

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Salt Creek Apartments, Ltd.

FHFC Case No.: 2014-073VW

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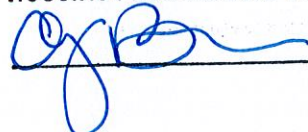
**ORDER GRANTING AMENDED  
PETITION FOR WAIVER OF Rule 67-48.010(7), (1998) F.A.C.**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on September 19, 2014, pursuant to an “Amended Petition for Waiver/Variance Rule 67-48.010(7)”<sup>1</sup> (“Amended Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Amended Petition on August 26, 2014, from Salt Creek Apartments, Ltd. (“the Petitioner”). On August 27, 2014, the Notice of the Petition was published in Volume 40, Number 167, 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:

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<sup>1</sup> Petitioner previously filed a petition seeking similar relief, but cited to a rule that had been repealed prior to the loan closing. That petition was withdrawn.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

 /DATE: 09.19.14

1. The Board has jurisdiction over the subject matter of this case and the parties hereto.

2. During the 1997-1998 SAIL Xa Cycle, Florida Housing awarded an allocation of \$245,583.00 in SAIL funds to Petitioner to provide funds for the construction of Salt Creek Apartments, (“Development”) located in Pinellas County, Florida. The Development provides housing for those individuals with Special Needs, which includes those who have experienced homelessness. The SAIL loan closed on March 1, 1999, and matured on September 1, 2014.

3. Rule 67-48.010(7) Fla. Admin. Code (1998) provides, in pertinent part:

(7) If, in its application, the Applicant agrees to a Very Low-Income set-aside for a term longer than that required by law, the deferred SAIL interest due pursuant to this Rule Chapter, shall be forgiven in an amount equal to the amount of interest due pursuant to Rule 67-48.010, multiplied by .05 multiplied by the number of years, not to exceed 15, that such set-aside for Very Low-Income persons or households was extended beyond that required by law.

4. Petitioner requests a variance of the rule in order to obtain forgiveness of all outstanding SAIL interest. Petitioner and Florida Housing are in negotiations regarding the Petitioner’s request to forgive all deferred interest regarding the SAIL loan and to re-amortize the outstanding balance

of the SAIL loan over a term of 25 years at an interest rate of 0%. This interest rate reflects the current rule that governs developments that house Very Low-Income and Special Needs individuals.

5. The requested change would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants.

6. 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.

7. The Board finds that strict application of the above Rule under these circumstances would create a substantial hardship. The granting of this request for waiver will also serve the purpose of the underlying statute in that it will enhance the financial viability of the Development and thus ensure the continued availability of affordable housing to those with Special Needs including those who have experienced homelessness, currently being provided by the Development. Denial of the Petition would result in substantial hardship to the Petitioner in that the Development could not continue to operate as a Special Needs development without relief from the original repayment terms of the SAIL loan and the limitation on interest

forgiveness as set forth in Rule 67-48.010. Petitioners have also demonstrated that granting this request furthers Florida Housing's statutory mandate to provide safe, sanitary and affordable housing to the citizens of Florida.

**IT IS THEREFORE ORDERED:**

Petitioner's request for waiver of Rule 67-48.010(7), Florida Administrative Code (1998) is hereby **GRANTED**, to forgive all deferred SAIL interest due on the loan at its maturity date of September 1, 2014, with the waiver conditioned upon and subject to the renegotiation of the SAIL loan on terms satisfactory to Florida Housing and its counsel.

DONE and ORDERED this 19<sup>TH</sup> day of September, 2014.



Florida Housing Finance Corporation

By:   
Chairperson

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Joint Administrative Procedures Committee  
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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.**