

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: CATHOLIC CHARITIES HOUSING,  
DIOCESE OF VENICE, INC.

FHFC Case No.: 2006-074VW  
RFP No.: 2004-11  
RFP No.: 2005-05

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**ORDER GRANTING AMENDED PETITION OF  
WAIVER OF RULE 67-48.004(14)(a), FLORIDA ADMINISTRATIVE CODE**

THIS CAUSE came for consideration and final action before the Board of Directors of Florida Housing Finance Corporation on January 26, 2007, pursuant to an Amended Petition Catholic Charities Housing, Diocese of Venice, Inc., for Waiver of Rule 67-48.004(14)(the "Amended Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Amended Petition on December 21, 2006, from Catholic Charities Housing, Diocese of Venice, Inc., ("Petitioner"). On November 13, 2006, Florida Housing published the Notice of the original Petition in Volume 32, Number 47, of the Florida Administrative Weekly<sup>1</sup>. Florida Housing received no comments regarding the Amended 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. Pursuant to "Florida Housing Finance Corporation Request for Proposals #2004-11 for the Development and Rehabilitation of Farmworker Housing" ("2004-11 RFP"), Florida Housing awarded an allocation of \$2,000,000 in State Apartment Incentive Loan Program

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As the petitions were substantially the same and requested the same relief, the amended petition was not re-noticed.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION



/DATE. 1-29-07

(SAIL) funding to Petitioner to construct a 44-unit farmworker housing project in DeSoto County, Florida (“San Juan Bosco Development”). Petitioner did not obtain funding from the 2005 Universal Cycle for the San Juan Bosco Development.

3. Pursuant to the “Florida Housing Finance Corporation Request for Proposals 2005-05 for the Development and Rehabilitation of Migrant Farmworker Housing” (“2005-05 RFP”), Florida Housing awarded an allocation of \$6,000,000 in HOME Investment Partnership Program funds to Petitioner to construct the San Juan Bosco Development.

4. Petitioner requests a waiver of Rule 67-48.004(14)(a), F.A.C., to permit a change in the name of the Applicant. Specifically, Petitioner wishes to change the current Applicant name, Catholic Charities Housing, Diocese of Venice, Inc., to another Applicant name, Casa San Juan Bosco, Inc.

5. The 2004-11 RFP, Instructions at Part H. Loan Terms, provides:

Funds awarded pursuant to this RFP will be loaned on terms in accordance Fla. Admin. Code R. 67-48, the SAIL program rule and Section 420.5087, Fla. Stat.

6. The 2005-05 RFP, Instructions at Part H. HOME Program Requirements, provides:

8. Applicant and Contractor shall satisfy and comply with all requirements and provisions of 42 U.S.C. 12701 et seq., Section 420.5089, Florida Statutes, 24 C.F.R. part 92, and Fla. Admin. Code R. 67-48, as now or hereafter in effect.

7. Rule 67-48.004(14), Florida Administrative Code (2004 and 2005), states in pertinent part:

Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline....those items are as follows:

(a) Name of Applicant;

8. 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.

9. The granting of this request for waiver will serve the purpose of the underlying statute in that the requested changes to the Applicant name will enhance the likelihood that the Development will be timely and successfully completed and, in turn, will further Florida Housing's statutory mandate to provide safe, sanitary and affordable housing to the citizens of Florida. Petitioner demonstrated that the creation of the new legal entity, Casa San Juan Bosco, Inc., was in part done to minimize the risk of liability to the San Juan Bosco Development and that Casa San Juan Bosco, Inc., will have the identical development team and board of directors as Catholic Charities Housing, Diocese of Venice, Inc.; and the continuity, progress and quality of the San Juan Bosco Development will not be disrupted by granting this request for relief.

10. Strict application of Rule 67-48.004(14), will create a substantial hardship for Petitioner in that it will result in economic and legal hardship associated with the segregation of funds and risks associated with Petitioner's other developments. Further, title to the San Juan Bosco Development has already been acquired in the name of San Juan Bosco, Inc., and Petitioner would suffer a substantial hardship if a deed transferring ownership back to Petitioner were required.

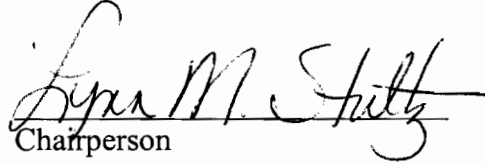
**IT IS THEREFORE ORDERED:**

The Petition for Waiver of Rule 67-48.004(14)(a), Florida Administrative Code (2004 and 2005), is hereby **GRANTED** specifically to permit a change in the Applicant name, from Catholic Charities Housing, Diocese of Venice, Inc., to Casa San Juan Bosco, Inc.

DONE and ORDERED this 26th day of January, 2007.

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 RIGHTS**

**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.**