

**STATE OF FLORIDA  
IN THE DIVISION OF ADMINISTRATIVE HEARINGS**

NANCY RODRIGUEZ LEBRON

Petitioner,

vs.

Case No: 2013-035HHF

FLORIDA HOUSING FINANCE  
CORPORATION

Respondent.

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**PETITION**

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FLORIDA HOUSING  
FINANCE CORPORATION

**1. Petitioner**

Nancy Rodriguez Lebron  
624 Milan Drive  
Kissimmee, FL 34758

Representing Complainant:

Roberto Cruz, Esq.  
Advocacy Director  
Legal Advocacy Center of Central Florida, Inc.  
310 Magnolia Avenue  
Sanford, FL 32771-1915  
Tel.: (407) 708-1020  
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Website: [www.LACCF.org](http://www.LACCF.org)

**2. Other Aggrieved Persons**

Nigel Fernandez Rodriguez, minor, DOB 10/18/01

**3. Respondent**

Florida Housing Finance Corporation  
227 N. Bronough Street, Suite 5000  
Tallahassee, Florida 32301  
(850) 488-4197

**4. Notice of Agency Decision**

On October 24, 2013, David R Westcott, Director of Homeownership Program, Florida Housing Finance Corporation (FHFC or Agency), sent a communication to Petitioner of the Hardest Hit Fund (HHF) Program adverse Determination and Notice of Rights. Petitioner received the Notice on October 25, 2013 and timely filed the petition for hearing on November 15, 2013. See 28-106.111 (2) Florida Administrative Code.

**5. Material Facts in Dispute:**

The FHFC denied Petitioner benefits under the HHF Program under the pretext that the application was incomplete, when in fact the Agency is engaging in overt discrimination and disparate treatment against the Petitioner's disability. As a result of the Agency's discriminatory policy and conduct, the Petitioner suffered damages.

**6. The following is a brief and concise statement of the facts regarding the alleged violations:**

Nancy Rodriguez was in default on a mortgage loan for her residence at 624 Milan Drive Kissimmee, FL 34758. Rodriguez applied for Hardest Hit Funds from the Florida Housing Finance Corporation on March 22, 2013, and sent in all the requested documentation. She was later informed that her application was incomplete and the information was not received, and she subsequently sent additional documents. On June 11, 2013, Ms. Rodriguez's case worker Porche Alexander from Consumer Debt Counselors requested that Ms. Rodriguez provide a letter stating that she is permanently disabled. Ms. Rodriguez provided a letter stating that Social Security deems a person is permanently disabled if the person receives benefits for 10 years in a row. However, in her case, they review her condition every three years, as they have determined that she is disabled but that she could still recover.

In response, Petitioner received a denial letter dated June 20, 2013, stating that she had refused to provide all documents requested. When asked what document she was missing, the counselor indicated that they needed a letter from Ms. Rodriguez's doctor stating whether she had a permanent or a temporary disability. Ms. Rodriguez alleges that she was subject to different documentation requirements than non-disabled applicants. Petitioner alleges that the different requirements for persons with temporary and permanent disabilities constitute disparate treatment in violation of the Florida Fair Housing Act.

In addition to disparate treatment, the Agency is also engaging in overt discrimination. According to the Florida Housing Finance Corporation, the Hardest Hit Fund is specifically targeted for those who have experienced or are experiencing unemployment or underemployment through no fault of their own. Eligibility criteria state: "As of November 23, 2010, reduction of income due to the death, divorce *or permanent disability* of a borrower or co-borrower will not qualify as a financial hardship." Petitioner alleges that the statement that a permanent disability does not qualify as a hardship itself is an overt discriminatory statement in violation of the Florida Fair Housing Act.

**7. The most recent date on which the alleged discrimination occurred:**

The most recent act of discrimination occurred on October 24, 2013, following the notice of determination.

**8. The acts alleged in this complaint, if proven, may constitute a violation of the following:**

Florida Fair Housing Act, Fla. Stat. 760.23(8)(c), 760.25(2) and 760.35(d).

**9. Relief Sought**

WHEREFORE, petitioner prays that the agency grants her the following relief:

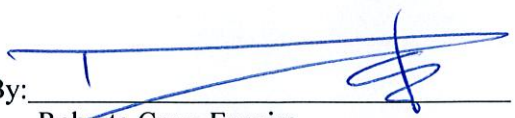
- a) Enter a declaratory judgment finding that the policy of disqualifying a HHF applicant on the basis of a permanent disability is in violation of the Florida Fair Housing Act;
- b) Enter a declaratory judgment finding that the October 24, 2013 determination by the Director of Homeownership Program denying Petitioner's HHF appeal constitutes an unlawful discrimination in violation of the Florida Fair Housing Act;
- c) Enter a permanent injunction, and all other affirmative relief necessary, enjoining the Agency from further engaging in the illegal discriminatory conduct that described in this Petition;
- d) Enter a permanent injunction directing the agency to take all affirmative steps necessary to remedy the effects of their illegal discriminatory policy and conduct, and to prevent their recurrence in the future;
- e) Award compensatory damages to Petitioner in an amount proven at the formal administrative hearing that would fully compensate her for the economic loss, humiliation, embarrassment, physical and emotional distress, and other damages she suffered as a result of the agencies unlawful and discriminatory acts, alleged in this Petition;
- f) Award the Petitioner reasonable attorneys fees and costs;
- g) Grant such other and further relief as the Agency deems just and equitable.

Respectfully Submitted,

Date: November 14, 2013

**LEGAL ADVOCACY CENTER OF  
CENTRAL FLORIDA, INC.**

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

  
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Attorneys for Petitioner

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# LEGAL ADVOCACY CENTER OF CENTRAL FLORIDA, INC

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EXPRESS MAIL 7273 23220  
VIA FED-EX No. 8729 8608 0086

November 14, 2013

Corporation Clerk  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, FL 32301-1329

RE: *Nancy Rodriguez v. Florida Housing Finance Corporation*  
Petition of Formal Administrative Hearing

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FLORIDA HOUSING  
FINANCE CORPORATION

Dear Clerk:

We are representing Ms. Rodriguez' in her enclosed Petition and Request a Formal Administrative Hearing.

Please send all correspondence regarding this case to:

Roberto Cruz, Esq.  
Legal Advocacy Center of Central Florida, Inc.  
310 Magnolia Ave, Sanford, FL 32771

Please do not hesitate in contacting us at ext. 3207, if you have any questions.

Thank you in advance for your assistance in this matter.

Sincerely,



Roberto Cruz, Esq.  
Advocacy Director

Encl. Petition

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