

## PETITION FOR WAIVER

### PETITIONER

The Housing League, Inc.  
1119 Cotorro Avenue  
Coral Gables, FL 33146  
(305) 962-3203  
(305) 740-8321

### RESPONDENT

Florida Housing Finance Corporation  
227 North Bronough Street, Ste 5000  
Tallahassee, FL 32301  
(850) 488-4197  
(850) 488-9809

A. Wherefore, the Petitioner respectfully requests that the Respondent waive the provisions of the Application Instructions, incorporated by reference in Homeownership Loan Program Rule Chapter 67-50.005(8) for Miami-Dade Infill Housing Development (the Development) as set forth below.

- i. Florida Housing Finance Corporation Homeownership Loan Program Rule Chapter 67-50.005(8) "Application Package" or (HOMEOWN-530 (Rev. 4/03)) adopts and incorporates by reference the Application Instructions. Petitioner requests the waiver of the Application Instructions Part III.C. 5.a: Applicant must demonstrate that a Phase I Environmental Site Assessment (ESA) has been performed in accordance with ASTM Practice #E1527-00 by providing a properly completed and executed the Verification of Environmental Safety – Phase I Site Assessment Form, Exhibit 23, behind a tab labeled "Exhibit 23".
- ii. Whereas, the Petitioner has received a preliminary commitment on September 19, 2003 for Miami-Dade Infill Housing a scattered site development located in Miami-Dade County, Florida. On June 18, 2004 the Development's analytical review was approved by the Florida Housing Finance Corporation's Board of Directors.
- iii. Whereas, the Petitioner is requesting a waiver for the relief of the Phase I ESA requirement. The Phase I ESA typically used for multifamily developments or single family subdivisions. The Phase I ESA identifies environmental issues with parcels of undeveloped land. The lots being utilized for this development are scattered sites within established neighborhoods, with existing roads, utilities, schools, shopping churches, parks, fire and police protection etc. Normally an appraisal report will point out any obvious environmental problems. The Phase I ESA is not a requirement to receive funds from the Department of Housing and Urban Development.

Whereas, the application of the Rule will cause Petitioner to suffer substantial hardship in the following manner:

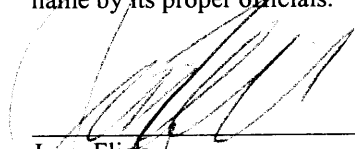
- (a) The estimates of cost for a Phase I ESA are \$1,500 to \$2,000 per lot. This cost would ultimately be passed through to the homebuyer, but is currently requested to be paid by the Petitioner prior to receiving funds from Florida Housing Finance Corporation.
- (b) If the Phase I ESA is required but not completed, the loss of the subsidy for Miami-Dade Infill Housing will make it not economically feasible for the potential home buyers; this in turn will cause a serious economic hardship for The Housing League, Inc. and Miami-Dade County.

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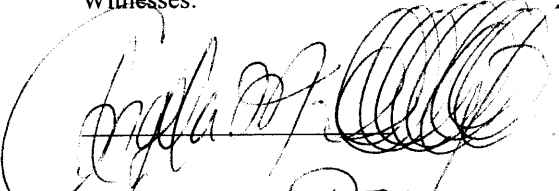
- v. Whereas, the waiver of the Rule will serve the purposes of the underlying statute as Miami-Dade Infill Housing will be providing safe and affordable housing to the citizens of Florida if the Development is permitted to continue.
- vi. Whereas, this requested shall be permanent

B. Wherefore, the Petitioner, The Housing League, Inc., respectfully requests that the Florida Housing Finance Corporation enter an order granting Petitioner a waiver of the requirement to submit the Phase I ESA thereby permitting development and construction of much needed affordable single family homes in Miami-Dade County, Florida.

In Witness whereof, Petitioner, The Housing League, Inc. has caused these presents to be signed in its name by its proper officials.

  
\_\_\_\_\_  
Jerry Flick  
President  
The Housing League, Inc.

Witnesses:

  
\_\_\_\_\_  
Joanna Parker