

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: HH03-029  
Citrus County Scattered Sites III

FHFC Case No. : 2005-004VW

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**ORDER GRANTING PETITION FOR WAIVER  
OF RULE 67-50.005(6)<sup>1</sup>, FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on June 10, 2005, pursuant to a Petition for Waiver of Rule 67-50.005(6), F.A.C., (the "Petition"), filed by Florida Low Income Housing Associates, Inc. ("Petitioner") on May 6, 2005. Notice of the Petition was published in Volume 31, Number 20, of the Florida Administrative Weekly. Florida Housing received no comments regarding the Petition. After careful review of the record and being otherwise fully advised in the premises, the Board of Directors (the "Board") of Florida Housing hereby finds:

1. The Board has jurisdiction over the subject matter of this case and the parties hereto.

2. Section 120.542(2), Florida Statutes provides in pertinent part:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

3. Rule 67-50.005(6), Florida Administrative Code provides in pertinent part:

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<sup>1</sup> Petitioner incorrectly cited to 'Rule 67-50.001(6)' in its Petition. No such rule exists. It is apparent from the text of the Petition as to what rule Petitioner sought waiver from.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

M. Olson /DATE. 6/14/05

“Application” means the completed forms from the Application Package together with all exhibits submitted to the Corporation in order to apply for either HAP or HOME Loan funds, in accordance with this rule chapter and the Application Package instructions, which is adopted and incorporated herein by reference.

4. Exhibit 21 of the Application Package, Verification of Availability of

Infrastructure Roads, states in pertinent part:

The undersigned local government representative confirms the following:

1. Existing paved roads provide access to the proposed Development or paved roads will be constructed as part of the proposed Development.

5. Petitioner is the developer of Citrus County Scattered Sites III, a 30 single-family detached homes development, which is being funded with \$738,750 in HOME Purchase Assistance Only loan funds awarded by Florida Housing in the 2003-2004 Supplemental Cycle of the Homeownership Loan Program.

6. Petitioner seeks a waiver of the above Rule, to the extent that the Rule requires that all the roads within the Citrus County Scattered Sites III development be paved.

7. As grounds for granting this waiver, Petitioner states it is a not for profit Florida corporation which would suffer severe financial consequences should it be unable to proceed with the development of the Citrus County Scattered Sites III project. Also, Petitioner asserts that not all the roads owned and maintained by Citrus County are paved.

8. The purpose of the underlying statute will be served by granting this waiver, in that granting this waiver request will further Florida Housing's statutory mandate to provide safe, sanitary and affordable housing to the citizens of Florida.

9. Moreover, not granting this waiver will result in a substantial hardship to Petitioner, in that loss of the HOME loan subsidy will cause the development to be economically infeasible for potential low income home buyers in Citrus County.

10. Moreover, Petitioner demonstrated that loss of HOME loan subsidy will cause the development to be economically infeasible for potential low income home buyers in Citrus County. All building lots within the Citrus County Scattered Sites III application are designated for buyers at or below 80% of the area median income.

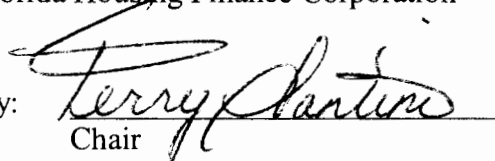
**IT IS THEREFORE ORDERED:**

The Petition for Waiver of Rule 67-50.005(6), Florida Administrative Code, Exhibit 21, Verification of Availability of Infrastructure Roads, is hereby **GRANTED**. Petitioner is not required to provide for all roads to be paved as part of the proposed Development.

DONE and ORDERED this 10th day of June, 2005.

Florida Housing Finance Corporation

By:

  
Chair

**Copies furnished to:**

Wellington H. Meffert II  
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Florida Low Income Housing Associates, Inc.  
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Joint Administrative Procedures Committee  
Attention: Ms. Yvonne Wood  
120 Holland Building  
Tallahassee, Florida 32399-1300

### **NOTICE OF RIGHTS**

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, 300 MARTIN L. KING, JR., BOULEVARD, TALLAHASSEE, FLORIDA 32399-1850, 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.