STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: Ambar Trail, LTD. FHFC Case No.: 2024-036VW
_____/

ORDER GRANTING WAIVER OF RULES 67-21.026(13)(e) and 67-48.0072(17)(f), FLA. ADMIN. CODE (07/11/2019)

THIS CAUSE came for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation (the "Board") on August 23, 2024. On July 24, 2024, Florida Housing Finance Corporation ("Florida Housing") received an Amended Petition for Waiver of Rules 67-21.026(13)(e) and 67-48.0072(17)(f), Fla. Admin. Code (07/11/2019) (the "Petition") from Ambar Trail, LTD (the "Petitioner") to allow Petitioner's General Contractor to perform construction or inspection work that is normally performed by subcontractors. Notice of the Petition was published July 25, 2024, in Volume 50, Number 145, 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
Anne Mamoux /DATE: 8/26/2024

2. Petitioner has applied for funding to assist in the construction of Ambar Trail, a 210-unit development located in Miami-Dade County, Florida.

3. Rule 67-48.0072(26), Fla. Admin. Code (2022), states in relevant part:

> Rule 67-21.026(13)(e), Fla. Admin. Code (2022) and Rule 67-48.0072(17)(f) states in relevant part:
> (e) Ensure that no construction or inspection work is performed by the General Contractor, with the following exceptions:
> ****
> The General Contractor may self-perform work of a de minimis amount, defined for purposes of this subparagraph as the lesser of $350,000 or 5 percent of the construction contract.

4. Petitioner requests a waiver of the above rules to allow Petitioner's General Contractor (GC) to perform work that is usually performed by subcontractors.

5. 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.

6. The Board also finds that Petitioner has demonstrated that the waiver is needed because of circumstances beyond its control and that it would suffer a substantial hardship if the waiver is not granted.

7. The Board further finds that Petitioner has also 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, Fla. Stat.

IT IS THEREFORE ORDERED that Petitioner's request for a waiver of Rules 67-21.026(13)(e) and 67-48.0072(17)(f), F.A.C. (7/11/2019), is hereby **GRANTED** to allow Petitioner to perform work that is usually performed by subcontractors.

DONE and ORDERED this 23rd day of August, 2024.

Florida Housing Finance Corporation

By: _____
Chairperson

Copies furnished to:

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Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
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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.