

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

MADISON TRACE, LLC, AMERICAN
RESIDENTIAL COMMUNITIES, LLC, and
NEW SOUTH RESIDENTIAL, LLC

FHFC Case No. 2021-109BP

Petitioners,

DOAH Case No. 22-0004BID

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

and

BEACON AT CREATIVE VILLAGE PARTNERS, LTD.,

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 29, 2022. Petitioner Madison Trace, LLC (“Madison Trace”) and Intervenor Beacon at Creative Villages Partners, LTD (“Beacon”) were Applicants under Request for Applications 2021-202, “Housing Credit Financing for Affordable Housing Developments Located in Broward, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties,” (the “RFA”). American Residential Communities, LLC, and New South Residential, LLC, are Developer entities for Madison Trace. The matter

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Ann Murray DATE: 5/2/2022

for consideration before this Board is a Recommended Order issued pursuant to §§120.569 and 120.57(3), Fla. Stat.

On July 20, 2021, Florida Housing Finance Corporation (“Florida Housing”) issued the RFA and posted notice of its intended funding decision on December 10, 2021. Through the ranking and selection process outlined in the RFA, eight applicants were preliminarily selected for funding, including Beacon. Madison Trace was found eligible but was not selected for funding.

Madison Trace timely filed a notice of intent to protest and a formal written protest challenging the eligibility of Beacon. The petition was referred to the Division of Administrative Hearings. Two other petitions were filed but were dismissed prior to hearing.

The hearing was conducted on February 4, 2022 before Administrative Law Judge (“ALJ”) J. Bruce Culpepper in Tallahassee, Florida. Madison Trace contended that Beacon should have been found ineligible for funding because of deficiencies in its site control documentation and failure to identify all developers. After the hearing, the parties filed Proposed Recommended Orders.

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 April 1, 2022. A true and correct copy of the Recommended Order is attached hereto as “Exhibit A.” The ALJ

found that Madison Trace failed to demonstrate that Florida Housing's initial determination that Beacon met the eligibility requirements in the RFA was contrary to applicable statutes, rules, policies, or RFA specifications, and failed to meet its burden to show that Florida Housing's initial determination was clearly erroneous, contrary to competition, arbitrary, or capricious. The ALJ recommended that Florida Housing enter a final order finding that Beacon was eligible for funding and dismissing the petition of Madison Trace. 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 set out in the Recommended Order are reasonable and supported by competent substantial evidence.
3. 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.

The application of Beacon is awarded funding under RFA 2021-202, subject to credit underwriting.

DONE and ORDERED this 29th day of April 2022.



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.