

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Urban Edge Apartments, Ltd.

FHFC Case No.: 2014-086VW

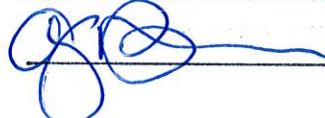
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**ORDER GRANTING WAIVER  
OF PART III.B.3.b OF THE 2011  
UNIVERSAL CYCLE APPLICATION AND INSTRUCTIONS**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on December 12, 2014, pursuant to a "Petition for Waiver from Florida Administrative Code Rule 67-48.004" ("Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on November 20, 2014, from Urban Edge Apartments, Ltd. ("the Petitioner"). Notice of the Petition was published in Volume 40, Number 228, of the Florida Administrative Register. 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.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

 /DATE: 12.15.14

2. During the 2011 Universal Cycle, Petitioner applied for and was awarded an allocation of tax credits to finance the construction of a development known as Harbour's Edge (the "Development") located in Pinellas County, Florida.

3. Rule 67-48.004(1)(a) Fla. Admin. Code (2011) provides, in pertinent part:

(a) The Universal Application Package or UA1016 (Rev. 2-11) is adopted and incorporated herein by reference and consists of the forms and instructions available, without charge, on the Corporation's Website under the 2011 Universal Application link labeled Instructions and Application, or from <http://www.flrules.org/Gateway/reference.asp?No=Ref-00703>, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the HOME and HC Program(s).

4. Part III.B.3.b. of the Instructions provides in pertinent part:

b. Optional Features and Amenities for all Developments Except SRO (maximum 12 points)

Part III.B.3.b. of the 2011 Universal Cycle Application provides, in pertinent part:

Picnic Area with hard cover permanent roof of a design compatible with the Development, open on all sides, containing at least three permanent picnic tables with benches and an adjoining permanent outdoor grill (1 point)

5. Petitioner has requested a waiver of the above section of the Universal Cycle Instructions and Application to allow the Development to have a picnic area that is open on one side, and that has tables with chairs

instead of picnic tables with benches, instead of the requirements as set forth in the Application: picnic area open on all sides, with tables and benches.

6. The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants.

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

Variations 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.

8. Petitioner has demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness. Petitioner demonstrated that the picnic area provides a comfortable outside environment, and that if Petitioner were required to reconfigure the picnic area to comply with the requirements of the rule, it would have to remove two parking spaces from the parking garage, where parking is currently limited. Petitioners have also demonstrated that granting this request furthers Florida Housing's statutory mandate to provide safe, sanitary and affordable housing to the citizens of Florida.



**IT IS THEREFORE ORDERED:**

Petitioner's request for waiver of Part III.B.3.b., of the 2011 Universal Application and Instructions, to allow the Development to have a picnic area that is open on one side, and picnic tables with chairs is hereby **GRANTED**.

DONE and ORDERED this 12<sup>th</sup> day of December, 2014.



Florida Housing Finance Corporation

By:  \_\_\_\_\_  
Chair

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

### **NOTICE OF RIGHT TO JUDICIAL REVIEW**

**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.**