

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Quest Village, Ltd.,

FHFC CASE NO.: 2016-056VW

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**ORDER GRANTING WAIVER OF RULE 67-48.0072(4)(c), F.A.C.**

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on December 9, 2016, pursuant to a “Petition for Waiver” (“Petition”). Florida Housing Finance Corporation (“Florida Housing”) received the Petition on November 18, 2016, from Quest Village, LTD., (“the Petitioner”). Notice of the Petition was published on November 21, 2016, in Volume 42, Number 226, of the Florida Administrative Register. 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. Petitioner was selected to receive SAIL financing, a grant from the corporation, and housing credits under RFA 2014-113 for new construction of 48 low-income quadruplex units to serve special-needs individuals with developmental

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Kate Quinn / DATE: 12-9-16

and intellectual disabilities in Orange County, Florida. Petitioner's Application Number was 2015-004CSG (the "Application").

3. Rule 67-48.0072(4)(c), Fla. Admin. Code, provides in relevant part:

(4) If the invitation to enter credit underwriting is accepted: ...

(c) For SAIL, EHCL, and HOME Applicants, the loan must close within 12 months of the date of the invitation to enter credit underwriting. Applicants may request one (1) extension of up to 12 months .... In the event the loan does not close by the end of the 12 month extension period, the preliminary commitment or firm commitment, as applicable, will be deemed void and the funds will be de-obligated.

4. Petitioner is requesting an extension of the SAIL loan closing date from December 23, 2016 to June 30, 2017, due to delays in the development process caused by Petitioner's continuing efforts to (a) rezone the land to meet the demographics of the Development and (b) reorient the Development improvements on a small area of the site due to due to unforeseen geotechnical conditions.

5. The Board finds that granting the waiver would neither affect the scoring of Petitioner's application nor allow Petitioner to gain an unfair advantage over other applicants.

6. 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.

7. Petitioner has demonstrated that the waiver is needed because of circumstances beyond its control, and that it would suffer a substantial hardship if the waiver is not granted. Petitioner has also demonstrated that the purpose of the underlying statute, which is to “encourage development of low-income housing in the state” (§420.5099, Fla. Stat.), would still be achieved if the waiver is granted.

8. The Board finds that strict application of the above Rule under these circumstances would cause substantial hardship to Petitioner, and that granting this request furthers Florida Housing's statutory mandate to provide safe, sanitary and affordable housing to the citizens of Florida.

**IT IS THEREFORE ORDERED:**

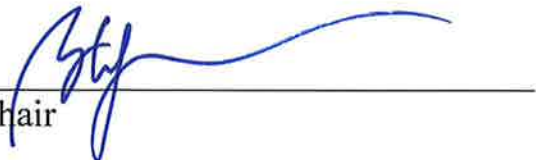
Petitioner’s request for a waiver of Rule 67-48.0072(4)(c), Florida Administrative Code (2013) is hereby **GRANTED** to permit Petitioner an extension of the SAIL loan closing date from December 23, 2016 to June 30, 2017.

DONE and ORDERED this 9th day of December, 2016.

Florida Housing Finance Corporation

By: \_\_\_\_\_

Chair



**Copies furnished to:**

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Joint Administrative Procedures Committee  
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## **NOTICE OF RIGHT TO JUDICIAL REVIEW**

**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.**