PETITION FOR WAIVER OF 2011 UNIVERSAL APPLICATION INSTRUCTIONS, HOUSING CREDIT PROGRAM, PART III, SECTION B(2)(a)

Petitioner, Northwest Properties IV, Ltd., a Florida limited partnership ("Northwest IV") petitions Respondent Florida Housing Finance Corporation ("Florida Housing") for a waiver of the requirement to provide electric doorbells in all units located in the Development (as defined below). See 2011 Universal Application Instructions, Housing Credit Program, Part III, Section B(2)(a) (the "Instructions"), which incorporate the Visitability and Universal Design Manual (the "Manual").

Pursuant to Section 120.542, Fla. Stat., and Rule 28-104.001 through 28-104.006, F.A.C., Northwest IV requests a waiver of the Instructions in order to allow for the use of a community-wide access control intercom system installed at a single entry point at each building in the Development (the "Visitor Notification System") in lieu of an electric doorbell at individual unit doors in the Development (the "Required Doorbell"). The Visitor Notification System, coupled with gates at all entrances to each building, provides greater security for the residents of the Development than the Required Doorbell. Unwelcome visitors would be unable to gain access
to any residential building in the entire Development, if not admitted through the Visitor Notification System; the Required Doorbell alone would allow unwanted visitors to reach every unit front door before being detected. Because the Visitor Notification System is an integrated doorbell and intercom device, a resident can be certain that the visitor seeking entry is, in fact, a welcome invitee through voice communication before the visitor enters the property. With the Visitor Notification System in place, individual doorbells would be superfluous. Specifications for the Audio Entrance Station and the Tenant Station that comprise the Visitor Notification System are attached hereto as Exhibit “A”. Specifications for the building fences and gates are attached hereto as Exhibit “B”.

A. **THE PETITIONER**

1. The name, address, telephone and facsimile numbers, and email address for Northwest IV and its qualified representative are:

   Northwest Properties IV, Ltd.
c/o Carlisle Development Group, LLC
Attention: Lindsay Lecour
2950 SW 27th Avenue, Suite 200
Miami, Florida 33133
Telephone: 305-476-8118
Facsimile: 305-476-1557
E-mail: llecour@carlisledevelopmentgroup.com

2. The name, address, telephone and facsimile numbers, and e-mail address of Northwest IV’s attorney, for purposes of this Petition, are:

   Brian J. McDonough, Esquire
STEARNS WEAVER MILLER WEISSLER
ALHADEFF & SITTERSON, P.A.
150 West Flagler Street
Miami, Florida 33130
Telephone: 305-789-3350
Facsimile: 305-789-3395
E-mail: bmcdonough@stearnsweaver.com
B. THE DEVELOPMENT


4. Northwest IV has closed on the financing and housing credit syndication which will provide funds for the construction of 138 units in 6 residential buildings and 2 non-residential buildings intended to serve low-income persons in Fort Lauderdale, Broward County, Florida (the “Development”).

5. The provisions of the 2011 Universal Cycle Application, by incorporation of the Manual, as more particularly described below, require the installation of an electric doorbell for each unit. However, it has been determined by Northwest IV that the use of the Visitor Notification System would provide greater security to the residents.

6. The requested waiver will not adversely affect the Development. However, a denial of this Petition (a) would provide residents with a less secure visitor control system; (b) could result in delay in completing construction of the Development; and (c) would violate principles of fairness\(^1\). § 120.542(2), Fla. Stat. (2011).

7. The waiver being sought is permanent in nature.

\(^1\)“Substantial hardship” means a demonstrated economic, technological, legal or other type of hardship to the person requesting the variance or waiver. “Principles of Fairness” are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. Section 120.542(2), Florida Statutes.
C. **Rule from Which Relief is Requested and Statute Implemented by the Rule**

8. Northwest IV realleges and incorporates Paragraphs 1 through 7 as though fully set forth herein.

9. Northwest IV requests a waiver of Part III, Section B(2)(a) of the Universal Application Instructions that provides as follows:

2. **Required Universal Design and Visitability Features (Threshold):**

All universal design and visitability features must meet the specification outlined in the FHFC Universal Design and Visitability manual (the Manual). The Manual, effective 11-3-29010 is incorporated by reference and available on the 2011 Universal application link labeled Related References and Links.

(a) For all new construction units:

In addition to meeting the requirements outlined in Item III B.1 above, all proposed Developments that involve any new construction units, regardless of the Development Category selected at Part III.A.3.a. of the Application, must include the universal design and visitability features and amenities outlined in Part A.1 of the Manual in all of the new construction units.

Part A.1 of the Manual includes the following:

**Feature:** Electrically-wired door bell accessible to a seated person at the entrance of unit, not more than 48” from finished floor of primary entry door.

10. **The Florida Housing Finance Corporation Act** designates Florida Housing as the State of Florida’s housing credit agency within the meaning of Section 42(h)(7)(A) of the Internal Revenue Code of 1986. As the designated agency, Florida Housing is responsible for and is authorized to establish procedures for the allocation and distribution of low-income

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2 The Florida Housing Finance Corporation Act is set forth in Sections 420.501 through 420.516 of the Florida Statutes (the “Act”). See also, Rule 67.40.020(1), F.A.C. (“‘Act’ means the Florida Housing Finance Corporation Act, section 420.501 through 420.516 of the Florida Statutes”)

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housing tax credits. § 420.5099(1) and (2), Fla. Stat. (2011). The Allocation Procedures were established in Rule Chapter 67, Florida Administrative Code. Accordingly, the Instruction that is the subject of Northwest IV’s waiver request is implementing, among other sections of the Act, the statutory authorization for Florida Housing’s establishment of Allocation Procedures for Housing Credit Programs. § 420.5099(1) and (2), Fla. Stat. (2011).

D. Justification for Petitioner’s Requested Waiver

11. Northwest IV realleges and incorporates Paragraphs 1 through 10 as though fully set forth herein.

12. Under Section 120.542(1), Fla. Stat., and Chapter 28-104, F.A.C., Florida Housing has the authority to grant waivers to its rule requirements when strict application of these rules would lead to unreasonable, unfair and unintended consequences in particular instances. Waivers shall be granted when the person who is subject to the rule demonstrates that the application of the rule would (1) create a substantial hardship or violate principles of fairness, and (2) the purpose of the underlying statute has been or will be achieved by other means by the person. § 120.542(2), Fla. Stat. (2011).

13. In this instance, Northwest IV meets the standards for a waiver.

14. The Visitor Notification System provides greater security for the residents of the Development than the Required Doorbell. The Required Doorbell provides no access control to buildings within the Development, only to individual units. However, the Visitor Notification System prevents unwelcome visitors from gaining access to the buildings of the Development. Because the Visitor Notification System is an integrated doorbell and intercom device, a resident can be certain that the visitor seeking entry is, in fact, a welcome invitee through voice
communication before the visitor enters the property. Other entry points to the Development will be controlled by gates for which all residents will have swipe-card access.

15. The intent of the 48” measurement in the Manual is intended to make the doorbell accessible to a wheelchair-bound visitor to the Development in accordance with the Fair Housing Act. The Visitor Notification System will be equally accessible to visitors and residents of the Development, because design criteria for its installation at the entry gate and intercom boxes in each unit reflect the requirements of the Fair Housing Act and ADA guidelines for forward and parallel wheelchair approaches.

16. Northwest IV has elected to spend additional resources to install the Visitor Notification System, in the best interests of its tenants. Installation of the Required Doorbells would involve cutting through drywall and stucco, which would not only cause delay in the completion of construction of the Development, but would add no value to the security of the residents in their homes. With the Visitor Notification System in place, individual doorbells would be a redundant expense for Northwest IV. It should be noted that, in any unit designated for hearing-impaired residents, Northwest IV is installing strobe alerts as an accompaniment to the Visitor Notification System.

E. Conclusion

17. Controlling statutes and Florida Housing’s Rules are designed to allow the flexibility necessary to provide relief from rule requirements when strict application, in particular circumstances, would lead to unreasonable, unfair, or unintended results. Waivers should be granted when the applicant subject to the rule demonstrates that strict application would: (a) create a substantial hardship or violate principles of fairness; and (b) the purpose of the underlying statute has been or will be achieved by other means. §120.542(2), Fla. Stat. (2011).
18. The requested waiver will not adversely impact the Development or Florida Housing. The goal of incorporating enhanced security into the Development will be achieved through the installation of the Visitor Notification System, with no detriment to any party.

19. A denial of the requested waiver could result in a substantial hardship for Northwest IV which would be required to install a product which is redundant and costly to install compared to the benefit provided by it.

20. Finally, by granting the requested waiver, Florida Housing would recognize the economic realities and principles of fundamental fairness in the development of affordable rental housing. This recognition would promote participation by experienced developer entities in meeting the purpose of the Act through providing appropriate features and amenities within residential units developed for low-income residents.

20. Should Florida Housing require additional information, Northwest IV is available to answer questions and to provide all information necessary for consideration of its Petition for Waiver of Part III, Section B(2)(a) of the Instructions which accompany the 2011 Universal Cycle Application.

WHEREFORE, Petitioner Northwest Gardens IV, Ltd., respectfully requests that the Florida Housing Finance Corporation provide the following relief:

A. Grant the Petition and all relief requested herein;

B. Waive the requirement for the use of the Required Doorbell; and

C. Grant such further relief as may be deemed appropriate.
Respectfully submitted,

STEARNS WEAVER MILLER WEISSLER
ALHADEFF & SITTERSON, P.A.
Counsel for Northwest Gardens IV, Ltd.
150 West Flagler Street, Suite 150
Miami, Florida 33131
Tel: (305) 789-3350
Fax: (305) 789-3395
E-mail: bmcdonough@swmwas.com

By: [Signature]
BRIAN J. MCDONOUGH, ESQ.
GT-1A
Audio Only Tenant Station

FEATURE CALL-OUT:

FEATURE CALL-OUT DEFINITIONS:

[1] Speaker
[3] Door release button
[4] Talk button
[5] Light button / Security guard station call button
[6] Service button (option)
[7] Talk LED
[8] Call tone off LED
[9] Receive volume control
[10] Call tone volume control

SPECIFICATIONS:

Power Source: 24V DC, supplied from GT-BC
Call: Varying ring tones from entrance panel, concierge, or doorbell
Communication: Hands-free or Press-to-talk
Capacity: Max. 4 tenant stations per resident location
Wiring: 2-conductor, PE insulated, common bus
Mounting: Wall mount
Temperature: 32-104°F (0-40°C)
Dimensions: 6-7/8" H x 4-15/16" W x 1-¼" D
Weight: Approx. 0.70 lbs (330g)
GTA-DES
Audio Entrance Station with Digital Directory

DESCRIPTION:

The GTA-DES is an audio entrance station for the GT Multi-Unit entry system. This unit is equipped with an audio module for communication, a 10-key keypad for direct digital dialing, and a VFD display for a greeting message, tenant names & numbers, and system status. The GTA-DES offers a user guide that can be configured to display any one of six languages. The guide provides operational assistance by lighting the appropriate icon as well as offers audible guidance.

The GTA-DES works on a common bus wiring system, carrying the calling and communication functions on a 2 conductor wire. A separate power supply provides voltage to the digital display, while the power for the audio is supplied on the common bus wires.

The entrance station is designed to be semi-flush mount and has an optional rain hood or hooded surface mount box to be used as necessary.

Audio and video entrance panels are intermixable within a system. Audio and video tenant stations are also intermixable, allowing up to two video stations and two audio stations to be used in the same tenant location. (If using the GT-2C, use only additional GT-2H for total of 4 stations within a tenant location).

Communication is hands free at the entrance station when a tenant answers the call.

FEATURES:

- Hands free audio communication
- Direct digit dialing, alphabetical scrolling, or "jump" scrolling by letter to select tenant name
- Digital panel can store up to 500 tenant name/number locations
- Alpha-numeric room numbers and/or names can be programmed
- Access Control door entry with keypad with up to 500 unique codes to activate door release
- Scrolling welcome message, up to 160 characters, adjustable scroll speed
- VFD (Vacuum Fluorescent Display) displays calling unit name and number
- PC program for loading resident information, access codes, and welcome message (Via USB)
- Semi-flush mount, with the option of a rain hood (GT-103H), or surface mounted with hooded box (GT-103HB)
- Zinc die cast weather resistant construction
### GTA-DES
Audio Entrance Station with Digital Directory

#### FEATURE CALL-OUT:

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**FEATURE CALL-OUT DEFINITIONS:**

- Speech Module GT-DA-L & GT-DP-L
  - [1] Speaker
    - Door call-in / Talk / Door release
  - [3] In use LED (orange)

- Digital name scrolling module GT-NS & GT-NSP-L
  - [4] Display
  - [5] Cancel button (or set and return)
  - [7] Back search button (or move cursor to the left)
  - [8] Call button (or set and move forward)
  - [9] Forward search button (or move cursor to the right)

- Digital keypad module GT-10K & GF-10KP
  - [10] 10-key (0~9, *, #)

#### SPECIFICATIONS:

- **Power:** 24V DC, use specified number of PS-2420UL per system configuration
- **Calling:** Electronic ring tone from entrance panel
- **Communication:** Hands free from entrance panel to tenant station
- **Capacity:** Max. 16 Entry panels per system
  - Max. 4 Concierge stations per system
  - Max. 500 Tenant stations per system
  - Max. 4 Tenant stations per unit
- **Wire:** Two sets of 2-conductor, PE insulation
  - (two common buses for audio & video)
  - Aiphone #872002, 2 conductor PE insulated, non-shielded, 11.05 pf/ft
  - Aiphone #871802, 2 conductor PE insulated, non-shielded, 11.05 pf/ft
- **Wiring Distance:** GT-BC to farthest entrance: 980'
  - GT-BC to farthest tenant (audio): 980'
- **Talk Path:** Single channel with privacy
- **Dimensions:** 12-⅝" H x 5-5/16" W x 9/16" D
  - (Outer panel dimensions, not including optional rain hood or surface mount box.)

#### KIT COMPONENTS:

The GTA-DES kit is made up of the following components:

- GT-DA-L: Audio Module with Guidance
- GT-DP-L: Audio Module Panel
- GT-NS: Scroll Module
- GT-NSP-L: Scroll Module Panel
- GT-10K: Keypad Module
- GF-10KP: Keypad Module Panel
- GT-3B: Module Back Box
- GT-3F: 3 Module Frame

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GTA-DES Spec Sheet
0511 Pg.2

Aliphone Corporation
1700 130th Ave NE * Bellevue, WA 98005
Ph: (800) 692-0200 * Fax: (425) 455-0071
tech@aliphone.com