STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: Morris Manor, LLLP FHFC Case No.: 2024-059VW

_____/

ORDER GRANTING WAIVER OF RULE 67-48.004(3)(j), FLA. ADMIN. CODE (2020)

THIS CAUSE came for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the "Board") on October 22, 2024. On October 3, 2024, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver from Rule 67-48.004(3)(j), F.A.C. (the "Petition") from Morris Manor, LLLP ("Petitioner") to allow Petitioner to reduce its total set-aside percentage. Notice of the Petition was published October 4, 2024, in Volume 50, Number 195, of the Florida Administrative Register. Florida Housing received no comments regarding the Petition. After careful review of the record and being otherwise fully advised on the premises, the Board hereby finds:

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

2. Petitioner successfully applied for funding to assist in the acquisition and preservation of Morris Manor, a 168-unit development located in Duval County, Florida (the "Development").

FILED WITH THE CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION
Ann McNamara 10/22/2024

3. Rule 67-48.004(3)(j), Fla. Admin. Code (2020), provides in relevant part:

> ...notwithstanding any other provision of these rules, the following as identified in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below: ...
>
> (j) For the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment Section of the Application...

4. Petitioner requests a waiver of the above rule to reduce its total set-aside percentage from 100% (168 units) to 99.41% (167 units). As justification for its request, Petitioner states that an elderly, long term tenant who was income qualified when they moved into the development in 2007 is now no longer income qualified. Petitioner requests the waiver to allow that resident to renew their lease and remain in their unit. Petitioner receives no competitive advantage by granting this request and would have still been funded under the terms of the RFA.

5. The Board finds that granting the requested waiver will not impact other participants in funding programs administered by Florida Housing, nor will it detrimentally impact Florida Housing.

6. The Board also finds that Petitioner has demonstrated that the waiver is needed because it would suffer a substantial hardship if the waiver is not granted.

7. The Board further finds that Petitioner has also demonstrated that the purpose of the underlying statute, which is to "encourage development of low-income housing in the state," would still be achieved if the waiver is granted. §420.5099, Fla. Stat.

IT IS THEREFORE ORDERED that Petitioner's request for waiver of Rule 67-48.004(3)(j), Fla. Admin. Code (2020) is hereby **GRANTED** to allow Petitioner to reduce its total set-aside percentage from 100% (168 units) to 99.405% (167 units).

DONE and ORDERED this 22nd day of October, 2024.

FLORIDA HOUSING FINANCE CORPORATION Tallahassee Florida

Florida Housing Finance Corporation

By: _____
Sandra Einhorn, Vice Chair

Copies furnished to:

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Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
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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.