

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

**FHFC CASE NO.: 2026-035VW
APPLICATION NO.: 2000-021S**

LITTLE HAITI GATEWAY, INC.

Petitioner,
vs.

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

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FLORIDA HOUSING
FINANCE CORPORATION

**PETITION FOR WAIVER OF RULE 67-48.004(18)(e) and (18)(j), FLORIDA
ADMINISTRATIVE CODE**

Little Haiti Gateway, Inc., a Florida not for profit corporation (the “Petitioner”), by and through its undersigned counsel, hereby petitions the Florida Housing Finance Corporation (the “Corporation”) for a waiver of, or variance from, Rules 67-48.004(18)(e) and 18(j), Florida Administrative Code (Effective February 22, 2001) (the “Rules”) so that Petitioner may reduce the total number of units in the Development, as defined below, from 80 units to 48 units, reduce the set-aside units and change the legal description.

This Petition is filed pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. In support, the Petitioner states as follows:

A. THE PETITIONER

1. The mailing address, telephone number and email of the Petitioner is as follows:

Little Haiti Gateway, Inc.
Attn: Stephanie Berman

1398 SW 1st Street, 12th Floor
Miami, FL 33135
Telephone: (786) 363-4971
Email: sberman@carrfour.org

2. The mailing address, telephone number and email of the Petitioner's legal counsel is as follows:

Nicholas W. Heckman, Esq.
Nelson Mullins Riley and Scarborough, LLP
390 N. Orange Ave., Suite 1400
Orlando, Florida 32801
Telephone: (407) 669-4241
Email: nick.heckman@nelsonmullins.com

3. Petitioner owns that certain affordable housing complex known as "Little Haiti Gateway," an 80-unit multi-family affordable housing complex located in the Little Haiti neighborhood of the City of Miami (the "Development"), which was acquired and rehabilitated by Petitioner in 2002.

4. Petitioner utilized a combination of first mortgage financing, a State Apartment Incentive Loan ("SAIL") loan of \$495,000, and additional subordinate debt to finance the rehabilitation of the Development. The Development consists of a single 48 unit, two story apartment building together with 8 cottages containing an additional 32 units located throughout the development site. As a result of the 2002 SAIL financing, the Development is subject to an existing Land Use Restriction Agreement, as amended ("LURA").

5. On October 11, 2022, Petitioner submitted a Petition of Waiver of Rules 67-48.009(5)(d), 67-48.018(1)(c) and 67-48.023(1)(c) (the "2022 Petition") to allow Petitioner and its affiliates to apply for corporation funding for a development site that is subject to a land use restriction agreement. The Corporation's Board of Directors (the "Board") granted Petitioner's request allowing Petitioner and its affiliates to apply for SAIL, HOME Investment Partnerships

Program funds, or low income housing tax credit (“Housing Credit”) funding for proposed developments consisting of no less than seventy-five (75) units on the Development’s site, which is subject to the LURA.

6. As contemplated in the 2022 Petition, Notre Maison I, LLLP, an affiliate of Petitioner (“Notre Maison”), submitted Application No. 2023-176CSN in response to Request for Applications No. 2023-103, Housing Credit and SAIL Financing for Homeless Housing Developments located in Medium and Large Counties (the “RFA”), for competitive Housing Credits to assist in the construction of a 75-unit development serving Homeless individuals and families in Miami-Dade County, Florida, to be known as Notre Maison.

7. Notre Maison’s application was selected for Corporation financing and it was awarded \$3,733,300 in SAIL funds; \$466,700 in Extremely Low Income (“ELI”) program funds; and \$2,625,000 in National Housing Trust Fund program funds (“NHTF,” together with the SAIL and ELI funds, are referred to herein as the “Loans”); and \$2,850,000 in Housing Credits. Notre Maison selected the Homeless demographic in its application, in which it will set-aside at least 38 units, but less than 60 of the total units, for Homeless individuals and families; and set-aside at least 15 of the total units for Persons with Special Needs. Additionally, Notre Maison committed to set-aside the units in the development for a period of 50 years¹ as follows: (i) fifteen percent (15%) of the units (12) within the development shall be rented to households who shall have a household income that is less than or equal to twenty-eight percent (28%) of the area median gross income for the area, adjusted for family size (“AMI”) (the “ELI Units”); (ii) eighty-five percent (85%) of the units (63) within the development shall be rented to households who shall have a household income that is less than or equal to sixty percent (60%) AMI (“SAIL Units”); (iii) in

¹ As set forth in the RFA, the ELI Units and NHTF Units may convert to serve residents at or below 60% AMI after a certain time period.

addition to the ELI Units set forth above, of the 63 units that make up the SAIL Units, seven (7) of the SAIL Units are to be set-aside as NHTF Link units targeted for Persons with Special Needs who are referred by a Corporation-designated Special Needs Household Referral Agency and are to be rented to such households whose household income is at or below twenty-two percent (22%) AMI.

8. On October 9, 2023, Notre Maison entered that certain 2023 Carryover Allocation Agreement with the Corporation for the allocation of tax credits.

9. On January 19, 2026, Notre Maison finalized its Corporation approved credit underwriting report and shortly thereafter executed its Firm Loan Commitment on February 9, 2026 with the Corporation.

10. Although the Petitioner hoped it would be able to redevelop the remainder of the Development site without demolishing any of the Development's current units it did recognize that there was a possibility something would have to change. Petitioner stated in the 2022 Petition, that the cottages (containing 32 units) in the Development may need to be reconfigured in order to facilitate the new project if the Board approved the 2022 Petition. As Petitioner and Notre Maison were designing the Notre Maison development, it became apparent that Petitioner would need to demolish all of the cottages (containing 32 units that were rehabilitated by Petitioner on or around 2002) in order for the Notre Maison project to be developed. Therefore, in order to properly and safely construct, develop, and operate the Notre Maison project, Petitioner wishes to reduce the total number of units listed in its application and set forth in its Little Haiti Gateway LURA from 80 units to 48 units which will reduce the total set-aside units from 57 to 48 units as follows: current set-asides are 12 units at 33% AMI and 45 units at 50% AMI and will change to 10 units at 33% AMI and 38 units at 50% AMI. In furtherance of such request and to the extent necessary,

Petitioner respectfully requests the Corporation's approval to amend the LURA in order to reduce the total amount of units from 80 units to 48 units, reduce the total set-asides units from 57 to 48 units, and to remove the portion of the property to be conveyed to Notre Maison from the LURA's legal description.

B. THE RULES FROM WHICH WAIVER IS SOUGHT

11. Petitioner requests a waiver of, or variance from, Rule 67-48.004 F.A.C. (2001), which provides, in relevant part, as follows:

Rule 67-48.004:

“(18) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(e) Site for the Development as set forth in Form 1, Section 11;

(j) Total number of units, residential units, set-aside units, Categorical set-aside and demographic commitment as set forth in Form 1 1, Sections I, 111, IV, V and VII for the SAIL Program;”

C. STATUTES IMPLEMENTED BY THE RULES

12. The Rules is implementing, among other sections of the Florida Housing Finance Corporation Act (the “Act”), the statute that designates the Corporation to administer the SAIL program in accordance with the State Apartment Incentive Loan program. *See* Fla. Stat. § 420.5087.

D. JUSTIFICATION FOR PETITIONER'S REQUESTED WAIVER

13. Under Section 120.542(1), Fla. Stat., and Chapter 28-104, F.A.C., the Corporation has the power and authority to grant waivers to its rule requirements when strict application of the rules would lead to unreasonable, unfair and unintended consequences in particular instances. A waiver shall be granted when the person who is subject to the rule demonstrates that the application of the rule would: (1) create a substantial hardship² or violate principles of fairness, and (2) the purpose of the underlying statute has been or will be achieved by other means by the person. See § 120.542(2), Fla. Stat.

14. Strict adherence to Rules 67-48.004(18)(e) and (18)(j) would impose a hardship on Petitioner, its principals, and its affiliate Notre Maison, as a denial to Petitioner's waiver would significantly reduce the probability of Notre Maison's project being successfully developed. Moreover, the Petitioner and its affiliates have gone through great lengths to utilize the additional portion of the Development's site to provide additional affordable housing for a very vulnerable segment of the population in Miami-Dade, Florida. Petitioner, its principals, and its affiliate Notre Maison have spent countless hours and valuable resources to properly receive all necessary approvals from the Corporation in order to develop another project on the Development site; to properly complete, file and apply for the RFA and provide all necessary information to the Corporation to successfully receive a competitive Housing Credit allocation; to obtain all necessary permits and enter into third party contracts to complete Notre Maison's underwriting and receive its firm loan commitment; and now work to close on Notre Maison's construction and equity financing and the Loans to successfully construct the Notre Maison development. The request to reduce the total number of units in the Development should come as no surprise, as the

² "Substantial hardship" means a demonstrated economic, technological, legal or other type of hardship to the person requesting the variance or waiver. Further, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. *See* Fla. Stat. § 120.542.

Petitioner disclosed the potential need to reconfiguration the cottages to facilitate the redevelopment in the 2022 Petition. By granting the requested waiver, the total units in the Development will be initially reduced; however, it would allow for the Petitioner's affiliates to successfully develop the proposed 75 unit Notre Maison project discussed above, which once completed, would have the overall effect of adding 43 additional affordable units to site to be made available to a very vulnerable segment of the population in Miami-Dade, Florida.

15. The Petitioner believes that a waiver will serve the underlying purpose of Section 420.5087 and the Act that are implemented by Chapter 67-48 F.A.C., because one of the goals is for the proceeds of Corporation financing to be used to facilitate the availability of decent, safe and sanitary housing in the State of Florida to low-income persons and households. The Act (Section 420.501, et seq.) was passed in order to create inducements and opportunities for private and public investment in rental housing to increase the supply of affordable housing for low-income persons and households. By granting this Petition, the Corporation would recognize the goal of increasing the supply of affordable housing units via the construction of new developments throughout Florida and will provide much needed affordable housing units to Miami-Dade County.

16. The requested waiver will not adversely affect Petitioner, the Development, or any other party that applied to receive funding in the RFA or the Corporation.

E. TYPE OF WAIVER

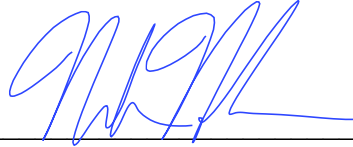
17. The waiver being sought is permanent in nature.

F. ACTION REQUESTED

18. For the reasons set forth herein, the Petitioner respectfully requests the Corporation (i) grant a waiver of, or variance from, Rules 67-48.004(18)(e) and (18)(j) F.A.C. (2001) to allow

the Petitioner to reduce the number of units from 80 units to 48 units, reduce the set-aside units and change the legal description; (ii) to the extent necessary, approve Petitioner's request to amend the LURA in order to account for (a) the unit reduction from 80 units to 48 units; (b) a set-aside reduction from 57 units to 48 units; and (c) changes to the legal description; (iii) grant this Petition and all the relief requested herein; and (iv) grant such further relief as it may deem appropriate.

Respectfully submitted on the 2nd day of June 2026,



Nicholas W. Heckman, Esq.
Fla. Bar No. 0127356
Nelson Mullins Riley & Scarborough LLP
390 N. Orange Ave., Suite 1400
Orlando, Florida 32801
Telephone: (407) 669-4241
Email: nick.heckman@nelsonmullins.com
COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Petition was filed by electronic delivery to:

Florida Housing Finance Corporation
Attn: Corporation Clerk
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301
Email: corporationclerk@floridahousing.org

Joint Administrative Procedures Committee
680 Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399
Email: joint.admin.procedures@leg.state.fl.us

This 2nd day of June, 2026.

By: _____



Nicholas W. Heckman, Esq.
Fla. Bar No. 0127356