

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: PETERBOROUGH 2, LTD.,

FHFC Case No.: 2015-018VW

\_\_\_\_\_/

**ORDER GRANTING WAIVER OF RULE 67-21.003(8)(f),  
FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on May 8, 2015, pursuant to a “Petition for Waiver of Rule 67-21.003(8)(f) for a Change in Development Category” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on April 20, 2015, from SP HC Apartments, LLC (“the Petitioner”). Notice of the Petition was published in Volume 41, Number 78, 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. Petitioner was selected to receive State Apartment Incentive Loan (SAIL) funding in Application #2014-321S under RFA 2014-103 (the “RFA”), and was also provided funding under its non-competitive Housing

Tax Credits/Multifamily Mortgage Revenue Bond (4% HC/MMRB)  
Application to assist in the rehabilitation of a 150-unit apartment complex serving the Family demographic in Pinellas County, Florida, known as Peterborough Apartments.

3. Rule 67-21.003, Fla. Admin. Code (Rev. 3-13), provides, in pertinent part:

(8) 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 is deemed complete. Those items are as follows:

(f) Development Category;

4. Petitioner requests a waiver of the above prohibition against changing the Development Category, in order to change its designation in its non-competitive Application from “Acquisition/Preservation” to match that selected in its competitive Application, “Acquisition/Rehabilitation.”

5. The Board finds that given that the requested change would apply to the non-competitive Application, it would neither affect the scoring of Petitioner’s application nor allow Petitioner to gain an unfair advantage over other applicants. Unit and bedroom counts will remain the same.

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 cause substantial hardship to Petitioner and violate the principles of fairness, and 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 a waiver of Rule 21.003(8)(f), Fla. Admin. Code to permit a change in Development Category on its non-competitive Application to "Acquisition/Rehabilitation" is hereby **GRANTED**.

DONE and ORDERED this 8<sup>th</sup> day of May, 2015.



Florida Housing Finance Corporation

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

Copies furnished to:

Wellington H. Meffert II  
General Counsel  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301-1329

Ken Reecy  
Director of Multifamily Programs  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, Florida 32301-1329

Lawrence E. Sellers, Esquire  
Holland & Knight LLP  
315 S. Calhoun Street, Suite 600  
Tallahassee, Florida 32301

Joint Administrative Procedures Committee  
Attention: Ms. Yvonne Wood  
120 Holland Building  
Tallahassee, Florida 32399-1300

**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.**