# BEFORE THE STATE OF FLORIDA FLORIDA HOUSING FINANCE CORPORATION

#### **HTG OSPREY POINTE, LLC**

Petitioner,

FHFC Case No. 2017-090BP RFA No. 2017-108 App. No. 2018-050BS

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vs.

## FLORIDA HOUSING FINANCE CORPORATION

Respondent.

# FORMAL WRITTEN PROTEST AND PETITION FOR ADMINISTRATIVE HEARING

Petitioner, HTG Osprey Pointe, LLC ("Osprey Pointe" or "Petitioner"), pursuant to

sections 120.57(1) and (3), Florida Statutes ("F.S.), and Rules 28-110 and 67-60, Florida

Administrative Code ("FAC") hereby files this Formal Written Protest and Petition (the

"Petition") regarding the scoring decisions of the Respondent, FLORIDA HOUSING FINANCE

CORPORATION ("Florida Housing") to award funding to responsive Applicants pursuant to

RFA 2017-108- SAIL Financing of Affordable Multifamily Housing Developments to be Used in

Conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits. (hereinafter the

"RFA).

## **Introduction**

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

## **Parties**

2. Petitioner is a Florida limited liability company in the business of providing affordable housing. Petitioner's address is 3225 Aviation Ave, Ste 602, Coconut Grove, Florida 33133.

Petitioner's address, phone number and email address for purposes of this proceeding are that of undersigned counsel.

3. The affected agency is Florida Housing Finance Corporation. Florida Housing's mailing address is 227 North Bronough Street, Suite 5000, Tallahassee, Florida.

#### <u>Notice</u>

4. On August 31, 2017, Florida Housing issued the RFA.

5. On September 13, 2017, September 15, 2017 and October 3, 2017, the RFA was modified by Florida Housing and Notices of Modification of RFA 2017-108 were issued.

6. Applications in response to the RFA were due on or before October 12, 2017.

7. Florida Housing received approximately 38 applications in response to the RFA. Petitioner timely applied in response to the RFA requesting an allocation of \$6,000,000.00 in SAIL funding for its proposed one hundred and ten unit (110), new construction, family demographic, affordable housing development for in Pasco County, Florida. Petitioner's application satisfied the required elements of the RFA and is eligible for a funding award.

8. Petitioner's received notice of the preliminary RFA scoring and rankings through electronic posting on Friday, December 8, 2017 at 3:40 pm. A copy of the notices posted on the Corporations website are attached hereto as Composite Exhibit "A". Petitioner was deemed eligible for funding, however was not recommended for funding.

9. On Wednesday, December 13, 2017 at 10:36 a.m., Petitioner timely submitted their Notice of Intent to Protest Florida Housing's intended decision. A copy of the Notice of Intent is attached hereto as Exhibit "B".

10. This Petition is timely filed in accordance with the provisions of section 120.57(3)(b), Florida Statutes, and rules 28-110.004 and 67-60.009, Fla. Admin. Code.

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#### BACKGROUND

11. Florida Housing is a public corporation created by section 420.504, Florida Statutes, to administer the governmental function of financing or refinancing affordable housing and related facilities in Florida. Florida Housing's statutory authority and mandates are set forth in Part V of Chapter 420, Florida Statutes. See, Sections 420.501-420.55, Fla. Stat.

12. Florida Housing has adopted Chapter 67-60, Florida Administrative Code which establishes the procedures by which the Corporation shall...administer the competitive solicitation funding process to make and service loans for new construction or rehabilitation of affordable units under the State Apartment Incentive Loan (SAIL) Program... authorized by Section 420.5087, F.S. See rule, 67-60.001 (1), Florida Administrative Code.

#### <u>RFA 2017-108</u>

13. Through the RFA process Florida Housing anticipated awarding up to an estimated
\$87,320,000, of SAIL funding to certain developments serving Family or Elderly populations
in small, medium and/or large counties.<sup>1</sup> Specifically,

- \$24,570,000 of Elderly funding for proposed Developments with the Elderly Demographic Commitment. (ALF and Non-ALF)
- \$62,750,000 of Family funding for proposed Developments with the Family Demographic Commitment.

In the County Geographic Categories,

- \$46,279,600 of funding allocated to Large Counties
- \$32,308,400 of funding allocated to Medium Counties
- \$8,732,000 to Small Counties.

RFA at p.  $2.^2$ 

<sup>&</sup>lt;sup>1</sup> The SAIL funding in this RFA must be used in conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits. RFA at p. 2.

<sup>&</sup>lt;sup>2</sup> The chart designating counties as large, medium or small is in the RFA at p. 18.

- 14. The Funding Goals of the RFA are as follows,
  - Two (2) Elderly, new construction Applications located in a Large County
  - Three (3) Family, new construction Applications located in a Large County
  - One (1) Elderly, new construction, Application located in a Medium County
  - Two (2) family, new construction, Application located in a Medium County

RFA at p. 69.

15. Review committee members will independently evaluate and score their assigned portions of the submitted applications based on various mandatory and scored items. The maximum point total that an applicant can receive is 15 points. Failure to meet all submission items results in an application being deemed ineligible. RFA at p. 66

16. Only applications that are eligible are considered for funding selection. Eligibility requirements include the following,

- Submission Requirements met,
- Financial Arrearage Requirements,
- Minimum Total Proximity Score,
- Minimum Transit Score,
- Mandatory Distance Requirements,
- Total Development Cost Per Unit Limitation

RFA at p. 65,66.

## 16. As set forth in the RFA,

The Committee shall conduct at least one public meeting during which the Committee members may discuss their evaluations, select Applicants to be considered for award, and make any adjustments deemed necessary to serve the best interest of the Corporation's mission. *The Committee will list the* 

Applications deemed eligible for funding in order applying the funding selection criteria outlined in Section Five above, and develop a recommendation or series of recommendations to the Board.

RFA at p.73. (Emphasis supplied)

17. Of the thirty-eight (38) applications received in response to the RFA, twenty- eight (28)

were deemed Eligible applications, including Osprey Pointe, application number 2018-050BS,

with ten (10) applications deemed Ineligible.

18. The eligible applications are then ranked by sorting the applications from highest to

lowest score, with any scores that are tied separated as follows:

- a) First, by the Application's eligibility for the Proximity Funding Preference (which is outlined in Section Four A.5.e. of the RFA) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;
- b) Next, by the Application's eligibility for the Per Unit Construction Funding Preference (which is outlined in Section Four A. 11. d of the RFA) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;
- c) Next by the Application's Leveraging Level number (which is outlined in item 3. of Exhibit C) with Applications that have a lower Leveraging Level number listed above Applications that have a higher Leveraging Level number;
- d) Next, by the Applications eligibility for the Florida Job Creation Funding Preference (which is outlined in Item 4 of Exhibit C) with Applications that qualify for the preference listed above Applications that do not qualify for the preference;
- e) Finally, by lottery number, with Applications that have a lower lottery number listed above Applications with a higher lottery number.

RFA at p. 70.

19. The RFA includes both a Funding Test and a County Award Tally provision.

Applications will only be selected for funding if there is sufficient SAIL funding available in

both the Geographic (small, medium, large county) and the Demographic (elderly/family)

categories. Pursuant to the County Award Tally, as each application is selected for tentative

funding, the county where the proposed development is located will have one (1) application credited toward the County Award Tally. The Corporation will prioritize eligible unfunded applications that meet the applicable Funding Tests and are located in counties that have the lowest County Award Tally that also meet the applicable Funding Tests, even if the applications with a higher County Award Tally are higher ranked. RFA at p. 70. 20. The RFA mandates the Funding Selection Order (hereinafter "Selection Order"), in

relevant part, as follows,

- (1) Goals to fund eight (8) Medium and Large County, New Construction Applications
  - (a) Goal to fund one (1) New Construction Application located in Miami-Dade County and one (1) New Construction Application located in Broward County.

The first two (2) Applications selected for funding will be (i) the highest ranking eligible New Construction Application that is located in Miami-Dade County, regardless of the Demographic Commitment selected; and (ii) the highest ranking eligible New Construction Application that is located in Broward County, regardless of the Demographic Committed selected.

(b) Goal to fund two (2) Elderly, Large County, New Construction Applications

This goal will be met under the following circumstances:

- (i) If neither of the Applications selected to meet the goal described in
   (a) above are Elderly Applications, the two (2) highest ranking applications, the two (2) highest ranking eligible Elderly
   Applications, the two (2) highest ranking eligible Elderly, Large
   County, New Construction Applications will be selected for funding, subject to the County Award Tally and both Funding Tests.
- (ii) If only one (1) of the two (2) Applications selected to meet the goal described in (a) above is an Elderly Application, that Application will count towards this goal, and only one (1) additional Elderly, Large County, New Construction Application will be selected in order for this goal to be met, subject to the County Award Tally and both Funding Tests.

- (iii) If both of the Applications selected to meet the goal described in (a) above are Elderly Applications, this goal will be considered to be met without selecting any additional Applications.
- (c) Goal to Fund three (3) Family, Large County, New Construction Applications

This goal will be met under the following circumstances:

- (i) If neither of the Applications selected to meet the goal described in
   (a) above are Family Applications, the three (3) highest ranking
   eligible Family, Large County, New Construction Applications
   will be selected for funding, subject to the County Award Tally
   and both Funding Tests.
- (ii) If only one (1) of the two (2) Applications selected to meet the goal described in (a) above is a Family Application, that Application will count towards this goal, and only two (2) additional Family, Large County, New Construction Applications will be selected in order for this goal to be met, subject to the County Award Tally and both Funding Tests.
- (iii) If both of the Applications selected to meet the goal described in

   (a) above are Family Applications, both Applications will count
   towards this goal, and only one (1) additional Family, Large
   County, New Construction Application will be selected in order for
   this goal to be met, subject to the County Award Tally and both
   Funding Tests.
- (d) Goal to Fund one (1) Elderly, Medium County, New Construction Application

The Application selected for funding will be the highest ranking eligible Elderly, medium County, new Construction Application subject to the Funding Tests.

(e) Goal to Fund two (2) Family, Medium County, New Construction Applications The Applications selected for funding will be the highest ranking eligible Family, Medium County, New Construction Applications, subject to the County Award Tally and Funding Tests.

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RFA at p.70-72.

## **Selection Process**

21. The selection process was carried out by the members of the Review Committee at a public meeting held on November 15, 2017.

22. As part of the Selection process the following applications were deemed ineligible by Review Committee members,

-2018-015BS- WRDG T4

-2018-018S – Oasis at Renaissance Preserve

-2018-020S- Weldon Street MF

-2018-022BS- Cathedral Townhouse

-2018-031BS- Brisas Del Estes Apartments

-2018-034BS- Courtside Apartments, Phase II

-2018-037BS- Mary Bethune Highrise

-2018-045BS- Anderson Terrace Apartments

-2018-049BS- Rosemary Cove

-2018-0525S- Pine Grove Apartments

23. Each eligible application was then assigned a Leveraging Level 1-5, based on the applicant's Leveraging Percentage relative to all other eligible applications' Leveraging

Percentage. The lower the Leveraging Level the better the score. Once this was completed the selection process commenced. RFA at p. 100-101.

24. Pursuant to the RFA's first goal, Florida Housing selected for funding the two highest ranking eligible New Construction Applications located in Miami-Dade County, Harbour Springs, Application 2018-0488S (family) and Sierra Bay, Application 2018-023B (elderly). <sup>3</sup> Pursuant to the RFA this was without regard to the Demographic Commitment selected by the Applicant.

25. Pursuant to the RFA's second goal, Florida Housing selected for funding the two highest ranked eligible Elderly, Large County, new Construction Applications. Because Sierra Bay serves an Elderly demographic, this goal was met with the selection of Brisas del Rio Apartments located in Miami-Dade County Application 2018-030BS.<sup>4</sup>

26. The next goal was to fund three (3) Family, Large County, New Construction Applications. Florida Housing selected for funding the next two highest ranked Large county applicant with a Family demographic, The Waves, Application 2018-039S in Duval County and Palmetto Pointe, Application 2018-024S in Pinellas County.<sup>5</sup>

27. The next goal was to fund one (1) Elderly, Medium County, New ConstructionApplication. Florida Housing selected Providence Reserve Seniors, Application 2018-032BS inPolk County.

<sup>&</sup>lt;sup>3</sup> Because there were no eligible applications in Broward County, two Miami-Dade applications were funded. <sup>4</sup> The RFA provides, "If only one (1) of the two (2) Applications selected to meet the goal described in (a) above is an Elderly Application, that Application will count towards this goal, and only one (1) additional Elderly, Large County, New Construction Application will be selected for this goal to be met, subject to the County Award Tally and both Funding Tests."

<sup>&</sup>lt;sup>5</sup> The RFA provides, "If only one (1) of the two (2) Applications selected to meet the goal described in (a) above is a Family Application, that Application will count towards this goal, and only two (2) additional Family, Large County, New Construction Applications will be selected for this goal to be met, subject to the County Award Tally and both Funding Tests.

28. The next goal was to fund two (2) Family, *Medium County*, New Construction
applications. Florida Housing selected Parrish Oaks, Application 2018-041BS in Manatee
County with the required Family demographic. Next, contrary to the requirements of the
Funding Selection Process, Florida Housing selected Luna Lake, Application 2018-042BS in
Pasco County with an *elderly* demographic commitment. <sup>6</sup> (Emphasis supplied)
29. Luna Lake should not have been selected at this point in the selection process since it
failed the demographic requirement of the RFA. The applicant which should have been selected

Family demographic is Petitioner, Osprey Pointe, Application 2018-050BS in Pasco County.

#### **Substantial Interests Affected**

30. If Florida Housing had followed the Selection Order required by the RFA, than Osprey Pointe would have been selected for funding.

31. Petitioner is substantially affected by the evaluation and scoring of the responses to the RFA. The results of the scoring have affected Petitioner's ability to obtain funding through the RFA. Consequently, Petitioner has standing to initiate and participate in this and related proceedings.

32. Petitioner is entitled to a Formal Administrative Hearing pursuant to Sections 120.57(1) and 120.57(3), Florida Statutes, to resolve the issues set forth in this Petition.

#### **Disputed Issues of Material fact and Law**

<sup>&</sup>lt;sup>6</sup> On the face of the RFA 2017-108- Recommendations form presented to Florida Housing's Board for approval, it indicates that Luna Lake was selected as an applicant to satisfy the Medium county, *Family* demographic, however under the subheading of "Demo Commitment" Luna Lake commits to serving an *Elderly* demographic.(Emphasis Supplied) See Composite Exhibit "A".

33. Disputed issues of material fact and law exist and entitle Petitioners to a Formal Administrative Hearing pursuant to Section 120.57(1), Florida Statutes. The disputed issues of material fact and law include, but are not limited to, the following:

- a) Whether Florida Housing's failure to follow the Selection Order required by the RFA was arbitrary and capricious;
- b) Whether Florida Housing's failure to follow the Selection Order required by the RFA was clearly erroneous;
- c) Whether Florida Housing's failure to follow the Selection Order required by the RFA was contrary to competition;
- d) Whether Florida Housing's proposed award of funding to Luna Lake as a Family demographic applicant was clearly erroneous;
- e) Whether Florida Housing's proposed award of funding to Luna Lake as a Family demographic applicant was arbitrary and capricious;
- f) Whether Florida Housing's proposed award of funding to Luna Lake as a Family demographic applicant was contrary to competition;
- g) Whether Florida Housing's failure to select Osprey Pointe for funding was clearly erroneous;
- h) Whether Florida Housing's failure to select Osprey Pointe for funding was arbitrary and capricious;
- Whether Florida Housing's failure to select Osprey Pointe for funding was contrary to competition;
- j) Whether Florida Housing's proposed award of funding to Luna Lake is consistent with the RFA specifications.

k) Such other issues as may be revealed during the protest process.

# Concise Statement of Ultimate Facts and Law, Warranting Reversal of the Agency's Intended Award.

34. Petitioner participated in the RFA process to compete for an allocation of SAIL funds based upon the delineated scoring and ranking criteria in the RFA. The Corporation failed to follow the RFA specifications. Luna Lake should not have been selected as meeting the Family demographic since it selected the Elderly demographic commitment within its application. Osprey Pointe, should have been selected for funding as the next highest ranked Family Medium County New Construction applicant, meeting both the County Award Tally and Funding Tests.

## **Request to Resolve by Mutual Agreement**

35. Petitioner requests the opportunity to meet with Florida Housing within seven (7) working days after filing this protest.

## **Reservation of Right to Amend**

36. Petitioner reserves the right to amend the Petition as discovery proceeds.

## **Statutes/Rules that Entitle Petitioner to Relief**

37. Petitioner is entitled to relief pursuant to Sections 120.569 and 120.57, Florida Statutes, Chapters 28-106, 28-110, and 67-60, Florida Administrative Code.

## **Demand for Relief**

Wherefore, Petitioner respectfully requests that Florida Housing:

- a. Refer this matter to DOAH for a hearing with an Administrative Law Judge involving disputed issues of fact.
- b. That the Administrative Law Judge enter a Recommended Order finding the Florida Housing's selection of Luna Lake's Application was contrary to the RFA

specifications and further ordering that Osprey Pointe should have been selected for funding as the next highest ranked applicant meeting the Family Demographic, Medium County, New Construction, Funding Goal.

- c. That Florida Housing adopt the Recommended Order as its own.
- d. For such further relief as the Administrative Law Judge deem appropriate.

Dated this 22nd day of December, 2017.

**Respectfully Submitted** 005

Maureen M. Daughton, Esq. FBN 0655805 Maureen McCarthy Daughton, LLC 1725 Capital Circle NE, Suite 304 Tallahassee, Florida 32308 **Counsel for HTG Osprey Pointe, LLC** 

# **CERTIFICATE OF SERVICE**

I CERTIFY that the original of this Formal Written Protest and petition for Administrative Hearing was filed by hand- delivery with Corporation Clerk and Hugh Brown, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florioda 32301, on this 22<sup>nd</sup> day of December.

10111 000 Maureen M. Daughton

RFA 2017-108 - Recommendations

3,888,830.00 SAIL Funding Balance Available

NHTF Funding will be 100% allocated in accordance with Exhibit H

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EXPIPIT A

RFA 2017-108 - Recommendations

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\*TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit underwriting.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120,57(3), Fia. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120,57(3), Fia. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120,57(3), Fia. Stat., shall constitute a weiver of proceedings under Chapter 120, Fia.

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Page 1 of 3

RFA 2017-108 – All Applications

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tiaqolavaŭ îo am6M		Liberty Square Phase Two Developer, LLC	Norstar Development USA, LP; Venetian Walk Developers, LLC	Southport Development, Inc. a WA corporation doing business in FL as Southbort Development Services, Inc.	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	Cornerstone Group Partners, LLC	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	Cornerstone Group Partners, LLC	AMCS Development, LLC; SCG Development Partners, LLC	Pantheon Development Group, LLC; LWHA Development, LLC	Jacksonville Redevelopment Partners, LLC; Jax Urban Initiatives Development, LLC	Gardner Capital Development Florida, LLC; SHA Affordable Development, LLC; DB Development Florida, LLC	Brisas del Rio Apartments Developer, LLC	; Judd Roth Real Estate Development, Inc.; BDG Providence Reserve Seniors Developer, LLC	Little Haiti Housing Association, Inc.; Stone Soup Development, Inc.	; Judd Roth Real Estate Development, Inc.; BDG Hibiscus Apartments Developer, LLC	Blue Sty Communities III, LLC; TB Affocdable Housine. Inc
Name of Confact Person		Alberto Milo, Jr.	Richard H ggins	lohn D Page	Shawn Wilson	Mara S. Mades	John D Page	Mara S Mades	James J. Kerr, Jr	Darren Smith	Joseph J Chambers	Joseph J Chambers	Alberto Milo, Jr.	Scott Zimmerman	Samuel F. Diller	Scott Zimmerman	Shawn Wilson
County Stze		-	×	Σ	Σ	-			v	Σ	-	Σ	-	ž	-	Σ	Σ
Qunoj		Miami-Dade	Sarasota	Okatoosa	Escambia	Mlam)-Dade	Pinelias	Mlami-Dade	Madison	Polk	Duval	Sarasota	Miami-Dade	Poik	Miami-Dade	Lee	Polk
o smeN InemqoleveQ	tions	ty Square Phase	Venetian Walk II	Choctaw Village	Avery Commons	Sierra Bay	Palmetto Pointe	Water's Edge Apartments	aartments nown as ights )	Grove Manor Phase I	Hogan Creek	Lofts on Lemon	Brisas del Rio Apartments	Reserve	Citadelle Village	Hibiscus Apartments	Lake Gibson
nədmuM noitsəilqqA	Eligible Applications	2018-016BS	2018-0175	2018-01985	2018-0215	2018-023BS	2018-0245	2018-02585	2018-0265	2018-0275	2016-02885	2018-02985	2018-030BS	2018-032BS	2018-03385**	2018-03585	2018-03685

Page 2 of 3

RFA 2017-108 - All Applications

Lottery Number	25	16	33	Ħ	E	18	31	ŧ	đ	~	54	R
Florida Job Creation Preference	>	~	>	*	>	>	>	>	>	>	>	>
ləvəJ ชุกไฮธาองอว	'n	7	m	2	en I	m	-	'n	2	-	m	~
galgerevej Percentaga	96.46%	38.67%	53,51%	48.83%	58.73%	59.30%	22.79%	95,71%	46.62%	22.79%	57.88%	46.32%
Per Unit Construction Funding Preference	*	*	*	*	*	۲	٨	~	*	>	>	*
Proximity Funding Preference	>	>	~	>	>	۲	>	7	7	>-	>	7
ztnio9 listoT	ä	я	15	15	15	15	15	15	ž	5	15	٤
Fanibrun ton aldigild	~	7	7	*	~	~	۲	>	7	>	>	>
tseupeñ JIAZ letoT (113 + JIAZ)	5,033,200.00	7,500,000.00	3,800,000.00	6,600,000.00	6,265,000.00	5,600,000.00	7,600,000.00	4,741,000.00	7,500,000.00	7,600,000.00	6,556,900.00	7,600,000.00
ELI Request	433,200.00	600,000.00	600,000.00	600,000.00	465,000.00	600,000.00	600,000.00	541,000.00	600,000.00	600,000.00	555,900.00	600,000.00
Jeaupaß JIAS	4,600,000.00	7,000,000.00	3,200,000.00	6,000,000.00	5,800,000,00	5,000,000.00	7,000,000.00	4,200,000.00	7,000,000.00	7,000.000.00	6,000,000.00	7,000,000.00
Demo. Commitment	Ψ	ц	E, Non- ALF	L.	E, Non- ALF	E, Non- ALF		E, Non- ALF	E, Non- ALF	u.	ч	ч
Dev Category	A/R	Ŋ	A/R	SC	NC	NC	NC	NC	Ŋ	NC	NC	NC
Vame of Developers	Southport Development, Inc. a WA corporation doing business in FL as Southnort Development Services, Inc.	Jax Urban Initatives Development, LLC; TVC Development, Inc.	Southport Development, Inc. a WA corporation doing business in FL as Southbort Development Services. Inc.	Southport Development, Inc. a WA corporation doing business in FL as Southhort Development Services. Inc.	Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.	New Urban Development, LLC; Cornerstone Group Partners, LLC	Lewis Swezy: RS Development Corp	Blue Sky Communities III, LLC; TB Affordable Housing, Inc	APC Northside Property II Development, LLC	Lewis Swezy: RS Development Corp	HTG Osprey Pointe Developer, LLC	APC Northside Property III Development, LLC
ίλετης οf Contact Person	John D P∈ge	Fred McKnnies	Scott C Seckinger	John D Page	John D Page	Talmadge W Fair	Lewis Swerv	Shawn Milson	Kenneth Naylor	Lewis Swezy	Matthew A Rieger	Kenneth Naylor
əziş Aşunoʻj	Σ	-		Σ	Σ		-	Σ	-	-	Σ	-
ΑιποΟ	Bay	Duval	Broward	Manatee	Pasco	Miami-Dade	Miami-Dade	Manatee	Miami-Dade	Miami-Dade	Pasco	Miami-Dade
Vате of Development	Royal Arms Garden Apartments	The Waves	Pembroke Tower Apartments	Parrish Oaks	Luna Lake	The Villages Apartments, Phase II	Woodland Grove	2	Northside Transit	Hachaur Sarinac	L	sit
19dmuM nolfspiljqqA	SBS	2018-D395	2018-040BS	2018-0418S	2018-042BS	2018-043BS	2018-0448S		2018-04785	COTO CARRO	1	

Ineligible Applications	dications					ŀ	ŀ	An and how o	0000000		11 12	>	>	3A EDQ		0C   X
2018-01585	WRDGT4	Hillsborough	_	L Jerome Ryans	WRDG T4 Developer, LLC	v	-	6,197,332,001	200,000,000	NU.255,121,0	i z	+		arnr ar	ł	t
2018-0185	Oasis at Renaissance		Σ	Egbert LJ. Perry	Integral Development, LLC; Housing for Urban Communities, LLC	NC	ALF	6,000,000.00	546,700.00	6,546,700.00 N 15	ਜ z	>	>	41.28%		35
2018-0205	Weldon Street MF Bradford	Bradford	S	S Louie A Lange III	ment Corporation	NC	L	3,933,333.00	3,933,333.00 479,500.00	4,412,833.00 N 15	H Z	>	~	76.34%		7
2018-02285	Cathedrai	Duval	-	L Shawn Wilson	Cathedrai Townhouse Redevelopment	A/R	E, Non- ALF	5,000,000,000	600,000.00	5,600,000.00 N 15	1	7	>	36.11%		7
2018-03185	Brisas del Este	Miami-Dade	-	Miami-Dade L Alberto Milo, Jr.	Brisas del Este Apartments Developer, LLC NC	NC	u	4,639,425.00	600,000.00	5,239,425.00 N 15	ਜ N	*	۲	34.50%		>
2018-03485	Apartments Courtside Apartments, Phase II	Miami-Dade	1 -	Matthew A. Rieger	AMC HTG 2 Developer, LLC	NC	E, Non- ALF	3,700,000.00	600,000.00	4,300,000.00 N	N SL	*	*	43.67%		۲
2018-037BS	Mary Bethune	Hillsborough	-	Hillsborough L Jerome Ryans	WRDG Mary Bethune Developer, LLC	A/R	E, Non- ALF	750,000,00	600,000.00	1,350,000.00 N 15	٦ ۲	>	*	5.83%		*

RFA 2017-108 - All Applications

Leveraging Porcantaga Leveraging Level Profida Job Creation Preference	01 Y %19.87%	73.13% Y 28	35.D5% Y 26
Per Unit Construction Funding Proference	*	۲	¥
Proximity Funding Preference	>	>	>
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tseupeA JIAZ IstoT (IJ∃ + JIAZ) Saribau7 tot Fualgii∃	7,400,000.00 N	4,100,000.00 N	7,600,000.00 N
fequest	600,000.00	600,000.00	600,000.00
Jteupeñ JiAZ	6,800,000.00	3,500,000.00	7,000,000.00
Jnemo, Commitment	u	E, Non- ALF	Ŀ
Dev Category	¥	У	NC
Mame of Developers	HTG Anderson Terrace Developer, LLC	Preservation of Affordable Housing LLC	The Richman Group of Florida, Inc.
ທອ <i>ເ</i> ກຣທ Name of Contact Person	Matthew A Rieger	. Aaron M. Gornstein	Kristin M Miller
Size Vinuo	-	_	-
Ajuno)	Orange	Mlami-Dade	Duval
Name of Development	Anderson Terrace Anartments	Rosemany Cove	Pine Grove Apartments
nədmuN noltesilqqf	SBS	2018-04985	2018-0525

\*\*TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion to adopt the scoring results above.

Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., and Rule 57-60.009, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat.

Page 3 of 3

# Maureen McCarthy Daughton, LLC

MMD LAW

Maureen McCarthy Daughton, LLC 1725 Capital Circle NE, Suite 304 Tallahassee, Florida 32308

T: (850) 345-8251 Mdaughton@mmd-lawfirm.com www.mmd-lawfirm.com

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# Via Hand Delivery and Email December 13, 2017

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

> RE: Notice of Intent to Protest, Request for Applications (RFA) 2017-108 Proposed 5 **Funding Selections**

Dear Corporation Clerk:

On behalf of Applicant, HTG Osprey Pointe, LLC, Application No. 2018-050BS, we

hereby give notice of our intent to protest the Board Approved Preliminary Awards/Notice of

Intended Decision and Scoring and Ranking of RFA 2017-108 posted by Florida Housing

Finance Corporation on December 8, 2017 at 3:40 p.m., concerning SAIL Financing of

Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt

Bonds and Non-Competitive Housing Credits. (See Attached)

A formal written petition will be submitted within ten (10) days of this Notice as required by law.

Respectfully Submitted, 20 Maureen M. Daughton

cc: Hugh Brown: General Counsel

-xhi bit

Page 1 of 2

RFA 2017-108 - Recommendations

3,888,830,00 SAIL Funding Balance Available

NHTF Funding will be 100% allocated in accordance with Exhibit H

Person     Person       Part     Raine of Development       Part     Raine of Development       Rill, Figure     Connerstone Group Partners, LLC       No.     E. Non-       ALE     NC       Rill, Figure     Connerstone Group Partners, LLC       No.     E. Non-       ALE     NC       Rill, Figure     Connerstone Group Partners, LLC       No.     E. Non-       ALE     NC       Rinnes     Connerstone Group Partners, LLC       No.     E. Non-       ALE     ALE       No.     E. Non-       ALE     AG0,000.00       ALE     AG0,000.00       ALE     AG0,000.00       ALE     Southport Development, Inc.       NC     F       ALE     Southport Development, Enc.       ALE     Southport Development, Enc.       NC     F       ALE     Southport Development, Enc.       ALE     Southport Development, Enc.       ALE     Southport Development, Enc. <t< th=""><th>Person     Person       Page     Southpert Development, Inc.     Nc     E. Non-     Addi-Southon of Development       Millo, Jr.     Brisis del Rio Apartments Development, Inc.     Nc     E. Non-     Addi-Southon of Development       Milo, Jr.     Brisis del Rio Apartments Development, Inc.     Nc     E. Non-     Addi-Southon of Development       Milo, Jr.     Brisis del Rio Apartments Development, Inc.     Nc     F. 7,000,000,00     Southon of Development       Milo, Jr.     Brisis del Rio Apartments Development, Inc.     Nc     F. 7,000,000,00     Addi-Southon of Development       Milo, Jr.     Levic Swery, RS Development, Inc.     Nc     F. 7,000,000,00     Addi-Southon of Development       Rome     Commercian     Addi-Addi-Southon of Development, Inc.     Nc     F. 7,000,000,00     Addi-Southon of Southon of</th><th>Person     Person       Page     Southport Development, Inc.     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NC     F, Non-     5,000,000.00     1     1     15       Non-     Southport Development Service, Inc.     NC</th><th>Person     Commercent Group Partners, LLC     No     Country Award Tell       Addes     Connerstone Group Partners, LLC     NC     F. Mor- Addes     Country Award Tell       Mainte of Development, Inc.     NC     F. Mor- Addes     Country Award Tell     Country Award Tell       Mainte of Development, Inc.     NC     F. Mor- Addes     Country Award Tell     Country Award Tell       Min. Jr.     Dev Category (Low Country Award Tell     NC     F. Mor- Adds     Country Award Tell       Miniss     Nucleant, Inc.     NC     F. Mor- Adds     Adds     J. Solo     Country Award Tell       Miniss     Nucleant, LLC     N     F. Zolo     J. Solo     J. Solo     J. Solo     J. Solo       Miniss     Nucleant, LLC     N     F. Zolo     J. Solo     J. Solo     J. Solo     J. Solo       Miniss     Nucleant, LLC     N     F. Zolo     J. Solo     J. Solo     J. Solo     J. 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Non-     Addi-Southon of Development       Milo, Jr.     Brisis del Rio Apartments Development, Inc.     Nc     E. Non-     Addi-Southon of Development       Milo, Jr.     Brisis del Rio Apartments Development, Inc.     Nc     F. 7,000,000,00     Southon of Development       Milo, Jr.     Brisis del Rio Apartments Development, Inc.     Nc     F. 7,000,000,00     Addi-Southon of Development       Milo, Jr.     Levic Swery, RS Development, Inc.     Nc     F. 7,000,000,00     Addi-Southon of Development       Rome     Commercian     Addi-Addi-Southon of Development, Inc.     Nc     F. 7,000,000,00     Addi-Southon of Southon of	Person     Person       Page     Southport Development, Inc.     NC     F, Non-     4,345,770.000     1     1     15     V       Manine of Development     NC     F, Non-     4,400,000.000     5,000,000.00     1     1     15       Minine     Statistic del Rio Apartment, LIC.     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Allocation     Allocation     Allocation     Allocation     Allocation       Connerstone Group Partments     Connerstone Group Partments     LC     R. Maime of Developerts       Connerstone Group Partments     LC     R. Mon- Allocation     Allocation     Connerstone Group Partments       Betast del Rio Apartments     Connerstone Group Partments     Nic     F. Mon- Allocation     Allocation     Connerstone Group Partments       Betast del Rio Apartments     Nic     F. Mon- Allo     Allo     Allo     Allo     Allo       Nic     F. Mon- Allo     Allo     Allo     Allo     Allo     Allo     Allo       Nic     F. Mon- Allo     Allo     Allo     Allo     Allo     Allo     Allo       Nic     F. Mon- Allo     Allo     Allo     Allo     Allo     Allo     Allo       Nic     F. Mon- Allo     Allo     Allo     Allo     Allo     Allo     Allo       Nic     F. Mon- Allo     Southport Development, Inc.     Nic     F.     Allo     Allo     Allo       Nic     F. Nic     F.     J. Allo     J. 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Nic	Rel Request     ELI Request       Correrstone Group Partners, LLC     NC     E, Non-       Correrstone Group Partners, LLC     NC     E, Non-       Correrstone Group Partners, LLC     NC     E, Non-       ALE     ALE     A,400,000.00     5,000,000.00       Read Ris All Request     A,400,000.00     5,000,000.00       Read Ris All Request     NC     F       ALE     ALE     7,000,000.00     5,000,000.00       Read Ris All Request     NC     F       ALE     ALE     7,000,000.00     5,000,000.00       NC     F     7,000,000.00     1       NC     F     7,000,000.00     1     15       NC     F     7,000,000.00     5,000,000.00     1     15       NC     F     7,000,000.00     5,000,000.00     1     15       NC     F     7,000,000.00     5,000,000.00     1     15       NC     F     7,000,000.00     1     15     1       NC     F     5,000,000.00     1     15     1       NC     F     5,000,000.00     1     15     1       N     F     5,000,000.00     1     15     1       N     F     5,000,000.00     1 <td>Southport Development, Inc.     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Southport Development, Inc. a WA corporation doing business in FL as Southport Development Services, Inc.

John D Page

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2018-04285

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RFA 2017-108 - Recommendations

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\*TDC was reduced during scoring which affected the Leveragiag Percentage.

Samuel F. Diller

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Miami-Dade

**Citadelle Viliage** 

2018-03385"

On December 8, 2017, the Board of Directors of Florida Housing Finance Corporation approved the Review Committee's motion and staff recommendation to select the above Applications for funding and invite the Applicants to enter credit underwriting. Any unsuccessful Applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3). Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Fallure to file a protest within the time prescribed in Section 120.57(3). Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Fallure to file a protest within the time prescribed in Section 120.57(3). Fla. Stat., Rule Chapter 28-110, F.A.C., and Rule 67-60.009, F.A.C. Fallure to file a protest within the time prescribed in Section 120.57(3).

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RFA 2017-108 – All Applications

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Name of Contact Person		atherto Milo. Jr.	and the second se	Change of the second	John D Page	Chaven Willson		Mara S. Mades	John D Page	Mara 5 Mades		James J. Kerr, Jr		Darren Smith	Joseph J Chambers	Joseph J Chambers		Atherto Milo. Jr.		Scott Zimmermen	Samuel F. Dillor		Scott Zimmerman	nosijV uvers
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RFA 2017-108 - All Applications

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o ameW זתפותקטפעפו	9	Garden	Apartments	The Waves	Penbroke Tower	Apartments	Partich Oaks		ate l'ent			The Villages	Hoening to the second second	Woodland Grove	Manatee Commons	Marchelde Tennelt	NOTCISION IL COLOR	Under Carlost	Osprev Pointe	Northside Transit Village III
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Mitation         Interestions         MCDG T4 Developer, LLC         NC         F         6,137732.2010         00000000         546,700.000           Obstart Renablisance Destarts         Lee         M         Eghent Li. Perry         Unben Communities, LIC         NC         AIF         6,000,000.00         546,700.00         546,700.00           Preserve Verblore         M         Eghent Li. Perry         Unben Communities, LIC         NC         F         5,000,000.00         546,700.00           Preserve Verblore         B         Integral Development, LIC; Housing for         NC         F         5,000,000.00         546,700.00           Preserve Verblore         B         Integral Development, LIC; Housing for         NC         F         3,333,00         779,500.00           Cathedral         Duval         I         Stawn Wilson         Cathedral Development, LIC; Housing for         NC         F         3,339,435.00         600,000.00           Cathedral         Duval         L         Alse Apartments, Pinze II         Nmanu-Dade         L         Alse Apartments Development, LIC         NC         F         4,539,435.00         600,000.00           Cathedral         Duval         L         Alse Apartments Development, LIC         NC         F         4,539,435.00 <td< th=""><th></th><th></th><th></th><th></th><th></th><th></th><th>1</th><th></th><th>and and and</th><th>000000</th><th>N DO CEF. CPT. A</th><th>ST IN</th><th>7</th><th>۲</th><th>34.50%</th><th>7</th><th>20</th></td<>							1		and and and	000000	N DO CEF. CPT. A	ST IN	7	۲	34.50%	7	20
rd         Hillsborough         L         Jenome Ryans         Marcel Neuron         ALF         Auge         Hu         Auge         Hu	othin Ano	lications				Turbuc TA Davalmen, LLC	NC	-	6,197,332.00	סרמיחחייהם	and so the		Ľ	,	Mac 34	>	5
Tension       Let       M       Explore	0.01585	IMPING TA	Hillsborough	-	Jerome Ryans	WRUG 14 Development, LLC: Housing for	- III	-	6.000.000.00	546,700.00			~	*	107-Th	-	4
New         Lue         Mn         Lue         Lue <thlue< th=""> <thlue< th="">         Lue         Lue&lt;</thlue<></thlue<>		Dack at Renalssance			Cohort   1 Derry		J.	-				+				,	•
Weldon Street MF         Bradifiord         5         louge A Lange III         Commonwealth Development         A/R         K, Mmr         S, 000,000.00         S, 590,000.00         N         135         Y         Y         Y           Cuthedrat         Duveal         L         Stawn Wilson         Cathedral         S, 000,000.00         S, 590,000.00         N         135         Y         Y         Y           Commouse         Eduhedral         Air         Air         S, 000,000.00         S, 239,425.00         N         135         Y         Y         Y           Commouse         Eduhedral         Niami-Dade         L         Abberto Milou.in:         Sriss del Este Apartments UR         NC         F         4,539,435.00         600,000.00         N         135         Y         Y         Y           Association of the del Sete         Abberto Milou.in:         Sriss del Este Apartments UR         NC         F         4,500,000.00         5,300,000.00         N         135         Y         Y         Y           Association of the del Sete         Abberto Milou.in:         Sriss del Este Apartments UR         NC         F         4,000         5,300,000.00         N         135         Y         Y         Y	5810-2	Preserve	Lee			Urban communues, the	- JA	5	3,933,333.00	479,500.00	4,412,833.00	법 2	*	2	when/	-	-
Weldon Street MF       Brandford       3       Under Austreet MF       Brandford       3       Under Austreet MF       Brandford       3       Composition       Main			1. 1. 1.	•	Il and a line	Commonwealth Development Corporation	2			Ì			Ļ			>	5
Cubedral         Duvel         L         Stawn Witson         Cabinedral Townhouse         A/R         Time         Stoppouture         Compound	10205	Weldon Street MF	Bradford	n			T	L		00000000		N	>	>	\$P.11%		1
Continuental     Durvait     L     Shavm Wilson     Associates. LLC     Associates. LLC       Reinhouse     L     Alberto Milou, Ir.     Shava Wilson     Associates. LLC     NC     F     4,539,475.00     600,000.00     5,239,425.00     N     15     Y     Y       Reinhouse     Rrisk del Exte     Mann-Dade     L     Alberto Milou, Ir.     Shias del Exte Apartments Daveloper, LLC     NC     E, Non-     3,700,000.00     6,300,000.00     N     15     Y     Y     Y       Apartments, Phase II     Maint-Dade     L     Mathew A. Rieger     AMC HTG 2 Developer, LLC     NC     E, Non-     750,000.00     4,300,000.00     N     15     Y     Y       Mary Bethure     Hillsborowsin     L     L     Interme Ryans     WRDS Mary Bethure Developer, LLC     A/R     E, Non-     750,000.00     1,350,000.00     N     15     Y     Y					No. of Street,	Cathedral Townhouse Redevelopment	-		2,000,000.00	annonna		+	+			-	-
Torembuse         Name-Dade         L         Alberto Milo, Jr.         Briase del Este Apartments Developer, LLC         NC         F         4,533,425.00         600,000.00         5,423,423.00         N         Jr.         Y         Y           Apartments         Anostruents         Miami-Dade         L         Alberto Milo, Jr.         Briase del Este Apartments Developer, LLC         NC         E. Non-         3,700,000.00         5,430,000.00         N         15         Y         Y           Apartments, Phase II         Miami-Dade         L         Matthew A. Rieger         AM/C HTG 2 Developer, LLC         NC         E. Non-         3,700,000.00         4,300,000.00         N         15         Y         Y           Max Define         Hullsborough         L         Jerione Ryans         WRDS Mary Bethune Developer, LLC         A/R         E. Non-         750,000.00         1,350,000.00         N         15         Y         Y         Y		Cathedral	Duval	-	Shawn Wilson	Associates, LLC	T	╀				1	~	>	34.50%	-	ση
Britists del Este         Mianti-Dade         L         Alberto Milo, Jr.         Shiss del Este Apartments Developer, LLC         NC         F. Nor.         3,700,000,00         4,300,000,00         N         15         Y         Y           Countside         L         Matthew A. Rieger         AMC HTG 2 Developer, LLC         NC         E, Nor.         3,700,000,00         6,00,000,00         0,4300,000,00         N         15         Y         Y           Apartments, Phase II         Miaim-Dade         L         Matthew A. Rieger         AMC HTG 2 Developer, LLC         NC         E, Nor.         750,000,00         6,00,000,00         N         12         Y         Y           Mary Bethure         Hillsborovagh         L         Jerome Ryans         WRDS Mary Bethure Developer, LLC         A/R         E, Nor.         750,000,00         1,350,000,00         N         12         Y         Y         Y		Townhouse	L PARKEL			· · ·	PIC .	ц	4.639,425.00	600,000.00		1				$\frac{1}{1}$	$\frac{1}{1}$
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Courtside Apartments, Phase II Maimi-Dade L Matthew A. Reger AMC HTG 2 Developer, LLC NC A.F B. Mon- 750,000.00 600,000.00 1,350,000.00 N 15 Y Y Y Mary Bethure Hellsborough L Jerome Ryans WRDS Mary Bethure Developer, LLC A/R E. Non- 750,000.00 1,350,000.00 N 15 Y Y Y	SELEC-	Apartments	ANIMATIN TOWN	·	the second second second			l.,				N 1		7	43.57%	_	
Apartments, Phase II Weam-usee L Weam-Usee L Web WRDG Mary Bethune Devisions, LLC A/R E, Non- 750,000.00 1,350,000.00 N 15 Y Y Y	10000	1		_	Matthew A. Rieger		_	_	3,700,000,00			-	+			+	┝
Mary Bethune Hillsborough L Jetone Ryans WRDG Mary Bethune Developet, LLC A/R L. 750,000.00 600,000.00	P03485		-	_			T	- Mar				N N	~	۲	5.83%		6
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RFA 2017-108 – All Applications

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Staqolovaŭ to amt	HΝ	Landonat IIC	HIG Anderson Terrace Developer, the		Preservation of Affordable Housing LLC	1	The Richman Group of Florida, Inc.	
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î о этеVî тапqolavat	1		Anderson Terrace	Apartments		Rosemary Cove	Plne Grove	Anartments
radimuki noltesi	ıdd			2018-04262	Ľ	2018-04985		2018-0525

\*EI Amount was reduced during scoring.
\*TDC was reduced during scoring which affected the Leveraging Percentage.

On December 8, 2017, the Board of Directors of Florida Housing Finance Corporation epproved the Review Committee's motion to adopt the scoring results above.

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

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