

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Seven on Seventh, Ltd.

FHFC Case No.: 2020-052VW

**ORDER GRANTING WAIVER OF RULE 67-48.0072(21)(b),
FLORIDA ADMINISTRATIVE CODE (2018)**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on September 4, 2020, pursuant to a “Petition for Waiver” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on August 19, 2020, from Seven on Seventh, LTD. (“Petitioner”). Notice of the Petition was published on August 20, 2020, in Volume 46, Number 163, 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 (“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 was selected to receive SAIL funding under RFA 2019-106 (Housing Credit and SAIL Financing for the Development of

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Thomas Blamonty 9/4/2020

Housing for Homeless Persons) to assist in the construction of Seven on Seventh (“Development”) in Broward County, Florida.

3. Rule 67-48.0072(21)(b), *Florida Administrative Code* (2018) (“Rule”), provides:

(b) For SAIL, EHCL, and HOME, unless stated otherwise in a competitive solicitation, the firm loan commitment must be issued within twelve (12) 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....

4. Petitioner was invited to credit underwriting on April 1, 2019. On March 6, 2020, the Board granted Petitioner’s request to extended the firm loan commitment deadline to October 2, 2020. Petitioner now requests an additional firm loan commitment deadline extension until April 2, 2021. Petitioner alleges that permitting and design has been delayed due to COVID-19 and site constraints.

5. 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.

6. 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.

7. Petitioner has demonstrated that the waiver is needed in order to efficiently serve low-income residents. 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 67-48.0072(21)(b), *Florida Administrative Code* (2018), is hereby **GRANTED** to extend the firm loan commitment deadline six months from October 2, 2020 to April 2, 2021.

DONE and ORDERED this 4th day of September, 2020.



Florida Housing Finance Corporation

By: 
Chairperson

Copies furnished to:

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Joint Administrative Procedures Committee
Attention: Ms. Yvonne Wood
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NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO ADMINISTRATIVE 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.