

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: Spinal Cord Living-Assistance
Development, Inc.

FHFC CASE NO.: 2018-069VW

ORDER GRANTING WAIVER OF RULE 67-48.0072(4)(c)

THIS CAUSE came on for consideration and final action before the Board of Directors of the Florida Housing Finance Corporation on September 14, 2018, pursuant to a "Petition for Waiver" ("Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on August 21, 2018, from Spinal Cord Living-Assistance Development, Inc. ("Petitioner"). Notice of the Petition was published on August 22, 2018, in Volume 44, Number 164 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 State Apartment Incentive Loan ("SAIL") and Extremely Low Income ("ELI") funding under Request for Applications (RFA) 2015-101, to assist in the construction of a Development serving low-income families with special needs in Miami-Dade County, Florida.
3. Rule 67-48.0072(4)(c), Fla. Admin. Code, provides:

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Tom Gulamony PATL 9/17/18

(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. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. . . . 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 was invited to credit underwriting on June 22, 2015 and received a 12-month extension of the closing deadline and of the credit underwriting deadline to June 22, 2017. Petitioner's credit underwriting deadline was extended from June 22, 2017 to December 8, 2017. It was again extended from December 8, 2017 to June 8, 2018, and from June 8, 2018 to July 27, 2018. The July 27, 2018 credit underwriting deadline was met by Petitioner. Petitioner's closing deadlines for both the SAIL and ELI loans were extended from June 22, 2017 to March 31, 2018, and then until September 14, 2018. Petitioner now requests an additional extension of the closing deadlines to December 14, 2018. Because the credit underwriting process has been completed, Petitioner believes it may be in a position to close the SAIL and ELI funding by the September 14 deadline, but is seeking this extension in the event that the permit process is further delayed.

5. The Board finds that granting this waiver will not impact other participants in funding programs administered by Florida Housing, nor would it detrimentally impact Florida Housing or the Development.

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 strict application of the above Rule under these circumstances would constitute a substantial hardship and violate the principals of fairness. 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), Fla. Admin. Code, is **GRANTED** so that the SAIL and ELI loan closing deadlines may be extended from September 14, 2018 to December 14, 2018.

DONE and ORDERED this 14th day of September, 2018.



Florida Housing Finance Corporation

By:


Chair

Copies furnished to:

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NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO ADMINISTRATIVE 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.