

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In re: VILLAGE PARK SENIOR HOUSING
PARTNERS, LTD.


Case No. 2014-080VW

**ORDER GRANTING PETITION FOR WAIVER OF RULE 67-48.004(14)(g),
FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on December 12, 2014, pursuant to a "Petition for Waiver from Florida Administrative Code Rule 67-48.004," filed by Village Park Senior Housing Partners, Ltd. ("Petitioner") on November 7, 2014. Notice of the Petition was published in Volume 40, Number 221, 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. During the 2011 Universal Cycle, Petitioner successfully applied for an allocation of Low Income Housing Tax Credits (HC) to finance the construction of Village Park Senior Housing (the "Development") located in Orange County,

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

 /DATE: 12.15.14

Florida. As part of its application, Petitioner stated that the Development Type as Garden Apartments.

3. Rule 67-48.004(14)(g), Florida Administrative Code (2011), provides in pertinent part:

(14) 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. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(g) Development Type

2. 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.

3. Petitioner requested a waiver of the above rule to change the Development Type from Garden Apartments to Mid-Rise with Elevator. After submitting its Application for funding and prior to final design and permitting, the City of Winter Park encouraged Petitioner to change the site plan and use a four story design, to incorporate a large park into the site plan.

4. The requested change would neither affect the scoring of Petitioner's application nor allowed Petitioner to gain an unfair advantage over other applicants.

5. Petitioner has demonstrated that strict application of the above Rule under these circumstances would violate the principles of fairness. The change in Development Type, 'Mid-Rise with Elevator,' would not have given Petitioner an unfair advantage in scoring of its Application, and denial of the Petition would preclude the residents the benefits of having a large passive park to enjoy. Petitioner demonstrated that permitting this change in Development would also serve the underlying purpose of the statute. By granting the Petition, Petitioner will be able to provide needed housing in Orange County.

IT IS THEREFORE ORDERED:

The Petition for a waiver of Rule 67-48.004(14)(g) Florida Administrative Code (2011) is hereby **GRANTED**, to the following extent: the Development Type is changed from Garden to Mid-Rise with elevator.

DONE and ORDERED this 12th day of December, 2014.



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.