

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: BLUE PINELLAS, LLC

FHFC CASE NO.: 2019-081VW

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**ORDER GRANTING WAIVER OF RULE 67-48.004(3)(g)**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on October 31, 2019, pursuant to a “Petition for Waiver” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on September 27, 2019, from Blue Pinellas, LLC (“Petitioner”). Notice of the Petition was published on September 30, 2019, in Volume 45, Number 190, of the Florida Administrative Register. An Amended Petition was filed on October 19, 2019. 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 9% housing tax credits under Request for Applications (RFA) 2018-112, to assist in the construction of a Development serving low-income families in Pinellas County, Florida, known as Avery Commons.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

*vtm:slamory* 10/31/19

3. Rule 67-48.004(3)(g), Fla. Admin. Code, provides:

(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. . . .

4. In its Application for funding under the RFA, Petitioner selected the Development Type of "Mid-Rise, 5-6 stories." Petitioner originally intended to construct one 5-story building and a detached parking structure on two separate scattered sites. Because of local regulations requiring that parking and dwellings be located on a contiguous site, Petitioner has determined that the most practical way to meet this regulation is to construct two four-story buildings with on-site parking. The Application's scoring, ranking, and funding would not have been affected had Petitioner selected Mid-Rise 4 stories in its Application, nor would the Total Development Cost per unit have changed.

5. The Board finds that granting the waiver will not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development.

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. Petitioner has demonstrated that the waiver is needed in order to efficiently serve low-income families. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

8. The Board finds that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner, 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 67-48.004(3)(g), Fla. Admin. Code, is hereby **GRANTED** so that the Development Type may be changed from “Mid-Rise 5-6 stories” to “Mid-Rise 4 stories.”

DONE and ORDERED this 31st day of October, 2019.



Florida Housing Finance Corporation

By:

*Ray D. [Signature]*  
Chair

**Copies furnished to:**

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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.**