

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

SOUTHPORT DEVELOPMENT, INC.,
d/b/a SOUTHPORT DEVELOPMENT
SERVICES, INC., AND GARDEN TRAIL
APARTMENTS 2013, LLC,

Petitioners,
vs.

DOAH Case No. 14-0240BID
FHFC Case No. 2013-039BP

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

LINGO COVE PARTNERS LTD., AND
URBAN EDGE PARTNERS II, LTD.,

Intervenors.

_____/

PEYTON RIDGE COMMUNITY, LTD.,

Petitioner,
vs.

DOAH Case No. 14-241BID
FHFC Case No. 2013-040BP

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

LINGO COVE PARTNERS LTD., AND
URBAN EDGE PARTNERS II, LTD.,

Intervenors.

_____/

HTG HILLSBOROUGH 1, LLC,

Petitioner,

vs.

DOAH Case No. 14-0243BID
FHFC Case No. 2013-045BP

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

LINGO COVE PARTNERS LTD.,
URBAN EDGE PARTNERS II, LTD.,
AND BLUE HC 54, LLC,

Intervenors.

_____/

HTG PINELLAS 2, LLC,

Petitioner,

vs.

DOAH Case No. 14-0244
FHFC Case No.2013-046BP

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

LINGO COVE PARTNERS LTD., AND
URBAN EDGE PARTNERS II, LTD.,

Intervenors.

_____/

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on March 14, 2014. The matter for consideration before this Board is a Consent Agreement entered into

by the above-named Petitioners and Intervenors (collectively, the “Parties”) in this consolidated litigation. After a review of the record and otherwise being fully advised in these proceedings, this Board finds:

The above named Parties timely submitted responses to RFA 2013-02 for housing developments located in Duval, Hillsborough, Orange and Pinellas Counties (the “RFA”) seeking allocations of low income housing tax credits to help fund their respective proposed developments.

On December 13, 2013, the Board accepted the recommendations of a staff review committee assigned to evaluate the RFA Applications, and notified Petitioners and other interested parties of the Board’s intended decision to tentatively award an allocations of low-income tax housing tax credits (“Housing Credits”) to selected proposed developments. Staff then provided all Applicants with a Notice of Rights pursuant to Sections 120.569, Fla. Stat. (2013).

Following the Board’s approval of the staff recommendations, Southport Development Inc., d/b/a Southport Development Services, Inc., and Garden Trail Apartments 2013, LLC (Collectively, “Southport”), HTG Pinellas 2, LLC and HTG Hillsborough 1, LLC (Collectively, “HTG”), and Peyton Ridge Community, LTD (“Peyton Ridge”) filed petitions for administrative hearings (the “Petitions”) challenging the scoring of various Applications submitted in response to the RFA.

Subsequently, Lingo Cove Partners Ltd., Urban Edge Partners II, Ltd., Blue HC 54, LLC, intervened in the various cases resulting from the Petitions.

After reviewing the Petitions, Florida Housing determined that the allegations included disputed issues of material fact, and forwarded the Petitions to the Division of Administrative Hearings for a formal hearing pursuant to Section 120.57(1), Fla. Stat. (2013). The cases were subsequently consolidated, and a formal hearing was scheduled for February 10-11, 2014.

Following the withdrawal of two of the Applications challenged in the Petitions, Nos. 2014-101C (“Eagle Ridge”) and 2014-129C (“Senior Citizens Village”), the Parties agreed to enter into a Consent Agreement to resolve their respective issues without the uncertainty and expense of a final hearing, and agreed to present this Consent Agreement to the Board at its March 14, 2014 meeting. A copy of this executed Consent Agreement is attached hereto as Exhibit A. The Parties then filed a Consented Joint Motion to Relinquish Jurisdiction with the Administrative Law Judge on February 5, 2014. This Motion was granted and the Administrative Law Judge issued an Order Closing File on February 5, 2014, canceling the final hearing returning jurisdiction to Florida Housing Finance Corporation (“Florida Housing”).

This Consent Agreement preserves the scoring results and recommendations of the Review Committee that were adopted by the Board on December 13, 2013 meeting, and recommends funding to the eligible Applications, as adjusted for the effects of the withdrawal of the two challenged Applications. The Consent Agreement further provides that all Petitioners will dismiss their Petitions within three business days of the issuance of this Final Order, that the execution of the Consent Agreement does not constitute an admission by any Party, and that each Party is responsible for its own attorney fees and costs incurred in the course of this consolidated litigation.

RULING ON THE CONSENT AGREEMENT

The Board approves the provisions and recommendations for funding as set forth in the attached Consent Agreement.

ORDER

In accordance with the foregoing, it is hereby found and ordered that the provisions and recommendations for funding set forth in the Consent Agreement are adopted and incorporated by reference as though fully set forth in this Order.

Accordingly, it is found and **ORDERED** that funding is recommended to the Applicants as set forth in paragraph 5 of the Consent Agreement.

DONE and ORDERED this 14th day of March, 2014.



FLORIDA HOUSING FINANCE CORPORATION

By: 
Chair

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.