

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Ridgewood Affordable, LLC

FHFC CASE NO.: 2018-052VW

ORDER GRANTING WAIVER OF RULE 67-48.004(3)(g)

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on July 27, 2018, pursuant to a "Petition for Waiver" ("Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on June 28, 2018, from Ridgewood Affordable, LLC ("Petitioner"). Notice of the Petition was published on June 29, 2018, in Volume 44, Number 127 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.
2. Petitioner was selected to receive an award of competitive housing credits under Request for Application ("RFA") 2016-110 to assist in the acquisition and rehabilitation of an existing development known as Ridgewood Apartments, a 33-unit family housing development in Polk County, Florida. Petitioner's Application Number was 2017-081C (the "Application").

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Thomas Lamong / DATE: 7/27/18

3. Petitioner seeks a waiver from Rule 67-48.004(3), Fla. Admin.

Code, which in relevant part provides:

For the SAIL, HOME and Housing Credit Programs, notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:

....

(g) Development Type; ...

4. Petitioner requests a waiver of the above Rule to allow it to change the Development Type listed in its Application from “Garden Apartments” to “Townhouses.” Petitioner asserts that the Development Type that best describes the majority of the units to be rehabilitated is “Townhouses.” Petitioner states that there will be no change in how the units will be rehabilitated: the nine (9) Garden Apartments will be rehabilitated as Garden Apartments and the twenty-four (24) Townhouses will be rehabilitated as Townhouses.

5. The Total Development Cost per Base Unit Limitation is the same for both Garden Apartments and Townhouses. As such, changing the Development Type will have no impact on the Total Development Cost. Petitioner asserts that it is impracticable, if not impossible, to rehabilitate the existing twenty-four (24) Townhouses as Garden Apartments as it would require tearing down the units and rebuilding them.

6. The Board finds that granting the waiver will not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development.

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 constitute a substantial hardship and violate the principals of fairness. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

9. The Board finds that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner, and 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 a waiver of the above Rule is **GRANTED**, so that the Development Type is changed from “Garden Apartments” to “Townhouses.”

DONE and ORDERED this 27th day of July, 2018.



Florida Housing Finance Corporation

By:


Chair

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 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.