

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Spinal Cord Living-Assistance
Development, Inc. (SCLAD)

FHFC CASE NO.: 2018-007VW

ORDER GRANTING WAIVER OF RULE 67-48.0072(21)(b), F.A.C. (2016)

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on March 16, 2018, pursuant to a "Petition for Waiver" ("Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on February 04, 2018, from Spinal Cord Living-Assistance Development, Inc. ("Petitioner"). Notice of the Petition was published on February 14, 2018, in Volume 44, Number 31, 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.

2. Petitioner was selected to receive State Apartment Incentive Loan (SAIL) and Extremely Low Income (ELI) funding under Request for Applications (RFA) 2015-101, to assist in the construction of a Development serving low-income families with special needs in Miami-Dade County, Florida.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Thomas Alamo DATE: 3/16/18

3. Rule 67-48.0072(4)(c), F.A.C. (2015) provides as follows:

(c) For SAIL, EHCL, and HOME Applicants, the loan must close within 12 months of the date of the invitation to enter credit underwriting. Applicants may request one (1) extension of up to 12 months. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. . . . In the event the loan does not close by the end of the 12 month extension period, the preliminary commitment or firm commitment, as applicable, will be deemed void and the funds will be de-obligated.

4. Petitioner was invited to credit underwriting on June 22, 2015, and received a 12-month closing extension to June 22, 2017. Petitioner received a second extension via a petition for rule waiver at the June 16, 2017 meeting of the Board (FHFC Case No. 2017-030VW), extending the closing deadlines for both the SAIL and ELI loans to March 31, 2018. Petitioner now requests an additional extension of the closing deadlines to September 14, 2018, due to further delays caused by the redesign of the Development.

5. The Board finds that granting the waiver will not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development.

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. Petitioner has demonstrated that the waiver is needed in order to efficiently serve low-income families with special needs and that, if the waiver were not granted, Petitioner would suffer a substantial hardship. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

8. The Board finds that strict application of the above Rules under these circumstances would cause substantial hardship to Petitioner, and 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 a waiver of Rule 67-48.0072(4)(c), Fla. Admin. Code (2015) is hereby **GRANTED** to allow the SAIL and ELI loan closing deadlines to be extended until September 14, 2018.

DONE and ORDERED this 16th day of March, 2018.

Florida Housing Finance Corporation

By:


Chair

Copies furnished to:

Hugh R. Brown
General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Brantley Henderson
Director of Multifamily Development
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301

Pedro F. Rodriguez
Chief Executive Officer
Spinal Cord Living-Assistance Development, Inc.
221 E. 2nd Avenue
Hialeah, Florida 33010
pfrodriguez@sclad.org

Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
120 Holland Building
Tallahassee, Florida 32399-1300

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.