STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In re: Creative Choice Homes XXXII, Ltd. Case No. 2007-045VW

ORDER GRANTING PETITION FOR WAIVER OF RULE 67-48.004(14)(e), F.A.C.

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on September 21, 2007, pursuant to a “Petition for Waiver of Rule 67-48.004(14)(e), F.A.C.” (the “Petition”), filed by Creative Choice Homes XXXII, Ltd. ("Petitioner") on August 22, 2007. Notice of the Petition was published in Volume 33, Number 35, of the Florida Administrative Weekly. Florida Housing received no comments regarding the Petition. After careful review of the record and being otherwise fully advised in the premises, the Board of Directors (the “Board”) of Florida Housing hereby finds:

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

2. During the 2003 Universal Cycle, Creative Choice Homes XXXII, Ltd. ("Petitioner") applied for Housing Credits ("HC") to finance the construction of Manatee Springs (the "Development") located in Levy County, Florida.

FILED WITH THE CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION

/DATE. 10-29-07

   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… Those items are as follows:

   (e) Site for the Development;

4. In addition to the construction of the buildings and amenities, Petitioner constructed a lift station which was required by the approved plans for the Development. Now, the City of Chiefland is requiring that Petitioner dedicate the portion of the Development site (a 20 foot by 25 foot area) containing the lift station (the “Lift Station Site”) to the City. However, the City will not accept a deed for the Lift Station Site while it is subject to the Extended Use Agreement (“EUA”).

5. Section 120.542(2), Florida Statutes provides in pertinent part:

   Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

6. Petitioner has demonstrated that neither the location of the Development nor its Tie-Breaker Measurement Point (“TBMP”) will be changed. Thus, Petitioner will obtain no unfair advantage over other applicants. Moreover, the City of Chiefland provides
utility services to the Development and requires that Petitioner convey the Lift Station Site in connection with those services.

7. The Board finds that strict application of the above Rule under these circumstances, where the Petitioner is attempting to convey a Lift Station (a 20 foot by 25 foot area) as required by the City of Chiefland in connection with the Development's utility service, would cause substantial hardship to Petitioner and violate the principles of fairness. Permitting this change in Development would also serve the underlying purpose of the statute.

**IT IS THEREFORE ORDERED:**

The "Petition for Waiver of Rule 67-48.004(14)(e), F.A.C." is hereby **GRANTED** to permit Petitioner to convey the Lift Station Site, a 20 foot by 25 foot area, to the City of Chiefland. All other relief requested in the Petition, if any, is denied.

DONE and ORDERED this 21st day of September, 2007.

Florida Housing Finance Corporation

By: [Signature]

Chair
Copies furnished to:

Wellington H. Meffert II
General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Jennifer Chester
Housing Credits Administrator
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Maureen McCarthy Daughton, Esquire
Broad and Cassel
215 S. Monroe Street, Suite 400
Tallahassee, Florida 32301

Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
120 Holland Building
Tallahassee, Florida 32399-1300

NOTICE OF RIGHTS

A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO JUDICIAL 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.