

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

MCCURDY CENTER, LTD.,

Petitioner,

vs.

CASE NO.: 2006-049 VW

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

PETITION FOR WAIVER OF RULE 67-48.004(14) TO
INCREASE THE TOTAL NUMBER OF UNITS

McCurdy Center, Ltd., (the "Petitioner") hereby petitions the Florida Housing Finance Corporation (the "Corporation") for a waiver of the Corporation's prohibition on changes in the number of units in Petitioner's development known as "McCurdy Center". See Rule 67-48.004(14)(j), F.A.C. (the "Rule") as in effect for the 2005 Universal Cycle.

In support of its petition, the Petitioner states:

1. The address, telephone number, facsimile number and e-mail address of the Petitioner are:

McCurdy Center, Ltd.
300 NW 12th Avenue
Miami, Florida 33128
(305) 324-5505 (phone)
(305) 324-5506 (fax)
edominguez@greatermiami.org

2. The contact person, along with contact information and relationship, for the Petitioner's Application – Housing Credit (HC) Program (the "Application") is:

Ms. Elena Dominguez
Greater Miami Neighborhoods, Inc.
300 NW 12th Avenue
Miami, Florida 33128
(305) 324-5505 (phone)
(305) 324-5506 (fax)
edominguez@greatermiami.org

Vice President – Greater Miami Neighborhoods, Inc. (one of the co-developers and parent of one of Petitioner’s co-general partners)

3. For purposes of this Petition, the address, telephone number and facsimile number of the Petitioner’s attorney are:

Gary J. Cohen, Esq.
Shutts & Bowen LLP
1500 Miami Center
201 S. Biscayne Blvd.
Miami, FL 33131
(305) 347-7308
(305) 347-7808

4. The Petitioner timely submitted its Application in the 2005 cycle (Application #2005-106CS) for the development named “Pine Haven” (the “Development”).

CHANGE IN NUMBER OF UNITS AND BEDROOM MIX

5. In Petitioner’s submittal of its application, Petitioner indicated that the Development would be comprised of a total of 92 units, of which 9 would be efficiency units and 83 units would be one-bedroom units.

6. Due to state-wide increases in construction costs, Petitioner has redesigned the development. As part of that redesign, Petitioner now proposes to construct 93 units (as opposed to 92), and all 93 units will be one-bedroom units (rather than having 9 efficiency units as was indicated in the Application).

7. Consequently, a waiver of the applicable Rule is necessary in order to increase the total number of units in the Development.

8. Section 420.501 through 420.516 of the Florida Statutes sets forth the Florida Housing Corporation Act (the “Act”), which designates the Corporation as the State of Florida administrator for the State Housing Tax Credit Program to establish procedures necessary for the proper allocation of tax credits and to ensure the maximum use of available credits in order to encourage development of low-income housing and associated mixed-use projects in urban areas (the “Procedures”). See §§420,501, 420.5093, Fla. Stat. (2004). These Procedures are established in Rule Chapter 67, Florida Administrative Code. Accordingly, as set forth below, the Rule subject to Petitioner’s waiver request is implementing, among other sections of the Act, the statutory authorization for the Corporation’s establishment of Procedures for the State Housing Tax Credit Program. *Id.*

9. The prohibition on changing the number of units in the Development Rule, which provides that:

“(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

...

(j) Total number of units;...”

10. The facts stated in Paragraphs 5 through 9 above demonstrate the circumstances that justifies the waiver to change the total number of units in the Development.

11. The requested waiver to change the total number of units in the Development will not adversely impact the Development or the Corporation or be prejudicial to the Development or to the market to be served by the Development. In fact, the requested waiver increase in the number of units will be beneficial in that an additional unit will be provided, and all the units will be one-bedroom units instead of nine of the units being efficiency units.

12. The waivers being sought are permanent in nature.

13. Should the Corporation require additional information, the Petitioner is available to answer any questions and to provide any additional information necessary for consideration of this petition.

WHEREFORE, the Petitioner respectfully requests that the Corporation:

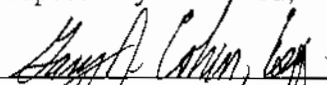
A. Consider this Petition in conjunction with the Petitioner’s Application;

B. Grant this Petition and all the relief requested herein;

C. Waive the prohibition on changing the total number of units by allowing an increase in the total number of units from 92 to 93, and allowing a change in the bedroom mix from 9 efficiency units and 83 one-bedroom units to 93 one-bedroom units; and

D. Grant such further relief as may be deemed appropriate.

Respectfully submitted,



GARY J. COHEN, ESQ.

Florida Bar No. 0353302

Shutts & Bowen LLP

201 S. Biscayne Blvd.

Suite 1500

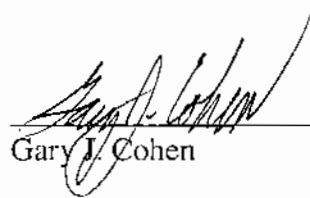
Miami, FL 33131

(305) 347-7308

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

The Petition is being served by facsimile and overnight delivery for filing with the Corporation Clerk for the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, with copies served by overnight delivery on the Joint Administrative Procedures Committee, Room 120, 600 Calhoun Street, The Holland Building, Tallahassee, Florida 32399-1300, on August 29, 2006.



Gary J. Cohen