STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In re: Blue CASL 41, LLC FHFC Case No.: 2025-066VW

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ORDER GRANTING WAIVER OF RULE 67-48.002(96), F.A.C. (2023) AND 2023 QAP

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 20, 2025, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-48.002(96), F.A.C. (2023) and the 2023 Qualified Allocation Plan ("QAP") (the "Petition") from Blue CASL 41, LLC ("Petitioner"), requesting a waiver to allow Petitioner to immediately return its 2024 Housing Credit Allocation for an allocation of 2025 Housing Credits. Notice of the Petition was published November 21, 2025, in Volume 51, Number 227, of the Florida Administrative Register. Petitioner filed an Amended Petition for a waiver of the same rule and QAP on November 24, 2025. Florida Housing received no comments regarding the Petition or the Amended Petition. After careful review of the record, the Board hereby finds:

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

FILED WITH THE CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION
Tom McKlamory DATE: 12/15/2025

2. Petitioner successfully applied for funding to assist in the construction of a 60-unit development in Manatee County, Florida (the "Development").

3. Rule 67-48.002(96), F.A.C. (2023), adopts and incorporates the 2023 Qualified Allocation Plan ("QAP").

4. Subsection II.J. of the 2023 QAP states:

> Notwithstanding any other provision of this QAP, where a Development has not been placed in service by the date required pursuant to Section 42 of the IRC, or it is apparent that a Development will not be placed in service by the date required pursuant to Section 42 of the IRC, and the Applicant has returned its Housing Credit Allocation after the end of the second calendar quarter of the year in which it was otherwise required to be placed in service pursuant to Section 42 of the IRC, the Corporation will reserve allocation in an amount not to exceed the amount of Housing Credits returned, and will issue a Carryover Allocation Agreement allocating such Housing Credits to the Applicant for either the current year or the year after the year in which the Development was otherwise required to be placed in service pursuant to Section 42 of the IRC, provided the following conditions have been met:
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> (i) The sponsor must have provided written notice to the Corporation, describing the circumstances, all remedial measures attempted by the Applicant to mitigate the delay, and any other pertinent information, prior to returning the allocation; and
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> (ii) A site inspection reflecting the percentage of Development completion must be completed. If the Development is at least fifty (50) percent completed, as reflected in the site inspection, the approval may be made by Corporation staff. If the Development is less than fifty (50) percent completed, as reflected in the site inspection, the approval must be made by the

Board. In making such determination, the Board must find and determine that the delay was caused by circumstances beyond the Applicant's control, and that the sponsor exercised due diligence in seeking to resolve the circumstances causing delay; and

(iii) The Corporation or Board, as applicable, must find that the Development in all respects, except time placed in service, still meets the conditions upon which the Housing Credits were originally allocated, and that the Development is still desirable in terms of meeting affordable housing needs.

A Development located in a HUD-designated DDA or QCT at the time of original allocation may retain its designation as such.

5. Petitioner requests a waiver of the above rule and QAP provisions to allow Petitioner to immediately return its 2024 Housing Credit Allocation for an allocation of 2025 Housing Credits. Petitioner states that the Development has been delayed and will not be able to meet the Deadlines because the closing has been delayed due to the lack of LIHTC demand in the Sarasota/Manatee County area until the CRA cycles reset on January 1, 2026. In addition, the Development site owner is a not-for-profit, whose conveyance of the property requires the approval of Manatee County, and it is not clear whether the approvals and necessary recorded documents will be completed in time. As a result of the delays, Petitioner will not meet the 10% test deadline of December 23, 2025, and it is in jeopardy of not meeting the placed in service deadline of December 31, 2026.

6. Petitioner accepted the invitation into credit underwriting on August 29, 2024. Florida Housing executed a 2024 Carryover Allocation Agreement ("CAA") on December 23, 2024, which gave Petitioner six months to meet the 10% Test and until the end of the second year in which the carryover allocation was issued to place the Development in service. Petitioner was granted an extension of its 10% Test deadline to December 23, 2025.

7. 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.

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

9. The Board further finds that Petitioner has 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 to waive the requirement of Rule 67- 48.002(96), F.A.C. (2023) and the timing provisions of subsection II.J. of the 2023 QAP, is hereby **GRANTED** to allow

Petitioner to exchange its 2024 Housing Credits for an immediate allocation of 2025 Housing Credits.

DONE and ORDERED this 12th day of December, 2025.

Florida Housing Finance Corporation

By: _____
Chairperson

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. 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.