

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: SUMMERSET APARTMENTS  
LIMITED PARTNERSHIP

FHFC Case No.: 2015-039VW

**ORDER GRANTING WAIVER OF RULE 67-48.004(14)(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 December 11, 2015, pursuant to a "Petition for Waiver of Rule 67-48.004(14)(g) for a Change in Development Type" ("Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on November 9, 2015, from Summerset Apartments Limited Partnership ("the Petitioner"), along with a follow up letter on November 16 containing additional information. Notice of the Petition was published on November 10 in Volume 41, Number 219, 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.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

 /DRTL: 12-14-15

2. Petitioner was selected to receive Housing Credits in Application #2014-008C under RFA 2013-001 (the “RFA”) to assist in the construction of a 96-unit development serving the Family demographic in Pasco County, Florida.

3. Rule 67-48.004(14)(g), Fla. Admin. Code (2011), provides in pertinent part:

(3) 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:

...  
(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 “Garden Apartments” to “Mid-Rise with Elevator (a building comprised of 4 stories).”

5. Petitioner requests this change in order to minimize costs, reduce the overall footprint, and better accommodate amenity spaces and residential units within the Development. Additionally, the change would allow Petitioner to better accommodate adaptability, accessibility and visitability within the Development by the addition of two elevators.

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 finds that not granting this waiver could deprive Pasco County, Florida of essential affordable low-income housing units in a timely manner, and could violate 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(14)(g), Fla. Admin. Code to permit a change in Development Type from "Garden Apartments" to "Mid-Rise with Elevator (a building comprised of 4 stories)" is hereby **GRANTED**, provided that Petitioner will be subject to and must complete the

Development within the Total Development Cost limits of the Garden Apartments Type as initially applied for.

DONE and ORDERED this 11<sup>th</sup> day of December, 2015.



Florida Housing Finance Corporation

By: \_\_\_\_\_

Chair

Copies furnished to:

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Joint Administrative Procedures Committee  
Attention: Ms. Yvonne Wood  
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**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.**