

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: VILLA SETON, INC.

FHFC Case No.: 2007-010VW  
Application No.: 2003-008H

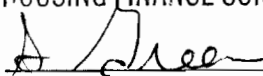
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**ORDER GRANTING WAIVER OF PART III.D.f.1.  
OF THE UNIVERSAL APPLICATION INSTRUCTIONS  
INCORPORATED BY REFERENCE INTO  
RULE 67-48.002(111) (2003),FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came for consideration and final action before the Board of Directors of Florida Housing Finance Corporation on March 16, 2007, pursuant to “Villa Seton, Inc.’s Petition for Waiver/Variance of Florida Administrative Code Rule 67-48.002(111)” (the “Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on February 14, 2007, from Villa Seton, Inc., (“Petitioner”). On February 23, 2007, Florida Housing published the Notice of the Petition in Volume 33, Number 08, of the Florida Administrative Weekly. Florida Housing received no comments regarding the Petition. After careful review of the record and being otherwise fully advised in the premises, the Board of Directors (the “Board”) of Florida Housing hereby finds:

1. The Board has jurisdiction over the subject matter of this case and the parties hereto.
2. During the 2003 Universal Cycle, Florida Housing awarded \$1,474,268 in HOME Investment Partnerships Rental Program (HOME) funding to Petitioner to construct a 50-unit elderly rental apartment complex, known as Villa Seton Apartments, located in St. Lucie County, Florida (the “Development”).

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

 /DATE. 3-19-07

3. Petitioner requests a waiver of Part III.D.1.f. of the Universal Application Instructions incorporated by reference in Rule 67-48.002(111) and the requirement that 15% of all units in Villa Seton be equipped with roll-in showers.

4. Rule 67-48.002(111), Florida Administrative Code (2003), states in pertinent part:

(111) “Universal Application Package” or “UA1016 (Rev. 4-03)” means the forms and instructions, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the SAIL, HOME and/or HC Program(s). The Universal Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter.

The 2003 Universal Application Instructions, Specific Instructions, Part III. D.1.f. provide:

Roll-In Showers will be provided in 15% of NC (new construction) and 10% of SR (substantial rehabilitation) units. 5% of this requirement may be met with walk-in type shower stalls with permanently affixed seat.

5. Section 120.542(2), Florida Statutes provides in pertinent part:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

6. The Board finds that a waiver of the above Rules is necessary and that denial thereof would create a substantial hardship for Petitioner. Villa Seton has 5 roll-in shower units and 45 walk-in showers with permanently affixed seats. Petitioner demonstrated that Villa Seton is in compliance with the guidelines of the Americans with Disabilities Act, the Architectural Barriers Act, the Uniform Federal Accessibility Standards, Section 504 of the Rehabilitation Act and the Fair Housing Act.

7. Petitioner further demonstrated that it would create a substantial hardship to reconfigure the bathrooms in order to comply with Florida Housing's requirements. Petitioner's architect, Michael Schiff, determined that installation of roll-in showers is not feasible given the configuration of the units. Petitioner would have to redesign, demolish and reconstruct the units at great expense, and Petitioner would have to relocate the residents currently occupying the units.

8. The granting of a waiver of the aforementioned rules would serve the purpose of the underlying statute, Chapter 420, Part V, Fla. Stat., in that it would further the goal of facilitating the availability of decent, safe and sanitary housing in the State of Florida to low-income persons and households.

**IT IS THEREFORE ORDERED:**

The Petition for Waiver of Part III.D.1.f. of the Universal Application Instructions incorporated by reference in Rule 67-48.002(111) (2003), Florida Administrative Code, is hereby **GRANTED** specifically to waive the requirement that 15% of all units in Villa Seton have roll-in showers. Petitioner has satisfied this requirement with its currently constructed mix of roll-in showers and walk-in showers with permanently affixed seats.

DONE and ORDERED this 16th day of March, 2007.

Florida Housing Finance Corporation



By:

*Lynn M. Stultz*  
Chairperson

**Copies furnished to:**

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Joint Administrative Procedures Committee  
Attention: Ms. Yvonne Wood  
120 Holland Building  
Tallahassee, Florida 32399-1300

**NOTICE OF RIGHTS**

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO JUDICIAL 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.**