

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In re: Maple Crest Limited Partnership

Case No. 2008-006VW

**ORDER GRANTING PETITION FOR WAIVER OF RULE 67-48.004(14)(j),
FLORIDA ADMINISTRATIVE CODE (2006)**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on March 14, 2008, pursuant to a "Petition for Waiver from Rule 67-48.004(14)(j), Florida Administrative Code (2006)" filed by Maple Crest Limited Partnership ("Petitioner") on February 12, 2008. Notice of the Petition was published in Volume 34, 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 2006 Universal Cycle, Maple Crest Limited Partnership, ("Petitioner") applied for and was awarded competitive low-income housing tax credits ("Housing Credits") to finance the construction of Maple Crest Apartments (the "Development") located in Lee County, Florida.

WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Sherry Shear / DATE: 3-17-08

3. Rule 67-48.004(14)(j), Florida Administrative Code (2006), provides in pertinent part:

(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

4. 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.

5. In Petitioner's original Application, Petitioner indicated that the Development would consist of 120 units, however, subsequent reports detailing engineering and design analysis revealed that the Development site could support only a maximum of 118 units. Therefore, Petitioner requests a waiver of Rule 67-48.004(14)(j), F.A.C. (2006) to allow it to reduce the number of units in the Development from 120 to 118.

6. Petitioner has demonstrated that unless this Petition is granted, it will incur substantial economic and technological hardships in re-engineering the entire

Development to include two additional units. Moreover, such an undertaking would forestall construction progress and delay the completion of the Development.

7. The Board finds that strict application of the above Rules under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness. Petitioner has demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness in that unless the petition is granted, Petitioner will not be able to complete construction of the Development. Permitting this change in Development would also serve the underlying purpose of the statute.

IT IS THEREFORE ORDERED:

The Petition for a waiver of Rule 67-48.004(14)(j) Florida Administrative Code (2006) is hereby **GRANTED**, to allow Petitioner to reduce the number of units in the Development from 120 to 118, with the following set-aside modification:

Petitioner must set-aside 19 units for households with incomes not exceeding 35% of Area Median Income, and Petitioner must set-aside 99 units for households with incomes not exceeding 60% Area Median Income. Further, Petitioner's Housing Credit allocation shall be reduced by the pro rata amount of \$21,666.67.

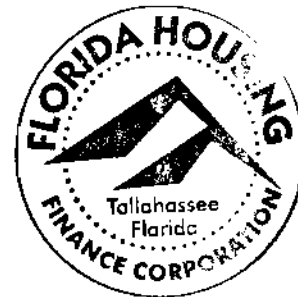
DONE and ORDERED this 14th day of March, 2008.

Florida Housing Finance Corporation

By: Lynn M. Sully
Chair

Copies furnished to:

Wellington H. Meffert II
General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329



Debbie Blinderman
Deputy Development Officer
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Maureen McCarthy Daughton, Esq.
Broad and Cassel
215 S. Monroe St., Suite 400
Tallahassee, Florida 32301

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.