

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

MARINA DEL RAY APARTMENTS,

Petitioner,

vs.

Applicant No. 2002-026CS

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

\_\_\_\_\_ /

**PETITION FOR REVIEW**

Pursuant to Section 120.569 and .57, *Florida Statutes*, and Rule 67-48.005, *Florida Administrative Code* ("F.A.C."), Petitioner, MARINA DEL RAY APARTMENTS ("Marina"), requests an administrative hearing to review and contest the FLORIDA HOUSING FINANCE CORPORATION's ("FHFC") scoring of Marina's 2002 Universal Application ("Application"). In support of this Petition, Marina provides as follows:

1. Marina is a Florida for-profit limited partnership with its address at 4243, Northlake Blvd., Suite D, Palm Beach Gardens, FL. 33410-6276. Marina is in the business of providing affordable rental housing units.
2. FHFC is the state agency delegated the authority and responsibility for administering affordable housing programs in the State of Florida pursuant to Chapter 420, F.S., and Rule 67-48, F.A.C., including the State Department Incentive Loan ("SAIL") program and Housing Tax Credit program ("HC").

3. The SAIL program lends money to developers at low interest rates and with liberal repayment terms. The SAIL funds are to be used to supplement the construction of affordable housing projects.

4. The HC program is a Federally funded program which awards project owners a dollar-for-dollar reduction in income tax liability in exchange for the acquisition and substantial reliability of new construction of low and very low income rental housing units.

5. The award of SAIL and HC funds is made through a competitive process in which project owners apply using the Universal Application.

6. The 2002 Universal Application is comprised of numerous forms, which request information of each applicant. FHFC has adopted the forms by reference in Rule 67-48.002(116), F.A.C.

7. On April 15, 2002, all applicants, including Marina, submitted Universal Applications to FHFC for review. Marina submitted its Application in an attempt to obtain funding to assist in the construction of a 100-unit affordable housing apartment complex in Citrus County, Florida.

8. On May 13, 2002, FHFC completed its preliminary review and scoring of Marina's Application. At that time, Marina was awarded a preliminary score of 73 points out of a possible 73 points.

9. Subsequent to the release of FHFC's preliminary scores, each applicant, pursuant to Rule 67-48.004(9), F.A.C., was allowed to submit to FHFC Notice of Possible Scoring Errors ("NOPSE"). The purpose was to point out errors in FHFC's

scoring of applications. Several NOPSE's were filed regarding the scoring of Marina's application.

10. In response to the NOPSE's and FHFC's preliminary review, applicants were allowed 15 days to submit revised documentation to correct any errors in their applications pursuant to Rule 67-48.004(11), F.A.C. All revised documentation was due to FHFC by June 26, 2002. Marina submitted numerous "cures" in an attempt to receive maximum points.

11. Subsequent to the submittal of revised information pursuant to Rule 67-48.004(12), F.A.C., each applicant was allowed the opportunity to provide a Notice of Alleged Deficiency in Scoring ("NOAD") with respect to the revised documentation submitted by other applicants.

12. On July 22, 2002, FHFC finalized its review of the revised documentation and NOADs and issued final scores. Marina's final score was 73 out of a possible 73 points.

13. In addition to the 73 possible points available, the Universal Application allows applicants to earn up to 7.5 tie-breaker points. The tie-breaker points are based upon the proposed project's proximity to specified local amenities, including grocery stores, public schools, medical facilities, bus or metro rail stops, and other affordable housing developments funded by FHFC.

14. Marina's position in the ranking and its ability to be awarded funding is dependent on how FHFC scores its Application. The ability to finance the proposed project will be jeopardized if funding is not obtained; accordingly, Marina's substantial

interests are affected by this proceeding. In the instant appeal, Marina is challenging FHFC's failure to award tie-breaker points for a bus stop.

15. The Universal Application beginning at page 8 of 21 requests information regarding the tie breaker. Specifically, the Universal Application asks for the proximity of a bus stop to a proposed development. Bus stop is not specifically defined by the Universal Application, the Universal Application Instructions, or Rule 67-48, F.A.C., however, the Universal Application Instructions indicate that a bus stop at least must be in existence and available for use by the general public as of the Application Deadline. Depending on the proximity of the bus stop to the proximity point, an applicant can obtain up to 1.25 tie-breaker points.

16. In an attempt to gain tie-breaker points, Marina in its initial application submitted information which indicated that Citrus County provided daily bus service at a stop located within a mile of the proposed development and, accordingly, 1.25 tie-breaker points should be awarded. FHFC initially in its preliminary scoring awarded Marina 1.25 points.

17. During the NOPSE phase of the scoring process, a NOPSE was filed which alleged that the bus service provided by Citrus County did not meet the definition of a bus stop and the award of tie-breaker points was inappropriate. FHFC agreed and reduced the number of tie-breaker points by 1.25 points..

18. In response to the NOPSE's and FHFC's rescoring, Marina attempted to explain the actual bus service being provided as more than dial-up service. Nonetheless, in its Final Score FHFC failed to award full tie breaker points. Specifically,

the 2002 Universal Scoring Summary dated July 22, 2002 indicates "Dial-A-Ride type transportation services do not qualify as a public bus or metro-rail stop for the purposes of the 2002 Universal Application". FHFC conclusion is erroneous.

19. There is no specific limitation in the Universal Application which prohibits the use of a bus service like the one provided in Citrus County for purposes of proximity points. Indeed there is no specific definition of "bus stop" other than it be in existence when the application is submitted. In more rural Counties, like Citrus, door-to-door bus transportation is the only bus service provided. Moreover, as explained in the attachment, the bus service provided by Citrus County is more than a mere dial-up service. (See Attachment A). Citrus County Transit has been owned and operated by Citrus County since 1978 and is available to the general public. Marina believes that FHFC did not intend to specifically exclude door-to-door daily bus transportation upon the finalization of the 2002 Universal Application Instructions. To do so would serve to basically eliminate affordable housing projects in rural counties like Citrus. This is true because of the competitive nature of the Universal Application process and the importance of the tiebreaker points.

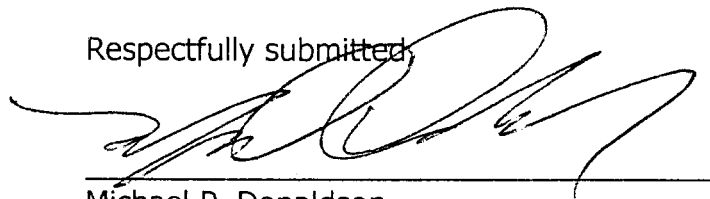
20. To the extent FHFC had intended to specifically exclude door-to-door daily bus service from the 2002 Universal Application it would have clearly stated such on page 10, Part III Section A, Subsection 11a. Marina has used an existing landmark, a bank located to the north of the property, as a stop made by Citrus County Transit for the general public. That existed as of the application deadline. Accordingly, Marina is entitled to 1.25 tie breaker points.

21. The material issues of fact and conclusions of law in the instance proceeding are as follows:

- a. Whether FHFC erred in not awarding 1.25 tiebreaker points for Marina's bus stop.
- b. Whether the Universal Application or Rule 67-48, F.A.C., define "bus stop" in a way that excludes the bus system provided by Citrus County.
- c. Whether Marina has provided information which satisfies the Universal Application.

WHEREFORE, based on the foregoing, Marina respectfully requests, to the extent the facts are undisputed, the entry of a recommended order which awards 1.25 tiebreaker points. To the extent the facts are in dispute, Marina requests a formal administrative hearing.

Respectfully submitted,



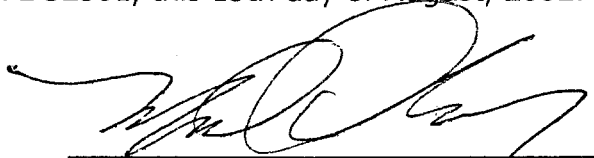
---

Michael P. Donaldson  
Florida Bar Number 802761  
CARLTON FIELDS, P.A.  
215 S. Monroe St., Suite 500  
Post Office Drawer 190  
Tallahassee, FL 32302-0190  
Telephone: (850) 224-1585  
Facsimile: (850) 222-0398

Attorneys for Petitioner,  
Marina del Ray Apartments

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed by Hand Delivery with the Agency Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, and a copy furnished by Hand Delivery to Wellington H. Meffert, II, General Counsel, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301, this 13th day of August, 2002.



Michael P. Donaldson

**DAILY BUS SERVICES**

**DAILY BUS SCHEDULES...**

Citrus County Transit operates a shared ride, door-to-door service Monday through Friday, excluding holidays. It is a non-emergency service, based on reservations and pre-set schedules. Reservations are due by 12:00 noon one business day in advance. Pick up and return times BEGIN at those times listed on schedules and may vary by up to forty-five minutes. Passengers are picked up and dropped off in order of location, which may result in increased travel time for some passengers. The one-way cost is either \$1.50 for service within the same area or \$3.00 for service from one area to another. Only one stop is included in the cost. One additional stop is permitted, if scheduled, at an additional cost of \$.50. No more than two stops are permitted. Services are available for passengers in wheelchairs. See schedules for the services available in your area.

\*Some services may require a bus transfer, and some restrictions may apply.

For more information or to make reservations, call 527-7630.

**CRYSTAL RIVER**

To: Crystal River	Days: M-F
Pick Up: 8:00 AM	Return: 11:00 AM
10:00 AM	1:30 PM
12:30 PM	3:00 PM

**To: Homosassa/Inverness/Beverly Hills\***

Pick Up: 7:00 AM	Return: 11:00 AM
9:00 AM	1:00 PM

**To: Lecanto\***

Pick Up: 7:00 AM	Return: 10:00 AM
9:00 AM	11:30 AM
	2:00 PM

**MINNETONKA**

To: Inverness	Days: M/W/F
Pick Up: 8:00 AM	Return: 3:00 PM

**To: Lecanto\***

Pick Up: 7:00 AM	Return: 11:30 AM
9:00 AM	2:00 PM

**INVERNESS**

To: Inverness	Days: M/W/F
Pick Up: 8:30 AM	Return: 11:00 AM
1:00 PM	3:00 PM

**To: Lecanto\***

Pick Up: 7:00 AM	Return: 11:30 AM
9:00 AM	2:00 PM

**To: Homo/Crystal Riv/Bev Hills/InV.\***

Pick Up: 7:00 AM	Return: 11:00 AM
9:00 AM	1:00 PM

**To: Lecanto\***

Pick Up: 7:00 AM	Return: 10:00AM
9:00 AM	11:30 AM
	2:00 PM

**To: Inverness\***

Pick Up: 7:00 AM	Return: 11:30 AM
9:00 AM	2:15 PM

**To: Lecanto\***

Pick Up: 7:00 AM	Return: 11:00 AM
	2:00 PM

**To: Inverness**

Pick Up: 8:00 AM	Return: 11:00 AM
10:00 AM	1:30 PM
12:30 PM	3:00 PM

**To: Crystal River/Homosassa/Beverly Hills\***

Pick Up: 7:00 AM	Return: 11:00 AM
9:00 AM	1:00 PM

**To: Lecanto\***

Pick Up: 7:00 AM	Return: 10:00 AM
9:00 AM	11:30 AM
	2:00 PM

**To: Beverly Hills**

Pick Up: 8:00 AM	Return: 11:00 AM
10:00 AM	1:30 PM
12:30 PM	3:00 PM

**To: Crystal River**

Pick Up: 8:00 AM	Return: 11:00 AM
12:30 PM	3:00 PM

**To: Inverness**

Pick Up: 8:00 AM	Return: 11:00 AM
12:30 PM	3:00 PM

**To: Lecanto\***

Pick Up: 7:00 AM	Return: 10:00 AM
9:00 AM	11:30 AM
	2:00 PM

**To: Crystal River**

Pick Up: 9:00 AM	Return: 11:00 AM
	1:00 PM

**To: Lecanto**

Pick Up: 7:00 AM	Return: 10:00 AM
8:30 AM	11:30 AM
10:00 AM	PM

**To: Crystal Riv/Homo/Bev Hills/Inverness**

Pick Up: 7:00 AM	Return: 11:00 AM
8:30 AM	1:00 PM
10:00 AM	



### VETERANS SERVICES

Transportation is available for local veterans traveling to the VA Hospital in Gainesville. Service is available on alternating Wednesdays & Thursdays each week from BUS STOPS located throughout the county. Advanced reservations are required and seating is limited. Call 527-7630.

### MEDICAID SERVICES

Transportation is available for eligible Medicaid recipients for medical appointments. See daily bus schedules for services available in your area or call for more information on services in your area. A \$1.00 co-payment each way may be required. Wheelchair and Stretcher services are available. Service is also available to Marion and Alachua counties on Mondays, Wednesdays, and Fridays for medical services not available within Citrus County. Call 527-7631.

### Low Income Program

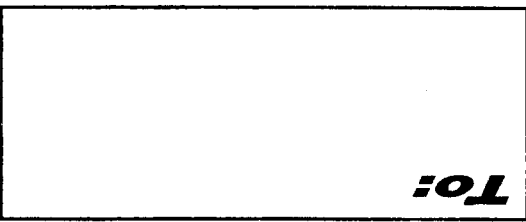
Daily services are available at no cost to low income households. An application and proof of income are required. Applications are available on buses or by mail. This program is not available to agency sponsored passengers.

### PASSENGER POLICY

Smoking, eating, drinking, weapons, and inappropriate or offensive behavior, odor, or language are NOT PERMITTED. Packages are LIMITED to 3 paper or 5 plastic shopping bags. Assistance is available for packages weighing 10 pounds or less. Passengers must be able to carry any packages weighing more than 10 pounds. Only scheduled stops will be provided. Buses must have safe and easy access. Buses cannot

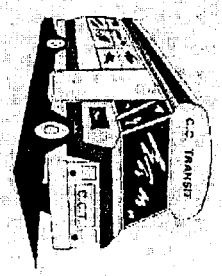
travel to locations that are unsafe or may cause damage or delay. Passengers must call to cancel any trip that is no longer needed at least 30 minutes prior to the scheduled pick up time or a \$2.00 no-show fee will be charged. No-show fees must be paid within 30 days or service may be suspended. Services may also be suspended for passengers who receive more than 3 no-show fees within a 30 day period. Only LIMITED physical assistance is available. Drivers are not trained nor permitted to provide weight supporting assistance. Passengers who are required to pay a fare box fee must pay as services are rendered. Only EXACT one-way fares are accepted. Drivers do not provide change. For more information, call 572-7630.

CITRUS COUNTY TRANSIT  
3600 W. SOVEREIGN PATH, SUITE 178  
LEGANTO, FL 34464



# CITRUS COUNTY TRANSIT

## Service Directory



Citrus County Transit (CCTD) organizes the services requested as a part of the support services division of Citrus County. CCTD is dedicated to providing safe, reliable transportation. See inside for more details. For more information, call 527-7630.