

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: SPINAL CORD LIVING-ASSISTANCE
DEVELOPMENT, INC.

FHFC Case No.: 2009-025VW
Application No.:
2008- 082H

ORDER GRANTING PETITION FOR WAIVER

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on September 18, 2009, pursuant to a "Petition for Waiver of Part III.B.1. of the 2008 Universal Application Instructions Requiring the Provision of Specific Features and Amenities for all Developments" (the "Petition"), filed by Spinal Cord Living-Assistance Development, Inc. ("Petitioner") on July 10, 2009. Notice of the Petition was published in Volume 35, Number 27, 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.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Della M. Harrell DATE: 9/18/09

2. During the 2008 Universal Cycle, Petitioner applied for financing for new construction of SCLAD Plaza (the “Development”) located in Miami-Dade County, Florida.
3. Petitioner requests a waiver of the requirement of a bathtub with shower in at least one bathroom in at least 90% of the units, to permit construction of the development with roll-in showers as opposed to bathtubs in all of the units to allow individuals who use wheelchairs or who have serious mobility impairments the ability to bathe independently or without considerable assistance.
4. Part III.B.1.b. of the 2008 Universal Application provides that with respect to all units in all developments, except SRO, there be provided, “Bathtub with shower in at least one bathroom in at least 90% of the new construction of non-Elderly units.”
5. Petitioner demonstrated that thirty-three (33%) of the families to be served by the Development use a wheelchair or have serious mobility impairment and without the roll-in shower, a serious safety hazard would exist for those individuals. Further, the developer will bear the increased cost to install the roll-in showers.
6. The requested change will not adversely impact the Development or Florida Housing or be prejudicial to the Development or to the market to be served by the Development. However, a denial of the requested waiver would deprive Miami-

Dade County of affordable housing for residents with all degrees of physical mobility that are in dire need of housing that meets their safety and functionality requirements.

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

Variations 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.

IT IS THEREFORE ORDERED:

The "Petition for Waiver of Part III.B.1. of the 2008 Universal Application Instructions Requiring the Provision of Specific Features and Amenities for all Developments" is hereby **GRANTED** to permit all 18 of the units in the Development to contain roll-in showers in at least one bathroom in the unit.

DONE and ORDERED this 18th day of September, 2009.

Florida Housing Finance Corporation



By: Stuart Schaefer
Chair

Copies furnished to:

Wellington H. Meffert II
General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Kevin Tatreau
Interim Director of Multifamily Development Programs
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Pedro F. Rodriguez
240 E First Avenue, Suite 122
Hialeah, Florida 33010

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 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.