

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In re: Madison Manor, Ltd.

Case No. 2008-008VW

**ORDER GRANTING PETITION FOR WAIVER OF RULE 67-48.004(14)(g),
FLORIDA ADMINISTRATIVE CODE (2005)**

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on March 14, 2008, pursuant to a "Petition for Waiver from Rule 67-48.004(14)(g), Florida Administrative Code (2005) and Part III.A.4 of the [2005] Universal Application Instructions¹" filed by Madison Manor, Ltd. ("Petitioner") on February 12, 2008. Notice of the Petition was published in Volume 34, Number 08, 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.

¹ Although Petitioner's request seeks a waiver of both the provision of Chapter 67-48 of the Florida Administrative Code and the Universal Application Instructions, the Instructions in this instance are merely explanatory and no waiver thereof is necessary.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Sherry Green /DATE: 3-17-08

2. During the 2005 Universal Cycle, Madison Manor, Ltd., (“Petitioner”) applied for and was awarded competitive low-income housing tax credits (“Housing Credits”) to finance the construction of Madison Manor Apartments (the “Development”) located in Duval County, Florida.

3. Rule 67-48.004(14)(g), Florida Administrative Code (2005), provides in pertinent part:

(14) 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. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

...(g) Development Type

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. In Petitioner’s original Application, Petitioner indicated that the Development type would be Garden Apartments, however, during the final planning stages, Petitioner determined that the four-story Mid-rise with Elevator type of

Development, which would consist of four stories would better serve the Development's elderly residents.


6. Petitioner has demonstrated that the four-story Mid-rise with Elevator development design would better serve the development's elderly residents by reducing the walking distances between the units and the amenities. Moreover, this change in development type would not affect the scoring of Petitioner's application and thus confer no unfair advantage relative to other applicants.
7. The Board finds that Petitioner has demonstrated that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner and violate the principles of fairness in that unless the petition is granted, Petitioner will not be able to most efficiently serve the intended residents of the Development. Permitting this change in Development would also serve the underlying purpose of the statute.

IT IS THEREFORE ORDERED:

The Petition for a waiver of Rule 67-48.004(14)(g) Florida Administrative Code (2005) is hereby **GRANTED**, to allow Petitioner to change the Development type from Garden Apartments to a four-story Mid-rise with Elevator.

DONE and ORDERED this 14th day of March, 2008.

Florida Housing Finance Corporation

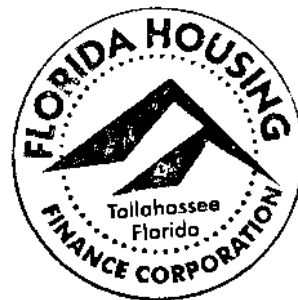
By: 
Chair

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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.