STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: Parkwood Plaza Apartments, Ltd. FHFC Case No.: 2023-058VW
_____/

ORDER GRANTING WAIVER OF
RULE 67-21.003(11), FLA. ADMIN. CODE (2021)

THIS CAUSE came for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the "Board") on July 21, 2023. On June 30, 2023, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-21.003(11), F.A.C. (05/18/2021) (the "Petition") from Parkwood Plaza Apartments, Ltd. (the "Petitioner") to allow Petitioner to withdraw from the Florida Housing-Issued bonds and instead use Orange County Housing Finance Authority ("OCHFA") issued bonds without also withdrawing from Florida Housing RFA 2023-211, Construction Inflation Response Viability Funding ("Viability Funding") and the 4% Non-Competitive Housing Credits. Notice of the Petition was published July 5, 2023, in Volume 49, Number 129, of the Florida Administrative Register. Florida Housing received no comments regarding the Petition. After careful review of the record and being otherwise fully advised on the premises, the Board hereby finds:

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION
/DATE: 7/21/2023

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

2. Petitioner successfully applied for funding to assist in the construction of 52 at Park, a 300-unit development located in Orange County, Florida (the "Development").

3. Rule 67-21.003(11), Fla. Admin. Code (2021), states, in relevant part: "The withdrawal by the Applicant from any one program will be deemed by the Corporation to be a withdrawal of the Application from all programs."

4. Petitioner states that the Development was originally induced bonds by OCHFA, but a 2022 allocation was ultimately unavailable for that region. Petitioner subsequently applied, and was approved, for Florida Housing issued bonds and 4% Non-Competitive Housing Credits. On June 14, 2023, Petitioner received a preliminary Viability Funding award under RFA 2023-211. Petitioner was recently informed by OCHFA that there now exists sufficient bond capacity in the region and that OCHFA was able to secure a regional allocation for the Development.

5. Petitioner states that the project has experienced substantial cost increases that could render the project unfeasible if this waiver is not granted. Petitioner cites construction cost and interest rate increases now require Petitioner to carry a much larger interest reserve throughout the construction

period. Additionally, Petitioner cites permanent interest rate increases have reduced its available mortgage proceeds. If granted, OCHFA will issue the bonds, thereby preserving Florida Housing's limited Bond Allocation.

6. 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.

7. 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.

8. 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 still be achieved if the waiver is granted. §420.5099, Fla. Stat.

IT IS THEREFORE ORDERED that Petitioner's request for a waiver of Rule 67-21.003(11), Fla. Admin. Code (2021), is hereby **GRANTED** to allow Petitioner to withdraw from the Florida Housing-Issued bonds and instead use Orange County Housing Finance Authority issued bonds without also withdrawing from Florida Housing 4% Non-Competitive Housing Credits and RFA 2023-211, Construction Inflation Response Viability Funding.

DONE and ORDERED this 21st day of July, 2023.

Florida Housing Finance Corporation

By: _____
Chairperson

Copies furnished to:

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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.