

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

JPM OUTLOOK ONE LIMITED PARTNERSHIP

Petitioner,
vs.

DOAH Case No. 17-2499BID

FLORIDA HOUSING FINANCE
CORPORATION,

FHFC Case No. 2017-018BP

Respondent,
_____ /

GRANDE PARK LIMITED PARTNERSHIP

Petitioner,
vs.

DOAH Case No. 17-2500BID

FLORIDA HOUSING FINANCE
CORPORATION,

FHFC Case No. 2017-019BP

Respondent,

and

HAMMOCK RIDGE II, LLC,

Intervenor.
_____ /

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation ("Board") for consideration and final agency action on July 28, 2017.

All Petitioners in these consolidated cases were Applicants under Request for

Applications 2016-110: Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties (the "RFA"). The matter for consideration before this Board is a Recommended Order pursuant to §§120.57(2) and (3)(e), Fla. Stat., and Rule 67-60.009(3)(b), Fla. Admin. Code, the Exceptions to the Recommended Order, and Responses thereto.

On October 7, 2016, Florida Housing issued the RFA which solicited applications to compete for an allocation of Federal Low-Income Housing Tax Credit funding ("tax credits") for the construction of affordable housing developments. A modification to the RFA was issued on November 10, 2016. On December 2, 2016, Applications were submitted in response to the RFA by a number of Developers including Petitioners and Intervenors. On March 24, 2017, Florida Housing posted notice of its intended decision to award funding to 10 Applicants including Intervenor Hammock Ridge. Petitioners JPM Outlook and Grande Park were determined to be ineligible for funding.

Petitioners timely filed notices of intent to protest followed by formal written protests pursuant to §120.57(3), Fla. Stat. (2016). After a review of the Petitions, Florida Housing determined that no disputes of material fact existed, and referred the cases to the Division of Administrative Hearings (DOAH) for informal proceedings per its contract with Florida Housing to provide informal hearing officers. On May 1, 2017 the Administrative Law Judge acting as informal hearing

officer consolidated the cases into this single action, and granted a motion to intervene from Hammock Ridge II, LLC.

An informal hearing took place on May 15, 2017 in Tallahassee, Florida, before the Honorable Administrative Law Judge Lawrence P. Stevenson ("Hearing Officer"). Petitioners, Respondent and Intervenors timely filed Proposed Recommended Orders.

After consideration of the evidence and arguments presented at hearing, and the Proposed Recommended Orders, the Hearing Officer issued a Recommended Order on June 29, 2017. A true and correct copy of the Recommended Order is attached hereto as "Exhibit A." The Hearing Officer therein recommended that Florida Housing issue a Final Order affirming Florida Housing's scoring and ranking decisions regarding all issues and parties.

On July 10, 2017 Petitioners filed Exceptions to Recommended Order, attached hereto as Exhibit B ("Exceptions"), objecting to the Conclusions of Law in ¶¶ 50-53, and to the Recommendation of the Recommended Order. On July 13, 2017, Florida Housing and the Intervenors filed a Joint Response to Petitioners' Exceptions, attached hereto as "Exhibit C."

RULING ON EXCEPTIONS

1. Petitioners take exception to the Conclusions of Law set forth in ¶¶ 50-53 of the Recommended Order, in which the Hearing Officer concluded that

Petitioners had failed to carry their burden of showing that the errors in their petitions should have been waived as minor irregularities.

2. The Board finds that it has substantive jurisdiction over the issues presented in ¶¶ 50-53 of the Recommended Order.

3. After a review of the record, the Board finds that the Conclusions of Law set forth in ¶¶ 50-53 of the Recommended Order are reasonable and based upon competent, substantial evidence, and rejects Petitioners' Exception.

RULING ON THE RECOMMENDED ORDER

4. The Findings of Fact set out in the Recommended Order are supported by competent substantial evidence.

5. The Conclusions of Law of the Recommended Order are reasonable and supported by competent, substantial evidence.

6. Petitioners' Exceptions to the Recommended Order are rejected.

7. The Recommendation of the Recommended Order is reasonable and supported by competent, substantial evidence.

ORDER

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

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

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

IT IS HEREBY ORDERED that Florida Housing's scoring and ranking of RFA 2016-110 is **AFFIRMED** is and the relief requested in the Petitions is **DENIED**.

DONE and ORDERED this 28th day of July, 2017.

FLORIDA HOUSING FINANCE
CORPORATION

By: _____


Chair

Copies to:

Michael Donaldson
Florida Bar No. 0802761
Carlton Fields, P.A.
P.O. Drawer 190
Tallahassee, Florida 32302
Telephone: (850) 224-1585
Facsimile: (850) 222-0398
mdonaldson@carltonfields.com

Maureen M. Daughton
Maureen McCarthy Daughton, LLC
1725 Capital Circle NE, Suite 304
Tallahassee, Florida 32308
mداughton@mmd-lawfirm.com

Hugh R. Brown, General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

Ken Reecy
Director of Multifamily Programs
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

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.