

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

MADISON LANDING, II, LLC and
ARC 2020, LLC, and NEW SOUTH
RESIDENTIAL, LLC,

FHFC Case No. 2020-072BP
DOAH Case No. 21-0146BID

Petitioners,

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

HTG MADISON PARK, LTD

Petitioner,

FHFC Case No. 2020-073BP
DOAH Case No:21-0147BID

vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on April 30, 2021. Petitioners Madison Landing II, LLC (“Madison Landing”) and HTG Madison Park, LTD (“Madison Park”) were Applicants under Request for Applications 2020-202,

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

1

Am:Reamony DATE: 4/30/2021

Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties (the “RFA”). The matter for consideration before this Board is a Recommended Order issued pursuant to §§120.57(1) and (3), Fla. Stat. and the Exceptions to the Recommended Order.

On December 4, 2020, Florida Housing posted notice of its intended decision to award funding to eight applicants, including WRDG T4 Phase Two, LP (“WRDG”). The Board found that Madison Landing and Madison Park satisfied all mandatory and eligibility requirements but were not awarded funding based upon the ranking criteria in the RFA. Madison Landing timely filed a notice of intent to protest and a formal written protest challenging the eligibility of WRDG. Madison Park timely filed a notice of intent to protest and a formal written protest challenging the eligibility of WRDG and Madison Landing. The petitions were referred to the Division of Administrative Hearings and consolidated. Prior to the hearing, WRDG conceded that its application should have been found ineligible.

The hearing was conducted on February 9, 2021 before Administrative Law Judge (“ALJ”) Brittany O. Finkbeiner at the Division of Administrative Hearings via Zoom technology. The only disputed issue at hearing was Madison Park’s contention that Madison Landing should have been found ineligible because one of the Principals of the Applicant had not been a legally formed entity as of the

Application Deadline. After the hearing, the parties filed Proposed Recommended Orders. After reviewing the Proposed Recommended Orders, the ALJ issued a Recommended Order on March 29, 2021. A copy of the Recommended Order is attached as Exhibit “A.” The ALJ recommended that Florida Housing enter a final order finding that WRDG was ineligible for funding, finding that Madison Landing was eligible for funding, and dismissing the petition of Madison Park.

On April 8, 2021, Madison Park filed eight Exceptions to the Administrative Law Judge’s Recommendations Order. On April 15, 2021, Florida Housing and Madison Landing jointly filed Responses to these Exceptions. Copies of the Exceptions and Joint Response to Exceptions are attached as Exhibits “B” and “C,” respectively.

RULING ON EXCEPTIONS

Ruling on Exception #1

Petitioner takes exception to Finding of Fact #21. After a review of the record, the Board finds that Finding of Fact #21 is supported by competent substantial evidence, and therefore rejects Exception #1.

Ruling on Exception #2

Petitioner takes exception to Finding of Fact #29. After a review of the record, the Board finds that Finding of Fact #29 is supported by competent substantial evidence, and therefore rejects Exception #2.

Ruling on Exception #3

Petitioner takes exception to Finding of Fact #31. After a review of the record, the Board finds that Finding of Fact #31 is supported by competent substantial evidence, and therefore rejects Exception #3.

Ruling on Exception #4

Petitioner takes exception to Finding of Fact #35. After a review of the record, the Board finds that Finding of Fact #35 is supported by competent substantial evidence, and therefore rejects Exception #4.

Ruling on Exception #5

Petitioner takes exception to Conclusion of Law #51. After a review of the record, the Board finds that Conclusion of Law #51 reasonable and is supported by competent substantial evidence, and therefore rejects Exception #5.

Ruling on Exception #6

Petitioner takes exception to Conclusion of Law #52. After a review of the record, the Board finds that Conclusion of Law #52 is reasonable and supported by competent substantial evidence, and therefore rejects Exception #6.

Ruling on Exception #7

Petitioner takes exception to Conclusion of Law #53. After a review of the record, the Board finds that Conclusion of Law #53 is reasonable and is supported by competent substantial evidence, and therefore rejects Exception #7.

Ruling on Exception #8

Petitioner takes exception to Conclusion of Law #56. After a review of the record, the Board finds that Conclusion of Law #56 is reasonable and is supported by competent substantial evidence, and therefore rejects Exception #8.

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 Exceptions 1 through 9 are hereby rejected and 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 as to funding in RFA 2020-202:

- 1) The application of WRDG is ineligible for funding;
- 2) The application of Madison Landing is eligible for funding; and

3) The protest filed by Madison Park is dismissed.

DONE and ORDERED this 30th day of April 2021.



FLORIDA HOUSING FINANCE
CORPORATION

By: 
Chair

Copies to:

Hugh R. Brown
Chris McGuire
Florida Housing Finance Corporation
Hugh.Brown@floridahousing.org
Chris.McGuire@floridahousing.org

J. Timothy Schulte
Zimmerman, Kiser & Sutcliffe, P.A.
Tschulte@zkslawfirm.com
Counsel for Madison Landing

Maureen McCarthy Daughton
Maureen McCarthy Daughton, LLC
mداughton@mmd-lawfirm.com
Counsel for Madison Park

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.