

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

IN RE: SOCIETY OF ST. VINCENT DE  
PAUL SOUTH PINELLAS, INC.

FHFC CASE NO.: 2019-066VW

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**ORDER GRANTING WAIVER OF RULE 67-48.0072(21)(b)  
FLORIDA ADMINISTRATIVE CODE (2016)**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on August 2, 2019, pursuant to an “Society of St. Vincent De Paul South Pinellas, Inc. Petition for Waiver for Rules 67-48.0072(21)(b) (2016)” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on July 17, 2019 from Society of St. Vincent De Paul South Pinellas, Inc.” (“Petitioner”). Notice of the Petition was published on July 18, 2019, in Volume 45, Number 139, of the Florida Administrative Register, and 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 submitted its Application Number 2017-169S for and was selected to receive State Apartment Incentive Loan (“SAIL”) funding under RFA 2016-115 (SAIL Financing for Smaller Permanent Supportive Housing

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

*Tom S. Lannoy* (ATL) 8/5/19

Developments for Persons with Special Needs) to assist in the construction of Ozanam Village III (the “Development”).

3. Florida Administrative Code Rule 67-48.0072(21)(b) (2016) provides:

(b) For SAIL, EHCL, and HOME that is not in conjunction with Competitive HC, unless stated otherwise in a competitive solicitation, the firm loan commitment must be issued within nine (9) months of the Applicant’s acceptance to enter credit underwriting. Unless an extension is approved by the Corporation in writing, failure to achieve credit underwriting report approval and issuance of a firm loan commitment by the specified deadline shall result in withdrawal of the preliminary commitment. Applicants may request one (1) extension of up to six (6) months to secure a firm loan commitment. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting the extension and shall detail the time frame to achieve a firm loan commitment. In determining whether to grant an extension, the Board shall consider the facts and circumstances of the Applicant’s request, inclusive of the responsiveness of the Development team and its ability to deliver the Development timely. The Corporation shall charge a non-refundable extension fee of one (1) percent of each loan amount if the request to extend the credit underwriting and firm loan commitment process beyond the initial nine (9) month deadline is approved. If, by the end of the extension period, the Applicant has not received a firm loan commitment, then the preliminary commitment shall be withdrawn.

4. On January 26, 2018, Petitioner received a six-month extension of its SAIL firm loan commitment issuance deadline from February 12, 2018 until August 12, 2018.

5. On July 27, 2018, Petitioner received an additional 10-month extension of its SAIL firm loan commitment deadline until June 12, 2019.

6. On May 10, 2019, Petitioner received an additional 60-day extension of its SAIL firm loan commitment deadline until August 11, 2019.

7. Petitioner now requests a waiver of the above Rule to extend the SAIL firm loan commitment deadline by 90 days from August 11, 2019 until November 9, 2019.

8. In support of this request, Petitioner asserts the original design of the Development could no longer be used and the site had to be reconfigured to avoid encroachment on protected wetlands. Delays from both issues have prevented the Petitioner from meeting its prior extension deadline.

9. Further, Petitioner reports that site reconfiguration has been completed and Pasco County is currently reviewing the Development's permitting.

10. Petitioner also asserts that further delay has been caused by negotiations of construction costs.

11. Petitioner reports that the General Contractor contract was submitted to its Credit Underwriter on July 2, 2019.

12. Further delaying the project, the General Contractor had a personal emergency and was unavailable for one month which was beyond the control of the Petitioner. Upon learning of the reason for delay, Petitioner notified its Credit Underwriter immediately.

13. Petitioner asserts that it has remained steadfast to making the Development a reality, has committed resources and reserve funds pursuing an aggressive timeline, and continues its commitment to this Development in order to provide much needed affordable housing in Pasco County.

14. Additionally, Petitioner asserts that this waiver will not adversely impact the Development as the new development teams has proven its expertise and experience by bringing a sister development, Ozanam Village II, to a close and also by its timely and significant progress in redesigning the Development.

15. Petitioner demonstrates that the waiver does not adversely impact the Development but would provide benefits because the Development complements its neighboring sister development, Ozanam II; the adjacent locations allows for economies of scale for management and delivery of services and meets the high demand for affordable housing.

16. 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.

17. Petitioner demonstrated that the necessary redesign of the Development created a substantial hardship and failure to complete the Development would have

an adverse impact on its sister development, Ozanam II, by loss of economies of scale for management and delivery of services.

18. Petitioner has demonstrated that granting the waiver would fulfill the purposes of the Florida Housing Finance Corporation Act, Sections 420.501- 420.55, Fla. Stat., by encouraging the private sector to participate in public investment in the SAIL program to provide quality housing to persons with very low income.

19. Accordingly, Petitioner requests 90-day extension of its firm loan commitment deadline in order to further offset the delays to allow it to receive and submit its underwriting report for Board approval at the September 20, 2019 meeting.

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

21. The Board finds that strict application of the above Rules under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness. 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 Florida Administrative Code Rule 67-48.0072(21)(b) (2016) is **GRANTED**,

such that the firm loan commitment deadline is extended from August 11, 2019 to November 9, 2019.

DONE and ORDERED this 2nd day of August 2019.



Florida Housing Finance Corporation

By:

  
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.**