STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: Kissimmee Leased Housing Associates III, LLLP

FHFC Case No.: 2023-060VW

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ORDER GRANTING WAIVER OF RULE 67-21.003(1)(b), FLA. ADMIN. CODE (2022), AND SECTION A.9.a OF THE NON-COMPETITIVE APPLICATION PACKAGE (Rev. 04-2022)

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 July 5, 2023, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-21.003(1)(b) and Non-Competitive Application Package (Rev. 04-2022) (the "Petition") from Kissimmee Leased Housing Associates III, LLLP (the "Petitioner") to allow Petitioner's development to exceed 300 units. Notice of the Petition was published July 6, 2023, in Volume 49, Number 130, 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:

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

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

2. Petitioner has applied for funding to assist in the construction of Maison at Solivita Marketplace, a proposed 300-unit development located in Osceola County, Florida (the "Development").

3. Rule 67-21.003(1)(b), Fla. Admin. Code (2022), incorporates by reference the Non-Competitive Application Package ("NCA") in effect at the time Petitioner submitted its application. At issue here is Part A.9.a of the NCA (Rev. 04-2022), which states: "The following unit limit applies only to Applications requesting Corporation issued MMRB with 4 percent HC: Proposed Developments with a Development Category of new construction, Redevelopment, or acquisition and Redevelopment may not exceed 300 total units."

4. Petitioner requests a waiver of the above section of the NCA to allow Petitioner to construct 396 units instead of the 300 units allowed by the NCA. As justification for its request, Petitioner states that recent increases in construction prices and 10-year treasury rates have threatened the financial viability of the Development. The greater unit count allows Petitioner to spread its fixed construction costs over more units, and the additional revenue from the added units offsets increased fixed operating expenses, thereby reducing the per-unit costs and expenses.

5. 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.

6. 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.

7. 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(1)(b), Fla. Admin. Code (2022), and section A.9.a of the Non-Competitive Application (Rev. 04-2022) is hereby **GRANTED** to allow Petitioner's development to exceed 300 units.

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.