STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: College Trace Apartments, L.P. FHFC Case No.: 2025-041VW

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ORDER GRANTING WAIVER OF RULE 67-21.026(13)(h), F.A.C. (2022)

THIS CAUSE came for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the "Board") on September 19, 2025. On September 3, 2025, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-21.026(13)(h), F.A.C. (2022) (the "Petition") from College Trace Apartments, L.P. (the "Petitioner"). The Petition seeks a waiver to permit the General Contractor (GC) to subcontract to an entity with common ownership of the GC. Notice of the Petition was published on September 4, 2025, in Volume 51, Number 172, 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.

FILED WITH THE CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION
/DATE: 9/19/2025

2. Petitioner successfully applied for funding to assist in the construction of College Trace Apartments, a 112-unit development located in Escambia County, Florida (the "Development").

3. Rule 67-21.026(13)(h), F.A.C. (2022), provides in relevant part:

> (13) The General Contractor must meet the following conditions:
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> (h) Ensure that no construction cost is subcontracted to any entity that has common ownership or is an Affiliate of with the General Contractor or the Developer. For purposes of this paragraph, "Affiliate" has the meaning given it in subsection 67-21.002(5), F.A.C., except that the term "Applicant" therein shall mean "General Contractor."

4. Petitioner requests a waiver of the rule to allow a construction cost to be subcontracted to an entity having common ownership with the GC. The GC's Cost Certification disclosed the subcontractor, Reliant Safety LLC ("Reliant Safety"), temporarily shared common ownership with the GC, Renewal Construction Services, LLC. Petitioner states that a Purchase and Sale Agreement that terminated the common ownership between the GC and Reliant Safety was signed on October 26, 2022, and closed on May 5, 2023. Before closing, approximately 40% of the total number of payments to Reliant Safety had been made, and the remaining 60% were made after common ownership terminated.

5. 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.

6. 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.

7. 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 for waiver of Rule 67-21.026(13)(h), F.A.C. (2022), is hereby **GRANTED,** allowing Petitioner's GC to subcontract with an entity, Reliant Safety LLC, for which it shared common ownership, with the following conditions:

> (1) No General Contractor Fee will be taken on the costs subcontracted to Reliant Safety, LLC, or any affiliated entity; and
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> (2) An independent Certified Public Accountant will confirm and/or audit all payments between the affiliated entities in addition to the eight (8) subcontractors representing 40% of the costs that are already required to be confirmed and/or verified per the General Contractor's Cost Certification instructions.

DONE and ORDERED this 19th day of September, 2025.

Florida Housing Finance Corporation

By: _____
Chairperson

Copies furnished to:

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Joint Administrative Procedures Committee
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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.