

**ORDINANCE, 97-4**

**ORDINANCE**

AN ORDINANCE ESTABLISHING THE CALHOUN COUNTY AFFORDABLE HOUSING ASSISTANCE PROGRAM; PROVIDING A SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR OBJECT AND PURPOSE OF THE PROGRAM; PROVIDING A FINDING; PROVIDING FOR THE ADOPTION OF THE CALHOUN COUNTY AFFORDABLE HOUSING ASSISTANCE PLAN; PROVIDING FOR THE CREATION OF THE AFFORDABLE HOUSING TRUST FUND; PROVIDING FOR THE PURPOSES AND USES OF THE TRUST FUND; PROVIDING FOR PROGRAM IMPLEMENTATION; PROVIDING FOR THE CREATION OF AN AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR TERMS OF THE COMMITTEE; PROVIDING FOR DUTIES AND RESPONSIBILITIES OF THE COMMITTEE; PROVIDING FOR GUIDELINES TO BE UTILIZED BY THE COMMITTEE IN ADOPTING A RECOMMENDED AFFORDABLE HOUSING INCENTIVE PLAN; PROVIDING FOR ADOPTION OF AN AFFORDABLE HOUSING ASSISTANCE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION IN THE CALHOUN COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

Dec 22 10 22 AM '97

FILED

WHEREAS, questions have arisen regarding the adoption of certain ordinances in Calhoun County, including questions regarding the adoption of the predecessor of this ordinance and in an abundance of caution and pursuant to the emergency procedures contained in Florida Statute §125.66(3), the Board of County Commissioners have chosen to readopt certain ordinances; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA:

## **SECTION 1.**

### **TITLE.**

This Ordinance shall be known and may be cited as the "Calhoun County Affordable Housing Assistance Ordinance".

## **SECTION 2.**

### **DEFINITIONS.**

The following terms, when used in this Ordinance shall have the meanings respectively assigned to term in this Section. Except as to the term "moderate income person", the definitions set forth in Rule 91.37.002, Florida Administrative Code, or its successor provisions, are hereby adopted for the purposes of this Ordinance. The definitions in the Land Development Code of Calhoun County shall also apply unless the context or intent of this Ordinance clearly demands otherwise:

(a) **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 equal to or less than that person, those persons or that family which qualifies as a low income family of four (4) individuals; provided that such person, persons or family is not classified as low income or very low income.

(b) **Calhoun County Affordable Housing Incentive Plan (sometimes referred to as the "Incentive Plan"):** A plan of regulatory incentives directed at the goal of making housing available at affordable prices by means such as cost reduction in the development process.

(c) **Calhoun County Affordable Housing Assistance Plan (sometimes referred to as the "Plan"):** A concise description of the Calhoun County Affordable Housing Assistance Program adopted by this

Ordinance with a detailed explanation of the methods by which the Program will be implemented and meet the requirements of this Ordinance, Sections 420.907 through 420.9079, Florida Statutes, and other applicable law. Such methods of implementation shall include, but not be limited to, the uses of all County funds, whether the source be Federal, State or local, which will be used to provide and encourage affordable housing in Calhoun County.

(d) **Calhoun County Affordable Housing Assistance Program (sometimes referred to as the "Program").** The framework, as established by this Ordinance, for addressing affordable housing needs in Calhoun County.

### **SECTION 3.**

#### **PURPOSE AND OBJECTIVES; FINDINGS.**

(a) The purpose of the Calhoun County Affordable Housing Assistance program is to make affordable residential units available to persons of very low income or low income, those persons defined as moderate income herein, and persons who have special housing needs including, but not limited to, homeless people and migrant farmworkers. The 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.

(b) The Calhoun County Affordable Housing Assistance Plan and Calhoun County Affordable Housing Incentive Plan shall be adopted by the Board of County Commissioners of Calhoun County in accordance with this Ordinance.

(c) Although this Ordinance is not a land development regulation, the provisions of this Ordinance are consistent with the goals, policies and objectives of the Calhoun County Comprehensive Plan.

#### **SECTION 4.**

##### **CALHOUN COUNTY AFFORDABLE HOUSING TRUST FUND.**

(a) There is hereby established a separate trust fund to be known as the "Calhoun County Affordable Housing Assistance Trust Fund" (sometimes referred to as the "Fund").

(b) All funds received from the State pursuant to the State Housing Initiatives Partnership Act, from the Federal government for the purposes of providing affordable housing, from any local or private contributions made for the purposes established by the Calhoun County Affordable Housing Assistance Program and all Program income, including, but not limited to, investment earnings, shall be deposited into the Fund and may be used only for the purposes of the Program.

(c) The assets in the Fund may be deposited or invested as provided by law.

(d) No expenditure, other than for the administration and implementation of the Program, may be made from the Fund.

(e) Funds deposited in the Fund may be used to administer the Program and the Calhoun County Affordable Housing Assistance Plan in accordance with the provisions of this Section and Resolution Number 93. The County specifically finds the cost of administering the Program exceeds five percent (5%) of the funding guaranteed from the State. Therefore, the Fund may be used for Administrative expenses; provided, however, that administrative expenses shall not exceed ten percent (10%)

of the local housing distribution. Resolution Number 93-03 has been adopted to coincide with this provision. <sup>15-5</sup>

(f) The Fund shall be separately stated as a special revenue fund in the County's audited financial statements. Copies of such audited financial statements shall be forwarded each year to the Florida Housing Finance Agency and the Affordable Housing Advisory Committee created in Section 7 of this Ordinance as soon as practical after such statements are available.

(g) The detailed design specifications for the proposed uses of the Fund will be adopted in the Assistance Plan with consideration being given to the requirements of law and the local needs.

(h) The Fund shall be used only to:

(1) Provide local matching funds in order to obtain Federal or State housing grants. More specifically, such matching funds will be expended in accordance with the programs provided for in this Ordinance and in accordance with the regulations of each corresponding Federal or State program.

(2) Construct or repair homes for very low, low income persons and moderate income persons (as defined herein) in Calhoun County. The County shall solicit local developers and contractors and other organizations willing to construct affordable housing and offer such incentives as the County adopts in the Incentive Plan. Incentives may include, but are not limited to, assistance in the construction of the infrastructure for eligible neighborhoods, impact fee credits and payments towards or the purchase of land by the County upon which construction will occur. The County shall also solicit lending institutions to work with the County and the eligible sponsor or person in providing

low cost loans, interest point buy-down programs and other cost saving mechanisms in order to facilitate home ownership for very low, low income persons and moderate income persons (as defined herein).

(3) As a supplement to Florida Housing Finance Agency programs for use within the County.

(4) To provide emergency repairs by existing service providers under weatherization programs.

## **SECTION 5**

### **ESTABLISHMENT OF THE CALHOUN COUNTY AFFORDABLE HOUSING ASSISTANCE PROGRAM.**

(a) The Calhoun County Affordable Housing Assistance Program is hereby established.

(b) The Program is a blueprint or outline of potential affordable housing projects the County will use to construct its final goal of assuring the available of affordable housing for eligible persons.

(c) In order to implement the Program, the Board of County Commissioners will, after considering the input of the Administrative Coordinator and the comments of the public, adopt the Calhoun County Affordable Housing Assistance Plan.

(d) In order to further implement the Program, the Board of County Commissioners will, after considering the recommendations of the Affordable Housing Advisory Committee created in Section 7 of this Ordinance, the advice of the Administrative Coordinator and the comments of the public, adopt the Calhoun County Affordable Housing Incentive Plan.

(e) The Assistance Plan and Incentive Plan may include all other lawful Programs and objectives not set forth in this Ordinance if said objectives have been adopted into the Plan in the manner provided by law.

(f) In implementing the Assistance Plan the County shall:

(1) At least thirty (30) days prior to the beginning of any application period, advertise the availability of the Program and Assistance Plan in a newspaper of general circulation and, to the extent practicable, in periodicals serving ethnic and diverse neighborhoods.

(2) Adopt a maximum awards schedule or system of awards that comply with the following criteria:

(A) At least sixty-five percent (65%) of the Calhoun County Affordable Trust Fund shall be expended for home ownership for eligible persons.

(B) At least seventy-five percent (75%) of the Fund shall be reserved for the actual construction, rehabilitation or emergency repair of affordable housing for very low or low income or moderate income (as defined herein) households. Said amount may include all expenditures authorized by State law.

(C) The sales price of new or existing eligible housing shall not exceed ninety percent (90%) of the median area purchase price in the area where the eligible housing is located as established by the United States Department of Treasury in accordance with Section 3(b)2, United States Housing Act of 1937, for all units constructed, rehabilitated or otherwise assisted with the funds provided from the Program which housing must be occupied by very low income persons, low income persons, and moderate income persons (as defined herein). At least thirty

percent (30%) must be persons classified as very low income and at least thirty percent (30%) by persons classified as low income.

(D) Loans may be provided for periods not exceeding thirty (30) years unless the loans are deferred pursuant to provisions of the Assistance Plan or extended beyond thirty (30) years in order to continue serving eligible persons in accordance with the Assistance Plan.

(E) Eligible rental housing constructed, rehabilitated or otherwise assisted by the Program shall be reserved for eligible persons for fifteen (15) years or the term of assistance, whichever period is longer. Eligible sponsors who offer rental housing for sale before fifteen (15) years has expired or that have mortgages funded under the Program shall give a written first right of refusal to all eligible nonprofit organizations, as determined by the County, and to the County for the purchase of the rental property at the current fair market value, as determined by a State certified appraiser retained by the County, in order to provide for continued occupancy by eligible recipients. The County shall have priority in terms of exercising the purchase right set forth herein.

(F) Eligible owner occupied housing constructed, rehabilitated or otherwise assisted from proceeds provided from the Program shall be subject to the recapture provision of the mortgage revenue bond program contained in Section 143(m), Internal Revenue Code of 1986, as amended.

(G) The total amount of monthly mortgage payments or the amount of monthly rent charged by the eligible sponsor or his designee shall be affordable based upon the income status of the mortgagor or tenant.



(H) With respect to rental units, a low income person's annual income at the time of initial occupancy may not exceed eighty percent (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 a one hundred forty percent (140%) of eighty percent (80%) of the State's median income adjusted for family size.

(I) With respect to rental units, a very low income person's annual income at the time of initial occupancy may not exceed fifty percent (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 one hundred forty percent (140%) of fifty percent (50%) of the State's median income adjusted for family size.

(J) The cost per unit and the maximum cost per unit for eligible housing benefiting from awards made pursuant to this program will be established by resolution.

(K) A classification system for applications for awards will be established in the Assistance Plan.

(L) The Administrative Coordinator shall annually monitor and determine tenant eligibility and the amount to subsidies pursuant to the provisions of this Ordinance and State and Federal Law. The County, local housing partners, and all eligible sponsors shall not discriminate in providing affordable housing to very low income persons, low income persons or moderate income persons (as defined herein) or in the loan application process for eligible housing on the basis of race,

creed, religion, color, age, sex, marital status, familial status, national origin, or handicap.

(3) The County shall comply with all rules and regulations of the Florida Housing Finance Agency in connection with required reporting by the County as to the Program and Plan.

(4) Prior to receiving an award, an eligible sponsor or eligible person shall enter into an agreement with the County, agreeing to comply with all State and Federal laws, including, but not limited to, the affordable housing criteria provided in Section 420.907 through 420.9079, Florida Statutes, and this Ordinance. All eligible sponsors or eligible persons shall include in the deed transferring ownership of the property to the eligible person or sponsor a covenant agreeing to comply with the terms of the above-described laws which covenant will run with the land. The covenant shall operate as a deed restriction which is enforced by the County with attorney's fees being paid by the owner for actions by the County relating to the breach thereof.

#### **SECTION 6.**

##### **DESIGNATION OF RESPONSIBILITY FOR IMPLEMENTATION OF THE PROGRAM.**

(a) The Administrative Coordinator shall, in addition to other duties set forth herein, secure professional services to provide training to prepare persons for the responsibility of home ownership and counsel tenants.

(b) The County's Administrative Coordinator, or his or her successor position, shall:

(1) Implement the Calhoun County Affordable Housing Assistance Program and the Calhoun County Affordable Housing Assistance Plan and develop proposals to initiate and modify, when necessary, the Calhoun County Affordable Housing Assistance Plan.

(2) Be responsible for coordinating with the Florida Housing Finance Agency in facilitating the funding of State Apartment Incentive Loans (SAIL) loans and in coordinating and advertising activities and workshops to advise potential home buyers in the Program and other related State and Federal programs.

(3) Attempt to implement local housing partnerships.

(4) Monitor the success of the Program and Assistance Plan.

(5) Provide advice and suggestions as to how the Program and Assistance Plan might be improved.

(c) Implementation of the Program and Assistance Plan shall involve, to the greatest extent possible, local governments, lending institutions, for-profit and nonprofit housing developers, community based housing and service organizations, and providers of professional services relating to affordable housing.

(d) The Program and Assistance Plan shall, through the efforts of an Advisory Committee and the Administrative Coordinator:

(1) Enlist the support of local lending institutions for innovative financing techniques designed to meet the special needs of eligible persons and eligible sponsors.

(2) Encourage developers to construct low cost housing.

(3) Encourage local organizations to construct or assist in the construction of affordable housing using creative and innovative techniques designed to provide affordable homes to eligible persons.

(e) Other support services such as day care, health care and transportation shall be explored by the County, through the efforts of the Administrative Coordinator, in order to determine the need for inclusion into the final Calhoun County Affordable Housing Assistance Plan.

#### **SECTION 7.**

##### **AFFORDABLE HOUSING ADVISORY COMMITTEE.**

(a) There is hereby created the "Calhoun County Affordable Housing Advisory Committee" (sometimes referred to as the "Committee") whose initial members were appointed by resolution of the Board of County Commissioners on March 2<sup>nd</sup>, 1993.

(b) The Committee shall consist of nine (9) members who shall be residents and electors of Calhoun County. Five (5) members shall constitute a quorum. The Committee may not take formal action unless a quorum is present but may meet to hear presentations if duly noticed. The Committee shall include the following members:

(1) One (1) member who is actively engaged in the residential home building industry;

(2) One (1) member who is actively engaged in the banking or mortgage banking industry;

(3) One (1) member who is a representative of those areas of labor engaged in home building;

(4) One (1) member who is designated as an advocate for low income persons;

(5) One (1) member who is a real estate professional.

(c) Members shall serve for two (2) year terms and may be reappointed for subsequent terms.

(d) Meetings shall be held no less than monthly for the first year of Committee's existence and no less than quarterly thereafter.

(e) The Committee shall comply with all public meetings and public records laws and the special provisions regarding meeting notices set forth in Chapter 420, Florida Statutes. Minutes of each meeting will be kept by the Administrative Coordinator.

(f) The Committee shall annually elect a Chairman, Vice-Chairman and such other officers as it deems necessary. The Chairman shall conduct the meetings consistent with law.

(g) Staff, administrative and facility support for the Committee shall be provided by the County.

(h) The Committee shall have the following duties:

(1) The Committee shall review County policies, goals, objectives, procedures, ordinances, land development regulations, and the Calhoun County Comprehensive Plan and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of real property to appreciate in value. Recommendations may include the modification or repeal of existing and the establishment or enactment of new, policies, goals, objectives, procedures, ordinances, regulations or Calhoun County Comprehensive Plan provisions applicable to affordable housing. The Committee shall recommend to the Board of County Commissioners the adoption of an Affordable Housing Incentive Plan within nine (9) months of its creation and yearly thereafter, if required by the Board. The recommended Incentive Plan shall, at a minimum, include and discuss the following:

(A) The definition of affordable housing.

(B) The expedited processing of permits for affordable housing projects.

(C) The modification of impact fee requirements including, but not limited to, reduction or waiver of fees and alternative methods of fee payment.

(D) The allowance of increased density levels.

(E) The reservation of infrastructure capacity for housing of very low income, low income and moderate income (as defined herein) persons.

(F) The transfer of development rights as a financing mechanism for housing of very low income persons, low income persons, and moderate income persons (as defined herein).

(G) The reduction of parking and setback requirements.

(H) The allowance of zero lot line configurations.

(I) The modification of sidewalk and street requirements.

(J) The establishment of a process by which the County considers, before adoption, policies, goals, objectives, procedures, ordinances, regulations, or provisions of Calhoun County Comprehensive Plan that have a significant impact on the costs of housing.

(2) The Committee shall make recommendations when approved by a majority of its membership at a public hearing. Notice of the time, date and place of the public hearing of the Committee to adopt a recommended Affordable Housing Incentive Plan shall be advertised in a newspaper of general circulation before the hearing. The notice shall contain a short, concise summary of the recommendations and Plan to be considered by the Committee. The notice shall also state the place where

a copy of the tentative Committee recommendations and draft Incentive Plan can be obtained.

**SECTION 8.**

**CALHOUN COUNTY AFFORDABLE HOUSING  
INCENTIVE PLAN ADOPTION.**

(a) Within ninety (90) days after the date of the receipt of the recommended Affordable Housing Incentive Plan from the Committee, the Board of County Commissioners shall consider the adoption, by ordinance, of the Incentive Plan as it may be amended by the Board of County Commissioners.

(b) The Incentive Plan shall, at a minimum:

(1) Consist of specific incentives encouraging and facilitating affordable housing.

(2) Schedule the implementation of the incentives.

(3) Schedule implementation of expedited permit processing for affordable housing projects.

(4) Include a process for review of County policies, goals, objectives, ordinances, regulations and provisions of the Calhoun County Comprehensive Plan that significantly impact the costs of housing.

(c) The Clerk of the Board shall, upon adoption of the Incentive Plan, provide a certified copy to the the Florida Housing Finance Agency.

**SECTION 9.**

**SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the

invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION 10.**

**CODIFICATION.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Calhoun County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Sections 9, 10, and 11 shall not be codified.

**SECTION 11.**

**EFFECTIVE DATE.**

This Ordinance shall take effect upon receipt of official acknowledgment by the Clerk of the Board of County Commissioners from the Department of State that this Ordinance has been filed with the Department of State.

PRESENTED AND READ in full or by title to the Board of County Commissioners for Calhoun County, Florida, on the 16th day of Dec., 1997. N/A.

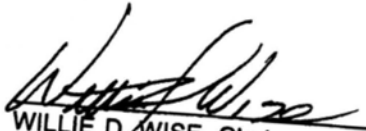
PASSED by the Board of County Commissioners for Calhoun County, Florida, the 16th day of DECEMBER, 1998.

BOARD OF COUNTY COMMISSIONERS  
CALHOUN COUNTY, FLORIDA

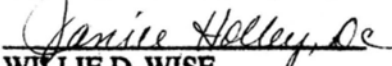
BY: Donnell Whitfield  
DONNELL WHITFIELD  
Chairman

ATTEST:



  
WILLIE D. WISE, Clerk

CERTIFIED A TRUE COPY

  
WILLIE D. WISE  
CLERK CIRCUIT COURT  
CALHOUN COUNTY, FLORIDA