

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

CASA AMIGOS EHT, LLC

Petitioner,

v.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

FHFC Case No.: 2019-058BP

RFA No.: 2019-108

App. No.: 2019-424S

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (the "Board") for consideration and final agency action on September 20, 2019. On August 13, 2019, Casa Amigos EHT, LLC ("Casa Amigos") and Florida Housing Finance Corporation ("Florida Housing") executed a Consent Agreement, attached as Exhibit "A." Based on the Consent Agreement, Casa Amigos' application is eligible and is selected for funding under the terms of RFA 2019-108 (the "RFA").

The Consent Agreement is adopted and incorporated by reference as though fully set forth in this Order.

IT IS HEREBY ORDERED that Casa Amigos is eligible and selected for funding under the terms of the RFA, subject to credit underwriting.

DONE and ORDERED this 20th day of September, 2019.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Jennifer L. Marshall DATE: 9/23/2019

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.

**BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

CASA AMIGOS EHT, LLC,

Petitioner,

vs.

Case No. 2019-058BP

RFA No. 2019-108

Application No. 2019-424S

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

CONSENT AGREEMENT

Petitioner, Casa Amigos EHT, LLC, ("Casa Amigos") and Florida Housing Finance Corporation ("Florida Housing"), by and through counsel, hereby present the following Consent Agreement in accordance with Section 120.57(4), Florida Statutes.

PRELIMINARY STATEMENT

1. On April 11, 2019, Florida Housing issued RFA 2019-108 SAIL Farmworker and Commercial Fishing Worker Housing (the "RFA"),
2. Casa Amigos submitted Application No. 2019-424S (the "Application") in response to the RFA. Casa Amigos requested an allocation of \$5,150,000 in SAIL funding for its proposed twenty-four (24) unit affordable housing development in Collier County, Florida.
3. Florida Housing received only one application in response to the RFA.
4. The designated Review Committee recommended that Florida Housing's Board of Directors (the "Board") find Casa Amigos Application ineligible for funding.
5. Based on the Review Committee Scorer's notes the Casa Amigos Application was found ineligible based on the following:

4.c Development Type Provided – The Applicant selected Townhouses, however, for new construction Developments, only Garden Apartments are allowable under this RFA.

6. Casa Amigos timely filed a Notice of Intent to Protest followed by a Formal Written Protest and Petition for Administrative Hearing (the “Petition”) challenging the ineligibility determination.

7. A Notice to Bidders was not issued by Florida Housing because Casa Amigos was the only applicant in the RFA.

8. Florida Housing has reviewed the Board’s preliminary RFA funding decision, the Application, and the Petition filed by Casa Amigos, and has determined that the Casa Amigos proposed Development meets the eligibility criteria in the RFA. Therefore, Petitioner’s Application meets all requirements, is eligible, and should be selected for funding.

9. Upon issuance of a Final Order adopting the terms of this Consent Agreement, Casa Amigos agrees to timely dismiss its Petition with prejudice. The Parties waive all rights to appeal this Consent Agreement and the Final Order to be issued in this case. Each party shall bear its own costs and attorney’s fees.

10. This Consent Agreement is subject to approval of Florida Housing’s Board. If the Board does not approve this Consent Agreement, no Final Order will be issued, and this Consent Agreement shall be null and void as if it were never executed.

STIPULATED FINDINGS OF FACT

11. Florida Housing is a public corporation that is organized to provide and promote the public welfare by administering the governmental function of financing and refinancing housing and related facilities in the State of Florida.

12. Florida Housing administers the SAIL program set forth in Section 420.5087, Florida Statutes, and is responsible for establishing procedures for allocating the SAIL funding.

13. Chapter 67-60, Florida Administrative Code, establishes the procedures by which Florida Housing administers the competitive solicitation funding process for the SAIL program.

14. The RFA was issued pursuant to and in accordance with Rules 67-60.001 and 67-60.003, Florida Administrative Code, and is adopted and incorporated herein by reference.

15. The RFA allowed applicants to select from New Construction, Rehabilitation, and Acquisition and Rehabilitation for its Development Category.

16. The RFA also required applicants to provide information regarding its Development Type as follows:

- (1) For new construction Developments, only Garden Apartments (a building comprised of 1, 2 or 3 stories, with or without an elevator) are allowable under this RFA.
- (2) For Substantial Rehabilitation of an existing Development, select the appropriate Development Type:
 - Garden Apartments (a building comprised of 1, 2 or 3 stories, with or without an elevator)
 - Townhouses
 - Duplex
 - Quadraplex
 - Single Family

17. In response to these RFA provisions Casa Amigos selected New Construction for its Development Category and Townhouses for its Development Type.

18. In its application, Casa Amigos selected New Construction as its Development Category and intended to comply with the requirements of the RFA including construction of Garden Apartments. It was the intent of Casa Amigos to provide a 24-unit New Construction, Garden Apartment complex in Immokalee, Collier County, Florida. However, Casa Amigos in

its Application inadvertently selected Townhouses rather than Garden Apartments as its Development Type.

19. At page 7 of 7 of Casa Amigos' Development Cost Pro Forma, Casa Amigos answered the following question: "What is the proposed Development's Development Type?" by selecting "Garden" as its Development Type. Accordingly, the necessary information was submitted within the four corners of Casa Amigo's application. Florida Housing can determine, based on Casa Amigo's application as a whole, that Casa Amigo's intended to construct Garden Apartments as its Development Type.

20. In reviewing the Application, the Petition, and the requirements of the RFA, Florida Housing determined that Casa Amigos should be an eligible application and selected for funding.

STIPULATED CONCLUSIONS OF LAW

21. In order to avoid the time, expense, and uncertainty of litigation, the parties agree that Casa Amigos is eligible for funding in RFA 2019-108.

22. Casa Amigos is the sole applicant in RFA 2019-108 and, therefore, the funding of Casa Amigos will not rescind or otherwise negatively impact the funding awarded to any other application in RFA 2019-108.

23. The undersigned attorneys represent that they have the authority to execute this Consent Agreement on behalf of their respective clients.

24. Pursuant to Sections 120.569 and 120.57(3), Florida Statutes, and Chapter 67-60, Florida Administrative Code, the Florida Housing Board has jurisdiction over the parties to this proceeding.

25. The Casa Amigos Application is eligible and is selected for funding.

STIPULATED DISPOSITON

26. Casa Amigos met all eligibility criteria in the RFA and is selected for funding under RFA 2019-108.

Respectfully signed this 13th day of August 2019.



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