STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: Pollywog Creek Mews, LLC FHFC Case No.: 2025-023VW

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ORDER GRANTING WAIVER OF RULE 67-48.0072(21)(b), F.A.C. (2021)

THIS CAUSE came for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the "Board") on June 13, 2025. On May 23, 2025, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-48.0072(21)(b), F.A.C. (2021), (the "Petition") from Pollywog Creek Mews, LLC ("Petitioner"), to extend Petitioner's firm loan commitment deadline. Notice of the Petition was published May 28, 2025, in Volume 51, Number 103, 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 Pollywog Creek Mews, a 28-unit development located in Hendry County, Florida (the "Development").

FILED WITH THE CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION
/DATE: 6/13/2025

3. Rule 67-48.0072(21)(b), F.A.C. (2021), provides in relevant part:

> (21) Information required by the Credit Underwriter shall be provided as follows:
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> (b) For SAIL, EHCL, and HOME, unless stated otherwise in a competitive solicitation, the firm loan commitment must be issued within twelve (12) months of the Applicant's acceptance to enter credit underwriting. Unless an extension is approved by the Corporation in writing, failure to achieve credit underwriting report approval and issuance of a firm loan commitment by the specified deadline shall result in withdrawal of the preliminary commitment. Applicants may request one (1) extension of up to six (6) months to secure a firm loan commitment. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting the extension and shall detail the time frame to achieve a firm loan commitment. In determining whether to grant an extension, the Corporation shall consider the facts and circumstances of the Applicant's request, inclusive of the responsiveness of the Development team and its ability to deliver the Development timely. The Corporation shall charge a nonrefundable extension fee of one (1) percent of each loan amount if the request to extend the credit underwriting and firm loan commitment process beyond the initial twelve (12) month deadline is approved. If an approved extension is utilized, Applicants must pay the extension fee not later than seven (7) Calendar Days after the original twelve (12) month deadline. If, by the end of the extension period, the Applicant has not received a firm loan commitment, then the preliminary commitment shall be withdrawn.

4. Petitioner requests a waiver of the above rule to extend Petitioner's firm loan commitment deadline. As the basis for this request, Petitioner states that substantial progress has been made toward closing on

financing and commencing construction of the proposed Development. According to the Petition, initial steps completed include securing a prior financial commitment for first mortgage construction and permanent financing, finalizing building and civil engineering plans, and obtaining necessary permits. Petitioner attributes delays in the project to a series of interest rate increases, which it asserts reduced the available first mortgage loan amount and necessitated the pursuit of additional financing. Petitioner also cites cost inflation and challenges associated with the Development's rural location as contributing factors, noting that initial contractor bids exceeded the project's budget. To address these issues, Petitioner reports having secured a $2,475,000 Viability Award from Florida Housing and a $750,000 award from the Federal Home Loan Bank of Atlanta. Petitioner further states that the project has completed various pre-development milestones, including site control, environmental clearance, engineering and architectural plans, and municipal approvals for utility connections. Following a redesign, Petitioner reports that a new general contractor has been selected at a revised price that, according to the Petition, renders the project economically feasible and positions it to proceed with credit underwriting.

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 67-48.0072(21)(b), F.A.C. (2021) is hereby **GRANTED**, extending Petitioner's firm loan commitment deadline to December 4, 2025.

DONE and ORDERED this 13th day of June, 2025.

Florida Housing Finance Corporation

By: _____
Chairperson

Copies furnished to:

Gary J. Cohen
Shutts & Bowen LLP
Counsel for Petitioner
gcohen@shutts.com

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