

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In re: American Opportunity for Housing-
Greenview Manor, LP

Case No. 2010-029VW

**ORDER GRANTING PETITION FOR WAIVER OF PART III.D.1.f. OF
THE 2006 UNIVERSAL APPLICATION INSTRUCTIONS**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on September 16, 2010, pursuant to a "Petition for Variance from or Waiver of the Portion of Part III.D.1.f of the Universal Application (2006) Instructions that Require the Provision of Horizontal Grab Bars around Showers and Toilets that Comply with ANSI Requirements" (the "Petition"), filed by American Opportunity for Housing –Greenview Manor, LP. ("Petitioner") on August 09, 2010. Notice of the Petition was published in Volume 36, Number 33, 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.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Della M. Harrell / DATE: 9/16/10

2. During the 2006 Supplemental Bond Cycle, American Opportunity for Housing –Greenview Manor, LP (“Petitioner”) applied for and was awarded non-competitive four percent Housing Credits (“HC”) with tax-exempt bonds (“Bonds”) to finance the acquisition and rehabilitation of Greenview Manor (the “Development”) located in Pinellas County, Florida.
3. The 2006 Universal Application Instructions¹ at Part III.D.1.f., provides in pertinent part:

In order for a proposed Development to be classified as Elderly (ALF or non-ALF), the Development must meet the following requirements...

- f. The Applicant must provide the following features in specified percentages of all units in new construction (NC) and Rehabilitation/Substantial Rehabilitation (SR) Developments.

The requirement to provide the following features is in addition to the features committed to by the Applicant in the Construction Features and amenities section of the Application....

Horizontal grab bars around shower per ANSI requirements...

Horizontal grab bars around toilet per ANSI requirements...

¹ Rule 67-48.004(1)(a), F.A.C. (2006) adopts and incorporates the Universal Application Package and its contents, including, without limitation, the Universal Application Instructions.

4. Petitioner has requested a waiver of the above rules to allow Petitioner to install free standing grab bars, instead of grab bars around the toilet and shower per ANSI requirements. Petitioner asserts that the free standing grab bars are substantially equivalent to grabs that comply with the ANSI standards. Furthermore, Petitioner contends that due to the existing configuration of the bathrooms, in order to comply with the ANSI standards, all toilets would have to be relocated at a substantial cost.

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

Variances 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 strict application of the above Rule under these circumstances, would cause substantial hardship to Petitioner and violate the principles of fairness. Petitioner would suffer a substantial hardship if it had to reconfigure the bathrooms, which would render it financially infeasible to maintain as affordable housing. Additionally, Petitioner has installed grab bars that substantially comply with the ANSI standards. Petitioner has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute.

IT IS THEREFORE ORDERED:

The “Petition for Waiver of Part III.D.1.f of the 2006 Universal Application Instructions to Provide Specific Features in Units Developed for Elderly Residents” is hereby **GRANTED** to permit Petitioner to install free standing grab bars, which substantially comply with ANSI requirements, instead of grab bars around the toilet and shower per ANSI requirements.

DONE and ORDERED this 16th day of September, 2010.



Florida Housing Finance Corporation

By:

A handwritten signature in black ink, appearing to be "M. [unclear]".

Chair

Copies furnished to:

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Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
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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.