

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In re: HTG Veranda Senior, Ltd.
_____ /

Case No. 2010-030VW

**ORDER GRANTING PETITION FOR WAIVER OF
RULE 67-48.004(14)(i), FLORIDA ADMINISTRATIVE CODE (2009)**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on September 16, 2010, pursuant to a "Petition for Waiver from Rule 67-48.004(14), Florida Administrative Code (2009)" (the "Petition"), filed by HTG Veranda Senior, Ltd. ("Petitioner") on August 6, 2010. On August 20, 2010, notice of the Petition was published in Volume 36, Number 33, 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 2009 Universal Cycle, HTG Veranda Senior, Ltd. ("Petitioner") applied for and was awarded low-income Housing Credits ("HC") to finance the acquisition and construction of Veranda Senior Apartments (the "Development") located in Miami-Dade County, Florida.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Bella M. Harner / DATE: 9/16/10

3. Petitioner was originally awarded \$14,144,210 in HC funding and had planned to construct 168 units for the Development. On July 30, 2010, Petitioner was awarded \$8,325,735.97 in Exchange funds in lieu of its original HC award.

4. Rule 67-48.004(14)(i), Florida Administrative Code provides, in pertinent part:

Notwithstanding any other provisions 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. Those items are as follows:

(i) Total number of units.

5. Petitioner requests a waiver of the above Rule to allow Petitioner to reduce the number of units for the Development from 168 to 99, to correspond with and in proportion to the reduction of its funding amount from \$14,144,210 in HC funding to \$8,325,735.97 in Exchange funding. The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants.

6. 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.

7. The Board finds that to require Petitioner to construct the same number of units with significantly reduced funding would create a substantial hardship for Petitioner and would violate the principles of fairness.

8. The Board further finds that the granting a waiver of the above Rule under these circumstances would better ensure the financial viability of the Development and serve the underlying purpose of the Chapter 420, Part V, Florida Statutes.


IT IS THEREFORE ORDERED:

The “Petition for Waiver from Rule 67-48.004(14), Florida Administrative Code” is hereby **GRANTED** to permit Petitioner to reduce the number of proposed units for the Development from 168 to 99.

DONE and ORDERED this 16th day of September, 2010.



Florida Housing Finance Corporation

By: 
Chair

Copies furnished to:

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Attn: Randy E. Rieger

Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
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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.