modification or deviation from the Application or create a misunderstanding of any kind, Applicant shall notify the Corporation. All changes to the Development plans, resident programs and other specifications which were used to describe the Development in accordance with this rule chapter and UAHCMS and HOMEHAPPYHAPPY and the Credit Underwriter and Development servicer are affected by this prior notification requirement. Failure to obtain the Corporation's approval prior to implementing any such changes shall result in the Applicant and any of the Applicant's Affiliates being unable to participate in any program administered by the Corporation for a period of two years, which shall begin from the date the Board approves the, .disqualification of the Applicant and its Application. Specific Authority: 40:30:57 P.L. Line 1107: 420:3807 420:3808 P.S. History—New 7:24:0 New Amended 12:23:98, 7:20:94 1:6/06, Formerly 4:48:004, Amended 4:7:98, 11:9:98, 2:24:06, 3:2:06, 2:7:07.

67-48.005 Applicant Administrative Appeal Procedures. (1) At the conclusion of the review and scoring process established by Rule 67-48.004, P.A.C., each Applicant will be provided with its final score and notice of rights, which shall constitute the sole point of entry to contest any issue failed to the Applicant's Application for the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME) Program or the Housing Credit (HC) Program. (2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st Calendar Day after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.311(1), F.A.C., as applicable, and specify in detail each issue and score sought to be challenged. Submissions by facsimile or other electronic means will not be accepted if the petition does not raise a disputed issue of material fact, the challenge will be considered pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(3), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the department hearing officer which will then be considered by the Board. (3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument shall be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and must not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite #500, Tallahassee, Florida 32301-1329 no later than 5:00 p.m., Eastern 'sate, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders. (4) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S. and in accordance with the prioritization of the QAP and Rate Chapter 67-48, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board, the Corporation shall, if any such Applicant unconditionally obtains a final order that modifies the score so that its Application would have been in the next available funding category, provide the request for a new Application and/or allocation (as applicable) from the next available funding and/or allocation (as applicable), whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements. (5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the sole point of entry to contest any ranking or scoring issue related to any other Applications for the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME) Program or the Housing Credit (HC) Program. An Applicant that wishes to contest the final ranking of score of another Applicant may so only if: (a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). Submission by facsimile or other electronic means will not be accepted. The petition must conform to subsection 28-106.201(2) or 28-106.311(1), F.A.C., as applicable, and specify in detail each issue, score or ranking sought to be challenging. (b) For any Application cycle closing after January 1, 2002, if the concerned issue involves an error in scoring the contested issue must be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., or (ii) be one that could have been cured by an error not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, it is presumed that a contested issue would have been cured, unless a petition can prove by competent and credible evidence that the contested issue was not feasibly curable within a reasonable time. (c) The competing Applicant alleges facts in its petition sufficient to disprove that, but for the specifically identified error, scoring or ranking would have resulted in the challenged Application's, its Application would have been in the funding category at the time Florida Housing provided the Applicant with its final ranking. (d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(3), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board. (e) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument shall be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and must not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite #500, Tallahassee, Florida 32301-1329 no later than 5:00 p.m., Eastern 'sate, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.
written arguments to the Board. Any written arguments should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m. Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and issue the appropriate final orders.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a filed order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested funding and/or allocation (as applicable) from the next available funding and/or allocation (as applicable), whether in the current year or a subsequent year, notting contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507 FS. Low Inflationary 123.57, 420.507, 420.508(1), 420.5099 FS. History—New 7-2-96, Amended 12-23-96, 1-6-98, Formerly 41-48.905, Amended 7-9-98, 2-24-01, 2-21-01, 3-17-02, 10-8-02.

67-48.006 Compliance and Reporting Requirements. (1) Any daily authorized representative of the Corporation shall, at any time during normal business hours, inspect and monitor the construction or rehabilitation of Development. Any daily authorized representative of the Corporation or the Contractor shall be permitted at any time during normal business hours to inspect and monitor Development and Construction Activities. All records and records shall be maintained by the owner of the Development within 50 miles of the Development site.

(2) On-site inspections for HC Developments:
(a) An authorized representative of the Corporation will, at any time during normal business hours, conduct on-site construction inspections during the construction or rehabilitation of a Competitive HC Development. Any required re-inspection due to a finding of non-compliance will be at the Applicant's expense.
(b) An authorized representative of the Corporation will, at the Applicant's expense, conduct a minimum of one on-site construction inspection of a Non-Competitive HC Development which has not received any other Florida Housing Finance Corporation inspection due to a finding of non-compliance will be at the Applicant's expense.
(c) The Corporation or its representatives shall conduct on-site Development inspections at a minimum of every three years, with a typical frequency of annual reviews.

(4) The Corporation must approve the selection or replacement of a management company prior to such company assuming responsibility for the Development, using the following criteria:

(a) Review of company information including key management personnel, management experience and procedures.
(b) Review of company forms such as application for apartment residence, income verification forms, lease, etc.
(c) Key management company representatives automobile at Corporation compliance workshop.
(d) A meeting between Corporation compliance staff and the key management company representatives.
(e) The Corporation will document approval of the management company to the owner of the Development after successful completion of terms of (a)-(d).
(f) The owner of the Development shall maintain complete and accurate income records pertaining to each resident occupying a Low-income or Very Low-income unit. Records for each occupied Low-income or Very Low-income unit shall contain the following documentation:

(g) The resident's written application containing the name or names of each household member, employment and income information for each household member, and other information required by the owner of the Development;
(h) An executed lease agreement listing the terms of the tenancy and all of the residents residing in the unit;
(i) Verification of the income of each resident as acceptable to prove income under Section 8 of the U.S. Housing Act of 1937, as in effect on the date of this rule change;
(j) Information as to the assets owned by each resident.
(k) Income Certification Form TIC-1 for each resident. A sample Form TIC-1 can be obtained from the Corporation.
(l) The Applicant shall submit Program Reports pursuant to the following:

(a) The initial HC Program Report shall be submitted upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 days following the leasing of any unit. Subsequent Program Reports shall be submitted each year of the Housing Credit Compliance Period and shall be due no later than the date assigned by the Corporation. The Program Report is accompanied by:

1. Reuse of Tenant Income Certification Information Form AR-1.
2. Copies of Tenant Income Certifications executed since the last Program Report for at least 10% of the Housing Credit Set-Aside units in the Development (to be sent to the monitoring agent only); and
3. With respect to the HC Program, the Annual Owner Compliance Certification Forms to be signed by the owner of the Development certifying this for the preceding 12 month period the Development met its Housing Credit Set-Aside requirements is to be sent to the Corporation only. Forms P-1, AOC-1 and AR-1 shall be provided by the Corporation and shall be submitted for all Developments receiving Housing Credit Allocations since January 1, 1987.

(b) The initial HOME Program Report shall be submitted prior to the start of loan closing, if occupied, or if not occupied at loan closing upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 days following the leasing of any unit. Subsequent Program Reports shall be submitted annually on the dates assigned by the Corporation. The Program Report shall be accompanied by: