

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In re: American Opportunity for Housing  
-Greenview Manor, L.P.

Case No. 2007-015VW

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**ORDER GRANTING PETITION FOR WAIVER OF RULE  
67-21.006(2), 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 April 27, 2007, pursuant to a "Petition for Waiver from Rules 67-21.003(1)(a), 67-21.006(2), and 67-48.004(1)(a), F.A.C." (the "Petition"), filed by American Opportunity for Housing-Greenview Manor, LP ("Petitioner") on March 23, 2007. Notice of the Petition was published in Volume 33, Number 14, 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 Supplemental Cycle, Petitioner applied for MMRB funds to finance the rehabilitation of Greenview Manor Apartments in Pinellas County, Florida (the "Development").
3. Rule 67-21.006(2), Florida Administrative Code (2006), provides in pertinent part:

A Development shall at a minimum meet the following requirements or an Applicant shall be able to certify that the following requirements shall be met with respect to the Development:

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(2) Must be owned, managed and operated as a Development to provide multifamily residential rental property comprised of a building or structure or several proximate buildings or structures, each containing five or more dwelling units and functionally related facilities, in accordance with Section 142(d) of the IRC.

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 rule to permit less than the minimum number of dwelling units per building required under the rule. Because the residential buildings in the Development are pre-existing, Petitioner is not able to meet the above requirement.

6. Out of eight total residential buildings within the Development, six of the residential buildings meet the requirement of having five or more dwelling units per building, and two of the residential buildings within the Development have only four units per residential building.

8. The Board finds that strict application of the above Rule under these circumstances, where the Petitioner is attempting to rehabilitate a pre-existing development, would cause substantial hardship to Petitioner and violate the principles of fairness. Permitting this change in Development would also serve the underlying purpose of the statute.

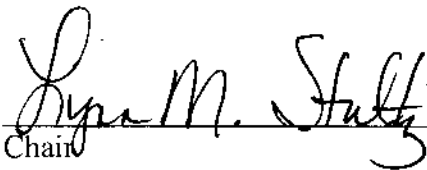
**IT IS THEREFORE ORDERED:**

The "Petition for Waiver from Florida Administrative Code Rule 67-21.006(2)" is hereby **GRANTED** to permit Petitioner rehabilitate the Development notwithstanding that two of the

eight buildings contain less than the minimum five dwelling units per building.. All other relief requested in the Petition, if any, is denied.

DONE and ORDERED this \_\_\_\_ day of April, 2007.

Florida Housing Finance Corporation

By:   
Chair

**Copies furnished to:**

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Joint Administrative Procedures Committee  
Attention: Ms. Yvonne Wood  
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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.**