

STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION

HTG ASTORIA, LTD,

Petitioner,

FHFC Case No. 2021-006BP  
DOAH Case No. 21-0725BID

v.

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent,

and

RST THE WILLOWS, LP,

Intervenor.

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MHP FL VIII LLLP,

Petitioner,

FHFC Case No. 2021-014BP  
DOAH Case No. 21-0726BID

v.

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent,

and

FULHAM TERRACE, LTD., BDG FERN  
GROVE, LP, and QUIET MEADOWS, LTD,

Intervenors.

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FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

*Amos Delamora* / DATE: 6/19/2021

VISTA AT COCONUT PALM, LTD,

Petitioner,

FHFC Case No. 2021-017BP  
DOAH Case No. 21-0727BID

v.

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent,

and

UNIVERSITY STATION I, LLC,  
RESIDENCES AT SOMI PARC, LLC,  
and BDG FERN GROVE, LP,

Intervenors.

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**FINAL ORDER**

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on June 18, 2021. Petitioners HTG Astoria, Ltd, (“HTG Astoria”), MHP FL VIII, LLLP (“MHP”) and Vista at Coconut Palm, Ltd. (“Vista”) and Intervenors RST The Willows, LP (“Willows”), Fulham Terrace, Ltd. (“Fulham”), BDG Fern Grove, LP (“Fern Grove”), Quiet Meadows, Ltd., (“Quiet Meadows”), University Station I, LLC (“University Station”), Residences at SoMi Parc, LLC (“SoMi”), and Douglas Gardens IV, Ltd. (“Douglas Gardens”) were Applicants under Request for Applications 2020-205 SAIL Financing of Affordable Multifamily Housing

Developments to be Used in Conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits (the “RFA”). The matter for consideration before this Board is a Recommended Order issued pursuant to §§120.569 and 120.57(3), Fla. Stat. and the Exceptions to the Recommended Order.

On October 15, 2020, Florida Housing Finance Corporation (“Florida Housing”) issued the RFA, which solicited applications to compete for an allocation of State Apartment Incentive Loan (“SAIL”) funding along with tax-exempt bonds and non-competitive housing credits. On January 22, 2021, Florida Housing posted notice of its intended decision to select applicants for funding including Willows, Fulham, Fern Grove, Quiet Meadows, and University Station. Petitioners HTG Astoria, MHP and Vista, along with SoMi and Douglas Gardens, were deemed eligible, but not selected for funding.

HTG Astoria, Tallman Pines HR, Ltd. (“Tallman Pines”), Douglas Gardens, MHP, and Vista timely filed formal written protests and petitions for administrative proceedings. Several other applicants filed notices of appearances in the challenges. Tallman Pines and Douglas Gardens voluntarily dismissed their respective petitions. All other petitions were referred to the Division of Administrative Hearings (“DOAH”) and consolidated. Prior to the hearing, several stipulations were entered into evidence which resulted in the Willows, SoMi, Douglas Gardens, Quiet Meadows, and MHP admitting ineligibility for funding in RFA 2020-205.

A hearing in the consolidated case was conducted as scheduled on March 29, 2021 via Zoom technology before Administrative Law Judge G. W. Chisenhall (the “ALJ”) with all parties present. At hearing only one disputed issue remained: whether University Station demonstrated site control pursuant to the requirements in the RFA.

After consideration of the oral and documentary evidence presented at hearing, the parties’ proposed recommended orders, and the entire record in the proceeding, the ALJ issued a Recommended Order on May 17, 2021. A true and correct copy of the Recommended Order is attached hereto as “Exhibit A.” The ALJ found that Vista failed to meet its burden, University Station met the RFA requirements for site control, and that Florida Housing reasonably applied the RFA’s site control requirements for a lease to University Station’s site control documentation. The ALJ recommended that Florida Housing enter a final order 1) awarding funding to University Station, subject to credit underwriting, and 2) finding that the applications submitted by Douglas Gardens, MHP, Quiet Meadows, Willows, and SoMi are ineligible for funding.

On May 26, 2021, Vista filed exceptions to the Recommended Order, attached as “Exhibit B.” On June 4, 2021, Florida Housing and University Station filed a joint response to Vista’s exceptions, a copy of which is attached as “Exhibit C.”

## **RULING ON EXCEPTIONS**

### **Ruling on Exception #1**

1. Vista filed an exception to Finding of Fact 35 of the Recommended Order.

2. After a review of the record, the Board finds that Finding of Fact 35 is supported by competent substantial evidence and the Board rejects Exception 1.

### **Ruling on Exception #2**

3. Vista filed an exception to Finding of Fact 36 of the Recommended Order.

4. After a review of the record, the Board finds that Finding of Fact 36 is supported by competent substantial evidence and the Board rejects Exception 2.

### **Ruling on Exception #3**

5. Vista filed an exception to Finding of Fact 37 of the Recommended Order.

6. After a review of the record, the Board finds that Finding of Fact 37 is reasonable and is supported by competent substantial evidence. The Board rejects Exception 3.

### **Ruling on Exception #4**

7. Vista filed an exception to Finding of Fact 38 of the Recommended Order.

8. After a review of the record, the Board finds that Finding of Fact 38 is reasonable and is supported by competent substantial evidence. The Board rejects Exception 4.

**Ruling on Exception #5**

9. Vista filed an exception to Conclusion of Law 49 of the Recommended Order.

10. After a review of the record, the Board finds that Conclusion of Law 49 is reasonable and is supported by competent substantial evidence. The Board rejects Exception 5.

**Ruling on Exception #6**

11. Vista filed an exception to Conclusion of Law 50 of the Recommended Order.

12. After a review of the record, the Board finds that Conclusion of Law 50 is reasonable and is supported by competent substantial evidence. The Board rejects Exception 6.

**Ruling on Exception #7**

13. Vista filed an exception to Conclusion of Law 52 of the Recommended Order.

14. After a review of the record, the Board finds that Conclusion of Law 52 is reasonable and is supported by competent substantial evidence. The Board rejects Exception 7.

#### **Ruling on Exception #8**

15. Vista filed an exception to Conclusion of Law 53 of the Recommended Order.

16. After a review of the record, the Board finds that Conclusion of Law 53 is reasonable and is supported by competent substantial evidence. The Board rejects Exception 8.

#### **Ruling on the Recommended Order**

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

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

19. 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 8 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 2020-205:

- 1) The application of University Station is awarded funding, subject to credit underwriting; and
- 2) The applications of Douglas Gardens IV, Ltd., MHP FL VIII, LLLP, Quiet Meadows, Ltd., RST The Willows, LP, and Residences at SoMi Parc, LLC are ineligible for funding.

**DONE and ORDERED** this 18th day of June 2021.



FLORIDA HOUSING FINANCE CORPORATION

By:   
Chair

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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.