

STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION

FHFC CASE NO. 2015-032VW  
APPLICATION NO. 2015-066C

AIDA PALMS, LTD.

Petitioner

vs.

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

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PROCEDURES COMMITTEE

**PETITION FOR WAIVER OF RULE 67-48.004(3)(g)  
FOR A CHANGE IN DEVELOPMENT TYPE**

Petitioner, Aida Palms, Ltd. ("Petitioner" or "Applicant"), by and through its undersigned attorney, hereby petitions Florida Housing Finance Corporation (the "Corporation") for a waiver from Rule 67-48.004(3)(g), Florida Administrative Code (2014), which prohibits changing the "Development Type" designation of a development. This Petition is filed pursuant to Section 120.542, Florida Statutes (2015), and Rule Chapter 28-104, Florida Administrative Code.

In support of this Petition, Petitioner states as follows:

PETITIONER

1. The name, address, telephone number, facsimile number and e-mail address of the Petitioner are

Aida Palms, Ltd.  
c/o Green Mills Group  
347 N. New River Drive E., Suite 2705  
Fort Lauderdale, Florida  
Attention: Oscar A. Sol  
Telephone: (305) 898-2188  
Facsimile: (954) 414-9564  
E-Mail: [osol@greenmillsgroup.com](mailto:osol@greenmillsgroup.com)

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FINANCE CORPORATION



2. For purposes of this Petition, the name, address, telephone number, facsimile number and e-mail address of Petitioner's counsel are

Hollie A. Croft, P.A.  
Broad and Cassel  
390 North Orange Avenue, Suite 1400  
Orlando, Florida 32801  
Telephone: (407) 839-4200  
Facsimile: (407) 425-8377  
E-Mail: [hcroft@broadandcassel.com](mailto:hcroft@broadandcassel.com)

3. Petitioner successfully applied for an allocation of Housing Credits under the Housing Credit Program, pursuant to RFA 2014-114 – Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties (Application # 2015-066C) (the “Application”).

4. Equity financing raised from the Housing Credits will be used to construct a 96-unit affordable housing development in Polk County, Florida to be known as Aida Palms (the “Development”), which will provide decent, safe and affordable homes to families earning low and very-low incomes.

5. The requested rule waiver will not adversely affect the Development. However, a denial of this Petition (a) will result in substantial economic hardship to Petitioner, (b) could deprive Polk County, Florida of essential affordable low-income housing units in a timely manner, and (c) would violate the principles of fairness. *See* Section 120.542(2), F.S. (2015).

#### THE RULE FROM WHICH WAIVER IS SOUGHT

6. Petitioner requests a waiver from Rule 67-48.004(3)(g), F.A.C. (2014) (the “Rule”). Specifically, Petitioner is seeking a waiver from the “Development Type” designation identified by Petitioner in the Application.

7. The Rule provides, in relevant part, as follows:

(3) For the SAIL, HOME and Housing Credit Programs, 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...

STATUTES IMPLEMENTED BY THE RULE

8. The Rule is implementing, among other sections of the Florida Housing Finance Corporation Act, Section 420.5099, Florida Statutes (the “Statute”), which created the Housing Credit Program.

PETITIONER REQUESTS A WAIVER FROM THE RULES FOR

THE FOLLOWING REASONS:

9. Petitioner requests a waiver from Rule 67-48.004(3)(g), F.A.C. (2014). Petitioner seeks a waiver from the Rule allowing it to change the Development Type listed in the Application from “Garden Apartments” to “Mid-Rise, 4 stories.”

10. Petitioner is requesting a change in Development Type in order to construct Mid-Rise, 4 stories, rather than Garden Apartments. By constructing Mid-Rise, 4 story buildings, Petitioner will be able to reduce the overall footprint, and better accommodate drainage, parking and provide expanded open space on the Development. Further, this change will allow Petitioner to increase the number of units available to low and very-low income families, from 94 to 96.

11. The Application’s scoring and funding would not have been affected had the Applicant selected “Mid-Rise, 4 stories” in the Application.

12. The Corporation has the authority pursuant to Section 120.542(1), Florida Statutes, to provide relief from its rules if strict application of those rules will lead to unreasonable, unfair or unintended results in particular instances.

13. Petitioner needs to change the Development Type to allow for the construction of the Development as outlined above in order for Petitioner to provide the most suitable and

desirable accommodations and units to the residents and the community. Furthermore, Petitioner needs to change the Development Type to allow for the construction of the Development as outlined above in order for the construction of the Development to reflect the most prudent and cost effective structures for the site.

14. Time is of the essence for the successful completion of this Development. Unless the Petitioner's request is granted, strict application of the Rule would violate principles of fairness. Moreover, unless the Rule is waived to allow the requested change, Petitioner may not be entitled to receive the allocation of Housing Credits and raise equity funding, thereby resulting in substantial hardship to Petitioner and the Development

#### WAIVER WILL SERVE PURPOSES OF UNDERLYING STATUTE

15. Petitioner believes that a waiver of the Rule will serve the purpose of the Statute which is implemented by the Rule. The Florida Housing Finance Corporation Act (Chapter 420, Part V, F.S.) was passed to increase the supply of affordable multifamily rental housing. Furthermore, the purpose of the Housing Credit Program is to encourage development of low-income housing in the State. By granting this waiver, and permitting Petitioner to change its Development Type, as requested in this Petition, the Corporation would further the goal of increasing the supply of affordable housing for persons with low and very-low income.

#### TYPE OF WAIVER

16. The waiver being sought is permanent in nature.

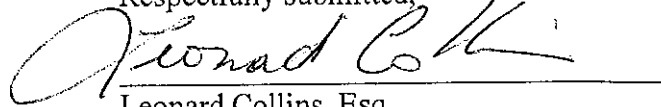
#### ADDITIONAL INFORMATION

17. Should the Corporation require additional information, Petitioner is available to answer questions and to provide all information necessary for consideration of its Petition for Waiver of Rule 67-48.004(3)(g), F.A.C. (2014).

WHEREFORE, Petitioner respectfully requests the following:

- A. Grant the Petition and all relief requested herein;
- B. Waive Rule 67-48.004(3)(g), F.A.C. (2014), allowing Petitioner to change the Development Type listed in the Application from "Garden Apartments" to "Mid-Rise, 4 stories"; and
- C. Grant such further relief as may be deemed appropriate

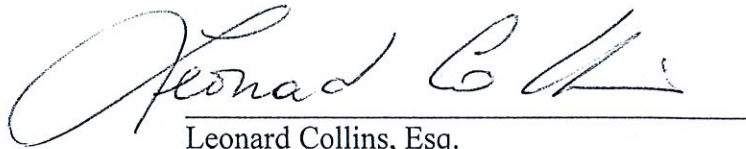
Respectfully submitted,



Leonard Collins, Esq.  
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Email: [hcroft@broadandcassel.com](mailto:hcroft@broadandcassel.com)  
Counsel for Petitioner

CERTIFICATE OF SERVICE

This Petition is being served by hand-delivery for filing with the Corporation Clerk for the Florida Housing Finance Corporation, 227 Bronough Street, Suite 5000, Tallahassee, FL 32301, with copies served by hand-delivery to the Joint Administrative Procedures Committee, Pepper Building, Room 680, 111 West Madison Street, Tallahassee, Florida 3299-1400, this 31<sup>st</sup> day of August 2015.



Leonard Collins, Esq.  
Fla. Bar No. 423210

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