

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Spanish Trace, Ltd.

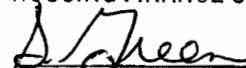
FHFC Case No.: 2007-061VW
Application No.: 2005-019BS

**ORDER GRANTING VARIANCE FROM RULE 67-21.008(1)(B), FLORIDA
ADMINISTRATIVE CODE (2005)**

THIS CAUSE came for consideration and final action before the Board of Directors of Florida Housing Finance Corporation on December 7, 2007, pursuant to “Petition for Variance [from] Rule 67-21.008(1)(b), F.A.C. (2005)” (the “Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on September 26, 2007, from Spanish Trace, Ltd., (“Petitioner”). On October 12, 2007, Florida Housing published the Notice of the Petition in Volume 33, Number 41, 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 2005 Universal Cycle, Spanish Trace Housing, Ltd. (“Petitioner”) applied for and was awarded Multifamily Mortgage Revenue Bonds

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DATE. 12-10-07

(MMRB), a State Apartment Incentive Loan (“SAIL”), and non-competitive housing credits (“HC”) to fund the construction of a 120-unit family development, known as Spanish Trace Apartments, located in Hillsborough County, Florida (the “Development”)

3. Rule 67-21.008(1)(b) Florida Administrative Code (2005)¹, states in pertinent part:

(1) Each Mortgage Loan for a Development made by the Corporation shall:

(b) Provide for a fully amortized payment of the Mortgage Loan in full beginning on the earlier of 36 months after closing, or stabilized occupancy, or conversion to permanent financing under the loan documents and ending no later than the expiration of the useful life of the property, and in any event, no later than 45 years from the dated of the Mortgage Loan.

4. Petitioner requests a variance from the above provision to allow it to delay the commencement of the fully amortized payment of the Mortgage Loan for an additional 72 months beyond the 36 month commencement currently allowed under the Rule. Petitioner has requested this extension because it has received approval from Citicorp USA, Inc. for a nine (9) year interest-only period. Petitioner is requesting the additional time in order to allow sufficient times for rents to stabilize prior to servicing the principal indebtedness.

¹ No similar provision applies to the rules governing the SAIL or Housing Credit programs under 67-48, therefore no variance from Chapter 67-48, F.A.C. is necessary for this request.

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 variance from the above Rule is necessary and that denial thereof would create a substantial hardship for Petitioner and the violate principles of fairness. Petitioner has negotiated a nine (9) year interest only period with its lender to allow sufficient time for rents to stabilize prior to servicing the principal indebtedness.

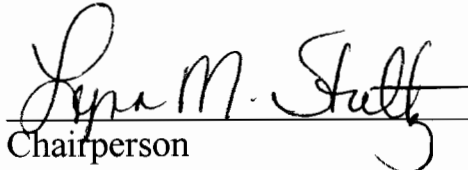
7. Petitioner has further demonstrated that permitting this change in Development would also serve the underlying purpose of the statute because it will ensure economic the viability of the Development.

IT IS THEREFORE ORDERED:

The Petition for Variance from Rule 67-21.008(1)(b), Florida Administrative Code (2005), is hereby **GRANTED** specifically to allow Petitioner to delay the commencement of the fully amortized mortgage payments for an additional 72 month period beyond the 36 month period currently allowed under the Rule.

DONE and ORDERED this 7th day of December, 2007.

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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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.