistent with the income categories described above and the maximum sales price as determined by the County. To be certified as an affordable multi-family housing development, at a minimum 40 percent of the units must be rented to a workforce household whose annual income does not exceed 80 percent of the area median income, or 20 percent of the units must be rented to a workforce household whose annual income does not exceed 50 percent of the area median income.

Status: The Orange County Board of County Commissioner's revised and approved this incentive on May 22, 2007.

B. Name of the Strategy: Expedited Permitting

Development Permits as defined in 163.3164 F.S. for affordable housing projects are expedited to a greater degree than other projects.

Orange County's affordable housing expedited review process is described under Orange County Administrative Regulation 4.08.01. Developments certified as affordable by the Housing and Community Development Division and Building Department are "fast-tracked" through the development review process. This policy gives certified affordable housing projects priority on the agendas of the Board of Zoning Adjustment, Planning and Zoning Commission, Development Review Committee and the Board of County Commissioners. Implicit in this policy is that rezoning applications, engineering plan review and sufficiency reviews will be completed in an expeditious manner.

To qualify for the expedited review process, affordable housing projects need to be certified. To be certified, each project requesting the expedited review must meet the earlier referenced threshold criteria. An application detailing the development plan must be submitted. The application illustrates the design and layout of the development and demonstrates that the project is financially feasible. The County's Housing and Community Development Division in conjunction with the Planning Division will review the submitted information. Housing and Community Development Division issues a certificate of affordability for all qualified housing projects. Once a project is certified as an affordable housing project, the developer is entitled to receive priority processing through the County's public hearing process. Specifically, certified projects are given priority time slots on the agendas of the Board of Zoning Adjustment, the Planning and Zoning Commission and the Development Review Committee. The certified

projects are also identified so the Clerk of County Commissioners can schedule them promptly before the Board of County Commissioners.

The expedited review process currently in place in Orange County will save the developer up to 30 days or more for certified affordable housing applications requiring variances or rezoning procedures. In addition, applications requiring a review by the Development Review Committee (DRC) will save anywhere from 14-45 days depending on the level of activity.

Status: The Orange County Board of County Commissioner's has adopted Administrative Regulation Number 4.08.01 to implement this incentive.

C. Name of the Strategy: The reservation of infrastructure capacity for housing serving very low-income and low-income persons.

At this time, all projects must meet similar concurrency review requirements, whether affordable or not. Developers may defer, until they seek a structural building permit, the payment of water and wastewater capital charges (impact fees). Existing Ordinance no. 92-21 (Sec 30-596 and 597 of the Orange County Code) also allows affordable developments to reserve capacity for three years without paying transportation capacity fees until such time that building permits are issued.

Status: The deferral of water and wastewater capacity charges has been a great asset to affordable housing builders.

D. Name of the Strategy: The allowance of zero-lot-line configurations.

Orange County currently has a program for this incentive. Housing Element Policy 1.1.17 of the Comprehensive Policy Plan and Ordinance No. 93-11 encourages the allowance of zero-lot-line configurations. Housing Element Policy 1.1.17 commits Orange County to include innovative housing design criteria, such as zero-lot-line, in the Land Development Code. Ordinance No. 93-11 specifically encourages zero-lot-line configurations and other similar alternative designs in Residential Low Density (R-L-D) Districts. Additionally, a zero-side yard development is permitted in all residential zoning districts provided that certain standards are met.

Status: The Local Planning Agency and Development Review Committee have incorporated this incentive in their review of proposed developments.

E. Name of the Strategy: The establishment of a process by which a local government considers before adoption, policies, procedures, ordinances, regulations, or plan provisions that have an impact on the cost of housing.

Orange County currently has a program for this incentive. A ten (10) member

Development Advisory Board (DAB) appointed by the Board of County Commissioners has the primary responsibility of reviewing all Orange County policies, ordinances and regulations affecting land development, with the exception of zoning, and to suggest changes to the Board of County Commissioners. Issues discussed at DAB meetings relating to potential increases in costs to affordable housing are brought back to the Orange County Affordable Housing Advisory Board (AHAB) for discussion.

Status: This incentive has proven to be invaluable. It has provided an opportunity to inform policy makers of the impact of increased costs on affordable housing.

F. Name of the Strategy: The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

The Real Estate Management Department on a parcel-by-parcel basis currently advertises surplus county property to other departments.

Status: The Housing and Community Development Division has utilized this program to grant properties to non-profit developers with success. On June 26, 2007 the Board of County Commissioners adopted Resolution 2007-M-21, Disposition of Publicly Owned Properties Suitable for Affordable Housing in accordance with the requirements of House Bill 1363 implemented by the Florida Legislature.

G. Name of the Strategy: The creation of an educational outreach component for the development of affordable housing.

The educational outreach component includes several initiatives. A comprehensive marketing and communication plan has been initiated for the preparation and dissemination of information via newsletters, brochures and the local media. Workshops are conducted on a regular basis to train and educate builders, developers, real estate professionals, lenders, and very-low to moderate-income families about the housing needs of low-income families, the loan approval process and the construction process. Additionally, prior to a developer's first award of any funding of impact fees, the developer must attend a technical assistance meeting with staff from the Housing and Community Development Division.

Status: A comprehensive public relations plan has been developed to inform the general public about affordable housing. Workshops have been developed for educational purposes. There are workshops customized for homebuyers and a workshop developed for lenders and Realtors.

IV. EXHIBITS:

A. Administrative Budget for each fiscal year covered in the Plan. Exhibit A.

B. Timeline for Encumbrance and Expenditure:

A separate timeline for each fiscal year covered in this plan is attached as **Exhibit B**. Program funds will be encumbered by June 30 one year following the end of the applicable state fiscal year. Program funds will be fully expended within 24 months of the end of the applicable State fiscal year.

C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the Plan:

Completed HDGC for each fiscal year is attached as **Exhibit C**.

D. Certification Page:

Signed Certification is attached as **Exhibit D**.

E. Adopting Resolution:

Original signed, dated, witnessed or attested adopting resolution is attached as **Exhibit E**.

F. Program Information Sheet:

Completed Program Information Sheet is attached as **Exhibit F**.

Exhibit A
Admin Budget

67-37.005 F.A.C.

Fiscal Year 2015-2016	
Salaries and Benefits	\$260,835
Marketing/Advertising	\$2,000
Travel Per diem Workshops, etc.	\$1,000
Homebuyer Counseling	\$100,000
Technical Assistance	\$0
Office Supplies and Equipment	\$10,000
Total	\$373,835

Fiscal Year 2016-2017	
Salaries and Benefits	\$433,319
Marketing/Advertising	\$2,000
Travel Per diem Workshops, etc.	\$1,000
Homebuyer Counseling	\$100,000
Technical Assistance	\$0
Office Supplies and Equipment	\$10,000
Total	\$546,319

Fiscal Year 2017-2018	
Salaries and Benefits	\$217,495
Marketing/Advertising	\$2,000
Travel Per diem Workshops, etc.	\$1,000
Homebuyer Counseling	\$100,000
Technical Assistance	\$0
Office Supplies and Equipment	\$10,000
Total	\$330,495

TIMETABLE FOR STATE FISCAL YEAR 2015 - 2016

Exhibit B

Name of Local Government: Orange County

Program Activities	2015-2016		2016-2017		2017-2018		2018	
	Month	Year	Month	Year	Month	Year	Month	Year
Advertise Availability of Funds		X						
Application Period (On-Going)		X	X	X	X	X	X	X
Start Program Year		X						
Annual Report				X		X		
Mid-Year Review/Adjustments								X
End-Year Review/Adjustments						X		
Encumbrance Deadline								X
Expenciture Deadline								X
Fiscal Program Review								X

Directions: Type in the applicable years across the top line.
 List Program Activities down left hand side. Type in an "X"
 on applicable activity line under month and year the activity will be initiated or completed.
 At a minimum the following activities should be included:

- 1) Advertise availability of funds and application period
- 2) Encumbrance of funds (12 months following end of State Fiscal Year)
- 3) Expenciture of funds (24 months following end of State Fiscal Year).
- 4) Submit Annual Report to FHFC (September 15th)

TIMETABLE FOR STATE FISCAL YEAR 2016 - 2017

Name of Local Government: Orange County

Program Activities	Year 2016-2017												Year 2017-2018												Year 2018-2019												Year 2019-2020														
	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12									
Advertise Availability of Funds																																																			
Application Period (On-Going)																																																			
Start Program Year																																																			
Annual Report																																																			
Mid-Year Review/Adjustments																																																			
End-Year Review/Adjustments																																																			
Encumbrance Deadline																																																			
Expenditure Deadline																																																			
Final Program Review																																																			

Directions:

Type in the applicable years across the top line.
 List Program Activities down left hand side. Type in an "X" on applicable activity line under month and year the activity will be initiated or completed.
 At a minimum the following activities should be included:

- 1) Advertise availability of funds and application period
- 2) Encumbrance of funds (12 months following end of State Fiscal Year)
- 3) Expenditure of funds (24 months following end of State Fiscal Year).
- 4) Submit Annual Report to FHFC (September 15th)

FLORIDA HOUSING FINANCE CORPORATION
HOUSING DELIVERY GOALS CHART
STRATEGIES FOR THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEAR: 2015-2016

Please check applicable box, & if amendment enter number:
 New Plan: _____
 Amendment: _____
 Fiscal Yr. Closedout: _____

Available Funds: \$4,743,835

Name Of Local Government: Orange County, FL

HOME OWNERSHIP STRATEGIES	HL Units	Maximum SHIP Amount	HL Units	Maximum SHIP Amount	HL Units	Maximum SHIP Amount	A	B	C	D	E	F
Downpayment Assistance	4	\$ 30,000	40	\$ 20,000	15	\$ 10,000	\$50,000	\$250,000	770,000	\$1,070,000	22.56%	59
Owner Occupied Housing Rehabilitation	28	\$ 75,000	9	\$ 75,000		\$ 75,000		\$2,775,000		\$2,775,000	58.50%	37
Post Disaster/Mitigation/Recovery		\$ 3,000		\$ 2,000		\$ 1,000				\$0	0.00%	0
New Construction		\$ 200,000		\$ 200,000		\$ 200,000				\$0	0.00%	0
Impact Fee Development Subsidy	10	\$ 15,000	20	\$ 15,000		\$ 15,000	\$450,000			\$450,000	9.49%	30
Subtotal 1 (Home Ownership)	42		69		15		\$500,000	\$3,025,000	\$770,000	\$4,295,000	90.54%	126

Note: The Home Ownership Percentage designated in Subtotal 1, Column E, must be at least 65% of the Annual Allocation amount.

RENTAL STRATEGIES	HL Units	Maximum SHIP Amount	HL Units	Maximum SHIP Amount	HL Units	Maximum SHIP Amount	A	B	C	D	E	F
Multi-Family Construction		\$ 75,000	1	\$ 75,000		\$ 75,000	\$75,000			\$75,000	1.58%	1
Rapid Rehousing Program		\$ 10,000		\$ 5,000		\$ 5,000				\$0	0.00%	
Impact Fee Development Subsidy		\$ 5,000		\$ 5,000		\$ 5,000				\$0	0.00%	
Subtotal 2 (Non-Home Ownership)	0		1		0		\$75,000	\$0	\$0	\$75,000	1.58%	1
Administration Fees										\$373,835	7.88%	
Home Ownership Counseling										\$100,000	2.11%	
										\$0	0.00%	

GRAND TOTAL add subtotals 1 & 2 plus admin & HO counseling	42		70		15		\$575,000	\$3,025,000	\$770,000	\$4,743,835	100%	127
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Percentage Construction/Rehab: 75% of SHIP Distribution
 Percentage Homeownership: 65% of SHIP Distribution

Maximum Allowable Purchase Price:	Now	Existing
	\$214,000	\$214,000

Allocation Breakdown	Amount	%
Very-Low Income	\$2,370,000	45%
Low Income	\$1,850,000	35%
Moderate Income	\$150,000	3%
TOTAL	\$4,370,000	

Projected Program Income:	\$500,000	Max Amount Program Income For Admin:	\$25,000
Projected Recaptured Funds:	\$0		
Distribution:	\$4,743,835		
Total Available Funds:	\$5,243,835		

**FLORIDA HOUSING FINANCE CORPORATION
HOUSING DELIVERY GOALS CHART
STRATEGIES FOR THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEAR: 2016-2017**

Please check applicable box, 3, if amendment enter number
New Plan: _____ X
Amendment: _____
Fiscal Yr. Closed: _____

Name of Local Government: Orange County, FL

Available Funds: \$8,456,319

HOME OWNERSHIP STRATEGIES	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	HOME OWNERSHIP STRATEGIES			Total
															Total	Percentage	Percentage	
Downpayment Assistance	6	\$ 30,000	56	\$ -	20,000	18	\$ 10,000	200,000	\$ 200,000	940,000	\$ 940,000	1,690,000	26.02%	26.02%	90			
Owner Occupied Housing Rehabilitation	26	\$ 75,000	3	\$ 75,000	2,000	\$ 1,000	200,000	\$ 200,000	2,175,000	\$ 2,175,000	-	33.69%	33.69%	29				
Post Disaster/Mitigation/Recovery		\$ -		\$ -		\$ -							0.00%	0.00%	0			
New Construction		\$ -		\$ -		\$ -							0.00%	0.00%	0			
Impact Fee Development Subsidy	9	\$ 15,000	18	\$ 15,000		\$ -	405,000	\$ 405,000			\$ 405,000	4.67%	6.27%	27				
Subtotal 1 (Home Ownership)							605,000	\$ 605,000	\$ 3,115,000	\$ 540,000	\$ 4,260,000	65.98%	65.98%	146				

Note: The Home Ownership Percentage designated in Subtotal 1, Column E, must be at least 65% of the Annual Allocation amount.

RENTAL STRATEGIES	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	Yr. Units	Max. Unit Cost	RENTAL STRATEGIES			Total
																									Total	Percentage	Percentage	
Multi-Family Construction	4	\$ 75,000		\$ -	75,000	\$ 75,000	300,000	\$ 300,000																				4
Rapid Rehousing Program	30	\$ 10,000		\$ -	5,000	\$ 5,000	300,000	\$ 300,000																				30
Impact Fee Development Subsidy	40	\$ 5,000		\$ -	200,000		600,000	\$ 600,000																				45
Special Needs Housing	2	\$ 200,000	1	\$ 200,000		\$ -																						3
Subtotal 2 (Non-Home Ownership)							600,000	\$ 600,000	\$ 300,000	\$ 1,500,000	\$ 1,500,000	23.23%	23.23%	62														
Administration Fees																												2
Home Ownership Counseling																												
GRAND TOTAL (with available 1 & 2 plus admin & HO counseling)	117		93		18		\$ 1,205,000	\$ 3,715,000	\$ 640,000	\$ 6,465,319	\$ 6,465,319	98%	98%	228														
Percentage Construction/Rehab																												
Percentage Homeownership																												
Maximum Allowable Purchase Price:																												
Allocation Breakdown																												
Very-Low Income	\$																											
	%																											
	Amount																											

Projected Program Income:	\$	500,000	Max Amount Program Income For Admin:	\$	25,000
Projected Recaptured Funds:	\$			\$	

Allocation Breakdown	Amount	3,065,000	%	44%
Very-Low Income	\$			

**FLORIDA HOUSING FINANCE CORPORATION
HOUSING DELIVERY GOALS CHART
STRATEGIES FOR THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEAR: 2017-2018**

Name Of Local Government: Orange County, FL

Available Funds: \$4,300,495

Please check applicable box, & if amendment enter number

New Plan:	
Amendment:	X
Fiscal Yr. Closedout:	

HOME OWNERSHIP STRATEGIES	Min. Units	Max. Units	Min. Units	Max. Units	Min. Units	Max. Units	Min. Units	Max. Units	A	B	C	D	E	F
Downpayment Assistance	4	\$ 30,000	40	\$ 20,000	15	\$ 10,000	\$ 50,000	\$ 420,000	\$ 600,000	\$ 1,070,000	\$ 1,070,000	24.88%	59	
Owner Occupied Housing Rehabilitation	6	\$ 75,000	2	\$ 75,000		\$ 75,000	\$ 750,000		\$ 750,000	\$ 750,000		17.44%	10	
Post Disaster/Mitigation/Recovery		\$ 3,000		\$ 2,000		\$ 1,000							0.00%	0
New Construction (RLF)	2	\$ 200,000	4	\$ 200,000	1	\$ 200,000	\$ 1,400,000			\$ 1,400,000	\$ 1,400,000	32.55%	15	
Impact Fee Development Subsidy	5	\$ 15,000	10	\$ 15,000		\$ 15,000	\$ 225,000			\$ 225,000	\$ 225,000	5.23%	15	
Subtotal 1 (Home Ownership)	19		55				\$ 1,675,000	\$ 420,000	\$ 1,350,000	\$ 3,445,000	\$ 3,445,000	80.11%	84	

Note: The Home Ownership Percentage designated in Subtotal 1, Column E, must be at least 65% of the Annual Allocation amount.

RENTAL STRATEGIES	Min. Units	Max. Units	Min. Units	Max. Units	Min. Units	Max. Units	A	B	C	D	E	F	
													Without
Multi-Family Construction	30	\$ 75,000	1	\$ 75,000		\$ 75,000	\$ 75,000	\$ 300,000	\$ 300,000	\$ 75,000	\$ 75,000	1.74%	1
Rapid Rehousing Program	15	\$ 10,000	15	\$ 5,000		\$ 5,000	\$ 150,000		\$ 150,000	\$ 150,000		3.49%	1
Impact Fee Development Subsidy	45	\$ 5,000	16		0		\$ 225,000		\$ 225,000	\$ 525,000	\$ 525,000	12.21%	1
Administration Fees										\$ 330,485	\$ 330,485	7.69%	1
Home Ownership Counseling										\$ 100,000	\$ 100,000	2.33%	1
GRAND TOTAL add subtotals 1 & 2 plus admin & HO counseling	64		72		16		\$ 1,900,000	\$ 1,350,000	\$ 720,000	\$ 4,300,495	\$ 4,300,495	100%	85
Percentage Construction/Rehab										\$ 3,250,000	\$ 3,250,000	75.57%	
Percentage Homeownership										\$ 3,445,000	\$ 3,445,000	80.11%	
Maximum Allowable Purchase Price:										New \$ 214,000	Existing \$ 214,000		

Allocation Breakdown	Amount	
Very-Low Income	\$ 1,570,000	30%
Low Income	\$ 2,050,000	39%
Moderate Income	\$ 350,000	7%
Projected Program Income:	\$ 500,000	
Projected Recaptured Funds:	\$ 4,743,835	
Distribution:	\$ 5,243,835	
Total Available Funds:	\$ 5,243,835	

CERTIFICATION TO FLORIDA HOUSING FINANCE CORPORATION

Local Government or Interlocal Entity: Orange County Government

Certifies that:

- (1) The availability of SHIP funds will be advertised pursuant to program requirements in 420.907-420.9079, Florida Statutes.
- (2) All SHIP funds will be expended in a manner which will insure that there will be no discrimination on the basis of race, color, national origin, sex, handicap, familial status, or religion.
- (3) A process to determine eligibility and for selection of recipients for funds has been developed.
- (4) Recipients of funds will be required to contractually commit to program guidelines and loan terms.
- (5) Florida Housing will be notified promptly if the local government /interlocal entity will be unable to comply with any provision of the local housing assistance plan (LHAP).
- (6) The LHAP provides a plan for the encumbrance of funds within twelve months of the end of the State fiscal year in which they are received and a plan for the expenditure of SHIP funds including allocation, program income and recaptured funds within 24 months following the end of the State fiscal year in which they are received.
- (7) The LHAP conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the LHAP.
- (8) Amendments to the approved LHAP shall be provided to the Florida Housing for review and/or approval within 21 days after adoption.
- (9) The trust fund exists with a qualified depository for all SHIP funds as well as program income or recaptured funds.
- (10) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law.
- (11) The local housing assistance trust fund shall be separately stated as a special revenue fund in the local governments audited financial statements (CAFR). An electronic copy of the CAFR or a hyperlink to the document shall be provided to Florida Housing by June 30 of the applicable year.
- (12) Evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97, F.S. shall be provided to Florida Housing by June 30 of the applicable year.

- (13) SHIP funds will not be pledged for debt service on bonds.
- (14) Developers receiving assistance from both SHIP and the Low Income Housing Tax Credit (LIHTC) Program shall comply with the income, affordability and other LIHTC requirements, similarly, any units receiving assistance from other federal programs shall comply with all Federal and SHIP program requirements.
- (15) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.
- (16) Rental Units constructed or rehabilitated with SHIP funds shall be monitored for compliance with tenant income requirements and affordability requirements or as required in Section 420.9075 (3)(e). To the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility.
- (17) The LHAP meets the requirements of Section 420.907-9079 FS, and Rule Chapter 67-37 FAC.
- (18) The provisions of Chapter 83-220, Laws of Florida have not been implemented (except for Miami-Dade County).

Kevin John Klimetz
 Witness

Bill DeMaandau
 Chief Elected Official or designee

Tahela Louis
 Witness

Teresa Jacobs, Orange County Mayor
 Type Name and Title

FEB 06 2018
 Date

OR
Kelli Smith
 Attest:
 (Seal)



RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
**THE STATE HOUSING INITIATIVES PARTNERSHIP
PROGRAM (SHIP)
AND THE ORANGE COUNTY
LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR STATE
FISCAL YEARS 2015-2016, 2016-2017 AND 2017-2018**

Resolution No. 2018-M-04

WHEREAS, the Florida Legislature adopted the William E. Sadowski Affordable Housing Act, Chapter 92-317, Laws of Florida, allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, Sections 420.907-420.9079, Florida Statutes and Rule Chapter 67-37, Florida Administrative Code (F.A.C.), requires local governments to develop a one (1) to three (3) year Local Housing Assistance Plan outlining how funds will be used; and

WHEREAS, on April 21, 2015, the Board of County Commissioners adopted Resolution No. 2015-M-10, adopting a local housing assistance plan covering the use of SHIP program proceeds for State fiscal year 2015-2016, 2016-2017, 2017-2018; and

WHEREAS, the County intends to amend its Local Housing Assistance Plan to add a new housing strategy titled "Rapid Rehousing Program" ("Program") to provide assistance and services to very low income persons or families at risk of becoming homeless or who are homeless; and

WHEREAS, the County intends to amend its Local Housing Assistance Plan to add a new housing strategy to create a Capital Loan Fund (CLF) to be used for land acquisition, pre-development cost, and vertical construction of affordable homes; and

WHEREAS, the County intends to amend its Local Housing Assistance Plan to reimburse 25 percent of the total impact fee, not to exceed \$5,000 per unit, to develop multi-family rental housing, retroactive to March 1, 2017; and

WHEREAS, the County intends to extend the impact fee reimbursement to 100 percent for single family homes occupied by very low households, and extend impact fee reimbursement to 75 percent for low-income households, not to exceed \$15,000 per unit; and

WHEREAS, the maximum home purchase price under the SHIP program will change from \$200,000 to a formula based on 90 percent of the average annual home purchase price in Orange County; and

WHEREAS, under the SHIP Program, Section 420.9072(3), Florida Statutes, Amendments to an approved Local Housing Assistance Plan must be adopted by Resolution and submitted to the Florida Housing Finance Corporation.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. The Board of County Commissioners of Orange County, Florida hereby amends the adopted Local Housing Assistance Plan for the state fiscal years 2015-2016, 2016-2017, 2017-2018.

Section 2. The Program will provide financial assistance and services to very low income individuals or families who are at risk of being homeless or who are homeless. The program will receive \$300,000 in funding and the County will partner with the Homeless Services Network and or other agencies serving the homeless population to implement the program.

Section 3. The Program will create a Capital Loan Fund (CLF) to be used for land acquisition, pre-development cost, and vertical construction of affordable homes. The initial budget for the Capital Loan Fund will be \$1.5 million. The loan funds will be initially for non-profit, affordable housing developers. Homes will be sold to very low, low, or moderate income households. Proceeds from sales will replenish the Capital Loan Fund. Orange County will use the services of its non-profit lenders to administer the fund.

Section 4. Impact Fee reimbursement strategy will be extended to builders constructing multi-family, affordable rental developments for families with household incomes at or below 60 percent of Area Median Income. The reimbursement rate will be 25 percent of the

total impact fees, not to exceed \$5,000 per unit. This change will be retroactive to March 1, 2017.

Section 5. The Impact Fee reimbursement rate for single-family homes will change from 75 percent to 100 percent for developers building homes for very low income households, and from 50 percent to 75 percent of the total impact fees for low income households not to exceed \$15,000 per unit.

Section 6. The maximum home purchase price under the SHIP program will change from \$200,000 to a formula based on 90 percent of the average home purchase price in Orange County.

Section 7. The Mayor of Orange County, Florida is hereby designated and authorized to execute any documents and certifications required by the Florida Housing Finance Corporation as related to the Local Housing Assistance Plan for State fiscal years 2015-2016, 2016-2017 and 2017-2018 for its approval pursuant to Sections 420.907- 420.9079, Florida Statutes.

Section 8. This resolution shall take effect immediately upon its adoption.

ADOPTED THIS _____ DAY OF FEB 06 2018, 2018.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

ATTEST: Phil Diamond, CPA, Orange County Comptroller
As Clerk of the Board of County Commissioners

BY: *Katie Smith*
Deputy Clerk

**STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
PROGRAM INFORMATION SHEET**

The following information must be furnished to the Corporation before any funds can be disbursed.

Local Government	Orange County
Chief Elected Official	Teresa Jacobs, Orange County Mayor
Address	P.O. Box 1393, Orlando, FL 32801
SHIP Administrator	Shawn Tan, Program Manager
Address	525 E. South St., Orlando, FL 32801
Telephone	407-836-5192
EMAIL	Shawn.Tan@ocfl.net
Alternate SHIP Contact	Mitchell L. Glasser
Telephone	407-836-5190
EMAIL	Mitchell.Glasser@ocfl.net
Local Government Employer Federal ID #	59-6000773
Other Information	Mail disbursement to: Orange County Comptroller
	P.O. Box 38, Orlando, FL 32802

Please attach this form as Exhibit F and submit along with your completed LHAP.

*So many places to explore
Let's explore them together*

Pick up Sunday's Travel & Art section and let's get away.

Can't wait till Sunday?
Meet us online now.
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and far-off places at
OrlandoSentinel.com/travel



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MEDIA GROUP

**PUBLIC NOTICE
ORANGE COUNTY
HOUSING AND COMMUNITY DEVELOPMENT
DIVISION
2017-2018 STATE HOUSING INITIATIVES
PARTNERSHIP PROGRAMS**

For fiscal year 2017-2018, Orange County will receive \$4,300,495 in funding from the State Housing Initiatives Partnership (SHIP) Program to implement Six (6) strategies. Applications for assistance under this notice will be accepted 30 days from the date of this publication. Our SHIP funding will be used as identified in the 2015-2018 Amended Local Housing Assistance Plan as follows:

STRATEGY	FUNDED AMOUNT	TARGET POPULATION
Down Payment Assistance	1,070,000	Very Low, Low and Moderate Income
Owner Occupied Housing Rehabilitation	\$750,000	Very Low Income
New Residential Construction	\$1,400,000	Very Low, Low and Moderate Income
Multi-Family Construction	\$75,000	Very Low and Low Income
Rapid Rehousing Rental	\$300,000	Very low
Impact Fee Subsidy	\$375,000	Very Low and Low Income

Assistance under this notice will be available to eligible families located in Orange County, excluding the incorporated areas of the City of Orlando. SHIP funds may not be used to purchase, rehabilitate or repair mobile homes. Under Orange County's home ownership programs, the maximum value of a home assisted cannot exceed \$214,000. In instances where waiting lists exist for SHIP assistance, priority will be given to families on the existing waiting list. Assistance will be awarded to eligible households on a first-come first ready basis. Eligible sponsors such as developers, non-profits, and builders who provide affordable housing will need to respond to future requests for proposals (RFPs) which will be advertised at a later date. The following chart illustrates the maximum incomes allowable per household size under Orange County SHIP programs:

Household Size	Maximum Very Low Income Allowed	Maximum Low Income Allowed	Maximum Moderate Income Allowed
1	\$20,450	\$32,700	\$49,080
2	\$23,400	\$37,400	\$56,160
3	\$26,300	\$42,050	\$63,120
4	\$29,200	\$46,700	\$70,080
5	\$31,550	\$50,450	\$75,720
6	\$33,900	\$54,200	\$81,360
7	\$36,250	\$57,950	\$87,000
8	\$38,550	\$61,650	\$92,520

Down Payment Assistance – Down payment assistance of up to \$30,000 is available on a first-come first ready basis to eligible households who have qualified for a home mortgage. Program funds can be used for down payment assistance and closing costs associated with purchasing a home. For more information contact:

Susan Cannon (407) 836-5171; Susan.Cannon@ocfl.net

Owner Occupied Housing Rehabilitation – The Single Family Housing Rehabilitation Program provides forgivable loans on a first come first ready basis to owners of single-family homes in need of renovations to repair code violations or address other health and safety issues. Applicants must currently own their single-family residence and qualify as very low income in order to be eligible. For more information or to request an application, please contact:

Jeannie Roseme-Parram (407) 836-5181; Jeannie.RosemeParram@ocfl.net

New Residential Construction – Non-profit affordable housing developers may apply for low cost loans through a non-profit lender to build affordable housing within unincorporated Orange County. The funds may be used for land acquisition, pre-development cost, and the construction of single family affordable homes. The loans must be paid in full upon the completion and sale of the homes to income eligible buyers. For more information contact:

Shawn Tan (407) 836-5192; Shawn.Tan@ocfl.net

Multi-Family Construction – Developers seeking a local government contribution under the Florida Housing Finance Corporation's Universal Application Cycle are eligible for assistance. For more information contact:

Shawn Tan (407) 836-5192; Shawn.Tan@ocfl.net

Rapid Rehousing – Orange County will use SHIP funds to assist very low income individuals or families who are homeless or at risk of being homeless with short term rental assistance. This assistance will be provided through qualified nonprofit organizations and will follow the housing first model of quickly re-housing families and individuals who meet the income and eligibility criteria. For more information contact:

Shawn Tan (407) 836-5192; Shawn.Tan@ocfl.net

Impact Fee Subsidy Program – Orange County will utilize SHIP funds to incentivize the construction of single family and multi-family properties located within Orange County. Based on funding availability, a maximum subsidy up to 100 percent of total impact fees paid, excluding water and wastewater fees, will be available to developers building affordable housing units. For more information contact:

Nikki Everett (407) 836-5173; Nikki.Everett@ocfl.net

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-3111.

Para mayor información en español, por favor llame la División de Vivienda y Desarrollo Comunitario al número (407) 836-5191.





AGENDA

Orange County Government • Board of County Commissioners • 201 South Rosalind Avenue
County Commission Chambers • 1st Floor • County Administration Center
www.OrangeCountyFL.net

TUESDAY, OCTOBER 16, 2018

MEETING STARTS AT 9:00 a.m.

- Invocation – District 5
- Pledge of Allegiance
- Presentation of a proclamation recognizing October 23 through October 31, 2018 as Red Ribbon Week
- Presentation of a proclamation recognizing October 25, 2018 as Lights on After School Day
- Presentation of Art in the Chambers and Sculpture on the Lawn 2018
- Public Comment*

I. CONSENT AGENDA

A. COUNTY COMPTROLLER

1. Approval of the minutes of the September 11 and September 18, 2018 meetings of the Board of County Commissioners. **(Clerk's Office) Page 14**
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. **(Finance/Accounting) Page 14**
3. Disposition of Tangible Personal Property as follows. **(Property Accounting) Page 14-15**
 - a. Remove stolen asset from inventory.
 - b. Remove lost asset from inventory.

B. COUNTY SHERIFF

1. Approval of U.S. Department of Justice Office of Justice Programs FY18 Paul Coverdell Forensic Science Improvement, Competitive Grants Program Award Number: 2018-CD-BX-0058 in the amount of \$250,000 for the period of January 1, 2019 through December 31, 2019. **Page 16-42**

CONTINUED

*Pursuant to Section 209 of the Orange County Charter, as amended on Nov. 4, 2008, the Board of County Commissioners must set aside at least 15 minutes at the beginning of each regular meeting for citizens to speak to the Board on any matter of public interest under the Board's authority and jurisdiction, regardless of whether the public issue is on the Board's agenda, but excluding matters that are not appropriate for public discussion, such as pending procurement or land use issues.

TUESDAY, OCTOBER 16, 2018

III. DISCUSSION AGENDA

A. COUNTY ADMINISTRATION

1. Approval of the Arts and Cultural Affairs Advisory Council's funding recommendations for Arts and Cultural Affairs Grants for cultural tourism for FY 2019. **(Arts and Cultural Affairs Office) Page 449-452**

B. ADMINISTRATIVE SERVICES DEPARTMENT

1. Selection of four firms and two ranked alternates to provide Continuing Architectural Services, Request for Proposals Y18-907-EB, from the following seven firms, listed alphabetically:

- Architectural Design Collaborative, Inc. (ADC)
- Borrelli + Partners, Inc.
- KLPNstudio, LLC
- KZF Design LLC dba KMF Architects
- MRI Architectural Group, Inc.
- Rhodes + Brito Architects Inc.
- Zyscovich, Inc.

([Administrative Services Department Capital Projects Division] Procurement Division) Page 453-462

C. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. Approval and execution of Resolution of the Orange County Board of County Commissioners designating Hawthorne Park by Wendover Housing Partners, for Local Government Areas of Opportunity Funding, under the Florida Housing Finance Corporation's Request for Applications 2018-112. District 6. **(Housing and Community Development Division) Page 463-467**

R E C E S S

III. DISCUSSION AGENDA
COMMUNITY, ENVIRONMENTAL AND
DEVELOPMENT SERVICES
DEPARTMENT
1

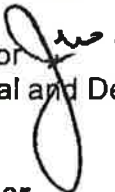


Interoffice Memorandum

AGENDA ITEM

September 28, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E. Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: **Mitchell Glasser, Manager**
Housing and Community Development Division
407-836-5190

SUBJECT: October 16, 2018 – Discussion Item
Resolution to Approve Local Government Areas of Opportunity
Funding

The Florida Housing Finance Corporation (FHFC) issued a Request for Applications (RFA) for Housing Tax Credit funding for affordable, multi-family housing on September 6, 2018. Applications are due October 30, 2018. Applications are usually due in December of each year, however this year, FHFC decided to establish an early deadline. This year's application includes a section under Local Government Areas of Opportunity Funding whereby local governments can select a Preference Project and the project will receive preference points under the RFA.

Given the short turnaround time for FHFC's RFA, Orange County is not able to conduct its own RFA to select a preference project; however, the County may select a project it believes offers unique opportunities and is beneficial to the County.

On December 20, 2011, the Board approved the creation of the Pine Hills Neighborhood Improvement District (PHNID) to revitalize Pine Hills. Since that time, the neighborhood has begun to change for the better. The PHNID has the opportunity for infill redevelopment with an affordable senior housing project, Hawthorne Park, proposed by Wendover Housing Partners. This 120-unit affordable, senior housing project will be part of the redevelopment of an under-utilized commercial retail center at the intersection of Pine Hills and Silver Star Roads. This project supports the PHNID in its goal of creating a mixed-use town center.

Page 2

October 16, 2018 - Discussion Item

Resolution to Approve Local Government Areas of Opportunity Funding

Wendover Housing Partner is seeking Housing Tax Credit funding from the Florida Housing Finance Corporation, and if designated for Local Government Opportunity Funding by Orange County, it will receive preference points under the FHFC's RFA. The County must provide the minimum required local government financial contribution for Hawthorne Park, which is \$567,500. State Housing Initiative Partnership (SHIP) program funds will be set aside for this contribution.

Orange County staff supports recommending this project for Local Government Areas of Opportunity Funding under the FHFC's RFA for FY 2018. If selected by FHFC, we will draft a Developer's Agreement between Wendover Housing Partners and Orange County for Board approval in the spring of 2019.

ACTION REQUESTED: Approval and execution of Resolution of the Orange County Board of County Commissioners designating Hawthorne Park by Wendover Housing Partners, for Local Government Areas of Opportunity Funding, under the Florida Housing Finance Corporation's Request for Applications 2018-112. District 6

JVW:MG/lr
Attachments

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS DESIGNATING HAWTHORNE PARK BY WENDOVER HOUSING PARTNERS, FOR LOCAL GOVERNMENT AREAS OF OPPORTUNITY FUNDING, UNDER THE FLORIDA HOUSING FINANCE CORPORATION'S REQUEST FOR APPLICATIONS 2018-112

Resolution No. _____

WHEREAS, on September 6, 2018, the Florida Housing Finance Corporation (the "FHFC") issued Request For Applications 2018-112 for Housing Credit Financing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach and Pinellas Counties (the "RFA") with applications due on October 30, 2018; and

WHEREAS, Hawthorne Park, a senior affordable housing development to be comprised of 120 units developed by Wendover Housing Partners, LLC is seeking Housing Tax Credit funding from the FHFC pursuant to the RFA; and

WHEREAS, under the RFA's scoring system, a project approved by a local government for Local Government Areas of Opportunity Funding will receive preference points under the RFA; and

WHEREAS, in order to qualify for such preference points, a project must receive irrevocable local government financial contributions in certain minimum amounts required by the RFA; and

WHEREAS, the minimum required local government financial contribution for Hawthorne Park is five hundred sixty seven thousand, five hundred dollars (\$567,500); and

WHEREAS, Hawthorne Park will be located within the Pine Hills Neighborhood Improvement District ("PHNID") which has been working to bring economic revitalization to the Pine Hills community since 2011; and

WHEREAS, Hawthorne Park, a senior affordable housing project, will further infill redevelopment with the PHNID, help to transform the Pine Hills area and fulfill goals of the PHNID Neighborhood Improvement Plan; and

WHEREAS, Orange County has a pressing need for affordable housing

countywide and the PHNID advisory council has determined that funding Hawthorne Park in Pine Hills is a top priority; and

WHEREAS, the PHNID advisory council voted unanimously to designate this project as an infill development project in line with goals and objectives of its Neighborhood Improvement Plan; and

WHEREAS Wendover Housing Partners, LLC has a track record of producing quality housing projects that enhance the surrounding community; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to designate Hawthorne Park by Wendover Housing Partners, LLC for Local Government Areas of Opportunity Funding and to commit the local government financial contribution funding in the minimum amount required by the RFA.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Local Government Areas of Opportunity Funding Contribution.

The Board of County Commissioners hereby awards the County's Local Government Areas of Opportunity Funding to Hawthorne Park by Wendover Housing Partners, LLC and sets aside and allocates five hundred sixty seven thousand. five hundred dollars (\$567,500) of State Housing Initiatives Partnership (SHIP) funds as the minimum required local contribution.

Section 2. Authorization to Execute. The Orange County Mayor or designee is hereby authorized and directed to execute any and all documents required by FHFC as contemplated under its RFA 2018-112 for Housing Credit Financing.

Section 3. Effective Date: This resolution shall take effect immediately upon its adoption.

ADOPTED THIS _____ DAY OF _____, 2018.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

ATTEST: Phil Diamond, CPA, Orange County Comptroller
As Clerk of the Board of County Commissioners

BY: _____
Deputy Clerk

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

ATLANTIC HOUSING PARTNERS, CASE NO. 2018-CA-012227
L.L.L.P., a Florida limited liability limited
partnership,

Plaintiff,

vs.

ORANGE COUNTY, FLORIDA, a political
subdivision of the State of Florida; and
WENDOVER HOUSING PARTNERS,
LLC, a Florida limited liability company,

Defendants.

TEMPORARY INJUNCTION

THIS MATTER came before the Court on November 30, 2018 for a hearing on Defendant, Wendover Housing Partners, LLC's Motion for Expedited Discovery and Motion to Dismiss Plaintiff's Complaint ("Motion to Dismiss"), and on December 27, 2018 for an evidentiary hearing ("Hearing") on Plaintiff, Atlantic Housing Partners, L.L.L.P.'s ("Atlantic") Emergency Motion for Temporary Injunction ("Motion for Temporary Injunction"), and the Court having reviewed the Motion to Dismiss and the Motion for Temporary Injunction, having considered the testimony and documentary evidence presented at the Hearing, having heard argument of counsel, and being otherwise fully advised in the premises, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. At issue is whether Orange County should be temporarily enjoined from awarding funding to Defendant Wendover Housing Partners, LLC's ("Wendover")

Hawthorne Park affordable housing project under Florida's State Housing Initiative Partnership ("SHIP") program.

2. Plaintiff, Atlantic, argues that the award of funding was illegal because Orange County failed to comply with its prescribed rule established under Orange County's adopted Local Housing Assistance Plan ("LHAP") which, Atlantic contends, only allows for the award of SHIP funds to multi-family construction projects based upon a request for proposals ("RFP") process.

3. Defendants argue that the funding was not illegal because an RFP process was not required. All parties agree that the determination of the legality of the SHIP award would impact the awarding of Federal Income Tax Credits by Florida Housing Finance Corporation ("FHFC") set to be made on February 1, 2019, hence the immediate need for a preliminary determination of the legality of the SHIP award by Orange County.

4. At the hearing, the evidence established the following.

5. Plaintiff, Atlantic Housing Partners, L.L.P. is an affordable housing developer doing business in Orange County, Florida.

6. Atlantic regularly competes for public finance funding in Orange County and other Florida counties.

7. Atlantic is the developer of a multi-family rental project known as Amelia Court, which was selected as the affordable housing element in the "Creative Village" development project, a 68-acre mixed-use, transit-oriented, urban infill project in the Parramore neighborhood in downtown Orlando.

8. Amelia Court Phase II ("Amelia Court"), which is currently under construction, is scheduled to receive its certificate of occupancy upon completion in the

early summer of 2019.

9. Defendant, Orange County, Florida, is a political subdivision of the State of Florida responsible for the administration of local funding for the public financing of affordable housing projects in Orange County, Florida.

10. Defendant, Wendover Housing Partners, LLC, is a developer of affordable multi-family rental projects. Wendover is the developer of a prospective affordable housing project known as “Hawthorne Park,” planned for development in the Pine Hills neighborhood of Orange County, Florida.¹

11. The evidence presented at the hearing demonstrated the importance of public financing resources to support the development of affordable housing projects.

12. Affordable housing projects often require financial assistance to remain economically viable because the developments charge below market rental rates. Local governments provide such financial assistance, often operating under the auspices of state-funded programs such as Florida’s SHIP program.

13. Economically viable and sustainable development of affordable housing in urban areas with mid-rise or high rise construction may often not be feasible without significant public resources. The only economically viable public resources available for development of urban mid-rise or high rise residential development are Federal Housing Tax Credits allocated through state agencies, such as FHFC.

14. Federal Housing Tax Credits represent one of the more advantageous forms of public financial assistance. The testimony of the witnesses at the hearing identified two

¹At the hearing, Wendover’s attorneys clarified that the name of the party competing for the tax credits at issue as Hawthorne Park, Ltd. Although Hawthorne Park, Ltd. has not been named as a party to the action, its attorneys submitted this entity to the jurisdiction of this Court.

(2) common forms of such credits: (a) a nine percent (9%) tax credit; and (b) a four percent (4%) tax credit.

15. The nine percent (9%) tax credits, which are dispensed annually by the FHFC through a competitive process, typically suffice to provide the necessary public financial assistance to support an affordable housing project. The four percent (4%) tax credits, issued as a matter of course by FHFC – but not competitively – are the companion public resource to the issuance of tax-exempt bonds to finance affordable housing projects.

16. Because the demand for nine percent (9%) Federal Housing Tax Credits (“9% Tax Credits”) to fund affordable housing projects exceeds available allocations, developers must go through a competitive process to be awarded the 9% Tax Credits. FHFC initiates the process to award the 9% Tax Credits through a Request for Applications (“RFA”), inviting developers to submit applications for the 9% Tax Credits.

17. To be eligible to respond competitively to the RFA, applicants must receive sufficient local government support demonstrated, in part, by the provision of funding in a minimum amount set forth by FHFC in an RFA, such that the local government deems the project a “Local Government Area of Opportunity” (“LGAO”), commonly referred to as a “Preference Project.”

18. In the current FHFC RFA 2018-112 (“2018 RFA”) applicable to this case, a local government may only select one development project to receive LGAO funding, colloquially referred to as a “Super Contribution” (Joint Ex. 2 at p. 67). The selected project will receive preference in consideration for the 9% Tax Credits awarded by FHFC.

19. The 2018 RFA established the minimum LGAO funding commitment of \$625,750.00 for mid-rise concrete projects in Orange County, such as Amelia Court (Joint

Ex. 2 at p. 68).

20. Under the terms of the 2018 RFA, only one (1) project in Orange County will be awarded the 9% Tax Credits (Joint Ex. 2 at pp. 73-74).

21. On or about October 8, 2018, the City of Orlando awarded a financial commitment to Atlantic for Amelia Court for LGAO funding in the amount of \$625,750.00. The City of Orlando funded the award through the City's Community Redevelopment Agency ("CRA")(Pltf.'s Ex. 12).

22. At the time the City of Orlando awarded funds, Atlantic stood as the only affordable housing developer that had received LGAO funding in Orange County.

23. Described colloquially in the Hearing as the "Golden Ticket," the LGAO designation identifying Amelia Court as the preference project for the City of Orlando would have given Atlantic a substantial advantage in the ranking of affordable housing projects submitted by applicants to FHFC. Prior to Orange County's award of LGAO funding to Wendover, Amelia Court was positioned to receive the 9% Tax Credit award for a development located in Orange County

24. The SHIP program constitutes one of the primary programs for funding affordable housing through local governments. The SHIP program operates within a statutory framework established in Chapter 420, Fla. Stat.

25. Section 420.9072(1)(b), Fla. Stat., evidences the Legislature's intent that the SHIP program "provide the maximum flexibility to local governments to determine the use of funds for housing programs while ensuring accountability for the efficient use of public resources..."

26. Section 420.9072(2)(b), Fla. Stat., provides that "[a] county...must adopt

an ordinance containing...[a]doption by resolution of a local housing assistance plan [LHAP]...”

27. Section 420.9072(7)(a), Fla. Stat., provides “[a] county...must expend its portion of the local housing distribution only to implement a local housing assistance plan...”

28. Section 420.9073(7), Fla. Stat., provides “[a] county receiving local housing distributions...shall expend those funds in accordance with provisions of ss. 420.907-420.9079, rules of the corporation, and the county’s local housing assistance plan.”

29. Thus, the legislative scheme requires local governments who participate in the SHIP program to develop and implement an LHAP.²

30. As prescribed by the state statute governing the SHIP program, local governments cannot deviate from the LHAP once implemented.

31. Orange County has adopted and maintained an LHAP.

32. The most recent LHAP applicable to the events at issue, dated February 6, 2018, describes the process by which SHIP funding can be awarded by Orange County. In pertinent part, the LHAP states:

[t]he availability of funding will be marketed to the multi-family affordable housing development community and in accordance with SHIP requirements; the availability of SHIP funds, services and selection criteria will be advertised...through a request for proposals for private developers.

(Joint Ex. 1 at II.E.a.).

²It is undisputed that the statute itself does not require competitive bidding for SHIP funds through a request for proposals. However, the Court concludes that that does not preclude a local government from opting, in its LHAP, to provide for a competitive process for the award of SHIP funds. In fact, there may be very good reasons (e.g., transparency in the award of public funds, avoidance of preferential treatment, etc.); in other words, the same reasons that justify competitive processes in areas of public procurement.

33. Although Defendants contested whether the awarding of SHIP funds to developers of multi-family projects could only be made through an RFP process, the language of the LHAP expressly contemplates just such a process.

34. The Court's conclusion is supported by the testimony of Scott Culp, principal of Atlantic, who has extensive experience in the public financing of affordable housing projects.

35. Defendants argued around the plain language of the LHAP, suggesting, among other things, that the use of an RFP was optional, but the Court is not persuaded by the argument, specifically as relates to multi-family construction.

36. Moreover, the prior conduct of Orange County seemed consistent with the Court's reading of the LHAP and related Orange County documents.

37. For example, the Notice of Funding Availability ("NOFA") published by Orange County on February 22, 2018, presaged the requirement for an RFP, stating: "[e]ligible sponsors such as developers, non-profits, and builders who provide affordable housing will need to respond to future requests for proposals (RFPs) which will be advertised at a later date" (Joint Ex. 3).

38. Thus, Orange County's LHAP contemplates an RFP process, and Orange County's NOFA suggested, consistent with the LHAP, that an RFP would be forthcoming prior to the award of SHIP funds.

39. Furthermore, Mitchell Glasser, who heads Orange County's Housing and Community Development Division, admitted in testimony and prior written correspondence Orange County's intent to utilize an RFP to award funding for tax credit applicants in 2019 (Pltf.'s Exs. 4 and 5).

40. Although Mr. Glasser equivocated on whether he believed RFPs had ever been contemplated before awarding SHIP funds to Wendover, Orange County's own agenda memorandum submitted to the Board of County Commissioners proves that Mr. Glasser (and Orange County) knew that SHIP funding for multi-family construction contemplated an RFP, stating:

[g]iven the short turnaround time for FHFC's RFA, Orange County is not able to conduct its own [RFP] to select a preference project; however, the County may select a project it believes offers unique opportunities and is beneficial to the County.

(Joint Ex. 4 at p. 3).

41. Had the LHAP not required an RFP for the award of funding to multi-family construction projects, there would have been no reason to mention the intent to proceed without one.

42. Glasser made repeated assertions in response to inquiries from Atlantic's representatives indicating Orange County did not intend to award local government funding (*i.e.*, a "Super Contribution") to support developers applying for the 9% Tax Credits to be issued by FHFC. (Pltf.'s Exs. 4 and 5.)

43. Nonetheless, in the fall of 2018, Orange County awarded \$567,500.00 in SHIP funds to Wendover for Hawthorne Park in support of its efforts to obtain 9% Tax Credits (Pltf.'s Ex. 7).³

44. In doing so, Orange County did not issue an RFP, and instead proceeded through a process in which unnamed or unidentified participants decided that Wendover's

³This sum (\$567,500.00) represents the minimum local government funding required for a concrete construction garden apartment project such as Hawthorne Park to qualify as a LGAO for purposes of ranking in the 2018 RFA for 9% Tax Credits (Joint Ex. 2 at p. 68).

Hawthorne Park project alone would be offered up to the Board of County Commissioners as the sole candidate to receive an award of the amount of SHIP funds necessary to qualify as an LGAO, and then awarded the funds to Hawthorne Park.

45. Orange County's designating Hawthorne Park to receive an award of SHIP funding sufficient to qualify as an LGAO without a competitive RFP process precluded Atlantic from competing for Orange County's award of SHIP funding sufficient to qualify as an LGAO in the 2018 RFA.

46. Moreover, by awarding SHIP funds sufficient for Hawthorne Park to qualify as an LGAO, Orange County enabled Hawthorne Park to receive preference in the competition for 9% Tax Credits awarded by FHFC in the 2018 RFA to a project in Orange County.

47. All things being equal, the competition between Amelia Court and Hawthorne Park for the 9% Tax Credits under the 2018 RFA would have to be decided by which project receives the better lottery number.

48. Since the evidence showed that Hawthorne Park has already received the lowest lottery number, barring a fatal error in its application, Hawthorne Park would stand to receive the 9% Tax Credits based upon Orange County's award to Wendover of SHIP funds sufficient to qualify as a LGAO.

49. Amelia Court's only opportunity to receive nine percent (9%) federal tax credits – and thus be economically viable as an affordable housing project – exists under the 2018 RFA. Amelia Court will not be eligible to apply for future nine percent (9%) federal tax credits because it will have completed construction of Amelia Court in the early summer of 2019.

50. Wendover, on the other hand, has not commenced construction on Hawthorne Park and will be eligible to apply for tax credits from FHFC in future cycles.

51. Defendants advanced several arguments to blunt the impact of Orange County's failure to issue an RFP before awarding the SHIP funds for multi-family construction in an amount sufficient to qualify an applicant as an LGAO. Defendants argued that the NOFA provided sufficient notice to Atlantic to allow it to compete for these funds. This is not so; the NOFA specifically says that an RFP will be issued before SHIP funds are awarded to multi-family developers (Joint Ex. 3). Accordingly, Atlantic could reasonably have concluded that it would not be required to apply for SHIP funding until an RFP had been issued by Orange County.

52. Defendants also suggest the NOFA adequately notified developers to apply for the SHIP funds, arguing that the \$75,000 figure designated for multi-family construction in the NOFA is a "per unit" (per apartment) figure. This argument contradicts Orange County's LHAP, which shows in Exhibit C "Total SHIP Dollars" available for multi-family construction in Fiscal Year 2017-2018 of only \$75,000 (Joint Ex. 1 at p. 33). Moreover, the language in the NOFA clearly describes \$75,000.00 as the total funds available for multi-family construction.

53. Defendants have also argued to this Court that the public advertisement of the Board of County's Commissioners' regular meeting provided adequate notice allowing Atlantic to compete for SHIP funds; but, the notice did not invite competitive submittals by competing developers. It advised of Orange County's intent to select Hawthorne Park as the designated recipient of SHIP funds sufficient to qualify it as an LGAO in the 2018 RFA (Joint Ex. 4).

54. Atlantic's representative, Scott Culp, credibly testified that Atlantic would have applied for SHIP funding sufficient to qualify for the designation as an LGAO by Orange County for one of Atlantic's other projects, had such an RFP been issued.

55. In anticipation of the Court's temporarily enjoining the award of SHIP funds for Hawthorne Park, Defendant Wendover offered testimony claiming it will suffer damages for which it should be bonded. Specifically, Defendant Wendover argued it would suffer \$7,754,728.00 in damages if enjoined from claiming Orange County's designation as an LGAO in its application for 9% Tax Credits to FHFC (Def. Wendover's Ex. 22).

56. Defendant Wendover's claim suffers from numerous deficiencies. First, the alleged damages are not only speculative, they are also significantly overstated. Defendants have repeatedly argued to this Court that the ultimate award of 9% Tax Credits is not a sure thing, even for an applicant with LGAO preference; yet Wendover asks this Court to assume its losses are assured, which is contradictory, at best. More importantly, however, Wendover's calculation of losses is beset with fatal defects. Its calculation of lost residual value based upon the income net of operations fails to account for debt service contemplated by the developer. The projections also fail to account for the gross uncertainty in the true cost and future revenues of the project without knowing the terms of the construction contract, the impact of declining cash flows over the life of the project, the variance in median income levels, and the vagaries of "cap rates" to establish value.

57. Based upon Wendover's own projections, the residual value of the project would only be \$248,164.00.

58. Additionally, there is no testimony that Wendover would not be able to develop the Hawthorne Park property as economically viable market rate rental housing as

it had argued was the alternative for Amelia Court.

59. Furthermore, testimony at the hearing identified the realistic potential and historic examples of applying for tax credits in future cycles and successfully developing an economically viable affordable housing community with those resources.

60. Alternatively, Wendover's "loss," if any, would be the cost of preparing its application to FHFC, which is estimated to be \$25,000.00, and certainly significantly less than Wendover's projected Predevelopment Expenses.

CONCLUSIONS OF LAW

61. This Court has jurisdiction over the dispute between the parties because it concerns an illegal award of funds made by Orange County.

62. Atlantic has standing to challenge the award of SHIP funds by Orange County to Wendover because Atlantic was a potential competitor for such funding.

63. The cases relied on by Wendover to contest Atlantic's standing are unavailing.⁴ Those cases implicate a private citizen's right to enjoin public action where the would-be plaintiff can show no special injury, and they are an outgrowth of taxpayer challenge cases. By contrast, in *Accela, Inc. v. Sarasota County*, 901 So. 2d 237 (Fla. 2d DCA 2005), the appellate court reversed the trial court's summary judgment on standing grounds, finding that "the plaintiffs had standing to complain because they were potential competitors who had a right to seek a determination of whether competitive bidding was required." *Accela*, 901 So. 2d at 238. So, too, does Atlantic have standing here.

64. A court may enter a temporary injunction against a municipality to restrain

⁴*Smith v. City of Fort Myers*, 994 So. 2d 1092 (Fla. 2d DCA 2006); *Solares v. City of Miami*, 166 So. 3d 887 (Fla. 3d DCA 2015).

it from “the arbitrary exercise of its lawful powers.” *Town of Palm Beach v. Palm Beach County*, 332 So. 2d 355, 357 (Fla. 4th DCA 1976).⁵

65. Section 420.9072(1)(b), Fla. Stat., evidences the Legislature’s intent that the SHIP program “provide the maximum flexibility to local governments to determine the use of funds for housing programs while ensuring accountability for the efficient use of public resources...”

66. Section 420.9072(2)(b), Fla. Stat., provides that “[a] county...must adopt an ordinance containing...[a]doption by resolution of a local housing assistance plan [LHAP]...”

67. Section 420.9072(7)(a), Fla. Stat., provides “[a] county...must expend its portion of the local housing distribution only to implement a local housing assistance plan...”

68. Section 420.9073(7), Fla. Stat., provides “[a] county receiving local housing distributions...shall expend those funds in accordance with provisions of ss. 420.907-420.9079, rules of the corporation, and the county’s local housing assistance plan.”

69. Thus, the legislative scheme requires local government who participate in the SHIP program to develop and implement an LHAP, and then to expend those funds, inter alia, “...in accordance with...the county’s local housing assistance plan.” § 420.9073(7), Fla. Stat.

70. Orange County has adopted and maintained an LHAP.

⁵Orange County is, of course, a county, and not a municipality. While Orange County raised the issue of whether a court can enjoin a county at the Hearing, the issue was not briefed, despite the Court’s invitation. Moreover, Plaintiff has pleaded for a writ of mandamus, which is an appropriate form of relief against a state subdivision. Accordingly, the Court concludes that entry of an injunction under these circumstances is a corollary to Plaintiff’s claimed entitlement to a writ of mandamus.

71. The Court concludes that, as a matter of law, Orange County had, and has, a duty to comply with its own LHAP.

72. The most recent LHAP applicable to the events at issue, dated February 6, 2018, describes the process by which SHIP funding can be awarded by Orange County.

73. In pertinent part, the LHAP states:

[t]he availability of funding will be marketed to the multi-family affordable housing development community and in accordance with SHIP requirements; the availability of SHIP funds, services and selection criteria **will be advertised...through a request for proposals for private developers.**

(Joint Ex. 1 at II.E.a.)(emphasis added).

74. By the plain terms of its own LHAP, Orange County was required to conduct an RFP to award SHIP funds to Wendover for the Hawthorne Park project.

75. Wendover's attempt to parse the applicable portions of the LHAP into language pertaining to tax credit, and non-tax credit, projects is not convincing. Orange County, at other portions of its LHAP, did expressly differentiate between tax credit, and non-tax credit, projects; for example, in delineating the terms of recapture and default, it expressly identified the terms applicable "[f]or tax credit projects" and those applicable "[f]or non-tax credit projects" (Joint Ex. 1 at II.E.e.). No such distinction appears in the generally applicable "Summary of the Strategy" (Joint Ex. 1 at II.E.a.). Because Orange County demonstrated the ability to differentiate between tax credit, and non-tax credit, projects when it intended to do so, the Court concludes that the "Summary of the Strategy" contained in the LHAP requiring the use of an RFP procedure does not distinguish between tax credit, and non-tax credit, projects, and that the language contained therein applies irrespective of whether a given project is a tax credit, or non-tax credit, project.

76. Because Orange County deviated from the requirements of its LHAP in failing to issue an RFP and allow competing developers to apply for the funds, Atlantic has shown a substantial likelihood of succeeding on the merits.

77. Atlantic has suffered irreparable harm because it was prevented from competing for the SHIP funding illegally awarded to Wendover. Moreover, Atlantic will continue to suffer irreparable harm because Wendover's illegal claim of Orange County's Super Contribution on its application to FHFC jeopardizes the commitment of Atlantic's Amelia Court project to affordable housing.

78. Atlantic does not have an adequate remedy at law. The award of money damages is not an adequate remedy at law because Atlantic's damages cannot be adequately measured. *Thompson v. Planning Com'n of City of Jacksonville*, 464 So. 2d 1231, 1238 (Fla. 1st DCA 1985)(holding that remedy at law is inadequate when damages cannot be adequately measured due to uncertainties and variables).

79. Atlantic's ability to challenge the award of tax credits to Wendover through an administrative appeals process at FHFC does not provide an adequate remedy at law because Wendover should not be permitted to compete given its illegal award of SHIP funds as an LGAO from Orange County in the first place.

80. Section 420.9075(13), Fla. Stat., does not provide an adequate remedy at law because it identifies FHFC's enforcement powers relating to the SHIP program to address institutional deficiencies described as "patterns of violations of the criteria for a local housing assistance plan," and specific violations of "applicable award conditions" by an eligible sponsor or person after the receipt of an award, neither of which applies to the instant case. *See* § 420.9075(13)(a), Fla. Stat.

81. Further, even in the event a local government violates its LHAP, the consequence appears to be FHFC's suspension of the distribution of additional SHIP funds to the offending local government until the violation is corrected, not a rescission or cancellation of local awards of the SHIP funds already awarded by the local government. Taken as a whole, Section 420.9075(13), Fla. Stat., is a regulatory compliance mechanism, and not an avenue for a private developer to seek redress for an alleged violation of a local government LHAP.

82. An injunction serves the public interest because Orange County's awarding of SHIP funds without the required competitive process, and in direct violation of its own LHAP, runs afoul of public policy. Moreover, Section 420.9072(1)(b), Fla. Stat., provides that the Legislature intended for local governments to have "maximum flexibility," while also ensuring "accountability for the efficient use of public resources." The public interest is served in requiring compliance with Orange County's own LHAP, especially inasmuch as the LHAP contemplates a competitive process which has its own inherent merits.

83. In determining the bond amount, this Court has discretion to consider the likelihood that the Defendants will be successful in overturning the temporary injunction. The damages, if any, suffered by Defendant Wendover, are either speculative or limited. Therefore, the bond imposed on Atlantic should be nominal. By virtue of all of the foregoing, it is accordingly

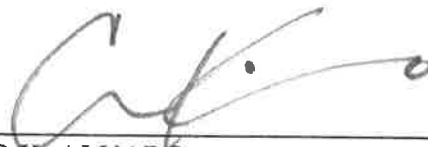
ORDERED and ADJUDGED as follows:

1. The Motion to Dismiss is DENIED.
2. The Motion for Temporary Injunction is GRANTED.

3. Defendants⁶ are temporarily enjoined, pending a final adjudication and the granting or permanent relief, from awarding SHIP funds to Wendover as an LGAO for Orange County related to Hawthorne Park and the 2018 RFA. This injunction does not enjoin any process related to the award of SHIP funding for any other RFA.

4. As a condition of this temporary injunction, Plaintiff shall post a bond in the amount of \$25,000.

DONE AND ORDERED in Chambers in Orange County, Florida this 21st day of January 2019.



CHAD K. ALVARO
Circuit Judge

Copies to Counsel of
Record via ePortal

⁶Inasmuch as FHFC is not a party to these proceedings, necessarily, this injunction does not enjoin any activity of FHFC.

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

ATLANTIC HOUSING PARTNERS, LLLP, a
Florida limited liability limited partnership,

Plaintiff,

vs.

Case No. 2018-CA-12227-O
Division 39

ORANGE COUNTY, FLORIDA, a political
subdivision of the State of Florida; and,
WENDOVER HOUSING PARTNERS, LLC, a
Florida limited liability company,

Defendants.

**ORDER GRANTING
MOTION TO VACATE STAY**

THIS MATTER came before the Court for a hearing on January 31, 2019 on Plaintiff's Emergency Motion to Vacate Automatic Stay ("Motion to Vacate Stay"), and the Court, having heard the arguments of counsel and being duly advised in the premises, finds as follows.

The Court entered its Temporary Injunction enjoining Orange County from awarding SHIP Funds to Wendover Housing Partners, LLC ("Wendover") as an LGAO for Orange County related to the Hawthorne Park development. Orange County and Wendover have appealed the Temporary Injunction. The effect of the Temporary Injunction has been automatically stayed by operation of Fla. R. App. P. 9.310(b)(2), which provides that:

[t]he timely filing of a notice shall automatically operate as a stay pending review...when the state, any public officer in an official capacity, board, commission, or other public body seeks review...On motion, the lower tribunal or the court may extend a stay, impose any lawful conditions, or vacate the stay.

Florida Dep't of Health v. People United for Med. Marijuana, 250 So. 3d 825, 827 (Fla. 1st DCA 2018). The purpose of the rule is to accord judicial deference to governmental decisions. *Id.* Although a trial court may vacate an automatic stay during the pendency of an appeal, it

may only do so “under the most compelling circumstances.” *Id.* A party moving to vacate an automatic stay must demonstrate that “the equities are overwhelming tilted against maintaining the stay.” *Id.*, citing *Tampa Sports Auth. v. Johnston*, 914 So. 2d 1076, 1084 (Fla. 2d DCA 2005). In determining whether to vacate an automatic stay, the trial court must consider the government’s likelihood of success on appeal, and the likelihood of irreparable harm if the automatic stay is reinstated. *Tampa Sports Auth.*, 914 So. 2d at 1079, citing *Mitchell v. State*, 911 So. 2d 1211, 1219 (Fla. 2005).

Here, there are compelling circumstances which justify vacating the stay. Orange County’s likelihood of success in the appeal of the Temporary Injunction is low as a matter of objective analysis. A trial court’s ruling on a temporary injunction comes to the appellate court with a presumption of correctness, reversible only upon a showing of a clear abuse of discretion. *Gold Coast Chem. Corp. v. Goldberg*, 668 So. 2d 326, 327 (Fla. 4th DCA 1996).¹ Beyond the standard of review facing the County and Wendover and at the risk of oversimplifying a complex issue, the Court has simply concluded (as a preliminary matter) that the LHAP maintained by the County requires a competitive process prior to the award of SHIP funds based on express language in the LHAP stating that “the availability of SHIP Funds....will be advertised...through a request for proposals for private developers.” Thus, the Court has read the LHAP to give effect to the words used therein (“will be marketed to the affordable housing community” and “will be advertised through a request for proposals”), while the County and Wendover argue for a construction that effectively reads those terms out of the LHAP. Accordingly, on balance, the Court finds that the County and Wendover do not have a substantial likelihood of success in appealing the Temporary Injunction.

¹*But see Shaw v. Tampa Elec. Co.*, 949 So. 2d 1066, 1068 (Fla. 2d DCA 2007) and *SunTrust Banks, Inc. v. Cauthon & McGuigan, PLC*, 78 So. 3d 709, 711 (Fla. 1st DCA 2012) regarding the sometimes hybrid nature of the review of an order granting or denying injunctive relief.

Similarly, there is a likelihood of irreparable harm if the stay remains in effect during the appeal of this matter. Plaintiff's project is nearing completion. If tax credits are awarded to Wendover related to Hawthorne Park during the pendency of the appeal of the Temporary Injunction, Plaintiff will have been deprived of the ability to secure tax credits related to Amelia Court and that injury will be irreparable inasmuch as it is not entitled to apply for tax credits for subsequent years. Those circumstances also factor in a balancing of the parties' interests.

Additionally, permitting the stay to remain in effect would, in essence, accrue a benefit to a private entity – a stay without a bond – that it would not otherwise be entitled to, just because of the presence of the County as the would-be payor of public funds. The purposes for which Fla. R. App. P. 9.310(b)(2) exists are not furthered by maintaining the stay under such circumstances.

By virtue of all of the foregoing, and for the reasons set forth herein and in the Motion to Vacate Stay, the Court finds compelling circumstances warranting vacating of the stay. It is accordingly

ORDERED and ADJUDGED as follows:

1. The Motion to Vacate Stay is GRANTED.
2. The automatic stay imposed by Fla. R. App. P. 9.310(b)(2) during the pendency of the appeal of the Temporary Injunction is VACATED.

DONE and ORDERED at Orlando, Orange County, Florida on this 31st day of January 2019.



CHAD K. ALVARO
Circuit Judge

Copies furnished via ePortal
to Counsel of Record