STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

In Re: Pablo Hamlet, LLLP FHFC Case No.: 2023-022VW

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ORDER GRANTING WAIVER OF
RULE 67-48.004(3)(j), 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 March 10, 2023. On February 21, 2023, Florida Housing Finance Corporation ("Florida Housing") received a Petition for Waiver From Rule 67-48.004(3)(j), F.A.C. (the "Petition") from Pablo Hamlet, LLLP (the "Petitioner") to allow Petitioner to reduce its total set aside commitment from 154 units (100%) to 153 units (99%). Notice of the Petition was published on February 21, 2023, in Volume 49, Number 36, 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
ASM McNamara DATE: 3/10/2023

2. Petitioner successfully applied for funding to assist in the acquisition, preservation, and construction of the Pablo Hamlet, a 154-unit (104 rehabilitation and 50 newly constructed units) development located in Duval County, Florida (the "Development").

3. Rule 67-48.004(3), Fla. Admin. Code (2019), in relevant part, provides:

> "... notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:
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> ...
>
> (j) For the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment Section of the Application.

4. Petitioner requests a waiver of the above rule to permit a reduction in the total set-aside from 100% to 99%, a reduction of a single unit. As grounds for its request, Petitioner states that a previously income-qualified tenant has received a Social Security cost adjustment and now exceeds the 80% AMI limit. Petitioner requests this waiver to allow the tenant to continue to occupy the unit.

5. Petition agrees to continue to satisfy the ELI set aside by setting aside 39 units at 30% AMI and states that Petitioner will maintain an overall income average at or below 60% AMI. The new set-aside commitment will be: (i) 39 Units at 30% AMI; (ii) 57 Units at 60% AMI; and (iii) 57 Units at 80% AMI. The number of units at the 80% AMI income bracket would be reduced by one

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 the waiver is needed because of circumstances beyond its control and that it would suffer a substantial hardship if the waiver is not granted.

8. 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 Rule 67-48.004(3)(j) Fla. Admin. Code (2019) is hereby **GRANTED**) to allow Petitioner to reduce its total set aside commitment from 154 units (100%) to 153 units (99%).

DONE and ORDERED this 10th day of March 2023.

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.