

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

FHFC CASE NO.: 2018-054VW

In Re: Society of St. Vincent De Paul South Pinellas, Inc.
(Ozanam Village III)

**ORDER GRANTING WAIVER OF RULES 67-48.0072(21)(b)
AND 67-48.004(3)(h)**

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 July 5, 2018, from Society of St. Vincent De Paul South Pinellas, Inc. ("Petitioner"). Notice of the Petition was published on July 9, 2018, in Volume 44, Number 132, 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 SAIL and ELI Gap funding under Request for Applications 2016-115 (the "RFA") to assist in the

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HOUSING FINANCE CORPORATION

Thomas Delamora / DATE: 7/27/18

construction of a 30-unit development serving persons with special needs in Pasco County called Ozanam Village III.

3. Rule 67-48.0072(21)(b), Fla. Admin. Code (2016), provides:

(b) For SAIL, EHCL, and HOME that is not in conjunction with Competitive HC, unless stated otherwise in a competitive solicitation, the firm loan commitment must be issued within nine (9) months of the Applicant's acceptance to enter credit underwriting. Unless an extension is approved by the Corporation in writing, failure to achieve credit underwriting report approval and issuance of a firm loan commitment by the specified deadline shall result in withdrawal of the preliminary commitment. Applicants may request one (1) extension of up to six (6) months to secure a firm loan commitment. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting the extension and shall detail the time frame to achieve a firm loan commitment. In determining whether to grant an extension, the Board shall consider the facts and circumstances of the Applicant's request, inclusive of the responsiveness of the Development team and its ability to deliver the Development timely. The Corporation shall charge a non-refundable extension fee of one (1) percent of each loan amount if the request to extend the credit underwriting and firm loan commitment process beyond the initial nine (9) month deadline is approved. If, by the end of the extension period, the Applicant has not received a firm loan commitment, then the preliminary commitment shall be withdrawn.

4. Rule 67-48.004(3)(h), Fla. Admin. Code, (2016), 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 . . . Demographic Commitment."

5. On January 26, 2018, the Board approved a one-year extension of the firm loan commitment deadline until August 12, 2018. Petitioner requests a waiver of the above Rule to allow it to extend the closing deadline until June 12, 2019. Petitioner asserts that additional time is necessary because circumstances have forced it to replace both its co-Developer and General Contractor. Specifically, Petitioner has severed its relationship with GHD Construction Services, Inc., and Ability Housing, Inc. is assuming the role of co-Developer. A new General Contractor and a new civil engineer have been engaged to develop the site plan and other engineering work. Petitioner estimates that it will take an additional 6 months to receive approval and permits from the various agencies that must review the plans.

6. The demographic population intended to be served at the time of application was “Persons receiving benefits under the Social Security Disability Insurance (SSDI) program or the Supplemental Security Income (SSI) program or from veterans’ disability benefits.” Petitioner seeks to add an additional demographic selection for “Adult persons requiring independent living services in order to maintain housing or develop independent living skills and who have a Disabling Condition that neither currently impairs nor is likely to impair their physical mobility, such as person with a mental illness.” This additional demographic commitment is necessary for the financial feasibility of the project.

7. The Board finds that granting the waivers 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.

8. 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.

9. Petitioner has demonstrated that the waivers are needed in order to efficiently serve persons with disabilities and that, if the waivers were not granted, Petitioner would suffer a substantial hardship. 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 waivers are granted.

10. The Board finds that strict application of the above Rules 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 Rule 67-48.0072(21)(b), Fla. Admin. Code (2016) is hereby **GRANTED** to extend the firm loan commitment deadline until

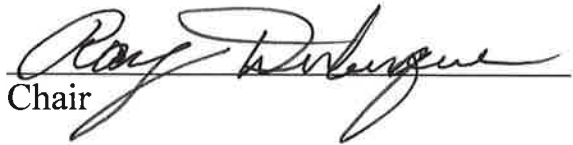
June 12, 2019. Petitioner's request for a waiver of Rule 67-48.004(3)(h), Fla. Admin. Code (2016) is hereby **GRANTED** to allow it to change its Demographic Commitment as described above.

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 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.