

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION  
APPLICATION NO. 2013-531C**

**FHFC CASE NO.: 2016-023VW**

**STANLEY TERRACE, LTD.,**

**Petitioner,**

**vs.**

**FLORIDA HOUSING FINANCE CORPORATION,**

**Respondent.**

---

**PETITION FOR WAIVER OF RULE 67-21.026(10), F.A.C., REGARDING HOUSING  
CREDIT UNDERWRITING PROCEDURES FOR NON-COMPETITIVE  
APPLICATIONS REQUIRING A GUARANTEED MAXIMUM PRICE  
CONSTRUCTION CONTRACT**

Stanley Terrace, Ltd., (the "Petitioner") hereby petitions the Florida Housing Finance Corporation (the "Corporation") for a waiver of the Corporation's requirement of a guaranteed maximum price construction contract as part of the credit underwriting procedures for Petitioner's Application for Non-Competitive Housing Credits (the "Application"). See Rule 67-21.026(10), F.A.C. (the "Rule"). In support of its Petition, the Petitioner states:

1. The address, telephone number, facsimile number, and email address of the Petitioner are:

Stanley Terrace, Ltd.  
533 S. Dixie Highway  
Suite 201  
Deerfield Beach, FL 33441  
(954) 425-8449, ext. 110 (office)  
(954) 425-8450 (fax)  
njarmon@dbhaonline.org

2. The contact person, along with contact information and relationship, for the Application is:

Nadine Jarman, Ph.D.  
Stanley Terrace, Ltd.  
533 S. Dixie Highway  
Suite 201  
Deerfield Beach, FL 33441  
(954) 425-8449, ext. 110 (office)  
(954) 425-8450 (fax)  
[njarmon@dbhaonline.org](mailto:njarmon@dbhaonline.org)  
Assistant Secretary – Stanley Terrace of Deerfield Beach, Inc.,  
(the sole member and manager of Stanley Terrace Redevelopment,  
LLC, the sole general partner of Petitioner)

3. For purposes of this Petition, the address, telephone number, facsimile number, and email address of the Petitioner's attorney are:

Bernice S. Saxon, Esq.  
Saxon Gilmore & Carraway, P.A.  
201 E. Kennedy Boulevard  
Suite 600  
Tampa, FL 33602  
(813) 314-4501 (office)  
(813) 314-4555 (fax)  
[bsaxon@saxongilmore.com](mailto:bsaxon@saxongilmore.com)

4. Stanley Terrace of Deerfield Beach, Inc., on behalf of a to be formed limited partnership, submitted the Application for the development named Stanley Terrace Apartments (the "Development").

5. The Petitioner is the to be formed limited partnership referenced in the Application.

6. The Petitioner, through a competitive bid process, awarded a U.S. Department of Housing and Urban Development ("HUD") lump sum contract for a reasonable lump sum price for the construction of the Development.

7. As part of the underwriting process for the Application, the Petitioner submitted the HUD lump sum contract rather than a guaranteed maximum price construction contract as required by the Rule.

8. Consequently, a waiver of the Rule is necessary to allow for the HUD lump sum construction contract.

9. Sections 420.501 through 420.517 of the Florida Statutes set forth the Florida Housing Finance Corporation Act (the "Act"), which designates the Corporation as the State of Florida administrator for the State Housing Credit Program to establish procedures necessary for the proper allocation of tax credits and to ensure the maximum use of available credits in order to encourage development of low-income housing and associated mixed-use projects in urban areas (the "Procedures"). See §§420.501, 420.5093, Fla. Stat. (2004). These Procedures are established in Rule Chapter 67, Florida Administrative Code. Accordingly, as set forth herein, the Rule subject to Petitioner's waiver request is implementing, among other sections of the Act, the statutory authorization for the Corporation's establishment of Procedures for the State Housing Tax Credit Program. *Id.*

10. Under Section 120.542(1), Fla. Stat., and Chapter 28-104, F.A.C., the Corporation has the authority to grant waivers to its rule requirements when strict application of these rules would lead to unreasonable, unfair, and unintended results in particular instances. Waivers shall be granted when the person who is subject to the rule demonstrates that the application of the rule would (i) create a substantial hardship or violate principles of fairness, and (ii) the purpose of the underlying statute has been or will be achieved by other means by the person. See §120.542(2), Fla. Stat. (2009).

11. Pursuant to Section 120.542, Fla. Stat., and Rule 28-104.002, F.A.C., Petitioner hereby requests a waiver of the Rule which requires a guaranteed maximum price construction contract.

12. In this instance, the Petitioner meets the standards for a Rule waiver.

13. The requested waiver to allow the HUD lump sum construction contract will not adversely impact the Development or the Corporation or be prejudicial to the Development or to the market to be served by the Development. However, the denial of the requested waiver will create a substantial hardship for the Petitioner, which would be denied the ability to provide decent, safe, and affordable housing units to a market in desperate need of low-income housing.

14. Further, the requested Rule waiver to allow for a lump sum construction contract will further the public purpose of the Deerfield Beach Housing Authority, acting through its instrumentality, Stanley Terrace of Deerfield Beach, Inc., of providing low-income housing for the residents of the City of Deerfield Beach, Florida and the Corporation's and the Act's purpose of ensuring the maximum use of available credits in order to encourage development of low-income housing and associated mixed-use projects in urban areas.

15. The waiver being sought is permanent in nature.

16. Should the Corporation require additional information, the Petitioner is available to answer any questions and to provide any additional information necessary for consideration of this Petition.

WHEREFORE, the Petitioner respectfully requests that the Corporation:

A. Consider this Petition in conjunction with the Application;

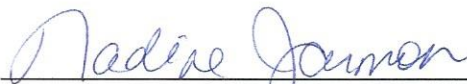
- B. Grant this Petition and all the relief requested herein;
- C. Waive the requirement of a guaranteed maximum construction contract and allow the lump sum construction contract submitted by Petitioner; and
- D. Grant such further relief as may be deemed appropriate.

Respectfully submitted,

**STANLEY TERRACE, LTD.,**  
a Florida limited partnership

By: Stanley Terrace Redevelopment, LLC,  
a Florida limited liability company,  
its general partner

By: Stanley Terrace of Deerfield Beach, Inc.,  
a Florida not-for-profit corporation,  
its sole managing member

By:   
Nadine Jarmon, Ph.D., Assistant Secretary

**CERTIFICATE OF SERVICE**

The Petition is being served by electronic mail and overnight delivery for filing with the Corporation Clerk for the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, with copies served by overnight delivery on the Joint Administrative Procedures Committee, Room 120, 600 Calhoun Street, The Holland Building, Tallahassee, Florida 32299-1300, on June 28, 2016.

  
Nadine Jarmon, Ph.D., Assistant Secretary