

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

THE LANDINGS ON MILLENNIA BLVD.,
2002-076S,

Petitioner,

v.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

RECEIVED
JAN 19 2002
FLORIDA HOUSING FINANCE CORPORATION

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Pursuant to Sections 120.569 and 120.57(1), Fla. Stat., and Rules 28-106.201 and 67-48.005(1), Fla. Admin. Code, Petitioner The Landings on Millennia Blvd. Partners, Ltd. hereby requests a formal administrative proceeding on Florida Housing Finance Corporation's scoring of its application for a State Apartment Incentive Loan ("SAIL"), Application No. 2002-076S, in the Year 2002 Universal Application cycle. In support of this petition, Landings on Millennia states as follows:

Parties

1. The agency affected is the Florida Housing Finance Corporation ("FHFC"), 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. FHFC has assigned Application No. 2002-076S to this matter.

2. The Petitioner is The Landings on Millennia Blvd. Partners, Ltd. ("Landings on Millennia"), whose address is 1551 Sandspur Road, Maitland, Florida 32751. For purposes of this

proceeding, Landings on Millennia's address is that of its undersigned attorney M. Christopher Bryant, Oertel, Hoffman, Fernandez & Cole, P.A., 301 S. Bronough Street, 5th Floor, Tallahassee, Florida 32301 (P. O. Box 1110, Tallahassee, Florida 32302-1110), Telephone: (850) 521-0700, Facsimile: (850) 521-0720.

Substantial Interests Affected

3. Landings on Millennia has proposed the construction of a 336-unit multi-family housing development in Orange County, Florida. Landings on Millennia has proposed to set aside 75% of the units, or 252 units, for low income residents for a period of 50 years. Landings on Millennia has estimated its total development to be \$28,237,674.42. Landings on Millennia proposes to finance \$17.8 million of this amount from the proceeds of tax-exempt and taxable bonds to be issued by the Orange County Housing Finance Authority. Landings on Millennia applied in FHFC's 2002 Universal Application cycle for a low interest SAIL loan of \$2.0 million to assist in the construction financing and permanent financing of the development.

4. As a condition of receiving a SAIL loan, Landings on Millennia has made additional commitments for residential unit amenities and tenant programs that would not be required but for the SAIL loan. In addition, as noted, Landings on Millennia has committed to a 50 year "affordability period," and to setting aside 75% of its units for low income residents, neither of which would be required without the SAIL loan. If Landings on Millennia does not receive the requested SAIL loan, it will have to obtain more expensive, conventional financing to fill the \$2.0 million financing gap to construct the development. As explained more fully in this Petition, its substantial interests are therefore affected by FHFC's scoring of its application in this competitive application process, including the calculation and award of "tie-breaker" points in the event that

Landings on Millennia achieves a score on its application that is tied with other applicants. Currently, Landings on Millennia's application has a score of 71 points, which, based on score alone, ties it with over 100 of the approximately 175 "Universal Application" applicants this year. Depending on the final ranking of Universal Applications in this cycle, Landings on Millennia's tie-breaker score may be the deciding factor in whether the development is selected for receipt of its requested SAIL loan.

Background

5. FHFC allocates several forms of financing for affordable housing, including Housing Credits, State Apartment Incentive Loans ("SAIL"), and Multi-Family Mortgage Revenue Bonds ("MMRB"). Applicants compete for the award of these forms of financing, which provide more favorable financial terms than would be available through conventional financing sources. In exchange for the receipt of such financing from FHFC, applicants enter into long-term agreements to set aside all or a portion of the residential units within such developments to low income residents, and depending on the requirements of the particular program, may also be required to limit the rents charged to amounts affordable to low income residents.

6. All three of the above-named forms of financing (Housing Credits, SAIL loans, and MMRB) were combined into a single "Universal Application Cycle" for 2002. Financing for any of these programs is sought through the use of a joint Universal Application form. SAIL and Housing Credit applicants are subject to FHFC Rule Chapter 67-48, Fla. Admin. Code, while MMRB applicants are subject to FHFC Rule Chapter 67-21, Fla. Admin. Code. The Universal Application form is incorporated by reference into FHFC's rules, as are exhibit forms to be used with the applications and a 76-page Universal Application Instruction Booklet, designated UA1016.

7. Applicants in the Universal Application Cycle are scored on the various components of their applications, such as development features and amenities, greater numbers of units set aside, resident programs, and local government support. Generally, 71 points is the maximum score that can be assigned to a Universal Application, except for additional points that can be awarded to applicants proposing participation in one of FHFC's programs for development in certain named counties, not applicable here. Because of the potential for so many applicants to achieve a "perfect" score of 71 points (and, as noted, over 100 of the 175 or so Universal Application applicants currently have a "perfect score" of 71), FHFC designed its scoring and ranking system this year to include a series of "tie-breakers."

8. One of the tie-breakers used by FHFC in this year's Universal Application Cycle involves the assignment of points based on the proximity of the development to certain off-site features. All Universal Application Cycle applicants receive up to 1.25 tie-breaker points for being within specified distances from a grocery store, and up to 1.25 points for being close to a bus stop. In addition, projects proposed as elderly housing can receive up to 1.25 proximity points for their proximity to medical facilities; and developments proposing to house families can receive up to 1.25 proximity points for location near a public school. Generally, the closer a proposed Development is to these off-site features, the higher its tie-breaker score; Applicants who are farther away lose tie-breaker points incrementally, and at some specified distance receive no tie-breaker points for that feature. For example, an applicant whose proposed development is less than one mile from a grocery store receives 1.25 points; an applicant between one and two miles receives 1.0 points; and further distances yield fewer points until applicants more than 5 miles from a grocery store receive zero grocery store proximity points.

9. In addition, in order for FHFC to avoid concentration of affordable housing in specific areas, and to encourage geographic distribution of affordable housing, all Universal Application Cycle applicants can receive up to 3.75 points for their distance from (rather than proximity to) other FHFC-financed developments serving the same demographic group as the applicant's proposed development, as identified on an FHFC Development Proximity List. Again, the actual number of points awarded depends on the applicant's distance from a listed Development. The total number of proximity points available is 7.5 points.

10. At page 10 of the Universal Application instructions, copy attached hereto as Exhibit A, FHFC has provided the following definition of "grocery store:"

Grocery Store – For purposes of tie-breaker points, a grocery store means a self-service retail market that sells food and household goods and has at least 4,500 square feet of air conditioned space.

Again, the instructions in which this definition appears are incorporated by reference into FHFC's rules.

Nature of the Controversy

11. Landings on Millennia timely submitted its 2002 Housing Credit application to FHFC on April 15, 2002. FHFC preliminarily reviewed and scored the 2002 Universal Application Cycle applications, including Landings on Millennia's, and advised Landings on Millennia on or about May 13, 2002, that its application did not meet the required "threshold" responsiveness requirements to participate in the SAIL program. FHFC also provided Landings on Millennia with a Universal Scoring Summary showing Landings on Millennia's score to be 71 points, and its tie-breaker points to total 6.25.

12. At page 7 of its application, Landings on Millennia claimed that it was within 1.0 miles of a grocery store, and was thus entitled to 1.25 proximity tie-breaker points for proximity to a grocery store. Landings on Millennia identified the grocery store that was within 1.0 miles as a Family Dollar Store, and provided the address of this grocery store as 4073 W. Oakridge Road, Orlando, Florida 32839. A copy of the page (page 7) of Landings on Millennia's application identifying this grocery store and its location is attached hereto as Exhibit B.

13. As previously noted, on or about May 13, 2002, FHFC provided Landings on Millennia a Universal Scoring Summary. On or about the same time that the information was provided to the applicant, it was also posted on FHFC's internet web site, at www.florida.org. A copy of that Universal Scoring Summary as posted on the web site, and dated 5/14/2002, is attached hereto as Exhibit C. The Scoring Summary stated that the Application did not meet threshold requirements for reasons not relevant to this petition; however, FHFC indicated in the Scoring Summary that Landings on Millennia's score, but for the threshold failures, would be 71 points, with a tie-breaker score of 6.25 points (out of a possible 7.5 tie-breaker points). As shown on Page 2 of Exhibit C, FHFC awarded Landings on Millennia 1.25 tie-breaker points for its proximity to a grocery store.

14. Subsequent to the issuance of "preliminary" scores in May, 2002, all applicants were provided the opportunity to notify the FHFC of possible scoring errors in other applications. Another applicant filed a Notice of Possible Scoring Error ("NOPSE") against Landings on Millennia, contending that a Family Dollar Store is not a grocery store. Among the arguments presented by the NOPSE filer against the Landings on Millennia application was that Family Dollar "is not a grocery store."

15. Following the submission of NOPSE's, FHFC issued a subsequent Universal Scoring Summary, on or about June 10, 2002. This Scoring Summary was also posted on FHFC's internet web site, and a copy of the posted Scoring Summary for Landings on Millennia, dated 6/10/2002, is attached hereto as Exhibit D. The June 10 Scoring Summary again showed that the application would have received a score of 71.0 but for threshold failure, and also reflected an award of 0 total tie-breaker points for reasons not relevant to this petition. As shown on Page 3 of Exhibit D, FHFC also cited as a reason for Landings on Millennia's failure to achieve proximity tie-breaker points for a grocery store that "Family Dollar is not a grocery store."

16. Pursuant to Rule 67-48.004(6), Fla. Admin. Code, Landings on Millennia took the opportunity to provide additional documentation to FHFC to address its failure to "meet threshold" and its failure to achieve full proximity tie-breaker points. This additional documentation is generally referred to as a "cure." The documentation submitted by Landings on Millennia as a cure on the grocery store issue is attached hereto as Exhibit E.

17. As to the grocery store issue, Landings on Millennia's cure provided an explanation and affidavit to support the fact that a Family Dollar Store meets the definition of a grocery store contained in FHFC's rules (via incorporation into the Universal Application Instructions). The affidavit included the following statements of fact, under oath, by an individual employed by an engineering firm in the Orlando (Winter Garden) area:

- That the store is a self-service retail market;
- That the store consists of in excess of 6,000 square feet of air conditioned space;

- That in excess of 150 linear feet of shelf space in the store was devoted to the sale of food and household goods;
- That a variety of food products were offered for sale in the store, including breakfast cereals, cereal bars, peanut butter, canned tuna and meat, jellies, condiments, canned soup, canned fruits and vegetables, canned beans, apple sauce, noodles and other pastas and pasta sauces, prepared canned pastas, rice and rice mixes, macaroni and cheese mixes, crackers, coffee and tea, salt, sugar and spices, bottled and canned juices, and powdered drink mixes.

In addition, the affidavit identified a variety of household goods offered for sale in the store, including:

- toilet paper, trash bags, sandwich bags and food storage bags, paper towels, disposable plates and napkins, disposable eating utensils, disposable diapers and wipes, laundry detergents, light bulbs, dishwashing detergents, cleaning supplies, toiletries, over-the-counter medications, and feminine hygiene products.

In addition, the affidavit included the statement that the affiant had also visited a Winn Dixie supermarket located approximately 2.2 miles from the Family Dollar Store. The affiant stated that the prices posted for the above-identified food and household goods at Family Dollar were generally as low or lower than the regular prices for the same types of products at the Winn Dixie supermarket.

18. On or about July 22, 2002, FHFC released "final" Universal Scoring Summaries for all applicants. (Although designated "final," the scoring summaries are accompanied by points of entry to request formal or informal administrative hearings.) FHFC's final Universal Scoring Summary for Landings on Millennia, which was received by Landings on Millennia via overnight delivery on July 23, 2002, is attached hereto as Exhibit F.

19. FHFC's final scoring summary for Landings on Millennia reflects that the application does meet FHFC's threshold requirements. It also showed a final score for the Landings on Millennia application of 71 points, which, based on score alone, ties it with over 100 of the more than 175 Universal Cycle applications submitted this year. The final scoring summary also reflects a restoration of tie-breaker points to Landings on Millennia's application. Landings on Millennia's final tie-breaker score is shown as 6.75 points, which includes 1.0 of a possible 1.25 points for proximity to a grocery store. Apparently, FHFC still maintains that a Family Dollar Store is not a grocery store, but FHFC appears to have awarded Landings on Millennia 1.0 points for the proximity of an alternate grocery store identified in Landings on Millennia's cure: a Publix Supermarket at 5265 John Young Parkway in Orlando, between 1 and 2 miles from the proposed development.

Notice

20. Landings on Millennia received notice via Federal Express delivery on Tuesday, July 23, 2002, of FHFC's scoring of the Landings on Millennia SAIL Credit application. This Petition is being accompanied by a completed Election of Rights form indicating its intention to file a Petition for Formal Administrative Proceedings within twenty-one days of its July 22 receipt of notice of the scoring of its application. A copy of the Election of Rights form is attached hereto as Exhibit G. Pursuant to Rule 67-48.005(1), Fla. Admin. Code, this Petition is being filed within twenty-one days of Landings on Millennia's receipt of the July 22, 2002 memorandum forwarding its score.

Disputed Issues of Material Fact

21. Landings on Millennia has initially identified the following disputed issues of material fact, which it reserves the right to supplement as additional facts become known to it:

(A) Whether the Family Dollar Store identified in the Landings on Millennia application is a self-service retail market. Landings on Millennia contends that it is.

(B) Whether the Family Dollar Store identified in the Landings on Millennia application consists of more than 4,500 square feet of air conditioned space. Landings on Millennia contends that it does.

(C) Whether the Family Dollar Store identified in Landings on Millennia's application sells food. Landings on Millennia contends that it does.

(D) Whether the Family Dollar Store identified in the Landings on Millennia application sells household goods. Landings on Millennia contends that it does.

(E) Whether the Family Dollar Store fully meets the definition of "grocery store" contained in FHFC's Universal Application Instructions. Landings on Millennia contends that it does.

(F) Whether FHFC's proposed rejection of the Family Dollar Store as a grocery store constitutes a de facto revision of its adopted definition of a grocery store to add additional criteria not set out in the adopted definition. Landings on Millennia contends that it does.

(G) Whether FHFC's reliance on non-rule criteria to reject as a grocery store a retail establishment which otherwise meets the rule definition of "grocery store" is arbitrary, capricious, and unlawful. Landings on Millennia contends that it is.

(H) Whether FHFC's determination that a Family Dollar store does not meet its rule definition of "grocery store" had any reasonable basis in law and fact at the time that position was asserted by FHFC. Landings on Millennia contends that it did not.

(I) Whether FHFC has consistently evaluated and scored (for tie-breaker point purposes) all claimed grocery stores by all applicants in this cycle. Landings on Millennia contends that it has not.

Concise Statement of Ultimate Facts

22. Landings on Millennia alleges as ultimate facts that the Family Dollar Store identified in its application is a grocery store as defined in FHFC rule; specifically, it is a self-service retail market that sells food and household goods and has at least 4,500 square feet of air conditioned space. FHFC's proposed rejection of the Family Dollar Store as a qualifying grocery store under its rules should be overturned. Landings on Millennia is entitled to this reversal of FHFC's position by Chapter 120, Fla. Stat., including but not limited to Sections 120.569 and 120.57(1); and Rule Chapters 28-106 and 67-48, Fla. Admin. Code, including but not limited to the definition of "grocery store" from page 10 of the Universal Application Instructions incorporated by reference into FHFC's rules.

Relief Sought

23. Landings on Millennia seeks entry of Recommended and Final Orders awarding it 1.25 proximity points for its proximity to a grocery store. Landings on Millennia specifically requests that this petition be promptly forwarded to the Division of Administrative Hearings within fifteen days of its filing, as required by Section 120.569(2)(a), Fla. Stat., for assignment of an administrative law judge, and the conduct of formal administrative proceedings. Landings on Millennia reserves the right to enter into a stipulation with FHFC for continuance or abeyance of this proceeding pending the outcome of other hearings and the scoring and final ranking process. Landings on Millennia also seeks such other relief as is just and proper, including but not limited to the award of attorney's fees

and costs pursuant to Section 57.111, Fla. Stat., in that FHFC's proposed rejection of the Dollar General Store as a grocery store has no reasonable basis in law and fact and is contrary to the clear and unambiguous definition of grocery store contained in its rules.

FILED and SERVED this 13 day of August, 2002.


M. CHRISTOPHER BRYANT
Fla. Bar I.D. No. 434450

OERTEL, HOFFMAN, FERNANDEZ
& COLE, P.A.
Post Office Box 1110
Tallahassee, FL 32302-1110
Telephone: (850) 521-0700
Facsimile: (850) 521-0720
Attorneys for Petitioner
The Landings on Millennium Blvd. Partners, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed by HAND-DELIVERY with the Clerk, Florida Housing Finance Corporation, c/o KERRI CARPENTER, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, this 13th day of August, 2002.


Attorney

MCB/dg/2624-1
LandingsonMillenniaPetition.Pld

**INDEX OF EXHIBITS TO PETITION OF
LANDINGS ON MILLENNIA, 2002-076S**

- Exhibit A Page 10 of FHFC's Universal Application Instructions
- Exhibit B Page 7 of Landings on Millennia's application, submitted April 15, 2002
- Exhibit C Universal Scoring Summary for Landings on Millennia, dated May 13, 2002
- Exhibit D Universal Scoring Summary for Landings on Millennia, dated June 10, 2002
- Exhibit E "Cure" submitted by Landings on Millennia on grocery store issue on June 26, 2002
- Exhibit F "Final" Universal Scoring Summary for Landings on Millennia, dated July 22, 2002
- Exhibit G Election of Rights form

a. Proximity to services (Maximum 3.75 tie-breaker points):

Utilizing Street Atlas USA, version 9.0, published by DeLorme, measure the distance from the Tie-Breaker Measurement Point to the following service(s). If an Address for the service(s) is not included on Street Atlas USA, Version 9.0, the latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled “**Exhibit 21**”. The latitude and longitude coordinates must be located at the main entrance used by the general public.

If an Applicant concludes upon entering an Address for a service (Grocery Store, Public School or Medical Facility) into the Street Atlas USA, Version 9, software that the software fails to identify a location that is on a service site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the service in question; (2) that the Street Atlas USA, Version 9, software fails to identify a location that is on the service site upon entering the service’s Address; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three decimal places) for the respective service. The surveyor’s certification must be signed and dated by the surveyor under oath.

To be considered for tie-breaker points in this Application, the grocery store, public school or medical facility, and public bus stop or metro-rail stop must be in existence and available for use by the general public as of the Application Deadline.

- (1) Name and Address as assigned by the United States Postal Service of the closest:
 - (a) Grocery Store - For purposes of tie-breaker points, a grocery store means a self-service retail market that sells food and household goods and has at least 4,500 square feet of air conditioned space.
 - (b) Public School - For purposes of tie-breaker points, a public school means a public elementary, middle, junior and/or high school, including a charter school, except that a charter school that is not

10. Development Status

a. Has Rehabilitation/Substantial Rehabilitation or New Construction work commenced?

Yes No

(1) If "Yes" and Application is for New Construction, when were the building permits issued?

(2) If "Yes" and Application is for Rehabilitation/Substantial Rehabilitation, when did the work commence?

b. Is the Development complete?

Yes No

If "Yes", when were the certificates of occupancy issued?

If certificates of occupancy were issued on more than one date, provide a listing of the issue-date for each building behind a tab labeled "Exhibit 20".

c. Are any of the units occupied?

Yes No

d. If the proposed Development is not yet complete, what is the anticipated placed-in-service date?

9/30/04

11. Proximity

a. Provide the Surveyor Certification Form and map, including all required information, behind a tab labeled "Exhibit 21".

b. Proximity to Services (Maximum 3.75 Tie-Breaker Points):

(1) Will the proposed Development be located within 5 miles of a grocery store?

Yes (check only ONE applicable distance) No

Proximity of Proposed Development to a grocery store	Proximity Tie-Breaker Points
<input checked="" type="checkbox"/> > 0 and < or equal to 1.0 mile	1.25
<input type="checkbox"/> > 1.0 and < or equal to 2.0 miles	1
<input type="checkbox"/> > 2.0 and < or equal to 3.0 miles	.75
<input type="checkbox"/> > 3.0 and < or equal to 4.0 miles	.5
<input type="checkbox"/> > 4.0 and < or equal to 5.0 miles	.25

Name of grocery store: Family Dollar

Address of grocery store:

Street: 4073 W. Oakridge Rd.

City: Orlando State: FL Zip Code: 32839

(2) If the proposed Development will serve any demographic group other than Elderly, i.e., the Applicant selected any Demographic or Area Commitment in this Application other than Elderly, will it be located within 5 miles of a public school?

2002 Universal Scoring Summary

As of: 05/13/2002

File # 2002-076S

Development Name: The Landings on Millenia Blvd. Apartments

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit *	SAIL as Percentage of Total Development Cost
05 - 13 - 2002	71	N	6.25	\$54,563.49	7.08%
Preliminary	71	N	6.25	\$54,563.49	7.08%
NOPSE	0	N	0		0
Final	0	N	0		0
Post-Appeal	0	N	0		0

*Corporation funding includes Local Government-issued tax-exempt bond financing

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
1S	III	A	2.b	If SAIL Application for Development in one of these counties where no SAIL Application has ever been funded: Bay, Citrus, Leon, Nassau, Okaloosa, Okeechobee, St. Lucie or Santa Rosa	2	0	0	0	0
Optional Features & Amenities:									
2S	III	B	2.a	New Construction	9	9	0	0	0
2S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
3S	III	B	2.c	All Developments Except SRO	12	12	0	0	0
3S	III	B	2.d	SRO Developments	12	0	0	0	0
4S	III	B	2.e	Energy Conservation Features	9	9	0	0	0
Demographic or Area Commitment:									
5S	III	D	1.	Florida Keys Area	7	0	0	0	0
5S	III	D	2.	RD 515 or RD 514/516	5	0	0	0	0
5S	III	D	3.	Elderly	5	0	0	0	0
5S	III	D	4.	Farmworker/Commercial Fishing Worker	5	0	0	0	0
5S	III	D	5.	Homeless	5	0	0	0	0
5S	III	D	6.	Urban In-Fill	5	0	0	0	0
5S	III	D	7.	Large Family	5	5	0	0	0
5S	III	D	8.	HOPE VI	5	0	0	0	0
5S	III	D	9.	Front Porch Florida	5	0	0	0	0

2002 Universal Scoring Summary

As of: 05/13/2002

File # 2002-076S

Development Name: The Landings on Millenia Blvd. Apartments

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
6S	III	E	2.	Set-Aside Commitment: Commitment to Serve Lower AMI	5	5	0	0	0
7S	III	E	3.	Total Set-Aside Commitment	3	3	0	0	0
8S	III	E	4.	Affordability Period	5	5	0	0	0
9S	III	F	1.	Resident Programs: Programs for Non-Elderly & Non-Homeless	6	6	0	0	0
9S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
9S	III	F	3.	Programs for Elderly	6	0	0	0	0
10S	III	F	4.	Programs for All Developments	8	8	0	0	0
11S	IV		a.	Local Government Support Contributions	5	5	0	0	0
12S	IV		b.	Incentives	4	4	0	0	0

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded as Result
1S	The proposed Development is not located in one of the stated counties.	Preliminary	
5S	The proposed Development is not located in the Florida Keys Area.	Preliminary	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V	B		AmerUS Capital Management Equity Commitment	Applicant failed to provide the required reference letter for the purchaser of the housing credits. As such, the equity commitment was not scored firm or used as a source of financing. Also, this resulted in the Applicant not having enough sources to cover uses. A financing shortfall of \$4,298,046 for construction and for permanent financing resulted.	Preliminary	
2T	III	C	2.c.	Ground Lease	Ground Lease was not executed.	Preliminary	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal

2002 Universal Scoring Summary

As of: 05/13/2002

File # 2002-076S

Development Name: The Landings on Millenia Blvd. Apartments

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal
1P	III	A	11.b.(1).	Grocery Store	1.25	1.25	0	0	0
2P	III	A	11.b.(2).	Public School	1.25	1.25	0	0	0
2P	III	A	11.b.(3).	Medical Facility	1.25	0	0	0	0
3P	III	A	11.b.(4).	Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
4P	III	A	11.c.	Address/Location on FHFC Development Proximity List	3.75	3.75	0	0	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result	Rescinded as Result
3P	Proximity Tie-Breaker Points selected by the Applicant were adjusted based on FHFC verification.	Preliminary	

2002 Universal Scoring Summary

As of: 06/10/2002

Development Name: The Landings on Millenia Blvd. Apartments

File # 2002-076S

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit *	SAIL as Percentage of Total Development Cost
06 - 10 - 2002	71	N	0	\$54,563.49	7.08%
Preliminary	71	N	6.25	\$54,563.49	7.08%
NOPSE	71	N	0	\$54,563.49	7.08%
Final	0	N	0		0
Post-Appeal	0	N	0		0

*Corporation funding includes Local Government-issued tax-exempt bond financing

Scores:

Item #	Part Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
1S	III	A	2.b	2	0	0	0	0
If SAIL Application for Development in one of these counties where no SAIL Application has ever been funded: Bay, Citrus, Leon, Nassau, Okaloosa, Okeechobee, St. Lucie or Santa Rosa								
Optional Features & Amenities:								
2S	III	B	2.a	9	9	9	9	0
2S	III	B	2.b	9	0	0	0	0
3S	III	B	2.c	12	12	12	12	0
3S	III	B	2.d	12	0	0	0	0
4S	III	B	2.e	9	9	9	9	0
Demographic or Area Commitment:								
5S	III	D	1.	7	0	0	0	0
5S	III	D	2.	5	0	0	0	0
5S	III	D	3.	5	0	0	0	0
5S	III	D	4.	5	0	0	0	0
5S	III	D	5.	5	0	0	0	0
5S	III	D	6.	5	0	0	0	0
5S	III	D	7.	5	5	5	5	0
5S	III	D	8.	5	0	0	0	0
5S	III	D	9.	5	0	0	0	0

2002 Universal Scoring Summary

As of: 06/10/2002

File # 2002-076S

Development Name: The Landings on Millenia Blvd. Apartments

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
6S	III	E	2.	Set-Aside Commitment: Commitment to Serve Lower AMI	5	5	5	0	0
7S	III	E	3.	Total Set-Aside Commitment	3	3	3	0	0
8S	III	E	4.	Affordability Period	5	5	5	0	0
Resident Programs:									
9S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	0	0
9S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
9S	III	F	3.	Programs for Elderly	6	0	0	0	0
10S	III	F	4.	Programs for All Developments	8	8	8	0	0
Local Government Support									
11S	IV		a.	Contributions	5	5	5	0	0
12S	IV		b.	Incentives	4	4	4	0	0

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded as Result
1S	The proposed Development is not located in one of the stated counties.	Preliminary	
5S	The proposed Development is not located in the Florida Keys Area.	Preliminary	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V	B		AmerUS Capital Management Equity Commitment	Applicant failed to provide the required reference letter for the purchaser of the housing credits. As such, the equity commitment was not scored firm or used as a source of financing. Also, this resulted in the Applicant not having enough sources to cover uses. A financing shortfall of \$4,298,046 for construction and for permanent financing resulted.	Preliminary	
2T	III	C	2.c.	Ground Lease	Ground Lease was not executed.	Preliminary	

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal

2002 Universal Scoring Summary

As of: 06/10/2002

File # 2002-076S

Development Name: The Landings on Millenia Blvd. Apartments

Proximity Tie-Breaker Points:

Item #	Part Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal
1P	III	A	11.b.(1). Grocery Store	1.25	1.25	0	0	0
2P	III	A	11.b.(2). Public School	1.25	1.25	0	0	0
2P	III	A	11.b.(3). Medical Facility	1.25	0	0	0	0
3P	III	A	11.b.(4). Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
4P	III	A	11.c. Address/Location on FHFC Development Proximity List	3.75	3.75	0	0	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	Evidence submitted with a NOPSE indicates that the Tie-Breaker Measurement Point cannot be located within 100 feet of a residential building and therefore is not a valid Tie-Breaker Measurement Point. The Tie-Breaker Measurement Point is not located on the true Development Site; it is located at the end of a long, narrow stretch of land designed for the apparent purpose of gaining points that the Applicant would not otherwise be entitled to. In addition, Family Dollar is not a grocery store.	NOPSE	
2P	Evidence submitted with a NOPSE indicates that the Tie-Breaker Measurement Point cannot be located within 100 feet of a residential building and therefore is not a valid Tie-Breaker Measurement Point. The Tie-Breaker Measurement Point is not located on the true Development site; it is located at the end of a long, narrow stretch of land designed for the apparent purpose of gaining points that the Applicant would not otherwise be entitled to.	NOPSE	
3P	Proximity Tie-Breaker Points selected by the Applicant were adjusted based on FHFC verification.	Preliminary	
3P	Evidence submitted with a NOPSE indicates that the Tie-Breaker Measurement Point cannot be located within 100 feet of a residential building and therefore is not a valid Tie-Breaker Measurement Point. The Tie-Breaker Measurement Point is not located on the true Development site; it is located at the end of a long, narrow stretch of land designed for the apparent purpose of gaining points that the Applicant would not otherwise be entitled to.	NOPSE	
4P	Evidence submitted with a NOPSE indicates that the Tie-Breaker Measurement Point cannot be located within 100 feet of a residential building and therefore is not a valid Tie-Breaker Measurement Point. The Tie-Breaker Measurement Point is not located on the true Development site; it is located at the end of a long, narrow stretch of land designed for the apparent purpose of gaining points that the Applicant would not otherwise be entitled to. Additionally, exclusion for contiguous properties owned by the same financial beneficiaries is not applicable.	NOPSE	

2002 CURE FORM

**(Submit a SEPARATE form for EACH reason
relative to EACH Application Part, Section, Subsection and Exhibit)**

This cure form is being submitted with regard to Application No. 2002-076S and pertains to:

Part III Section A Subsection 11.b.(1). Exhibit No. _____ (if applicable)

The attached information is submitted in response to the 2002 Universal Scoring Summary or Home Rental Scoring Summary because:

- I. Preliminary Scoring and/or a NOPSE resulted in the imposition of a failure to achieve maximum points, a failure to achieve tie-breaker points selected, and/or failure to achieve threshold relative to this form. Check applicable item(s) below:

	2002 Universal or HOME Rental Scoring Summary	Created by:	
		Preliminary Scoring	NOPSE
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Threshold Failed	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason for Failure to Achieve Proximity Tie-Breaker Points Selected (Universal Application Only)	Item No. <u>1P</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

OR

- II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a "cure" to Part _____ Section _____ Subsection _____ Exhibit _____, as applicable).

**Brief Statement of Explanation for Cure
For Application 2002- 076S**

Provide a separate brief statement for each Cure.

The Applicant is submitting Exhibit 50, in regard to Part III, Section A, 11.b.(1) of the 2002 Universal Application for The Landings on Millenia Blvd. Apartments, in order to cure and maximize the Applicant's Proximity Tie-Breaker Points.

The Applicant was not given proximity points (as a result of a NOPSE), for the proposed Development being located within 5 miles of a grocery store, because Florida Housing did not consider the grocery store, identified by the Applicant, as appropriate.

Exhibit 50 provides an Affidavit which testifies that the grocery store, Family Dollar, does in fact meet Florida Housing's definition of a "Grocery Store" as defined on page 10 of the Universal Application Instructions.

Therefore, the grocery store as identified by the Applicant does qualify by definition of Florida Housing and the Applicant should receive maximum Proximity Tie-Breaker Points for the proximity of the proposed Development to a grocery store.

Furthermore, if it is determined that the Grocery Store Proximity Tie-Breaker Points are based on some other, non-rule definition of what a "Grocery Store" is (i.e. typical Supermarkets such as: Publix, Winn Dixie, Albertsons, etc.) outside of the definition provided on page 10 1(a) of the Universal Application Instructions, then the Publix Supermarket located at 5265 South John Young Parkway, Orlando, Florida 32839, within 1-2 miles of the proposed Development, should be utilized to permit the Applicant to maximize the Application's score.

REVISED

10. Development Status

a. Has Rehabilitation/Substantial Rehabilitation or New Construction work commenced?
 Yes No

(1) If "Yes" and Application is for New Construction, when were the building permits issued?

(2) If "Yes" and Application is for Rehabilitation/Substantial Rehabilitation, when did the work commence?

b. Is the Development complete?

Yes No

If "Yes", when were the certificates of occupancy issued?

If certificates of occupancy were issued on more than one date, provide a listing of the issue-date for each building behind a tab labeled "Exhibit 20".

c. Are any of the units occupied?

Yes No

d. If the proposed Development is not yet complete, what is the anticipated placed-in-service date?
9/30/04

11. Proximity

a. Provide the Surveyor Certification Form and map, including all required information, behind a tab labeled "Exhibit 21".

b. Proximity to Services (Maximum 3.75 Tie-Breaker Points):

(1) Will the proposed Development be located within 5 miles of a grocery store?

Yes (check only ONE applicable distance) No

Proximity of Proposed Development to a grocery store	Proximity Tie-Breaker Points
<input checked="" type="checkbox"/> > 0 and < or equal to 1.0 mile	1.25
<input type="checkbox"/> > 1.0 and < or equal to 2.0 miles	1
<input type="checkbox"/> > 2.0 and < or equal to 3.0 miles	.75
<input type="checkbox"/> > 3.0 and < or equal to 4.0 miles	.5
<input type="checkbox"/> > 4.0 and < or equal to 5.0 miles	.25

Name of grocery store: Family Dollar *

Address of grocery store:

Street: 4073 West Oakridge Road

City: Orlando

State: FL

Zip Code: 32839

* Please See Exhibit 50 for information as to why the Family Dollar meets Florida Housing's definition of "Grocery Store".

(2) If the proposed Development will serve any demographic group other than Elderly, i.e., the Applicant selected any Demographic or Area Commitment in this Application other than Elderly, will it be located within 5 miles of a public school?

FROM

(FRI) 6 21 2002 16:31/ST. 16:31/NO. 5011427710 P

STATE OF FLORIDA
COUNTY OF ORANGE

REVISED

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared E. Glenn Turner, personally known to me, who being first duly sworn deposes and says:

1. My name is E. Glenn Turner, and I am employed Allen & Company, located at 16 East Plant Street, Winter Garden, Florida.
2. On June 21, 2002, I visited the Family Dollar store located at 4073 W. Oakridge Road, Orlando, Florida. The purpose of my visit to the store was to determine if the store met the FHFC definition of a grocery store, as set forth on page 10 of the 2002 FHFC Universal Application Instructions (copy attached). That definition is "a self-service retail market that sells food and household goods and has at least 4,500 square feet of air conditioned space."
3. The store is a self-service retail market. Customers select items from shelves and present them at checkout counters at the front of the store for purchase.
4. The store consists of in excess of 6,000 square feet of air conditioned space. I determined the approximate square footage by pacing off the interior dimensions of the store.
5. In excess of 150 linear feet of shelf space in the store was dedicated to the sale of food and household goods.
6. The food products offered for sale in the store included:

Breakfast Cereal
Cereal Bars and Granola Bars
Pop Tarts
Peanut Butter
Canned Tuna

REVISED

Canned Meat
Jellies
Condiments (Ketchup, Mustard, and Mayonnaise)
Canned Soup
Canned Fruits
Canned Vegetables
Canned Beans
Apple Sauce
Spaghetti Noodles and Other Pastas
Egg Noodles
Spaghetti Sauce
Prepared Canned Pastas
Rice and Rice Mixes
Macaroni and Cheese Mixes
Crackers
Cookies
Chips
Microwave Popcorn
Cake Mixes
Coffee and Tea
Salt, Sugar and Spices
Bottled and Canned Juices
Powered Drink Mixes
Soft Drinks

7. The household goods offered for sale in the store included:

Toilet Paper
Trash Bags
Sandwich Bags and Food Storage Bags
Paper Towels
Disposable Plates, Napkins, and Eating Utensils
Disposable Diapers and Wipes
Laundry Detergent (Powders and Liquids)
Light Bulbs
Powdered and Liquid Dishwashing Detergent
Cleaning Supplies
Toiletries (Bath Soap, Shampoo, Toothpaste, Toothbrushes, Shaving Supplies, Etc.)
Over-The-Counter Medications and Home Medical Supplies (Pain Relievers, Cold and Cough Medicine, Band-Aids, Etc.)
Feminine Hygiene Products

FROM

(FRI) 6 21 2002 16:32/ST. 16:31/NO. 5011427710 P

REVISED

8. I also visited a Winn Dixie supermarket located at 7031 S. Orange Blossom Trail, Orlando, Fl approximately 2.2 miles from the Family Dollar. The prices posted for the above identified food and household goods at Family Dollar were generally as low or lower than the regular prices for the same types of products at the Winn Dixie supermarket.

Further Affiant sayeth naught.

E. Glenn Turner

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 21 day of June, 2002, by E. Glenn Turner, who is personally known to me or who produce _____ as identification, and who took an oath.

Juan E. Nelson
Notary Public
My commission expires:

 Juan E Nelson
My Commission CC372100
Expires October 06 2004

MCB/dg/2624-1
2624-1A.affidavitFamilyDollar.P1d

REVISED

a. Proximity to services (Maximum 3.75 tie-breaker points):

Utilizing Street Atlas USA, version 9.0, published by DeLorme, measure the distance from the Tie-Breaker Measurement Point to the following service(s). If an Address for the service(s) is not included on Street Atlas USA, Version 9.0, the latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled "Exhibit 21". The latitude and longitude coordinates must be located at the main entrance used by the general public.

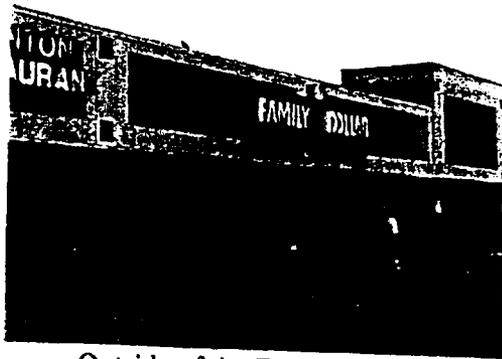
If an Applicant concludes upon entering an Address for a service (Grocery Store, Public School or Medical Facility) into the Street Atlas USA, Version 9, software that the software fails to identify a location that is on a service site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the service in question; (2) that the Street Atlas USA, Version 9, software fails to identify a location that is on the service site upon entering the service's Address; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three decimal places) for the respective service. The surveyor's certification must be signed and dated by the surveyor under oath.

To be considered for tie-breaker points in this Application, the grocery store, public school or medical facility, and public bus stop or metro-rail stop must be in existence and available for use by the general public as of the Application Deadline.

- (1) Name and Address as assigned by the United States Postal Service of the closest:
 - (a) Grocery Store - For purposes of tie-breaker points, a grocery store means a self-service retail market that sells food and household goods and has at least 4,500 square feet of air conditioned space.
 - (b) Public School - For purposes of tie-breaker points, a public school means a public elementary, middle, junior and/or high school, including a charter school, except that a charter school that is not

REVISED

The Landings on Millenia Blvd. Apartments
Pictures of the Family Dollar Store



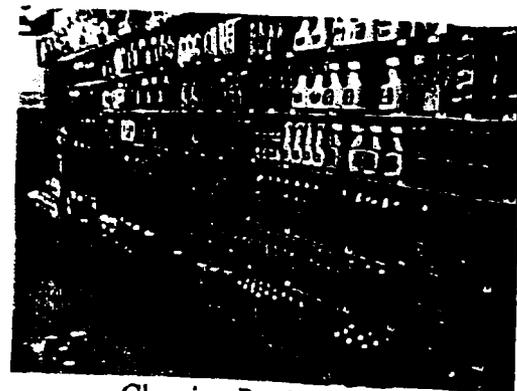
Outside of the Family Dollar



Cereal



Aisle of Canned Food



Cleaning Products and
Other Household Goods



Snacks, Juice and Soda

2002 Universal Scoring Summary

As of: 07/22/2002

File # 2002-076S

Development Name: The Landings on Millenia Blvd. Apartments

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit *	SAIL as Percentage of Total Development Cost
07 - 22 - 2002	71	Y	6.75	\$54,563.49	7.08%
Preliminary	71	N	6.25	\$54,563.49	7.08%
NOPSE	71	N	0	\$54,563.49	7.08%
Final	71	Y	6.75	\$54,563.49	7.08%
Post-Appeal	0	Y	0		0

*Corporation funding includes Local Government-issued tax-exempt bond financing

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
1S	III	A	2.b	If SAIL Application for Development in one of these counties where no SAIL Application has ever been funded: Bay, Citrus, Leon, Nassau, Okaloosa, Okeechobee, St. Lucie or Santa Rosa	2	0	0	0	0
Optional Features & Amenities:									
2S	III	B	2.a	New Construction	9	9	9	9	0
2S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
3S	III	B	2.c	All Developments Except SRO	12	12	12	12	0
3S	III	B	2.d	SRO Developments	12	0	0	0	0
4S	III	B	2.e	Energy Conservation Features	9	9	9	9	0
Demographic or Area Commitment:									
5S	III	D	1.	Florida Keys Area	7	0	0	0	0
5S	III	D	2.	RD 515 or RD 514/516	5	0	0	0	0
5S	III	D	3.	Elderly	5	0	0	0	0
5S	III	D	4.	Farmworker/Commercial Fishing Worker	5	0	0	0	0
5S	III	D	5.	Homeless	5	0	0	0	0
5S	III	D	6.	Urban In-Fill	5	0	0	0	0
5S	III	D	7.	Large Family	5	5	5	5	0
5S	III	D	8.	HOPE VI	5	0	0	0	0
5S	III	D	9.	Front Porch Florida	5	0	0	0	0

2002 Universal Scoring Summary

As of: 07/22/2002

Development Name: The Landings on Millenia Blvd. Apartments

File # 2002-076S

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
6S	III	E	2.	Set-Aside Commitment: Commitment to Serve Lower AMI	5	5	5	5	0
7S	III	E	3.	Total Set-Aside Commitment	3	3	3	3	0
8S	III	E	4.	Affordability Period	5	5	5	5	0
Resident Programs:									
9S	III	F	1.	Programs for Non-Elderly & Non-Homeless	6	6	6	6	0
9S	III	F	2.	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
9S	III	F	3.	Programs for Elderly	6	0	0	0	0
10S	III	F	4.	Programs for All Developments	8	8	8	8	0
Local Government Support									
11S	IV		a.	Contributions	5	5	5	5	0
12S	IV		b.	Incentives	4	4	4	4	0

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded as Result
1S	The proposed Development is not located in one of the stated counties.	Preliminary	
5S	The proposed Development is not located in the Florida Keys Area.	Preliminary	

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V	B		AmerUS Capital Management Equity Commitment	Applicant failed to provide the required reference letter for the purchaser of the housing credits. As such, the equity commitment was not scored firm or used as a source of financing. Also, this resulted in the Applicant not having enough sources to cover uses. A financing shortfall of \$4,298,046 for construction and for permanent financing resulted.	Preliminary	Final
2T	III	C	2.c.	Ground Lease	Ground Lease was not executed.	Preliminary	Final

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal

2002 Universal Scoring Summary

As of: 07/22/2002

Development Name: The Landings on Millenia Blvd. Apartments

File # 2002-076S

Proximity Tie-Breaker Points:		Available	Preliminary	NOPSE	Final	Post-Appeal
Item #	Part/Section/Subsection/Description					
1P	III A 11.b.(1). Grocery Store	1.25	1.25	0	1	0
2P	III A 11.b.(2). Public School	1.25	1.25	0	1.25	0
2P	III A 11.b.(3). Medical Facility	1.25	0	0	0	0
3P	III A 11.b.(4). Bus Stop or Metro-Rail Stop	1.25	0	0	0.75	0
4P	III A 11.c. Address/Location on FHFC Development Proximity List	3.75	3.75	0	3.75	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:		Created As Result of	Rescinded as Result of
Item #	Reason(s)		
1P	Evidence submitted with a NOPSE indicates that the Proximity Tie-Breaker Point cannot be located within 100 feet of a residential building and therefore is not a valid Tie-Breaker Point. The Tie-Breaker Measurement Point is not located on the true Development Site; it is located at the end of a long, narrow stretch of land designed for the apparent purpose of gaining points that the Applicant would not otherwise be entitled to. Family Dollar is not a grocery store.	NOPSE	Final
2P	Evidence submitted with a NOPSE indicates that the Proximity Tie-Breaker Point cannot be located within 100 feet of a residential building and therefore is not a valid Tie-Breaker Point. The Tie-Breaker Measurement Point is not located on the true Development site; it is located at the end of a long, narrow stretch of land designed for the apparent purpose of gaining points that the Applicant would not otherwise be entitled to.	NOPSE	Final
3P	Proximity Tie-Breaker Points selected by the Applicant were adjusted based on FHFC verification.	Preliminary	Final
3P	Evidence submitted with a NOPSE indicates that the Proximity Tie-Breaker Point cannot be located within 100 feet of a residential building and therefore is not a valid Tie-Breaker Point. The Tie-Breaker Measurement Point is not located on the true Development site; it is located at the end of a long, narrow stretch of land designed for the apparent purpose of gaining points that the Applicant would not otherwise be entitled to.	NOPSE	Final
4P	Evidence submitted with a NOPSE indicates that the Proximity Tie-Breaker Point cannot be located within 100 feet of a residential building and therefore is not a valid Tie-Breaker Point. Additionally, exclusion for contiguous properties owned by the same financial beneficiaries is not applicable. The Tie-Breaker Measurement Point is not located on the true Development site; it is located at the end of a long, narrow stretch of land designed for the apparent purpose of gaining points that the Applicant would not otherwise be entitled to.	NOPSE	Final

ELECTION OF RIGHTS

Application Number: 2002- 076S Development Name: The Landings on Millennia Blvd.

1. I do not desire a proceeding.
2. I elect an informal proceeding to be conducted in accordance with Sections 120.569 and 120.57(2), Florida Statutes. In this regard I desire to (Choose one):
- submit a written statement and documentary evidence; or
- attend an informal hearing to be held in Tallahassee.

Note: Rule 28-106.301, Florida Administrative Code, requires Applicant to submit a petition in a prescribed format. (attached)

3. I elect a formal proceeding at the Division of Administrative Hearings. This option is available only if there are disputed issues of material fact.

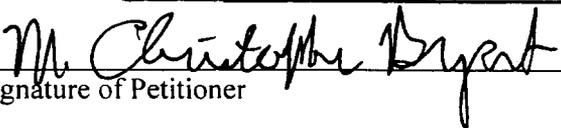
Note: Applicant must submit an appropriate petition in accordance with Rule 28-106.201, Florida Administrative Code. (attached)

Following are my top eight preferences, in order from 1-8 (with 1 being my first choice, etc.) for scheduling my informal hearing. Formal hearings will be scheduled by the Division of Administrative Hearings.

Hearing Dates:	A.M.	P.M.	Hearing Dates:	A.M.	P.M.	Hearing Dates:	A.M.	P.M.
August 29, 2002	___	___	September 9, 2002	___	___	September 17, 2002	___	___
August 30, 2002	___	___	September 10, 2002	___	___	September 18, 2002	___	___
September 3, 2002	___	___	September 11, 2002	___	___	September 19, 2002	___	___
September 4, 2002	___	___	September 12, 2002	___	___	September 20, 2002	___	___
September 5, 2002	___	___	September 13, 2002	___	___			
September 6, 2002	___	___	September 16, 2002	___	___			

Please fax a Hearing Schedule to me at this fax number: () _____

DATE: August 13, 2002


Signature of Petitioner

Name: M. Christopher Bryant

Oertel, Hoffman, Fernandez & Cole, P.A.

Address: 301 S. Bronough St., Fifth Floor

P. O. Box 1110

Tallahassee, FL 32302-1110

Phone: (850) 521-0700

Fax: (850) 521-0720

TO PRESERVE YOUR RIGHT TO A PROCEEDING, YOU MUST RETURN THIS FORM WITHIN (21) DAYS OF RECEIPT OF THIS NOTICE TO THE FLORIDA HOUSING FINANCE CORPORATION AT THE ADDRESS INDICATED IN THE NOTICE OF RIGHTS. TO FACILITATE THE SCHEDULING OF HEARINGS, THIS FORM MAY BE SUBMITTED PRIOR TO FILING A PETITION.

ELECTION OF RIGHTS

Application Number: 2002- 076S Development Name: The Landings on Millennia Blvd.

- 1. I do not desire a proceeding.
- 2. I elect an informal proceeding to be conducted in accordance with Sections 120.569 and 120.57(2), Florida Statutes. In this regard I desire to (Choose one):
 - submit a written statement and documentary evidence; or
 - attend an informal hearing to be held in Tallahassee.

Note: Rule 28-106.301, Florida Administrative Code, requires Applicant to submit a petition in a prescribed format. (attached)

- 3. I elect a formal proceeding at the Division of Administrative Hearings. This option is available only if there are disputed issues of material fact.

Note: Applicant must submit an appropriate petition in accordance with Rule 28-106.201, Florida Administrative Code. (attached)

Following are my top eight preferences, in order from 1-8 (with 1 being my first choice, etc.) for scheduling my informal hearing. Formal hearings will be scheduled by the Division of Administrative Hearings.

Hearing Dates:	<u>A.M.</u>	<u>P.M.</u>	Hearing Dates:	<u>A.M.</u>	<u>P.M.</u>	Hearing Dates:	<u>A.M.</u>	<u>P.M.</u>
August 29, 2002	___	___	September 9, 2002	___	___	September 17, 2002	___	___
August 30, 2002	___	___	September 10, 2002	___	___	September 18, 2002	___	___
September 3, 2002	___	___	September 11, 2002	___	___	September 19, 2002	___	___
September 4, 2002	___	___	September 12, 2002	___	___	September 20, 2002	___	___
September 5, 2002	___	___	September 13, 2002	___	___			
September 6, 2002	___	___	September 16, 2002	___	___			

Please fax a Hearing Schedule to me at this fax number: () _____

DATE: August 13, 2002

M. Christopher Bryant
Signature of Petitioner

Name: M. Christopher Bryant

Oertel, Hoffman, Fernandez & Cole, P.A.

Address: 301 S. Bronough St., Fifth Floor
P. O. Box 1110
Tallahassee, FL 32302-1110

Phone: (850) 521-0700

Fax: (850) 521-0720

RECEIVED
FLORIDA HOUSING
FINANCE CORPORATION
AUG 13 2002 1:20 PM

TO PRESERVE YOUR RIGHT TO A PROCEEDING, YOU MUST RETURN THIS FORM WITHIN (21) DAYS OF RECEIPT OF THIS NOTICE TO THE FLORIDA HOUSING FINANCE CORPORATION AT THE ADDRESS INDICATED IN THE NOTICE OF RIGHTS. TO FACILITATE THE SCHEDULING OF HEARINGS, THIS FORM MAY BE SUBMITTED PRIOR TO FILING A PETITION.