STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In re: Arbours at Quincy, LLC FHFC Case No.: 2025-061VW

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ORDER GRANTING WAIVER OF RULES 67-21.026(13)(g) AND 67-48.0072(17)(h), F.A.C. (2019)

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 19, 2025, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of Rules 67-48.0072(17)(h) and 67-21.026(13)(g), F.A.C. (2019) (the "Petition") from Arbours at Quincy, LLC ("Petitioner") to allow its General Contractor ("GC") to engage an affiliated entity as a subcontractor. Notice of the Petition was published November 20, 2025, in Volume 51, Number 226, of the Florida Administrative Register. Florida Housing received no comments regarding the 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.

2. Petitioner successfully applied for funding to assist in the construction of Arbours at Quincy, an 80-unit development located in Gadsden County, Florida (the "Development").

3. Rule 67-48.0072(17)(h), F.A.C. (2019), states in relevant part:

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

(17) The General Contractor must meet the following conditions:...

(h) Ensure that no construction cost is subcontracted to any entity that has common ownership or is an Affiliate of the General Contractor or the Developer. For purposes of this paragraph, "Affiliate" has the meaning given it in subsection 67-48.002(5), F.A.C., except that the term "Applicant" therein shall mean "General Contractor."

4. Rule 67-21.026(13)(g), F.A.C. (2019), states in relevant part:

(13) The General Contractor must meet the following conditions:...

(g) Ensure that no construction cost is subcontracted to any entity that has common ownership or is an Affiliate of with [*sic*] 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."

5. Petitioner requests a waiver of the above rules to allow Petitioner's General Contractor to engage an affiliated entity as a subcontractor. Petitioner explains that, during the General Contractor's Cost Certification process, it became aware that subcontractor, Livingston Construction, Inc. ("Subcontractor"), was an Affiliate (as defined in Florida Housing's Rules) of Petitioner's General Contractor. As justification for its requested waiver, Petitioner states that the Subcontractor was selected through a competitive bid process and was the lowest bidder. Petitioner further states that labor shortages in the region have contributed to a limited pool of qualified framing subcontractors, and the Subcontractor was available and able to timely perform the work without delay to the project schedule. Petitioner and the GC represent that no GC fee was taken on any costs subcontracted to the affiliated entity.

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 strict application of the rules would impose a substantial hardship if the waiver is not granted.

8. 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 requirements of Rules 67-48.0072(17)(h) and 67-21.026(13)(g), F.A.C. (2019), is hereby **GRANTED** to allow Petitioner's General Contractor to engage an affiliated subcontractor in connection with the Development under the following conditions:

(1) The general contractor shall not receive any fee on the costs subcontracted to its affiliated entity;

(2) The Developer shall not receive any developer fee on the costs subcontracted to the affiliated entity; and

(3) As part of the cost certification process, an independent CPA will confirm and/or audit all payments between the affiliated entities in addition to the

eight (8) subcontractors representing 40% of the Development's costs that are already required to be confirmed and/or verified per the Final Cost Certification Application Package.

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.