

ORDINANCE NUMBER 2008-10

AN ORDINANCE OF THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS KNOWN AS THE HERNANDO COUNTY HOUSING ASSISTANCE PROGRAM AND TRUST FUND. PROVIDING FOR A SHORT TITLE; PROVIDING FOR DEFINITIONS, PROVIDING FOR PURPOSE AND OBJECTIVES OF THE PROGRAM; PROVIDING FOR THE ESTABLISHMENT OF THE HERNANDO COUNTY HOUSING ASSISTANCE PROGRAM; PROVIDING FOR THE DESIGNATION OF RESPONSIBILITY FOR IMPLEMENTATION OF THE PROGRAM; PROVIDING FOR THE CREATION OF AN AFFORDABLE HOUSING ASSISTANCE TRUST FUND; PURPOSE AND USE OF SAID TRUST FUND; PROVIDING FOR THE CREATION OF AN AFFORDABLE HOUSING ADVISORY COMMITTEE, TERMS, DUTIES AND RESPONSIBILITIES OF SAID COMMITTEE; PROVIDING FOR GUIDELINES TO BE UTILIZED BY THE ADVISORY COMMITTEE IN ADOPTION OF RECOMMENDATIONS FOR THE HERNANDO COUNTY AFFORDABLE HOUSING INCENTIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

SECTION I. Short Title.

This ordinance shall be known as the Hernando County Housing Assistance Program and Trust Fund.

SECTION II. Definitions.

As used in this Ordinance, the terms:

- A. Adjusted for Family Size - means adjusted in a manner which results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determined as provided in Florida Statutes, based upon a formula established

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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by the United States Department of Housing and Urban Development.

- B. Adjusted Gross Income - means wages, income from assets, regular cash or non-cash contributions, and any other resources and benefits determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, minus the deductions under Section 61- of the Internal Revenue Code of 1986, as amended.
- C. Affordable - means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in paragraphs J, K or N. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.
- D. Eligible Housing - means any real and personal property located within the county which is designed and intended for the primary purpose of providing decent, safe and sanitary residential units that are designed to meet the standards of Chapter 8, County's Code of Ordinances and Chapter 553, Florida Statutes, for home ownership or rental for eligible persons as designated by the County.
- E. Eligible Person - means one or more natural persons or a family determined by the County to be of very low-income, low-income or moderate-income according to the adjusted gross income of the resident with adjustment made for family size.
- F. Eligible Sponsor - means a person or a private or public for-profit or not-for-profit entity that applies for a loan under the Hernando County Housing Assistance Program for the purpose of providing eligible housing for eligible persons.
- G. Grant - means an award from the local housing assistance trust fund to an eligible sponsor or eligible person to partially assist in the construction, rehabilitation, or financing of eligible housing or to provide the cost of tenant or ownership qualifications without requirement or repayment as long as the condition of award is maintained.

- H. Loan - means an award from the local housing assistance trust fund to an eligible sponsor or eligible person to partially finance the acquisition, construction, or rehabilitation of eligible housing with requirement for repayment or provision for forgiveness for repayment if the condition of the award is maintained.
- I. Hernando County Housing Assistance - means a concise description of the Hernando County Housing Assistance Program adopted by this Ordinance with an explanation of the way in which the program meets the requirements of this Ordinance and sections 420.907 through 420.9079, Florida Statutes.
- J. Low-Income Person - means one or more natural persons or a family, not including students, that has a total annual adjusted gross household income that does not exceed 80% of the median annual adjusted gross income for households within the state or 80% of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area within the County, whichever amount is greater. With respect to rental units, the low-income person's annual income at the time of initial occupancy may not exceed 80% of the state's median income adjusted for family size. While occupying the rental unit, a low-income person's annual income may increase to an amount not to exceed 140% of 80% of the state's median income adjusted for family size.
- K. Moderate Income Person - means one or more natural persons or a family, not including students, that has a total annual adjusted gross household income that is less than 120% of the median annual adjusted gross income for households within the state or 120% of the median annual adjusted gross income for households within a metropolitan statistical area or, if not within a metropolitan statistical area, within the County, whichever is greater. With respect to rental units, the moderate-income person's annual income at the time of initial occupancy may not exceed 120% of the state's median income adjusted for family size. While occupying the rental unit, a moderate income person's annual income may increase to an amount not to exceed 140% of 120% of the state's median income adjusted for family size.
- L. Persons Who Have Special Housing Needs - means individuals who have incomes not exceeding moderate income and because of particular social, economic or health-related circumstances, may have greater difficulty acquiring or maintaining affordable housing. Such persons may have, for example, encountered resistance to their residing in particular communities, and may

have suffered increased housing costs resulting from their unique needs and high risk of institutionalization. Such persons may include, but are not limited to, persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaway and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

M. SHIP or SHIP Program - means the State Housing Initiatives Partnership Program created pursuant to the State Housing Initiative Partnership Act, ss.420.907-420.9079, Florida Statutes.

N. Very Low Income Person - means one or more natural persons or a family, not including students, that has a total annual adjusted gross household income that does not exceed 50% of the median annual adjusted gross income for households within the state or 50% of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the County, whichever is greater. With respect to rental units, the very low-income person's annual income at the time of initial occupancy may not exceed 50% of the state's median income adjusted for family size. While occupying the rental unit, a very low-income person's annual income may increase to an amount not to exceed 140% of 50 % of the state's median income adjusted for family size.

### **SECTION III**            Purpose and Objectives

The purpose of the Hernando County Housing Assistance Program is to make affordable residential units available to persons for very low-income, low-income or moderate income and persons who have special housing needs, including, but not limited to, homeless people, migrant farm works and persons with developmental disabilities. The Hernando County Housing Assistance Program shall combine local resources and cost saving measures into a partnership by using private and public funds in order to reduce the cost of housing. Implementation of the housing assistance program shall involve to the greatest extent possible, local government, lending institutions, housing developers, community based housing and service organizations, and providers of professional services relating to affordable housing, The Hernando County Housing Assistance Program, through the Hernando County Housing Authority as the administrative coordinator: enlist the support of local lending institutions for innovative financing techniques designed to meet the special needs of eligible persons or eligible sponsors; encourage developers to construct

low-cost housing; and otherwise encourage local organizations to construct or assist in construction of affordable housing using creative and innovative techniques designed to provide affordable homes to eligible persons. Inclusive in the administrator's responsibilities will be the securing of professional services to provide training to prepare persons for the responsibility of home ownership, and to counsel tenants.

**SECTION IV.**            Establishment of the Hernando County Housing Assistance Program.

The Hernando County Housing Assistance Program is hereby established by this Ordinance. The Program as described by this section is a blueprint of affordable housing projects the Hernando County Board of County Commissioners will use to construct its final goal of affordable housing for eligible persons. The detailed design specifications for the use of the trust fund monies will be adopted by resolution in the Hernando County Housing Assistance Plan (attached as Exhibit I), after review of the statutory requirements and the local needs. The County Commissioners will, after giving due deliberation to the recommendations of its designated administrator and the comments of the public, adopt this Hernando County Local Housing Assistance Plan.

**SECTION V.**            Designation of Responsibility for Implementation Of The Program.

The Hernando County Board of County Commissioners hereby designates the Hernando County Housing Authority as the agency whose responsibility will be the development and implementation of the Hernando County Housing Assistance Program. The County's Housing Authority shall be responsible for coordinating with the Agency in facilitating the funding of SHIP loans and in setting up advertisements and workshops to advise potential home buyers of the Down Payment Assistance Program. The Hernando County Housing Authority will work with the Local Housing Partnership to monitor the success of the Program, and provide advice and suggestions as to whether and in what ways the Program might be improved from year to year. The total amount paid for Administrative Expenses in connection with such Program, including any costs of employee's salary and benefits, shall not exceed 10% of the proceeds of the SHIP funds. The County will not treat as an Administrative Expense any costs previously borne by another funding source which continue to be available at the time the Agency's Local Housing Assistance Plan is submitted.

**SECTION VI.**

Hernando County Housing Assistance Trust Fund

There is hereby established a separate trust fund to be known as the Hernando County Housing Authority Assistance Trust Fund. All monies received from the state pursuant to the State Housing Initiative Partnership Act or the federal government and any local or private monies contributed for the purposes established by the Hernando County Housing Assistance Program shall be deposited into this Trust Fund. The assets in the Trust Fund may be deposited or invested as provided by law. No expenditure, other than for the administration and implementation of the Hernando County Housing Assistance Program, may be made from this Trust Fund. Expenditures other than for Administrative Expenses and implementation of the Hernando County Housing Assistance Program may not be made from the Hernando County Assistance Trust Fund. Until utilized for the purposes thereof, monies in the Trust Fund shall be held in trust by the County solely for usage pursuant to the Program. All program income, including investment earnings, shall be retained in the Hernando County Assistance Trust Fund and used for the purposes hereof. The County agrees that the Local Administrative Expenses in connection with such Program, including any costs of employee's salary and benefits, shall not exceed 10% of the proceeds of the SHIP funds. The County feels that the 5 % is not sufficient to administer and implement the SHIP Program in the initial year, The County will not treat as an Administrative Expense any costs previously borne by another funding source which continue to be available at the time the Hernando County Local Housing Assistance Plan is submitted.

**SECTION VII.**

Hernando County Affordable Housing Advisory Committee.

A. There hereby created the Hernando County Affordable Housing Advisory Committee, whose members shall be appointed by resolution of the Board of County Commissioners.

B. The committee shall consist of eleven (11) members. Six (6) members shall constitute a quorum. The committee may not take formal actions unless a quorum is present but may meet to hear presentations if duly noticed. The committee shall include the following, which individuals may overlap with or be a part of the Local Housing Partnership referred to in Section 420.9071(16), Florida Statutes,:

1. One (1) citizen who is actively engaged in the residential home building industry in connection with affordable housing;
2. One (1) citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing;
3. One (1) citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;
4. One (1) citizen who is actively engaged designated as an advocate for low-income persons in connection with affordable housing;

5. One (1) citizen who is actively engaged as a not-for-profit provider of affordable housing;
6. One (1) citizen who is actively engaged as a for-profit provider of affordable housing;
7. One (1) citizen who is actively engaged as a real estate professional in connection with affordable housing.
8. One (1) citizen who actively serves on the local planning agency pursuant to s. 163.3174;
9. One (1) citizen who resides within the jurisdiction of the local governing body making the appointments
10. One (1) citizen who represents employers within the jurisdiction;
11. One (1) citizen who represents essential services personnel, as defined in the local housing assistance plan

C. Members shall serve for two-year terms and may be reappointed for subsequent terms.

D. Meetings shall be held monthly for the first year of committee existence and quarterly, or more frequently as necessary thereafter.

E. The Committee shall comply with the Government in the Sunshine Law, the public records law and the special provisions regarding notice of Plan considerations found in Chapter 420, Florida Statutes. Minutes of the meeting will be kept by the Clerk to the Board.

F. The Committee shall annually elect a Chairperson, Vice Chairperson and such other offices as it deems necessary. The Chairperson is charged with the duty of conducting the meetings in a manner consistent with law.

G. Staff, administrative and facility support for the Advisory Committee shall be provided by the Board of County Commissioners and the Hernando County Housing Authority.

H. The Advisory Committee shall have the following duties:

1. Triennially review the established policies and procedures, ordinances, land development regulations, and adopted comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, the committee shall submit a report to the county commission that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas;

- (a) The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.
  - (b) The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
  - (a) The allowance of flexibility in densities for affordable housing.
  - (b) The reservation of infrastructure capacity for housing of very low-income, low-income persons, and moderate income persons.
  - (c) The allowance of affordable accessory residential units in residential zoning districts.
  - (f) The reduction of parking and setback requirements for affordable housing.
  - (g) The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.
  - (h) The modification of street requirements for affordable housing.
  - (i) The establishment of a process by which the local government considers before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
  - (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
  - (k) The support of development near transportation hubs and major employment centers and mixed-use developments.
2. Make recommendations approval by a majority of its membership at a public hearing. Notice of the time, date and place of the public hearing of the Advisory Committee to adopt a final affordable housing incentive recommendations shall be advertised in a newspaper of general circulation in the County before the scheduled hearing. The notice of the public hearing must contain a short, concise summary of the affordable housing initiative recommendations to be considered by the Advisory Committee. The notice shall also state the place where a copy of the tentative Advisory Committee recommendations can be obtained.

**SECTION VIII. Hernando County Affordable Housing Incentive Plan Adoption**

Within ninety (90) days after the date of the receipt of the affordable housing incentive recommendations from the Advisory Committee, the Board of County Commissioners shall adopt by ordinance, the Hernando County Affordable Housing Incentive Plan. The Incentive plan shall at a minimum consist of specific initiatives encouraging and facilitating affordable housing, scheduling the implementation of the initiatives and scheduling implementation of expedited permit processing for affordable housing projects and finally, shall include a process for review of local policies, ordinances, regulations and planned provisions that significantly impact the cost of housing. The Board of County Commissioners shall upon adoption of the Incentive plan send a certified copy to the Florida Housing Finance Agency.

**SECTION IX. Severability.**

If any phrase or portion of this Ordinance or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

**SECTION X. Inclusion Into The Code**

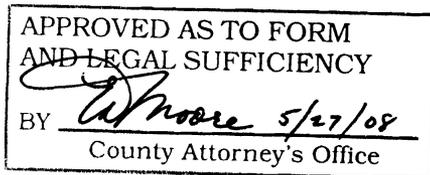
The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION XI. Effective Date.**

This Ordinance shall become effective upon receipt of the official acknowledgement from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 20TH DAY OF MAY, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**



BY   
**CHRISTOPHER A KINGSLEY, CHAIRMAN**



ATTEST   
**KAREN NICOLAI, CLERK**

EXHIBIT I

RESOLUTION NO. 2008-105

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA APPROVING THE LOCAL HOUSING ASSISTANCE PLAN FOR FISCAL YEARS 2008/2009, 2009/2010 AND 2010/2011 AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE CHAIRMAN TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Sessions Laws, allocating a portion of documentary stamps taxes on deeds to local governments for the development and maintenance of affordable housing; and,

**WHEREAS**, the State Housing Initiatives Partnership (SHIP) Act, ss 420.907 – 420.9079, Florida Statutes (1992), and Rule Chapter 67-37, Fla. Admin. Code, requires local governments to develop a one to three-year Local Housing Assistance Plan outlining how such funds will be used; and,

**WHEREAS**, the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each housing strategy; and,

**WHEREAS**, the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefiting from awards made pursuant to the Act; and,

**WHEREAS**, the methodology used will be U.S. Department of Treasury Revenue Proclamation 2006-17 with the purchase price limits set forth in the Local Housing Assistance Plan; and,

**WHEREAS**, the Hernando County Housing Authority has prepared a three-year Local Housing Assistance Plan for fiscal years 2008/2009, 2009/2010 and 2010/2011 for submission to the Florida Housing Finance Corporation for review and approval; and,

**WHEREAS**, as required by Chapter 67-37.005(6) (f) 3, F.A.C. It is found that 10 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan. The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund.

**WHEREAS**, the Hernando County Board of County Commissioner request approval of its Local Housing Assistance Plan in order to qualify for documentary stamp tax funds and in furtherance of the public health, safety and welfare of Hernando County, Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:**

1. The Hernando County Board of County Commissioners hereby approves the Housing Assistance Plan for fiscal years 2008/2009, 2009/2010 and 2010/2011 (as attached hereto and incorporated herein by reference) and authorizes its submission to the Florida Housing Finance Corporation pursuant to ss 420.907 – 420.9079, Fla. Stat., and Rule Chapter 67-37, Fla. Admin. Code.
2. The Chairman is hereby designated and authorized to execute any documents and certifications required by the Florida Housing Finance Corporation as related to the Local Housing Assistance Plan, and to do all things necessary and proper to carry out the term and conditions of said program.
3. This Resolution shall take effect upon its adoption.

**PASSED AND ADOPTED IN** regular Session on April <sup>22</sup>29, 2008.



BY:

*Karen Nicola*  
KAREN NICOLA  
CLERK

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

*Christopher A. Kingsley*  
CHRISTOPHER A. KINGSLEY  
CHAIRMAN

Approved as to Form  
And Legal Sufficiency: \_\_\_\_\_