

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

FLETCHER BLACK II, LLC,

Petitioner,

vs.

FHFC Case No. 2021-008BP
DOAH Case No. 21-0515BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

PINNACLE AT HAMMOCK SPRINGS,
LLC; AND ABILITY VNA, LLC,

Intervenors.

MADISON GROVE, LLC; ARC 2020,
LLC; AND NEW SOUTH RESIDENTIAL,
LLC,

Petitioners,

vs.

FHFC Case No. 2021-020BP
DOAH Case No. 21-0516BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

MADISON OAKS EAST, LLC; ARC 2020,
LLC; AND NEW SOUTH RESIDENTIAL,
LLC,

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Tom: Delamora DATE: 4/30/2021

Petitioners,

vs.

FHFC Case No. 2021-019BP
DOAH Case No. 21-0517BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____/

MADISON OAKS WEST, LLC; ARC 2020,
LLC; AND NEW SOUTH RESIDENTIAL,
LLC,

Petitioners,

vs.

FHFC Case No. 2021-018BP
DOAH Case No. 21-0518BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____/

TIMSHELL WALTON HOUSING, LLC,

Petitioner,

vs.

FHFC Case No. 2021-010BP
DOAH Case No. 21-0520BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

RM FL XX PRIME, 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 April 30, 2021. Petitioners Fletcher Black II, LLC (“Fletcher Black”), Timshel Walton Housing, LLC (“Timshel”), Madison Grove, LLC, ARC 2020, LLC and New South Residential, LLC (“Madison Grove”), Madison Oaks West, LLC, ARC 2020, LLC and New South Residential, LLC (“Madison Oaks West”) and Madison Oaks East, LLC, ARC 2020, LLC and New South Residential, LLC (“Madison Oaks East”), Respondent RM FL XX Prime, LLC (“Rosemary”), and Intervenor Ability VNA, LLC (“Ability”), Pinnacle at Hammock Springs, LLC (“Pinnacle”), and Panama Manor Developer, LLC (“Panama Manor”) were Applicants under Request for Applications 2020-201, Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties (the “RFA”). The matter for consideration before the Board is a Recommended Order issued pursuant to sections 120.57(3), Florida Statutes.

On January 22, 2021, Florida Housing Finance Corporation (“Florida Housing”) posted notice of its intended decision to award funding to thirteen applicants, including Villages, Pinnacle, and Rosemary. Petitioners timely filed

notices of intent to protest followed by formal written protests challenging the scoring process in the RFA. On February 12, 2021, Florida Housing referred the matter to the Division of Administrative Hearings (“DOAH”) which consolidated the cases for hearing.

The case was set for Zoom teleconference hearing on March 10, 2020, on which date it commenced and concluded. Prior to hearing, the parties submitted a Joint Pre-hearing Stipulation that identified two contested issues: 1) Fletcher Black contested the scoring and ranking of its application as ineligible for the Local Government Area of Opportunity Designation and Goal; and 2) Timshel’s challenge to Rosemary’s site control documentation. Prior to hearing, Madison Oaks East, Madison Oaks West, and Madison Grove dismissed its challenge to the Villages Zoning Form. Additionally, prior to hearing, Madison Oaks East, Madison Oaks West, Madison Grove, Florida Housing, Villages and Pinnacle agreed that Madison Oaks East, Madison Oaks West, and Madison Grove should be deemed eligible for the 2019-113 Preference as outlined in the RFA.

The one-volume final hearing transcript was filed with DOAH on March 24, 2021. The parties timely filed Proposed Recommended Orders. The Recommended Order of the ALJ was entered on April 14, 2021 recommending that Florida Housing enter a final order finding 1) Fletcher Black is eligible for the LGAO Designation and awarding funding to Fletcher Black, subject to the successful completion of

credit underwriting; 2) Madison Oaks East, Madison Oaks West, and Madison Grove are eligible for the 2019-113 Preference, but are not selected for funding, and 3) that the decision to award funding to Rosemary Place was not clearly erroneous, and the error in its application was a waivable, minor irregularity.

On April 21, 2021, Pinnacle filed exceptions to the Recommended Order, but subsequently withdrew those exceptions on April 26, 2021. Thus, there were no exceptions to the Recommended Order for the Board to consider.

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 as to funding in RFA 2020-201:

1) Fletcher Black is eligible for the LGAO Designation and funding is awarded to Fletcher Black, subject to the successful completion of credit underwriting;

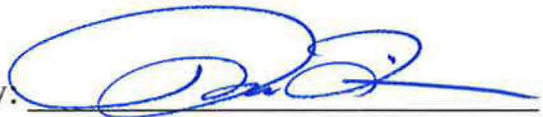
2) Madison Oaks East, Madison Oaks West, and Madison Grove are eligible for the 2019-113 Preference, but are not selected for funding, and

3) the error in the Rosemary Place application is a waivable, minor irregularity, and Rosemary Place is awarded funding subject to the successful completion of credit underwriting.

DONE and ORDERED this 30th day of April, 2021.



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.