

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Society of St. Vincent De Paul  
South Pinellas, Inc.

FHFC CASE NO.: 2018-004VW

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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 on January 26, 2018, pursuant to a “Petition for Waiver” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on January 9, 2018, from Society of St. Vincent De Paul South Pinellas, Inc. (“Petitioner”). Notice of the Petition was published on January 10, 2018, in Volume 44, Number 7, 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 SAIL and ELI Gap funding under Request for Applications 2015-109 (the “RFA”) to assist in the construction of a 30-unit development serving persons with special needs in Pasco County.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

*Thomas J. Slattery* / DATE 1/26/18

3. Rule 67-48.0072(4)(c), F.A.C. (2014), provides: “For SAIL, EHCL, and HOME Applicants the loan must close within 12 months of the date of the invitation to enter credit underwriting.”

4. On February 8, 2016, Florida Housing issued a preliminary commitment letter and an invitation to enter credit underwriting to Petitioner with a closing deadline of February 8, 2017. On December 9, 2016, Florida Housing approved a one-year extension of the closing deadline until February 8, 2018. Petitioner requests a waiver of the above Rule to allow it to extend the closing deadline until August 8, 2018. Petitioner asserts that additional time is necessary because circumstances have forced it to replace both its co-Developer and General Contractor. Specifically, Petitioner has severed its relationship with GHD Construction Services, Inc., and has entered into negotiations with Ability Housing, Inc. to assume the role of co-Developer.

5. 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.

6. 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.

7. Petitioner has demonstrated that the waiver is needed in order to efficiently serve persons with disabilities and that, if the waiver were not granted, Petitioner would suffer a substantial hardship. 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.

8. The Board finds that strict application of the above Rules 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 Rule 67-48.0072(4)(c), Fla. Admin. Code (2014) is hereby **GRANTED** to allow the deadline for closing on the SAIL and ELI loans to be extended until August 8, 2018.

DONE and ORDERED this 26th day of January, 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 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.**