

Phone: (727) 893-1314 x210

Fax: (727) 550-4200

Contact: Arnold Andrews, Executive
Director

b. Petitioner's Representative: Not Applicable

2. Applicable Rule or Portion of the Rule

The Petitioner requests variance or waiver from Rule 67-48.002 (111) which states:

“Universal Application Package” or “UA1016 (Rev. 3-04)” means the forms and instructions, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the SAIL, HOME and/or HC program(s). The Universal Application package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter.

3. Citation to the Statue the Rule is Implementing:

The Petitioner refers to 420.5087 (3) (a) State Apartment Incentive Loan Program.

4. Type of Action Requested

The Petitioner requests variance or waiver from Rule 67-48.002 (111) for the below stated reason:

The Petitioner acknowledges that Exhibit 30 Verification of Sewer Infrastructure reflected the information stated within FHFC's position. The Petitioner further contends that the date of May 7, 2004 was a scrivener's error and that sewer infrastructure was available to the site prior to the Application Date. Sewer Infrastructure was demonstrated within Part III, A.9.b. and Exhibit 24 of the Original Application submission. The Petitioner stated that the Development was complete and that certificates of occupancy were issued on 04/04/03. Additionally within Exhibit 24 the Petitioner listed each Building Address, Building Permit Number and the Date Issued for the Certificate of Occupancy. Appropriate infrastructure is a requirement for a certificate of occupancy for a residential development. Since the Petitioner had received a certificate of occupancy it can be surmised that sewer infrastructure was available as of the date of April 4, 2003.

5. Demonstration of Substantial Hardship or Violation of Principles of Fairness

The Petitioner has demonstrated that the intent of the Rule has been achieved and exceeded by other means. Specifically the property has been

constructed and certificates of occupancy for the residential buildings have been issued. Certificates of Occupancy cannot be issued without having appropriate sewer capacity. The Petitioner will suffer substantial hardship if the requested waiver is not granted. The Petitioner is a not for profit Florida Corporation which will suffer severe financial consequences should it be unable to receive the SAIL funding for San Jose Mission.

More importantly, many farmworkers in need of affordable housing will be excluded by virtue of the higher rents required as a result of not having SAIL financing. It is estimated on average that that the monthly rents would be reduced by approximately \$91 per unit per month if the SAIL Application were approved.

6. Reason Variance or Waiver Requested would Serve the purposes of the Underlying Statute

The grant of the Waiver or Variance and the resulting funding of the SAIL loan will serve the underlying purpose of the Statute by allowing the Petitioner to reduce its debt service expenses, thereby allowing for a significant reduction in the rents charged to the resident Farmworker individuals/families. The Petitioner has committed to rent to Farmworker households at or below 50% of Area Median Income. Current debt service requirements do not allow the Petitioner to reduce rents to levels necessary to serve the targeted Farmworker population. The

result is the development has not been able to reach stabilized occupancy levels and units that could be occupied by lower income residents are remaining vacant.

7. The Request for Variance or Waiver is Permanent

Respectfully Submitted:

 9-15-04

Arnold Andrews

Executive Director

Catholic Charities Housing, Inc.