STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In re: FED Venture, L.P. FHFC Case No.: 2025-060VW

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ORDER GRANTING WAIVER OF RULE 67-21.003(1)(b), F.A.C. (2025) AND NON-COMPETITIVE APPLICATION INSTRUCTIONS (REV. 05-2025)

THIS CAUSE came for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the "Board") on December 12, 2025. On November 18, 2025, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-21.003(1)(b), F.A.C. (2025) (the "Petition") from FED Venture, L.P. (the "Petitioner"). The Petition seeks a waiver of the referenced rule and the Non-Competitive Application Instructions (Rev. 05-2025) waiving (i) the requirement that 15 percent of the total proposed equity be paid prior to or simultaneous with construction loan closing, and (ii) the requirement that the Non-Competitive Application (the "NCA") may only be submitted after the Applicant completes Credit Underwriting. Notice of the Petition was published on November 20, 2025, in Volume 51, Number 226, of the Florida Administrative Register. Florida Housing received no comments regarding the Petition. After careful review of the record, the Board hereby finds:

FILED WITH THE CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION
Anne Glamolis /DATE: 12/15/2025

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 construction of Federal Apartments, a 164-unit development located in Broward County, Florida (the "Development").

3. Rule 67-21.003(1)(b), F.A.C. (2025), states in relevant part:

> (1) Unless otherwise set forth in a competitive solicitation pursuant to rule Chapter 67-60, F.A.C., Applicants shall apply for Non-Competitive HC or a combination of MMRB and Non-Competitive HC as set forth below. For purposes of this subsection only, the term NC Award shall refer to Non-Competitive HC or a combination of MMRB and Non-Competitive HC, and funding from the Predevelopment Loan Program (PLP) will not be considered to be other Corporation funding.
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> (b) If the NC Award will not be made available through the competitive solicitation funding process outlined in rule Chapter 67-60, F.A.C., the Applicant shall utilize the Non-Competitive Application Package. The Non-Competitive Application Package or form NCA (Rev. 05-2025) is adopted and incorporated herein by reference and consists of the forms and instructions available, without charge, on the Corporation's website under the Multifamily Programs link labeled Non-Competitive Programs or from http://www.flrules.org/Gateway/reference.asp?No=Ref-18119, which shall be completed and submitted to the Corporation in accordance with this rule chapter.
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> The NCA provides in pertinent part:
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> Non-Competitive Housing Credits (4 Percent HC) only, to be used for a Tax-Exempt Bond Financed Development where the bonds are issued by a County Housing Finance Authority (HFA)

established pursuant to Section 159.604, F.S. The Non-Competitive Application Form can be submitted anywhere from the time the Applicant completes Credit Underwriting for the Bonds up until the last Corporation business day of December of the year the Development is placed in service;

This Rule incorporates by reference the NCA Package (Rev. 05-2025). The NCA Package includes the following requirement at Section 16(k):

The Applicant certifies and acknowledges that:

(k) The proposed equity amount to be paid prior to or simultaneous with the closing of construction financing is at least 15 percent of the total proposed equity to be provided (the 15 percent criteria), subject to the following:

(1) If syndicating/selling the Housing Credits, there are two exceptions to the preceding sentence. First, if there is a bridge loan proposal within the equity proposal that provides for bridge loan proceeds that equal at least 15 percent of the amount of total proposed equity to be provided to be made available prior to or simultaneous with closing of construction financing, the 15 percent criteria will be met. Second, if there is a separate bridge loan proposal from either the equity provider, provider, or a subsidiary of the equity provider's parent holding company, and the proposal explicitly proposes an amount to be made available prior to or simultaneous with the closing of construction financing that equals at least 15 percent of the total proposed equity to be paid stated in the equity proposal, the 15 percent criteria is met. Bridge loan proposals that are not within the equity proposal, though, must meet the criteria previously stated for debt financing with the exception that evidence of ability to fund does not have to be provided. The Applicant may include the proposed amount of the bridge loan as equity proceeds on the Construction or Rehabilitation Analysis and on the Permanent Analysis (Note: this 15 percent criteria must be reflected in the limited partnership agreement or limited liability company operating agreement); or

(2) If not syndicating/selling the Housing Credits, proceeds from a bridge loan will not count toward meeting the 15 percent criteria;

4. Petitioner states that it intends to close on tax-exempt bonds and enter into a limited partnership with an investor in December 2025. The December closing will be a dry closing (the "Dry Closing"). The transaction needs to close in 2025 to satisfy the CRA requirements of Petitioner's investor; however, the Applicant will not have all permits necessary to effectuate the final closing anticipated to occur in early 2026 (the "Final Closing"). Construction of the Development will not begin until the Final Closing. Therefore, only the equity necessary for the cost of issuance will be contributed at the Dry Closing, which constitutes less than 15 percent of the total proposed equity. The remainder of the 15 percent of total proposed equity will be contributed by the Final Closing. Petitioner asserts that delaying closing until 2026 in order to contribute the full 15 percent at once would prevent the investor from satisfying CRA timing requirements and would materially impact transaction viability.

5. Petitioner further states that the previous issue has also caused a delay to Credit Underwriting and the issuance of the final Credit Underwriting Report (the "CUR"). Petitioner will be unable to complete Credit Underwriting before submission of the Non-Competitive Application Form

(the "Application"). Petitioner anticipates completing Credit Underwriting and submitting the final CUR to the Corporation sometime after the Corporation's December Board meeting. However, Petitioner cannot file this Petition without first submitting the Application and cannot submit the Application until completing Credit Underwriting and cannot complete Credit Underwriting and finalize its CUR without the relief requested in this Petition. Consequently, Petitioner will need to submit the Application before completing Credit Underwriting to address this issue in advance with the Corporation.

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

7. The Board also finds that Petitioner has demonstrated that strict application of the rule would impose a substantial hardship if the waiver is not granted.

8. 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, F.S.

IT IS THEREFORE ORDERED that Petitioner's request for waiver of Rule 67-21.003(1)(b), F.A.C. (2025) and the Non-Competitive Application Instructions (Rev. 05-2025), is hereby **GRANTED:**

(1) Waiving the requirement that 15 percent of the total proposed equity be paid at construction closing and instead requiring that 15 percent of the total proposed equity be paid on or before the Final Closing as described in Paragraph 4.; and

(2) Allowing Petitioner to submit the Non-Competitive Application prior to completing Credit Underwriting for the Bonds.

DONE and ORDERED this 12th day of December 2025.

Florida Housing Finance Corporation

By: _____
Chairperson

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. THE PETITION MUST BE FILED WITHIN TWENTY-ONE (21) DAYS OF RECEIPT OF THIS ORDER, CONSISTENT WITH SECTION 120.569(1), FLORIDA STATUTES, AND RULE 28-106.111(2), FLORIDA ADMINISTRATIVE CODE.