

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

BDG PARKWOOD LOFTS, LP

Petitioner,

DOAH Case No. 201766BID

FHFC Case No. 2020-021BP

v.

CHRISTIAN MANOR RESTORATION, LLC,
WATERVIEW PRESERVE, LLC, and
FLORIDA HOUSING FINANCE CORPORATION,

Respondents.

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 17, 2020. Petitioner BDG Parkwood Lofts (“Parkwood Lofts”), as well as Respondents Christian Manor Restoration, LLC (“Christian Manor”) and Waterview Preserve, LLC (“Waterview”) were Applicants under Request for Applications 2019-116, “SAIL Financing for Development of Affordable Housing Developments To Be Used In Conjunction With Tax-Exempt Bonds And Non-Competitive Housing Credits” (the “RFA”). The matter for consideration before the Board is a Recommended Order issued pursuant to sections 120.569, 120.57(1), and 120.57(3), Florida Statutes.

On March 6, 2020, Florida Housing Finance Corporation (“Florida Housing”) posted notice of its intended decision to award funding to 13 applicants, including Christian Manor. Parkwood Lofts and Waterview were found eligible but were not selected for funding under the terms of the RFA. Petitioner filed a notice of intent to protest and formal written protest as required by section 120.57(3), Florida Statutes, challenging the Corporation’s scoring and ranking of Applicants for funding under the RFA. Florida Housing referred the petition to the Division of Administrative Hearings for a formal hearing, along with several other petitions that were ultimately dismissed voluntarily. Christian Manor and Waterview Preserve filed Notices of Appearance and were designated as Respondents by the Administrative Law Judge.

The central issue here is whether Florida Housing’s decision to award funding under the RFA was contrary to the agency’s governing statutes, the agency’s rules or policies, or the solicitation specifications. More specifically, the issue is whether Florida Housing’s determination that the applications of Christian Manor and Waterview Preserve were eligible. If both applications were determined to be ineligible, Parkwood Lofts would have been selected for funding instead of Christian Manor.

A hearing was conducted on May 5, 2020, before Administrative Law Judge Hetal Desai. All parties filed Proposed Recommended Orders. After reviewing the

Proposed Recommended Orders, the Administrative Law Judge issued a Recommended Order on June 19, 2020. The Administrative Law Judge found that Christian Manor and Waterview Preserve had met all requirements in the RFA and recommended that they be found eligible and that the initial determination that Christian Manor be selected for funding should be upheld. A copy of the Recommended Order is attached as Exhibit A. No Exceptions to the Recommended Order were filed by any party.

Ruling on the Recommended Order

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

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

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

ORDER

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

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

IT IS HEREBY ORDERED that the Petition of Parkwood Lofts is dismissed, and Christian Manor is awarded funding under the terms of the RFA.

DONE and ORDERED this 17th day of July, 2020.



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, 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.