

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

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WHFT LL WORKFORCE, LTD., and
WHFT LL WORKFORCE DEVELOPER, LLC

FLORIDA HOUSING
FINANCE CORPORATION

Petitioners,

FHFC Case No.: 2026-039VW
RFA No.: 2024-213 Application
No.: 2025-345S

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent,

_____ /

**PETITION FOR WAIVER OF RULE 67-21.003(1) &
REQUEST FOR APPLICATIONS 2024-213**

Petitioners, WHFT LL Workforce, Ltd., and WHFT LL Workforce Developer, LLC, (collectively, Petitioners or Catchlight Workforce), by and through undersigned counsel, petitions Florida Housing Finance Corporation (Florida Housing) for a waiver of Rule 67-21.003(1) (effective August 27, 2024) as well as criteria within Request for Applications 2024-213 SAIL Funding for Live Local Mixed Income, Mixed-Use, and Urban Infill Developments (the RFA). Due to events outside of its control, Catchlight Workforce needs to diversify its funding sources and intends to expand the project to increase the number and affordability levels of the units within the proposed development.

This Petition is filed in accordance with Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. With this Petition, Catchlight Workforce requests a permanent waiver of the Rule 67-21.003(1) and the pertinent RFA criteria. In support, Catchlight Workforce states:

Petitioner & Project

1. For purposes of this Petition, WHFT LL Workforce, Ltd.'s, address is c/o Laura S. Olympio, Esq., Nason Yeager Gerson Harris Fumero, PA, 3001 PGA Boulevard, Suite 305, Palm Beach Gardens, Florida 33410. Telephone number for the undersigned counsel is 561-686-4402, the facsimile number is 561-686-5442, and email address is lolympio@nasonyeager.com; vdavis@nasonyeager.com.

2. For purposes of this Petition, WHFT LL Workforce Developer, LLC's, address is c/o Laura S. Olympio, Esq., Nason Yeager Gerson Harris Fumero, PA, 3001 PGA Boulevard, Suite 305, Palm Beach Gardens, Florida 33410. Telephone number for the undersigned counsel is 561-686-4402, the facsimile number is 561-686-5442, and email address is lolympio@nasonyeager.com; vdavis@nasonyeager.com.

3. Following issuance of the RFA, Catchlight Workforce timely submitted Application No. 2025-345S (Application) requesting Live Local SAIL fundings (with no Housing Credits), for an 84-unit development known as Catchlight Crossings Live Local Workforce (Project). As reflected in the Application, majority of the proposed units were designated as Non-Housing Credit 80% AMI Live Local Housing Units.

4. Catchlight Workforce's Application was determined to be eligible but was not preliminarily selected for funding by Florida Housing's Board of Directors (Board). Catchlight Workforce timely filed a Notice of Intent and Formal Written Protest and Petition for Formal Administrative Hearing (Petition) in accordance with Sections 120.569 and 120.57(3), Florida Statutes and Chapter 28-106, Florida Administrative Code. Catchlight Workforce's Petition was transferred to the Division of Administrative Hearings, an Administrative Law Judge was assigned, and a two-day hearing took place on March 25-26, 2025. On May 9, 2025, the Administrative Law

Judge issued a Recommended Order finding, among other things, that Catchlight Workforce should remain eligible for funding.

5. On June 13, 2025, Florida Housing's Board issued a Final Order adopting the Findings of Fact, Conclusions of Law, and Recommendations of the Recommended Order issued in DOAH Case No. 25-1110BID *WHFT Workforce Ltd., et. al. v. Florida Housing Finance Corporation*, which found Application No. 2025-345BS eligible for funding under the RFA. Issuance of Board's Final Order resulted in the selection of Catchlight Workforce's Application for a funding award pursuant to the terms of the RFA.

6. Following the Board's Final Order, Catchlight Workforce was invited to enter credit underwriting and submitted a signed acknowledgment to accept that invitation. At this time, Catchlight Workforce is actively engaged in credit underwriting with Florida Housing's chosen underwriter.

7. As explained more fully below, after entering credit underwriting the Project has faced numerous challenges and budgetary constraints which prompted Catchlight Workforce to expand the scope of the Project to incorporate additional units, with a higher affordability mix than what is reflected in the Application. Catchlight Workforce requests this waiver so it can diversify its funding sources and more efficiently provide the capital required to continue forward and complete the expanded, and more income restricted, Project.

Statutes and Rules Implemented by the Requested Waiver

8. Florida Housing is a public corporation created pursuant to Chapter 420, Part V, Florida Statutes, to administer the financing of affordable housing in Florida. §420.504, Fla. Stat. It is designated as the housing credit agency for Florida within the meaning of section 42(h)(7)(A) of the Internal Revenue Code and has the responsibility to competitively allocate and distribute

Live Local SAIL funds to help fund affordable housing developments. §§420.5099 and 420.50871, Fla. Stat.

9. Sections 420.507(22) and (48), 420.5099, and 420.5087 Florida Statutes,¹ authorize Florida Housing to allocate Live Local SAIL funds by means of a request for proposal or other competitive solicitations. Chapter 67-60, Florida Administrative Code, governs the competitive solicitation process. Rule 67-48.0072, Florida Administrative Code, governs the credit underwriting process which includes a *de novo* review of Catchlight Workforce's Application including a comprehensive review of the Application, Catchlight Workforce, the real estate, the economics of the Project, the ability for Project success, the need for affordable housing along with a determination that the Project meets such needs, and a determined funding amount.

10. Chapter 67-21, Florida Administrative Code, governs the noncompetitive funding process as established by Florida Housing. Florida Housing's Board may make available non-competitive funding, including 4% Housing Credits or Multifamily Mortgage Revenue Bonds, to support proposed affordable housing developments in applicable circumstances. §420.5099, Fla. Stat.; Fla. Admin. Code R 67-21.003(1). Those seeking non-competitive funding, outside of a competitive selection process and funding award, may complete the Non-Competitive Application Package. Fla. Admin Code. R. 67-21.003(1)(b).

11. In addition, Florida Housing has the authority to grant waivers to its administrative rules and RFA criteria when strict application of the same will lead to unreasonable, unfair, and unintended results in particular instances. §120.542(1), Florida Statutes; Fla. Admin. Code Chpt. 28-104. Waivers shall be granted when the person subject to the rule demonstrates that the application of Florida Housing's administrative rules and RFA criteria will: (1) create a substantial

¹ Collectively, (the Act).

hardship or violate principals of fairness, and (2) the purpose of the underlying statute has been or will be achieved by other means. §120.542(2), Fla. Stat. For these purposes, “substantial hardship” means a “demonstrated economic, technological, legal or other type of hardship” while “principals of fairness” are violated when “literal application of a rule affects a particular person in a manner significantly different from a way it affects similarly situated persons who are subject to the rule.” *Id.*

RFA Criteria Implemented by the Requested Waiver

12. Section One of RFA states that:

Applications must request State Apartment Incentive Loan (SAIL) appropriated by the Live Local Act set forth in Section 420.50871, F.S., created by the Florida Legislature under Section 23 of the Live Local Act of 2023 “Live Local SAIL”. ... All other Applications may request Live Local SAIL in conjunction with (a) Tax-Exempt Bond financing (i.e., Corporation-issued Multifamily Mortgage Revenue Bonds (MMRB) or Non-Corporation-issued Tax-Exempt Bonds obtained through a Public Housing Authority (established under Chapter 421, F.S.), a County Housing Finance Authority (established pursuant to 159.604, F.S.), or a Local Government); and (b) 4% Housing Credits.

13. Section Four.A.6 addresses the number of units and the proposed project’s related set-aside requirements. First, Section Four A.6.a. requires the identification of the number of proposed units while Section Four A.6(c)(1), of the RFA addresses the minimum set-aside requirements for the proposed projects. It states in relevant part:

(1) Minimum Set-Aside Commitments per Section 42 of the IRC

If not requesting 9% Housing Credits or MMRB or local bonds with 4% Housing Credits, select “Live Local SAIL only” as the set-aside commitment at question 6.c.(1) of Exhibit A.

14. Next, Section Four.A.10(a) addresses the proposed development’s funding sources. This section includes identification of the amount of requested funding from Florida Housing

(Section Four.A.10(a)(1)), a request amount for Housing Credits ((Section Four.A.10(a)(2)), as well as the Development Cost Pro Forma which identifies the proposed project's sources and uses (Section Four.A.10(c)).

The Requested Waiver will Serve the Underlying Purpose of the Act

15. With this Petition, Catchlight Workforce requests a waiver from the applicable administrative rules and RFA criteria. In submitting its Application seeking a competitive funding award pursuant to the RFA, Catchlight Workforce did not contemplate nor request to utilize Tax Exempt Bonds or 4% Housing Credits. As reflected therein, at the time, Catchlight Workforce solely requested Live Local SAIL funding to support its development of 84 units, the majority of which were designated to serve 80% AMI, the maximum household income that a unit is considered to be affordable by Florida Housing.

16. After entering credit underwriting, the Project, through no fault of its own, now faces significant inflationary stresses, budgetary uncertainties, and policy changes with the local government on the waiver of impact fees. Catchlight Workforce has worked diligently to solve these uncertainties and has secured additional tax exempt bonds from a third party. With this request, Catchlight Workforce seeks to diversify its funding sources for the Project by incorporating this third-party funding source and to apply for non-competitive 4% Housing Credits from Florida Housing.

17. These factors also prompted Catchlight Workforce to reevaluate its Project as a whole and it now desires to expand the scope of its originally proposed Project to include an additional 45 units. Beyond increasing the Project's scope from 84 to 129 units, Catchlight Workforce also seeks to diversify the affordability of its units and increase the number of units that serve low and extremely low-income residents.

18. Here, strict adherence to Florida Housing's administrative rules and the RFA's criteria would impose a hardship on Catchlight Workforce, without budgetary diversification and project expansion, the Project in its current state would struggle to be financially feasible. Moreover, a waiver is justified because it is necessary to avoid economic hardship and continue to timely advance much needed affordable housing in Orange County. Granting Catchlight Workforce's request will allow the Project to move forward, ensuring continuity of service, and overall project success.

19. In this instance, Catchlight Workforce meets the standard for waiver of the administrative rules and pertinent criteria within the RFA. Catchlight Workforce believes its request serves the purposes of the Act and its implementing administrative rules because one of its overarching goals is for Florida Housing to facilitate the availability of safe, decent, and sanitary housing to Florida's low-income individuals. §420.502(4), Fla. Stat.

20. The requested waiver will not adversely impact Florida Housing or the Project. Instead, granting this request will ensure that 129 units of much-needed affordable housing will become available in Orange County, Florida. With 45 new units and an increased number of units that serve low and extremely low-income residents, the requested waiver further serves the purposes of Florida Housing's statutory authority and mission to increase affordable housing for those of low, moderate, and middle income in Florida. *Id.*

21. Conversely, strict application of the administrative rules and RFA will create a substantial hardship for Catchlight Workforce because it will not be able to meet strict application of these standards requirements through no fault of its own. Noted above, after entering credit underwriting, numerous factors impacted the Project causing budgetary and timing challenges. Catchlight Workforce acted quickly to mitigate these unexpected issues, seeking out new, diverse

funding sources while expanding the scope and affordability of the Project. At this stage, the Project is permit-ready, and Catchlight Workforce has engaged a construction and subcontractor team. Without this waiver, the Project will face additional budget constraints and significant delays including but not limited to the loss of potential bids, loss of construction transition and demobilization, and loss of coordination with Orange County on building permit approvals. Any of these outcomes would violate the principles of fairness and lead to insurmountable costs and time delays.

22. Demonstrated within, strict application of the administrative rules and pertinent RFA criteria will constitute a substantial hardship and violate the principles of fairness. §120.542(2), Fla. Stat. Waiver of Florida Housing's administrative rules and the applicable RFA criteria will also serve the purposes of the Act because one of Florida Housing's primary goals is to facilitate the availability of decent, safe, and sanitary housing in Florida to low, moderate, and middle income persons and households. §420.502(4)-(6), Fla. Stat.

23. Should Florida Housing require additional information, Catchlight Workforce is available to answer questions and provide all information necessary for consideration and approval of this Petition.

WHEREFORE, Catchlight Workforce respectfully requests that Florida Housing:

1. Grant the Petition and all the request relief;
2. Permanently waive the applicable administrative rules and RFA criteria; and
3. Grant any such further relief as may be deemed appropriate or just.

Respectfully submitted this 20th day of July 2026.

/s/ Laura S. Olympio
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NASON YEAGER GERSON

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed with the Florida Housing Finance Corporation's Corporation Clerk (CorporationClerk@floridahousing.org) on this 20th day of July 2026.

/s/ Laura S. Olympio
Counsel for Petitioners