

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

LULAV SQUARE APARTMENTS  
LIMITED PARTNERSHIP,

Petitioner,

vs.

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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Case No: 2012-039UC  
FHFC Applic. #2011-126C

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FLORIDA HOUSING  
FINANCE CORPORATION

**PETITION FOR INFORMAL  
ADMINISTRATIVE PROCEEDING**

Petitioner, LULAV SQUARE APARTMENTS LIMITED PARTNERSHIP (“Lulav Square”), pursuant to Sections 120.569 and 120.57(2), Florida Statutes, and Rules 28-106.301 and 67-48.005(5), Florida Administrative Code (“F.A.C.”), hereby requests an informal administrative proceeding to challenge the incorrect scoring and ranking by Respondent, the FLORIDA HOUSING FINANCE CORPORATION (“FHFC”), of several competing applications for funding in the 2011 Universal Cycle. The challenged actions resulted in FHFC denying Lulav Square its requested tax credit funding, thereby materially and adversely affecting Lulav Square’s substantial interests. In support of its Petition, Lulav Square states as follows:

1. The name and address of the agency affected by this action are:

Florida Housing Finance Corporation  
City Center Building, Suite 5000  
227 N. Bronough Street  
Tallahassee, Florida 32301-1329

2. The address and telephone number of the Petitioner are:

Lulav Square Apartments Limited Partnership  
2206 Jo-An Drive  
Sarasota, FL 34231  
Telephone No. (941) 929-1270

3. The name, address, telephone number, and fax number of the Petitioner's attorney, which will be the Petitioner's address for service purposes during the course of this proceeding, are:

Warren Husband  
Metz, Husband & Daughton, P.A.  
P.O. Box 10909  
Tallahassee, Florida 32302-2909  
Telephone No. (850) 205-9000  
Facsimile No. (850) 205-9001

#### **The Low-Income Housing Tax Credit Program**

4. The United States Congress has created a program, governed by Section 42 of the Internal Revenue Code ("IRC"), by which federal income tax credits are allotted annually to each state on a per capita basis to help facilitate private development of affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder's federal tax



liability, which can be taken for up to ten years if the project continues to satisfy all IRC requirements.

5. The tax credits allocated annually to each state are awarded by state “housing credit agencies” to single-purpose applicant entities created by real estate developers to construct and operate specific multi-family housing projects. The applicant entity then sells this ten-year stream of tax credits, typically to a “syndicator,” with the sale proceeds generating much of the funding necessary for development and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to operate the project at below-market-rate rents that are affordable to low-income and very-low-income tenants.

6. Pursuant to section 420.5099, Florida Statutes, FHFC is the designated “housing credit agency” for the State of Florida and administers Florida’s low-income housing tax credit program. Through this program, FHFC allocates Florida’s annual fixed pool of federal tax credits to developers of affordable housing.<sup>1</sup>

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<sup>1</sup> FHFC is a public corporation created by law in section 420.504, Florida Statutes, to provide and promote the financing of affordable housing and related facilities in Florida. FHFC is an “agency” as defined in section 120.52(1), Florida Statutes, and is therefore subject to the provisions of Chapter 120, Florida Statutes.

## The 2011 Universal Application Cycle

7. Because FHFC's available pool of funding each year is limited, proposed affordable housing projects must compete for this financing. To assess the relative merits of proposed developments, FHFC has established a competitive application process pursuant to Chapter 67-48, F.A.C. As set forth in Rules 67-48.002-.005, F.A.C., FHFC's application process for 2011 consisted of the following:

- a. the publication and adoption by rule of a "Universal Application Package," which applicants use to apply for a variety of FHFC-administered funding programs, including federal tax credits and SAIL loans;
- b. the completion and submission of applications by developers;
- c. FHFC's preliminary scoring of applications;
- d. an initial round of administrative challenges in which an applicant may take issue with FHFC's scoring of another application by filing a Notice of Possible Scoring Error ("NOPSE");
- e. FHFC's consideration of the NOPSE's submitted, with notice to applicants of any resulting change in their scores;
- f. an opportunity for the applicant to submit additional materials to FHFC to "cure" any items for which the applicant received less than the maximum score;
- g. a second round of administrative challenges whereby an applicant may raise scoring issues arising from another applicant's cure materials by filing a Notice of Alleged Deficiency ("NOAD");



- h. FHFC's consideration of the NOAD's submitted, with notice to applicants of any resulting change in their scores;
- i. an opportunity for an applicant to challenge, via informal or formal administrative proceedings, FHFC's evaluation of any item in their own application for which the applicant received less than the maximum score;
- j. final scores, ranking, and allocation of tax credit funding to applicants, adopted through final orders; and
- k. an opportunity for applicants to challenge, via informal or formal administrative proceedings, FHFC's final scoring and ranking of competing applications where such scoring and ranking resulted in a denial of FHFC funding to the challenger.<sup>2</sup>

8. On or about December 6, 2011, numerous applications were submitted to FHFC seeking tax credit funding. Lulav Square (FHFC Applic. #2011-126C) applied for \$1,806,287 in annual tax credits to help finance the development of its project, a 140-unit apartment complex for seniors in Miami-Dade County, Florida. This project involves the acquisition and substantial rehabilitation of an older affordable housing development located in a set of historic buildings in Miami Beach. Lulav Square committed 80% of its project to serving elderly residents earning 60% or less of the area median income ("AMI"), with 20% dedicated to housing elderly residents earning 28% or less of AMI.

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<sup>2</sup> This Petition initiates such a challenge. Notably, if successful in such a challenge, the previously awarded tax credits are not taken away from the competing applicant who was scored or ranked in error and given to the challenger. Instead, the competing applicant keeps its tax credits, and the challenger receives its requested funding "off-the-top" from the next pool of tax credits made available to FHFC for allocation. *Rule 67-48.005(7)*, F.A.C.

9. On June 8, 2012, FHFC's Board adopted final scores and rankings.<sup>2</sup> The Lulav Square project met all of FHFC's threshold application requirements, received the maximum application score of 79 points, the maximum "ability-to-proceed" tie-breaker score of 6.0 points, and a proximity tie-breaker score of 33.5 points out of a possible 36.

10. Lulav Square competed for funding in the "Preservation Set-Aside," in which FHFC reserved 35% of its available tax credits for those projects qualifying under the Development Categories of "Preservation" or "Acquisition/Preservation."<sup>3</sup> *Applic. Instr.*, p. 122. These two Development Categories denote projects seeking to rehabilitate older (pre-1992) affordable housing developments originally financed through federal programs administered by the U.S. Department of Housing and Urban Development ("HUD") or the U.S. Department of Agriculture's Rural Development Services ("RD"). *Rule 67-48.002(90), F.A.C.*

11. With respect to those tax credits FHFC reserved in the Preservation Set-Aside, FHFC prudently chose to focus this limited pool of funding on those

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<sup>2</sup> On or about June 11, 2011, Lulav Square received formal notice from FHFC of the final scores and rankings, along with notice of its rights under Chapter 120 to challenge them. This Petition is timely filed in response to that notice.

<sup>3</sup> Aside from applicants with projects targeted to specific tenant populations (e.g., the Homeless) or located in specific areas (e.g., the Florida Keys), applicants in the 2011 Universal Cycle generally competed against each other for funding within the Preservation Set-Aside and the Non-Preservation Set-Aside.



older affordable housing developments that needed the resources the most -- projects that have not been renovated with public funds in the last 20 years.

### **The Challenged Applications**

12. Lulav Square would have received its requested tax credit funding if not for FHFC's erroneous scoring of the following applications, which, like Lulav Square, proposed projects located in Miami-Dade County: Stirrup Plaza Preservation Phase One (FHFC Applic. #2011-048C); South Miami Plaza Preservation (FHFC Applic. #2011-049C); Dante Fascell Preservation (FHFC Applic. #2011-050C); Haley Sofge Preservation Phase One (FHFC Applic. #2011-053C); Claude Pepper Preservation Phase One (FHFC Applic. #2011-111C); Jack Orr Plaza Preservation Phase One (FHFC Applic. #2011-114C); and Gwen Cherry (FHFC Applic. #2011-213C) (collectively, "the Challenged Applications").<sup>4</sup>

13. Like Lulav Square, all of the Challenged Applications competed for tax credit funding in the Preservation Set-Aside. Each of the Challenged Applications selected the Development Category of "Preservation." FHFC deemed each of the Challenged Applications to have met FHFC's threshold requirements,

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<sup>4</sup> The location of Lulav Square and the other challenged projects in Miami-Dade County is of special significance. In an effort to distribute its available tax credits across the state, FHFC uses a Set-Aside Unit Limitation ("SAUL") that restricts the number of units it will fund in any given county. Thus, an application ranked higher than applications in other counties may nonetheless be skipped over for funding if the SAUL for its county has been exceeded under FHFC's rules.

including qualification for the Development Category of “Preservation.” Pursuant to FHFC’s ranking methodology, including application of the SAUL for Miami-Dade County, each of the Challenged Applications was ranked above Lulav Square due to their slightly higher proximity tie-breaker score, with FHFC ultimately awarding tax credit funding to three of the Challenged Applications: Stirrup Plaza Preservation Phase One (FHFC Applic. #2011-048C); South Miami Plaza Preservation (FHFC Applic. #2011-049C); and Dante Fascell Preservation (FHFC Applic. #2011-050C).

14. As explained below, if FHFC had properly scored and rejected the Challenged Applications as failing threshold due to their failure to qualify for the Development Category of “Preservation, then Lulav Square would have received its requested tax credit funding. Lulav Square’s substantial interests are therefore materially and adversely affected by FHFC’s improper actions, and Lulav Square has standing to challenge those actions in this proceeding.

**The Challenged Applications Did Not Submit Sufficient Documentation to Qualify for the Development Category of “Preservation” Per FHFC’s Express Requirements.**

15. Effective November 22, 2011, FHFC adopted by reference in its rules the Universal Application Package for FHFC’s 2011 Universal Cycle, which includes both the Application and Exhibits to be completed by developers and



submitted to FHFC, as well as a set of Application Instructions. *Rule 67-48.004(1)(a), F.A.C.*

16. Rule 67-48.004(2), F.A.C., makes clear that the failure of an application to be completed in accordance with the Application Instructions will result in the failure to meet threshold, rejection of the Application, a score less than the maximum available, or a combination of these results.

17. With respect to those tax credits FHFC reserved in the Preservation Set-Aside, FHFC prudently chose to focus this limited pool of funding on those older affordable housing developments that needed the resources the most -- projects that have not been renovated with public funds in the last 20 years.

18. As a result, Part III.A.3.a.(3)(c) of the 2011 Universal Application Instructions (pp. 23-24) requires an Applicant seeking to qualify for the Development Category of "Preservation" to document the following:

The Applicant must provide behind a tab labeled "**Exhibit 23**" a letter from HUD or RD, dated within 12 months of the Application Deadline, which includes the following information:

vi. Confirmation that the Development has not received financing from HUD or RD after 1992 where the rehabilitation budget was at least \$10,000 per unit.

19. Page 13 of the 2011 Universal Application itself cross-references this provision from the Application Instructions and states the following with respect to

the Development Category selected by the applicant:

If selecting Preservation or Acquisition and Preservation, the Applicant must meet the required criteria and provide, behind a tab labeled “**Exhibit 23**”, the required information, as outlined at Part III.A.3.a.(3) of the Instructions.

20. In each of the Challenged Applications, the Applicant selected the Development Category of “Preservation” and responded to these requirements by providing a letter from HUD in Exhibit 23, which states as follows in its closing paragraph:

The existing development is a Public Housing Program for eligible individuals and/or households, and the development has not received financing from HUD on any one given year for the sole purpose of rehabilitation where the rehabilitation budget was at least \$10,000 per unit.<sup>5</sup>

*See Appendix A* (Composite of HUD Letters from the Challenged Applications).

21. FHFC, however, specifically requires confirmation from HUD “that the Development has not received financing from HUD or RD after 1992 where the rehabilitation budget was at least \$10,000 per unit.” *Applic. Instr.*, p.24. For at least three independent reasons, the quoted statement in the HUD letters plainly does not satisfy the express requirements of the Application Instructions.

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<sup>5</sup> All emphasis in quoted material is supplied by the undersigned unless otherwise indicated.



22. First, the HUD letters attempt to circumvent the FHFC requirement (less than \$10,000 per unit in rehabilitation funding since 1992) by stating that the development in question did not receive more than \$10,000 per unit “on any one given year.” Thus, under the terms of the HUD letter, the development could have received perhaps as much as \$9,999 per unit in rehabilitation funding every year – since 1992, this would amount to \$199,980 per unit. As such, the HUD letters do not satisfy the express requirements of the Application Instructions – they appear to be little more than a clever attempt to skirt this important criterion designed to direct Florida’s tax credits to those projects most in need of substantial renovation.

23. Second, the HUD letters also attempt to circumvent the FHFC requirement by stating that HUD’s representation is confined only to HUD financing that was “for the sole purpose of rehabilitation.” Thus, under the carefully crafted conditions HUD has placed on its statement, HUD could have extended \$5 million in financing to a project for multiple uses that coupled rehabilitation with other purposes and featured a rehabilitation budget of \$20,000 per unit. While this would plainly run afoul of FHFC’s requirement of less than \$10,000 per unit in previous rehabilitation funding, the caveats HUD has placed on its representation would nonetheless make it true. Once again, the HUD letters do not satisfy the express requirements of the Application Instructions – they appear

to be an artful attempt to evade this important criterion intended to direct the state's resources to those projects most sorely in need of rehabilitation.

24. Third, the HUD letters do not even mention the year 1992, let alone reference the amount of financing provided to the development for rehabilitation since 1992, and this omission clearly makes the HUD letters deficient. It is impossible to tell from these letters whether the HUD representations regarding the extent of prior financing received by these projects covers two years, five years, ten years, or twenty years, because there is no express reference in the HUD letters to any sort of time frame.

25. Thus, the documentation submitted in the Challenged Applications does not satisfy the express requirements of the Application Instructions, nor does it satisfy FHFC's sound public policy objectives in prioritizing its available Preservation funding for those projects with the most pressing need for rehabilitation.

26. As stated in the Application Instructions for this item (p. 24):

If the Application does not qualify for the Development Category of Preservation or Acquisition and Preservation, the Application will fail threshold and the proposed Development will automatically be deemed to be RA Level 6.

Since the Challenged Applications did not properly qualify for their selected Development Category of "Preservation," which is a non-curable threshold item,



the Challenged Applications should have failed threshold and automatically been deemed RA Level 6.

27. If FHFC had correctly scored the Challenged Applications and removed them from ranking and funding consideration, then Lulav Square would have been ranked high enough to receive its requested tax credit funding and to begin the substantial rehabilitation of this historic affordable housing property in Miami Beach.

**Satisfaction of FHFC Requirements for Post-Ranking Challenge**

28. By rule, FHFC has sought to limit the types of scoring errors that an applicant may challenge via Chapter 120 proceedings. FHFC's rule in this regard, Rule 67-48.005(5)(b), states as follows:

For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-48.004(6), F.A.C.

29. The "Development Category," in this case Preservation, is among the "non-curable" items FHFC has identified as ones that "cannot be revised, corrected, or supplemented after the Application Deadline." *Rule 67-*

48.004(14)(f), F.A.C. As such, the HUD letters required to document the Development Category of Preservation were required to be submitted in the original Challenged Applications, without the opportunity to later supplement via submission of a “cure.”

30. Moreover, even if it would have been permissible to submit revised HUD letters via the cure process, such a cure “was not solely within the applicant’s control” because the necessary letters must come from a third party (HUD),<sup>6</sup> and the letters were not feasibly curable within the time allowed for cures. As such, these FHFC scoring errors are of the type identified in Rule 67-48.005(5)(b) and may be properly challenged in this proceeding.

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<sup>6</sup> With respect to Gwen Cherry (FHFC Applic. #2011-213C), which submitted no HUD letter in its original application but instead submitted the HUD letter in its cure materials, the defects at issue could not have been cured because no further opportunity to cure was provided under FHFC’s rules.



WHEREFORE, Petitioner, Lulav Square Apartments Limited Partnership, requests that:

- a. FHFC award Lulav Square its requested tax credit funding;
- b. FHFC conduct an informal hearing on the matters presented in this Petition if there are no disputed issues of material fact to be resolved;
- c. FHFC forward this Petition to the Florida Division of Administrative Hearings for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes, if there are disputed issues of material fact to be resolved, or if non-rule policy forms the basis of any FHFC actions complained of herein;
- d. FHFC's designated hearing officer or an Administrative Law Judge, as appropriate, enter a Recommended Order directing FHFC to award Lulav Square its requested tax credit funding;
- e. FHFC enter a Final Order awarding Lulav Square its requested tax credit funding; and
- f. Lulav Square be granted such other and further relief as may be deemed just and proper.

Respectfully submitted on this 2nd day of July, 2012.

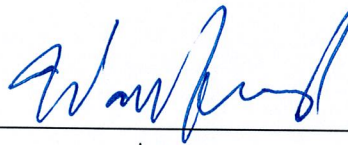


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WARREN HUSBAND  
FL BAR No. 0979899  
Metz, Husband & Daughton, P.A.  
P.O. Box 10909  
Tallahassee, Florida 32302-2909  
850/205-9000  
850/205-9001 (Fax)  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and a true and correct copy of the foregoing document were served via hand delivery to the **CORPORATION CLERK**, Florida Housing Finance Corporation, 227 N. Bronough Street, City Center Building, Suite 5000, Tallahassee, Florida, 32301-1329, on this 2<sup>nd</sup> day of July, 2012.



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Attorney





U.S. Department of Housing and Urban Development

Region IV, Miami Field Office  
Brickell Plaza Federal Building  
909 SE First Avenue, Rm. 500  
Miami, FL 33131-3042

December 5, 2011

Mr. Gregg Fortner  
Executive Director  
Miami-Dade Public Housing  
and Community Development  
701 NW 1<sup>st</sup> Court  
16<sup>th</sup> Floor  
Miami, FL 33136

Subject: Confirmation of HUD Program

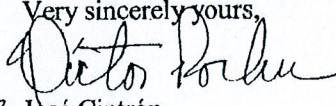
Dear Mr. Fortner:

This letter will confirm that the development named below contributes to the preservation of affordable housing:

- Project Number: FL005000004
- Name of Development: Stirrup Plaza
- Address of Development: 3150 Mundy Street, Miami, FL
- Year Built: 1977
- Total Units: 100
- Percentage of units that receive Operating Subsidy: 100%
- HUD Program associate with the development: Operating Subsidy evidenced by an Annual Contributions Contract (ACC)

The existing development is a Public Housing Program for eligible individuals and/or households, and the development has not received financing from HUD on any one given year for the sole purpose of rehabilitation where the rehabilitation budget was at least \$10,000 per unit.

Very sincerely yours,

  
for José Cintrón  
Director  
Office of Public Housing





U.S. Department of Housing and Urban Development

Region IV, Miami Field Office  
Brickell Plaza Federal Building  
909 SE First Avenue, Rm. 500  
Miami, FL 33131-3042

November, 2011

Mr. Gregg Fortner  
Executive Director  
Miami-Dade Public Housing  
and Community Development  
701 NW 1<sup>st</sup> Court  
16<sup>th</sup> Floor  
Miami, FL 33136

Subject: Confirmation of HUD Program

Dear Mr. Fortner:

This letter will confirm that the development named below contributes to the preservation of affordable housing:

- Project Number: FL005000004
- Name of Development: South Miami Plaza
- Address of Development: 6701 SW 62 Avenue, South Miami, FL
- Year Built: 1976
- Total Units: 97
- Percentage of units that receive Operating Subsidy: 100%
- HUD Program associate with the development: Operating Subsidy evidenced by an Annual Contributions Contract (ACC)

The existing development is a Public Housing Program for eligible individuals and/or households, and the development has not received financing from HUD on any one given year for the sole purpose of rehabilitation where the rehabilitation budget was at least \$10,000 per unit.

Very sincerely yours,

José Cintrón  
Director  
Office of Public Housing





U.S. Department of Housing and Urban Development

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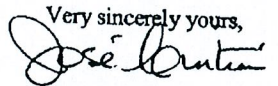
Subject: Confirmation of HUD Program

Dear Mr. Fortner:

This letter will confirm that the development named below contributes to the preservation of affordable housing:

- Project Number: FL005000012
- Name of Development: Dante Fascell
- Address of Development: 2925 NW 18 Avenue and 2929 NW 18 , Avenue, Miami, FL
- Year Built: 1973
- Total Units: 151
- Percentage of units that receive Operating Subsidy: 100%
- HUD Program associate with the development: Operating Subsidy evidenced by an Annual Contributions Contract (ACC)

The existing development is a Public Housing Program for eligible individuals and/or households, and the development has not received financing from HUD on any one given year for the sole purpose of rehabilitation where the rehabilitation budget was at least \$10,000 per unit.

Very sincerely yours,  
  
José Cintrón  
Director  
Office of Public Housing



U.S. Department of Housing and Urban Development

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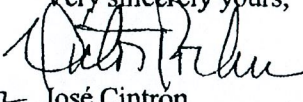
Dear Mr. Fortner:

This letter will confirm that the development named below contributes to the preservation of affordable housing:

- Project Number: FL005000010
- Name of Development: Haley Sofge
- Address of Development: 750 NW 13<sup>th</sup> Avenue and 800 NW 13<sup>th</sup> Avenue, Miami, FL
- Year Built: 1973
- Total Units: 475
- Percentage of units that receive Operating Subsidy: 100%
- HUD Program associate with the development: Operating Subsidy evidenced by an Annual Contributions Contract (ACC)

The existing development is a Public Housing Program for eligible individuals and/or households, and the development has not received financing from HUD on any one given year for the sole purpose of rehabilitation where the rehabilitation budget was at least \$10,000 per unit.

Very sincerely yours,

  
for José Cintron  
Director

Office of Public Housing

*HUD's mission is to increase homeownership, support community development and increase access to affordable housing free from discrimination.*

[www.hud.gov](http://www.hud.gov)

[espanol.hud.gov](http://espanol.hud.gov)





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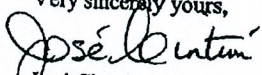
Subject: Confirmation of HUD Program

Dear Mr. Fortner:

This letter will confirm that the development named below contributes to the preservation of affordable housing:

- Project Number: FL005000007
- Name of Development: Claude Pepper Towers
- Address of Development: 750 NW 18 Terrace, Miami, FL
- Year Built: 1970
- Total Units: 166
- Percentage of units that receive Operating Subsidy: 100%
- HUD Program associate with the development: Operating Subsidy evidenced by an Annual Contributions Contract (ACC)

The existing development is a Public Housing Program for eligible individuals and/or households, and the development has not received financing from HUD on any one given year for the sole purpose of rehabilitation where the rehabilitation budget was at least \$10,000 per unit.

Very sincerely yours,  
  
José Cintrón  
Director  
Office of Public Housing



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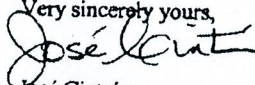
Subject: Confirmation of HUD Program

Dear Mr. Fortner:

This letter will confirm that the development named below contributes to the preservation of affordable housing:

- Project Number: FL005000006
- Name of Development: Jack Orr Plaza
- Address of Development: 550 NW 5<sup>th</sup> Street, Miami, FL
- Year Built: 1975
- Total Units: 200
- Percentage of units that receive Operating Subsidy: 100%
- HUD Program associate with the development: Operating Subsidy evidenced by an Annual Contributions Contract (ACC)

The existing development is a Public Housing Program for eligible individuals and/or households, and the development has not received financing from HUD on any one given year for the sole purpose of rehabilitation where the rehabilitation budget was at least \$10,000 per unit.

Very sincerely yours,  
  
José Cintrón  
Director  
Office of Public Housing



## 2011 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. 2011-213C** and pertains to:

Part III Section A Subsection 3 Exhibit No. 23 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

|  | 2011 Universal<br>Scoring<br>Summary<br>Report | Created by:                         |                          |
|--|--|-------------------------------------|--------------------------|
|  |  | Preliminary<br>Scoring              | NOPSE<br>Scoring         |
| <input type="checkbox"/> Reason Score Not Maxed                    | Item No. ____S                                 | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Reason Ability to Proceed Score Not Maxed | Item No. ____A                                 | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Reason Failed Threshold        | Item No. 8T                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Reason Proximity Points Not Maxed         | Item No. ____P                                 | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/> Additional Comment                        | Item No. ____C                                 | <input type="checkbox"/>            | <input type="checkbox"/> |

2. 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 \_\_\_\_ (if applicable).

Brief Statement of Explanation regarding  
Application 2011-213C

Provide a separate statement for each Cure

Item 8T – Part III. A.3.

As a result of Preliminary scoring it was noted that “Because the Applicant did not provide a letter from HUD or RD as required in Part III.A.3.a.(3)(c) of the Universal Application Instructions, the Application fails to meet the requirements of the Development Category of Preservation”.

The Applicant has submitted a letter from HUD and hence the Development Category should be Preservation and the Applicant should now pass threshold. Additionally, the Application should be deemed an RA Level 1.





U.S. Department of Housing and Urban Development

Region IV, Miami Field Office  
Brickell Plaza Federal Building  
909 SE First Avenue, Rm. 500  
Miami, FL 33131-3042

December 1, 2011

Mr. Gregg Fortner  
Executive Director  
Miami-Dade Public Housing  
and Community Development  
701 NW 1<sup>st</sup> Court  
16<sup>th</sup> Floor  
Miami, FL 33136

Subject: Confirmation of HUD Program

Dear Mr. Fortner:

This letter will confirm that the development named below contributes to the preservation of affordable housing:

- Project Number: FL005000027
- Name of Development: Gwen Cherry – Site 9
- Address of Development: 1919 NW 29 Street, Miami, FL
- Year Built: 1971
- Total Units: 16
- Percentage of units that receive Operating Subsidy: 100%
- HUD Program associate with the development: Operating Subsidy evidenced by an Annual Contributions Contract (ACC)

The existing development is a Public Housing Program for eligible individuals and/or households, and the development has not received financing from HUD on any one given year for the sole purpose of rehabilitation where the rehabilitation budget was at least \$10,000 per unit.

Very sincerely yours,

José Cintrón

Director

Office of Public Housing



U.S. Department of Housing and Urban Development

Region IV, Miami Field Office  
Brickell Plaza Federal Building  
909 SE First Avenue, Rm. 500  
Miami, FL 33131-3042

November 30, 2011

Mr. Gregg Fortner  
Executive Director  
Miami-Dade Public Housing  
and Community Development  
701 NW 1<sup>st</sup> Court  
16<sup>th</sup> Floor  
Miami, FL 33136

Subject: Confirmation of HUD Program

Dear Mr. Fortner:

This letter will confirm that the development named below contributes to the preservation of affordable housing:

- Project Number: FL005000027
- Name of Development: Gwen Cherry – Site 11
- Address of Development: 1919 NW 29 Street, Miami, FL
- Year Built: 1971
- Total Units: 40
- Percentage of units that receive Operating Subsidy: 100%
- HUD Program associate with the development: Operating Subsidy evidenced by an Annual Contributions Contract (ACC)

The existing development is a Public Housing Program for eligible individuals and/or households, and the development has not received financing from HUD on any one given year for the sole purpose of rehabilitation where the rehabilitation budget was at least \$10,000 per unit.

Very sincerely yours,

José Cintrón

Director

Office of Public Housing