

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In re: PINE HAVEN HOUSING, LTD., LLLP

Case No. 2007-008VW

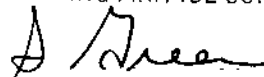
**CORRECTED ORDER GRANTING PETITION FOR WAIVER OF RULE
67-48.004(14)(g), FLORIDA ADMINISTRATIVE CODE (2004)**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on March 16, 2007, pursuant to a "Petition for Variance/Waiver from Florida Administrative Code Rule 67-48.004(14)(f)" (the "Petition"), filed by Pine Haven Housing, Ltd., LLLP ("Petitioner") on February 13, 2007. Notice of the Petition was published in Volume 33, Number 08, of the Florida Administrative Weekly. Florida Housing received no comments regarding the Petition. The original Final Order in this matter, filed March 19, 2007, contained extraneous language not pertinent to the instant case. The Board now files this Corrected Final Order *nunc pro tunc*.

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 2004 Universal Application Cycle, Florida Housing awarded competitive low-income housing tax credits ("housing credits") to Petitioner, to aid in the development of a 135 unit multifamily duplex/quadrplex development in Volusia County, Florida.
3. Rule 67-48.004(14), Florida Administrative Code (2004), provides in pertinent part:

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DATE. 4-27-07

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:

(f) Development Type.

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. Petitioner requests a waiver of the above rules to permit a change in Development Type from duplexes/quadrplexes to townhouses, with no change in the number of units.

6. In December, 2005, Petitioner discovered an active bald eagle's nest on the subject property, an event which requires Petitioner to reconfigure the site plan and to reduce the number of buildings, in order to comply with Section 8 of the Endangered Species Act. Petitioner has determined that changing the Development Type to "townhouse" would reduce the number of buildings with dwelling units from 57 to 20, while preserving the same number of units.

7. This change has no effect on the score Petitioner received in its original application, and would not give Petitioner an advantage not enjoyed by competing applicants.

8. The Board finds that strict application of the above Rule under these circumstances, where the Petitioner is through no fault of its own required to make a change not permitted under the Rule, would cause substantial hardship to Petitioner and violate the

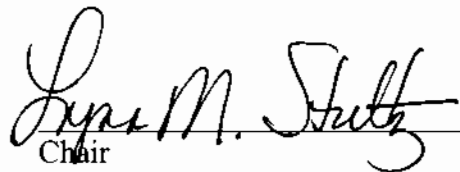
principles of fairness. Permitting this change in Development Type while preserving the same number of affordable housing units would also serve the underlying purpose of the statute.

IT IS THEREFORE ORDERED:

The "Petition for Variance/Waiver from Florida Administrative Code Rule 67-48.004(14)(f)" is hereby **GRANTED** to permit Petitioner to change the Development Type of the Pine Haven development from duplexes/quadrplexes to townhouses. All other relief requested in the Petition, if any, is denied.

DONE and ORDERED this 27th day of April, 2007.

Florida Housing Finance Corporation

By: 
Chair



Copies furnished to:

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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.