

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: GATEWAY TOWNHOMES
OF ST. JOE, LLC.

FHFC Case No.: 2015-019VW

**ORDER GRANTING WAIVER OF RULE 67-48.004(3)(g),
FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on May 8, 2015, pursuant to a “Petition for Waiver of Rule 67-48.004(3)(g) for a Change in Development Type” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on April 21, 2015, from SP HC Apartments, LLC (“the Petitioner”). Notice of the Petition was published in Volume 41, Number 78, of the Florida Administrative Register. 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. Petitioner was selected to receive HOME funding in Application #2014-403H under RFA 2014-109 (the “RFA”) to assist in the construction

of a 50-unit development serving the Family demographic in Gulf County, Florida.

3. Rule 67-48.004(3)(g), Fla. Admin. Code, provides in pertinent part:

(3) Notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:

...
(g) Development Type;

4. Petitioner requests a waiver of the above prohibition against changing the Development Type, in order to change from a development of Townhouses to one comprised of Garden Apartments.

5. Petitioner requests this change to accommodate the difficulties and impediments caused by the presence of wetlands on the Development site, which could increase the total cost of constructing “Townhouses” by more than fifty- five percent (55%) of the total cost planned at the time of filing of the Application.

6. The Board finds that the requested change would neither affect the scoring of Petitioner’s application nor allow Petitioner to gain an unfair advantage over other applicants. The Board further that not granting this waiver would result in substantial economic hardship for the Petitioner, and

could deprive Gulf County, Florida of essential affordable low-income housing units in a timely manner, and a violation of the principles of fairness.

7. 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.

8. The Board finds that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness, and that granting this request furthers Florida Housing's statutory mandate to provide safe, sanitary and affordable housing to the citizens of Florida.

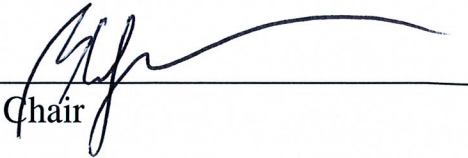
IT IS THEREFORE ORDERED:

Petitioner's request for a waiver of Rule 67-48.004(3)(g), Fla. Admin. Code to permit a change in Development Type from "Townhouses" to "Garden Apartments" is hereby **GRANTED**, provided that Petitioner will be subject to and must complete the Development within the Total Development Cost limits of the new Garden Apartments Development Type.

DONE and ORDERED this 8th day of May, 2015.



Florida Housing Finance Corporation

By: 
Chair

Copies furnished to:

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

Ken Reecy
Director of Multifamily Programs
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Hollie A. Croft, Esquire
Broad and Cassel
390 Orange Avenue, Suite 1400
Orlando, FL 32801

Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
120 Holland Building
Tallahassee, Florida 32399-1300

NOTICE OF RIGHT TO JUDICIAL REVIEW

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.