

BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

HATTON HOUSE SENIOR HOUSING
PARTNERS, LTD.,

Petitioner,

vs.

Agency Case No. 2002-164S

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

**PETITION REQUESTING INFORMAL HEARING
AND GRANT OF THE RELIEF REQUESTED**

Pursuant to Sections 120.569 and 120.57, Florida Statutes ("F.S."), Rule 67-48.005, Florida Administrative Code ("FAC") and Rule 28-106.301, FAC, Petitioner, HATTON HOUSE SENIOR HOUSING PARTNERS, LTD. ("Petitioner") files this Petition for Administrative Hearing concerning the scoring by Florida Housing Finance Corporation ("FHFC") of Exhibit 27 of Petitioner's State Apartment Incentive Loan ("SAIL") Application No. 2002-164S, and seeks de novo review of that scoring and the award of the relief requested. In support of this Petition, Petitioner states as follows:

AGENCY AFFECTED

1. The name and address of the agency affected is Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Agency's file or identification number with respect to this matter is 2002-164S.

PETITIONER

2. The Petitioner is Hatton House Senior Housing Partners, Ltd., a Florida limited partnership. The address of the Petitioner is c/o Richard Tourtelot, 196 Technology Drive, "D", Irvine, California 92618, telephone number (949) 450-1113. Petitioner's representative is Gary J. Cohen, Esq., whose address is c/o Shutts & Bowen LLP, 201 S. Biscayne Boulevard, Suite 1500, Miami, Florida 33131, telephone number (305) 347-7308.

PETITIONER'S SUBSTANTIAL INTERESTS

3. Petitioner's substantial interests will be affected by the scoring of FHFC at issue here as follows:

(a) Petitioner has applied for an allocation of loan funds under the SAIL program. The SAIL program awards developers below-market interest rate financing for the construction of affordable rental housing units. FHFC is the agency which administers the allocation of SAIL funds in the State of Florida.

(b) A SAIL application is comprised of numerous forms which request information of each applicant. FHFC adopted the forms by reference in Rule 67-48.002(116), FAC.

(c) On or about April 15, 2002, Petitioner submitted to FHFC a SAIL application in the Small County set-aside for the 2002 funding cycle. The application was submitted in an attempt to assist in the financing of the construction of a 76 unit apartment complex in Sneads, Florida.

(d) The application was scored by FHFC in accordance with the provisions of Rule 67-48, FAC. By letter dated on or about May 13, 2002, FHFC advised Petitioner that its

preliminary score was 51 points, and that Petitioner had failed to satisfy a number of threshold requirements.

(e) On or about June 26, 2002, Petitioner submitted “cure” documentation to FHFC contending that (i) additional points should be awarded with respect to various sections of the application, and (ii) the various failures to meet threshold requirements should be satisfied and corrected.

(f) On or about July 22, 2002, FHFC advised Petitioner that its final pre-appeal score had been increased to 66 points. FHFC, in the 2002 Universal Scoring Summary attached as Exhibit "A", accepted all of Petitioner's arguments contained in its "cure" documentation, except for Petitioner's arguments pertaining to the scoring of Exhibit 27 ("Verification of Availability of Infrastructure – Roads"). FHFC's scoring of Exhibit 27 is the subject matter of this Petition.

(g) Under the SAIL program, the SAIL applications are scored by FHFC. A finite amount of SAIL funds are allocated to applicants in certain geographic areas (large county, medium county and small county areas as defined by FHFC) and pursuant to certain set-aside classifications (homeless, elderly, farmworker/fishworker, and large family). Only those applications receiving the highest scores are awarded SAIL funds. Petitioner’s ability to finance its proposed project will be jeopardized if SAIL funds are not obtained; accordingly, Petitioner’s substantial interests are affected by this proceeding. Unless FHFC’s scoring of Exhibit 27 is overturned, Petitioner will not be eligible to be awarded SAIL funds.

NOTICE OF AGENCY DECISION

4. Petitioner received notice of FHFC’s scoring of its “cure” documentation by Federal Express delivery on or about July 22, 2002. Attached as Exhibit “A” is a copy of the

Universal Scoring Summary setting forth the scoring, which scoring gives rise to this Petition.

ULTIMATE FACTS ALLEGED

5. As pointed out later in this Petition, Petitioner alleges, as a matter of fact, that Mr. Jimmy D. Wright, the staff person who normally would have executed Exhibit 27 on behalf of the Town of Sneads was on vacation, and as a result the most appropriate person to execute Exhibit 27 on behalf of the Town of Sneads was Mr. Eddie Hand. Petitioner also alleges, as a matter of fact, that due to the unavailability of Mr. Jimmy D. Wright, Petitioner was instructed by the City Clerk of the Town of Sneads, the City's most senior staff person, to secure the signature of Mr. Eddie Hand as the authorized official of the Town of Sneads to execute Exhibit 27.

6. In Petitioner's initial SAIL application submitted on or about April 15, 2002, Petitioner did not include executed Exhibit 27 as part of its original SAIL application. Rather, Petitioner indicated on the last page of its application (in the Addenda section) that, with respect to the requirements of Part III.C. of the Application (of which Exhibit 27 is a part), the project was complete and placed in service on May 1, 2001. FHFC determined, in its preliminary scoring issued on or about May 13, 2002, that Applicant had failed to provide verification of availability of roads, thereby failing to meet a threshold requirement of the Application.

7. On or about June 26, 2002, Petitioner submitted "cure" documentation to FHFC. The portion of such "cure" documentation pertaining to Exhibit 27 is attached as Exhibit "B".

8. In the "cure" documentation submitted with respect to Exhibit 27, Petitioner submitted Exhibit 27 executed by Mr. Eddie Hand.

9. In the Universal Scoring Summary (attached as Exhibit "A"), FHFC determined that Petitioner's "cure" documentation for Exhibit 27 was signed by a city councilman and, as

such, failed to meet threshold since signatures from local elected officials are not acceptable. For the reasons set out herein, the conclusion, as a matter of fact and law, by FHFC is incorrect.

**FACTS WHICH WARRANT REVERSAL
OF AGENCY'S PROPOSED ACTION**

The specific facts which warrant reversal of FHFC's proposed action are as follows:

10. FHFC has incorrectly determined that Petitioner has failed to satisfy one of the threshold requirements of the SAIL application; namely, that Exhibit 27 of the SAIL application (Verification of Availability of Infrastructure – Roads) not be executed by a local elected official. Given the circumstances surrounding the execution of Exhibit 27 in this case, Petitioner maintains that the correct person did sign the subject Exhibit 27 and, as such, FHFC should not have determined that this threshold requirement was failed.

11. Attached as Exhibit "C" is a letter from Ms. Sherri Cook, City Clerk for the Town of Sneads, detailing the circumstances surrounding the execution by Mr. Eddie Hand of the subject Exhibit 27. As set forth in the letter from Ms. Cook, Mr. Jimmy D. Wright is the city's maintenance supervisor, and is the staff person who would normally execute a document such as Exhibit 27. However, Mr. Jimmy D. Wright was out of town on vacation. The City of Sneads is a small city. There is no staff in the Town of Sneads beneath Mr. Jimmy D. Wright with the authority to execute Exhibit 27. There is no non-elected official with rank over Jimmy D. Wright who would have had authority to sign Exhibit 27. Mr. Jimmy L. Wright was the elected councilman of the Town of Sneads with direct supervisory authority over Mr. Jimmy D. Wright; however, Mr. Jimmy L. Wright was also unavailable. As such, Ms. Cook determined that Eddie Hand (another elected councilman) was the person most appropriate to execute Exhibit 27. Ms. Cook further indicates that, while Mr. Jimmy L. Wright (councilman) had direct supervisory

authority over Jimmy D. Wright (the city's maintenance supervisor), all elected councilpersons (including Eddie Hand) have supervisory authority over the maintenance supervisor (Jimmy D. Wright), and as such were authorized to execute Exhibit 27. Under the given circumstances, there was no person in the Town of Sneads (other than an elected official) with authority to execute Exhibit 27 available before the deadline for submitting the form in question.

12. FHFC has, in several instances in the past when certain forms in the application have required the signature of an elected official (for example, a government contribution form), permitted someone other than the appropriate elected or appointed government official to sign a form in the absence of such official. In several instances, FHFC has permitted a delegate of the mayor of a city to sign a required form on behalf of the mayor, in the mayor's absence. In these instances, FHFC has not required strict conformity with the instructions on the bottom of the applicable form/exhibit, when applicants have demonstrated to FHFC the unavailability of a required signor.

13. Similarly, in at least one instance in the past three years, FHFC permitted an applicant to submit the "zoning" form (Exhibit 28) executed by the mayor of the city, notwithstanding that the instructions at the bottom of the form (a copy of Exhibit 28 is attached as Exhibit "D") strictly prohibit the signature of a local elected official. In that case, FHFC determined that, given the circumstances presented by that applicant, it was appropriate for the local elected official (the mayor) to have executed the zoning form, notwithstanding the prohibition on the bottom of the "zoning" form.

14. Florida Statutes Section 420.5087(6)(c) provides, in part, that "The Corporation shall provide by rule for the establishment of a review committee composed of the department and corporation staff and shall establish by rule a scoring system for evaluation and competitive

ranking of applications submitted in this program, including, but not limited to, the following criteria: ... 9. Project feasibility ... 13. Sponsor's ability to proceed with construction." Pursuant to such grant of statutory authority, FHFC has promulgated Rule 67-48 and the Universal Application Package (UA1016). Clearly the legislative purpose of the SAIL program is furthered by some portions of the application (which application is incorporated by reference into Rule 67-48) which specifically require execution of certain forms by specified persons. See, for example, Exhibits 31 (Local Government Verification of Qualification of Urban In-Fill Development), 32 (Local Government Verification of Contribution – Grant), 33 (Local Government Verification of Contribution – Fee Waiver), 34 (Local Government Verification of Contribution – Loan), 35 (Local Government Verification of Contribution – Fee Deferral), and 36 through 39 (Local Government Verification of Affordable Housing Incentives). In each of these exhibits, the required certification must be signed by the mayor, city manager, county manager/administrator/coordinator, or chairperson of the city council/commission or chairperson of the board of county commissioners. In each of those instances, the legislative purpose (determination of project feasibility and ability to proceed with construction) is served by requiring the signature of the highest elected or appointed official to insure that the person signing indeed speaks for the governmental entity.

15. However, the legislative purpose of Florida Statutes Section 420.5087(6)(c)(9) and (13) is not furthered in Exhibit 27, where the signature of a local elected official is prohibited. This is particularly true in circumstances where the staff person who would otherwise execute Exhibit 27 is not available to do so, there is no other staff person available to sign Exhibit 27 and the elected official who signs has been designated by the governmental entity as the appropriate person to sign Exhibit 27. In such circumstances, the rule prohibiting

the local government elected official from executing Exhibit 27 (i) violates the legislative mandate contained in Florida Statutes Section 420.5087(6)(c)(9) and (13), (ii) is without legislative authority; (iii) is arbitrary and capricious, and (iv) is an invalid exercise of delegated legislative authority as defined by Florida Statutes Section 120.52(8). The application of the rule in these circumstances renders such rule arbitrary and capricious, and application of the rule in these circumstances contravenes the specific provisions of the law implemented (Florida Statutes Section 420.5087(6)(c)(9) and (13)).

RELEVANT RULES AND STATUTES

16. Rule 67-48, FAC, specifically incorporates the SAIL application, and the forms referenced therein. The instructions to Exhibit 27 (incorporated by the aforementioned Rule) provide, in relevant part, that the threshold requirement will be satisfied if the form is fully and accurately completed. Petitioner has, under the given circumstances, complied with the requirements of Exhibit 27 and provided evidence (in its "cure" documentation) of the availability of roads to the subject property. As such, Petitioner should be found to have satisfied the threshold requirement of the availability of roads to the subject property.

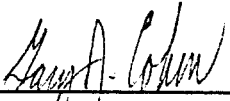
RELIEF SOUGHT

17. The specific action which Petitioner wishes FHFC to take is to determine that Petitioner has met the threshold requirement of demonstrating the availability of roads to the subject property and rescore the application on that basis and consider Petitioner's application for funding in the 2002 Combined Cycle.

WHEREFORE, Petitioner respectfully requests FHFC:

1. To determine that Petitioner has satisfied the requirements of Exhibit 27 and has not failed to meet threshold with respect to such exhibit and rescure the application on that basis and consider Petitioner's application for funding in the 2002 Combined Cycle.

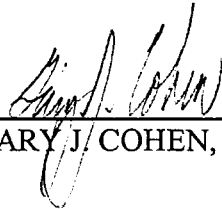
Respectfully submitted,

By: 

GARY J. COHEN, ESQ.
Florida Bar No. 353302
Shutts & Bowen LLP
201 South Biscayne Boulevard
1500 Miami Center
Miami, Florida 33131
(305) 347-7308 telephone
(305) 347-7808 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing have been filed with Kerey Carpenter, Deputy Development Officer, Attn: Corporation Clerk of the Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301, on this 13 day of August, 2002.



GARY J. COHEN, ESQ.

EXHIBIT A

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2002 Universal Scoring Summary

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit *	SAIL as Percentage of Total Development Cost
07 - 22 - 2002	66	N	0	\$58,579.13	15.8%
Preliminary	51	N	0	\$58,579.13	15.8%
NOPSE	51	N	0	\$58,579.13	15.8%
Final	66	N	0	\$58,579.13	15.8%
Post-Appeal	0	N	0		0

*Corporation funding includes Local Government-issued tax-exempt bond financing

Scores:

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
1S	III	A	2.b	If SAIL Application for Development in one of these counties where no SAIL Application has ever been funded: Bay, Citrus, Leon, Nassau, Okaloosa, Okeechobee, St. Lucie or Santa Rosa	2	0	0	0	0
Optional Features & Amenities:									
2S	III	B	2.a	New Construction	9	9	9	9	0
2S	III	B	2.b	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
3S	III	B	2.c	All Developments Except SRO	12	12	12	12	0
3S	III	B	2.d	SRO Developments	12	0	0	0	0
4S	III	B	2.e	Energy Conservation Features	9	9	9	9	0
Demographic or Area Commitment:									
5S	III	D	1.	Florida Keys Area	7	0	0	0	0
5S	III	D	2.	RD 515 or RD 514/516	5	0	0	0	0
5S	III	D	3.	Elderly	5	0	0	5	0
5S	III	D	4.	Farmworker/Commercial Fishing Worker	5	0	0	0	0
5S	III	D	5.	Homeless	5	0	0	0	0
5S	III	D	6.	Urban In-Fill	5	0	0	0	0
5S	III	D	7.	Large Family	5	0	0	0	0
5S	III	D	8.	HOPE VI	5	0	0	0	0
5S	III	D	9.	Front Porch Florida	5	0	0	0	0

2002 Universal Scoring Summary

As of: 07/22/2002

File # 2002-164S

Development Name: The Hatton House

Scores:

Item #	Part Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Post-Appeal
Set-Aside Commitment:								
6S	III	E	2. Commitment to Serve Lower AMI	5	5	5	5	0
7S	III	E	3. Total Set-Aside Commitment	3	3	3	3	0
8S	III	E	4. Affordability Period	5	5	5	5	0
Resident Programs:								
9S	III	F	1. Programs for Non-Elderly & Non-Homeless	6	0	0	0	0
9S	III	F	2. Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
9S	III	F	3. Programs for Elderly	6	0	0	6	0
10S	III	F	4. Programs for All Developments	8	8	8	8	0
Local Government Support								
11S	IV	a.	Contributions	5	0	0	0	0
12S	IV	b.	Incentives	4	0	0	4	0

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1S	The proposed Development is not located in one of the stated counties.	Preliminary	
5S	(1) Applicant failed to provide the required market analysis for an Elderly Development. (2) The proposed Development is not located in the Florida Keys Area.	Preliminary	Final
5S	Points were awarded because the development now qualifies for the targeting selected. Maximum points (7) were not awarded because the proposed development is not located in the Florida Keys Area.	Final	
9S	Applicant failed to qualify for Elderly at Part III. D. Demographic or Area Commitment.	Preliminary	Final
11S	Applicant failed to provide evidence of Local Government contribution(s).	Preliminary	
12S	Applicant failed to submit properly completed and executed exhibits.	Preliminary	Final

Threshold(s) Failed:

Item #	Part Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V		Syndication Agreement	Applicant did not provide a syndication agreement.	Preliminary	Final
2T	III	C	1. Site Plan Approval	Applicant failed to provide the Local Government Verification of Status of Site Plan	Preliminary	Final

2002 Universal Scoring Summary

As of: 07/22/2002

File # 2002-164S

Development Name: The Hatton House

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
3T	III	C	3a	Evidence of Infrastructure Availability	Approval.	Preliminary	Final
4T	III	C	3b	Evidence of Infrastructure Availability	Applicant failed to provide verification of availability of electricity.	Preliminary	Final
5T	III	C	3c	Evidence of Infrastructure Availability	Applicant failed to provide verification of availability of water.	Preliminary	Final
6T	III	C	3d	Evidence of Infrastructure Availability	Applicant failed to provide verification of availability of sewer capacity, package treatment, or septic tank.	Preliminary	Final
7T	III	C	4	Evidence of Appropriate Zoning	Applicant failed to provide verification of availability of roads.	Preliminary	Final
8T	III	C	5a	Environmental Site Assessment	Applicant failed to provide the Local Government Verification that Development is Consistent With Zoning and Land Use Regulations.	Preliminary	Final
9T	III	C	3d	Evidence of Infrastructure - Roads	Applicant failed to provide the Verification of Environmental Safety - Phase I Environmental Site Assessment together with the Verification of Environmental Safety - Phase II Environmental Site Assessment, if applicable.	Final	Final
					The cure for 6T provided a Roads Verification of Availability of Infrastructure (Exhibit 27) which was signed by a councilman. Signatures from local elected officials are not acceptable.		

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Post-Appeal
1P	III	A	11.b.(1).	Grocery Store	1.25	0	0	0	0
2P	III	A	11.b.(2).	Public School	1.25	0	0	0	0
2P	III	A	11.b.(3).	Medical Facility	1.25	0	0	0	0
3P	III	A	11.b.(4).	Bus Stop or Metro-Rail Stop	1.25	0	0	0	0
4P	III	A	11.c.	Address/Location on FHFC Development Proximity List	3.75	0	0	0	0

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	Applicant did not include the completed and executed Surveyor Certification and land survey map.	Preliminary	
4P	Applicant did not include the completed and executed Surveyor Certification and land survey map.	Preliminary	

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result	Rescinded as Result

2002 Universal Scoring Summary

As of: 07/22/2002

File # 2002-164S

Development Name: The Hatton House

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result	Rescinded as Result
1C	V	A	3	Other Corporation Funding	The Applicant received a Competitive HC Carryover allocation of \$517,140. The Other Corporation Funding amount has been adjusted to \$2,983,380.66.	Preliminary	

EXHIBIT B

2002 CURE FORM

(Submit a SEPARATE form for EACH reason
relative to EACH Application Part, Section, Subsection and Exhibit)

This cure form is being submitted with regard to Application No. 2002-1645 and pertains to:

Part III Section C Subsection 3d Exhibit No. 27 (if applicable)

The attached information is submitted in response to the 2002 Universal Scoring Summary or Home Rental Scoring Summary because:

- I. Preliminary Scoring and/or a NOPSE resulted in the imposition of a failure to achieve maximum points, a failure to achieve tie-breaker points selected, and/or failure to achieve threshold relative to this form. Check applicable item(s) below:

	2002 Universal or HOME Rental Scoring Summary	Created by:	
		Preliminary Scoring	NOPSE
<input type="checkbox"/> Reason Score Not Maxed	Item No. ____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Threshold Failed	Item No. <u>6</u> T	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason for Failure to Achieve Proximity Tie-Breaker Points Selected (Universal Application Only)	Item No. ____ P	<input type="checkbox"/>	<input type="checkbox"/>

OR

- II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a "cure" to Part ____ Section ____ Subsection ____ Exhibit ____, as applicable).

REVISED

**VERIFICATION OF AVAILABILITY OF INFRASTRUCTURE
ROADS**

Name of Applicant: Hatton House Senior Housing Partners, LTD

Name of Development: The Hatton House

Address: 8097 North Third Avenue Sneads, Fl 32460

The undersigned local government representative confirms the following:

1. Existing paved roads provide access to the proposed Development or paved roads will be constructed as part of the proposed Development.
2. There are no impediments to the proposed Development using the roads other than payment of impact fees or providing curb cuts, turn lanes, or signalization.
3. To the best of our knowledge, no variance or local hearing is required for these roads to be available to the proposed Development.
4. To the best of our knowledge, there are no moratoriums pertaining to road usage which are applicable to the proposed Development.

CERTIFICATION

I certify that the foregoing information is true and correct.

<u>Eddie Hand</u>	<u>Town of Sneads</u>
Signature	Name of Local Government
<u>Eddie Hand</u>	<u>2028 Third Avenue</u>
Print or Type Name	Address
<u>Councilman</u>	<u>Sneads, Fl 32460</u>
Print or Type Title	<u>(850) 593-6635</u>
<u>6/21/02</u>	Telephone Number (including area code)
Date	

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. In addition, signatures from local elected officials are not acceptable. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

EXHIBIT C

Town of Sneads

P.O. Drawer 159

SNEADS, FLORIDA 32460

PH: (850) 593-6636 / FAX: (850) 593-5079

To Whom It May Concern:

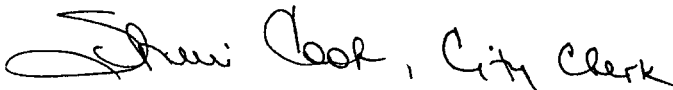
The City of Sneads does not have an official position called "Supervisor of roads." Jimmy D. Wright is the City's "Maintenance Supervisor." All city staff have knowledge of the "roads" in question as our address is 2028 Third Avenue. The language of the Verification however may or may not be clear to every one involved.

At the time of request for signature, Jimmy D. Wright was on vacation. The councilman who was then in charge of "roads" was Eddie Hand. Eddie was acting in the capacity of Jimmy L. Wright, Councilman, who was also absent.

Eddie Hand is an elected official and is/was authorized to sign this document.

The City Clerk is the highest ranking salaried staff member for the City of Sneads. The City Clerk, Sherri Cook, made the decision to request signature of Eddie Hand as the best authorized official to sign.

Sincerely,
Sherri Cook

A handwritten signature in black ink that reads "Sherri Cook, City Clerk". The signature is written in a cursive style with a large initial 'S'.

City Clerk
Town of Sneads

EXHIBIT D

**LOCAL GOVERNMENT VERIFICATION THAT DEVELOPMENT IS CONSISTENT
WITH ZONING AND LAND USE REGULATIONS**

Name of Applicant: _____

Name of Development: _____

Address: _____

Size of Parcel (include unit of measure): _____

Number of units (not buildings) permitted (if restricted): _____ and/or
if a PUD, the number of units (not buildings) permitted per development site: _____ or
if not a PUD and site is subject to existing special use or similar permit, number of units/site: _____

The zoning designation for the referenced Development is: _____

The intended use is consistent with current land use regulations and the referenced zoning designation or, if the Development consists of rehabilitation, the intended use is permitted as a legally non-conforming use. To the best of my knowledge, there are no additional land use regulation hearings or approvals required to obtain the zoning classification or density described herein. Assuming compliance with the applicable land use regulations, there are no known conditions which would preclude construction or rehabilitation (as the case may be) of the referenced Development.

CERTIFICATION

I certify that the City/County of _____ has vested in me the
(Name of City/County)
authority to verify consistency with local land use regulations and the zoning and site plan designations specified above or, if the Development consists of rehabilitation, the intended use is permitted as a "legally non-conforming use" and I further certify that the information above is true and correct. In addition, if the proposed Development is in the Florida Keys Area as defined in Rules 67-21 and 67-48, F.A.C., I further certify that the Applicant has obtained the necessary Rate of Growth Ordinance (ROGO) allocations from the local government.

Signature

Print or Type Name

Date

Print or Type Title

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If the certification is applicable to this Development and it is inappropriately signed, the Application will fail threshold.

If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.