

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In re: Cutler Manor, LLC

Case No. 2007-017VW

**ORDER GRANTING PETITION FOR WAIVER OF RULE  
67-48.004(18)(j), FLORIDA ADMINISTRATIVE CODE (2001)**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on June 8, 2007, pursuant to a "Petition for Waiver or Variance of Rule 67-48.004(18)(j)'s Restriction on Changing the Number of Residential Units at Cutler Manor Apartments, and to Allow a Manager/Employee Unit to Maintain its Non-Income Status" (the "Petition"), filed by Cutler Manor, LLC ("Petitioner") on May 3, 2007. Notice of the Petition was published in Volume 33 Number 20, 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 2001 Combined Application Cycle, Petitioner applied for SAIL funds to finance the acquisition and rehabilitation of Cutler Manor Apartments (the "Development") in Miami-Dade County, Florida.
3. Rule 67-48.004(18)(j), Florida Administrative Code (2001), provides 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.

FILED WITH THE CLERK OF THE FLORIDA  
HOUSING FINANCE CORPORATION

 /DATE. 6-22-07

...Those items are as follows:

(j) Total Number of Units, residential units, set-aside units, Categorical Set-Aside and demographic commitment as set forth in Form 11, [Section] V...for the SAIL Program;

4. 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.

5. Petitioner requests a waiver of the above rule to change the number of residential units and to maintain the non-income producing status and set-aside exemption for one manager/employee unit to allow its use by the Miami-Dade Police Department as a Neighborhood Resource Officer Center.

6. The Board finds that Petitioner has demonstrated that a literal application of the above Rule under these circumstances, where the Petitioner is attempting to install a Miami-Dade Police Department Neighborhood Resource Officer, would violate the principles of fairness by depriving Petitioner of the ability to increase the safety of the Development. To permit this change in the Development would also serve the underlying purpose of the statute, which is to provide, *inter alia*, safe housing in the State of Florida.

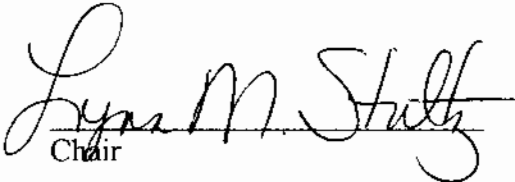
**IT IS THEREFORE ORDERED:**

The "Petition for Waiver or Variance of Rule 67-48.004(18)(j)'s Restriction on Changing the Number of Residential Units at Cutler Manor Apartments, and to Allow a Manager/Employee

Unit to Maintain its Non-Income Status” is hereby **GRANTED** to permit Petitioner to convert a current set-aside unit to a Neighborhood Resource Officer facility, making 220 unit development now a 219 unit development. However, to compensate for this change, one of the current 60% AMI set-aside units shall be converted to a 33% AMI set-aside unit.

DONE and ORDERED this 22<sup>nd</sup> day of June, 2007.

Florida Housing Finance Corporation

By:   
Chair

**Copies furnished to:**

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Joint Administrative Procedures Committee  
Attention: Ms. Yvonne Wood  
120 Holland Building  
Tallahassee, Florida 32399-1300



## **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.**