

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In re: Harding Village, Ltd.

Case No. 2007-065VW

**ORDER GRANTING PETITION FOR WAIVER OF RULE 67-48.004(14),
FLORIDA ADMINISTRATIVE CODE (2003)**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on December, 2007, pursuant to a "Petition for Variance/Waiver from Florida Administrative Code Rule 67-48.004(14)" (the "Petition"), filed by Harding Village, Ltd. ("Petitioner") on November 6, 2007. Notice of the Petition was published in Volume 33, Number 46, 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 2003 Universal Cycle, Harding Village, Ltd. ("Petitioner") applied for and was awarded Housing Credits ("HC") and a State Apartment Incentive Loan ("SAIL") to finance the rehabilitation of Harding Village (the "Development") located in Miami-Dade County, Florida.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION



/DATE: 12-10-07

3. Rule 67-48.004(14)(e), F.A.C. (2003), 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...

Those items are as follows:

- (i) Total Number of Units;
- (l) Funding Request (except for Taxable Bonds) amount...

4. When Petitioner submitted its Application during the 2003 Universal Cycle, the Development was intended to be a 93-unit single-room occupancy development for the homeless. The development was intended to consist of 92 units for residents and one manager's unit. Petitioner claims that, as a result of a zoning dispute with the City of Miami Beach in connection with the issuance of a final certificate of occupancy, it was forced to reduce the total number of units to 92.
5. Petitioner requests waiver of the above rules to allow it to convert the manger's unit into a common office space to be utilized for the provision of the Development's on-site supportive services to residents.

6. 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.

7. If this request is granted, Petitioner also seeks to proportionately reduce its annual tax credit allocation by the amount of \$5,349.57. Petitioner will set aside one additional unit to a tenant with an income not in excess of 30% of area median income.
8. The Board finds that strict application of the above Rule under these circumstances, where the need for this change was precipitated by the unanticipated action of the local government and thus by no fault of the Petitioner, and the Petitioner is attempting to offset this request by committing to set aside one additional unit, would cause substantial hardship to Petitioner and violate the principles of fairness. Permitting this change in Development would also serve the underlying purpose of the statute.

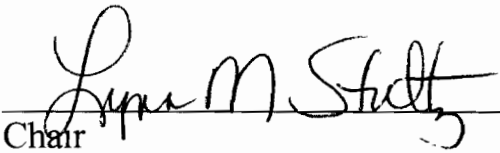
IT IS THEREFORE ORDERED:

The “Petition for Variance/Waiver from Florida Administrative Code Rule 67-48.004(14)” is hereby **GRANTED** to permit Petitioner to convert the manager’s unit into a common office area which will be used to provide on-site supportive services for tenants and allow Petitioner to set aside one additional unit for a resident with an income not exceeding 30% Area Median Income. The Petitioner’s request to return the proportionate amount of tax credits (\$5,349.57) resulting from the unit reduction is also **GRANTED**.

All other relief requested in the Petition, if any, is denied.

DONE and ORDERED this 7th day of December, 2007.

Florida Housing Finance Corporation

By: 
Chair

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 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.