

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**REDDING DEVELOPMENT PARTNERS,
LLC, AND HTG HAMMOCK RIDGE, LLC,**

Petitioners,

vs.

**FLORIDA HOUSING FINANCE
CORPORATION,**

Respondent,

and

**BROWNSVILLE MANOR, LP, GROVE
MANOR PHASE I, LTD., JIC GRAND
PALMS, LLC, MADISON PALMS, LTD.,
AND RST THE PINES, LP,**

Intervenors.

_____ /

**DOAH Case No.: 16-1137BID
DOAH Case No.: 16-1138BID
FHFC Case No.: 2016-009BP
FHFC Case No.: 2016-007BP**

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on May 6, 2016. The matter for consideration before this Board is a Recommended Order pursuant to §120.57(1) and (3), Fla. Stat. (2014). After a review of the record and being otherwise fully advised in these proceedings, this Board finds:

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DATE: 5-12-16

1. Petitioners and Intervenors submitted applications to Florida Housing seeking allocations for low-income tax credits pursuant to RFA 2015-106. The Board announced its intention to fund certain projects on January 29, 2016.

2. Petitioners Redding Development Partners, LLC, (“Redding”) and HTG Hammock Ridge, LLC, (“HTG”), timely filed a challenge to proposed funding awards pursuant to §120.57(3), Fla. Stat. (2014). Intervenors, Brownsville Manor, LP, (“Brownsville”), Intervenors, Grove Manor Phase I, LTD., (“Grove Manor”), Intervenors, JIC Grand Palms, LLC (“Grand Palms”), Intervenors, Madison Palms, Ltd., (“Madison Palms”), and Intervenors, RST The Pines, LP, (“The Pines”), entered the case as Intervenors in accordance with Fla. Admin. Code R. 28-106.205(3). A formal hearing was conducted pursuant to §§120.569 and 120.57(3), Fla. Stat. (2014), before D. R. Alexander, Administrative Law Judge, at the Division of Administrative Hearings in Tallahassee, Florida, on March 23rd, 2016.

3. The issue for determination was whether Respondent's intended decision to award low-income housing tax credits to Grove Manor, The Pines, Grand Palms, and Madison Palms was contrary to governing statutes, Florida Housing's rules, or the solicitation specifications. Redding also challenged the score of Brownsville, which was not awarded tax credits but ranked ahead of Redding due to a lower lottery number. Following the hearing, Redding, HTG,

Florida Housing, Brownsville, Grove Manor, Grand Palms and The Pines timely filed Proposed Recommended Orders.

4. After a review of the record and the Proposed Recommended Orders, the Administrative Law Judge issued a Recommended Order on April 19, 2016, which found that the preliminary award of tax credits to Grove Manor and Madison Palms should be rescinded; Brownsville's application should be deemed to be ineligible for funding; and HTG and Redding should be awarded tax credits, and recommended that Florida Housing enter a Final Order rescinding the preliminary award to Grove Manor Phase I, Ltd. and Madison Palms, Ltd.; determining that Brownsville Manor, LP, is ineligible for funding; and designating HTG Hammock Ridge, LLC, and Redding Development Partners, LLC, as the recipients of tax credits being made available for developments in RFA 1015-106. A true and correct copy of the Recommended Order is attached hereto as "Exhibit A."

5. On April 25, 2016, Brownsville filed "Brownsville Manor LP Exceptions and Objections to Recommended Order," challenging four Findings of Fact and Conclusions of Law of the Recommended Order. Petitioner Redding and Respondent Florida Housing filed its Response to Brownsville Manor LP Exceptions and Objections to Recommended Order on April 29, 2016. By agreement of the parties, both filings were deemed timely.

RULING ON EXCEPTIONS

6. Based on a review of the record and the arguments presented by the Parties, the Board specifically rejects Brownsville's enumerated Exceptions 1-3 for the reasons set forth in the Recommended Order and the Joint Responses filed by Florida Housing and Redding.

RULING ON THE RECOMMENDED ORDER

7. The Findings of Fact and Conclusions of Law set out in the Recommended Order are supported by competent substantial evidence.

ORDER

In accordance with the foregoing, it is hereby **ORDERED**:

8. The Findings of Fact and Conclusions of Law of the Recommended Order are adopted as Florida Housing's Conclusions of Law and incorporated by reference as though fully set forth in this Order.

9. The Recommendation of the Recommended Order is adopted.

IT IS HEREBY ORDERED that the Florida Housing Finance Corporation enter a final order rescinding the preliminary award to Grove Manor Phase I, Ltd. and Madison Palms, Ltd.; determining that Brownsville Manor, LP, is ineligible for funding; and designating HTG Hammock Ridge, LLC, and Redding Development Partners, LLC, as the recipients of tax credits being made available for developments in RFA 1015-106.

DONE and ORDERED this 6th day of May, 2016.

FLORIDA HOUSING FINANCE
CORPORATION

By:  _____
Chair

Copies to:

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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, 300 MARTIN LUTHER KING, JR., BLVD., TALLAHASSEE, FLORIDA 32399-1850, 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.