

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Karen Servant

FHFC Case No.: 2014-066VW


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**ORDER DENYING WAIVER OF RULE 67-59.210(1)(d), FLORIDA
ADMINISTRATIVE CODE**

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 or Variance from Rule Chapter 67-59.210, F.A.C.” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on April, 2 2014, from Karen Servant (“the Petitioner”). On May 2, 2014, the Notice of the Petition was published in Volume 40, Number 86, 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. On or about September 25, 2013, Petitioner applied for financial assistance through the Hardest Hit Fund Principal Reduction (“HHF-PR”)

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DATE: 6.13.14

program. Petitioner is the sole occupant of her house, located in Citrus County, Florida. The HHF-PR program is designed to provide financial assistance to those eligible borrowers with up to \$50,000 to reduce the principal balance of the first mortgage thereby reducing the loan to value of the first mortgage to no less than 100%. The HHF-PR program is operated on a first come, first served basis.

3. Rule 67-59.210(1)(d), Fla. Admin. Code, provides:

- (1) The Applicant must document that he or she is a borrower or co-borrower on the mortgage loan and also document that he or she:
 - (d) Has a total household income, adjusted for household size, that is below 140% of the county area median income.

For 2013, 140% of the area median income for Citrus County for a sole occupant is \$47,040.

4. Petitioner requested a variance or waiver of the Rule that limits the eligibility to those persons who make less than 140% of the county median income. Petitioner provided four pay stubs as part of her application, which demonstrated that Petitioner's anticipated annual income is \$97,028.23, or 288.8% AMI for Citrus County, Florida. Petitioner provided her IRS W-2 Form for the year 2012, which provided that her Medicare wages and tips was \$96,545.02.

5. As justification, Petitioner states that she resides alone and that has no equity in her house. She explains that she owes, “\$208K on my home and it is worth only around \$140K.” She further alleges that the house may need major repairs and that she does not have the means to pay for such repairs.

6. 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.

7. The Board finds that Petitioner failed to demonstrate that strict application of the above Rule under these circumstances would cause undue hardship or violate the principles of fairness. Petitioner has not demonstrated a substantial hardship, as Petitioner’s income is almost three times what is permissible under Rule 67-59.210(1)(d), Fla. Admin. Code. The HHF income limits are consistent with all other Florida Housing programs. The intent of the rule is to provide assistance to those qualified Floridians who may be facing possible foreclosure. Further, it would violate the principles of fairness to those Floridians who qualify for the HHF-PR program, but would be denied assistance, if the HHF-PR funds were provided to Petitioner, and no funds remain to assist an eligible borrower.

IT IS THEREFORE ORDERED:

Petitioner's request for waiver of Rule 67-59.210(1)(d), Florida Administrative Code (2008), is hereby **DENIED**.

DONE and ORDERED this 13th day of June, 2014.



Florida Housing Finance Corporation

By: 
Chair

Copies furnished to:

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Joint Administrative Procedures Committee
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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.