STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: AMC HTG 2, Ltd. FHFC Case No.: 2024-026VW
_____/

ORDER GRANTING WAIVER OF
RULE 67-48.0072(26) 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 June 28, 2024. On June 3, 2024, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-48.0072(26) (the "Petition") from AMC HTG 2, Ltd. The Petition requests to extend its SAIL loan closing deadline from June 10, 2024, to September 8, 2024. Notice of the Petition was published June 4, 2024, in Volume 50, Number 109, 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 construction of Courtside Apartments, Phase II, a 120-unit workforce housing development located in Miami-Dade County, Florida (the "Development").

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION
Anne Flannery DATE 6/28/2024

3. Rule 67-48.0072(26), Fla. Admin. Code (2020), states, in relevant part:

> (26) For SAIL, EHCL, and HOME, unless stated otherwise in a competitive solicitation, these Corporation loans and other mortgage loans related to the Development must close within 120 Calendar Days of the date of the firm loan commitment(s), unless the Development is a Tax-Exempt Bond-Financed Development which then the closing must occur within 180 Calendar Days of the firm loan commitment(s). Unless an extension is approved by the Board, failure to close the loan(s) by the specified deadline outlined above shall result in the firm loan commitment(s) being deemed void and the funds shall be de-obligated. Applicants may request one (1) extension of the loan closing deadline outlined above for a term of up to 90 Calendar Days. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The Board shall consider the facts and circumstances of each Applicant's request, inclusive of the Applicant's ability to close within the extension term and any credit underwriting report, prior to determining whether to grant the requested extension. The Corporation shall charge an extension fee of one (1) percent of each Corporation loan amount if the Board approves the request to extend the loan closing deadline beyond the applicable 120 Calendar Day or 180 Calendar Day period outlined above. If an approved extension is utilized, Applicants must pay the extension fee not later than seven (7) Calendar Days after the original loan closing deadline. In the event the Corporation loan(s) does not close by the end of the extension period, the firm loan commitment(s) shall be deemed void and the funds shall be de-obligated.

4. On September 11, 2023, staff issued a firm commitment to the Applicant with a loan closing deadline of March 11, 2024. On March 26, 2024, the Board approved a request to extend the SAIL and Viability loan closing deadline 90 days, extending the loan closing deadline to June 10, 2024.

5. Petitioner now requests a waiver of the Rule to extend the SAIL closing deadline from June 10, 2024 to September 8, 2024. Petitioner states that it was required to obtain an Agreement to Enter into a Housing Assistance Payments ("AHAP") Contract from Miami-Dade County, which included a time-consuming subsidy layer review and environmental clearances. In addition, Petitioner obtained comments with regard to its ground lease from the underwriter and permitting at the City of Miami-Dade was delayed.

6. 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.

7. The Board also finds that Petitioner has demonstrated that the waiver is needed because of circumstances beyond its control and that it would suffer 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, Fla. Stat.

IT IS THEREFORE ORDERED that Petitioner's request for a waiver of Rule 67-48.0072(26), Fla. Admin. Code (2020), is hereby

GRANTED to extend Petitioner's SAIL and Viability loan closing deadline from June 10, 2024, to September 8, 2024

DONE and ORDERED this 28th day of June, 2024.

Florida Housing Finance Corporation

By: _____
Chairperson

Copies furnished to:

Brian McDonough
Bridget Smitha
Stearns Weaver Miller Weisller Alhadeff
& Sitterson
bmcdonoguh@stearnsweaver.com
bsmitha@stearnsweaver.com

Laura Cox, on Behalf of the Office of the General Counsel
Rhonda Morris, Assistant General Counsel
Melissa Levy, Managing Director of Multifamily Programs
Florida Housing Finance Corporation
Laura.Cox@floridahousing.org
Rhonda.Morris@floridahousing.org
Melissa.Levy@floridahousing.org

Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
Joint.admin.procedures@leg.state.fl.us

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.