STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: Miami Beach Housing Initiatives, Inc.

FHFC Case No.: 2025-028VW

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**ORDER GRANTING WAIVER OF RULE 67-48.0072(26), 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 June 13, 2025. On May 28, 2025, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver of 67-48.0072(26), F.A.C. (2019) (the "Petition") from Miami Beach Housing Initiatives, Inc. (the "Petitioner") to extend Petitioner's SAIL/ELI loan closing deadline from June 13, 2025, to December 12, 2025. This request aligns with a concurrent request to extend the CHIRP/HOME-ARP funding deadline. Notice of the Petition was published 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

/s/ Alamo Sy DATE: 6/26/2025

2. Petitioner has applied for funding to assist in the construction of The Heron, a 20-unit development located in Miami-Dade County, Florida.

3. Rule 67-48.0072(26), F.A.C. (2019), states in relevant part:

> (26) For SAIL, EHCL, and HOME, unless stated otherwise in a competitive solicitation, these Corporation loans and other mortgage loans related to the Development must close within 120 Calendar Days of the date of the firm loan commitment(s), unless the Development is a Tax-Exempt Bond-Financed Development which then the closing must occur within 180 Calendar Days of the firm Loan commitment(s). Unless an extension is approved by the Board, failure to close the loan(s) by the specified deadline outlined above shall result in the firm loan commitment(s) being deemed void and the funds shall be de-obligated. Applicants may request one (1) extension of the loan closing deadline outlined above for a term of up to 90 Calendar Days. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The Board shall consider the facts and circumstances of each Applicant's request, inclusive of the Applicant's ability to close within the extension term and any credit underwriting report, prior to determining whether to grant the requested extension. The Corporation shall charge an extension fee of one (1) percent of each Corporation loan amount if the Board approves the request to extend the loan closing deadline beyond the applicable 120 Calendar Day or 180 Calendar Day period outlined above. If an approved extension is utilized, Applicants must pay the extension fee not later than seven (7) Calendar Days after the original loan closing deadline. In the event the Corporation loan(s) does not close by the end of the extension period, the firm loan commitment(s) shall be deemed void and the funds shall be de-obligated.

4. Petitioner requests a waiver of the above rule to address delays caused by multiple factors. Petitioner explained that, to qualify for CHIRP

funding, it was required to convert some 60% AMI units to 30% AMI units, resulting in decreased projected revenue. To offset the shortfall, Petitioner added eight (8) project-based vouchers ("PBVs"), which triggered a Subsidy Layering Review ("SLR") by HUD. Petitioner states HUD cannot approve the SLR due to the Housing Authority of the City of Miami Beach's ("HACMB") current funding shortfall in its Housing Choice Voucher program. Without HUD approval, the loan cannot close. HACMB is currently evaluating alternatives to address the loss in operating revenue.

5. Petitioner also previously notified Florida Housing that its General Contractor issued a formal notice of termination for convenience. As an instrumentality of HACMB, a public housing authority, the 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.

6. The Board finds that granting a limited waiver extending the SAIL/ELI loan closing 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.

7. 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.

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 through a partial waiver of the rule. §420.5099, F.S.

9. The Board finds that, having granted a partial waiver extending the SAIL/ELI loan closing 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 a waiver of Rule 67-48.0072(26), F.A.C. (2019), is **GRANTED in part and DENIED in part without prejudice**, as follows:

(1) The Petitioner's SAIL/ELI loan closing 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 closes on the SAIL/ELI and CHIRP/HOME-ARP 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 Tallahassee Florida

Florida Housing Finance Corporation

By: _____
Chairperson

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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.**