

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

HTG OSPREY POINTE, LLC,
Petitioner,

DOAH Case No. 18-0479BID
FHFC Case No. 2017-090BP

v.

FLORIDA HOUSING FINANCE CORPORATION,
Respondent,

and

SP LAKE, LLC,
Intervenor.

NORTHSIDE PROPERTY II, LTD,
Petitioner,

DOAH Case No. 18-0484BID
FHFC Case No. 2017-099BP

v.

FLORIDA HOUSING FINANCE CORPORATION,
Respondent,

and

SIERRA BAY APARTMENTS, LTD,
Intervenor.

LIBERTY SQUARE PHASE TWO, LLC,
Petitioner,

DOAH Case No. 18-0485BID
FHFC Case No. 2017-100BP

v.

FLORIDA HOUSING FINANCE CORPORATION,
Respondent,

and

WOODLAND GROVE APARTMENTS, LLC,
Intervenor.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Tom Blamery DATE: 5/4/19

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 4, 2018. All Petitioners in these consolidated cases were Applicants under Request for Applications 2017-108 SAIL Financing of Affordable Multifamily Housing Developments To Be Used In Conjunction With Tax-Exempt Bond Financing And Non-Competitive Housing Credits (the “RFA”). The matter for consideration before this Board is a Recommended Order pursuant to §§120.57(1) and (3)(e), Fla. Stat., and Rule 67-60.009(3)(b), Fla. Admin. Code.

On August 31, 2017, Respondent Florida Housing Finance Corporation (“Florida Housing” or “Respondent”) issued the RFA which solicited applications to compete for an allocation of State Apartment Incentive Loan (“SAIL”) program funds, Multifamily Mortgage Revenue Bonds, and non-competitive housing credit financing for the construction of affordable housing developments. On December 8, 2017, Florida Housing posted notice of its intended decision to award funding to 16 Applicants including Intervenor SP Lake, LLC (“SP Lake”), Sierra Bay Apartments, LTD (“Sierra Bay”), and Woodland Grove Apartments, LLC (“Woodland Grove”). Petitioners HTG Osprey Pointe, LLC (“Osprey Pointe”), Northside Property II, LTD (“Northside II”) and Liberty Square Phase Two, LLC (“Liberty Square”) were determined to be eligible but were not selected 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 disputed issues of material fact existed, and referred the case to the Division of Administrative Hearings (“DOAH”). A formal hearing took place on February 28, 2018 in Tallahassee, Florida, before the Honorable Administrative Law Judge J. Bruce Culpepper ("ALJ"). 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 ALJ issued a Recommended Order on April 19, 2018. A true and correct copy of the Recommended Order is attached hereto as "Exhibit A." The ALJ therein recommended that Florida Housing issue a Final Order dismissing the protest by Liberty Square. Additionally, it recommended rescinding the preliminary awards to Sierra Bay and SP Lake, and designating Northside II, HTG Osprey, and Pembroke Tower Apartments as recipients of funding under RFA 2017-108. No Exceptions to the Recommended Order were filed.

RULING ON THE RECOMMENDED ORDER

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

ORDER

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

3. 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.

4. 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.

5. The Recommendation of the Recommended Order is adopted.

IT IS HEREBY ORDERED that a) the preliminary awards to Sierra Bay (Application 2018-023BS), SP Lake (Application 2018-042BS), and Harbour Springs (Application #2018-048BS) are rescinded; and b) Northside II (Application 2018-047BS), Osprey Pointe (Application 2018-050BS), and Pembroke Tower Apartments (Application #2018-040BS) are awarded funding.

DONE and ORDERED this 4th day of May, 2018.



FLORIDA HOUSING FINANCE
CORPORATION

By: 
Chair

Copies furnished 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, 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.