

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: MCCURDY CENTER, LTD.

FHFC Case No.: 2006-071VW  
Application No.: 2005-106CS

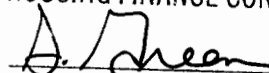
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**ORDER GRANTING WAIVER OF RULE 67-48.010(6)(a),  
FLORIDA ADMINISTRATIVE CODE (2004)**

THIS CAUSE came for consideration and final action before the Board of Directors of Florida Housing Finance Corporation on December 15, 2006, pursuant to a "Petition for Waiver" (the "Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on November 1, 2006, from McCurdy Center, Ltd. ("Petitioner"). On November 9, 2006, Florida Housing published the Notice of the Petition in Volume 32, Number 45, of the Florida Administrative Weekly. 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. During the 2005 Universal Cycle, Florida Housing awarded an allocation of SAIL funds and Low Income Housing Tax Credits ("HC") to McCurdy Center, Ltd. ("Petitioner"), for Application #2005-106CS (the "Application").
3. Petitioner requests a waiver of a requirement found in the 2005 Universal Application instructions, incorporated by reference into Chapter 67-48, via Rule 67-48.004(1)(a), Fla. Admin. Code (2005).

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION



/DATE: 12-18-06

4. Part III B.1.b. of the 2005 Universal Application Instructions requires that in all developments excepting Single Room Occupancy (SRO) units there be “[B]athub with shower in at least one bathroom in at least 90% of the new construction of non-Elderly units.”

5. Petitioner selected the “Homeless” demographic category in its Application, but did not select the “Elderly” demographic category. Despite not making this express commitment in its Application, Petitioner now intends to serve the *elderly homeless* population, and to that end has determined to design the development with the needs of this population in mind and to configure the development as an Assisted Living Facility (ALF).

6. Accordingly, developing units with bathtubs and showers (versus roll-in showers only) is inconsistent with this goal. Petitioner asserts that permitting this change will better serve the underlying purposes of Chapter 420, Part V, Fla. Stat. and enable them to serve the targeted population in a more appropriate manner, as well as avoiding potential injury and hardship to tenants.

7. Section 120.542(2), Florida Statutes provides in pertinent part:

Variances 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.

8. The Board finds that the granting of a waiver of the aforementioned Rule would serve the purpose of the underlying statute, Chapter 420, Part V, Fla. Stat., in that it would further the goal of facilitating the availability of decent, safe and sanitary housing in the State of Florida.

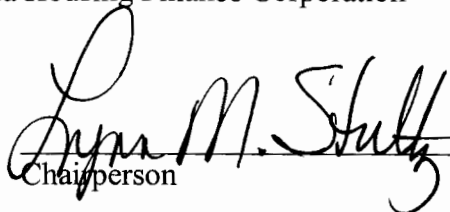
**IT IS THEREFORE ORDERED:**

The relief requested in the Petition is hereby **GRANTED**, in that the requirement of Party III.B.1.b of the 2005 Universal Application Instructions shall be waived to permit the construction of the Development with roll-in showers in all units.

DONE and ORDERED this 15th day of December, 2006.

Florida Housing Finance Corporation

By:

  
Chairperson



**Copies furnished to:**

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Joint Administrative Procedures Committee  
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**NOTICE OF RIGHTS**

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