

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In re: ACRUVA Community FL10, LLC FHFC Case No.: 2026-046VW

ORDER GRANTING WAIVER OF RULES 67-48.0072(10)(b), 67-21.014(2)(p)2., and 67-21.026(9)(b), F.A.C. (08/27/2024)

THIS CAUSE came for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the "Board") on September 25, 2026. On July 22, 2026, Florida Housing received a Petition for Waiver of Rule 67-48.0072(10)(b), F.A.C. (08/27/2024) (the "Petition"), an Amended Petition on July 29, 2026, a Second Amended Petition on September 9, 2026, and a Third Amended Petition on September 11, 2026. The Third Amended Petition requests a waiver of Rules 67-48.0072(10)(b), 67-21.014(2)(p)2., and 67-21.026(9)(b), F.A.C. (08/27/2024), from ACRUVA Community FL10, LLC (the "Petitioner"). The Third Amended Petition seeks a waiver to allow the Development to proceed through credit underwriting notwithstanding a 7.3% rent advantage, which is below the ten percent (10%) threshold. Notice of Petition was published on July 23, 2026, in the Florida Administrative Register in Volume 52, Number 142. The Amended Petition did not require republication. On September 10, 2026, the Second Amended Petition was published in the Florida Administrative Register in Volume 52, Number 176. The Third Amended Petition was

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Thomas Blamery

9/29/2026

DATE: _____

published in the Florida Administrative Register on September 14, 2026, in Volume 52, Number 178. Florida Housing received no comments regarding any of the Petitions. After careful review of the record, the Board hereby finds:

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

2. The Residences at Cedar Creek is a 94-unit development located in Gadsden County, Florida (the “Development”). Based on the most recent market study, the average market rental rate, based on unit mix and annualized rent concessions is 107.3% of the 60 percent Area Median Income rental rate, and therefore falls 2.7 percentage points below the 110% threshold required by the Rules.

3. Rule 67-21.014(2)(p)2., F.A.C. (2024), provides in relevant part:

(p) The Credit Underwriting Report shall include a thorough analysis of the proposed Development and a statement as to whether a MMRB Loan is recommended, and if so, the amount recommended. The Credit Underwriter or the Corporation may request such additional information as is necessary to properly analyze the credit risk being presented to the Corporation and the Bond holders. For the Credit Underwriter to make a favorable recommendation, the submarket of the proposed Development must have:

2. For Developments with new construction units, an average market rental rate, based on unit mix and annualized rent concessions, of 110 percent or greater of a 60 percent of Area Median Income rental rate.

4. Rule 67-21.026(9)(b), F.A.C. (2024), provides in relevant part:

(9) An appraisal report conforming to the Uniform Standards of Professional Appraisal Practice in effect at the time of the appraisal and reported in a comprehensive format, and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of Credit Underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed Development's financial feasibility. If the Tax-Exempt Bonds are issued by the Corporation or by a County Housing Finance Authority, appraisals which have been ordered and submitted by third party credit enhancers, first mortgagors or Housing Credit Syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. If the Tax-Exempt Bonds are issued by an entity other than the Corporation or a County

Housing Finance Authority, the appraisal must be ordered by the Credit Underwriter. The market study must be completed by a disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall consider the market study, the Development's financial impact on Developments in the area previously funded by the Corporation, and other documentation when making its recommendation of whether to approve or disapprove a Housing Credit Allocation. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application. For the Credit Underwriter to make a favorable recommendation, the submarket of the proposed Development must have:

(b) For Developments with new construction units, an average market rental rate, based on unit mix and annualized rent concessions, of 110 percent or greater of a 60 percent of Area Median Income rental rate.

5. Rule 67-48.0072(10)(b), F.A.C. (2024), provides in relevant part:

(10) For Competitive HC, SAIL, and HOME Applicants, an appraisal report conforming to the Uniform Standards of Professional Appraisal Practice in effect at the time of the appraisal and reported in a comprehensive format, and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and development type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the development property's financial feasibility. Appraisals which have been ordered and submitted by third-party credit enhancers, first mortgagors or Housing Credit Syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall consider the market study, the Development's financial impact on Developments in the area previously funded by the Corporation, and other documentation when making its recommendation of whether to approve or disapprove a SAIL or HOME loan, a Housing Credit Allocation, or a combined SAIL loan and Housing Credit Allocation or Housing Credit Allocation and HOME loan. The Credit Underwriter

shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application. For the Credit Underwriter to make a favorable recommendation, the submarket of the proposed Development must have:

(b) For Developments with new construction units, an average market rental rate, based on unit mix and annualized rent concessions, of 110 percent or greater of a 60 percent of Area Median Income rental rate.

6. The Third Amended Petition seeks a waiver to allow the Development to proceed through credit underwriting with a rent advantage below the ten percent (10%) threshold. The Credit Underwriter has prepared a Credit Underwriting Report with a recommendation to fund the Development subject to this waiver.

7. In support of its request, Petitioner asserts that with its 7.3% average rental rate advantage, the Development nevertheless meets the objectives of the Rules by (1) providing a meaningful affordability benefit to income-qualified households, (2) targeting Corporation resources to a market with a genuine affordability gap, and (3) providing a margin of resilience to changing market conditions.

8. The Petition further asserts that sufficient demand exists to support the construction of the Development, as demonstrated by such factors as (1) a Remaining Potential Demand of 149 income-qualified renter households within a five-mile radius and 608 income-qualified renter households within a ten-mile radius, (2) a 94.3% average occupancy across like-kind rent-restricted developments in the submarket, (3) conservatively underwritten rents that are below both maximum Housing Credit rents and market rents, providing an overall affordability benefit to tenants; and (4) conservative underwriting metrics, including a funded operating deficit and debt service reserve totaling three months of operating expenses and debt service.

9. To demonstrate what Petitioner states is a marginal shortfall, the Third Amended Petition notes that the Credit Underwriting Report reflects that application of the higher NFRHA utility allowances to the operative market study would produce a rent advantage above the 110% threshold. Petitioner acknowledges, however, that the Corporation-approved energy consumption model governs the rent-advantage calculation and does not ask the Corporation to use the NFRHA utility allowances as an alternative underwriting methodology. The comparison is offered only to demonstrate the marginal nature of the shortfall.

10. The Board finds that granting the requested waiver of Rules 67-48.0072(10)(b), 67-21.014(2)(p)2., and 67-21.026(9)(b), F.A.C. (2024), will not adversely impact other participants in funding programs administered by Florida Housing, nor will it detrimentally affect Florida Housing or the Development.

11. The Board also finds that Petitioner has demonstrated that strict application of Rules 67-48.0072(10)(b), 67-21.014(2)(p)2., and 67-21.026(9)(b), F.A.C. (2024), under these circumstances would constitute a substantial hardship.

12. The Board further finds that Petitioner has also demonstrated that the purposes of the underlying statutes, including providing SAIL financing for affordable housing, facilitating financing through the MMRB program, and allocating Housing Credits to encourage the development of low-income housing (§§ 420.507, 420.508, 420.5087, 420.509, and 420.5099, F.S.) will still be achieved if the waiver is granted.

IT IS THEREFORE ORDERED that Petitioner's request for waiver of Rules 67-48.0072(10)(b), 67-21.014(2)(p)2., and 67-21.026(9)(b), F.A.C. (2024), is GRANTED, allowing the Development to receive a favorable recommendation from the Credit Underwriter notwithstanding the average market rental rate, based on unit mix and annualized rent concessions, of

107.3% of the 60% Area Median Income rental rate, rather than the 110% required by the Rules.

DONE and ORDERED this 29th day of September, 2026.



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 A PETITION WITH THE CORPORATION CLERK OF THE

FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329. A PETITION MAY ALSO BE FILED BY FACSIMILE OR ELECTRONIC MAIL AS PROVIDED IN RULE 67-52.002, FLORIDA ADMINISTRATIVE CODE. THE PETITION MUST BE FILED WITHIN TWENTY-ONE (21) DAYS OF RECEIPT OF THIS ORDER, CONSISTENT WITH SECTION 120.569(1), FLORIDA STATUTES, AND RULE 28-106.111(2), FLORIDA ADMINISTRATIVE CODE.