

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Fountains at Saxon Pointe Blvd., Ltd.

FHFC Case No.: 2014-065VW

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**ORDER GRANTING PETITION FOR WAIVER  
OF Rule 67-48.004(1)(a), F.A.C., PART III.B.2.a OF THE 2011  
UNIVERSAL CYCLE APPLICATION INSTRUCTIONS**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on June 13, 2014, pursuant to a "Petition for Waiver from Florida Administrative Code Rule 67-48.010(8)<sup>1</sup>" ("Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on April 21, 2014, from Fountains at Saxon Pointe Blvd., Ltd. ("the Petitioner"). On April 23, 2014, the Notice of the Petition was published in Volume 40, Number 79, of the Florida Administrative Register. Florida Housing received no comments regarding the Petition. After careful review of the record and being otherwise fully

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<sup>1</sup> The rule cited in the caption of the Petition is incorrect. Petitioner should have cited to Rule 67-48.004(1)(a), F.A.C., which incorporates by reference Part III.B.2.a. of the Universal Application Instructions.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

 /DATE: 6.13.14

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 2011 Universal Cycle, Fountains at Saxon Pointe Blvd., Ltd. (“Petitioner”) applied for and was awarded Competitive Housing Credit (HC) funding to finance the construction of Saxon Cove (the “Development”) located in Volusia County, Florida.

3. Rule 67-48.004(1)(a) Fla. Admin. Code (2011) provides, in pertinent part:

(a) The Universal Application Package or UA1016 (Rev. 2-11) is adopted and incorporated herein by reference and consists of the forms and instructions available, without charge, on the Corporation’s Website under the 2011 Universal Application link labeled Instructions and Application, or from... which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the HOME and HC Program(s).

Part III.B.2.a.of the 2011 Universal Cycle Instructions provides, in pertinent part:

**B. Construction Features and Amenities**

**2. Required Universal Design and Visitability Features (Threshold)**

a. For all new construction units: All proposed Developments... must include the universal design and visitability features and amenities outlined in Part A.1. of the Manual in all new construction units.

Part A.1, of the Manual:

Utility Features

Feature: Mid-point on electrical outlets...shall be located no less than 18 inches above finished floor level...

4. Petitioner has requested a waiver of the above section of the Universal Cycle Instructions to allow the Development to have electrical outlets with a mid-point at 16 inches above the finished floor. It was discovered after completion of construction that the outlets were not at the height required by the rule.

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:

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. The Board finds that strict application of the above Rule under these circumstances would violate the principles of fairness. Petitioner has demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the

principles of fairness. The installed electrical outlets met the UFAS standards and all building codes. Further, the units are now occupied and it would be at great cost to the Developer to move all outlets two inches. Petitioner proposes to replace all existing compact fluorescent bulbs in the most frequently used fixtures with LED bulbs, a total of 1,634 bulbs at a cost of \$47,451.00, which will result in savings to the residents' monthly utility bills. 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 Part III.B.2.a. of the 2011 Universal Application Instructions is hereby **GRANTED**, to allow the Development to be in compliance by allowing the electrical outlets with a mid-point at 16 inches above the finished floor and permit the Petitioner to replace compact fluorescent bulbs in the bedroom light kits, bathroom lights and dining room lights, for a total of 1,634 bulbs with LED bulbs.

DONE and ORDERED this 13<sup>TH</sup> day of June, 2014.



Florida Housing Finance Corporation

By: \_\_\_\_\_

  
Chairperson

Copies furnished to:

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