

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Gainesville Housing Development  
and Management Corporation

FHFC CASE NO.: 2018-006VW

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**ORDER GRANTING WAIVER OF RULE 67-48.0072(4)(c)**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the “Board”) on March 16, 2018, pursuant to a “Petition for Waiver” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on February 2, 2018 from Gainesville Housing Development and Management Corporation (“Petitioner”). The Petition was subsequently amended by Petitioner on February 27, 2018. Notice of the Petition was published on February 6, 2018, in Volume 44, Number 25, 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 an award of competitive Elderly Housing Community Loan (“EHCL”) financing under Request for Application 2015-114 (the “RFA”) to assist in the construction of Oak Park, a 101-unit, elderly housing

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HOUSING FINANCE CORPORATION

Tom Blamory / DATE: 3/16/18

development in Alachua County, Florida. Petitioner's Application was assigned Application Number 2016-314E.

3. Petitioner seeks a waiver of Rule 67-48.0072(4)(c), Florida Administrative Code (2014), which provides:

(c) For SAIL, EHCL, and HOME Applicants, the loan must close within 12 months of the date of the invitation to enter credit underwriting. Applicants may request one (1) extension of up to 12 months. ... In the event the loan does not close by the end of the 12 month extension period, the preliminary commitment or firm commitment, as applicable, will be deemed void and the funds will be de-obligated.

4. Petitioner was invited to credit underwriting on March 24, 2016 and was required to close the EHCL award by March 24, 2017. On January 12, 2017, Petitioner requested a twelve month extension to have additional time to finalize the construction documents. On February 3, 2017, that extension was granted by the Board to extend the EHCL Award closing deadline to March 24, 2018. Petitioner paid the associated extension fee.

5. Now, Petitioner requests an additional extension of the EHCL award closing deadline to March 24, 2019. Petitioner asserts that this additional extension is necessary due to unforeseen delays associated with the Physical Needs Assessment ("PNA"). Specifically, on or around November 2017, First Housing assigned a GLE Associates, Inc. ("GLE") to perform the PNA but GLE could not perform due to a conflict as GLE is Petitioner's architect/engineer of record. On or

around January 16, 2018, First Housing reassigned the PNA to a third party and the PNA was recently completed. Petitioner asserts that it is unable to meet the EHCL award closing deadline of March 24, 2018 and requests an extension until March 24, 2019 in order to have additional time to complete credit underwriting for the award.

6. The Board finds that granting the waiver will not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development.

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.

8. Petitioner has demonstrated that strict application of the above Rule under these circumstances would constitute a substantial hardship and violate the principals of fairness. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

9. The Board finds that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner, 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 the above Rule is **GRANTED**, so that the EHCL loan closing deadline may be extended from March 24, 2018 until March 24, 2019.

DONE and ORDERED this 16th day of March, 2018.

Florida Housing Finance Corporation

By:   
Chair

**Copies furnished to:**

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Joint Administrative Procedures Committee  
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## **NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW**

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO ADMINISTRATIVE 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.**