

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

In Re: SOCIETY OF ST. VINCENT DE
PAUL SOUTH PINELLAS, INC.
(Ozanam Village II)

FHFC CASE NO.: 2019-064VW

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 August 2, 2019, pursuant to a "Petition for Waiver" ("Petition"). Florida Housing Finance Corporation ("Florida Housing") received the Petition on July 17, 2019, from Society of St. Vincent De Paul South Pinellas, Inc. ("Petitioner"). Notice of the Petition was published on July 18, 2019, in Volume 45, Number 139, 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 an award of SAIL and ELI Gap funding under Request for Applications 2015-109 (the "RFA") to assist in the construction of a 30-unit development serving persons with special needs in Pasco County called Ozanam Village II.

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

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3. Rule 67-48.0072(4)(c), Fla. Admin. Code (2014), provides: “For SAIL, EHCL, and HOME Applicants the loan must close within 12 months of the date of the invitation to enter credit underwriting.”

4. On February 8, 2016, Florida Housing issued a preliminary commitment letter and an invitation to enter credit underwriting to Petitioner with a closing deadline of February 8, 2017. On December 9, 2016, Florida Housing approved a one-year extension of the closing deadline until February 8, 2018. On January 26, 2018, the Board approved a waiver of the above Rule to allow it to extend the closing deadline until August 8, 2018. On July 27, 2018, the Board approved a waiver of the above Rule to allow it to extend the closing deadline until August 8, 2019. On March 27, 2019, the Corporation issued a firm loan commitment to Petitioner. Petitioner asserts that additional time is necessary because it desires to close this loan simultaneously with the loan closing for Ozanam Village III, and that while it has completed nearly all items on the closing checklist, it is still awaiting certain approvals from Pasco County.

5. The Board finds that granting the waivers will not have any impact on other participants in funding programs administered by Florida Housing, nor would it have a detrimental impact on Florida Housing or the Development.

6. 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.

7. Petitioner has demonstrated that the waivers are needed in order to efficiently serve persons with disabilities and that, if the waivers were not granted, Petitioner would suffer a substantial hardship. 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 waivers are granted.

8. The Board finds that strict application of the above Rules 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 (2014) is hereby **GRANTED** to allow the deadline for closing on the SAIL and ELI loans to be extended until November 6, 2019.

DONE and ORDERED this 2nd day of August, 2019.



Florida Housing Finance Corporation

By:

Ray D. [Signature]
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.