STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: Miami Beach Housing Initiatives, Inc.

FHFC Case No.: 2025-027VW

/

ORDER GRANTING WAIVER OF RULE 67-48.0072(21)(b), 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 June 13, 2025. On May 28, 2025, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rule 67-48.0072(21)(b), F.A.C. (2022), (the "Petition") from Miami Beach Housing Initiatives, Inc. (the "Petitioner") for an extension to Petitioner's firm loan commitment deadline from June 13, 2025, to December 12, 2025. Notice of the Petition was published on May 29, 2025, in Volume 51, Number 104, 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: 6/26/2025

2. Petitioner successfully applied for funding to assist in the construction of Eleven44, a 22-unit mid-rise development located in Miami-Dade County, Florida (the "Development").

3. Rule 67-48.0072(21)(b), F.A.C. (2022), states in relevant part:

> (21) Information required by the Credit Underwriter shall be provided as follows:
>
> (b) For SAIL 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, which may be automatically extended to the next scheduled meeting of the Board of Directors that is after the twelve (12) month deadline. Unless an extension is approved by the Corporation in writing, failure to achieve 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, which may be automatically extended to the next scheduled meeting of the Board of Directors that is after the six (6) month extension deadline, 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 non-refundable 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 for an extension to Petitioner's firm loan commitment deadline. Petitioner previously notified Florida Housing that its General Contractor issued a formal notice of termination for convenience. As an instrumentality of the Housing Authority of the City of Miami Beach ("HACMB"), a public housing authority, Petitioner must competitively rebid construction services. Petitioner states it has been value engineering the Development due to increased construction costs and uncertainty of increases to material costs related to tariffs. Without value engineering, Petitioner states the Development may not meet the Total Development Cost limits. In addition, delays in building permits, initially caused by plan changes, continue to delay Petitioner's progress in complying with the terms of the credit underwriting process. Lastly, the sudden and unexpected resignation of HACMB's Executive Director in November 2024 caused further setbacks in the overall process.

5. The Board finds that granting a limited waiver extending the firm loan commitment deadline through September 19, 2025, 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 the strict application of the rule would impose a substantial hardship if no extension were 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 through a partial waiver of the rule. §420.5099, F.S

8. The Board finds that, having granted a partial waiver extending the firm loan commitment deadline only through September 19, 2025, the remainder of Petitioner's request for an extension through December 12, 2025, is denied without prejudice pursuant to section 120.542(8), F.S.

IT IS THEREFORE ORDERED that Petitioner's request for waiver of Rule 67-48.0072(21)(b), F.A.C. (2022), is hereby **GRANTED in part and DENIED in part without prejudice**, as follows:

(1) The Petitioner's firm loan commitment deadline is extended from June 13, 2025, to September 19, 2025.

(2) The Principals of the Petitioner's Applicant and Developer entities will not be awarded any competitive funding from the Corporation until Petitioner either closes on the SAIL, HOME-ARP, and NHTF funding sources or returns the funding to the Corporation.

(3) The Petitioner must provide bi-weekly written updates to Florida Housing staff and its assigned credit underwriter outlining progress made towards moving the Development forward toward closing.

(4) Petitioner must appear before the Board at its September 19, 2025, meeting to provide a comprehensive update on the Development's progress toward closing. To the extent Petitioner seeks an extension beyond that date, it must file a new petition for waiver under section 120.542, F.S., in sufficient time to allow for consideration at the September 19, 2025, Board meeting.

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

Florida Housing Finance Corporation

By: _____
Chairperson

Copies furnished to:

Miriam Soler Ramos
Holland & Knight LLP
Miriam.SolerRamos@hklaw.com

Laura J. 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.