

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Blue Broadway, LLC

FHFC CASE NO.: 2017-071VW

ORDER GRANTING WAIVER OF RULE 67-48.004(3)

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on October 27, 2017, pursuant to a “Petition for Waiver” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on October 9, 2017, from Blue Broadway, LLC (“Petitioner”). Notice of the Petition was published on October 11, 2017, in Volume 43, Number 197, 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 competitive housing credits under Request for Application (“RFA”) 2016-113 to assist in the development known as Preserve at Sabal Park, a 144-unit family housing development in Hillsborough

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Wm. McNamee / DATE: 10/27/17

County, Florida. Petitioner's Application Number was 2017-212C (the "Application").

3. Rule 67-48.004(3)(g), Florida Administrative Code, prohibits the Applicant from changing its Development Type after Application submission.

4. Petitioner seeks a waiver of Rule 67-48.004(3)(g), Florida Administrative Code, to allow it to change the Development Type listed in its Application from "Townhouses" to "Garden Apartments."

5. Petitioner asserts that the construction of Garden Apartments will be the most suitable and desirable accommodations to the residents and the community. Petitioner further asserts that constructing Garden Apartments rather than Townhouses allows the Development to be constructed in a manner which is most appropriate given the limitations of the Development site. Specifically, the Development site includes a series of wetlands that makes construction of Townhouses more difficult, if not impossible and the construction costs associated with Townhouses is more than Garden Apartments.

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 and 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.

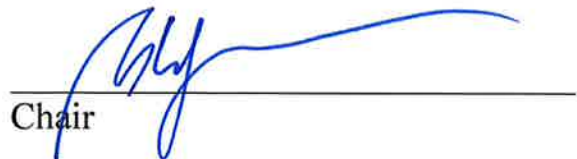
IT IS THEREFORE ORDERED: Petitioner’s request for a waiver of the above Rule is **GRANTED**, so that Petitioner may change its Development Type from “Townhouses” to “Garden Apartments.”

DONE and ORDERED this 27th day of October, 2017.

Florida Housing Finance Corporation

By:

Chair



Copies furnished to:

Hugh R. Brown
General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Brantley Henderson, Interim Director of Multifamily Programs
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

Michael P. Donaldson, Esq.
Carlton Fields Jordan Burt
215 S. Monroe Street, Suite 500
Tallahassee, Florida 32301

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

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.