

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: MCCURDY CENTER, LTD.

FHFC Case No. : 2006-049VW

FHFC App. No.: 2005-106CS

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**ORDER GRANTING WAIVER OF RULE 67-48.004(14)(j),  
FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation on October 20, 2006, pursuant to a "Petition For Waiver of Rule 67-48.004(14), Florida Administrative Code to increase the total number of units" (the "Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on August 29, 2006, from McCurdy Center, Ltd. ("Petitioner"). On September 8, 2006, Notice of the Petition was published in Volume 32, Number 36, 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. During the 2005 Universal Cycle, Florida Housing awarded an allocation of \$1,750,000 in State Apartment Incentive Loan (SAIL) funds and \$1,363,350 in Low Income Housing Tax Credits ("HC") to McCurdy Center, Ltd., for the development of a garden apartment complex serving the homeless demographic in Miami-Dade County, Florida (the "Development"). In its original application, Petitioner committed to building 92 units.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

*S. Allen*

/DATE: 10-23-06

3. Rule 67-48.004(14), Florida Administrative Code (2005), states in pertinent part:

“Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(j) Total number of units;”

4. Citing state-wide increases in construction costs, Petitioner requests a waiver of the above rule permit a change in the unit mix originally described in its Application, and to permit the addition of another unit. Petitioner now wishes to increase the number of units from 92 to 93 and change the Development unit mix from 83 single-bedroom plus 9 efficiency units to 93 single-bedroom units.

5. 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.

6. The Board finds that Petitioner may suffer substantial hardship should this waiver not be granted, and that adding additional units to this Development serves the purpose of the underlying statute.

**IT IS THEREFORE ORDERED:**

A Waiver of Rule 67-48.004(14)(j), Florida Administrative Code (2005), is hereby **GRANTED** to permit Petitioner to increase the number of units of the Development from 92 to 93 and change the Development unit mix from 83 single-bedroom plus 9 efficiency units to 93 single-bedroom units. All other relief requested in the Petition, if any, is denied.

**DONE and ORDERED** this 20<sup>th</sup> day of October, 2006.

Florida Housing Finance Corporation

By:   
Chairperson



**Copies furnished to:**

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Joint Administrative Procedures Committee  
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**NOTICE OF RIGHTS**

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTIONS 120.542(8), 120.569, AND 120.57, FLORIDA STATUTES. SUCH PROCEEDINGS ARE COMMENCED PURSUANT TO CHAPTER 67-52, FLORIDA ADMINISTRATIVE CODE, BY FILING AN ORIGINAL AND ONE (1) COPY OF A PETITION WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329.**