

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: THE VILLAGES AT NOAH'S
LANDING, LLC.

FHFC Case No.: 2014-078VW

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**ORDER GRANTING WAIVER OF RULE 67-48.004(3)(g),
FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on December 12, 2014, pursuant to a "Petition for Waiver of Rule 67-48.004(3)(g) for a Change in Development Type" (the "Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on October 15, 2014, from The Villages at Noah's Landing, LLC (the "Petitioner"). On October 17, 2014, Notice of the Petition was published in Volume 40, Number 203, 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.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DATE: 12.15.14

2. Pursuant to RFA 2013-004, Financing To Build Larger Permanent Supportive Housing Properties For Persons With Developmental Disabilities (the “RFA”), The Villages at Noah’s Landing, LLC (“Petitioner”) applied for and was awarded an allocation of SAIL, grant and tax credit funding to finance the construction of a development intended to serve developmentally disabled tenants in Polk County, Florida.

3. The RFA permitted Applicants to select multiple Development Types, and in its Application, Petitioner selected four: Townhouse; Garden; Duplex and Triplex + Quadruplex.

4. Petitioner now requests to change from the above Development Type combination to Duplex, Garden Style and Single Family (rental).

5. Subsequent to their Application, Petitioner and its architect agreed to a site plan with a variety of housing types, including two single story, single family units, which they believe creates a more walkable, human-scaled, integrated community.

6. The Board agrees and finds that the new configuration of Development Types would better suit the needs of the targeted demographic and would better suit the layout of the Development.

7. Rule 67-48.004(3)(g), Florida Administrative Code, provides in pertinent part:

(3) Notwithstanding any other provision of these rules, the following items as identified by the Applicant in the Application must be maintained and cannot be changed by the Applicant after the applicable submission, unless provided otherwise below:

...
(g) Development Type;

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 that, given the special needs of the target demographic and the flexibility provided regarding Development Type in the RFA, Petitioner has demonstrated that strict application of the above rule under these circumstances would constitute a substantial hardship and violate the principles of fairness.

IT IS THEREFORE ORDERED:

Petitioner's request for waiver of Rule 67-48.003(g), Florida Administrative Code is hereby **GRANTED**.

DONE and ORDERED this 12TH day of December, 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.