

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In re: Postmaster Associates, Ltd.

Case No. 2007-051VW

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**ORDER GRANTING PETITION FOR WAIVER OF PART III.D.1.f. OF  
THE 2005 UNIVERSAL APPLICATION INSTRUCTIONS AND  
APPROVING PETITIONER'S REQUEST FOR THE ADDITION OF CO-  
DEVELOPER**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on October 26, 2007, pursuant to a "Petition for Waivers of Rule 67-48[.004](14)(b)<sup>1</sup> to add Co-Developer, and Part III.D.1.f. of the 2005 Universal Application Instructions' Requirement to Provide Specific Features for Elderly Residential Units" (the "Petition"), filed by Postmaster Associates, Ltd. ("Petitioner") on September 24, 2007. Notice of the Petition was published in Volume 33, Number 40, 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

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<sup>1</sup> Petition cites 67-48(14)(b), which is not a rule, but obviously intends to seek waiver of Rule 67-48.004(14)(b), F.A.C. (2005)

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

 /DATE: 10-29-07

hereto.

2. During the 2005 Universal Cycle, Postmaster Associates, Ltd. (“Petitioner”) applied for Housing Credits (“HC”) to finance the construction of Postmaster Apartments (the “Development”) located in Miami-Dade County, Florida.
3. Rule 67-48.004(14)(b), Florida Administrative Code (2005) provides in pertinent part:

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...

Those items are as follows:...

- (b) Identity of each Developer, including all co-Developers;

4. The 2005 Universal Application Instructions<sup>2</sup> at Part III.D.1.f., provides in pertinent part:

In order for a proposed Development to be classified as Elderly (ALF or non-ALF), the Development must meet the following requirements...

- f. The Applicant must provide the following features in specified percentages of all units in new construction (NC) and Rehabilitation/Substantial Rehabilitation (SR) Developments.

The requirement to provide the following features is in addition to the features committed to by the Applicant in the

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<sup>2</sup> Rule 67-48.004 (1)(a), F.A.C. (2005), adopts and incorporates the Universal Application Package and its contents, including, without limitation, the Universal Application Instructions.

Construction Features and amenities section  
of the Application....

Tight-napped Berber-type carpet...

5. Petitioner has requested waiver of Rule 67-48.004(14)(b) to allow the addition of Pinnacle Housing Group, LLC (“Pinnacle”) as the project’s co-Developer. Petitioner asserts that Pinnacle’s knowledge and expertise will benefit the Development without disruption to the Development’s completion timeline.
6. Petitioner has requested a waiver of the above rule to allow Petitioner to install Non-skid ceramic tile flooring instead of the tight-napped Berber-type carpet.
7. Petitioner has demonstrated that the non-skid ceramic tile flooring will provide greater mobility by elderly individuals who rely on walkers, wheelchairs and other forms of ambulatory assistance, non-skid ceramic tile flooring is easier to maintain, and relatively less problematic for allergic and respiratory ailments, as carpet is prone to accumulation of dust, molds, and other pollutants.
8. The requested change would neither affect the scoring of Petitioner’s application nor allow Petitioner to gain an unfair advantage over other applicants.
9. 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.

10. The Board finds allowing Petitioner to bring in a co-Developer, Pinnacle Housing Group, LLC, with extensive knowledge and experience is desirable for the project. It will promote the quality of the development without disrupting the Development's completion timeline. Petitioner has submitted this request for the addition of a co-Developer via a Petition for Waiver of Rule 67-48.004(14)(b), however this requires only Board approval. The Board hereby approves Petitioner's request that Pinnacle Housing Group, LLC may be added to the Development as a co-Developer.

11. The Board finds that strict application of Part III.D.1.f. of the 2005 Universal Application Instructions under these circumstances, where the Petitioner is attempting to install an upgraded amenity which would be more effective in addressing the health, safety, and daily-living needs of the elderly demographic for whom the Development is intended 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 Waivers of Rule 67-48[.004](14)(b) to add Co-Developer, and Part III.D.1.f. of the 2005 Universal Application Instructions’ Requirement to Provide Specific Features for Elderly Residential Units” is hereby **GRANTED** to permit Petitioner to install non-skid ceramic tile flooring in lieu of the required tight-napped Berber-type carpet, with the additional condition that the non-skid, ceramic tile must also be non-glossy. Petitioner is also authorized to add Pinnacle Housing Group, LLC as a co-Developer for this Development. All other relief requested in the Petition, if any, is denied.

DONE and ORDERED this 26th day of October, 2007.

Florida Housing Finance Corporation

By: *Sybil M. Stultz*  
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.**