

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Independence Village, LLC

FHFC Case No.: 2014-058VW


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**ORDER GRANTING WAIVER OF RULE 67-48.004(14)(i), FLORIDA
ADMINISTRATIVE CODE (2008)**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on April 25, 2014, pursuant to a “Petition for Waiver or Variance from Rule 67-48.004(14)(i), F.A.C.” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on February 19, 2014, from Independence Village, LLC. (“the Petitioner”). On February 20, 2014, the Notice of the Petition was published in Volume 40, Number 35, of the Florida Administrative Register. 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

 /DATE: 04/25/14

2. Pursuant to RFP 2008-01, for the Development of and Substantial Rehabilitation of Special Needs Housing, Florida Housing awarded a State Apartment Incentive Loan (“SAIL”) loan to Independence Village, LLC. (“Petitioner”) to build a twenty-four unit complex in Bay County, to provide housing for Youth Aging out of Foster Care demographic (the “Development”). Fifty percent of the units were dedicated to this demographic.

3. Rule 67-48.004(14)(i), Fla. Admin. Code (2008), provides:

(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:

* * *

(i) Total number of units;

4. Petitioner requests a waiver of the Rule 67-48.004(14)(i), Fla. Admin. Code, to the extent that the Rules prohibit changing the number of units in Petitioner’s Application, to allow it to change the number of units reserved for youth aging out of foster care from 12 to 8 and allow it to convert one unit into a management unit.

5. Petitioner states that the proposed change in the number of units is necessary to allow it to better manage the property with a management and supervisory office, and allow it to provide residential services to other teens who do not qualify under the Youth Aging out of Foster Care demographic. Those in need of services are young adults between the age of 16-22, including homeless women who are pregnant or have a baby six months old or less, and youth between the age of 18-21, who have aged out of traditional foster care, but do not meet the Youth Aging Out of Foster Care demographic.

6. 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.

7. The Board finds that strict application of the above rule under these circumstances would violate the principles of fairness for Petitioner. Petitioner provided documentation that established that there has been a significant decrease in the number of youths in Bay County that would be eligible to live in the Development. Further, Petitioner demonstrated that there are special needs youth as described above, who need affordable housing but are not eligible to reside at the Development. Granting the requested waiver will serve the purpose of the underlying SAIL statute and the Act as a whole

will serve the purpose of the underlying SAIL statute and the Act as a whole by providing affordable housing to other special needs persons that might not be otherwise be eligible to live in the Development.

IT IS THEREFORE ORDERED:

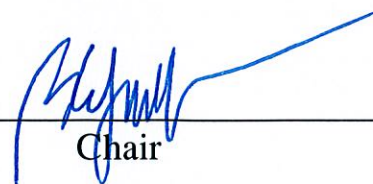
Petitioner's request for waiver of Rule 67-48.004(14)(i), Florida Administrative Code (2008), is hereby **GRANTED**, to the extent necessary to allow Petitioner to convert one residential unit into a management office and reduce the number of residential units from twelve to eight. Petitioner is allowed to expand its residential services to young adults between the age of 16-22, including homeless women who are pregnant or have a baby six months old or less; and to provide residential services to youth between the age of 18-21, who have aged out of traditional foster care, but do not meet the Youth Aging Out of Foster Care demographic.

DONE and ORDERED this 25th day of April, 2014.

Florida Housing Finance Corporation



By: _____


Chair

Copies furnished to:

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Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
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NOTICE OF RIGHT TO JUDICIAL REVIEW

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.