

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: DIXIE COURT ASSOCIATES, LTD

FHFC Case No.: 2009-007VW
Application No.:
2005- 037C/RFP
2006-003C

ORDER GRANTING PETITION FOR WAIVER

THIS CAUSE came on for consideration and final action before the Board of Directors of Florida Housing Finance Corporation ("Florida Housing") on April 24, 2009, pursuant to a "Petition for a Waiver (the "Petition")", filed by Dixie Court Associates, Ltd. ("Petitioner") on March 23, 2008. Notice of the Petition was published in Volume 35, Number 3, 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, Dixie Court Associates, LTD. ("Petitioner") applied for financing for new construction of Dixie Court Apartments (the "Development") located in Broward County, Florida.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Debra M. Harrell DATE: 4/24/09

3. As a consequence of the impact of Hurricane Wilma, FHFC offered additional funding through the SAIL Program's Hurricane Wilma Go-Zone SAIL Cycle (RFP 2006-03) ("Wilma Go-Zone Funding"). Petitioner requested and was awarded a SAIL loan of \$1,025,000.00.
4. Petitioner requests a waiver of the requirement to permit construction of the development of showers as opposed to bathtubs in one building to decrease the number of "slip and fall" incidents involving elderly residents.
5. Part III.B.1.b. of the 2005 Universal Application provides that, with respect to all units in all developments, except SRO, there be provided "Bathtub with shower in at least one bathroom in at least 90% of the new construction of non-Elderly units."
6. Petitioner selected Family demographic in its application, but did not select the Elderly category. Despite the Family commitment in its Application, Petitioner in consultation with the Housing Authority of the City of Ft. Lauderdale, has determined that the market it serves has a significant number of elderly residents. As further support for this request, in connection with the credit underwriting which was performed by Seltzer Management Group with respect to this Development, SMG confirmed that one of the buildings in the Development containing 66 units would be marketed to the elderly.

7. Accordingly, developing units with showers (as opposed to bathtubs with showers) is inconsistent with this goal. The Board finds that permitting this change will better serve the underlying purposes of Chapter 420, Part V, Fla. Stat. and enable them to serve the elderly in a more appropriate manner, as well as avoiding potential injury and hardship to elderly tenants.

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

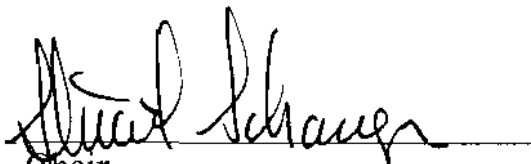
Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

IT IS THEREFORE ORDERED:

The "Petition for Waiver" of Part III.B.1.b. of the 2005 Universal Application Instructions is hereby **GRANTED** to permit 66 of the units in the Development to contain showers only in at least one bathroom on the condition that developer convert 10 of these 66 units into roll-in showers. All other relief requested in the Petition, if any, is denied.

DONE and ORDERED this 24th day of April, 2009.

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.