STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: REDDING DEVELOPMENT PARTNERS, LLC.

FHFC Case No.: 2021-055VW

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ORDER GRANTING WAIVER FROM RULE 67-48.004(3)(g)

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the "Board") on September 10, 2021. On August 20, 2021 Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-48.004(3)(g) (the "Petition"). Notice of the Petition was published on August 24, 2021, in Volume 47, Number 164, 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 hereby finds:

1. The Board has jurisdiction over the subject matter of this case and the parties hereto.

2. Petitioner successfully applied for Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties under RFA 2015-106 to assist in the construction of a 90-unit development located in Seminole County, Florida, to be known as Georgetown Square (formerly known as Redding Redevelopment) (the "Development").

3. Rule 67-48.004(3)(g) Fla. Admin. Code (2019), in relevant part, states:

FILED WITH THE CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION
Ann McNamara DATE: 9/13/2021

(3) For the SAIL, HOME and Housing Credit Programs, notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:

...

(g) Development Type;

4. Petitioner requests a waiver of the prohibition on changing the Development Type selected in its Application, Garden Apartments, to Mid-Rise, 4-stories, due to zoning requirements. Petitioner asserts that the zoning requirements for the Development during the site plan approval process required 180 parking spaces. Petitioner states that, with the three-story garden style apartments, only approximately 100 spaces would have been feasible. Petitioner states that the change to Mid-Rise, 4-stories, allowed the number of parking spaces to increase to 157, which the zoning department approved.

5. Petitioner asserts that this change to Mid-Rise, 4-stories provided a larger community space for the benefits of the residents, which includes: a kitchen, fitness center, computer room, library, activity room, great room, game room, and outdoor patio. Petitioner further asserts that this change to Mid-Rise, 4-stories provided the opportunity to construct a quality development, with more parking and more amenities, without exceeding the anticipated development costs per unit.

6. Petitioner states that funding would not have been affected if the Applicant had initially selected the "Mid-Rise, 4-stories" Development Type. According to Petitioner, when the decision to change the Development Type was made, the developer was undergoing internal personnel changes and the developer was unaware that the formal request to Florida Housing for the change in Development Type was not made.

7. Petitioner asserts that the Applicant and the residents of the Development would be severely adversely affected and experience substantial hardship if the change in Development Type is not approved. Petitioner states that if the change is not approved, the Development could lose housing credits and equity financing, which would result in economic hardship to the Petitioner since the Development has already been built.

8. 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.

9. The Board finds that granting the requested waiver will not impact other participants in funding programs administered by Florida Housing, nor will it detrimentally impact Florida Housing.

10. The Board also finds that Petitioner has demonstrated that the waiver is needed because of circumstances beyond its control, and that it would suffer a substantial hardship if the waiver is not granted.

11. The Board further finds that Petitioner has also demonstrated that the purpose of the underlying statute, which is to "encourage development of low-income housing in the state" would be achieved if the waiver is granted. §420.5099, Fla. Stat.

IT IS THEREFORE ORDERED: Petitioner's request for a waiver of Rule 67-48.004(3)(g), F.A.C., is hereby **GRANTED** to allow Petitioner to change its Development Type from "Garden Apartments" to "Mid-Rise, 4-stories."

DONE and ORDERED this 10th day of September, 2021.

FLORIDA HOUSING FINANCE CORPORATION Tallahassee Florida

Florida Housing Finance Corporation

By: _____
Chairperson

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.